

Redeeming Imprisonment:
Religion and the Development of Mass Incarceration in Florida

by

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Abstract

Redeeming Imprisonment demonstrates how religious ideas and organizations shaped the development, structure, and experiences of mass incarceration in the United States since World War II. It traces the expansion of Florida's prison system from an archipelago of small labor camps at the outset of WWII into one of the largest criminal justice systems in the world to show how religious ideas and organizations legitimated and, at key moments, expanded the state's capacities to supervise and incarcerate. *Redeeming Imprisonment* analytically centers religion while examining how its intersections with class, gender, and especially race shaped Florida's prison system. Religious interventions in the criminal justice system undergirded rehabilitative ideologies, stabilized prisons during moments of crisis, and expanded the involvement of private organizations in probation and incarceration. Religion emerges as a key force in the adoption of parole, the embrace of halfway houses, and the inception of private prisons—fundamental transformations that expanded the criminal justice system and propelled its tentacles deeper into the fabric of daily American life.

Redeeming Imprisonment draws on the analysis of never-before-accessed internal records of the Florida Department of Corrections and the Florida Parole Commission as well as thirteen months of ethnographic research in a state prison. Part I demonstrates that incarceration is productive of citizenship. In Florida, war transformed America's prison systems by creating demand for prisoners' labor and blood. As officials sought to transform prisoners into "useful citizens," they expanded religious programs under the aegis of "rehabilitation" because they believed that "no more important element enters into the proper rehabilitation of the individual

than does religion.” Racial disparities in religious programming reveal entanglements of religious and racial citizenship. Part I also examines the perspectives of prisoners and their families, closely analyzing letters they wrote to authorities asking for relief. Prisoners’ articulations of “productive citizenship” reflected the state’s concerns with religious observance and male breadwinning.

Part II combines oral history with data from the archives of ancillary institutions to reveal the central role of the Salvation Army and other groups in the privatization of prisons. As corrections administrators embraced a Christian ideology of rehabilitating the “whole person” in the 1970s, they outsourced key state functions to religious organizations. Though these arrangements began with benign intentions, they changed the economic underpinnings of imprisonment and paved the way for more exploitative private prison ventures. The Salvation Army of Florida took control of misdemeanor probation during the 1970’s and their embrace of “offender fees” reshaped the economic incentives of the criminal justice system. Contemporaneously, the protests and lawsuits of black prisoners wrought changes in the politics of religious pluralism, partially dislodging white Protestantism from its hegemonic position within Florida prisons. Many of these Christian networks reinvented themselves as private, voluntary organizations. Over the course of the 1980s, some of these organizations became deeply implicated in a privatized criminal justice industry.

Redeeming Imprisonment concludes with an ethnographic analysis of daily life in a 3,600-bed public prison in North Florida. Part III traces parallels and asymmetries between religious conversion and rehabilitation and shows how confinement creates conditions that encourage religious conversion and observance. By bringing the micro-interactions of penitentiary life to light, these chapters disrupt the paradigms of surveillance and power/knowledge that characterize most scholarship about prisons and provide an ethnographic account of how religion shapes daily life in an American prison.

Introduction

I believe in two things: Discipline and the Bible. Here, you'll receive both.

Put your trust in the Lord; your ass belongs to me.

—Warden Norton, *Shawshank Redemption* (1994)

It's hard to go far in Florida without seeing a prison or jail. Sit on the patio of Tallahassee's best coffee shop or catch a Little League game at Tom Brown Park, and you'll look out on the razor wire of Florida Correctional Institution. Drive to the airport from the state capitol and you'll pass an abandoned road prison and the misleadingly named Tallahassee Community Release Facility. (It's a prison.) Miss your left turn onto Springhill Road, and you'll find yourself passing the Leon County Jail and the regional juvenile detention center. All of that is before you leave the city limits. Keep heading west on U.S. 90 and you'll find a prison named for every county you pass through and a handful more for small towns. Gadsden, Franklin, Liberty, Gulf, Calhoun, Apalachee, Jackson, Bay, Washington, Graceville, Walton, Okaloosa, Santa Rosa and more. Or head east from Tallahassee on routes 90 or 98 and you'll pass Wakulla, Jefferson, Taylor, Madison, and Mayo. Then you have to decide whether to stay straight towards Hamilton, Suwanee, Columbia, Union, Lawtey, Baker and Florida State Prison or turn south to towards Cross City, Lancaster, Marion, Zephyrhills, and sixty-six other state prisons until, an hour south of Miami, you reach Dade and Homestead Correctional Institutions.¹

¹ See Florida Department of Corrections, "Facilities," 2010-11 Annual Report. This figure includes privately operated facilities, work release centers, and road prisons.

MAP OF REGIONS & CORRECTIONAL FACILITIES

NOTE: As part of the DC's consolidation plan, Hendry CI closed on June 10, 2011, Brevard CI closed on June 24, 2011, and Tallahassee Road Prison closed on April 28, 2011.

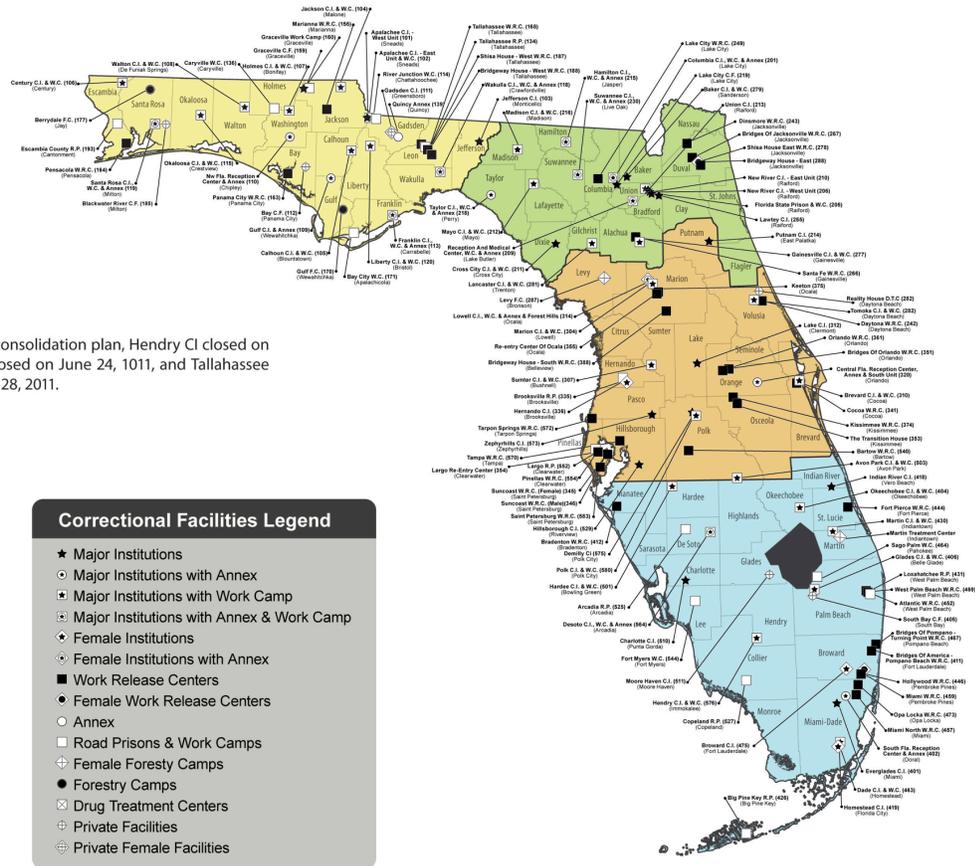


Figure 0.1 Map of State Correctional Facilities in Florida, Florida Department of Corrections, 2010-2011 Annual Report, available at <http://www.dc.state.fl.us/pub/annual/1011/ar-prisons.html#InstitutionsMap>

The peninsula's vast archipelago of concrete and steel impacts Florida's social and political life even more than its topography. Linger almost anywhere long enough, and you'll meet someone whose life has been affected by the state's criminal justice system. More than one in ten adults has a felony conviction, a fact having more to do with the tendencies of police to arrest, prosecutors to charge, and courts to convict than any particular propensity of Floridians to be disorderly or violent (though, by international comparisons, they overperform at both).² A particularly harsh law disenfranchising people with a felony conviction for life ensures that 10 percent of the adult population can't vote. Meet thirty-two men, and chances are you'll have talked to someone who spent at least a year in one of the prisons operated by the Florida Department of Corrections.³ If you talk to only black men, you'll find someone all too familiar with Florida prisons after encountering just eleven. Expand your inquiries to misdemeanors, short stays in jail, and court-ordered interventions and you'll find that Florida's criminal justice

² In 2014, Florida observed 5.8 intentional homicides per 100,000 residents, higher than United Nations-reported rates of all but three European countries (Russia, Moldova, and Lithuania) and all but four Asian countries (Mongolia, Kyrgyzstan, Kazakhstan, and the Philippines). For disenfranchisement, see Christopher Uggen, Ryan Larson, and Sarah Shannon, *6 Million Lost Voters: State-Level Estimates of Felony Disenfranchisement, 2016* (Sentencing Project, October 2016), available at <https://www.sentencingproject.org/publications/6-million-lost-voters-state-level-estimates-felony-disenfranchisement-2016/>. For international and Florida crime statistics, see Federal Bureau of Investigation, Uniform Crime Report 2014, Table 4, Crime in the United States by Region, Geographic Division and State (2014), available at <https://ucr.fbi.gov/crime-in-the-u.s/2014/crime-in-the-u.s.-2014/tables/table-4> and United Nations Office on Drugs and Crime, *Global Study on Homicide 2013: Trends, Context, Data* (2014), available at https://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

³ Sarah Shannon, Christopher Uggen, Jason Schnittker, Melissa Thompson, Sara Wakefield, and Michael Massoglia. "The Growth, Scope, and Spatial Distribution of People with Felony Records in the United States, 1948–2010," *Demography* 54, no. 5 (2017): 1795–1818.

system has touched almost every family in the state. Police and sheriffs' deputies have arrested almost half of all the men in the state—and about twenty percent of the women.⁴

The expanse and pervasiveness of Florida's criminal justice system are relatively new phenomena. In 1970, Florida's prisons confined fewer than 7,000 people; by the early 2010s, they confined more than 100,000, more than three times the rate of population increase.⁵ Among U.S. states, Florida is hardly unusual in its explosion of incarceration. The unprecedented expansion of states' capacity to incarcerate, control, and surveil is arguably the single most consequential transformation in the United States since the Civil Rights Movement.⁶ Nationwide, 2.2 million Americans are in prison or jail. In 2009, one in thirty-one Americans was under some form of correctional control.⁷ The poor and people of color are disproportionately confined and monitored: black Americans are incarcerated at five times the rate of whites.⁸ In 2012, U.S. state and local governments spent \$265 billion on the justice

⁴ These figures are estimates as no Florida-specific surveys exist. A national survey recently found that 49% of black men, 44% of Latino men and 38% of white men in the U.S have been arrested before their twenty-third birthday. The same survey reported that 18% of black women, 16% of Latina women, and 20% of white women were arrested before age 23. There are reasons to believe that actual arrest rates are higher. (In particular, the study assumed that missing cases were missing at random.) Florida observer significantly higher arrest rates than the national average—especially for children, suggesting that it likely outpaces these national statistics. See Robert Brame, Shawn D. Bushway, Ray Paternoster, Michael G. Turner, “Demographic Patterns of Cumulative Arrest Prevalence by Ages 18 and 23,” *Crime and Delinquency* 60, no. 3 (2014): 471-486 and *OJJDP Statistical Briefing Book*. Online, available at <http://www.ojjdp.gov/ojstatbb/crime/qa05103.asp?qaDate=2016>.

⁵ Florida Department of Corrections, “Population History Summary Table,” in *Florida Corrections: Centuries of Progress* (n.d.), available at <http://www.state.fl.us/oth/timeline/pop.html>.

⁶ See, especially, Heather Ann Thompson, “Why Mass Incarceration Matters,” *The Journal of American History* 97, no. 3 (December 2010): 703-734; Marie Gottschalk, *Caught: The Prison State and the Lockdown of American Politics* (Princeton: Princeton University Press, 2015); Victor Rios, *Punished: Policing the Lives of Black and Latino Boys* (New York: New York University Press, 2011); and Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010)

⁷ The Pew Center on the States, *One in 31: The Long Reach of American Corrections* (Washington, D.C.: The Pew Charitable Trusts, 2009), available at http://www.pewtrusts.org/~media/assets/2009/03/02/pspp_1in31_report_final_web_32609.pdf.

⁸ Ashley Nellis, *The Color of Justice: Racial and Ethnic Disparity in State Prisons*, The Sentencing Project (June 14, 2016), available at <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>.

system, funding not only prisons, jails, courts, and police, but also an array of other court-ordered interventions, such as probation, parole, and pre-trial diversion programs, many of which were administered by religious organizations.⁹

Redeeming Imprisonment traces the expansion of Florida’s prison system from two state prison farms and a scattering of small labor camps at the outset of World War II into one of the largest criminal justice systems in the world. Religious ideas and organizations profoundly shaped the structures and experiences of mass incarceration. Religious interventions caused the prison to run more smoothly, helping it overcome moments of crisis and solidify its social legitimacy. At midcentury, religious groups filled the logistical gaps of bureaucracies organized around the concept of modern penology. Similarly, in the 1970s, religious organizations operated halfway houses to confine people at a moment when many reformers and a broad swath of the public came to see institutional confinement as dehumanizing and un-American. At the turn of the twenty-first century in Florida and other states such as Iowa and Texas, religious groups promoted “faith-based prisons” in an effort to fortify rehabilitative programming within prisons. All of these interventions arose from criticism of prisons, but each preserved prisons’ basic surveilling and coercive characteristics. At key moments—most especially in the embrace of halfway houses in the 1970s and the privatization of prisons and probation in the 1970s and 1980s—religious groups helped fuel the expansion of a rapidly mediatizing criminal justice system, propelling its tentacles deeper into daily American life.

⁹ Tracey Kyckelhahn, Justice Expenditure and Employment Extracts, 2012 – Preliminary, Bureau of Justice Statics, NCJ 248628, February 26, 2015, available at <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=5239>.

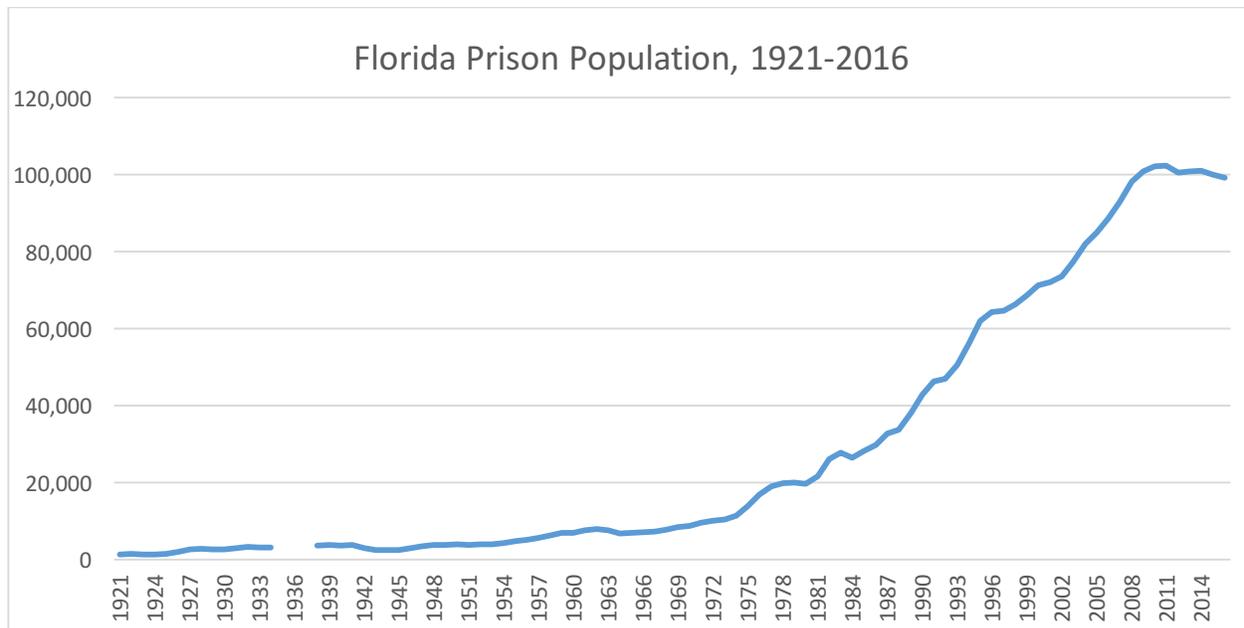


Figure 0.2 Florida Prison Population, 1921-2016. Source: Florida Department of Corrections, Population Summary Table in Florida Corrections, Centuries of Progress, available at <http://www.dc.state.fl.us/oth/timeline/pop.html>.

The dissertation draws on the analysis of never-before-accessed internal records of the Florida Department of Corrections and the Florida Parole Commission, as well as thirteen months of ethnographic research I conducted in Wakulla Correctional Institution, a state prison south of Tallahassee. Access to these data sources and this research site was hard-won. I was the first historian to secure access to the internal records of the Florida Department of Corrections or the Florida Parole Commission, and I am only the second researcher granted long-term ethnographic access to any Florida prison since 1979. To amplify my ethnographic and archival research about prisons themselves, this dissertation draws on data collected from connected, ancillary institutions. I sought out records from the Florida Parole Commission, the Florida Legislature, local courts and probation offices, religious non-profit organizations, and a smattering of prisoner publications such as inmate newsletters and magazines. I interviewed 68 current prisoners and 15 prison staff members (I interviewed many multiple times), and

conducted oral history interviews with 24 current and former parole commissioners, corrections officials, private prison executives, judges, prosecutors, and prisoners.

My methodological strategy to collect archival and ethnographic data drawn from disparate field sites makes possible a primary theoretical contribution of this dissertation: Prisons share constitutive connections to other social sites and discourses, and many of these connections are mediated by and through religious organizations and discourses. My concern with the social embeddedness of prisons is reflected both theoretically and methodologically. Theoretically, I link prisons to conceptions of citizenship, detail how religious organizations shaped the institutions of incarceration, and examine the racially disparate meanings of rehabilitation and redemption. Methodologically, the social embeddedness of prisons manifests in my decision to follow the tentacles of the prison outward to other social sites: I use probation and parole records to explore how administrators' encouragement of religious observance extended beyond prisons into homes and communities through mechanisms of surveillance; I draw on prisoners' letters to explore how the state's promotion of male breadwinning impacted their articulation of "productive citizenship"; and I make use of documents from religious organizations and oral history interviews with their leaders to demonstrate how religious organizations reshaped the spatial landscape and economic underpinnings of punishment and drew criminal justice institutions deeper into the fabric of daily American life. In uncovering the connections between prisons and society, *Redeeming Imprisonment* shows how religious ideas and religious organizations helped shape not only mass incarceration in the United States but also broader politics and ideals of citizenship.

This dissertation contributes to an emerging body of scholarship that asks how and why the United States became the world's largest jailer. Until very recently, the prevailing scholarship attributed the exponential increase in U.S. prison populations to the public's embrace of punitive

and exclusionary policies in the latter half of the twentieth century. Scholars saw phenomena such as California's infamous "three strikes" law, the widespread prosecution of children as adults, increasingly punitive sentences for drugs, and the withering of prison rehabilitation programs as emblematic of what they called "a punitive turn."¹⁰ Enthusiasm for punitive measures among politicians and the general public became so widespread as to give rise to what Marie Gottschalk called "a bidding war on tough-on-crime" policies.¹¹ Scholars also focused on the criminal justice system's tremendous racial disparities and argued, with good cause, that mass incarceration functioned as "the New Jim Crow" or a new iteration of America's "peculiar institutions"; like slavery, convict leasing, and de jure segregation, mass incarceration acted to preserve the hierarchies of a racial caste system.¹²

This first wave of scholarship tended to conceive of mass incarceration as a conservative response intended to roll back many of the gains black Americans had won through protest, boycotts, litigation, legislative campaigns, and sacrifice during the American Civil Rights

¹⁰ Franklin Zimring, *Punishment and Democracy: Three Strikes and You're Out in California* (New York: Oxford University Press, 2001); Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006); Alexander, *The New Jim Crow*; Robert T. Chase, "We Are Not Slaves: Rethinking the Rise of Carceral States through the Lens of the Prisoners' Rights Movement," *Journal of American History* 102, no. 1 (June 2015): 73-86; Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); Donna J. Murch, "Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs," *Journal of American History* 102, no. 1 (June 2015): 162-173; Eric Schneider, *Smack: Heroin and the American City* (University of Pennsylvania Press, 2008); Jonathan Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (Oxford: Oxford University Press, 2007); Michael Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005).

¹¹ Marie Gottschalk, Interview with Susan Page, *The Diane Rehm Show* (7 January 2015), available at http://thedianerehmshow.org/shows/2015-01-7/marie_gottschalk_caught_the_prison_state_and_the_lockdown_of_american_politics. See also Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration* (New York: Cambridge University Press, 2006) and Marc Mauer, *Race to Incarcerate* (New York: New Press, 1999).

¹² Alexander, *The New Jim Crow*; Loïc Wacquant, "The New 'Peculiar Institution': On the Prison as Surrogate Ghetto," *Theoretical Criminology* 4, no. 3 (2000): 377-389.

Movement. This “backlash” argument points out that many of the “collateral consequences” of imprisonment or a felony conviction are the inverse of the rights secured through federal legislation in the 1960s. Felony convictions can nullify rights supposedly ensured through the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. Involvement in the criminal justice system may also disqualify people from welfare aid and from public education grants for college.¹³ These scholars note that in its material realities and in its socially disparate manifestations, mass incarceration has served the regressive and racist politics of America’s political and racial conservatives.¹⁴

In the past few years, a new body of scholarship has emphasized that the origins of mass incarceration lie in liberal as well as conservative politics and that almost every constituency in America supported more policing and incarceration. James Forman, Jr., Elizabeth Hinton, Naomi Murakawa and other scholars make clear that political *consensus* defined the domain of “tough-on-crime” politics.¹⁵ They also demonstrate that the politics that resulted in mass incarceration were deeply connected to broader debates about the roles of the American state in providing welfare, combatting poverty, and guaranteeing social, financial, and physical security. Mass incarceration was not simply a conservative backlash to the Civil Rights Movement; liberals

¹³ For discussions of the relationship between welfare and punitive policies, see Julilly Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton, 2017) and Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, Mass, 2016).

¹⁴ Vesla Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21, no. 2 (2007): 230-265; Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006); Becky Pettit, *Invisible Men: Mass Incarceration and the Myth of Black Progress* (New York: Russell Sage Foundation, 2012).

¹⁵ Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2015); Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); James Forman Jr., “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow,” *NYU Law Review* 87, no. 1 (2012): 101-146; James Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017); Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge: Harvard University Press, 2015).

served as the architects of many of its mechanisms and suppositions. The Johnson Administration committed itself to anti-poverty efforts, but its racial ideas about the causes of poverty gave rise to coercive interventions in urban areas and allowed the War on Poverty to almost seamlessly transition into a War on Crime. Black communities and government officials who pressed for more and fairer policing as part of a broader initiative for economic and social justice did not win parks, jobs, or effective government; but they did win more police, prisons, and jails. The same infrastructures of the state that the federal government had leveraged to enforce school desegregation and wage the War on Poverty later funneled massive expenditures to state and local governments that they used to imprison and monitor millions of Americans, primarily those who lived in urban areas.¹⁶

Redeeming Imprisonment advances this new body of scholarship by demonstrating how rehabilitative reforms based on religious ideas and promoted by religious organizations worked to expand and legitimate the coercive capacities of the criminal justice system, often inadvertently. In the 1940s, the Florida Parole Commission declared “no more important element enters into the proper rehabilitation of the individual than does religion,” then wielded its authority to supervise people on parole to monitor their religious observance and interview their ministers and priests.¹⁷ Like their Progressive Era antecedents, these groups sought to transform prisoners into “useful citizens.” Their beneficent understandings of their motivations blinded them to the coerciveness of their techniques.¹⁸ Similar motivations later enabled the rise of halfway houses, which religious groups intended as alternatives to the prison but which unintentionally extended

¹⁶ See also Elizabeth Hinton, “‘A War within Our Own Boundaries’: Lyndon Johnson’s Great Society and the Rise of the Carceral State,” *Journal of American History* 102, no. 1 (June 2015): 100-112;

¹⁷ Florida Parole Commission, First Annual Report (1942).

¹⁸ Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003).

prisons' concrete footprint into urban communities, opened the criminal justice system to privatization and profit, and, through legal innovations like civil commitment and pretrial diversion, facilitated the diffusion of carceral technologies into welfare, mental health, and drug policy. Religious conceptions of how people could change—or, more accurately, how they could *be* changed—helped legitimate an increasingly interventionist U.S. criminal justice system. At key moments, religious organizations helped to expand and privatize Florida's criminal justice system.

Religious interventions in criminal justice systems took place as other punitive developments helped rapidly transform the America's courts, police, and prison systems. The conditions that led the Salvation Army to take over misdemeanor probation in Florida, for instance, had causes that were shared by most jurisdictions in the country: As part of a “War on Drugs,” police began arresting record numbers of people—disproportionately black and brown men; prosecutors began pressing charges and securing plea agreements in more cases where they previously declined to prosecute; and mandatory sentencing schemes required courts to sentence to probation people charged with misdemeanors such as drunk driving or domestic violence.¹⁹ These and other factors provided the opportunity for Salvation Army to expand the state's supervisory capacities. Similarly, religious groups had little to do with prison-growing legislation that allowed state attorneys to prosecute children as adults, that lengthened sentences for many types of offenses, and that abolished parole as a mechanism for release. They did, however,

¹⁹ For an account of these developments in Florida, see Heather Schoenfeld, *Building the Prison State: Race and the Politics of Mass Incarceration* (Chicago: University of Chicago Press, 2018). For national accounts of similar developments, see John Pfaff, *Locked In: The True Causes of Mass Incarceration—and How to Achieve Real Reform* (New York: Basic Books, 2017).

pioneer the use of private capital to construct prison beds, creating a model that Florida would later rely on to build the capacity to confine upwards of a hundred thousand people.²⁰

Between the 1940s and the 1980s, Florida went from laggard to leader in the context of America's criminal justice systems. The agricultural camps and chain gangs that defined the system before, during, and after WWII relied on forced labor and shared many continuities with the Southern racial regime of convict leasing, which the Florida legislature abolished in 1919. As had been the case under convict leasing, Florida's road prisons and prison farms at midcentury confined thousands of African American men and boys mostly convicted for offenses such as vagrancy and petit theft. Their forced labor consisted of farming vegetables, cutting sugar cane, herding cattle, and building roads through the peninsula's vast swamps. As was the case elsewhere in the U.S. South, Florida's prison system seemed to replace slavery as a system for racial control and the exploitation of labor.²¹

In the 1940s and 1950s, reform-minded administrators such as Francis Bridges, Jr., Chairman of the Parole Commission, and Louie Wainwright, Secretary of Corrections attempted to transform Florida's scattering of segregated penal labor camps into a prison and parole system that could serve as a model for state's beyond the U.S. South. As Bridges worked to create a system of correctional supervision from scratch in the 1940s and 1950s, he imported from states like New York the ideology of penal modernism. In the 1960s and 1970s, Wainwright, too, embraced the rehabilitative ideal. His investment in community corrections and defense of

²⁰ For a comprehensive account of Florida's prison-building initiatives from the 1970s through the early 2000s, see Schoenfeld, *Building the Prison State*, especially 79-89, 100-114, and 199-202.

²¹ For accounts of convict leasing and forced labor in prisons in the U.S. South, see inter alia David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: The Free Press, 1996); Vivien Miller, *Hard Labor and Hard Time: Florida's "Sunshine" Prison and Chain Gangs* (Gainesville: University of Florida Press, 2012); Robert Perkinson, *Texas Tough: The Rise of America's Prison Empire* (New York: Metropolitan Books, 2010); Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso, 1996).

rehabilitation established Florida's prison system as a national leader, and, in 1971, the American Correctional Association elected Wainwright its president.

Perhaps most significantly, some religious groups helped consolidate a consensus among policy makers in Florida around confinement and incarceration. Through the early 1980s, policy makers in the Florida legislature and in the Department of Corrections had major concerns about the efficacy and humaneness of institutional confinement. They embraced rehabilitation as a priority of the criminal justice system and sought to handle all but "the worst offenders" in community-based treatment programs. In 1983, the state set an explicit goal to *reduce* its prison population. The legislature established a ceiling for future prison populations and gave the Department of Corrections unilateral power to unilaterally release prisoners before their term expired if prisons were overcrowded.²² Religious groups helped reconcile these anti-institutional and rehabilitative impulses with an emerging wave of tough-on-crime policies by emphasizing the redemptive potential of confinement. Religious leaders such as Frank Constantino, the founder of the nonprofit private prison firm Christian Prison Ministries, Inc., persuasively argued that incarceration could be humane, life changing (in a good way), and socially beneficial. Constantino and Secretary of Corrections Louie Wainwright advocated for a brand of confinement that was both rehabilitative and "tough."

The Institutional Interiors of Mass Incarceration

This dissertation seeks to understand not only how the structures of mass incarceration developed, but also how people have inhabited them. I focus especially on the point of friction

²² For a fuller account of efforts in the 1980s to reduce Florida's reliance on confinement, see Mark Dykstra, "Apart from the Crowd: Florida's New Prison Release System," *Florida State University Law Review* 14:3 (Fall 1986).

where carceral authority meets daily life. This orientation arises out of my efforts to bring insights and methods from the anthropology and sociology of institutions to bear on the development of mass incarceration. I am particularly influenced by the work of Erving Goffman, Lorna Rhodes, Charles Bright, Adam Reed, Ethan Blue, Eleanor Casella, and Summerson Carr, scholars of institutions who examine how institutional regimens and their systems of management shape the subjectivities and experiences of the people within them. In both the ethnographic and historical sections of this dissertation, I am attuned to what Rhodes calls the “institutional interior”: to architectures of enclosure; technologies of control; practices of management; and the ideologies upon which these architectures, technologies, and practices draw.²³

Close attention to the interior spaces of confinement—and, relatedly, the experiences and subjectivities of people in prison or under probation or parole supervision—gives rise to the three themes that pervade the dissertation and precipitate its primary interventions. I demonstrate that prisons are closely connected to other social sites and wider political discourses; that punishment and rehabilitation were not dichotomies but were often part and parcel of the same interventions; and that private groups helped fuel the expansion of the criminal justice system that resulted in

²³ Focus on the institutional interior emerges from a rich interdisciplinary body of scholarship. I am especially influenced by empirical studies of institutions including Eleanor Conlin Casella, *The Archaeology of Institutional Confinement* (Gainesville: University Press of Florida, 2007); Ethan Blue, *Doing Time in the Depression: Everyday Life in Texas and California Prisons* (New York: New York University Press, 2012); Charles Bright, *The Powers that Punish: Prison and Politics in the Era of the ‘Big House’, 1920-1955* (Ann Arbor: University of Michigan Press, 1996); Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Random House, 1961); E. Summerson Carr, *Scripting Addiction: The Politics of Therapeutic Talk and American Sobriety* (Princeton: Princeton University Press, 2010); William Caudill, *The Psychiatric Hospital as a Small Society* (Cambridge, MA: Harvard University Press, 1958); Adam Reed, *Papua New Guinea’s Last Place: Experiences of Constraint in a Postcolonial Prison* (New York: Berghahn Books, 2003); Adam Reed, “Anticipating Individuals: Modes of Vision and their Social Consequence in a Papua New Guinean Prison,” *Journal of the Royal Anthropological Institute* (1999): 43-56; Lorna Rhodes, *Emptying Beds: The Work of an Emergency Psychiatric Unit* (Berkeley: University of California Press, 1991); and Lorna Rhodes, *Total Confinement: Madness and Reason in a Maximum Security Prison* (Berkeley: University of California Press, 2004).

mass incarceration. In the next few paragraphs, I elaborate on each of these themes and relate them to extant scholarship.

An established body of scholarship emphasizes prisons' spatial and social separation from society.²⁴ Erving Goffman defined prisons and other "total institutions" primarily by the extent to which they were "cut off from the wider society."²⁵ Angela Davis wrote that prisons produce "multiple invisibilities" and "disappear" people. Rhodes riffed on Davis and wrote that the prison "presents a smooth surface to the outside world, which is of course how it works as a place of disappearance." These ideas and metaphors have been productive analytic devices. The metaphor of disappearance and invisibility evokes prisons' abilities to serve as places of "social abandonment" or "social death," helpfully advancing arguments about the profound social exclusion experienced by people in Alabama's HIV/AIDS units or in supermax facilities around the country; these metaphors also resonate with the political and economic disenfranchisement of people caught in America's sprawling criminal justice system who are often unable to vote, work, or maintain ordinary contact with their families and loved ones. The notion of prisons as enclosed and isolated institutions, too, has been especially useful for scholars such as Michel Foucault and David Garland who treat the prison less as a part or aspect of society than as a model for the exercise of power and social organization within it.²⁶ A similar conception of the

²⁴ This conception is long-established. See Donald Clemmer, *The Prison Community* (Boston: Christopher Publishing House, 1940) and Gresham Sykes, *The Society of Captives; A Study of a Maximum Security Prison* (Princeton: Princeton University Press, 1958). For recent portrayals, see Sally Engle Merry, "Spatial Governmentality and the New Urban Social Order: Controlling Gender Violence through Law," *American Anthropologist* 103, no. 1 (2001): 16-29; Benjamin Fleury-Steiner and Carla Crowder, *Dying Inside: The HIV/AIDS Ward at Limestone Prison* (Ann Arbor: University of Michigan Press, 2009).

²⁵ Goffman, *Asylums*, 1.

²⁶ See Michel Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1977); David Garland, "The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society," *The British Journal of Criminology* 36, no. 4 (1996): 445-471; David Garland, *The Culture of Control* (Oxford: Oxford University Press, 2001); David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 2012).

prison as a self-contained institution has proved useful to scholars who embrace Foucault's theories of power/knowledge to explore how disciplinary technologies invade and constitute subjects.²⁷

A related broad body of work, however, establishes how prisons and prisoners are intimately connected to their surrounding communities and that prison boundaries are more porous than they appear. Charles Bright's *The Powers that Punish* was among the first to emphasize the porosity of the prison's boundaries and the fact that the prison's structures are dynamically related to broader structures of power. Bright conceptualized the connections between prisons and politics as a dialectical interplay between crime and political power that, on the "inside, replicates the more complex interaction of the two on the outside."²⁸ Rather than being a world unto itself, Bright shows that the prison is part of and productive of wider social fields and broader politics.

Recently, anthropologists, sociologists, and geographers who set out to investigate the prison as a closed off space were surprised to find that prison boundaries were remarkably porous.²⁹ Their accounts trace how objects, narratives, people, and stigma traverse the prison's spatial boundaries and they concluded that the prison is a "not-so-total institution."³⁰ Goffman likely would have found such critiques trivial. When he wrote about the all-encompassing

²⁷ Foucault, *Discipline and Punish*; Elizabeth Lunbeck, *The Psychiatric Persuasion: Knowledge, Gender and Power in Modern America* (Princeton: Princeton University Press, 1994); Rhodes, *Total Confinement*.

²⁸ Bright, *The Powers that Punish*, 28-29.

²⁹ See Manuela Cunha, "The Ethnography of Prisons and Penal Confinement," *Annual Review of Anthropology* 43 (2014), 217-33; Ben Crewe, *The Prisoner Society: Power, Adaptation, and Social Life in an English Prison* (Oxford: Oxford University Press, 2009); Dominique Moran, "Between Outside and Inside? Prison Visiting Rooms as Liminal Carceral Spaces," *GeoJournal* 78 (2013) 339-351; Pierre Combessie, "Marking the Carceral Boundary: Penal Stigma in the Long Shadow of the Prison," *Ethnography* 3(2002), 535-555. See also Rios, *Punished*.

³⁰ See for example Keith Farrington, "The Modern Prison as Total Institution? Public Perception Versus Objective Reality," *Crime and Delinquency* 38 (January 1992): 6-26; Dominique Moran, "Leaving Behind the 'Total Institution'? Teeth, Transcarceral Spaces and (Re)Inscription of the Formerly Incarcerated Body," *Gender, Place & Culture*, 21:1 (2013), 35-51.

tendencies of total institutions, he primarily emphasized the outsized proportion of their residents' time and interests they consume. Where most people move through multiple social establishments in the course of a day or week—families, workplaces, schools, train stations—residents of total institutions are restricted to the institution itself. The time it takes to do all of life's activities—working, eating, sleeping, and playing—they pass within the institution's systems of management. For Goffman, "total" referred more to these factors than to social separation, which he called merely "restricted." In other words, a total institution is best understood as all-encompassing, not hermetically sealed.

I conceive of the prison as an entity with jagged and metastasizing edges. Far from being cut off from society and beyond serving as microcosm of it, the prison is embedded in community life—by fact and intention. Prisons have their teeth in families, neighborhoods, schools, welfare systems, and are especially engaged in debates about what it means to be a "useful citizen." In some instances, prison and society were so enmeshed that it is difficult to discern where "prison" ends and "society" begins. I focus especially on the ambiguous statuses bestowed by parole and probation as well as on the liminal spaces that characterized early halfway houses, a midcentury innovation that intentionally blurred the lines between prison and society in an effort to make rehabilitation more effective, but ultimately extended the scope of carceral mechanisms.

Focusing on the interplay between prisons and their surrounding communities advances both empirical and theoretical arguments. Empirically, it bolsters arguments that mass incarceration is a defining characteristic of the contemporary United States, just as prisons are a defining feature of life for far too many Americans.³¹ Theoretically, casting prisons as part of society also highlights the question of how the massive structures of mass incarceration won social

³¹ Becky Pettit and Bruce Western. "Mass Imprisonment and the Life Course: Race and Class Inequality in US Incarceration," *American Sociological Review* 69, no. 2 (2004): 151-169.

acceptance. Americans didn't accept mass incarceration as some abstract entity or as a theoretical model of a neoliberal industrial society; they became habituated to it in its material realities: parole officers on their doorstep and in their churches; halfway houses and community corrections centers down the block; parents, children, and loved ones taken and locked away. The involvement of religious groups served to conceal some of the coercive ramifications of the carceral state. For instance, instead of highlighting the fact that privatized probation contributed a record number of sentences to probation—in 1990, courts sentenced more than one in fifty Florida residents to probation—local media outlets released articles with titles like, “Salvation Army Wants Offenders to Be All They Can Be.”³² Focusing on the spaces where Americans encountered a rapidly expanding criminal justice system sheds light on how they “came to terms with massive structures of [state] power.”³³ In highlighting the spaces where Americans encountered the infrastructures of mass incarceration and asking why they accepted them, I demonstrate the role of religious ideas and organizations in legitimating them.

Examining an institution that produces profound social, spatial, and physical *dislocations* precisely through its social, spatial, and physical *connections* is a somewhat counterintuitive but highly productive exercise. In conceiving of prisons in terms of their integration with society rather than their separation from it, I emulate W.E.B. DuBois who, in *The Philadelphia Negro*, investigated segregation—a system defined by racial separation—through its interstices of contact.³⁴ DuBois and other scholars since have demonstrated that social, economic, and political exclusion depended on frequent and often intimate encounters: African American women

³² Kevlin Haire, “Salvation Army Wants Offenders to Be All They Can Be,” *Orlando Sentinel* (December 20, 1990).

³³ James Sparrow, *The Warfare State: World War II Americans and the Age of Big Government* (New York: Oxford University Press, 2011), 9-11.

³⁴ W.E.B. DuBois, *The Philadelphia Negro: A Social Study* (Boston: Ginn & Co., 1899).

worked and lived in the houses of affluent whites, raising their children and laundering their clothes for little pay; elaborate choreographies scripted ordinary encounters on a sidewalk or in an elevator, guaranteeing that black Americans would be consistently demeaned and white Americans afforded gestures of respect; and, first and foremost, Jim Crow rested on the intimate threat of physical violence.³⁵ Similarly, the exclusions and dislocations of mass incarceration cohere through points of contact: the surveillance of a parole officer, the fines paid by probationers, and the workings of prison rehabilitation programs carry the authority of the carceral state into daily American life.

The second way that attention to the interior qualities of institutions impacts my work is that it makes clear that rehabilitation and punishment often coincided in the same interventions. Punishment and rehabilitation were profoundly different ideologically, but in practice they shared many of the same material realities. Parole, halfway houses, and community corrections centers were all conceived as ways to reduce institutional imprisonment, but they employed the same technologies of control as prisons and they often utilized similar practices to conveniently manage people in large groups. All were premised on the idea that people could be changed through involuntary confinement (albeit for different amounts of time). All deployed systematic surveillance to encourage or discourage certain types of behavior. And all developed protocols to control where, when, and with whom people worked, socialized, ate, and slept.³⁶ Religious

³⁵ Stephen Berrey, *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi* (Chapel Hill: University of North Carolina Press, 2015); Glenda Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1996).

³⁶ Scholars have previously used Foucault's term "carceral continuum" to describe the broad spectrum of coercive interventions present in American criminal justice systems. I find this phrase useful to indicate the breadth of the criminal justice system and the multitude of interventions available to its administrators. In this dissertation, however, I prefer to use the term "criminal justice system" to describe these series of related institutions because it better captures the extent to which the spectrum of interventions works systematically to draw people into more coercive settings. While I find the implied

groups such as the Salvation Army, Goodwill, and Christian Prison Ministries, Inc. entered the criminal justice system to operate treatment and rehabilitation programs, but their interventions relied upon the same punitive and coercive mechanisms that characterized institutional prisons. As vectors for both treatment and control, religious charities expanded the state's coercive capacities, especially into urban areas.

Showing how the state and religious groups extended their capacities for coercion as part of treatment-focused initiatives enables historiographic interventions in that it expands the genealogy of mass incarceration beyond disciplinary institutions to encompass rehabilitative efforts as well. A “punitive turn” in the ideologies of criminal justice intervention certainly contributed to mass incarceration, but the material practices of interventions based on ideologies of treatment and rehabilitation served to extend the mechanisms of coercion upon which mass incarceration would depend. Rehabilitation and treatment also proved to be durable concepts that helped legitimate state intervention. The idea that coercive state interventions would be helpful or benign encouraged religious groups to cooperate with and facilitate their expansion.

In many respects, the involvement of religious groups in the criminal justice system's more rehabilitative efforts in the 1960s and 1970s echoed their earlier involvement in justice systems during the Progressive Era. Religious groups that embraced the Social Gospel saw early justice systems as natural allies for their projects of uplift and individual reform. The Salvation Army, for instance, oversaw probation in New York at the turn of the twentieth century.³⁷ The

linearity of the carceral continuum helpful in a broad sense to represent varying levels of coercion and control, in this dissertation I focus on more discrete aspects of carceral institutions that often resist graphical representation. Especially in chapters four, five, and six, I differentiate between types of facilities according to meal schedules, uniform requirements (or lack thereof), intensity of surveillance, number and type of locking doors, and constraints on leisure time. See, for example, Carla Shedd, “Countering the Carceral Continuum,” *Criminology & Public Policy* 10, no. 3 (2011): 865-871.

³⁷ See, “Woman Probation Officer,” *New York Times* (September 24, 1901), 14.

formal roles of religious groups in criminal justice waned during the 1920s and largely disappeared by the 1930s as governments adopted more bureaucratic and scientific (and pseudoscientific) techniques of management. Most especially, as social work developed into a professional and secular field in the 1910s and 1920s, social workers took over many of the roles that religious groups had earlier occupied.

The history of religious organizations' collaborations with justice systems during the Progressive Era also speaks to the coercive tendencies of rehabilitative interventions. Scholars such as Michael Willrich, Khalil Muhammad, Miroslava Chavez-Garcia, and Nora Krinitsky have demonstrated the ways in which attempts to leverage the power of the state's criminal justice apparatuses for projects of individual reform or uplift tended to expand the state's coercive capacities and extend its reach deeper into American social and familial life.³⁸ In a particularly noteworthy example, Willrich traces the development of the world's first juvenile court, in Chicago. Julian Mack, Chicago's chief juvenile judge, wrote in 1909 that the children his court targeted needed "kindly assistance; and the aim of the court ... is to have the child and parents feel ... the friendly interests of the state."³⁹ Despite friendly intentions, the new court policed and incarcerated children, often taking them away from their parents. These Progressive Era antecedents are relevant to religious groups' interactions with Florida's criminal justice systems in the second half of the twentieth century because coercion and punishment defined both reforms as much as their intentions of "kindly assistance," "friendly interests," or individual reform.

³⁸ Willrich, *City of Courts*, Miroslava Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (Berkeley: University of California Press, 2012), Khalil Gibran Muhammad, *Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2011); Nora Krinitsky, "The Politics of Crime Control: Race, Policing, and Reform in Twentieth-Century Chicago," PhD Dissertation, University of Michigan, 2017.

³⁹ Julian Mack, "The Juvenile Court," *Harvard Law Review* 23 (1909), 104.

Emphasizing the prison's connections to society and questioning the distinctions between punishment and rehabilitation give rise to the third theme of this dissertation: I show how the capacities of "the carceral state" diffused through private networks. In tracing religious interventions in the criminal justice system, my research pushes the boundaries of the carceral state into ambiguous territory. In particular, tracing religious interventions in the criminal justice system reveals that many so-called "rehabilitative" functions have long been outsourced, often informally. During the Progressive Era, for instance, Salvation Army officers administered probation in many cities; today, Alcoholics Anonymous collaborates closely with court systems—fully twelve percent of AA participants are under court order to attend meetings.⁴⁰ Part II of this dissertation focuses on the ways that religious organizations expanded the reach of the criminal justice system and became implicated in its most regressive and exploitative aspects.

Rehabilitative motivations drew private religious groups into the webs of the criminal justice system, but their entanglements often worked to expand and legitimate the coercive capacities of the state.

In addition to highlighting the ways private organizations helped legitimate the expansion of the state's coercive powers, attention to religious interventions in the criminal justice system reframes the historiography of the "prison industrial complex."⁴¹ The existing understanding of prison privatization is that the neoliberalism of the Reagan era gave birth to profiteering and opportunistic corporate ventures into the criminal justice system by private firms like the notorious Corrections Corporation of America. This dissertation re-periodizes the privatization

⁴⁰ Alcoholics Anonymous, 2014 Membership Survey Pamphlet P-48 (2014), available at https://www.aa.org/assets/en_US/p-48_membershipsurvey.pdf.

⁴¹ Sasha Abramsky, *American Furies: Crime, Punishment, and Vengeance in the Age of Mass Imprisonment* (New York: Beacon Press, 2007); Eric Schlosser, "The Prison-Industrial Complex," *The Atlantic Monthly* 282, no. 6 (1998): 51-77; Gilmore, *Golden Gulag*; Angela Davis, "Masked Racism: Reflections on the Prison Industrial Complex," *Color Lines* 1, no. 2 (1998): 11-13.

of prisons and shows how even the most exploitative aspects of prison privatization emerged as part of religious groups' rehabilitative interventions. Religious organizations in the 1970s preceded for-profit corporations in their embrace of lucrative contracting practices, petty corruption, and financial incentives that brought more people into the criminal justice system's grip.

Why Religion?

The conventional narrative about the importance of religion in America's prisons is that, after being a motivating and defining feature of early prison systems, religion lost its singular influence in prisons at the turn of twentieth century as criminal justice systems became more closely intertwined with emerging disciplines in the social sciences, particularly eugenics, penology, and criminology. Christian understandings of penitence had motivated the establishment of penitentiaries during the Revolutionary Era. And, in the Progressive Era, religious groups worked hand-in-glove with probation departments and saw the criminal justice system as a natural ally for their campaigns against vice. But the professionalization of policing, social work, and other related fields displaced religious organizations from their central roles in administering the nation's criminal justice systems. Social workers replaced Salvationists as probation officers, and rehabilitative ideologies shifted, too. Buttressed by emerging social and pseudosciences, administrators came to believe that deviance originated not from sin but from one's heritage, upbringing, psychology, and social environment. These transformations left little room within state apparatuses for religious approaches to reform and rehabilitation.⁴²

⁴² For the best analyses of the ways religion featured in the rehabilitative regimes of the 18th and 19th centuries, see Jennifer Graber, *The Furnace of Affliction: Prison and Religion in Antebellum America* (Chapel Hill: University of North Carolina Press, 2011) and Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the*

Despite their formal separation from the levers of state power, religious organizations remained adjacent to and entangled with the criminal justice system. Religious groups—especially those who preached versions of the Social Gospel (these would include groups such as the Salvation Army, Goodwill, the YMCA, and many Protestant and Catholic churches)—provided room and board to former prisoners as part of their social missions. Many Christians felt called to evangelical mission work in the criminal justice system by the twenty-fifth chapter of Matthew, the first gospel of the New Testament. “I needed clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me... The King will reply, ‘Truly I tell you, whatever you did for one of the least of these brothers and sisters of mine, you did for me.’”⁴³ These verses have led many Christians to the conclusion that “Jesus is found incarnated in the suffering and in the hope of society’s outcasts in jail.”⁴⁴ The belief that visiting people in prison was akin to encountering Jesus himself drew and continues to draw Christians into voluntary relationships with prisons and criminal justice systems.⁴⁵ By and large, prison

Industrial Revolution, 1750-1850 (New York: MacMillan, 1978). Michel Foucault also emphasizes the importance of religion in the development of the penitentiary and the forms of power wielded there. Foucault, *Discipline and Punish*. For scholarship that emphasizes the secularization of the criminal justice system around the turn of the century, see Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (Cambridge: Cambridge University Press, 2003) and Garland, *Punishment and Modern Society*. Khalil Muhammad’s *Condemnation of Blackness* is the best work that shows how social science contributed to the criminalization of blackness and the disproportionate incarceration of American blacks, and Clare Anderson’s *Legible Bodies* convincingly describes how modern social science, particularly criminology and anthropology, grew out of penological colonial contexts. See Muhammad, *Condemnation of Blackness* and Clare Anderson, *Legible Bodies: Race, Criminality and Colonialism in South Asia* (New York: Berg, 2004).

⁴³ Matthew 25:36-40, New International Version.

⁴⁴ Alicia Vargas, “Who Ministers to Whom: Matthew 25:31–46 and Prison Ministry,” *Dialog: A Journal of Theology* 52:2 (Summer 2013), 128-127. See also Mark Allan Powell, *God with Us: A Pastoral Theology of Matthew’s Gospel* (Minneapolis: Fortress Press, 1995) and Joseph A. Grassi, “‘I was Hungry and You Gave Me to Eat.’ (Matt. 25:35 Ff.): The Divine Identification Ethic in Matthew,” *Biblical Theology Bulletin* 11:3 (August 1981), 81-84.

⁴⁵ A 2004 study of community volunteers in prison found that 94% were called to volunteer in prison for evangelistic reasons. This accorded with what I found through my ethnographic research. All of the volunteers for the prison’s religious programs and nearly all of those for its secular programs cited mission work—and regularly cited Matthew 25—as their motivation for volunteering in prison. Richard

administrators welcomed evangelical visitors, in many cases because they believed that religious devotion could facilitate changes in behavior and make prisons easier to manage. Evangelical motivations, the tolerance and encouragement of prison authorities, and the text of Matthew 25 ensured that Christian groups would maintain a foothold in American prison systems in the twentieth and twenty-first centuries.⁴⁶

Religious groups' unique relationship to the criminal justice system—they were in prison systems but not necessarily of them—makes them ideal subjects for a study that conceives of the prison as in a dynamic relationship to broader social structures. Religious groups often served as the avenues for traffic in people, texts, discourses, and ideas between prisons and their surrounding communities. They brought people (as missionaries or evangelists) into prison, they were and remain American prisons' largest suppliers of reading materials, and they serve as many prisoners' only regular contact with people who are not inmates or staff. For some prisoners, religious groups fulfilled some of the functions of family, providing encouragement, necessary resources, and a place to live upon release from prison.

Proximity to criminal justice systems also imparted to religious organizations an understanding of where and how justice systems were failing. Often, such groups intervened to remedy justice systems' most obvious failings. For instance, in the 1950s, prison ministry groups saw that parole procedures made it difficult or impossible for prisoners without family ties to secure release on parole, because they had no one to offer them a place to live or help them

Tewksbury and Dean Dabney, "Prison Volunteers: Profiles, Motivations, Satisfaction," *Journal of Offender Rehabilitation* 40:1-2 (2004), 173-183.

⁴⁶ There were important divergences in the goals and motivations of Christian groups that visited prisons. The most significant differences pertained to the degrees to which they emphasized evangelism and conversion over concerns about social justice, or vice-versa. Differences in theology could lead to profoundly different interventions in criminal justice systems. I discuss some of these manifestations in Part II.

arrange a job. In response, religious organizations established halfway houses. In their earliest years, halfway houses provided room and board to former prisoners who need a place to live. But the legal status and physical settings that halfway house residents occupied became increasingly restrictive. By the 1980s, “virtually all” of the people in halfway houses were confined there involuntarily owing to their legal status as a defendant, probationer, parolee, or prisoner.⁴⁷

Religious interventions in the criminal justice system since the second half of the twentieth century often had a common sense-like quality. They typically began as informal responses to problems that prison bureaucracies seemed unable or unwilling to resolve of their own accord. The difficulty of finding a place to live while imprisoned and impoverished, for instance, should have been obvious to any observer; but the state bureaucracies that created these problems offered no systemic solution and depended on the religious invention of the correctional halfway house as a work-around of sorts. During my ethnographic fieldwork, the Florida Department of Corrections launched a new rehabilitative initiative. But religious groups realized the logistical complications that most state prisons lacked the necessary classroom space to actually carry out the proposed initiative. They successfully lobbied the wardens of some prisons to allow rehabilitative programming to occur in dorms. Religious groups’ abilities to perceive these problems grew out of their members’ interpersonal relationships with individual prisoners and experiences visiting prisons. Unlike many prison administrators—particularly those in the highest bureaucratic echelons—religious visitors to prison cultivated relationships with prisoners and had at least some ability to see how bureaucratic systems affected daily life.

⁴⁷ Eugene Doleschal, “Criminal Justice Programs in Model Cities,” *Crime and Delinquency Literature*, 4 (June 1972), reprinted in House Committee on the Judiciary, *Community Anticrime Assistance Act of 1973: Hearing before the Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, Ninety-Third Congress, Second Session on H.R. 9175, H.R. 9809, and H.R. 1060, Community Anticrime Assistance Act of 1973, Part 2*, 93 Cong., 2 sess., Feb. 21, 1974, 142-196.

Religion therefore serves as a powerful lens for examining the prison's social embeddedness and highlights the ways that liberal, rehabilitative reforms contributed to mass incarceration.

Outline of the Dissertation

Redeeming Imprisonment consists of three parts, each with two or three chapters. Part I argues that prisons are productive of, and entangled with, conceptions of citizenship. Chapter 1 traces the actions of prison and parole administrators during WWII, who prioritized religious observance as a central component of social re-integration. The Parole Commission “strongly recommend[ed]” that, “immediately upon release, [parolees] communicate with a minister, priest, or rabbi of the [their] own choosing.”⁴⁸ War transformed America's prison systems by creating demand for prisoners' labor and blood, thereby spurring administrators to expand religious programs under the aegis of “rehabilitation” and to release many prisoners into the military or war industries. As authorities sought to mold prisoners and parolees into “useful citizens,” they encouraged “regular church attendance” and expanded the state's mechanisms of surveillance to document parolees' religious participation alongside their work habits and domestic relationships. Chapter 2 shifts to the perspective of prisoners and their families. I closely analyze letters prisoners wrote to authorities asking for relief, usually release on parole. I also examine articles, editorials, and cartoons that prisoners wrote and published in prison newsletters and magazines. In correspondence with the state, prisoners and their families often articulated their ideas of a “productive citizen,” the meanings of which not only changed over time, but also differed significantly depending on race and gender. Through these letters, then, I tell a microhistory of religious and racial citizenship as it was articulated in the U.S. prison system

⁴⁸ This was despite noting that, “under the American system, compulsory church attendance may be regarded as an infringement upon the idea of separation of church and state.”

from 1940 to the late 1970s. These letters tracked and engaged with broader debates about the meaning of war, the value of labor, and the (often limited) possibilities citizenship in the United States. Letters and cartoons had a collective coherence in the 1940s and 1950s, and prisoners wrote about their potential abilities to wage war, work, and support their families. Prisoners continued to articulate a breadwinner model of citizenship in the 1960s and 1970s, but their letters began to engage with debates about the role of welfare. In gendered letters that linked a man's ability to provide for his family to his sense of dignity and civic duty, prisoners and their families emphasized that a man's release from prison would enable his entire family to come "off the welfare rolls." I conclude this section with a discussion of the dissolution of collective coherence in letters from prisoners in the 1970s and early 1980s. I suggest that prisoners' inabilities to articulate widely resonant conceptions of citizenship mirrored broader fractures in American society driven divisions caused by the Vietnam War and debates surrounding poverty, race, and gender. Part of the reason "rehabilitation" lost its salience in the 1970s, I argue, was that the Americans lost their collective understandings of the types of citizenship to which prisoners could be rehabilitated.

Part I intervenes in literature about incarceration by empirically linking the experiences and circumstances of imprisonment to conceptions of citizenship, which were shaped by religious values and varied according to race, class, and gender. Though citizenship has been a foundational theoretical concept in scholarship about punishment and imprisonment since Durkheim wrote about punishment's productive social function, little research has empirically examined how imprisonment has changed in accordance with broader social trends.⁴⁹ By

⁴⁹ Ethan Blue provides the best empirical account by demonstrating how prisons both reflected and re-inscribed social categories during the Great Depression. Blue, *Doing Time in the Depression*; Emile Durkheim, *The Rules of Sociological Method*, trans. S. A. Solovay and J. H. Mueller (New York: The Free Press, 1950 [1895]).

exploring how the rationales, structures, and experiences of incarceration changed in the time between Jim Crow and 1980, this section describes how the experiences and administrative structures of imprisonment were closely tied to broader political ideologies and to religious institutions. In doing so, it speaks to the changing opportunities for and obligations of citizenship.

Part II of *Redeeming Imprisonment* reveals the crucial role religious organizations like the Salvation Army played in the privatization of the criminal justice system. Chapter 3 traces the involvement of religious groups in criminal justice systems from the Progressive Era to the 1970s and shows how opportunistic administrators at the Salvation Army of Florida inaugurated the first privatized modern probation systems. Though the Social Gospel's mandate to provide welfare to the poor initially drove religious interventions in the criminal justice system, profit, corruption, and economies of scale turned the Salvation Army into a tool of mass supervision. Chapter 4 shows how changes in the politics and regulation of religious pluralism in Florida prisons during the 1960s and 1970s dislodged white Protestant groups from their hegemonic position at the center of prisons' institutional and rehabilitative regimes. Black prisoners and followers of the Nation of Islam fought in federal courts for the right to practice their religion in prison, and courts placed some limits on abilities of state actors to evangelize and proselytize. I show that the white Christian networks that had dominated state institutions reconstituted within voluntary non-profit groups and that these new groups maintained close, if informal, relationships to state administrators. I particularly focus on an organization called Christian Prison Ministries, Inc. and its founder, a former-prisoner-turned-born-again-businessman Frank Constantino. Chapter 5 then shows how Christian Prison Ministries, Inc. and other religious organizations came to have direct custody of state prisoners as part of a rehabilitative "community treatment" initiative that sought to move thousands of prisoners from remote, institutional prisons into smaller facilities in urban areas. I show how Constantino's embrace of

the Prosperity Gospel resulted in changes to the halfway house model that turned his facilities into profitable, punitive, and privately operated prisons.

Redeeming Imprisonment concludes with two chapters drawn from my ethnographic research in Wakulla Correctional Institution, the largest faith-based prison in the world—a 3,600-bed state prison south of Tallahassee. I visited Wakulla over thirteen months in 2015 and 2016, observing and participating in nearly all of the prison’s religious and rehabilitative programming, interviewing prisoners and staff, and conducting follow-up interviews with volunteers. My interviews were semi- or unstructured, and I interviewed most volunteers while we commuted in carpools to and from Tallahassee. I found carpools to be settings where volunteers organically deconstructed their experiences of prison and developed collective understandings of them.⁵⁰ These chapters amplify voices of prisoners themselves. Chapter 6 ethnographically traces the parallels and the asymmetries between religious conversion and rehabilitation, showing how religious ideas of redemption complement—and also complicate—secular understandings of rehabilitation. Chapter 7 investigates the ways that institutional life might predispose people to seeing signs of God acting in their lives. I show prisons foster concerns about conspiracies, manipulation, and deceit, and how prisoners seek to address these concerns by looking for signs of hidden forces at work. I examine this heightened attention to signs—“hypersemiosis”—and explore the ways that looking for hidden forces converges with religious discourses casting God as an omnipotent and interventionist agent. Chapter 7 also brings an ethnographic lens to the social

⁵⁰ Kristina Wirtz calls the meaning-making discussions that occur after a shared event a “discursive wake.” See Kristina Wirtz, *Ritual, Discourse, and Community in Cuban Santería: Speaking a Sacred World* (Gainesville: University of Florida Press, 2007). For the value of conducting interviews in cars, see Marjarie Harness Goodwin and Charles Goodwin, “Car Talk: Integrating Texts, Bodies, and Changing Landscapes,” *Semiotica* 191:1 (2012), 257-286.

life of an American prison, narrating how the operation of power and circulation of religious discourses shape the experience of being incarcerated.

By bringing the micro-interactions of religion and everyday penitentiary life to light, Part III contributes to the literature about prisons and analogous total institutions by disrupting the paradigms of surveillance and power/knowledge that characterize most of the salient scholarship. Breaking with research that focuses chiefly on how people are molded by institutional forces, these chapters investigate how prisoners invoke religious discourses and practices to “work on themselves.”⁵¹ They show how, for many prisoners, religion is an avenue of ethical self-formation through which they may realize or personal transformation as they labor to make themselves better. At the same time, however, the focus on rehabilitation and redemption as an individual transformation makes it difficult for prisoners to discuss structural racism and affirms the social legitimacy of prisons (or society’s “faith” in them) by endowing them with transformative power.

Each group of chapters proffers a critical historiographical intervention. Part I argues that prisons are productive of citizenship and that religious values undergirded rehabilitative ideologies. Part II uncovers the role of religious ideas and organizations in the development and expansion of private prisons and mass incarceration. And Part III stresses the ways that prisoners create their own identities even within a total institution. Yet the three parts together buttress two main overarching arguments. The two key contributions of the dissertation as a whole are to emphasize the religiously mediated connections between prisons and other social sites, and to demonstrate that the development of mass incarceration depended on reforms – often promoted

⁵¹ Michel Foucault, “Technologies of the Self,” in *Technologies of the Self: A Seminar with Michel Foucault*, Luther H. Martin, Huck Gutman, and Patrick H. Hutton, ed.. (Amherst, Mass.: University of Massachusetts Press, 1988); Joel Robbins, *Becoming Sinners: Christianity and Moral Torment in Papua New Guinea* (Berkeley: University of California Press, 2004); Carr, *Scripting Addiction*.

by religious organizations or motivated by religious ideologies – that expanded the capacity of the state to supervise and incarcerate.

Part I

Religion, Race, and Labor: The Making of “Productive Citizenship”

Chapter One

‘It’s Not the Same Old Place Anymore’: World War II and Religious Citizenship

The first day that Florida’s new parole commissioners reported to their cramped offices in the State Capitol Building in Tallahassee, on October 7, 1941, a hurricane struck. Fishermen in the Gulf town of Panacea drowned, tangled in their nets, and, once the eight-foot storm surge subsided, marooned boats littered the coast. Twenty miles inland, in Tallahassee, the power went out as trees lost their branches. Some residents organized rescue crews to clear a way through fallen trees and clumps of Spanish moss to provide assistance to the nearby coastal town of St. Marks; when they finally arrived, the citizens of the town were fine, apparently amused at the urgency of their Tallahassee neighbors. Many Tallahassee residents, alarmed at the possibility of losing their crop, rushed out into the storm to collect pecans that the wind had torn from their trees. Needless to say, the Florida Parole Commission did not accomplish much on Day 1.⁵²

Even if it weren’t for the storm, it is unlikely that the Commission’s lack of activity would have attracted much notice from other arms of the state government, or even from the prisoners whose cases the Commission was to review and whose liberty was, in principle at least, at stake. Florida was one of the last states to establish a parole agency (only Mississippi was later), and the

⁵² The hurricane that struck Tallahassee in October 1941 was firmly lodged in the historical memory of the people who worked at the Parole Commission during my fieldwork there in 2015. Beneath a prominently placed picture of the original commissioners, and handwritten note served as a reminder of that storm, and, when staff at the Commission learned I was researching the history of the Parole Commission, they often told me about the 1941 storm. My account of the hurricane is drawn from Jay Barnes, *Florida’s Hurricane History: Second Edition* (Chapel Hill: University of North Carolina Press, 2012), 161-163.

new commission hardly had a mandate. The impetus for its creation was more administrative efficiency than an embrace of so-called “modern” systems of punishment, supervision, and rehabilitation. The legislature intended that the new commission would relieve pressure on the governor’s Board of Pardons, which had been the primary entity through which prisoners secured early release and Floridians whose drivers’ licenses had been revoked could have their driving privileges restored. As if to emphasize the circumscribed role legislature imagined for the Parole Commission, the Board of Pardons continued reviewing cases—and releasing prisoners—even after the Commission became operational. The location of the Commission’s offices, in a small suite in the Capitol Building, did not reflect the agency’s importance or integration with other arms of government, but rather a lack of funds and planning.⁵³ But from this marginal space, the Commission would begin to build a massive apparatus of state supervision that would shape Floridians’ experiences of religion, race, and citizenship.

Under the direction of its Chairman, Francis R. Bridges Jr., the Parole Commission slowly began building a bureaucracy as the rest of the state capital recovered from the storm. The second week after they reported to work, the commissioners hired the first staff member, a secretary, and authorized her to purchase an adding machine.⁵⁴ During their third week of work, they decided to acquire desks.⁵⁵ By late November 1941, the Commission hired its first field supervisors, who would supervise people sentenced to probation. In early December 1941, Bridges and his fellow commissioners reviewed their first cases: seven applications to restore rights to a drivers’ license. (Florida courts invalidated the drivers’ licenses of more than 200

⁵³ In fact, the Commission was supposed to take office on July 1st, but was delayed by more than three months because the Governor’s office and the Board of Pardons failed to appoint any commissioners.

⁵⁴ Minutes of the Florida Parole Commission (MFPC), Book A, October 15, 1941.

⁵⁵ MFPC, Book A, October 22, 1941.

people each *month* in 1941, so the Commission addressed only a tiny fraction of the cases before it.⁵⁶) The Commission denied one application but postponed any action on the rest, deciding, after a lengthy discussion, to first establish a protocol for resolving such cases.⁵⁷

At no point in the first months of its existence did the Parole Commission proceed with urgency when it came to addressing the cases of the 3,800 prisoners who were eligible for parole. Commissioners did not even investigate how they could secure access to prisoners' court and institutional files, let alone actually review cases. Nor did the Parole Commission address its confusing relationship with the Board of Pardons, whose duties overlapped with those of the Commission to a great degree.⁵⁸ Although commissioners worked to establish probation offices throughout the state (probation, at the time, operated primarily as an alternative to imprisonment), the early records of the Commission indicate that its members took little or no action towards securing the release of men and women who were, at that moment, in prison.⁵⁹

By its own account, Florida's Parole Commission began no "actual work" until December 7, 1941, when Japanese military planes attacked the US naval base at Pearl Harbor.⁶⁰ Like 80 percent of Americans, Francis Bridges was likely huddled around a wireless on the evening of December 9, when he would have heard President Franklin D. Roosevelt's Fireside Chat outlining the American response to the events at Pearl Harbor and the unequivocal entry of the United States into the Second World War. "My fellow Americans," Roosevelt began. "The

⁵⁶ Florida Parole Commission Annual Report, 1941, 15.

⁵⁷ MFPC, Book A, December 3, 1941.

⁵⁸ Through the mid-1960s, many parole commissioners were confused about the overlapping jurisdiction of the Parole Commission and the Board of Pardons.

⁵⁹ The only recorded action the Florida Parole Commission took in relation to current prisoners was the hiring of L.R. Bristol to work as an "institutional officer" at the State Prison Farm in Raiford. MFPC, Book A, November 25, 1941.

⁶⁰ December 7, 1941 was a Sunday, and the Parole Commission did not actually do any work that day. Their claim that "actual work began" that day was purely symbolic. Florida Parole Commission, *Second Annual Report*, 4.

sudden criminal attacks perpetrated by the Japanese in the Pacific provide the climax of a decade of international immorality. Powerful and resourceful gangsters,” he continued, “have banded together to make war upon the whole human race.” To forestall dissent rooted in isolationism (which had been strong enough to keep the US out of the war until directly attacked), Roosevelt declared that there “is no such thing as security for any nation—or any individual—in a world ruled by the principles of gangsterism.”⁶¹

In introducing a nascent wartime regime to Americans, Roosevelt leaned heavily on a rhetoric of criminality to paint Japan, Germany, and Italy as enemies deserving of all the violence the US could muster.⁶² After steeling his listeners against news of setbacks and defeats—“the casualty lists of these first few days will undoubtedly be large”—he reached for collective, righteous punishment: “I do not think any American has any doubt of our ability to administer proper punishment to the perpetrators of these crimes.”

The second crux of Roosevelt’s chat that evening was to incite Americans to productive action in the collective interests of the nation. Roosevelt warned that “on the road ahead there

⁶¹ Franklin D. Roosevelt, Fireside Chat #18, December 9, 1941. Available at the Franklin D. Roosevelt Library’s Digital Collections, <http://www.fdrlibrary.marist.edu/archives/collections/franklin/index.php>.

⁶² This period, best described by Claire Potter, saw the expansion of federal law enforcement agencies (such as the Federal Bureau of Investigation) and an accompanying increase in prison populations. Roosevelt’s use of the rhetoric of criminalization in describing Japan, Italy, and Germany was effective in solidifying American support against wartime enemies, but it also refigured the domestic valences of criminality. In a war against “international gangersterism,” criminalizing rhetoric that previously stigmatized people in prison (such as banditry) lost its weightiness, especially when directed against people accused of relatively petty crimes. This argument—that criminalization plays an important role in drawing the boundaries of citizenship—reflects Emile Durkheim’s notion that the identification and punishment of criminals is productive of social solidarity because it plays a morality-affirming role and solidifies collective sentiments. Ethan Blue discusses the impact of war in prisons and parole in Texas and California. James Sparrow writes about Roosevelt’s use of criminalizing rhetoric. Ethan Blue, *Doing Time in the Depression* (New York: NYU Press, 2012), 242-245; James Sparrow, *The Warfare State: World War II Americans and the Age of Big Government* (New York: Oxford University Press, 2011), 50-51; Claire Potter, *War on Crime: Bandits, G-men, and the Politics of Mass Culture* (New Brunswick, NJ: Princeton University Press, 1998); David Ruth, *Inventing the Public Enemy: The Gangster in American Culture, 1918-1934* (Chicago: University of Chicago Press, 1996); Emile Durkheim, *The Rules of Sociological Method*, trans. S. A. Solovay and J. H. Mueller (New York: The Free Press, 1950 [1895]).

lies hard work—grueling work—day and night, every hour and every minute.” Continuing to read from his prepared speech, he said,

I was about to add that ahead there lies sacrifice for all of us.

But it is not correct to use that word. The United States does not consider it a sacrifice to do all one can, to give one’s best to our nation, when the nation is fighting for its existence and its future life.

It is not a sacrifice for any man, old or young, to be in the Army or the Navy of the United States. Rather it is a privilege.

It is not a sacrifice for the industrialist or the wage earner, the farmer or the shopkeeper, the trainmen or the doctor, to pay more taxes, to buy more bonds, to forego extra profits, to work longer or harder at the task for which he is best fitted. Rather it is a privilege.

Roosevelt’s speech effectively galvanized Americans and united them as the country entered an uncertain, frightening period of war. But two of its central prongs—that the Axis powers were criminals deserving of punishment, and that Americans’ labor could be both virtuous and patriotic—proved to be the kernels of a realignment in America’s prisons and parole systems that would reorient prison authorities outward and provide prisoners with feasible claims to citizenship. By applying a rhetoric of criminalization to foreign enemies, Roosevelt’s speech made it possible for prisoners who were willing to fight or labor for the war to position themselves in solidarity with entire American nation. Read into the framework of international war, prisoners were transformed from undeserving social outcasts into potentially valuable sources of American labor, at least in the imagination of prison and parole authorities, especially new and idealistic ones like Francis Bridges.

To Bridges and other prison officials throughout the country who heard it, Roosevelt’s speech served as a call to action. In Tallahassee, Bridges immediately began negotiations with the Board of Pardons to secure the authority to release prisoners. Only ten days after Roosevelt’s fireside chat, the Parole Commission that had previously showed little interest in releasing prisoners travelled to the State Prison Farm in Raiford, Florida. There, they hired staff to begin

the process of interviewing prisoners and making copies of prisoners' records so the Commission could review individual cases. Despite conducting no interviews, reviewing no files ahead of time, and having no system in place to supervise the prisoners selected for release, the Parole Commission hastened to release "six white men and a negro" during their first visit to the State Prison Farm.⁶³

The seven men released from the State Prison Farm in late December 1941 were among the first beneficiaries of a dramatic shift in the priorities of US prison and parole administrators. For prisoners in the US, war created new possibilities for citizenship. They could imagine themselves (and could be imagined by others) as part of Roosevelt's privileged soldiers, sailors, wage earners, and shopkeepers whose labor would be critical to the war effort. The emergence of this possibility that some prisoners might be productive and valuable citizens steered some prison and parole administrators away from institutional regimes based on social separation and corporal punishment and towards a new emphasis on social reintegration. Though violence and exclusion remained dominant features of prison life, particularly for African Americans, rehabilitation became a priority in the criminal justice system.

The impact of this turn to social reintegration was quickly felt in US prison systems. During the Depression, U.S. prison populations skyrocketed. Police arrested tens of thousands of men, particularly targeting "drifters" and usually charging them with offenses such as vagrancy, which were so loosely defined as to give the state license to target almost anyone. During the Depression, prisons functioned as mechanism to capture the economy's surplus labor and put it

⁶³ Florida Parole Commission, First Annual Report (1941), 5. Four of the seven men were paroled to authorities in other states. It is possible that the commission interviewed these men at the commission hearing itself, but there is no indication as to why these seven men were considered in the first place.

to use building roads or working in the fields.⁶⁴ Road prisons in particular formed a sort of punitive and racially opposite counterpoint to the Civilian Conservation Corps. Both institutions confined men who were targeted because of their mobility and put to work labor that would have otherwise been idle.⁶⁵

The years between 1941 and 1945, during which US prison populations fell more than twenty-five percent, marks the only period in the history of the United States when felon incarceration rates saw sustained declines. Though mobilization for war dramatically reduced the correctional population of state prisons, it coincided with the mass internment of over 110,000 Japanese and Japanese Americans living in the United States. Despite the dip in felon incarceration in the early 1940s, this period marked a continued expansion of confinement in the United States. These dual changes in incarceration (the mass release of felons and the mass internment of Japanese and Japanese Americans) point to the ways that incarceration and citizenship were refigured along new crimino-racial-religious lines during the Second World War. US-born blacks and whites with criminal records who were willing to join the war effort suddenly had a straightforward and redemptive claim to citizenship: offering to spill their blood or labor on farms or in factories. With the clear opportunities for citizenship, blacks and whites were released from prison in large numbers across the country. Meanwhile, the domestic ramifications of World War II led to a racial refiguring of nationality and citizenship that left Japanese Americans with no claim to social or political rights.⁶⁶

⁶⁴ See Blue, *Doing Time During the Depression*.

⁶⁵ See Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2009), especially 91-135.

⁶⁶ The years after the Great Recession are characterized by similar phenomena. Although state and federal correctional populations stabilized or fell slightly, the number of people incarcerated in immigration detention centers more than offsets these modest declines. Again, however, the broad trends

In Florida, the number of people incarcerated for felonies or misdemeanors dropped from 3,799 in 1941 to 2,415 at the beginning of 1945, a decline of thirty-six percent.⁶⁷ Responding to “the greater need for men for war work,” parole authorities around the country distributed application forms to all prisoners to aid in releasing prisoners.⁶⁸ In some places, they personally toured prisons looking for men eligible to enlist in the Army.⁶⁹ In addition to releasing people already in prison, officials expanded probation systems so that fewer people were sent to prison in the first place. In courts, defendants were newly given an option to avoid prison if they enlisted in the US military. In Florida, Bridges would boast of the number of men he diverted from prison and who, instead, entered the military. Probation, according to Bridges, offered a productive pathway for “individuals whose worthwhileness as citizens might be retained.”⁷⁰

For Bridges and administrators like him, religious instruction and observance—especially Christian religious observance—was a key element in retaining or recuperating felons’ worthwhileness as citizens. At the outset of war, administrators in Florida’s prisons quickly expanded religious programs. They increased the number of Christian services, inaugurated Bible study classes, and recruited local ministers to preach more regularly. Francis Bridges used his position as the chair of the Parole Commission to encourage parolees to attend church regularly and develop an “active membership in a church of the parolee’s choosing.” Each

are obscured by incarceration statistics that implicitly link felon imprisonment to citizenship and place migrant detention outside the domain of citizenship.

⁶⁷ These statistics are taken from Florida Department of Corrections, *Florida Corrections: Centuries of Progress*, n.d., available at <http://www.dc.state.fl.us/oth/timeline/> (accessed March 3, 2016).

⁶⁸ “Moran State Parole Head: New Chairman Stress War Jobs for Qualified Prisoners,” *The New York Times* (June 26, 1942), p. 38; “Board Sending State Prisoners Parole Forms: Freeing Deserving Captives for War Effort Under Study,” *The Atlanta Constitution* (March 31, 1943) p. 4.

⁶⁹ “Parole Board Rechecks Lorton for Possible Army Candidates,” *The Washington Post* (October 22, 1942), p. B1.

⁷⁰ Florida Parole Commission, *First Annual Report* (1941), 9.

month, Bridges and his colleagues required parolees and probationers to report their church attendance, or lack thereof.

As the Parole Commission worked to release people from prison, it expanded the mechanisms and institutions of control and surveillance into arenas outside of the prison, implementing procedures to collect unprecedented amounts of information about applicants and about parolees. In addition to their church attendance, parolees were required to report monthly on the amount of money they had earned and spent (and what they had spent it on), whether they had purchased or consumed alcohol, and whether they had visited a doctor. The Commission also obtained unprecedented power over its released charges, who were not allowed to change jobs or residences, or marry or divorce, without the approval of their parole officer.

Imprisonment both denies many of the basic elements of citizenship and throws them into sharp relief. As the US waged industrial warfare in two hemispheres, it needed citizens who would fight, as soldiers or sailors, or work, in industry or agriculture. Parole authorities such as Bridges worked enthusiastically, if still cautiously, to transform America's felons into citizens who could do the work of fighting, building, and farming. As they sought to socially reintegrate Florida's felons, prison and parole authorities embraced religious practices and religious membership as a central—and potentially transformative—aspect of citizenship. They expanded the religious activities available to inmates within the prison, and encouraged parolees and probationers to attend church on the outside. This turn toward religion reflected broader developments in the evolution of American citizenship, and particularly a new articulation of Civil Religion: Americans waged war against “totalitarian” governments as a “tri-faith” nation, united as Protestant, Catholics, and Jews. Roosevelt himself drew upon the emergent centrality of religion in American citizenship as he concluded his speech announcing war. “And in the dark hours of this day and through dark days that may yet to come we will know that the vast majority

of the members the human race are on our side. Many of them are fighting with us. All of them are praying for us. For, in representing our cause, we represent theirs as well our hope and their hope for liberty under God.”

Rolling Back the Depression-Era Prison

Francis Bridges was in many ways an oddity in the rough-and-tumble world of Florida’s criminal justice system. Politics were king in Florida’s decentralized prison system, and positions of authority—like the captain of a road prison or assistant warden at the State Prison Farm—were regularly traded for political favor.⁷¹ By contrast, Bridges and the two other original parole commissioners were selected because they had received the highest scores among all applicants on a merit evaluation. Bridges was selected as chairman of the Commission because he had received the highest score of all. The son of a Methodist minister, Bridges had begun his career as a reporter. He was bookish and measured, and immersed himself in the study of “modern” systems of parole and punishment. Where most of his fellow—and more politically savvy—commissioners quickly moved on to more lucrative jobs in state government, Bridges spent his entire career at the Parole Commission, retiring to little fanfare in 1972.

The entry of the United States into WWII spurred the contemplative Bridges into action. The letters he wrote to prisoners informing them that they had been granted a parole and, barring a last-minute infraction, they would shortly be released from prison reveal a do-gooder’s enthusiasm and contained, for the time, an unusual number of exclamation marks. “Parole is something to be proud of,” he and his colleagues wrote to many people who they were releasing

⁷¹ Vivien Miller, *Hard Labor and Hard Time: Florida’s “Sunshine” Prison and Chain Gangs* (Gainesville: University of Florida Press, 2012), 48.

from prison. Bridges was not above motivational speech either, writing, “It will take plenty of backbone—but the fact that we have granted you a parole shows that we believe you have it and that you will make good. Show us that we are right!”⁷²

Despite his enthusiasm, the challenges Bridges and the Parole Commission faced in 1941 and 1942 were immense. Florida was only beginning to establish the infrastructures for prison and parole administration that other states developed decades prior. New York, a center of progressivism in imprisonment, had been the first state to implement parole and indeterminate sentencing in 1907, and these reforms quickly spread to other states. By 1927, every state except Florida, Mississippi, and Virginia had established parole systems based on the New York model.⁷³ The idea behind both parole and indeterminate sentencing was that prisons should primarily serve a rehabilitative, or corrective, function. Experts would use individualized and scientific tools to assess the rehabilitative progress of each person in prison, and release prisoners who they believed had reformed and were unlikely to commit new crimes. If these experts thought that a prisoner had not reformed, they had the discretion to keep him (or, less often, her) incarcerated, up to the maximum expiration date of the sentence. Once parole experts released an individual from prison on parole, they continued to monitor him in the community. If the parolee failed to fulfil all the requirements of his supervision, he could be returned to prison to serve the remainder of his sentence—or until parole experts examined him again and decided to release him on parole another time.⁷⁴

⁷² Parole Commission to Cleveland Bishop, August 15, 1946. State Archives of Florida, Series 731, Box 10.

⁷³ Joan Petersilia, “Parole and Prisoner Reentry in the United States,” *Crime and Justice* 26 (1999): 479-529.

⁷⁴ Criminologists and sociologists call this model of prison rehabilitation “penal modernism” and a small library of scholarship engages with the question of which state prison systems became modern and when. In addition to the ideological tenets that institutions, run by experts, can facilitate “normalization” of inmates, penal modernism is associated with the following practices: individualized evaluation,

To function relatively smoothly, parole required a centralized state bureaucratic infrastructure, which Florida lacked. Where most prisoners in New York (and other states) were housed in large, “Big House” prison facilities, Florida’s prisoners were scattered around the peninsula in the state’s “road prisons.” A relative few were incarcerated at the State Prison Farm in Union County or State Prison Farm #2, outside of Belle Glades. Instead of a centralized bureaucratic system, Florida’s prisons were—and remain—highly decentralized. Until 1957, the road prisons remained administratively separate from the larger prison institutions. In a bureaucratic arrangement that reflected the priorities of the two systems, the State Road Department administered road prisons and the Department of Agriculture oversaw the two State Prison Farms.⁷⁵ Hard labor characterized life for prisoners of both types of facilities. At the State Prison Farm in Union County, prisoners worked 16,000 acres of agricultural land, growing vegetables, tending to and slaughtering cattle, and cutting a lot of sugar cane, which was the prison system’s most lucrative crop. Through the mid-1960s, the all-white staff at the State Prison

classification, education and treatment programs, and differential supervision both inside and outside institutions. (Within prison, differential supervision is usually achieved through custody grades, which allow different degrees of movement and privileges; outside of prison with probationers and parolees, it is accomplished through multiple levels of contact requirements.) I find penal modernism to be a useful framework to describe the aspirations and ideologies of prison and parole authorities, as well as for broad comparisons of different institutional structures. But penal modernism falls far short of describing the actual practices of criminal justice institutions—even so-called “modern” ones. For a discussion of penal modernism in Florida, see Heather Schoenfeld, “The Delayed Emergence of Penal Modernism in Florida,” *Punishment and Society* 16, no. 3 (2014): 258-284. For general discussions of penal modernism, see David Garland, *Punishment and Welfare: A History of Penal Strategies* (Brookfield, VT: Gower, 1985); David Garland, *Punishment and Modern Society: A Study in Social Theory* (Chicago: University of Chicago Press, 1990); Franklin Zimring and Gordon Hawkins, *Incapacitation: Penal Confinement and the Restraint of Crime* (Oxford: Oxford University Press, 1995).

⁷⁵ In 1955, the State Road Department was reorganized as the State Road Board. In 1969, it was replaced by the Department of Transportation.

Farm occasionally punished a black prisoner with solitary confinement in the “Flat Top” for “eating cane while he was supposed to be cutting cane.”⁷⁶

Life at Florida’s road prisons was arguably even more grueling. As guards armed with shotguns watched over them, inmates labored for long days to build roads stretching from the westernmost corner of the panhandle down to Big Pine Key, nearly 800 miles to the south. Inmates worked to cut underbrush and clear a pathway for a road, which they would then grade and pour hot tar over. According to Vivien Miller, one of the most hated tasks was to clear “underbrush from the ‘shit ditches,’ or roadside drainage ditches, where convicts stood knee- or waist-deep in putrid water while wielding bell-hooked bush-axes with eighteen-inch, double-edged blades.”⁷⁷ Relatively loosely supervised, inmates at the road prisons had ample opportunities to escape, and many ran off into the woods or swamps. The guards at the road prisons were expected to fire their shotguns at fleeing prisoners, and often did.⁷⁸ If they missed, officials then would search the surrounding woods and swamp with the aid of bloodhounds. Still, until the Department of Corrections installed secure perimeter fences in the mid-1970s, hundreds of Florida prisoners escaped each year, though they were usually caught within a relatively short period of time and returned to prison.

Far from sharing New York’s putative orientation toward rehabilitation and education programs, the daily regimes of road prisons and the State Prison Farm were geared toward the extraction of as much labor and profit from inmates as possible. To the extent that Florida’s prison system became an object of public concern during the Depression, the issue was usually

⁷⁶ Roger Carter, Disciplinary Report, November 19, 1965. Florida Department of Corrections Inmate Records (hereafter FDCIR).

⁷⁷ Miller, *Hard Labor and Hard Time*, 174.

⁷⁸ Miller, *Hard Labor and Hard Time*, 180.

over the cost of the institution and camps to the public.⁷⁹ Prevailing politics required Florida's prisons to be financially self-sufficient, or, ideally, to turn a profit.⁸⁰ The only classification the Florida prisons system used until the 1980s was to rate prisoners according to their ability to perform hard, manual labor.⁸¹ Grade 1 prisoners, the most physically fit, were highly sought after by the captains of the road prisons and assigned the most demanding tasks.⁸²

In this context, staff punished prisoners severely for any behavior that disrupted the prison system's labor regimen. Prisoners at the road prisons who refused to work or who staff judged were to be pretending to be sick were punished with confinement in a "sweat box." Sweat boxes were wooden buildings that were so small they required the men in them to remain standing. The boxes had tin roofs, and were intentionally placed in the sun to make them as hot as possible. Guards often denied water to inmates in the sweat box. At the State Prison Farm, feigning illness or refusing to work was punished equally harshly. There, instead of sweat boxes, staff confined unruly inmates in a facility called the "Flat Top," named for its flat tin roof. Like the sweat boxes, the Flat Top contained cells that were designed to be as hot and uncomfortable as possible. Bread and water were the only foods made available to people confined there.

Though escape, refusing to work, or working too slowly were the most common ways to disrupt the work of the prison, some prisoners found other ways. As was the case in prisons in other states at the time, prisoners actively sabotaged industrial equipment and created chaos in

⁷⁹ Public concern over the cost of Florida's prison system continued unmitigated, and prison reform efforts still focus on the cost of

⁸⁰ Miller, *Hard Labor and Hard Time*, 178; and Schoenfeld, "Delayed Emergence of Penal Modernism in Florida," 258-260.

⁸¹ Florida prisons continue to lack "modern" classification systems. To date, the most important characteristic for classification is an inmate's physical health. In addition, prisoners with lengthy sentences—or sentences for violent crimes—are confined at higher custody grades. Despite superficial changes in classification systems, Florida prisons are and have always been oriented around work and labor.

⁸² Miller, *Hard Labor and Hard Time*, 48-55.

the farm fields.⁸³ In 1942, an African American prisoner named Jesse Freeman, who was assigned to plow the fields, allowed the plow horses to run off. “This negro convict drop[p]ing horses loose and letting them run-away,” an officer named Arch Dobbs wrote on a disciplinary report. The guards decided to send Freeman to the Flat Top “INDEFINITELY.”⁸⁴

Finally, self-mutilation was a relatively common strategy prisoners employed to avoid work. As was the case in other prison systems, the most common self-mutilation practice was to cut one’s “heel string,” or Achilles tendon.⁸⁵ This left prisoners permanently disabled, but spared them from dangerous and arduous labor. Evidently, cutting one’s heel string was believed to be the least painful way of inflicting a permanent disability.

Some prisoners tried successive strategies to avoid labor. Walter Adams, a white boy from Duval County (Jacksonville) was fifteen years old in 1944, when he was sentenced to fifteen years in prison for breaking and entering and grand larceny. After serving eleven months at State Road Prison Number 1 near the Alabama border in Noma, Florida, he escaped. Fifteen days later, he was captured in Chattanooga, Tennessee and returned to Noma. Three days after his arrival back in Noma, the sixteen-year-old attempted to cut his heel string. There is no record as to whether he succeeded in severing his Achilles tendon (a 1945 report says he was being treated by the camp doctor in Noma for attempting to do so), but there is also no indication that he ever performed manual labor again, either before or after his release on parole in 1952.⁸⁶

⁸³ See Blue, *Doing Time During the Depression*.

⁸⁴ Jesse Freeman, Disciplinary Report, August 28, 1942, FDCIR.

⁸⁵ Ethan Blue discusses self-mutilation at length in the context of work in prisons in Texas and California during the Great Depression. Of all forms of self-mutilation, cut heel strings attracted the most attention from prison authorities because, unlike many types of injuries (such as severed fingers), they would have been unlikely to occur in the course of normal labor. See Blue, *Doing Time During the Depression* and Miller, *Hard Labor and Hard Time*.

⁸⁶ Walter Adams, Series 791. Box 1. Inactive Parole Case Files, State Archives of Florida.

Though Florida prisons were violent and dangerous in general, they were especially so for black prisoners. Black inmates were assigned to the worst living conditions, worked the most hated jobs, and received the most regular and severe beatings from staff. In 1936, a prisoner named Robert Finnagin described the abuse he and other African American prisoners faced in Florida's road prisons in a handwritten letter to the NAACP. He described laboring for hours in the heat and being denied water. Were prisoners to ask for water, they were severely beaten, in some instances "near[ly] to death." According to Finnagin, guards required all the camp's prisoners to observe their beating and whipping of a disobedient prisoner. Despite sometimes severely injuring an inmate, guards often required him to return to work or placed him in the Sweat Box, still covered in blood.⁸⁷

⁸⁷ Robert Finnagin to NAACP (May 10, 1936), in Miller, *Hard Time and Hard Labor*, 168-169. Violence and (sometimes malicious) deprivation continue to be defining aspects of life in Florida prisons. This 1977 cartoon depicts a ladle and a water can, helpfully labeled "FSP" for Florida State Prison, hanging from a fencepost. The artist's commentary, that water sometimes means more to him than freedom because there are times when he needs water more, is testament to the difficult choices prisoners face in navigating disciplinary structures; he acknowledges that there are times when it is worth it to sneak a drink of water, even though he knows he will likely be placed in solitary confinement for the indulgence. Robert Finnagin to NAACP (May 10, 1936), in Miller, *Hard Time and Hard Labor*, 168-169; Unknown Artist, *Starke Reality II, Volume 2* (1977), 26.



Figure 1.1 Water Means More than Freedom: A cartoon published in the Starke Reality II in 1979, a prisoner publication from Florida State Prison. Rules forbid prisoners from drinking water except at specified times. Unknown Artist (LeMotte?) Starke Reality II, Vol. 2 (1977), 26.

Bridges referred to this system characterized by extractive labor, corporal punishment, and severe racial disparities when, in 1942, he wrote that “‘blind justice’ has failed.” A principal failing of the existing system, Bridges believed, was its inability to transform prisoners into citizens. “More effective results can be obtained through intelligent *treatment* based on an intensive study of each individual offender—treatment designed to effect *constructive* results and ultimately return the offender to society as a useful citizen.”⁸⁸ It is worth noting that while he strongly advocated for a more “modern” system of punishment, Bridges was critical of Florida’s existing prison system.

In the context of World War II, returning prisoners to society as “useful citizens” meant, first and foremost, returning them as soldiers. The Parole Commission meticulously kept track of the number of men who entered the armed forces, and adopted policies that made military

⁸⁸ Florida Parole Commission, Third Annual Report (1944), 2.

service attractive to parolees and probationers. The Commission touted the number of men it transitioned into the military: “As of December 31, 1942, 39 parolees had been released from supervision for service in the United States Government in the war emergency.” Combined with the number of men released from probation, this made “a grand total of 109 men serving their country who might otherwise be inactive behind prison walls.”⁸⁹ The Parole Commission continued to report the number of parolees inducted in the armed forces each year until 1967, despite the fact that no parolees joined the military after 1948. The Commission’s tables dutifully document eighteen years’ of zeros.⁹⁰

In addition to reporting data about parolees joining the military, parole commissioners touted individual stories to gain public support for the Commission and its mission. In 1953, Bridges wrote a letter to *The Rotarian*, the magazine of Rotary International, arguing that “we should be ready and willing to help an individual who has a criminal record if the person is making every effort to help himself.” He went on to tell the story of a particularly deserving parolee:

We had released an individual on parole in 1943. He was a first offender at the age of 19, having been convicted on a charge of unarmed robbery revolving around the excessive use of alcohol. That young man, shortly after being released on parole, was accepted by the United States Army for service in World War II. He was separated from the Army March 6, 1948, with a rank of sergeant as a radio mechanic. The next year he obtained employment with one of the country’s largest corporations.⁹¹

Despite serving as a model citizen, both a soldier and corporate employee,⁹² this man was abruptly fired when his employer learned of his criminal record. In Bridges’ telling, this left both

⁸⁹ Florida Parole Commission, Second Annual Report (1943), 4.

⁹⁰ The Commission adoption of charts and graphs appears to have been the catalyst for stopping this monotonous streak. Florida Parole Commission, Annual Reports, (1942-1967).

⁹¹ Francis R. Bridges, “Footnoting Mr. Hoover,” *The Rotarian* 82, no. 1 (January 1953): 1.

⁹² Bridges’ highlighting of this man’s corporate career speak to the changing ideals of citizenship in the 1950s.

the parolee and society worse off. Bridges message was that “it behooves all of us ... to help those individuals who want to help themselves.” In choosing to make his case by narrating the circumstances of a young—and undoubtedly white—parolee-turned-soldier, he outlined the ideal form of citizenship a prisoner in the 1940s could be imagined to fulfill.

Relatively few prisoners were able to transition seamlessly from prison to the Army or Navy. 1943 saw the most parolees inducted into the armed forces (only 84 men), and parolees who worked in manufacturing or agriculture outnumbered those who entered the military by more than four to one.⁹³ Although the Commission touted work in all sectors, it went out of its way to document and report parolees’ jobs that were especially associated with the war effort. In 1942, for instance, they reported that five parolees accepted work in the booming ship-building industry.⁹⁴

⁹³ Florida Parole Commission, Annual Reports, 1942-1946.

⁹⁴ Florida Parole Commission, Second Annual Report, 1943, 16.



Figure 1.2 Government Posters Produced During the Second World War: WWII posters promoted working in industry or agriculture and buying war bonds to support the U.S. war effort. The Parole Commission encouraged the same activities as other arms of government. “Florida Buys for Victory,” 1942, State Archives of Florida: Series 1205, Box 01, Folder 13; “Work on a Farm this Summer,” 1943, State Archives of Florida: Series 1205, Box 01, Folder 1; “Find Your War Job in Industry—Agriculture—Business,” 1943, State Archives of Florida: Series 1205, Box 01, Folder 14.⁹⁵

⁹⁵ Though this final poster was clearly targeted to women, its message that jobs in “industry, agriculture, or business” could facilitate the war effort was closely related to the ideals of citizenship that the Parole Commission sought to emulate and reproduce.

During WWII, the US Government “enlisted” Americans in industrial and agricultural work as it sought to win the “battle of production.” The Federal Government—along with some state governments—printed posters and made films that helped to “transform[] hard, tedious work into patriotic productivity vital to winning the war.”⁹⁶ The Office of War Information dubbed wage laborers the new “soldiers of production” and distributed pictures of men working with the caption “American democracy at work.”⁹⁷ Through concerted campaigns, the federal government sought to link productive labor with the war effort.

The policies of the Florida Parole Commission reflected the importance of labor as an element of citizenship. In order to secure a parole, prisoners were required to first secure employment. They sent letters to friends and family, asking them to help arrange jobs for them to facilitate their release. Well-connected prisoners—or prisoners whose families owned or operated businesses—were able to secure employment relatively easily; the brothers and fathers of prisoners routinely wrote to the Parole Commission that they could provide a job at their service station, construction business, or other (usually) blue collar enterprise. Prisoners with weak family ties, on the other hand, struggled to secure guarantees of employment and often languished in prison for many extra months. For these prisoners, the task of finding employment shifted to over-worked parole officers. The Parole Commission scrutinized prisoners’ job offers carefully, sending local officers to inquire about the working conditions and pay.

Despite the Parole Commission’s attention to employment, there are some indications that some prisoners’ experiences of parole had more in common with the exploitative regimes of convict labor than bureaucrats like Bridges would likely have cared to admit. Although the Commission wrote that “we expect employers to pay a living wage in keeping with the wage scale

⁹⁶ See Sparrow, *Warfare State*, 160-161.

⁹⁷ See Sparrow, *Warfare State*, 178.

usually paid for the work to be performed,” many employers seem to have taken advantage of their employees’ vulnerable situation. One letter from the Parole Commission to an employer adamantly explained that the convict leasing system had ended and that employers had no exceptional form of authority or control over the parolees they employed. No one is “paroled to” anyone, the Commission wrote, explaining that all parolees were under the supervision of the Parole Commission alone.⁹⁸ However, as this exchange indicates, many people released on parole were at the mercy of their employers. Unable to change or leave their jobs, they sometimes continued to work for meager pay and in poor conditions. Despite the lofty goals and liberal ideology of Florida’s parole commissioners, the experience of actually being on parole was much closer to the banished system of exploitative labor represented by convict leasing, which Florida abolished in 1919, than the modern, liberal penal regime that commissioners believed themselves to be administering.

Even prisoners who found employment and received a parole could remain in prison if something went wrong. It was common for two weeks or so to elapse from when the Parole Commission granted a parole to the prisoner’s actual release, and, if a prisoner got sick or a seasonal job evaporated in the interim, the Commission would rescind its offer of parole. Will Jack Abraham was granted parole on June 16, 1942, which was to be effective on July 5th. In the interim, he fell ill with tuberculosis, and the Parole Commission believed he would be unable to work. As a result, the Commission rescinded his parole, causing him to remain in prison.⁹⁹ Indeed, labor and employment were so important to the Parole Commission it regularly rescinded paroles for prisoners whose circumstances changed after their parole had been granted

⁹⁸ Series 731, Box 5, State Archives of Florida. Emphasis in original.

⁹⁹ Minutes of the Florida Parole Commission (hereafter MFPC), Book A, June 22, 1942.

but before they had actually been released.¹⁰⁰ Despite the fact that illness or disability meant that they were extremely unlikely to be a risk to public safety, people too sick to work could not be good citizens, and therefore were not good prospects for parole. Decisions such as these reveal how parole commissioners viewed the prisoners whose freedom they controlled: as a reserve army of labor that could be strategically and productively deployed.¹⁰¹

Regardless of where parolees worked, the Parole Commission emphasized the amount of money they earned and, especially, the amount of money they saved. The Commission said that in 1942, parolees saved \$61,771.51 “including the purchase of United States War Savings Stamps and Bonds.” By 1944, parolees saved \$325,879.09 and the Commission continued to imply, almost certainly misleadingly, that a significant portion these funds were directly allocated to the war effort.¹⁰² (The meticulousness with which the Parole Commission tracked parolees’ finances provides some insight into why one of its first actions in 1941 was to buy an adding machine.)

The Parole Commission’s emphasis on parolees’ labor in manufacturing and agriculture—and on their investments in war bonds—ran parallel to wider concepts of ideal

¹⁰⁰ The administrative and legal language is a bit nuanced here: Parole could be “rescinded” before a prisoner’s release, causing him or her to remain in prison. After release, a parolee’s parole could be “revoked,” causing him or her to return to prison.

¹⁰¹ My language replicates Karl Marx’s description of the surplus laborers produced by capitalism as a “disposable industrial reserve army.” I also am drawing on critical sociological theorists, especially Loïc Wacquant, who, in turn, draws heavily on Rusche and Kirscheimer. Recent sociological interpretations, such as Wacquant’s, view mass incarceration in relation to macro-economic trends that devalue labor and require some labor to be disposed of. My intervention and contribution is to read this interpretation backwards to the 1940s, when parole administrators sought to capitalize on the surplus labor prisoners could command. See Karl Marx, *Capital: Volume One*, (Marx/Engels Internet Archive, 1999 [1867]); Loïc Wacquant, “Deadly Symbiosis: When Ghetto and Prison Meet and Mesh,” *Punishment and Society* 3, no. 1 (2001): 95-134; Georg Rusche and Otto Kirschheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939).

¹⁰² As I will discuss later, these figures are based on parolees’ self-reports of their earning and spending habits. There were good reasons for parolees to over-report the amount of money that they saved, instead of reporting it as spent on prohibited or stigmatized activities such as drugs, alcohol, or prostitution.

citizenship during World War II. As the posters above demonstrate and as James Sparrow describes in *The Warfare State*, the United States government worked diligently to re-define what it meant to be a good male citizen during WWII. Labor, whether in “industry, agriculture, or business,” was essential to increasing production. And part of being a good citizen, regardless of one’s job, was to buy war bonds and stamps in support of the war effort.

During World War II, the Parole Commission continuously pressed for the expansion of rehabilitation programs within prison and the development of a system of classification. In its first five Annual Reports, the Commission recommended the creation of a special institution for youthful offenders, and for the creation of a women’s prison. (Prior to the establishment of the Florida Correctional Institution in Lowell, women were confined at the men’s prison in Raiford.¹⁰³) The Commission believed that youthful inmates were would be more amenable to rehabilitation than “hardened criminals.”

Bridges thought that rehabilitation could be better achieved through “constructive measures” than coercive or abusive practices. Like many reformers, he believed that deviant men and women needed a helping hand. In 1944, he wrote a column in *The Rotarian*, the official magazine of the International Rotary Club, that “‘Rejectees’ Need Friends.”¹⁰⁴ In it, he encouraged Rotarians to extend their friendship to parolees and other felons. He argued that social recognition and social acceptance were key factors in felons’ successful adjustment to civilian life. (I suspect that Bridges used the term “rejectees,” instead of simply “rejects,” because

¹⁰³ Though women were confined in separate dorms, they often mixed with men in some work assignments. There were relatively few women incarcerated before the separate women’s institution was established, but they were particularly vulnerable to sexual violence at Raiford. (Subsequent studies have found that, even in women’s institutions, female prisoners are especially vulnerable to sexual violence, often at the hands of guards.)

¹⁰⁴ Francis R. Bridges, “Rejectees Need Friends,” *The Rotarian* (April 1944), 3-4.

it implied an active role for society as a “rejector.” In this essay, he encouraged “law-abiding citizens” to accept and accommodate felons, not to reject them.)

Alone among Florida criminal justice administrators in the 1940s, Bridges was critical of the racial disparities of Florida prisons. He wrote in the first Annual Report that “The Commission at this time has under definite consideration for possible parole a number of other prisoners, of both races and sexes. We are proceeding on as equitable a plan as humanly possible.”¹⁰⁵ Though this was far from a full-throated condemnation of Florida’s racist systems of labor and punishment, comments such as these marked Bridges as somewhat progressive on—or at least attentive to—issues of race and racism.

Despite progressive goals of administrators such Bridges, parole practices in the counties . In 1954, Bridges learned about a brazen extortion racket that was being run by parole officers in Pensacola. Neil Blue, the supervising officer in Pensacola, forced parolees and probationers to pay him in order to terminate their supervision. Blue threatened to violate their parole and return them to prison if they failed to pay. Parolees paid him between \$75 and \$100 to end their supervision and remain at liberty. Blue pursued this racket with such confidence that he eventually began accepting standard bank checks as payment, leaving a detailed record of his malfeasance. Bridges was livid when he learned what was going on, and immediately fired the parole supervisor.¹⁰⁶

¹⁰⁵ Florida Parole Commission, First Annual Report (1942), 6.

¹⁰⁶ MFPC, Book B, September 8, 1954.

Getting out of Prison “On Paper”

Besides death and escape, there are two basic ways to get out of prison: You can get out “clean,” meaning you are free to travel, work, and marry as you please. Or, you can get out of prison “on paper,” meaning that you will be supervised and monitored by probation or parole authorities.¹⁰⁷ If you are on paper, you can live only at the addresses your parole officer approves and travel only with his or her permission. You must work the job you are approved to work; if you want to change jobs, whether for a promotion or because your employer is taking advantage of you, you must first petition your parole officer.¹⁰⁸ Every month, you are required to make a truthful report of your earnings and activities “on the forms provided for that purpose.”¹⁰⁹ Being on paper is precarious because your parole can be revoked at the discretion of your parole officer, causing you to return to prison. As the Parole Commission itself put it in 1942, although

¹⁰⁷ The historical relationship between paper and correctional supervision is so strong that “on paper” is a widely used vernacular phrase meaning “under correctional supervision.” The phrase is used slightly differently inside institutional contexts. Within prisons, people talk about “getting out on paper.” On the streets, people talk about “being on paper,” which can mean either probation or parole. During my fieldwork at Wakulla CI in 2015, one older prisoner warned a group of younger prisoners, who were to be shortly released, to lead lives that would keep them on the right side of the law. After saying how easy it was for ex-felons to return to prison, he added, for emphasis, “And a lot of you are getting out of here on paper.” Within heavily policed communities (in Tallahassee and elsewhere), it is common to hear people talk about “being on paper” when they discuss their inability to move or change jobs, or their anxiety surrounding interactions with police.

¹⁰⁸ The Parole Commission relinquished the authority to approve (or disapprove) of parolees’ decisions to marry in 1986. Like many policy changes, it followed changes in practices. In the 1970s, it was relatively routine for parolees to marry without the approval of their parole officer. In the more than 2,000 files I reviewed, I never came across a case where parole was revoked because a parolee married without approval. However, there were cases where parole was revoked because a parolee began living with an intimate partner without permission, though in these cases the controlling violation was changing residence without permission.

¹⁰⁹ The original certificate of parole required parolees to “make a full and truthful report to my Parole Supervisor on the form provided for that purpose.” According to the current rules, published in 2010, parolees must “submit a full and truthful report to my parole officer each month in writing on the forms provided in person.” In both cases, the specificity of the paper itself is mandated by the condition of parole. The original Certificate of Parole was used from December 1941 until 1972. For the 2010 revisions of the conditions of parole, see Florida Administrative Code 23-21.0165, available at <https://www.flrules.org/gateway/RuleNo.asp?id=23-21.0165>.

in terms that considerably undersold its power, when prisoners were released on parole, the state retained the authority “to haul them back to the institution if they do not obey the laws of the land.”¹¹⁰

Since the first seven men were paroled in 1941, paper has been the most tangible mode of correctional supervision in Florida.¹¹¹ The Parole Commission never had enough institutional capacity to actually supervise and monitor parolees and probationers one-on-one, so much of the task of “supervising” was literally carried out via correspondence. Chairman Francis Bridges touted the importance of “personal contacts with parolees and probationers” and individualized assessment, often as part of an effort to secure funding for more officers or to increase their mileage reimbursement rate.¹¹² But budgetary and staffing constraints forced the Parole Commission to build a bureaucracy capable of supervising and controlling its charges primarily through the medium of paper. Until 1972, almost every piece of paper the Parole Commission exchanged with its parolees either encouraged or inquired about their religious participation.

A Certificate of Parole was one of the many standardized paper forms that would characterize the commission’s bureaucratic practices, and it was the only form that the commissioners prepared before their first visit to the State Prison Farm in 1941. This form was printed in quadruplicate, and the copy that released prisoners carried with them as they left the

¹¹⁰ This quotation actually understates the authority of parole officers to “haul [parolees] back to the institution.” In Florida, parole is a discretionary executive action and the Parole Commission has wide latitude when it comes to granting or revoking parole. In addition to facing re-incarceration for failing to “obey the laws of the land,” parolees could be returned to prison for a range of non-criminal, technical violations of the terms of their supervision, including (but not limited to) failing to report to their parole officer, consuming alcohol, or marrying. Florida Parole Commission, First Annual Report, 1942, 12, quoting from the Wickersham Commission Report, 1931.

¹¹¹ I am influenced in the framing of this section by Matthew Hull as well as Rebecca Scott and Jean Hébrard, who write about the importance of physical paper documents in the operation of bureaucratic and legal regimes. Matthew Hull, *Government of Paper: The Materiality of Bureaucracy in Urban Pakistan* (Berkeley: University of California Press, 2012); and Rebecca Scott and Jean Hébrard, *Freedom Papers: An Atlantic Odyssey in the Age of Emancipation* (Cambridge, MA: Harvard University Press, 2012).

¹¹² Florida Parole Commission, Second Annual Report (1943), 4.

prison was on yellow paper. On the front, parole commissioners placed their signatures underneath a paragraph that attested to the Commission's confidence that "there is a reasonable probability that said prisoner will conduct him self as a respectable and law-abiding person, ... that said prisoner will be suitably employed in self-sustaining employment, or that he will not become a public charge." (A secretary was obliged to manually type in the appropriate gender pronoun of each parolee four times on each certificate.) Later, the warden of an institution, or, if a prisoner was confined at a road prison, the captain of the road prison, would sign a statement, below the commissioners' signatures, indicating that a prisoner was released on a certain date.

The soon-to-be former prisoners signed their names to the back of this form, beneath a list of fifteen conditions they must meet in order to avoid being returned to prison. In addition to "remain[ing] at liberty without violating the law," the newly paroled prisoners promised to "not use intoxicants of any kind to excess," "not visit any gambling places or 'juke joints,'" and "not to marry without the consent of the Commission." Before being released from prison, prospective parolees also had to agree to "live within [their] income and "agree not to own or operate or motor vehicle or to secure a license to operate a motor vehicle without ... the consent of the Florida Parole Commission." Neither could they change jobs or employers without their parole officer's prior approval.

The only thing written in bold on this form, aside from "Certificate of Parole" at the top, was the following paragraph, which lay immediately beneath the spaces for signatures:

The Commission realizes that, under the American system, compulsory church attendance may be regarded as an infringement upon the idea of separation of church and state and therefore does not include this as a specific condition of parole. However, the Commission wishes the parolee to know that in its opinion, no more important element enters into the proper rehabilitation of the individual than does religion. The Commission strongly recommends to the parolee that he or she, do, immediately upon release, communicate with a minister, priest, or rabbi of the parolee's own choosing and secure the assistance of such person in helping work out the parolee's problems. The

Commission suggests to the parolee regular church attendance and active membership by the parolee in a church of the parolee's choosing.

Two distinct conceptions of "religion" emerge from the Parole Commission's encouragement of religious participation as it released men and women from prison. The first pointed outwards to a collective, civic understanding of religious practice, and the second inwards, as an instrument that might bring about inner, individual change and rehabilitation. The Parole Commission's encouragement of "regular church attendance and active membership" evokes a conception of religion that was tightly tied to citizenship. The instruction to "immediately upon release, communicate with a minister, priest, or rabbi" reflects the emergent consensus that the United States was a "tri-faith nation," composed of protestants, Catholics, and Jews.¹¹³ The commissioners encouraged parolees to attend church because that's what good citizens did.

The Parole Commission's invocation of religion also drew upon older rehabilitative ideologies that held that religious conversion or devotion fulfilled key functions in individual change. Religious conversion, particularly to protestant Christianity, has long been associated with rehabilitative interventions in the United States. Jeremy Bentham's model for the panopticon penitentiary, for instance, contained a chapel, and Bentham imagined that religious instruction would be a central aspect of the daily regimen, writing, "a system of penitence without the means of regular devotion, would be a downright solecism."¹¹⁴ Administrators' emphasis on religious devotion and religious education returned at moments when prison systems

¹¹³ Wendy Wall, *Inventing the American Way: The Politics of Consensus from the New Deal to the Civil Rights Movement* (New York: Oxford University Press), 2008 and Ronit Stahl, *Enlisting Faith: How the Military Chaplaincy Transformed Religion and State in Modern America* (Cambridge, MA: Harvard University Press, 2017).

¹¹⁴ Jeremy Bentham, *Panopticon; Postscript Part II; Containing a Plan of Management*. (London: T. Payne, 1791), 53.

became oriented to rehabilitation. The instruction to seek out a religious leader's assistance in "helping work out the parolee's problems" and the Commission's emphasis on "proper rehabilitation of the individual" points to the ways that commissioners thought that religion could be leveraged to address what they believed to be pathological traits and "criminal tendencies." In this inward-looking model, the minister, priest, or served a role akin to that of a social worker. The religious leader (who was almost invariably a minister, as Catholics and Jews were few and far between in Florida at the time) would help a parolee "win a moral victory over any criminal tendencies."¹¹⁵

If the Certificate of Parole encouraged prisoners to attend church and seek out the advice of a minister as they contemplated the prospect of release, monthly reporting forms, which parolees and officers called "blanks," tracked parolees' religious participation in their communities. Once released on parole, parolees sent monthly reporting forms through the mail to their parole officers. These blanks were the medium of community supervision, and parolees were required to use those specific forms. Every few months, parole supervisors would send parolees a set of blanks with the instruction that they be "filled out completely and truthfully."¹¹⁶ Parolees occasionally wrote their officer requesting more blanks, knowing that, if they ran out of the specified forms they could be in violation of their parole, even if they submitted the same information on another piece of paper.

Parolees filled out blanks and reported on aspects of their lives the Parole Commission found worthy of tracking: how much money they had earned, spent, saved, and paid in fines or restitution; how much alcohol they had bought and "for what purpose"; how they were getting along with their neighbors; and whether their health was good. ("If not, what seems to be your

¹¹⁵ Florida Parole Commission, Third Annual Report (1943), 3.

¹¹⁶ See, for instance, files of William Blye or Alex Bowman, Series 731, Box 10, State Archives of Florida.

trouble?”) Parolees were also asked to report which church they attended, and the name of the minister. For the most part, people on parole answered that they did, in fact, attend church. Like most residents of Florida, a majority of parolees attended Baptist churches, though significant minorities attended churches of other protestant denominations, mostly Methodist, and African Methodist Episcopal churches. (In the hundreds of files I reviewed from the 1940s, no prisoner or parolee identified himself as Jewish and fewer than half a dozen as Catholic.) A sizable minority (between 10 and 15 percent) wrote “none.”¹¹⁷ One white man, Edward Buckley, wrote “none as yet” every month, seemingly keeping open the possibility of a conversion; his parole officer, who doggedly encouraged him to attend Alcoholics Anonymous meetings, said he was “a pleasure to supervise.”¹¹⁸

In face-to-face interactions, too, Florida’s parole officers inquired about parolees’ religion and evangelized, though they were more likely to investigate the religious participation of parolees who were white. When parole officers made house visits to white parolees, they occasionally asked parolees and their spouses if they were attending church and recorded the answers in their files. Sometimes a parolee and his wife provided different answers when they were asked the same questions. In November 1943, Dennett Blue’s parole officer, G. Bowden Hunt, visited his home, “a three room shack” on a dirt road outside of Mulberry, Florida. The house had “no modern conveniences,” and Blue and his wife carried water to the house from a spring a half mile away. When Hunt arrived, Blue, a white man who had served five and half years for first degree murder, was gone, apparently at his job at a furniture store. Unable to find Blue, Hunt interviewed his wife instead. She told him that her husband “attend[ed] church

¹¹⁷ Based on a review of Inactive Parole Files, Series 731, State Archives of Florida.

¹¹⁸ Parole officers had no legal authority to require participation in programs like Alcoholics Anonymous unless parolees’ were explicitly required to participate as a formal condition of their parole. Edward Buckley, Parole Report Forms (1943-1945), Series 731, Box 7, State Archives of Florida.

regularly and ha[d] not been drinking.” Four years later, a different parole officer, Cale R. Keller, interviewed Blue himself and reported that “Subject does not attend” church. A week after that, Keller interviewed Blue’s wife again, and was told that they were “attending church and getting along splendidly.”¹¹⁹ Mrs. Blue’s insistence that they were “getting along splendidly” and that her husband had not been drinking referenced what Hunt called the couple’s “matrimonial difficulties.” Though Hunt’s notes did not say so directly, they implied that Blue beat his wife. The different answers from Blue and his wife (who is only referred to in the records “Blue’s wife” or, sometimes, “Mrs. Blue”) suggests that parolees and their families answered questions about their religion and church attendance carefully and were sometimes attentive to the concerns of the person doing the asking.

Parole officers expressed little interest in the religious affiliations of black people on parole, and did not expend much effort investigating or documenting their “matrimonial difficulties.” Their notes about African Americans tended toward condescending and racist evaluations of mental capacity, humbleness, and willingness to work. The superintendent of a road camp, FJ Harrell, wrote to the Parole Commission in 1943 to support the release of a man named Andrew Brown: “I believe this is one of the most humbly obedient and hard working negro I have ever known and I have had contact with their race since the good old ‘mamy’ days.”¹²⁰ When the Parole Commission decided to release James Booth, a black man serving a three-year sentence for unarmed robbery, the only notes they made that explained their favorable decision read, “not too intelligent, in fact rather ignorant—but not a bad negro.”¹²¹ His parole officer’s later evaluations echoed the racist language of the commissioners: “[Booth d]oes

¹¹⁹ Dennet Blue, Series 731, Box 7, State Archives of Florida.

¹²⁰ FJ Harrell to Florida Parole Commission, February 2, 1943. Andrew Brown, Series 731, Box 8, State Archives of Florida.

¹²¹ James Booth, Series 731, Box 8, State Archives of Florida.

not have enough intelligence to willfully and maliciously plan any scheme of felonies, crime, and if he ever commits any other offense, in my opinion, it will be due to ignorance.”

Where officers addressed white parolees in such letters as “Mr. So and So,” they usually addressed black parolees solely by their first names; on occasion, officials would use a black parolee’s last name, but always omitted the honorific. The experience of parole supervision for black people entailed many of the indignities of daily life under Jim Crow.

Parole officers rarely visited the homes of African American parolees. When they wanted to see them in person, they instead sent a letter asking them to “immediately” visit the office. When parole officers questioned black parolees, they focused primarily on work, and rarely on religion or family. Parole officers wrote copious summaries of white parolees’ domestic relationships, but devoted almost no effort to those of black parolees. The racial disparities of parole supervision remain tangible in the papers they produced: As I dug through the archives, I realized that the thickness of an individual’s file was a decent proxy for his race.¹²²

The lack of interest in black parolees’ religious and domestic lives is an indication that religion was important to parole authorities primarily to the extent that it was a crucial component of racial citizenship. In the Jim Crow South, white men, including those getting out of prison, had the potential to be “productive citizens” where blacks were systematically excluded from the basic rights of citizenship. Religion was a central feature of parole supervision for whites

¹²² In addition to parole officers’ more extensive documentation of the lives of white parolees, other structural factors contributed to this disparity. The thickness of a file was the product of the rate of documentation and the length of time an individual was on parole, and black Floridians tended to have shorter terms of parole supervision than white parolees. This was in large part due to the fact that black people were disproportionately sentenced to prison for minor offenses, which entailed shorter prison sentences (and therefore shorter terms on probation). Many whites, on the other hand, were sentenced for more serious offenses like murder, manslaughter, and armed robbery, all of which could result in parole supervision until death. Another key factor is that whites corresponded more with officials, augmenting their files with their own writings. Whites corresponded more because they were more likely to be literate than African Americans. This was in largely due to Florida’s segregated public school system, which systematically denied African Americans access to education.

because “regular church attendance and active membership” were required components of citizenship in the 1940s and 1950s. Religion did not feature heavily in the experiences of African Americans on parole because they were a priori excluded from full citizenship based on the color of their skin.

What was it like to be urged to attend church by an authority that had the power to put you back in prison, and then have that authority to ask you whether you were, in fact, attending church? On the one hand, it seems that it was impossible for it not to have been coercive, particularly for people whose religion did not fit neatly into the protestant norms reified by parole commissioners. Surely some parolees attended church because the Commission expressed this interest in their religious participation.

On the other hand, the Parole Commission’s use of correspondence to collect detailed information about its charges did not seem to be primarily geared toward surveillance or discipline, and supervisors did not seem to take the information they collected about parolees’ religion into account as they made decisions about whom to send back to prison.¹²³ In fact, parole supervisors seem to hardly have cared what parolees wrote on their forms. Some parolees completed their forms in ways that acknowledged they had violated the conditions of their parole, and they rarely faced any consequences. In March 1946, James Booth, whom parole officials had called ignorant and whose relatives helped him fill out the parole blanks, provided information that might have shown him to be in violation of some of the conditions of his parole. Like he had every month prior, Booth reported that he spent his days “chopping wood” and

¹²³ Michel Foucault’s early ideas about surveillance, discipline, and subject formation have served as the model for most scholarly understandings of parole and probation, namely that, when subject to supervision and surveillance, people self-regulate and internalize the disciplining logics of those doing the supervising. Foucault, *Discipline and Punish*.

attended Newport Baptist Church. But in March 1946, when asked whether he had “bought or drunk any intoxicating beverages,” he answered, “Yes. Drank one pint whiskey.” Booth’s parole officer never acknowledged the indiscretion. Booth also admitted to frequenting juke joints, and these admissions also brought no repercussions.¹²⁴

White parolees, too, could admit to violating the conditions of their parole on their monthly reporting forms without great fear of being sent back to prison. Howard Evans was a white man who served two and half years for manslaughter before being paroled in 1946. On blanks in 1950, he reported that he had been arrested several times for drunk and reckless driving. Though his parole officer tracked the progress of the charges, Evans was continued on parole and not returned to prison. It’s worth noting that tolerance of excessive alcohol use was widespread. Evans’ cases took many months to resolve, apparently because the judge in Pensacola also consumed an inhibiting amount of alcohol. “No disposition in this case has been made,” Evans’ parole officer explained. “The judge is still drunk, case still pending.”¹²⁵

According to his parole officer, Evans talked incessantly about religion and planned to become a Baptist minister. Though his parole officer seems to have tolerated Evans and his semi-regular law violations, he was by no means endeared to him, writing, “He is a no good sorry white man if there ever was one. He is constantly trying to get around his religion and get by violating the law.” In light of his behavior, Evans’ statements about his desire to become a pastor were considered insincere.¹²⁶

Practically no parolees were returned to prison because of something they wrote on their supervision forms, even in cases like Evans’ where they admitted they had been arrested. Like

¹²⁴ James Booth, Series 731, Box 8, State Archives of Florida.

¹²⁵ Neil D. Blue to Roy Russell, September 25, 1950. Howard A. Evans, Series 731, Box 30, State Archives of Florida.

¹²⁶ Howard A. Evans, Series 731, Box 30, State Archives of Florida.

Evans, most arrests were for drunk driving or public intoxication. In the 1940s and 1950s, the Parole Commission rarely sent parolees back to prison unless they had committed new offenses, and, generally speaking, these offenses had to be serious and usually violent felonies to incur a return to prison. The information parolees provided to the Commission on the blanks—whether it was about drinking, church attendance or anything else—hardly seemed to have played a role in determining how parolees were treated by their parole officers.¹²⁷

Instead, the information parolees sent to the Commission each month seems to have been much less important to the Parole Commission than the paper itself. In May 1946 James Booth, the illiterate unarmed robber, failed to find someone to help him complete his blank. Unable to complete the form himself but aware of the importance of submitting the it each month, he sent in a completely blank form. (The blanks were self-addressed to the local parole office.) His parole officer followed the usual protocol: he stamped the form “Received” and dutifully placed it in Booth’s file.

The paper forms they exchanged with the Parole Commission, such as the Certificate of Parole, first held out the promise of relative freedom to Florida’s prisoners. Once on parole, however, the exchange constantly threatened a return to prison. Parole officers sent forms and letters containing instructions and rules. In reply, parolees mailed in their monthly parole forms. As parolees exchanged paper with their parole officers, and, as their parole officers talked them through the logistics and consequences of this exchange, parolees learned the importance these forms held for their parole officers. Many would learn to read and complete the paper forms carefully, or ask for help in doing so, knowing that their relative freedom depended on it. The

¹²⁷ In its annual reports from the 1940s, the Florida Parole Commission boasted that its revocation rate was much lower than the national average. Florida’s rates were lower than other states because parolees returned to prison only when they committed new offenses. Florida Parole Commission, 4th Annual Report (1945), 9-10.

fact that these forms encouraged and monitored parolees' religious activities and participation sent an unsubtle message that religious observance and participation might be crucial for their successful social integration, even as they suggested citizenship was possible only for some.

Violence and Religious Programs at the Florida School for Boys

The papers parolees and parole supervisors wrote upon were not only the medium through which the Parole Commission exercised power and accomplished its unique form of supervision. Those papers are also historians' primary access point to how parole as a system of monitoring and control worked; my ability to write about life on parole is enabled precisely through these state documents. Life in prison, on the other hand, was not a well-documented existence. The road prisons and the state prison farm in Raiford were hardly bureaucratic institutions, and neither relied heavily on paper for their functioning. The records these institutions produced about their inmates were extremely sparse. They recorded the race, age, crime and sentence of prisoners; they recorded prisoners' health (at least when they entered prison); and they contained a "religious report" composed by the chaplain. Shortly after undergoing a physical examination, prisoners would meet with a chaplain who, after asking questions, would characterize their religious interest as "good," "fair," "poor," or "superficial."

After this initial flurry of paperwork, which was used to compose a prisoner's "face sheet," imprisonment in Florida was an experience that went largely undocumented. In the 1950s, Florida prisons began carefully documenting the types of work prisoners performed, but Florida prisons did not become bureaucratic, document-oriented institutions until the 1970s, when the threat of lawsuits motivated administrators to produce documents that, they hoped, would reduce their legal liability. (Selective documentation has proved to be a successful tactic to avoid legal culpability.) In the 1940s, Florida prisons did not produce much documentation about religious

programs or education initiatives, and rarely produced even the most basic documents associated with prison management, such as disciplinary reports or instances of accidents or medical emergencies.

The exception was the Florida School for Boys in Marianna, re-named the Dozier School for Boys in 1960, which published an institutional newspaper. The Florida School for Boys is known principally for the violence that characterized it from its founding in 1903 to its long-overdue shuttering in 2011.¹²⁸ Boys who were incarcerated there in the 1950s and 1960s endured vicious beatings in “The White House,” their name for a cinderblock building on the edge of the compound. These beatings were most notoriously meted out by a one-armed man named Troy Tidwell.¹²⁹ Staff would drag boys to one of the small white buildings, where Tidwell or other staff would shackle them and beat them with a thick strap, often until they were bloody. The boys called a small, underground room on the compound there the “rape room.”¹³⁰

Between 1914 and 1973, nearly one hundred boys died in state custody.¹³¹ Thirty-one crosses fashioned from metal pipes mark the graves of children buried on the grounds, and the bodies of dozens more were returned to their families. But some children simply disappeared at Dozier. For years, they were rumored to have been killed by staff and buried clandestinely. In 2011, forensic archeologists from the University of South Florida used ground penetrating radar

¹²⁸ From 2009-2010, I worked in support of litigation and a political campaign to close the facility.

¹²⁹ A 2009 special report from the *St. Petersburg Times*, based on interviews with former inmates at the School for Boys, is the basis of much of this account. Ben Montgomery and Waveney Ann Moore, “For Their Own Good: A St. Petersburg Times Special Report on Child Abuse at The Florida School for Boys,” *St. Petersburg Times* (April 17, 2009). <http://www.tampabay.com/features/humaninterest/for-their-own-good-a-st-petersburg-times-special-report-on-child-abuse-at/992939>.

¹³⁰ In the late 2000s, a group of men who had been incarcerated as boys at Dozier formed The White House Boys, a combination support and advocacy group that campaigned for the closure of Dozier. The organization takes its name from white building where they were beaten and raped.

¹³¹ Erin H. Kimmerle, Christian Wells, and Antoinette Jackson, *Update on Research into the Deaths and Burials at Former Florida Industrial School for Boys (a.k.a. Arthur G. Dozier) in Marianna, Florida, Report to Florida Cabinet* (January 21, 2015). <http://news.usf.edu/article/articlefiles/6693-Cabinet%20Update%20Dozier%20Jan%202015.pdf>.

to search for children buried in unmarked graves. They found fifty-five grave sites containing the remains of 51 boys who died at Dozier. Blunt trauma and gunshot wounds were the most common causes of death. Several children were shot in the back with a shotgun, apparently while attempting to escape. Most deaths appear to have resulted from especially severe beatings, which were regularly meted out in the White House, though usually with non-fatal force. (The University of South Florida anthropologists were unable to identify or determine the cause of death for many of the boys killed after 1960 because they were not permitted to access children's institutional and medical records, which, today, are maintained by the Florida Department of Corrections. My account of the dead boys is drawn exclusively from public sources.)

White and black boys alike were beaten in the White House, but the isolation cells they were taken to after beatings were segregated like the rest of the school. Until 1966, black and white students occupied two different campuses, worked different jobs within the facility, and competed in segregated baseball, football, and boxing competitions. Even the administration of the school was divided between the White Division and the Colored Division. After beatings at the White House, white students were taken to "dark cells," which were, as their name implies, small, dark spaces where they were locked in isolation from other children. Black students, on the other hand, were taken to a sweat box. In 1944, Earl Wilson, a twelve-year-old African American boy sent to the school for larceny, died in a sweat box after being beaten in the White House.

The boys who died and are buried at the Florida School for Boys in Mariana were similar to those who passed through the school and survived. Two-thirds were African-American, and nearly all their remains show telltale signs of poverty. Their bodies were small and their growth was often slow or delayed. Abnormal bone growth around their ears indicated that many suffered from untreated acute ear infections. Their teeth, riddled with cavities, point to a complete lack of dental care. Nearly all their bodies show signs of malnutrition. Like many of the children who

were incarcerated at Dozier, the boys whose bodies have been identified were largely confined for relatively minor offenses, such as larceny and vagrancy.

Until 1942, the Florida School for Boys, like the rest of Florida's prison system, operated with hardly a pretext of individual reform or rehabilitation. As in Florida's adult prisons, punishment and extractive labor were the primary axes of incarceration. Boys worked long days on the prison's 1400 acres, primarily performing agricultural labor, working in the laundry, painting, or performing general maintenance. Both black and white children worked and attended school on alternate days. Despite administrators' emphasis on education in public descriptions of the institutional regimen, manual labor was the primary means and ends of the "training" that boys received at the reform school. The headline of a 1941 article in the school newspaper (where only white boys were permitted to work), "White Collars Won't Be Needed By All," defended the school's institutional embrace of manual labor and argued that "more success and contentment" is found in manual labor than in "headwork."¹³²

For children confined at the Florida School for Boys, regimes of violence and manual labor did not always end when they were released. At least through the late 1930s, children whose families were unable or unwilling to send money to pay for a boy's bus ticket home were paroled out to local farmers until they had earned enough money to pay their own way home. In effect, boys whose families could not pay were coerced into a sharecropping labor system. With most of their income consumed by fees for room and board, running away—and consequently violating their parole—was often the only viable route of escape.

As in the case with the Florida Parole Commission, the US entry into World War II coincided with and facilitated a turn toward rehabilitation and the expansion of religious

¹³² "White Collars Won't Be Needed By All," *The Yellow Jacket* (September 27, 1941).

programs at the Florida School for Boys in Mariana. Shortly before the US entered the war, administrators hired Hugh S. Geiger as the school's first resident psychologist. Geiger was the first in Florida's juvenile system to advocate for a psychological model of behavioral change. He inaugurated a regular column in the school's newsletter, *The Yellow Jacket*, titled "Know Yourself." Geiger's columns in "Know Yourself" resemble the pop-psychological models of individual change that continue to predominate in Florida prisons. His rehabilitative philosophy posited that understanding one's faults and (usually delinquent) tendencies was the first step toward making better decisions. "Why not think first then act," Geiger wrote in early 1942, "instead of doing whatever comes into your mind and worrying about the consequences later?"¹³³

If Geiger's hiring as the resident psychologist points to administrators' tentative embrace of a psychological and rehabilitative model, his practice reveals that reform was only thinkable for some of the students incarcerated at the Florida School for Boys. In particular, Geiger and his successors (Geiger left the school in early 1942 to join the Army Air Corps) undertook psychological examinations only of the white children incarcerated in Mariana. Within a few days of arriving at the school, white children were examined by the resident psychologist. The results of the screening determined the grade level the child would enter at the school and the type of "vocational training" he would undergo. Few records exist to indicate the details of the psychological examination the resident psychologists performed. These were probably cursory interviews, and it seems that they had little impact on a child's institutional treatment. But a

¹³³ Hugh S. Geiger, Jr., "Know Yourself!" *The Yellow Jacket* (March 28, 1942), 3.

psychological examination was one of the rituals of entry for white children arriving at the Florida School for Boys.¹³⁴

Black children arriving at the school were not regularly screened by psychologists, but were tested and placed into appropriate grade levels by the teachers of the school's Colored Division.¹³⁵ This disparity meant that black children were excluded from whatever benefits psychological treatment entailed, but were also insulated from its coercive tendencies.¹³⁶ Like white children, they attended school and worked on alternate days. However, where white children frequently worked institutional jobs that had corollaries to skilled labor—such as painting, carpentry, and printing the school's newsletter—black children primarily performed hard, manual labor. Until the mid 1960s, it was exclusively black children who planted and tended the gardens, harvested hay, milked cows, and did the difficult and dangerous work of cutting sugar cane and boiling it to make cane syrup.¹³⁷ These activities were the most profitable for the school. In 1955, Superintendent Arthur G. Dozier lauded the \$14,861.70 in revenue that school had hauled in over the course of January alone.¹³⁸ The school's production of nearly

¹³⁴ All boys, black and white, were examined by the resident physician, Dr. C. D. Whitaker, for “physical defects” within a few days of their arrival. The school promised that “steps will be taken to remedy any physical defects found” during these examinations. In a grisly twist, Dr. Whitaker also examined the bodies of boys who had been killed at the school. “School Has Enrolled Five New Students,” *The Yellow Jacket* (July 4, 1942), 6; Florida Department of Law Enforcement, Office of Executive Investigations, “Arthur G. Dozier School for Boys Marianna, Florida: Investigative Summary,” Case Number EI-73-8455 (May 14, 2009), 10, 15, available at http://www.officialwhitehouseboys.org/uploads/FLE_Report_Dozier-summary.pdf.

¹³⁵ “Andrew N. Dow to Take Over Job of Resident Psychologist Here,” *The Yellow Jacket* (March 28, 1942), 1.

¹³⁶ For a discussion of the ways that “rehabilitative” approaches sometimes produced more coercive effects than punitive ones, see Miroslava Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California's Juvenile Justice System* (Berkeley: University of California Press, 2012).

¹³⁷ “Milk for 800 Well Fed Boys Is FSB Dairy's Job,” *The Yellow Jacket* (June 23, 1962), 5; “Farm Crew Busy Harvesting Crops,” *The Yellow Jacket* (October 10, 1942), 3;

¹³⁸ “Farm Receipts for January Total \$14,861.70; Is Highest Production Point to Date,” *The Yellow Jacket* (February 12, 1955).

5,000 gallons of concentrated cane syrup accounted for more than one third of its January revenue. In addition, the school sold 3,990 gallons of milk, 9,700 pounds of Hereford steer, 2,877 dozen large eggs, and 2,555 pounds of turnips in a single month. The school also produced and sold duck, chicken, and a wide variety of vegetables. Even when schoolwork halted for a vacation or a holiday, “job training went on as usual” and the school’s black inmates continued to labor at the most arduous, dangerous, and profitable tasks.¹³⁹

As violence and labor continued to be definitive features of life for children incarcerated at the Florida School for Boys, religious programs suddenly became central to their daily lives in early 1942. As the US state sought to contrast itself to the “totalitarian” regimes of Germany and the Soviet Union, it emphasized religious pluralism and democracy. Displays of religious devotion became commonplace across many spheres of life, but in Florida’s juvenile prison the expansion was especially dramatic. In a very short period of time, religious programs and activities expanded from a single, Sunday sermon that did not occupy the time or attention of the school’s administrators to a plethora of activities that administrators coordinated with local ministers.

In the immediate aftermath of the attack on Pearl Harbor, administrators at the Florida School for Boys assembled a Religious Advisory Committee and tasked it with expanding and developing the prison’s religious programs. Composed of school administrators and local ministers, the Religious Advisory Committee implemented in February 1942 a regular Thursday night religious sermon, attendance at which was required for the boys at the school.¹⁴⁰ Local ministers, primarily Baptists, Methodists, and Presbyterians, gave weekly sermons that echoed wider discourses about the importance of Christianity in American citizenship. As was the case

¹³⁹ “Memorial Day Outing,” *The Yellow Jacket* (June 6, 1962), 4.

¹⁴⁰ “Rev. Chalker to Deliver First Sermon Next Thursday,” *The Yellow Jacket* (March 28, 1942), 1.

nearly everywhere in the US, many of these sermons sought to depict the US as a religious nation in opposition to the totalitarian regimes of Germany and the Soviet Union. The visiting ministers preached that “the Bible is the opposite of totalitarianism” and, in March, 1942, inaugurated a series of sermons they called “Democracy in Religion.”¹⁴¹ An early sermon in this series explained “the differences between the various protestant denominations.” According to the school’s newspaper, the sermon “served to acquaint the boys with other religious denominations than their own in order that they might become really tolerant Americans that would not be taken in by foreign propaganda preaching of racial and religious hatred in order to split the nation.”¹⁴² Administrators organized the school’s first church orchestra, which complemented the military-style segregated marching bands.¹⁴³

Though the Religious Advisory Committee initially focused on collective religious activities—perhaps in an attempt to foster unity, its members soon turned to individualized religious education. Administrators inaugurated Bible study classes, which emphasized rote memorization of scriptures.¹⁴⁴ Though they emphasized that students’ participation in these courses was “on a purely voluntary basis,” the administrators noted that “it is very gratifying to instructors and friends of the school that so much interest is displayed in this phase of the training.”¹⁴⁵ By April, 1942 the Committee started the school’s first Sunday School, which it called “another important part of the new religious training program of the school.”¹⁴⁶

Like the psychological models of reform, the school’s religious training was racially disparate. The Bible study courses, though voluntary, were initially only offered to white inmates.

¹⁴¹ “Chapel Program,” *The Yellow Jacket* (March 28, 1942), 3.

¹⁴² “Chapel Program,” *The Yellow Jacket* (March 28, 1942), 3.

¹⁴³ “Church Orchestra Will Be Organized,” *The Yellow Jacket* (March 28, 1942), 1.

¹⁴⁴ “Bible Certificates for Colored Boys,” *The Yellow Jacket* (October 10, 1942), 2.

¹⁴⁵ “Eight Certificates in Bible Study Course,” *The Yellow Jacket* (April 11, 1942), 1.

¹⁴⁶ “Sunday School Is off to Good Start,” *The Yellow Jacket* (April 11, 1942), 1.

When black children at the Mariana facility were first allowed to participate in Bible study courses more than six months after they had been available to whites, the official newspaper announced their participation as if it were unexpected to some administrators. “Proof that there is a great deal of interest in the Bible Study Course among colored boys was manifested this week in the announcement that five final diplomas in the work had been issued to students.”¹⁴⁷ No records exist to indicate why administrators decided to make voluntary Bible study courses available to black students at the Florida School for Boys, nor do any records indicate the degree to which incentives to participate in these programs were racially disparate.

Religious activities and religious education were an important part of the school’s newfound training regime because administrators believed religion offered pathways to social acceptance and citizenship. Administrators’ decisions to concentrate their efforts on white children—extending religious education to blacks only as an afterthought¹⁴⁸—indicate the prevailing racial dimensions of citizenship in the 1940s. White children were targets of rehabilitative interventions—be they religious or psychological—because white children, though they may have been, were seen as having the potential for citizenship as it was imagined. By shaping the attitudes and behaviors of these children, administrators envisioned the Florida School for Boys at Mariana as transforming delinquent boys into “productive citizens.”

If white boys could become social assets with some education, work ethic, and religious training, the racial ideology of the time offered black children no pathway to become citizens or social assets. Because administrators could imagine no “productive citizen” which a black child could become, black children at Mariana were largely left outside the rehabilitative regime. In

¹⁴⁷ “Bible Certificates for Colored Boys,” *The Yellow Jacket* (October 10, 1942), 2.

¹⁴⁸ Or, perhaps, after a political contest that has been lost to the archives.

terms of their participation in religious activities, this means that they were incorporated into religious programs belatedly or not at all.¹⁴⁹

Conclusion

War transformed the political economy of the United States and the need for soldiers and workers reconfigured America's prisons in turn. Prison administrators and the public writ large newly saw prisoners as potential assets to the nation, not solely threats to the social body. As they sought to bolster the war effort, prison and parole officials prioritized social integration and social productivity over punishment (for some prisoners). To this end, they expanded and inaugurated religious programs in prison and encouraged religious observance among probationers and parolees. In their eyes, religion served the dual functions as a route for individual salvation and as a means of inclusion in a "tri-faith" nation. Andrew Dow, the wartime resident psychologist at the Florida School for Boys, clearly articulated the new opportunities for citizenship in a 1942 column in *The Yellow Jacket*:

In the past, it was always rather difficult for any person that had been in an institution for an appreciable period to return to normal life. Today with the vast change[s] that have occurred, it would seem that the difficulty would have increased infinitely. However, the added opportunities for employment have, in some ways, made it considerably easier for some to return to the old routine... So when the time comes to return home, it would easily be worth any boy's while to sit down and look himself in the eye and say to himself, well, it's not the same old place anymore, anything which I do that will injure any individual, may do more than that. It may even cost our country the victory in the contemporary warfare, and very possibly it will cost lives and money, which do not need to be wasted, if I will only do my part. I am proud of my country, so I must do my part to make my country proud of me.¹⁵⁰

¹⁴⁹ No records speak to the institutional advantages that children incarcerated at the Florida School for Boys incurred through their participation in religious programs. Records from the 1960s concerning adult prisons indicate that white inmates often received institutional incentives and rewards for participation in religious activities. It is likely that, whatever institutional rewards white children reaped from their participation in religious activities black children were excluded from.

¹⁵⁰ Andrew N. Dow, "You and Yourself: Boys Will Find Many Things Have Been Changed," *The Yellow Jacket* (July 18, 1942), 3.

But the country would incorporate the achievements and efforts of Americans into the national narrative, and this fact was reflected in rehabilitative regimes, the realities of state supervision, and religious programs in prisons. The new rehabilitative consensus based on labor productivity and religious observance did not extend to African Americans. If this entailed a less restrictive experience of parole supervision and less exposure to a coercive psychological regime, it also relegated African American prisoners to the most dangerous and exploitative work assignments, left them especially vulnerable to the criminal justice system's punitive and exclusionary dimensions, and later inhibited their ability to engage in religious practices that did not fit into the narrow confines of Protestant Christianity. The needs of war solidified a rehabilitative regime invested in producing laboring, white, Protestant citizens. As the next chapter demonstrates, this provided opportunities for some prisoners to secure release by presenting themselves as "productive citizens." The mid-century rehabilitative regime provided no space for those who could not labor, were not white, or whose religious practices preached uplift instead of inclusion and solidarity instead of individual salvation. As the criminal justice system sought to coercively convert white prisoners into citizens, for African Americans it offered at best neglect, but more frequently the harsher mechanisms of exploitation and exclusion.

Chapter Two

Writing (for) Citizenship

If correspondence served as the Florida Parole Commission's mechanism for supervision, letter writing was also a primary way that citizens came to understand and articulate their relationships to the American state. Prisoners and their family members wrote tens if not hundreds of thousands of letters asking for various forms of relief, usually for release from prison on parole. These letters comprise a sizeable portion of the internal archives of the Florida Parole Commission and the Department of Corrections. Mostly handwritten letters accumulate in heavy deposits in state archives around the country. In Florida, letters written by prisoners and their family members comprised significant portions of the correspondence files of governors, commissioners of agriculture, attorneys general, and state senators and representatives.

This chapter surveys letters for relief to explore the ways that prisoners and their family members made claims to citizenship and how these claims changed over time, from 1941 to 1980. I argue that these letters provide a powerful lens to situate the circumstances of Florida prisons in relation to broader social and economic forces. The Parole Commission told prisoners that it sought to release a person who “wants to become a good law abiding citizen and has the ability to do just that.”¹ As prisoners and their family members sat down to write asking for their release from prison or that of their loved ones, they sought to articulate a plausible version of what “good” or “productive” citizenship looked like. Most people who wrote to the Parole

¹ “Questions about Parole,” *Glades State Banner: Voice of the Inmates* (April 1, 1960), Folder 6, Box 92, Series 776, Correspondence, 1955-1961, RG 102, State Archives of Florida, Tallahassee, Florida.

Commission or to the Governor's office asking that they or a family member be released on parole didn't try to articulate "citizenship" in the academic sense. But as many prisoners and their family members imagined what life "in society" might look like, they sketched rough outlines of what citizenship looked like at particular moment in time—sketches shot through with contemporary articulations of race, class, religion, and gender. The content and form of their letters were strategic in the sense that their purpose was to accomplish a discrete goal; at the same time, these letters can also be read as reflections of the demands and requirements of citizenship at a given time.²

This chapter shares a kinship with Natalie Zemon Davis' 1987 book *Fiction in the Archives*, in which Davis used sixteenth century letters of remission (letters asking for pardon, usually involving capital cases) to examine how people at the time understood the conventions of narrative and storytelling. Davis attended to the interests of the state and the way it worked to structure pardon tales. For instance, she demonstrated that letters of remission served to justify the sovereignty of the king. However, these insights were peripheral to her central project, which was more engaged with the structures of narrative than with the relationship between individuals and the state. Though sixteenth century pardon tales and twentieth century letters for parole both conveyed desperate requests for relief from a sovereign or a state, the letters themselves took very different shapes. Letters of remission, Davis notes, were one of the few written outlets where

² See Alice Kessler-Harris, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America* (New York: Oxford University Press, 2003); Meg Jacobs, *Pocketbook Politics: Economic Citizenship in Twentieth-Century America* (Princeton: Princeton University Press, 2007); Lizabeth Cohen, *A Consumers' Republic: The Politics of Mass Consumption in Postwar America* (New York: Penguin, 2003); Wendy Wall, *Inventing the American Way: The Politics of Consensus from the New Deal to the Civil Rights Movement* (New York: Oxford University Press, 2008); Deborah Cowen "The Soldier-Citizen," in *Recasting the Social in Citizenship*, Isin, Engin, ed. (Toronto: University of Toronto Press, 2008), 189-209; Robert Self, *All in the Family: The Realignment of American Democracy since the 1960s* (New York: Hill and Wang, 2012); Kevin Schultz, *Tri-Faith America: How Catholics and Jews Held Postwar America to Its Protestant Promise* (New York: Oxford University Press, 2011).

French people from a wide array of social classes told stories. Remissions overwhelmingly had a beginning, middle, and end, making them ideal for Davis' investigation of popular conceptions of narrative. She contrasts the narrative arc of letters of remission to other situations where people might have had opportunities to craft a narrative but struggled to do so because of constant interruption. In court, for instance, individual testimony was profoundly shaped by the impatient interrogations of a judge; rapid fire questions derailed any possibility that a witness could tell a story in a complete narrative form.

A striking feature of letters for parole that makes them distinct from letters of remission and other types of appeals is that, by and large, they lack storytelling and narrative qualities.³ Very few have a beginning, middle, and end. In further contrast to letters of remission, letters for parole were rarely self-contained: they regularly referenced other documents and, as a researcher, I often had to look deeper into a file to get a sense of the particular context of a given case. These qualities give letters for parole an interrupted quality, similar in some regards to the court testimonies that Davis laments for the interference of a questioning judge. I suggest that letters for parole might be best thought of as one half of a broader conversation about the meaning of citizenship in the United States, one in which the state is constantly interrupting.

The second aim of this chapter is to convey a sense, however partial, of the changing struggles and claims of incarcerated people and their family members seeking relief from imprisonment. Throughout this chapter, I try to preserve the original flavor of letters as much as is possible despite a transposition of media. I leave several letters fully or nearly fully intact and, where letters were written in all caps, I replicate the style. All letters by prisoners and their family members were handwritten unless otherwise indicated; officials universally conveyed their

³ Interestingly, letters for clemency written by or on behalf of people sentenced death in Florida often did have a narrative quality. I plan to address this in future writings.

responses on typed pages. In the reproduction of the letters, I have made only minor changes where I felt it would facilitate comprehension. All of these changes are marked by my use of brackets.

Exchanging greys, whites, and stripes for the uniform of Uncle Sam

Prisoners realized as quickly as anyone that the U.S. entry into WWII presented new claims to citizenship. “D.H.,” a prisoner-journalist for the *Raiford Record*, a newsmagazine published intermittently at Florida State Prison, wrote in the June 1942 issue that

the stream from the prison gates to the armed forces will grow greater, moving ever swifter with the unhalting force of a patriotism that bars, stone, nor scorn can withstand.... Prisoners are exchanging their ‘greys,’ ‘whites,’ or ‘stripes,’ as the case may be, for the uniforms of their nation’s fighting forces, and, if history repeats itself, the olive drab they now wear will be none the less proud or honorable when they lay them aside. Once again, social outcasts are helping Uncle Sam defeat his challengers.⁴

As prisoners sought to trade their prison uniforms for those of the U.S. Army and Navy, they reckoned with the meanings of social belonging and social exclusion. The bars and stone of prisons, according to D.H., contained patriotic fervor, not dangerous elements. Unchaining the well of American patriotism and the American manpower held in prisons would help win the war.

The prisoner-writers and prisoner-editors of the *Raiford Record* realized that stigma and scorn remained obstacles; they remained keenly aware that, in some respects, they were “social outcasts.” In the same issue of the *Record* that D.H. wrote about prisoners’ patriotism, the editors published an open letter of sorts. Addressed to “Mr. and Mrs. America,” who lived “Everywhere,” and signed by “Prisoners of America,” the letter put forth a blueprint whereby

⁴ D.H., “Why Shouldn’t They?” *Raiford Record* Vol. 4 Issue 4. (June 1942), 18-20.

prisoners emphasized their partial inclusion in a common American condition. They depicted themselves not as outcasts, but as "wholeheartedly ... in mutual cause" with the rest of society.

The letter is worth replicating here in full:

American Prisons
Country-wide
June 1942

Mr. and Mrs. America
Everywhere

Ladies and gentlemen:

We don't want clemency; we want to work! -- We can talk about clemency later. That's one of the reasons we want to work now, so we CAN continue our pleas for clemency - when this mess is cleaned up - to a people with whom we can reason. If an entire Diplomatic Corps failed to reach an understanding with Nazi-Nipponese envoys through reasoning, we know we could not get to first base. -- Neither could you, if something unforeseen happened.

You can use an appreciable portion of 400,000 manpower; you admit as much every day when you call for operators of various types of machines. You've a highway to build. You've a canal to put through. But evidently from your want-ads via radio and newspaper you don't have sufficient manpower immediately available.

We are making application to build your highway and dig your canal.

As reference we give you the miles and miles of highway you use every day. We built our share of them. We also refer you to the miles of drainage systems, embracing the use of every conceivable type of dirt movers from shovels to draglines, and ditches from shallow trenches to river beds.

Furthermore, we'll bring along a technical staff to draft the work; mechanics to keep the engines turning; machinists to make parts as fast as we can break them; welders and blacksmiths to put them together again; we'll even bring along our own cooks to keep us ticking on all cylinders. In short, you produce the project engineer, the plans, and the machinery, and we'll bring what it takes to make them hum.

What do we want? - - Subsistence while we're doing the job, and consideration on the MERITS of our PRISON records AFTER the scrap is over.

May we hear from you in the matter?

Wholeheartedly yours in a mutual cause, we remain,

Respectfully yours,
Prisoners of America

Like D.H.'s essay, this letter emphasized the potential contributions America's prisoners could make to the war effort—"we are making application to build your highway and dig your canal." Part of this task required reframing some of the elements of their punishments, namely, forced labor, in terms of its social contributions. The writers cite the roads prisoners built under armed guard as a job reference. With no irony, they do the same with the trenches that, in less formal settings, they would have called "shit ditches."⁵ They wrote that, in exchange for their work for the war effort, they wanted these efforts recognized: "consideration on the MERITS of our PRISON records AFTER the scrap is over." In the meantime, the open letter—to whom no one was actually beholden—asked for only subsistence. It portrayed labor for the war effort as something that could not only be done by prisoners, but by something that prisoners could do while still incarcerated. An army of road builders and ditch diggers who even brought their own cooks would be a mobile prison camp. Although this letter fell far short of a claim to citizenship (and few if any prisoners wrote letters offering to work in exchange for subsistence while remaining in prison), it showed that prison labor might be the basis of a claim to broader social inclusion.

Prisoners wrote by the hundreds to the Florida Parole Commission asking that they be released quickly from prison in order to serve in the army or navy. And like "Prisoners of America" promised in the open letter, once released many worked to further the war effort in exchange for little more than subsistence. Of course, their low wages had more to do with their vulnerability as parolees or as black Americans than a willingness to work for free. Few if any prisoners offered to work for only subsistence, but many replicated the model of the *Raiford*

⁵ Vivien Miller, *Hard Labor and Hard Time: Florida's "Sunshine" Prison and Chain Gangs* (Gainesville: University of Florida Press, 2012).

Record's open letter in its broader senses. George Prickard, for instance, wrote about his desire to serve in the Army. Prickard, a twenty-two-year-old white man from North Carolina, was serving a two-year sentence in Florida on a specious forgery charge. Apparently with his mother's knowledge and permission, he had signed her name to a \$25 check. When it bounced, the sheriff in Palm Beach arrested Prickard and the local prosecutor charged him with fraud. Prickard pleaded guilty. After spending almost a year at Florida State Prison, Prickard wrote a letter addressed to Joseph Y. Cheney, then the Chair of the Parole Commission:

I have hesitated in writing this letter to you and [your] fellow members of the Parole Commission; but I am certain you will understand my eagerness regarding an Army parole, which is my greatest desire. I have worked hard and obeyed the rules and regulations of the Florida State Prison during my stay here, hoping that I could get reinstated in the Armed Forces and once more wear the uniform of Uncle Sam. As I have told Mr. Cox, I would give anything in this world to get back in the Army.... I just want to prove that I am "a gentleman" as well as an "American." ... I promise you that I will be as good as any soldier wearing the uniform of Uncle Sam.⁶

In these few sentences, Prickard articulated a common cause with the government of the United States, assuaged parole commissioners' bureaucratic concerns by attesting to his good behavior while in prison, and made a performance of class as if he were upper middle class or wealthy. He wanted to prove that he was "'a gentleman' as well as an 'American'" and he depicted his incarceration at Florida State prison as if it were a "stay" at hotel or resort.

Prickard's repeated rhetorical use of the phrase "the uniform of Uncle Sam," which echoed D.H.'s notion of exchanging prison uniforms for "the uniforms of their nation's fighting forces," deftly addressed questions of both stigma and honor. Few things signified prisoners' stigma and social separation as much as much the uniforms they wore. Similarly, during WWII, a military uniform was synonymous with national service, honor, and respect. By expressing his

⁶ George A. Prickard to Joseph Y. Cheney, April 3, 1944, George A. Prickard, Box 75, Series 731, Inactive Case Files, 1941-1960, RG 640, State Archives of Florida, Tallahassee, Florida.

desire to don “the uniform of Uncle Sam,” Pickard suggested that he could trade his stigmatized social status simply by shedding its material trappings and adopting those of a non-stigmatized status. The physical comparability between the cotton of prison greys and threads of olive uniforms distilled the social difference between prisoner and soldier into merely a material one. The rhetorical device also likely derived some of its efficacy from its implicit acknowledgement that prisoners released into the armed forces would not depart institutional life. Instead, they would trade one institution for another. And the U.S. military, with its own system of regimentation, punishments, and means of adjudication possessed nearly as many mechanisms for supervision and control as did Florida State Prison.

William Freeman, an eighteen-year-old African American man, also sought to be released into the armed forces. In 1944, he wrote “I am asking that you give me a parole from the State and let me go to the Army. I want to help fight for this country and to help keep it free so if you can get my case under consideration and agree to let me go to the army please write me and let me know.”⁷ Freeman had good reason to feel cynical about basing his pleas for freedom on his ability to “fight for this country and to help keep it free.” Freeman had attended school until the seventh grade, likely in Tampa, before a judge there sentenced him to eighteen months at Hillsboro County Prison Camp for breaking into a garage and stealing \$35 worth of garden tools. His eighteen-month sentence for a first (and minor) offense was unusually harsh; a white man would have seen his charges dropped. Only seventeen or eighteen when he arrived at the forced labor camp, he was undoubtedly frightened. Faced with hard labor, poor food, and abusive guards, Freeman decided to run away. After officials caught him, they likely beat him (as was customary for escapees) and shackled him with heavy chains. When Cheney, the Chair of

⁷ William Freeman to Florida Parole Commission, Received August 4, 1944, “William Freeman” Box 33, Inactive Case Files.

the Commission, arrived at Hillsboro Prison Camp in February 1944 to interview Freeman and the other prisoners and decide whether to grant them parole, Freeman was “wearing chains.” Cheney apparently lectured Freeman, probably about the importance of complying with rules and building a good record while in prison, and told him that he would interview him and consider his case later. Two months after the visit, Freeman wrote his first letter to the Parole Commission asking to be released. He wrote,

Dear Sir, I am writing you to let you no that I have maid up my mind to do rite, of course I know that I did wrong but I will do rite if you kindly give me a parole. Altho this is my first time ever ben in prison and I have learned my lesson and from now on I am going to do rite and if you please give me a parole I will apreached it very much and will not get into any more trouble for as long as I live. I want to go home and take care of my Mother and my Grand Mother and also t[w]o smaller Brothers so if you please give me a parole I will Cooperate with you in every way that I can.⁸

The letter echoed the condescending language that parole commissioners used in addressing prisoners, especially African Americans, even as it conveyed Freeman’s desperation to be reunited with his family. His promises to “do right” and “not get into any more trouble” probably mirrored precisely what Cheney had told him while he was humiliatingly shackled. The letter does not present a narrative of Freeman’s life, but was instead part of an ongoing conversation of sorts between Freeman and Cheney. In reply to Freeman’s letter, Cheney sent a patronizing letter that addressed Freeman by his first name. “I am very glad indeed to hear you have made up your mind to do what is right.... Show us by your actions that you mean what you say.”⁹ The Parole Commission reviewed his case again four months later, but denied him parole. Freeman was finally released from prison after serving all eighteen months of his sentence.

⁸ William Freeman to Florida Parole Commission, April 24, 1944, William Freeman, Box 33, Inactive Case Files.

⁹ Joseph Cheney to William Freeman, April 27, 1944, William Freeman, Box 33, Inactive Case Files.

Prisoners, of course, did not conceive of claims to citizenship out of thin air but articulated them in response to the actions state officials as well as broader discursive and material circulations. “Prisoners of America” knew that their labor would be wanted, in part, because of want-ads on the radio and in newspapers. In inmate newspapers and newsletters, prisoners replicated many tropes that the mainstream press employed. For the back cover of the July 1942 *Raiford Record*, an artist sketched a silhouette of a farm and wrote above it, “BUY WAR BONDS AND STAMPS TO PROTECT OUR FIRESIDES.” Like many cartoonists in the mainstream U.S. press, artists at Florida State Prison drew racist and dehumanizing sketches of Japanese people. Unsigned sketches depicted Japanese people as rabbits or showed Uncle Sam forcing a bomb down the throat of a figure whose ethnicity was indicated by the label, “TOKIO.” These sketches casually filled the space between columns or occupied corners of the *Record’s* back covers. At the same time that prisoners invoked broader themes like patriotism and the value of their labor to the war effort to position themselves as part of the American nation, many trafficked in racist discourses intended to deny citizenship and humanness to others. Whether inclusive of prisoners and former prisoners or exclusive of Japanese Americans, these sketches demonstrate that many prisoners understood and deftly manipulated the parameters of citizenship.¹⁰

The racist, anti-Japanese material that prisoners created and published (with the approval of prison administrators) in magazines like the *Raiford Record* illustrates the contiguousness of discourse in prison with that of the rest of the public sphere. Racist rhetoric was also an available circulation that prisoners could leverage to discursively cast themselves as part of American

¹⁰ I am influenced here by Lorna Rhodes, who, in a 2005 article, discusses prisoners work to position themselves as liberal subjects. See Lorna Rhodes, “Changing the Subject: Conversation in Supermax,” *Cultural Anthropology* 20, no. 3 (August 2005): 388-411.



Figure 2.1 Unsigned sketches in the Raiford Record: All appeared in 1942 in 1942. Clockwise from top, Raiford Record, Vol. 4 No. 6 (July 1942); Raiford Record, Vol. 4 No. 3 (n.d. ca. May 1942); Raiford Record, Vol. 4 No. 5 (June 1942);

society. Anti-Japanese and anti-Japanese American proclamations were one way that prisoners made claims to national belonging from their socially demeaned position.

Prisoners also learned from each other and their collective efforts had a certain trial-by-error quality. For instance, where the Parole Commission responded dismissively to Freeman's first letter, it responded encouragingly, if noncommittally, to his second letter, where he expressed interest in joining the army. "We are glad to see your willingness to serve your country and we will give consideration to your request."¹¹ Whatever extra consideration the Parole Commission gave to Freeman made no difference in his case. But in the thousands of letters prisoners and state officials exchanged, a cohesion of sorts formed around the idea that prisoners should fight, work, and worship to obtain a greater degree of inclusion in the American nation.

The U.S. Army would only accept as soldiers people with a single felony conviction, making most prisoners ineligible for military service. Most prisoners learned of this restriction only after stating their desire to join the military. In May, 1943, James Price, a twenty-year-old African American man, wrote from Road Prison #28, near Gainesville, "There is nothing better than you all offer[ing] the Boys a chance to get in Military Service, and I want you all to know that I am willing to do anything for the Country."¹² Francis Bridges responded to tell him that his two convictions—for assault with intent to commit murder and a prior conviction for breaking and entering—made him ineligible to serve in the military. Bridges also reminded him of the condescending lecture he and Cheney had given Price, when Price, too, was "in chains" at the Road Prison. "Let me suggest that you make up your mind to have a good prison record. As you remember, when Mr. Cheney and I last saw you, you were in chains because of a bad prison record. You promised that you would make your prison record better, and I sincerely hope that

¹¹ Joseph Y. Cheney to William Freeman, April 27, 1944 and James T. Vocelle to William Freeman, August 4, 1944, Box 33, Inactive Case Files.

¹² James Price to Florida Parole Commission, May 2, 1943, James Price, Box 75, Inactive Case Files 1941-1960.

you are now doing that.”¹³ In an earlier letter, Price wrote that he would “show my appreciation [for parole] by conducting my self as a gentleman and Citizen in which I hope to return.”¹⁴ In July, 1942, the Superintendent of Road Prison #28 recommended Price for parole, writing, “I say that he has made a christian of himself... He’s about as good a negro as I have now.”¹⁵ Cheney, who had previously lectured Price while he was chained, wrote that he “talked to Captain Hull about you and he said you had improved considerably.” The Commission, he noted, was now giving Price’s case “definite consideration.” Six months later, the state granted Price parole, and he went to work on a farm near Gainesville.¹⁶

Pickard, the white prisoner incarcerated for signing his mother’s name to a check, was one of the relative few prisoners to actually receive an Army parole. The Commission told him that “it is our sincere desire and hope that you will be able to render a real service to your country” and signed off, “Good luck to you in every way!” Prison officials quickly released Prickard, who reported to Camp Blanding and never again came under correctional supervision in Florida. After the war, Prickard moved back to North Carolina became a car salesman.¹⁷

If rhetoric about serving your country could sometimes help secure release from prison, it also could also place former prisoners in difficult situations after their release. Very few people followed Prickard’s path directly from prison camp to army camp. Instead, the vast majority of former prisoners found themselves working in industry or agriculture during the war, often in exploitative arrangements. In 1942, an African American parolee named Sharper Freney wrote

¹³ Francis Bridges to James Price, May 5, 1943, James Price, Box 75, Inactive Case Files 1941-1960.

¹⁴ James Price to Parole Commission, September 7, 1942, James Price, Box 75, Inactive Case Files 1941-1960.

¹⁵ J.B. Hull, July 3, 1943, James Price, Box 75, Inactive Case Files 1941-1960.

¹⁶ Joseph Y. Cheney to James Price, July 21, 1943, James Price, Box 75 Inactive Case Files 1941-1960.

¹⁷ “George Armond Pickard, Obituary,” *The Daily Times-News* (Burlington, North Carolina), February 25, 1975, 21.

to the Commission, asking that he be allowed to move from the rural town of Altha, Florida to Pensacola, so he could live with his family. In Altha, he worked for a white farmer named Mr. Peacock, who opposed Freeney's relocation. As was characteristic of parole officers at the time, Freeney's officer, Jerome F. Eastham, took the employer's side and insisted that Freeney stay in his agricultural job at least until the harvest was finished. Given that it was only May, this meant an additional six months in Altha. Freeney wrote to Francis Bridges who responded by referencing an exchange that was not preserved the records, telling him, "if you continue to trust in the Lord, I know He will help you." Eastham planned to keep in him Altha in part by "appeal[ing] to his patriotism, for helping farmers is certainly helping the country right now."¹⁸ Of course, a parole officer had no practical need to appeal to Freeney's patriotism—if Freeney left his job without permission, he could immediately return him to prison. In appealing to Freeney's patriotism, Eastham demonstrated that invocations of social obligations could cut both ways.

During and after the war, prison and parole officials almost always encouraged prisoners who mentioned a religious conversion in letters and, in noncommittal ways, gave them reason to be hopeful. When Alma Everhart told the Parole Commission she had become a Christian, Commission James T. Vocelle wrote in response, "I am pleased to note your changed attitude towards life as expressed in your letter and am sure if you sincerely turn to God he will not fail you in your difficulties."¹⁹ Everhart, a forty-year old white woman, had fatally shot a man who threatened her while she worked in her husband's bar. Sent to prison for manslaughter, she wrote Vocelle, "I have been here twenty-one months and have really learned to control myself

¹⁸ Jerome F. Eastham to Francis R. Bridges, May 13, 1942, Sharper Freeney, Box 34, Inactive Case Files, 1941-1960.

¹⁹ James C. Vocelle to Alma Everhart, July 12, 1944, "Alma Everhart," Box 32, Inactive Case Files, 1941-1960.

and have repented for the crime I committed which was done in self-defense. I know what I did was wrong in the eyes of God and also man, but I have turned to the Lord during my stay here.” Like many letter-writers, she related her conversion to her daily life in prison and concluded with a plea to be with her family: “I have completed a Bible Correspondence School, read my Bible and say my prayers each night. Mr. Cheney, I am begging you just one more chance in life to be with my husband.”²⁰ Though she could expect to serve four to six years on a ten-year manslaughter conviction, Everhart’s concern that her chance to live with her husband would evaporate if she stayed in prison proved to be justified. In 1946, in her fourth year of imprisonment, he divorced her. After her 1947 release, she married a man who beat her.²¹

The Politics of Breadwinners and Welfare

As the cases of Everhart and James Price demonstrate, Christian language could help people get out of prison. But, in the more mundane realms bureaucratic life, employment and the ability to support a family mattered far more. In the postwar U.S., the ideal male citizen worked a steady job, owned a home, married a woman, fathered children, and took the whole family to church on Sundays. Through programs such as the G.I. Bill, the U.S. federal government heavily subsidized education and livelihoods of white men, helped them gain an education, purchase a home, and send their children to public schools.²²

²⁰ Alma Everhart to James C. Vocelle, July 9, 1944, Alma Everhart, Box 32, Inactive Case Files, 1941-1960.

²¹ Arthur S. Bullock to Raymond Marsh, May 22, 1946 and W.S. Nail, Chronological Narrative of Supervision, January 2, 1948, Alma Everhart, Box 32, Inactive Case Files, 1941-1960.

²² A large body of scholarship focuses on the ways that U.S. welfare systems discriminate according to race, gender, and sexuality. See, for example, Ira Katznelson, *When Affirmative Action was White: An Untold History of Racial Inequality in Twentieth Century America* (New York: W.W. Norton, 2006); Sarah Turner and John Bound, “Closing the Gap or Widening the Divide: The Effects of the GI Bill and World War II on the Educational Outcomes of Black American,” *The Journal of Economic History* 63, no. 1 (2003): 145-177; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: Princeton

The Florida Parole Commission's unofficial motto in the 1950s and 1960s was, "Saving Men, Saving Money." The slogan spoke to the Commission's goal to return prisoners to society as "useful citizens," and its use of the word "saved" gestured towards the commissioners' Christian understandings of individual reform and rehabilitation. The second half of the slogan, "Saving Money," mattered to the Commission because the organization faced constant funding constraints and, in legislative maneuvering, constantly competed with the Division of Corrections for state funding. The Commission argued that the legislature should prefer supervising an individual to incarcerating him because it could be done in a less costly and more effective manner. Or, as the Commission put it in 1951, "Aside from the social aspects of probation and parole, the Parole Commission provides an economical method of helping offenders be normal instead of potential criminals."²³

The Parole Commission depicted lifestyles it thought of as "normal" in a series of cartoons interspersed throughout its annual reports in the 1950s and 1960s. In one fully animated sequence from the 1956 annual report, fourteen drawings show a man being arrested, appearing in court, entering prison, wielding a hammer in prison while his "work habits are developed and his attitudes changed," leaving prison, and, eventually, greeting his family while wearing a suit and holding either a toolkit or a briefcase. (The artist likely intended the vagueness.) The man smiles while a boy runs out of small single-family home. Two women figures (one representing a wife, the other a daughter) waive from inside the home, where the

University Press, 2009); Marisa Chappell, *The War on Welfare: Family, Poverty, and Politics in Modern America* (Philadelphia: University of Pennsylvania Press, 2010); David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso Books, 2007); Thomas Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2005); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in United States* (Cambridge, MA: Harvard University Press, 1992).

²³ Florida Parole Commission, 1951 Annual Report, 9.



II The young man returns to his family once again to assume the responsibilities of life with a bright outlook to the future.

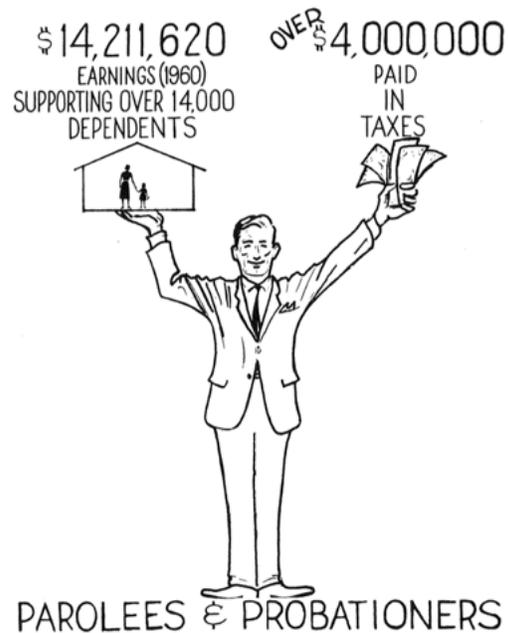


Figure 2.2 Cartoons in the Parole Commission's Annual Reports depicted ideal parolees as white, suit-wearing men who supported a family and paid taxes. Florida Parole Commission, 1956 Annual Report, 13 and Florida Parole Commission, 1960 Annual Report, 6.

artist presumably thought they belonged. The final three vignettes show him working a job, meeting with his parole officer, and opening his own business. The Commission noted in boldface type that, in 1956, probationers and parolees “paid a greater amount in taxes than the Parole Commission’s requested budget.”²⁴ It neglected to qualify that the vast majority of taxes paid by parolees went to the federal, not state, government. Another cartoon from the 1960 Annual Report again depicted the ideal parolee as a man (literally) supporting a household with one hand and waiving a fistful of cash with the other. The graphic emphasized that Floridians under state supervision supported 14,000 dependents and paid over \$4 million in taxes.²⁵

²⁴ Florida Parole Commission, 1956 Annual Report, 13.

²⁵ The Commission collected no data about how much people under supervision paid in taxes; these figures appear to be crude estimates. Florida Parole Commission, 1960 Annual Report, 6.

The prisoners who wrote to state officials asking for relief—and their family members who asked for the release of their loved ones—would not likely ever have seen the Parole Commission’s cartoon depictions of what it imagined as success, but their letters touched on the same themes of masculinity, breadwinning, and domesticity. Their letters articulated the real financial and material challenges that families faced when loved ones were incarcerated even as they reflected broader notions of citizenship.

In 1961, Lonnie Jones, an African American man serving a short sentence, wrote to the Parole Commission that he was working at “being a better man in life” and wanted to be released so he could “take care of my wife and children.” He included a letter offering him a job as a cook at a motel in Silver Springs.²⁶ Annie Jones, who was married to Lonnie Jones, also wrote to the Commission to emphasize her husband’s role as breadwinner.

My name is Annie P. Jones and I am the wife of Lonnie Jones (No. 693001)... Sir, my husband being sent to prison had formed a very difficult problem, not just for myself alone, but for the children too, we have two.... As you know Sir working conditions are going down and we really need the support from my husband.... Sir I’m asking you to please give my husband case consideration. By giving him just one more chance it’ll benefit the whole family, not just hi[m]self.²⁷

As Jones made clear, release from prison could “benefit the whole family.” And Florida’s parole commissioners considered the needs of dependents as they decided when and whether to release prisoners. “I can well understand the difficulties a family experiences when separated from the ‘bread-winner’ and you may be assured that this is one of the many factors considered when the Commission gives study to your husband’s case.”²⁸

²⁶ Lonnie Jones to Florida Probation and Parole Commission, November 29, 1961, Lonnie Jones 69301, IRFDC.

²⁷ Annie P. Jones to Raymond Marsh, n.d. (ca. April 1961), Lonnie Jones 69301, IRFDC.

²⁸ Maurice Crocket to Mary Ann Wilson, December 7, 1977, Walter Wilson 061472, IRFDC.

Jones soon won release on parole, but returned to prison in 1965 after being convicted of a murder for which Jones continually maintained his innocence. In 1966, Jones and his wife remounted a letter-writing campaign asking for his release. Their arguments, articulated in a series of typed letters, focused on Jones' role as a masculine breadwinner.

Gentlemen my family and I are very compatible[. T]heir need for me is as much financial as loneliness. Prior to my incarceration I was the sole provider for my four children, now my wife must go the bills alone. If I am ever to be restored to a formal capacity of livelihood I think that you should give me this requested chance, I will not fail myself and by the same token I cannot fail you. I have made an honest appraisal of my pas[t] and I don't like it, but I have to accept the fact and live with it as an account of being a man. When I say my stay here has vindicated my entire outlook on life I mean it from my heart, but I will need your help to prove this to the ones that care for me and society.²⁹

In addition to drawing on conceptions of a male breadwinner, Jones' letter gave credence to the state's interest in rehabilitation by saying how he made an honest appraisal of his past.

Interestingly, by writing that he had examined his past and was not proud of it, Jones invoked common tropes of regret and penitence while also speaking in vague enough terms to maintain his claim of innocence. Perhaps more important than the words Jones' wrote was the medium they were written in. Most prisoners had access only to institutional paper and a pen or pencil. Jones wrote his 1966 letters (and every letter thereafter) on a typewriter and on plain paper.

Where some white prisoners had access to typewriters through their jobs (perhaps at the newspaper or at the school), the few black prisoners who could have accessed typewriters in the 1960s were trusties, or prisoners whom administrators awarded special privileges, usually as a reward for good behavior. In typing his letter to the Parole Commission, Jones sent the intentional message that he was among the state's most trusted and privileged prisoners.

²⁹ Lonnie Jones to Raymond Marsh, August 5, 1966, Jonnie Jones 69301, IRFDC.

Hundreds of husbands and wives kept up with the Joneses, writing similar stories that emphasized the reality that an individual's imprisonment affected wider networks of people.

Norma Abreu, writing to the Commission of Agriculture, who, at the time, oversaw the state's prison farms, said,

I don't write you like a wife asking for help, I write you like a mother that suffers a lot, seeing her son of only one year old growing up without the love and protection of his father.

Mr. Connor, I know that my husband made a mistake, but he is paying already for what he done, and I know that he feels sorry for what he did, and I think [in the] 28 months [he has served] he already know his lesson.

Sir, I need the help and support of my husband to help raise our little son....

God Bless you and yours, and may God help you in your decision to our case.³⁰

Evie Travis, a white woman married to a prisoner, asked that her husband be released on parole, also citing the strain on family and financial life.

I am writing in regard of Robert Ray Travis #023660 who is an inmate at the Correctional Division at Caryville, Fla. He is my husband and I understand that he will be [considered] for a parole this coming Oct. I would like very much to know if there is any way you can help me for I need him at home. I have two boys age 12 and 14 who are in school and I need him at home to help with the sending of them to school. We live with my parents as I have to care for my mother who is ill and unable to work... I have him a good job with Clark Seafood, Inc. in Pascagoula, Mississippi. He would be on the boat with Captain Alan Kranty. I close thanking you for any help you may give me.³¹

Francis Bridges responded to Travis, telling her, "undoubtedly you are the one who is suffering most as a result of his delinquencies."³²

³⁰ Norma Abreu to Doyle Connor, January 10, 1969, Folder 2, Box 2, Series 1819, Commissioner of Agriculture Doyle Conner's Executive Clemency Board records, 1964-1982, RG 200, State Archives of Florida, Tallahassee, Florida.

³¹ Evie Travis to Florida Parole Commission, August 27, 1969, Robert Travis, 023660, IRFDC.

³² Francis Bridges to Evie Travis, September 3, 1969, Robert Travis 023660, IRFDC.

Discipline and White Middle Class Norms

When prisoners or their family members wrote to state actors for relief, parole commissioners or prison officials encouraged correspondence that they could easily process within the state's bureaucratic infrastructure. They asked that all letter-writers include the prison number of person they wrote about and, if it was lacking, scribbled a number in large letters on the paper and sometimes include a copy of the letter with the scribbled number in subsequent correspondence.³³ If a family member neglected to write the date at the top of the letter, more often than not the response from the Parole Commission began, "This will acknowledge receipt of your recent undated later," after which a commissioner would write something unhelpful.³⁴ When family members did not include a return address, parole commissioners would respond noting the absence of the return address on the letter and hoping, passive aggressively, that the address on file was still current.³⁵

The petty discipline of Florida's parole commission forced many people to write in a formulaic mold, but this did not prevent them from addressing their real concerns. In 1961, Elise Calhoun wrote a letter on behalf of her husband that both drew on ideas of husband as breadwinner and conveyed her frustration with his continued imprisonment:

I am writing this letter to you concerning my husband, 001160, Marion Calhoun who is an inmate at Sumter Correctional Institution. Sir, it was told to him that he would meet the parole commissioners this month and so far he hasn't yet.... We need him back at home with us if possible so he can get back to work on his job so he can start taking care of his family. Sir, we have 4 children and it is like hectic trying to take care of them without him. Please! let me hear from you all soon because I do want to know will my

³³ See for example Francis Bridges to Evie Travis, September 3, 1969, Robert Travis 023660, IRFDC.

³⁴ See for example J. Hopps Barker to Ella McDaniel, December 31, 1969, Tommy McDaniel 133257, IRFDC.

³⁵ See, for example, Francis Bridges to Ester Newman, December 20, 1969, Sylvester Newman 091631, IRFDC.

husband be back home to support us. If I am sounding harsh, please excuse me because I don't mean to, but I am serious. Please take this under consideration.³⁶

A striking feature of Calhoun's letter is that she questions the content of her letter at the same time that she affirms it. She begins formulaically according to the prescribed norm, and, like most letter-writers, articulates the material harm her husband's incarceration inflicts on their family. She then elaborates, explaining that it difficult to care for her children, but immediately questions whether it helps her case: "If I am sounding harsh, please excuse me because I don't mean to."

A woman who signed her name "Mrs. B.L. Hyde" wrote to Governor C. Farris Bryant in 1963 about the financial difficulties her family faced as a result of his incarceration. Her letter asking for help speaks to the desperate circumstances of the families of many Florida prisoners and underlines the fact that the criminal justice system targeted the state's poorest residents. B.L. Hyde had a history of driving while intoxicated, but was sentenced to prison for driving on a suspended license.

To Govner Bryant

Dear Sir,

I'm sorry to bother you as I know you're a very busy man. But Please Sir, You're my last resort. Please help me. I've got 5 children. I've been married 2 times. My children are by my first husband and he worked every since I can remember. My husband and I separated and I had to raise the children by my self up until 4 years ago....

And I'm almost [too] disabled to work. I almost have arthritis all over my body. 4 yrs ago I lost my job at [a] Winn Dixie Warehouse. I was handling eggs. And I couldn't find a job and I was just about ready to put my children in an orphan home because our rent was way behind. Then I met this man I'm married to now and he sold his car and paid our rent and bought us groceries. I married him.

He's still young and dranked pretty heavy and got into jail quite a few time for drinking and driving and 2 years ago Judge Hendry let him go free. He had 120 days to do and the judge let him go because of the Children and me and told him he'd better not Catch him drinking again...

³⁶ Elise Calhoun to Ray E. Howard, n.d. (ca. February 1961), Marion Calhoun 001160, IRFDC.

My husband was making almost \$100.00 a week before they put him in jail. Now we're not even going to have money to even have a cake or turkey for Christmas. My oldest son is over seas in Germany and I worry a lot about him too. Sometimes I just lose the will to live anymore life is so hard. Please sir help us if you can I promise he'll never drink again...

Mrs. B.L. Hyde³⁷

Black or white, working class or poor, incarcerated men and their families in the 1950s and 1960s regularly depicted prisoners as potential breadwinners. These depictions often obscured the realities of Florida's segregated labor markets, the inequities of which Florida's prison system exacerbated as it expanded traditional and vocational education programs, but limited them to whites only. As white prisoners at Florida's newest prisons taught welding and carpentry and distributed GEDs to white prisoners, prisoners of color continued to work as manual laborers at the road prisons or on the state's old prison farms. At the state prison farm in Belle Glade, officials denied black prisoners water and soap.³⁸ The racial differences in labor and the parole process tended to appear less in letters written by prisoners and their families and more in the employment blanks they and prospective employers completed, which show that white prisoners often established their own businesses, went to school, or worked in a factory or as a skilled tradesman. Black former prisoners, in contrast, regularly worked as cooks, manual laborers, or in agriculture.

Apparently, rumors circulated within Florida prisons that finding a job that seemed too good or paid too well would hurt one's prospects for parole. Prisoners told one another to find jobs that matched their class and racial backgrounds and feared that jobs perceived as above their station would invite extra scrutiny from parole examiners. These rumors became so

³⁷ Mrs. B.L. Hyde to C. Farris Bryant, December 4, 1963, Folder 2, Box 63, Series 756, Correspondence, 1961-1965, RG 102, State Archives of Florida, Tallahassee, Florida.

³⁸ Report of Inspection Belle Glade Prison Farm, On July 21, 1957, in Folder "Corrections—Institutions," Box 92, Correspondence, 1961-1965.

widespread that, in 1960, the Parole Commission felt obliged to address them directly in a Q&A published in the *Glades State Banner*, in which a prisoner wrote, “we have heard all sorts of stories about not getting a job that pays too much or the parole will be denied.” In a response that both refuted the rumor and affirmed its underlying premise, the Commission wrote,

A man should attempt to secure a job that he is able to handle and for which he is best suited. As for salary, we only insist that a man be paid a just wage for the work he does—no more, no less—just the same as a “free person.” The stories you have heard about not getting a job that pays too much are pure bunk.³⁹

Despite the Commission’s dismissal of the rumors as “pure bunk,” the realities of Florida’s segregated labor market combined with the racial thinking of parole commissioners to give prisoners real incentive to make parole plans that hewed close to racial and class stereotypes.

Where men’s letters to the Parole Commission drew on familiar themes, letters incarcerated women wrote, though far less numerous, were more varied. In the 1950s and 1960s, Florida incarcerated very few women, and very few were married or had children. (This would change in the 1990s and 2000s, and had much to do with patterns of enforcement.) Broader economic and political forces deprived incarcerated women without families of any well-charted paths for social integration. Perhaps as a result, their letters reflected more of a hodgepodge of ideas about what citizenship might require. Hattie Williams, a twenty-eight-year-old African American woman serving a life sentence for second degree murder, conveyed progress on many fronts when she wrote the Parole Commission in 1969:

Dear Sir,

I am an inmate at Florida Correctional Institution for women at Lowell, Florida. I am serving a life sentence for murder, sentence in the year of 1960, Dec. 15.

You said to me to write in [illeg]. But I decided to wait until my request got there.

³⁹ “Questions about Parole,” *Glades State Banner: Voice of the Inmates* (April 1, 1960), Folder 6, Box 92, Series 776, Correspondence, 1955-1961, RG 102, State Archives of Florida, Tallahassee, Florida.

Mr. Russell, I know that the first few years of my incarceration were not the best that they could have been. However, for the past few years I have been trying to set an example for others. I have applied myself in efforts to earn the respect of the personnel at Lowell in every way I most possibly could.

I have also taken advantage of the educational, religious, and vocational programs here. I am now striving hard toward a GED diploma. I didn't have any higher than 8th grade education when I came here. Now I'm in the 12th. Really working hard for that GED.

Mr. Russell, it would tend to make my time go faster and my life much brighter. If you would please give me an opportunity to prove myself worthy of being in society again, also the approximate date as to when you will review my case.

Thanking you in advance.

Very truly yours,

Hattie Williams⁴⁰

Families of incarcerated women also wrote to the Parole Commission asking for relief, and themes of family and domesticity were as central to their letters as they were to those written on behalf of incarcerated men. In certain respects, however, invocations of family differed significantly. Men and their families tended to highlight the financial tolls of incarceration over the emotional. (Lonnie Jones wrote that his family's need was "as much financial as loneliness.") In contrast, women's families emphasized love. Lola Pinto, from Maine, wrote about her sister, who had made her way south to Florida where she was involved in an armed robbery and sentenced to prison.

I am writing in regards to my sister who is Margarie Patrice Ayers F02102. I do not know what to say or how to say it because I have never been confronted with such a problem before and hope never to again. She has been away now for three years and I am sure you know her record much better than I do.

I can only say that I would appreciate it very much if you could possibly consider her for parole. Her family misses her very much. I have offered her a home with me and my

⁴⁰ Hattie Williams to Roy Russell, April 1969, Hattie Williams F00732, IRFDC.

husband and our two children. She has a place to stay with people who love her very much. I would be more than willing to help in any way that I could.⁴¹

Women's families did not tell the Parole Commission about the labor women would perform if released—which, in many cases, would be household labor. They did not write about laundry or cooking or dishes or any of the other things many women would do upon their release from prison. The absence of mention of women's labor in letters to the Florida Parole Commission reflects its devaluation and invisibility in broader economic and political structures. Because U.S. society systematically devalued or ignored women's labor, it is almost entirely invisible in letters to the Parole Commission.

Once a woman had been released from prison, however, her domestic labor became an issue of concern to Florida's parole officers. Parole officers often encouraged women on parole to marry, and they made observations about parolees' abilities as housekeepers. A parole officer encouraged Hattie Williams to marry Robert McGriff, who was also on parole. The couple married in late 1971, nine months after Williams' release from Florida Correctional Institution. Florida's parole commissions seemed to have encouraged parolees to marry one another, and women on parole not infrequently married men who were also on parole. Given the Commission's interest in establishing men as breadwinning heads-of-household and women as housewives, it seems likely that parole officers viewed marriages between two parolees as expedient. Almost immediately, McGriff began to abuse Williams, who fled to live with her mother. Despite the physical abuse, the parole officer continued to encourage Williams to live with McGriff, even after he shot and seriously wounded her in 1972. McGriff's parole officer did not deem it necessary to cite McGriff for violating his parole, nor did the local prosecutor charge McGriff for shooting Williams. Instead, the state of Florida encouraged Williams to continue to

⁴¹ Lola Pinto to Roy Russell, June 11, 1972, Margarie Ayers F02102, IRFDC.

live with McGriff. Apparently, the ability of men to function as breadwinning heads of household mattered more to the state than the physical safety and lives of women.

The Silences of Vietnam

In stark contrast to World War II, the War in Vietnam hardly surfaced at all in prisoners' letters to state officials. Florida prisoners did not write asking to be released into the armed services, nor did they write about supporting the war effort. The few prisoners who did write about Vietnam were typically veterans of the war, and attributed their problems with drugs, crime, and prison to their experiences fighting abroad. The U.S. involvement in Vietnam, in other words, was as divisive within Florida prisons as it was everywhere else.

Structural factors certainly contributed to the absence of rhetoric about the Vietnam War in letters written by prisoners and their families. Most significantly, the U.S. armed forces adopted more stringent policies relating to enlisting people with felony records, and they refused to accept recruits straight out of prison. Of course, the impossibility of joining the war effort hadn't discouraged prisoners with two felony convictions to seek induction into the Army or Navy during WWII, so the social and political divisions around the Vietnam War surely played a role in tampering nationalistic enthusiasm. In inmate publications, prisoners debated the merits of the war, much as people outside prison did. The Spring 1968 issue of the *Raiford Record* featured an editorial titled, "Let's Start Being Proud Americans." Apparently written by prisoner-editors Jack Leckey and Jim Seitz, the editorial echoed many of the pro-war talking points of the mainstream press, beginning with American Exceptionalism:

We can be justly proud of our nation and its history.... American[s] enjoy the highest standard of living of any peoples on this globe. Although not perfect by any means, our system of education ... surpasses any in existence today... We have never acquired any of the earth's land area by force of arms; yet we are the most powerful nation today.

Leckey and Seitz went on to ask their readers, “Look back through history. Where will you find another nation who has defended oppressed or threatened peoples without any possible financial or territorial gains?”⁴² After this selective and factually inaccurate tour of American history, the editorial condemned detractors of the war as unpatriotic and un-American, particularly pointing out the “lunatic fringe, the so-called ‘hippies,’ the LSD trippers and the troublemakers.”

Where prisoner publications at Florida’s most restrictive prisons toed the state’s line on Vietnam, prisoner publications at less restrictive facilities functioned as outlets for anti-war and countercultural sentiment. The *Apalachee Diary*, published by prisoners at Apalachee Correctional Institution, in Chattahoochee, Florida, regularly ran anti-war poems. One, written by Gary Martin and called “A Time For Peace,” concluded with these awkwardly rhymed stanzas:

To listen wouldn’t hurt
To hear what we have to say.
Peace is the answer.
War cannot stay.

It still isn’t too late
To throw down every gun
And make our next president
JIM MORRISON!

In addition to endorsing the lead singer of The Doors for president, content in the *Apalachee Diary* signaled affinity with 1960s counter culture through illustrations and cartoons. One centerfold illustration by Dave Hill used psychedelic colors and a kaleidoscope effect to depict four Jim Morrison look-alikes spinning around with planets and shooting stars, all beneath the heading “LUCY IN THE SKY WITH DIAMONDS.”⁴³ Another cartoon mocked the warnings of drug treatment programs, which prison administration had recently expanded. Riffing on warnings

⁴² “Let’s Start Being Proud Americans,” *The Raiford Record*, Vol. 29, Issue 1 (Spring, 1968), 2-3.

⁴³ Illustration by Dave Hill, *Apalachee Diary*, Vol. 20, Issue 3 (Fall 1970).

that drugs “may be hazardous to your health,” the cartoon depicted a puzzled looking mouse sitting above the warning that “smoking marijuana may be hazardous to your freedom.”⁴⁴ The *Apalachee Diary* published a picture of its staff in 1970: eight young, white men sit on the floor in front of a blackboard, on which a peace sign has been superimposed. Written both on the blackboard and in post-production type is the message, “We are the people Our parents warned

⁴⁴ Unsigned Cartoon, *Apalachee Diary* Vol. 20, Issue 1 (Spring 1970), 36.

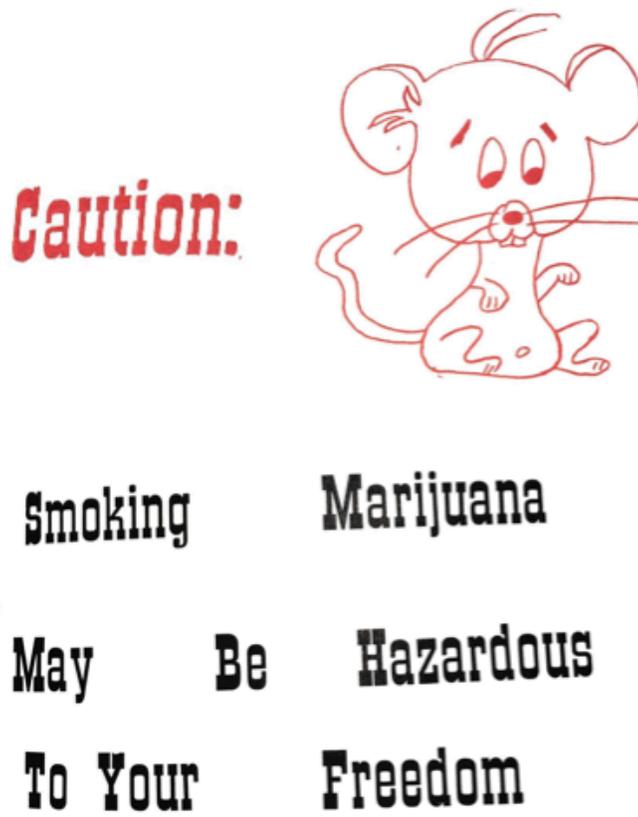


Figure 2.3 Unsigned 1970 Cartoon in the Apalachee Diary: This cartoon mocks the rhetoric of drug treatment programs. Where the state emphasized the dangers marijuana might pose to health, this cartoon suggests that marijuana's most significant risk is to not inherent in the drug itself, but in the state's response. Apalachee Diary, Volume 20, Issue 1 (Spring 1970), 36.

us about – Up Against the Wall.”⁴⁵ Although it rarely figured correspondence with the state, the controversies surrounding the U.S. involvement in Vietnam loomed large in the interior life of Florida prisons in the late 1960s and early 1970s.

Where in WWII, prisoners flowed from prisons to the battlefield, during the Vietnam era they tended to flow in the opposite direction. By one estimate, thirty-five percent of U.S. prisoners in 1977 had served in Vietnam.⁴⁶ Some Vietnam veterans attributed their

⁴⁵ *Apalachee Diary*, Vol. 20, Issue 2 (Summer 1970).

⁴⁶ National Association of Concerned Veterans, cited in Sampson I. Hodge, Jr., “The Vietnam Veterans in Prison,” *Starke Reality II*, Vol. 2, Issue 2 (Spring 1977), 6.

incarceration—or, at least the behavior that resulted in their incarceration—to their traumatic experiences in the war. (Many Vietnam veterans returned to the U.S. facing not only challenges related to post-traumatic stress but also to drug addictions developed while abroad.) After serving in Vietnam, Dennis Hughes committed a murder and was sentenced to a life term in Florida prisons. In 1977, he wrote a letter to the Parole Commission that was typical of the handful of letters that mentioned the war in Vietnam. “I took a man’s life in 1971,” he wrote. “I will never be able to right this. Why it happened, I don’t know, though my parents feel that the Viet Nam experience had some influence—I don’t know.”⁴⁷ Hughes became a born-again Christian while imprisoned, and received letters of support from Christian volunteers who worshipped with him in prison. Rev. George F. Roser, a childhood friend, wrote that “After he came back from war ... Dennis seemed different: angry, irritable, moody, almost distant.”⁴⁸ The same friend wrote that “Dennis has paid his debt to society, shown by his behavior that he is ready, willing, able to assume the responsibilities of a free man in a free society.”⁴⁹

Welfare and Taxes

The Florida Parole Commission emphasized taxes and taxpaying in its literature almost from its founding, but prisoners and their family members didn’t register concerns about public expenditures until the late 1960s. Although taxes and government revenues had been areas of primary concern for the Commission, this had more to do with its status as a government agency that faced chronic shortages of funding and staff; when commissioners drew the cartoon of a man holding a household in one hand and cash representing taxes in the other, they intended their

⁴⁷ Dennis Hughes to Florida Parole and Probation Commission, December 27, 1977, Dennis Hughes 032739, IRFDC.

⁴⁸ George F. Roser to Florida Parole Commission, January 19, 1980, Dennis Hughes 032739, IRFDC.

⁴⁹ George F. Roser to Florida Parole Commission, June 14, 1977, Dennis Hughes 032739, IRFDC.

audience to be state legislators or other policymakers. The appearance of concerns about welfare and taxes in letters written by prisoners and their families in the late 1960s and through the 1970s coincided with shifts in how Americans understood their relationship to one another and to the body politic. As debates about taxes and welfare raged in broader political discourse, they appeared in letters written by prisoners, too.

The interactions between parole and welfare first surfaced bureaucratically, as officials at the Parole Commission and the Department of Public Welfare coordinated cases related to prisoners or to parolees. Welfare officials often had a better idea about what the Parole Commission intended than prisoners or their family members did. For instance, in 1968, Raymond Marsh, a parole commissioner, wrote to the welfare office that the state expected to release Lonnie Jones in 1975. The letter indicated that prisoners with life sentences who avoided disciplinary reports could count on release after serving ten years. Marsh emphasized that this was “confidential information, to aid in your planning for this man’s family” and was not to be shared with Lonnie or Annie Jones.⁵⁰

A woman who signed her name “Mrs. William L. Grable” wrote in 1969 to James Bax, who, as Secretary of Health and Rehabilitative Services, then oversaw Florida institutional prisons. Grable’s husband was nearing the end of his sentence, but she hoped that he could be released via parole six months earlier. (By the 1960s, most people exited prison not because of parole, but because they had served their full term. Two important factors in this change were changes in the administration of gain time that allowed prisoners to quickly accrue credit toward their sentences and increases in the number of people serving short sentences; prisoners with short sentences who accumulated gain time quickly could be released even before the Parole

⁵⁰ Raymond Marsh to Mary Jane Jaeger, March 22, 1968, Lonnie Jones 69301, IRFDC.

Commission reviewed their cases.) Grable gave Bax a detailed picture of the family's situation, but also implied that he could learn less from her than from the Department of Public Welfare, which she seemed to think withheld information from her. Grable's letter provides a sense of the challenges many families of incarcerated people faced, and I have reproduced much of it here.

Dear Sir,

I am writing to you as there is no one else to go to. My husband and I both have contacted the parole board to no avail. He has served 26 months on a 5 year sentence. When sentenced, he was credited with jail time that amounted to 215 days. Since he has been in prison, he has never had any disciplinary action taken against him. He has consistently had good work reports, which can be demonstrated by the fact that he was awarded 23 days extra gain time his first progress report and 31 in his second report. He has about 200 days left to do. If we had some money for a lawyer or knew someone with influence, I feel sure that he would already be out on parole. We have neither. He told me that he has seen many inmates leave there on parole that have had several cases of disciplinary action against them. He has received none.

There are other circumstances involved here. I am very sick. Some weeks it is necessary for me to go the hospital 2 to 3 times. I am on a strictly baby food diet. The doctors I have now won't tell me what is wrong, but a doctor I had before told me I had a malignant cancer. I am on welfare, so they must have some records available to you on what is wrong with me and you can see for yourself.

We have 4 children ages 19 months, 11 yrs, and 15 yrs. During the summer the 15 year old had to wash dishes to earn \$17 a week in order to supplement the welfare aid....

It really wouldn't be any great risk paroling him now. He would do anything for our children. All he wants is the chance.

The next 6 months could contribute much if he were paroled. I would be taken off the welfare rolls, and he would gain his sense of self respect. while under supervision.

Please let him prove himself worthy of living in society....

Mrs. William L. Grable.

Like many people who wrote letters asking that a Florida prisoner be released in the late 1960s and 1970s, Gable cast her husband as a breadwinner who could not only provide for the family, but also help her get "off the welfare rolls."

Grable's letter to Bax contained several other qualities that were characteristic of letters from this period. She spoke directly to the institutional thinking of the Parole Commission and the Division of Corrections, using the first sentences of the letter to identify the number of days her husband had served, his disciplinary record, and the nature of his work reports. To most Floridians, the details of prison disciplinary reports or the intricacies involved in calculating extra gain time would have seemed prosaic, but Grable understood that administrators placed great weight on these metrics. Including them in the first several sentences of her letter would have neutralized readers' first questions and would have helped ensure that they would continue reading the rest of her story.

Grable tied her husband's "sense of self respect" to his ability to support his family, reinforcing the gendered and domestic conceptions of male citizenship. Imprisonment, she implied, undermined masculine self-respect, but a man could restore his self-respect by supporting his family. Interestingly, Grable seems to have written "while under supervision" as an afterthought, having already added the period to the previous sentence. (She extended the tail of the final T in an attempt to obscure the period.) The addition spoke to her understanding that the state's interests coincided with her own only to a degree. Both wanted to see (some) prisoners reclaim idealized roles as breadwinners, but the state, Grable knew, preferred to watch men regain the self-respect associated with full citizenship while it maintained the leverage afforded by parole supervision.

A headline in a 1973 issue of the *RMC Newsletter*, an inmate publication produced at the Lake Butler Reception and Medical Center, blared, "INMATES ARE TAX BURDENS; PAROLEES ARE TAXPAYERS!" Hundreds of prisoners and their family members wrote in with the same message. Mary Ann Wilson wrote a series of letters in 1977 asking for her husband's release from

prison. In one letter, she articulated the importance of her husband's freedom and labor to the family:

This letter is about Walter Lamar Wilson, who is now serving time in Lake Butler [Reception and Medical Center]. I think it's a rotten deal he got. He's got a wife and baby, and he needs to be out working and providing for his family. It's hell for a woman to raise a baby by herself.⁵¹

In another letter, she suggested that the state's financial interests might converge with her own. She wrote, "The state is having to pay for his keep [in prison] and also having to keep me and my son going on \$125.00 a month. That is such a small sum for one month and to live and raise a child on, especially when he is able to work and take care of his family."⁵² In response, a parole commissioner acknowledged that the commission took into account the needs of a prisoner's family: "I can well understand the difficulties a family experiences when separated from the 'bread-winner,' and you may be assured that this is one of the many factors considered when the Commission gives study to your husband's case."⁵³

By the 1980s, a few prisoners articulated their claims to citizenship not only on the basis of providing for their families and reducing the state's welfare expenditures, but also on their status as taxpayers in their own right. In 1984, David Davidson went out of his way to mention that he had sent his income tax refund home to his family. He had recently returned to prison, on charges of stealing a truckload of citrus and on a parole revocation. Davidson claimed that his uncle and brother-in-law had stolen the citrus, and his only guilt was allowing them to store the oranges at his house.

My wife is going to have another child soon that will give us two. My wife is going thru hardship right now that is unbearable. That is my fault. She is living as a ward of the

⁵¹ Mary Ann Wilson to Paul Murchek, received December 3, 1977, Walter Wilson 061472, Internal Records of FDC and FCOR.

⁵² Mary Ann Wilson to Paul Murchek, November 25, 1977, Walter Wilson 061472, IRFDC.

⁵³ Maurice Crockett to Mary Ann Wilson, December 7, 1977 Walter Wilson 061472, IRFDC

State on Welfare. I know it looks bad in my favor. But ladies and gentlemen, I can make it on parole. And I ask this commission to consider the facts of my case. The Grand theft is over 120 dollars. I had two co-defendants who were given lenient sentences. And when I did abscond from supervision, I conducted myself honestly and worked hard long hours. I know I have messed up. But I ask for one chance. If I let you down I will take the medicine coming to me. But I till you I will not take my parole lightly. My family is my life. I admit that my record is not a good one. But all of that happened when I was young and mixed up about what life is all about. And I am Innocent of taking the oranges. Since I have been back in the system I have not had one Disciplinary problem. I only want to be allowed to support my family and take a name off the welfare rolls.⁵⁴

Later in the letter, Davidson's concern about tax expenditures took a more unusual turn. He wrote, "Your prisons are overcrowded [and] badly mismanaged and I can save you the expense of taking care of an inmate who does not need to be here. And make room for someone who does need to be here."⁵⁵ By 1984, the state had stopped marking the race of a prisoner on every piece of paper it collected or exchanged, but Davidson's rhetoric would have immediately allowed parole officials to correctly identify him as white. His use of rhetoric that emphasized his role as a taxpayer and his professed belief that his release would "make room for someone who does need to be here [in prison]" accorded with a wider racial politics of deservedness. Davidson argued that citizenship was possible for white, taxpaying Americans and at the same time contended that some Americans "need[ed]" to be in prison. Davidson's racial formulation of citizenship and belonging drew on Reagan-era rhetoric about welfare. That the Americans who "needed" to be in prison were black Americans underpinned the unspoken, emerging consensus between Davidson and his jailers.

⁵⁴ David Davidson to Mr. Greadington, n.d. [1984], David Davidson 063040, IRFDC.

⁵⁵ David Davidson to Mr. Greadington, n.d. [1984], David Davidson 063040, IRFDC.

Bureaucratization and Splintering

In the 1970s and 1980s, the letters prisoners and their family members wrote asking for relief lost much of the collective coherence that they had had in earlier decades. Letters ceased to articulate a unifying theme like war or breadwinning. Many prisoners continued to write about their families, and some wrote about jobs or school, but the consensus about what it meant to be a productive citizen largely evaporated. The fading coherence of claims to citizenship in letters written by prisoners and their family members coincided with broader fractures in American society. Economic transformations and shifts in understandings of power and identity changed the calculus of mutual obligation in the U.S. These changes functioned to disaggregate the ideas and underpinnings of citizenship for all Americans, not simply those in prison.⁵⁶

In Florida prisons, increased bureaucratization accelerated the disintegration of collectively coherent claims to citizenship. Both the Parole Commission and the Division of Corrections (and, later, the Department of Corrections) adopted more formulaic approaches to prison management and parole eligibility. Most of these changes resulted from official policy changes, but the most important derived from informal changes in administrative practices. Within the more bureaucratic system, prisoners had fewer opportunities to present themselves in terms of their prospective role in society; instead, their efforts to be released on parole became more incremental, asking to be moved one status closer to release. As prisoners' letters asked not for immediate release but for a lower custody status, the opportunity to take a furlough, or transfer to a Community Corrections Center, their articulations of citizenship faded and fractured.

⁵⁶ Daniel T. Rodgers, *Age of Fracture* (Cambridge, MA.: Harvard University Press, 2011).

The bureaucratization of Florida prisons coincided with what the sociologist Heather Schoenfeld calls “the delayed emergence of penal modernism” in the state.⁵⁷ Under Director of Corrections Louie Wainwright, the state invested in education and rehabilitation programs; developed more complex systems of inmate classification; and established supposedly specialized facilities, such as Community Corrections Centers and industrial training centers. Parole commissioners no longer interviewed prisoners themselves, but relied on a professional staff to do so. Though these initiatives established Florida as a national leader in corrections (Wainwright was elected President of the American Correctional Association in 1971), they did little to change the material realities of imprisonment in the state. For instance, as part of the rehabilitative push, central prison administration asked prison officers to avoid placing prisoners in punitive solitary confinement, only using it as a last resort, and, even then, only to effect changes in a prisoner’s behavior or rehabilitative prospects. Prison officials seemed to have continued their punitive practices notwithstanding, but the bureaucratic record of their actions took a decidedly Orwellian turn. In 1967, prison officials put Alexander Thorpe in solitary confinement for an indefinite period of time, but called it “meditation.”⁵⁸ When Tyrone Little skipped an education class in 1973, the Disciplinary Committee put him in punitive solitary confinement “to offer him the opportunity to think about his present situation and determine what means of change are necessary for him TO MAINTAIN a proper adjustment within the institution.”⁵⁹ Calling solitary confinement “meditation” or claiming it encouraged “proper adjustment” gave punitive practices a rehabilitative veneer, but did little to change their material realities.

⁵⁷ Heather Schoenfeld, “The Delayed Emergence of Penal Modernism in Florida,” *Punishment and Society* 16 (2014): 258–84.

⁵⁸ Disciplinary Report, May 2, 1967, Alexander Thorpe 012230, IRFDC.

⁵⁹ Disciplinary Report, April 3, 1973, Tyrone Little 033487, IRFDC.

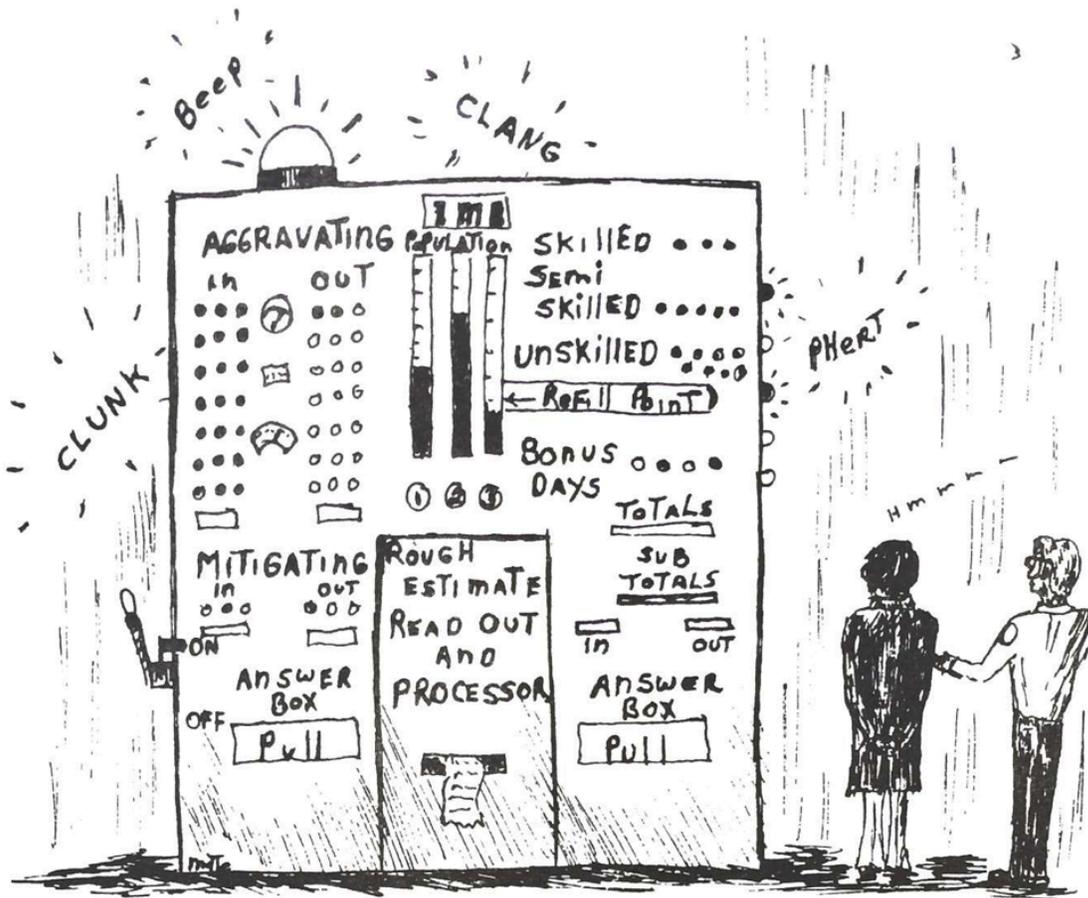
In 1963, the Florida Parole Commission adopted its first set of “Rules” governing the granting of parole to prisoners. The vague document instructed parole officials to determine whether a prisoner “will live and conduct himself as a respectable and law-abiding person, and that his release will be compatible with his own welfare and with the welfare of society.”⁶⁰ In 1974, the Commission added several more factors that should be considered. In 1978 and 1979, the Commission repealed its existing rules and established an entirely new process of “objective parole guidelines” involving, among other things, “salient factor scoring.”⁶¹

The objective parole guidelines and the salient factor scoring model built on the Department of Corrections late-1970s investment in computer-based data collection.⁶² Prison officials moved much of the data relating to time served, gain time, and disciplinary reports to mainframe computer systems. The tedious work of encoding prisoners’ data by punching a card primarily fell to other prisoners. From prisoners’ perspectives, the new data-heavy approach tended to obscure the process of obtaining parole. A cartoon in a 1978 issue of the *Starke Reality II* mocked the new computer system and its complexity. The large mainframe computer depicted by the artist shows levers, handles, and blinking lights alongside buttons marked “aggravating” and “mitigating” and an array of lights indicating whether a prisoner was “unskilled,” “semi-skilled,” or skilled. The new system frustrated prisoners because the inputs to the system were not only known in advance, but determined by prior institutional decisions. The main effect of objective parole was to increase the importance of decisions that prison administrators had

⁶⁰ Chapter 23-2.04, Florida Administrative Code, Enacted October 20, 1963.

⁶¹ See Florida Parole Commission, *Objective Parole: Guidelines Application Manual* (Tallahassee: Florida Research Center, Inc., 1978), and Florida Parole Commission, *Salient Factor Rule Manual* (Tallahassee: Florida Research Center, Inc., 1979).

⁶² The Department of Corrections brought data processing in-house in 1978. See Florida Department of Corrections, “1976-1979,” in *Florida Corrections: Centuries of Progress* (n.d.), available at <http://www.dc.state.fl.us/oth/timeline/1976-1979b.html>.



IT'S THE LATEST GADGET OUT FOR FIGURIN PAROLE DATES & GAIN TIME. AH—EVERY STATE PRISON SHOULD HAVE ONE, MR. GOVNAH SUH... REALLY QUITE SIMPLE.

Figure 2.4 A Cartoon Mocking Increasingly Bureaucratic Parole Procedures: From the Starke Reality II, Volume 3 No 1, December 1978, 31.

previously made relating to a prisoner's case, for instance, by heightening the importance of a prospective parolee's custody grade.

In this sense, the objective parole procedures extended and institutionalized a system of parole determination that had been informally in place since the late 1960s or early 1970s. By

then, the Parole Commission rarely granted parole to people who were incarcerated in “The Triangle,” the nexus of three maximum security facilities comprised of Florida State Prison, Florida State Prison’s East Unit (later renamed Union Correctional Institution), and the Reception and Medical Center in Lake Butler, Florida. To obtain a parole release, prisoners first had to arrange their transfer to a facility elsewhere in the state. Transfer to Glades, Zephyrhills, Apalachee, Sumter, and Avon Park Correctional Institutions offered better chances for parole and entailed a lower custody status. Even better would be transfer to a Community Corrections Center or, after the mid-1970s, a Road Prison; generally, prisoners at these facilities could count on release within eighteen months. In many cases, parole examiners inclined to release a person on parole would instead recommend their transfer to a Community Corrections Center first. The path from prison to parole release became significantly less direct. Consider these notes from a 1976 parole interview with Willie Long, an African American man who, at the time, had served six years of a twenty-five-year sentence:

This man is now in open population at the East Unit. This is the third time I have interviewed him. I find that there is progress evident and that his progress report from June of this year he was recommended for transfer to Union Correctional Institution. In the past I have not felt justified in attempting to try to start working with him because of his actions, but it does appear now that at long last he is finally beginning to realize he is his own worst enemy and is trying to change. Partially because of these reasons I am suggesting now a brief continuation of 6 months, to 3-77. In the meantime I will request a psychological through official channels. This man now has a diploma in air conditioning and basic electricity, he seemingly has, at long last, improved. He was very young at the time of sentence... Perhaps it may be that if the psychological is good, that this man may then be considered for a PP WR [Pre-Parole Work Release] situation, but of course the transfer to Union is still in order and I am told that if it does go through, he would then very likely be in a reduced custody situation which would help his plans with the possibility of any PP WR.⁶³

⁶³ See Notes from Parole Interview with Willie Lane by C.E. Desue, December 19, 1978, Willie Lane 028566, IRFDC.

Long had already made his way out of punitive confinement and into the general population. But, before the Commission would give serious consideration to releasing him, they expected to interview him several more times, subject him to a psychological examination, have the Department of Corrections move him to a reduced custody level, and then transfer him to a pre-parole work release center (also known as a Community Corrections Center). Only at that point would Long be institutionally positioned to secure release on parole. And though the parole official took no concrete action, he laid the groundwork for doing so by scheduling Long's next interview for "only" six months hence, rather than the one or two years that could typically lapse between interviews.

Prisoners understood that the path to a parole release in the 1970s had become staged, and they changed their correspondence with the state accordingly. As articulations of citizenship became extraneous, prisoners' letters focused on the narrower goals of lowering their custody grades or transferring to a facility outside the Triangle. Dorthea Logan wrote to Louie Wainwright in 1972, not asking that her son be released, but instead that he be transferred to a Work Release Center.

I have had the pleasure of visiting with my son, Virgil E. Trump – 019572 at the Raiford State Prison. My visits and communication after a two year absence has been superb. Virgil seems to have matured a great deal since he was given the task of fending for himself. He seems to be ready to do something with his life now, particularly in the vocation area. His interest is and has been for several years in learning "transmission repair work."

Is there a possibility that this young man could be placed where he can go to a vocational class to learn this trade?

We have discussed the home situation and we both feel that this has been a major problem in his life and that I have been unable to provide the type of home he needs. Now that his sisters and brother are all 21 years and over and have homes of their own, we both felt that perhaps we could work with each other to attain this goal. I can get a home in the middle-class section of the Seminole area, but I would certainly have to have help to keep it up and make the monthly payment. Is there a possibility that Virgil, if his

is willing, could be placed on a Work Release program to help provide this home situation. Certainly the responsibility would be excellent for him and his attitude. This would also enable him to start an account of his own and have money of his own whenever his time comes for release.

Vergil and I have discussed my willingness to help in any way possible as long as he is willing to do and help himself. After talking to him I feel sure that he is now ready to think about himself and to forget the kid games he has been involved in in the past. We even discussed girls and marriage and he was very sensible in agreeing to a longer term of bachelorhood until he has his feet more firmly planted.⁶⁴

In 1970, Paul Charles wrote the Parole Commission, asking either for parole or for a “the privilege of work release” in careful, all-caps handwriting.

I WOULD LIKE TO KNOW WHAT MY CHANCES ARE FOR A PAROLE AND WHEN WILL THE COMMISSION SEE ME, I DESIRE TO BE PAROLE OUT OF THIS STATE.
IF THIS COMMISSION CANNOT AT THIS TIME SEE FIT TO PAROLE ME, THEN PERHAPS THEY WOULD GRANT ME THE PRIVILEGE OF WORK RELEASE UNDER THE REDEVELOPMENT OF PRISONERS PROGRAM.
I FEEL THAT THIS WOULD BE MORE BENEFICIAL TO MYSELF, FAMILY AND SOCIETY, NOT TO MENTION PROFITABLE TO THE STATE.
AS YOU CAN WELL IMAGINE WITH THE NEGATIVE THINKING AND ENVIRONMENT HERE AT THIS INSTITUTION ONE CAN ONLY STAGNATE, AND IT ONLY A MAT[T]ER OF TIME BEFORE AN INDIVIDUAL UNDER THESE CONDITIONS BECOME USELESS TO HIMSELF AND PERMANENTLY A BURDEN UPON THE STATE.⁶⁵

Most letters asking for transfer were decidedly shorter than Logan’s and Charles’, dispensing with performances of class, mentions of family, or the importance of work. Short letters asking for transfer to a work release program, less secure custody status, or at an earlier-than-scheduled interview became more common.⁶⁶

Florida’s parole commissioners themselves began to respond to correspondence from prisoners using form letters and stopped providing feedback about how a prisoners’ letter might

⁶⁴ Dorthea Logan to Louie Wainwright, December 1, 1972, Virgil E. Trump – 019572, IRFDC.

⁶⁵ Paul Charles to Florida Parole Commission, May 12, 1970, Paul Charles 008439, IRFDC.

⁶⁶ For example, Lester Simmons to Ray E. Howard, n.d. [ca. August 1974], Lester Simmons 019690, IRFDC.

affect his or her case for parole. Many of their replies in the 1970s and 1980s failed to make even halfhearted attempts to acknowledge an individual case. When a police officer who knew the family of Marjarie Ayers, the prisoner from Maine who was incarcerated for armed robbery, wrote to support her release, the Commission responded with a form letter that did not even reflect Ayers' appropriate gender and referenced her by name and prison number only in the subject line. "Thank you very much for your letter received concerning the above individual. We appreciate your interest in him."⁶⁷

Prisoners understandably grew frustrated with the Parole Commission's stodgy bureaucracy, which responded to all prisoners' inquiries with the standard reply, "This is to acknowledge receipt of your letter dated...." In 1984, David Davidson wrote, "I do not need you to acknowledge receipt of this letter. I would just like to have the following things considered."⁶⁸ Apparently, the Commission obliged; no reply to Davidson is recorded in the Commission's records. Davidson might have felt relieved that that someone at the Parole Commission had at least partially read his letter, at least enough to learn he didn't expect a reply.

Citizenship and the Rehabilitative Ideal

Between the U.S. entry in the Second World War and the early 1980s, articulations of citizenship in prisoners' letters for parole cohered, shifted, and, finally, fractured. In the 1940s, prisoners wrote about donning "the uniform of Uncle Sam" or helping the war effort by working in industry or agriculture. Prisoners' wartime rhetoric contained some of the uglier aspects of nationalist discourse, reflected in their racist depictions of Japanese and Japanese Americans. During the 1950s and 1960s, letters for parole tracked broader developments in American

⁶⁷ Ray E. Howard to Chauncy Lancaster, July 26, 1973, Marjarie Ayer 139273, IRFDC.

⁶⁸ David Davidson to B.H. Greadington, July 26, 1984, David Davidson 063040, IRFDC.

political economy and reified the ideal of the male breadwinner. Though letters for parole largely skirted conflicts about wars in Korea and Vietnam, they engaged whole-heartedly in debates about welfare, with prisoners writing that release from prison would enable their families to get “off the welfare rolls.”

In the 1970s and 1980s, family remained a common thread in letters for parole, but articulations of male soldiering or breadwinning citizenship went by the wayside. The collective coherence that letters for parole had had in decades prior seemed to evaporate. In this chapter, I have suggested that this disappearance of broader themes of citizenship from prisoner letters stemmed from the broader fracturing of U.S. society. In contrast to the 1940s and ‘50s, by the late 1970s no broadly resonant ideals of citizenship circulated in America political culture. Fissures and debates about war, violence, race, poverty gender, and sexuality left prisoners with few durable ideas about what life as a “useful citizen” should look like. Profound economic changes contributed, too. If prisoners struggled to write about how they would work and care for their families in the 1970s, it was at least in part due to the fact that deindustrialization made their labor no longer economically necessary.⁶⁹ The individualistic and neoliberal transformations of the 1980s, discussed in Part II of this dissertation, would make citizenship an even slipperier concept.

The dissolution of prisoners’ articulations of citizenship as read through the letters they and their families wrote asking for relief from the state coincided with broad skepticism about the

⁶⁹ The idea that mass incarceration is linked to broader economic changes is best described by Ruth Wilson Gilmore and Loïc Wacquant. Both follow early twentieth century Marxist theories of punishment as elaborated by Georg Rusche and Otto Kirchheimer. See Ruth Wilson Gilmore, *Golden Gulag: Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007); Georg Rusche and Otto Kirschheimer, *Punishment and Social Structure* (New York: Columbia University Press, 1939); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2007). See also John Irwin, *The Warehouse Prison: Disposal of the New Dangerous Class* (New York: Oxford University Press, 2004);

promise of rehabilitation. In what scholars since have dubbed the “decline of the rehabilitative idea,” the concept of rehabilitation came under attack from the left and the right in the 1970s. Part II of this dissertation will show that rehabilitative interventions in the criminal justice system persisted through the 1970s and 1980s, though they took on many of the techniques of control that characterized prisons oriented towards punishment. “Rehabilitation” lost its salience in the 1970s in part because Americans lost their collective understandings of the types of citizenship to which prisoners could be rehabilitated. Controversies around the concept of rehabilitation in the criminal justice system may have had less to do with the decline of the rehabilitative ideal than the dissolution of broadly resonant ideals of citizenship.

Part II

God's Business

On December 20th, 1984, Jack Roland Murphy donned one of his old silk suits—a gray, pinstriped one—and walked out of Zephyrhills Correctional Institution toward a crowd of cameras and reporters. The release of the forty-seven-year-old convict after sixteen years in Florida prisons not only made all the local papers, but the *New York Times* and *Washington Post*, too. “I feel great,” Murphy told the scrum of reporters. “I’m not the same person that came in here a long time ago.” The prisoners he left behind waved a sign that read, “Goodbye Jack! We’ll Miss You,” and they sang “Amazing Grace.”¹

Not everyone was in a celebratory mood. A Miami Beach police officer told the *St. Petersburg Evening Independent* that Murphy, who was sentenced to two life sentences plus twenty-five years for his involvement in a double homicide and a separate robbery, was “a real bad dude” who “should never have been let loose.” “If I see this guy on the street, I won’t pass him. I’ll take a shot at him.”² A reporter asked Murphy what he planned to do out of prison. “God’s business,” Murphy replied before hopping into the car of Frank Constantino, an old friend.

The media reported Murphy’s release from Zephyrhills as if he were walking out the gates a free man, but, in fact and in law, Murphy remained a prisoner. The Florida Parole

¹ “Jewel Thief ‘Murf the Surf’ Is Released from Prison,” *Washington Post* (December 21, 1984), A3; “Murph the Surf Ends Prison Term,” *The New York Times* (December 21, 1984), A36.

² “Murf the Surf Takes His First Steps toward Freedom,” *St. Petersburg Evening Independent* (December 20, 1984), p. 12-A.

Commission had voted to parole him two years hence, in November 1986. In the intervening years, he would legally remain an inmate of the Florida Department of Corrections. Any “new evidence” that might indicate that Murphy was not rehabilitated—any rule violation, disciplinary report, new arrest, unfavorable psychiatric evaluation, or *any* new disclosure—could provide the Parole Commission with grounds to extend his stay in state custody. At any moment and for any reason—or for no reason at all—state authorities could decide to send him back to an institutional prison facility like Zephyrhills Correctional Institution. The only reason he was walking out of a correctional institution was that, at the urging of the Parole Commission, the Florida Department of Corrections had contracted out his care and custody to an organization named Christian Prison Ministries, Inc. The private, religious nonprofit was owned by Constantino, the man waiting to ferry Murphy away from Zephyrhills CI and to a halfway house in Orlando. Murphy would spend his final two years as a prisoner at the Orlando facility in the custody of his old friend, Constantino.

Constantino was more than a friend. In his and Murphy’s past lives, they had been accomplices. A pugnacious and heavyset former boxer from Hialeah (a city adjacent to Miami), he had served four years on a twenty-two-and-a-half-year sentence for burglary, some of it at Union CI and Florida State Prison with Murphy. When I mistakenly assumed that Constantino and Murphy met at Florida State Prison, Murphy immediately corrected me. “I met Frank in a parking lot with a lot of rocks and a lot of blood.”³ (By “rocks,” Murphy meant jewelry and precious stones.) Constantino was sentenced to prison after being caught in the act of burglarizing a fur store, but he had also been involved in organized violent crime. His wife’s

³ Interview with Jack Murphy, Crystal River, Florida, November 17, 2015.

memoir describes him carrying a gun, coming home with blood on his hands, and, once, being involved in a gunfight outside their Miami home.⁴

For his part, Murphy's only competition for the ignominious status as the State of Florida's most infamous prisoner was Ted Bundy, the serial killer whom the state would execute by electrocution at Florida State Prison in 1989.⁵ "Murf the Surf," as almost everyone called him, was a handsome and charismatic playboy from Southern California who twice won world surfing championships before being convicted of killing two young women who were his accomplices in a securities fraud scheme. (Murphy has denied killing the women, claiming that his co-defendant committed the murders. He admits to disemboweling them in an effort to dispose of their bodies in a tidal South Florida creek.⁶) A prodigy in both violin and tennis, he briefly attended the University of Pittsburg before dropping out and making his way south. In Miami Beach in the 1950s and 1960s, he continued a surfing career and worked as a stunt diver at Miami Beach hotels. He claims to have met the Beatles at the Deauville Hotel in 1964. By then, he was involved in Miami's free-wheeling organized crime scene. He spent evenings in bars and clubs frequented by Miami's organized crime groups, which, at the time, were mainly offshoots of New York organizations. Sicilian, Irish, and Russian mobsters—too small in number to self-segregate—ate and drank in the same spaces.⁷ It was through these inter-ethnic (but all white)

⁴ The former prisoners I spent time with or whose memoirs this account is based on often told stories about how bad they had been; emphasizing the extent of one's sins is a standard part of redemption narratives. All were careful to limit their storytelling to events for which the statute of limitations had passed. There is no statute of limitations on murder, and, perhaps as a result, mentions of killings are absent from the memoirs and stories of born-again Christians. Bunny Costantino and Joanne Jacquart, *Lady in the Shadow* (Grand Rapids: Acclaimed Books, 1981).

⁵ As I conducted interviews with former officials in 2015 and 2016, they often brought up Murphy's case and made their anger about it clear. The sentiment of the policeman quoted in the *St. Petersburg Evening Independent*, I learned, was largely representative of those working in Florida law enforcement.

⁶ Jack Murphy appearing at the Florida Executive Clemency Board Meeting, December 13, 2012. Video available at <https://thefloridachannel.org/videos/121312-executive-clemency-board-meeting/>.

⁷ Murphy Interview, September 11 and 12, 2015.

organized crime networks that Murphy, the Irish-American newcomer, met Constantino, the Italian-American Miami native.⁸ Apparently with Constantino, Murphy was part of a cat burglar ring that crept into beachside mansions in West Palm Beach and other wealthy enclaves to steal jewelry. More athletic than the rest, Murphy's role involved swimming across the intracoastal waterway with the haul, allowing the rest of the crew to make their way by car off the narrow island roads without any property that might incriminate them if police stopped the group.⁹

In 1964, Murphy attained national attention when he executed the biggest jewel heist in US history, stealing the Star of India diamond from the Museum of Natural History in New York. Nora Ephron got her first big break writing about Murphy, scoring leading stories in *The New York Post* and *The Village Voice*. Before the robbery, she attended parties with him; after the robbery, she snuck into his hotel room and provided information to police that helped crack the case. Ephron sensed something romantic about Murphy and his accomplices (whom she called his "sidekicks").¹⁰ "They may be burglars," Ephron wrote of the impression they left, "but what class! They arrive in Cadillac convertibles or \$10,000 yachts. They pay cash. Women. Class.

⁸ Ethnicity was something Murphy continually referenced in my conversations with him. My Irish last name seems to have played a role in his decision to speak with me, and he talked repeatedly about being Irish American. When Murphy connected me with other former prisoners he knew, he made my race and apparent ethnicity clear. "*O'Brien*," he said slowly while asking one friend whether she wanted him to share her contact information with me. "Good Jewish boy," he added facetiously.

⁹ Interview with Jack Murphy, Florida City and Doral, Florida, September 11 and 12, 2015. See also Meryl Gordon, "The 50th Anniversary of New York's Most Sensational Jewel Heist," *Vanity Fair* (October 29, 2014), <https://www.vanityfair.com/style/scandal/2014/10/museum-of-natural-history-jewel-heist>; and Jeff Klinkenberg, "Murf the Surf: He Stole the Star Of India, Killed Two Women in the Whiskey Creek Murders, But That's Not Him Any More," *Tampa Bay Times* (August 25, 2012), available at <http://www.tampabay.com/features/humaninterest/murf-the-surf-he-stole-the-star-of-india-killed-two-women-in-the-whiskey/1247688>.

¹⁰ Nora Ephron and Gene Grove, "How Gem Theft Was Broken: Wild Parties Lead to Tip; Girlfriend Led to Arrests," *New York Post* (November 2, 1964), 3. See also Gordon, "The 50th Anniversary of New York's Most Sensational Jewel Heist."

Cash. No small-time, no-nonsense thefts for small stakes. Nobody gets hurt. It was beautiful.”¹¹ After being apprehended and serving a short sentence in New York for the jewel theft (he negotiated a favorable sentence in return for disclosing where most of the jewels were hidden), Murphy returned to Miami. He was quickly accused of fraud and convicted of murder and robbery. A judge sentenced him to Life plus 25 years “at hard labor.”

The story about how the state of Florida came to place Jack Murphy, a man whom his sentencing judge called “a ‘public enemy’ of the first magnitude,” in the custody of his former accomplice is a strange one.¹² It involves multiple jailhouse conversions, a prisons chief inclined to make deals with the prisoners in his custody, the frustration of an enigmatic chaplain with new rules that limited his evangelizing, and the cooperation of a few men who worked to draw religious non-profits into a close and profitable relationship with state government.

The 1970s and 1980s saw an enormous increase in the role of non-profit religious entities in the administration of Florida’s criminal justice system. The Salvation Army took over misdemeanor probation at the county level, and several religious organizations—including Christian Prison Ministries, Inc., the Salvation Army, and Goodwill Industries—opened and operated facilities that gave them physical and legal custody of state prisoners. The arrangements these organizations pioneered eventually culminated in the emergence of for-profit prison companies, like Corrections Corporation of America, Wainwright Judicial Services, and National Corrections Management, Inc.—some of which were run by some of the same individuals who had started in religious organizations.

¹¹ Nora Ephron, “Murph the Surf: The Case of a Failed Folk Hero,” *The Village Voice*, Vol. 10 No. 12 (January 7, 1965).

¹² Judge Carl Stedman to James A. Bax, September 30, 1970, Jack Murphy 024627, IRFDC.

The involvement of religious organizations in the administration of the criminal justice system began largely with good intentions, but religious groups aggravated some of the criminal justice system's more coercive and exploitative tendencies. The Salvation Army of Florida negotiated the first fee-based models of probation supervision in 1975, an innovation that turned courts into revenue-creating institutions and shifted the financial burden of supervision from the state to the (mostly poor) people it supervised. Changes in how state services were funded transformed the state's incentives regarding their use. Where supervising an individual on probation previously had been a burden on a court's coffers, fee-based funding models made probation supervision a lucrative enterprise. Courts' use of probation increased accordingly.

These chapters of the dissertation show how religious organizations became implicated in and helped create what scholars have called "the prison industrial complex." Chapter 3 shows how the Salvation Army's urban missions became enticing assets for criminal justice systems struggling to implement and administer supervision and treatment programs in urban areas. Chapter 4 examines the shifting politics of religious pluralism in the 1960s and 1970s. The lawsuits and protests of religious and racial minorities dislodged the white Protestants who dictated Florida prisons' religious and rehabilitative regimes, but these networks consolidated anew in non-profit, voluntary organizations ostensibly outside of the purview of the state. Chapter 5 then shows how some religious groups that adhered to versions of the Prosperity Gospel oriented the criminal justice system's powers towards the production of private wealth. Together, these chapters show how religious groups became deeply implicated in a privatized, profitable, and industrial criminal justice system.

Chapter Three

The Costs of Supervision: The Salvation Army and the Economics of Punishment

Religious organizations have long been involved in housing, clothing, and boarding people as they leave prison. The Salvation Army, the YMCA, Goodwill Industries, and countless other small groups have, since the late 1800s, welcomed poor people into its shelters and charities, many of whom were former prisoners. Especially for men who had strained relationships with their family, or who had no family to speak of, religious organizations provided a desperately needed safety net for people getting out of prison. Religious organizations entered the terrain of charitable social services in the mid-nineteenth century, as Christian groups in England and Germany became increasingly concerned with working-class poverty. Industrialization had brought hundreds of thousands of poor into cities like London, and Christian social reformers attributed what they saw as sinful behaviors—such as prostitution, gambling, and drinking—to the dire material conditions of poor workers. William Booth, the founder of the Salvation Army, wrote in 1890 that the

vicious habits and destitute circumstances [of the poor] make it certain that, without some kind of extraordinary help, they must hunger and sin, and hunger, until, having multiplied their kind . . . , the gaunt fingers of death will close upon them and terminate their wretchedness.”¹

¹ William Booth, quoted in Paul Bollwahn, *William Booth: The Development of His Social Concern* (Alexandria Virginia; Salvation Army National Headquarters, 2000), 10.

A foundational tenant of these Christian groups' social missions was a belief that spiritual salvation would be more easily brought about if people were removed from their "temporal misery" through the charitable provision of social services. Eternal misery could only be avoided if individuals could "find their way to the cross of our Lord Jesus Christ."²

By the late 1800s, Christian groups inclined toward social service solidified a theology that prioritized care for the "whole person." The YMCA adopted as its logo an inverted red triangle, the points of which symbolized body, mind, and spirit—equally important components of a whole person. The theological innovation that physical, worldly needs must be met at the same time as spiritual needs drew Christian organizations into poor communities where they established institutions to provide basic needs and to evangelize.³

As they had done in England and Germany, Christian groups in the United States established shelters, food kitchens, and settlement houses in the late nineteenth century where mostly middle-class Christian volunteers provided material aid to the poor. This chapter discusses the transformation of religious groups' urban social missions over the course of the twentieth century. I show how their theologies of evangelism and salvation led them to collaborate with criminal justice systems during the Progressive Era, as both religious groups and criminal justice system administrators sought to intervene in the lives of poor people living in America's urban centers. Although the professionalization of social work and policing left religious groups with little formal role in criminal justice systems by the 1920s, they remained adjacent to it, often providing shelter and board to people as they were released from prison. In

² Ibid., 11.

³ Although Christian organizations broadly sought to alleviate the pains of hunger and poverty, there was significant disagreement about the merits of providing unconditional charitable social support. Many groups, such as the Charity Organization Societies and even William Booth prior to 1890, believed that unconditional support—or, what the Charity Organization Societies called "handout welfare"—contributed to dependency. See Bollwahn, *William Booth*, esp. 12-14.

the 1950s and 1960s, the physical presence of religious groups in urban areas facilitated a new type of involvement with U.S. justice systems. Prison and parole administrators who wanted to establish new forms of correctional control in urban communities, such as halfway houses and increased probation and parole supervision, saw religious missions as valuable footholds in urban spaces. State and federal governments depended on the physical and administrative capacities of religious groups to implement their “community-based” initiatives in urban areas.

Using informal archives and oral histories, I discuss the development of the Salvation Army of Florida’s probation services and show how the first modern scheme to privatize probation changed the financial underpinnings of criminal courts and of religious groups. Religious groups’ urban missions arose out of concern for the welfare of the poor. They were absorbed into criminal justice systems as part of a marriage of convenience. And the financial incentives involved in monitoring tens of thousands of Americans under court supervision made divorce difficult or impossible. The Salvation Army’s mission “to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination” carried the organization into urban areas. The financial and coercive capacities of the state pulled the Salvation Army into profitable systems of punishment.

Justice and the Social Gospel

The Salvation Army opened its first missions in the United States in 1874, and by the mid-1880s had expanded to more than a dozen states. Chicago and New York became centers of Progressive Era social service organizations. In 1889, Jane Addams and Ellen Gates Starr opened Hull House, which quickly became the model for American settlement houses. The programs there sought to improve the whole individual, and Hull House’s residents engaged in education, religious studies, and work. Though Addams and Starr de-emphasized evangelical Christianity,

the routine of Hull House was deliberately modelled on that of Toynbee House, a similar institution (but for men) with explicit religious underpinnings. The scholar Eleanor Stebner persuasively argues that, despite her professed secularism, Addams and advocates of the Christian social gospel were in many ways pursuing parallel projects. Both sought to expand the definition of religion, leverage Christian ideals to build a more just society, and “explor[e] the totality of life itself.”⁴ Save for the absence of explicit mention of Jesus, Addams’ own writings would not have been out of place among preachers of the social gospel. In *The Spirit of Youth and the City Streets*, she writes that social reformers must “stir the fires of spiritual enthusiasm” and draw a youth into “a sense of participation in the moral life about him.”⁵

An important aspect of the settlement, Salvationism, and Social Gospel movements was that they believed that nearly everyone was capable of being redeemed or reformed. (The “nearly” is required because their practices did not always align neatly with their theology: Like many whites, the leaders of these movements often subscribed to racist ideologies that excluded blacks and other racial “others” from potential salvation or reform.⁶) Instead of creatures to be avoided, the poor and the seemingly sinful were the primary targets of the social gospel. William Booth’s first converts to Salvationism were “thieves, prostitutes, drunkards, and gamblers,” as the Salvation Army still repeats with pride.⁷ Hull House, too, targeted recent European immigrants to Chicago and focused particularly on prostitution, along with alcohol and drug use.

⁴ Stebner also focuses on the way Hull House residents and volunteers practiced and experienced “spirituality” in the settlement house’s regimen. Eleanor Stebner, *The Women of Hull House: A Study in Spirituality, Vocation, and Friendship* (Albany: State University of New York Press, 1997), 34, 178-180.

⁵ Jane Addams, *The Spirit of Youth and the City Streets* (Champaign: University of Illinois Press, 1909), 153.

⁶ For a fantastic examination of the limits of redemption and reform in the Progressive Era, see Michael Willrich, *City of Courts: Socializing Justice in Progressive Era Chicago* (New York: Cambridge University Press, 2003) and Khalil Gibran Muhammad, *Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2011).

⁷ The Salvation Army, “History of the Salvation Army,” available at <http://www.salvationarmyusa.org/usn/history-of-the-salvation-army>.

The categories of people Addams, Booth, and their followers targeted for conversion and reform tended to be also be the targets of the campaigns against “vice” in the Progressive Era, and social reformers saw an increasingly interventionist state as a potentially powerful ally. In Chicago, Addams established the Juvenile Protection Association, a non-profit that worked with the Chicago’s new Juvenile Court—the first in the country. Employees of the Juvenile Protection Association served as probation officers to the Juvenile Court: the first juvenile probation officers in the world were private—not state—employees, even as they acted as state agents.⁸ In New York, another hotbed of progressivism, the new probation office was established as an auxiliary to the criminal court, but, in practice, was run largely by the Salvation Army. A 1901 article in the New York *Times* noted that the appointment of Salvation Army Staff Captain Caroline Welsh to be a probation officer was met with “some surprise.” The reason for surprise was not her association with the religious group, but instead her gender: “It had been taken for granted that a member of the Salvation Army would be selected, but it had not been thought that a woman would be put forward for the place.”⁹ Probation as an institution, then, emerged from the public private collaborations of the associational state.

By the 1920s, probation had become an unambiguous function of the state. As states like Wisconsin and Pennsylvania developed formal procedures for probation, state employees directly administered the programs.¹⁰ In New York, the state moved to centralize probation, and, in

⁸ Brian Balogh identifies such collaborations between the state and private organizations as key elements of the “associational state.” He argues that associational relationships were central to the American state, and were one way that a seemingly weak state was able to intervene so effectively in U.S. Society. Brian Balogh, *The Associational State: American Governance in the Twentieth Century* (Philadelphia: University of Pennsylvania Press, 2015).

⁹ Technically, Welsh was appointed by the Magistrate of the Police Court, but he was merely ratifying the recommendation of a Salvation Army counselor who seems to have worked in the court. “Woman Probation Officer: Captain Welsh of the Salvation Army Appointed by Magistrate Deuel—Her Plan of Action,” *The New York Times* (September 24, 1901), p. 14.

¹⁰ See Joan Petersilia, “Probation in the United States.” *Crime and Justice* 22 (1997): 149-200.

1917, made it a function of the state Department of Corrections.¹¹ The full incorporation of probation into the administrative state was the outcome of a penal ideology that prioritized expertise as it related to social scientific authority.¹² Addams was herself a leader in this, and was instrumental in establishing social work as a professional field. Over the course of just fifteen years, the job of probation officer transformed from one that a Salvation Army officer could perform in complete accordance with his or her evangelizing mission to one performed by a professional bureaucracy of social workers.

The secularization of criminal justice cut religious groups out of direct administration of probation, but they remained adjacent to the criminal justice system. From the 1920s until World War II, the Salvation Army, Goodwill, and the YMCA all operated charitable shelters that were regularly filled with people getting out of prison. The path by which religious organizations came to care for former prisoners was informal, even as it was frequently travelled: a man got out of prison, took a bus to a city, and, with no home or family to help him, found his way to a Salvation Army or YMCA shelter. These organizations continued to subscribe to a theology that emphasized care for the whole individual and celebrated individuals' possibility of radical transformation. As probationers had been decades earlier, people getting out of prison fit the archetype of the people targeted by the charitable missions of Christian groups following the social gospel.

Changes in prison and parole policy—particularly the widespread adoption of indeterminate sentencing after World War II—disrupted the informal links between religious charities and prisons. As prison and parole officials embraced “modern penology” in the post-

¹¹ See New York City Probation Department, “History of Probation,” available at <http://www.nyc.gov/html/prob/html/about/history.shtml>.

¹² See Khalil Gibran Muhammad, *Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2011).

war decades, release from prison was no longer automatic or guaranteed. Instead of being released at the end of a specified term, prisoners had to convince parole officials that they were ready to lead a law-abiding life outside of prison. The main idea behind parole and indeterminate sentencing was that “experts”—instead of judges—could determine when a prisoner had been rehabilitated and, only then, decide to release him. In addition to assessing whether a prisoner had been rehabilitated and appeared adequately remorseful, these experts (the social workers, parole and probation officers, mental health workers who had displaced religious organizations from probation administration decades before) made release contingent on having secured a suitable place to live and a job.

On the surface, this seemed a beneficial and well-intentioned change. Under the parole system, former prisoners were no longer released onto the streets with no job, little money, and no place to live. By the time people were released from prison, parole boards had made sure that they had housing a job that could pay the bills. Living in your own home was thought of as preferable to living in a charity shelter, and both parole officials and prisoners likely felt this way.¹³

Well-intentioned though they might be, the new parole requirements created cracks that many prisoners fell through. The changes made finding a job and a place to live pre-requisites for release, and prisoners who couldn't find a job or place to live could end up staying in prison practically indefinitely. Securing a firm job offer while in prison was a difficult task, even for the few prisoners who were literate and had strong social connections to draw on. Most prisoners

¹³ Many states, including Florida, maintained hybrid systems of sentencing and release, where the state was obligated to release prisoners after they had served a maximum term specified by their sentencing judge. The percentage of prisoners released by way of parole supervision (as opposed to those released by “end of sentence”) varied widely across states. In Florida in 1955, only 27% of prisoners were released by the parole commission. The other 70% instead served their full terms. Florida Parole Commission, 15th Annual Report (1955).

relied heavily on family members, who promised to share their homes and sometimes begged friends or family to sign an “employment blank” promising to hire a prisoner and pay him a specified wage. But prisoners without helpful kin struggled to find a job and the few agencies tasked with helping them do so—including the US Employment Office and the Parole Commission itself—were often too overworked to be of much help. Religious charities like the Salvation Army required residents to work to maintain the premises, and they often helped residents search for jobs; but they could not offer their residents the paying jobs they needed to get out of prison.

The difficulty of finding a job, combined with the new requirement that one must have a job in order to be released on parole, meant that some prisoners could not satisfy the conditions for release, and remained stuck in prison, even when parole officials were inclined to release them. This Catch 22—prisoners could probably find a job if they could only get out of prison, but they couldn’t get out of prison because they didn’t have a job yet—could go on for years. Joseph Bowles, a white inmate in his forties confined at Florida State Prison, fell into this administrative gap for more than five years, from 1946 to 1951. Though he was serving a twenty-year sentence for manslaughter for killing his sister, Florida parole authorities viewed Bowles sympathetically and recommended paroling him in late 1946, after he had served just over four years. He had been “hard working and conscientious” and “lived the life of a very industrious and worthwhile citizen.” Besides, the Commission noted, his dead sister had “dominated him financially, socially, emotionally and almost every other way.” Moreover, in circumstances the Parole Commission considered to be mitigating, he killed her after learning that she was having

“somewhat intimate relations ... with a soldier whom she met.” Citing his lack of “criminal tendencies,” parole officers wrote in 1946 that they “strongly favor[ed] parole” for Bowles.¹⁴

The Florida Parole Commission gave Bowles a few “employment blanks,” or forms that a prospective employer would fill out to declare his intention of hiring a prisoner upon release. Like many prisoners, Bowles had hoped to re-enlist in the Army, and, despite his conviction for manslaughter, was eligible to re-enlist. (The Army would accept people who had one felony conviction, but two felony convictions disqualified an applicant for the armed forces.) The Army demurred, telling him that his application was “not viewed favorably” because he was currently in prison. The recruiting officer encouraged him to reapply “when you are unconditionally released from the control of civil service authorities.”¹⁵ After this setback, Bowles persisted in sending out letters in hopes of finding a job. Bowles received optimistic replies from a Veteran’s Representative of the US Employment Service, which promised to help him get a job after his release. But such promises to help him find a job once he got out did not satisfy the Parole Commission. “These men ... only stated that they would be glad to assist you in trying to secure employment, but neither stated that they had a definite employment offer for you.”¹⁶

With no family to help him get a job—the Parole Commission noted that Bowles did not have “any people in Florida”¹⁷—Bowles, like many prisoners, turned to religious charities for help. After exhausting his options with the US employment board and attempted to re-enlist in

¹⁴ Until the 1970s, prison and parole authorities took a strikingly nonchalant stance regarding domestic and other forms of gendered bias, particularly when the woman involved could be labeled as promiscuous. Report on Joseph A. Bowles, by E.D. Hinckley, November 7, 1942. Inactive Parole Files, State Archives of Florida. Series 731, Box 8.

¹⁵ Edward F. Wittsel to Joseph A. Bowles, June 9, 1946. Inactive Parole Files, State Archives of Florida. Series 731, Box 8.

¹⁶ Raymond Marsh to Joseph A. Bowles, January 20, 1949. Inactive Parole Files, State Archives of Florida. Series 731, Box 8.

¹⁷ Florida Parole Commission to Arthur S. Bullock, September 17, 1948. Inactive Parole Files, State Archives of Florida. Series 731, Box 8.

the army, he wrote to a Salvation Army shelter in New York. The Salvation Army was characteristically inclined to help him. Though it could not offer a definite job offer, it was aware of the requirements prisoners faced and did its best to paper over the gaps between what it could offer (room and board) and what parole officials required (room, board, and paying employment). The Salvation Army wrote that it could “guarantee you residence, employment and food in one of our men’s institutions until we can place you in outside industry.”¹⁸ But, as subsequent correspondence between the parole officers and Salvationists in New York revealed, the only “employment” the Salvation Army could guarantee was unpaid labor within the shelter facility—cooking, cleaning, and doing laundry for and with the other residents. Because the work was not paid, the Florida Parole Commission rejected this arrangement, and Bowles remained in prison.

Bowles continued to write to charities and employment agencies in an attempt to find work. No matter how prolific—his file is one of a mere few in the archives that is split between multiple, thick folders—these efforts were unsuccessful. As Bowles languished in prison, his health began to deteriorate. He suffered a series of heart attacks, developed a tumor in his mouth, and began having trouble eating and moving around the compound. In November of 1951, the Florida Parole Commission placed Bowles in a convalescent home for veterans in Bay Pines, Florida. Bowles’ health eventually stabilized, but he remained a resident of the convalescent home and, other than a part-time assignment helping veterans confined to wheelchairs move throughout the facility, never worked again.

As Bowles’ case makes clear, the expansion of parole in indeterminate sentencing in the post-war years—especially the requirement that prisoners secure an offer of paid employment

¹⁸ J. Stanely Sheppard to Joseph A. Bowles, March 12, 1949. Inactive Parole Files, State Archives of Florida. Series 731, Box 8.

before they could be released—erected bureaucratic obstacles that resulted in many people staying in prison for years after authorities were willing to release them. Overwhelmingly, these prisoners struggled to secure jobs because they were illiterate or because they did not have extended kin networks that could represent them to outside employers. Bowles differed from the typical prisoner caught in this system not only in that he was literate (and therefore left a significant archive of his attempts to be paroled), but also in that the reason he had no family to help him was that he had killed her. Most prisoners in his situation were less literate, and most were convicted of lower-level offences property or public order offenses, like burglary or vagrancy. The reasons they had no family ties typically were death of close family, migration, or strained relations because of drug or alcohol abuse. Parole policies that sought to streamline a prisoners' transition from prison to society actually made the gap between the two more consequential: The job requirement made prisoners responsible for enacting changes in society even as they were set relatively apart from it.

The State and the Religious Halfway House

Religious organizations created an institution, the correctional halfway house, that began to bridge the gap between the demands of parole authorities and prisoners' limited abilities to make arrangements for their release while still in prison. Like many innovations in the criminal justice system, the correctional halfway house grew out of informal arrangements. The nation's first, St. Leonard's, was founded in 1954 by Rev. James G. Jones, an Episcopal priest in Chicago. Jones served as a volunteer chaplain at the Cook County Jail and, as he got to know many of the prisoners there, he learned about the difficulties they were facing in finding jobs and places to live. Fulfilling a role usually filled by a prisoner's family, Jones personally sponsored men for parole beginning in the early 1950s. He would offer his apartment as their residence, and ask

members of his congregation to offer them employment. With a job and apartment arranged, people could finally get out of prison. These small-scale arrangements were repeated all over the country, and even today, many prisoners without family ties rely on people they had met through prison ministry to help them find a place to live and a job.¹⁹

Jones's ability to offer the apartment he shared with his wife, Nancy, to prisoners had its limits. Though seven or eight men sometimes slept on the floor, Jones's apartment lacked the capacity to meet the needs of the hundreds of prisoners with weak family ties. And, when Nancy Jones became pregnant with the couple's third child, the couple's ability to accommodate recently released prisoners in their apartment was stretched to a breaking point.

St. Leonard's Halfway House was an attempt to scale up and streamline Jones's efforts. Jones secured funds from the Episcopal Dioceses of Chicago, as well as some Episcopal Charities. Jones negotiated with parole authorities and convinced them to waive the employment requirement for men who would live at the halfway house. Parolees could be released from prison if they promised to live at the halfway house, obey its rules, and begin working a job once they found one. As reflected in its name, the halfway house was an attempt to create an intermediate space between prison, on the one hand, and unsupervised release on the other. It

¹⁹ This was the case in my ethnographic fieldsite, too. Volunteers at Wakulla often helped inmates find room and board after their release. In Florida, Department of Corrections is required to ensure that a released prisoner has room and board for one night upon his release, but has no obligations beyond that point. (The most common place to stay for that first night is a Salvation Army shelter, and the Department of Corrections has a \$XX million contract with the Salvation Army to house released prisoners on the night they are released. However, because demand for beds is so high—approximately 30,000 people are released from prison each year in Florida alone—and because the Department contracts for only one night, the shelters lack the capacity to continue to house inmates after a single night. Released prisoners can then sign up for a waiting list for other, non-contract shelter beds, but many are forced to sleep on the streets. Prisoners at Wakulla frequently talked about how they expected to have to sleep under a bridge or “in the woods” for some time before they would be able to find a job and accumulate enough money to rent an apartment. Prisoners facing this situation were often desperate to avoid it, and sought help from volunteers to find housing. Nearly everyone who sought such help so ended up in a faith-based re-entry center.

was a semi-institutional space. Like prison, it had some rules and mechanisms for supervision. Unlike prison, the halfway house allowed residents to leave the grounds of St. Leonard's, wear civilian clothes, date, work paying jobs, and save money.

In the late 1950s, other religious groups replicated the St. Leonard's model, universally for the same institutional reason that prisoners without helpful family members struggled to meet the residence and employment preconditions for parole. Religious groups opened correctional halfway houses in Pittsburg; St. Louis; Los Angeles; Winsor, Ontario; and Wilmington, Delaware. Everywhere, halfway houses were part of a concerted effort to get people out of prison.

Halfway houses quickly became a more central part of the U.S. criminal justice system in 1961, when the Kennedy Administration embraced them. Early into his administration, Attorney General Robert F. Kennedy met with Jim Bennett, the longtime Director of the Federal Bureau of Prisons. The two talked about what could be done to address recidivism, what then, as now, was perceived as the biggest problem the criminal justice system.²⁰ The two “hit upon the idea of halfway houses,” and decided to initiate a pilot project. By December 1961, the Federal Bureau of Prisons (BOP) had opened halfway houses for youthful offenders in Los Angeles, New York, and Chicago.²¹ The halfway house facilities were small—only 20 to 25 beds—and they received

²⁰ The 1961 halfway house initiative reflected broader concerns about institutions, see Chapter 5.

²¹ The halfway house experiment limited to youthful offenders because the Federal Bureau of Prisons had much greater leeway in its treatment of juvenile prisoners than it did of adults. For the Federal Bureau of Prisons to use halfway houses for the treatment or confinement of adults, it would have been necessary to secure legislative approval from Congress. John J. Galvin and Albert J. Reiss *Treating Youth Offenders in the Community: An Account of a New Approach in Correctional Treatment Launched by the United States Bureau of Prisons in the Fall of 1961* (Washington: Correctional Research Associates, 1966).

young men from federal youth prisons who were deemed to be poor parole risks, uniformly because they had no families willing or able to sponsor them for parole.²²

Because its goal was to slowly re-integrate prisoners into their communities, the Bureau of Prisons sought to locate the new halfway houses in the poor, urban neighborhoods that it believed to be the sources of America's delinquent youth.²³ This immediately ran up against the logistical obstacle that the BOP owned no facilities in urban neighborhoods. When newly appointed program directors set out to locate and lease suitable spaces, all decided to lease facilities from religious non-profit organizations. In New York and Chicago (and, later, in Detroit) the BOP leased properties from the YMCA. In Los Angeles, the BOP leased from a Baptist seminary. The BOP leased space from religious organizations simply because they were already located in the communities the BOP targeted, a product of particular Christian theologies and practices that emphasized charitable outreach and prioritized the provision of social services as a central component of their evangelism.²⁴

The entanglement of prison systems and religious organizations increased markedly with two developments in the mid-1960s. First, Congress passed a series of bills that gave the BOP authority to expand its halfway house initiative to adults, and allowed it to implement other

²² The pre-release centers did not have zero tolerance policies; youth worked in the communities; youth were allowed to date: "after a boy has introduced his girlfriend to his counselor he may take her out on an occasional date, subject to a curfew hour set by her parents and the counselor." Calvin, *Treating Youth Offenders in the Community*, 8.

²³ There were debates within the BOP about whether it was preferable to locate facilities in the "semideteriorated sections of cities from which most offenders come, or whether they should be established in better neighborhoods." Calvin, *Treating Youth Offenders in the Community*, 5.

²⁴ The institutional encouragement of some forms of religious observance continued as well. Residents of the BOP halfway houses were "urged the attend churches of their choice, to make use of the neighborhood library, and to improve their educational and vocational backgrounds." Calvin, *Treating Youth Offenders in the Community*, 16.

forms of non-institutional confinement for prisoners, such as work release.²⁵ Importantly, this legislation also provided funds through the Law Enforcement Assistance Administration that was earmarked for states to help them replicate halfway house and work release programs. Second, in 1967, the President's Commission on Law Enforcement and Justice Administration recommended that the Bureau of Prisons "should divest itself systematically of much of its present direct service to offenders ... [and] operate fewer institutions and community correctional programs."²⁶ Crucially, the Commission did not believe that there should *be* fewer institutions and local corrections programs; it merely recommended that they be run by entities other than the federal government.

The influx of cash and the admonition to not administer programs directly led the Bureau of Prisons to pursue contractual agreements to operate its new community corrections programs in the late 1960s and early 1970s. In states like Wisconsin, which already had an infrastructure of "community correctional centers," the BOP contracted with local and state governments, and local facilities began to house mixes of parolees, state prisoners, and federal prisoners.

In jurisdictions like Florida, which relied primarily on institutional confinement, the BOP contracted with private organizations that were already involved in providing social and rehabilitative services to former prisoners.²⁷ Overwhelmingly, the organizations performing these functions were Christian mission groups. In cases where prisoners were returning to large

²⁵ In 1965, Congress passed the Prisoner Rehabilitation Act as part of a package with the Law Enforcement Administration Act.

²⁶ President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Corrections* (Washington, D.C.: US Government Printing Office, 1967), 105.

²⁷ This is a bit of a simplification. Felon incarceration in Florida centered on institutional prison facilities as well as on dozens of State Road Prisons. These Road Prisons were not institutional in the sense that the term would have been used in the 1960s and 1970s, but, being located in remote areas and relying on exploitative and punitive labor, they lacked the community-focused ethos of the "Community Correctional Centers" promoted by the BOP. In the 1970s as the Florida Department of Corrections tentatively embraced a community corrections model, road prisons that were closer to city centers were converted into Community Correctional Centers.

metropolitan areas that had existing halfway houses, the BOP would place them for the last few months of their sentence in an existing halfway house program. In cases where prisoners were returning to smaller towns or rural areas, the BOP would place them in mixed-used shelters.

These were highly informal arrangements. The Salvation Army's shelter in Titusville, Florida, for example, had only half a dozen beds. The facility was supervised, on a local level, by a longtime resident who administered the facility in exchange for food and shelter, and perhaps a small stipend. Occasionally, the shelter would receive a federal prisoner on a work release program. The Salvation Army's headquarters in Jacksonville would receive a check from the Bureau of Prisons; the federal prisoner would spend his days attempting to find work in Titusville, and promised to return to the Salvation Army facility every night. The unpaid, long-term shelter resident who administered the facility, and, who was illiterate, was charged with ensuring that the prisoner returned to the shelter every night and with reporting this to Salvation Army headquarters.²⁸

From the perspective of the religious organizations, these arrangements seemed beneficial and did not require significant deviations from their missions. The key difference between these new arrangements and the informal ones that they replaced was initially only that the federal government helped foot the bill. But for all of the continuities the federal contracts had with prior outreach and mission efforts, there was an important distinction.

Previously, the men and women who passed through Salvation Army shelters and other halfway houses were *released* prisoners. They were often on parole, but they could not be returned to prison without a hearing that entitled them to due process protections, however minimal they

²⁸ This account is based on an interview with John McMahon (Director of the Salvation Army's Correctional Services Division), Lutz, Florida, December 3, 2015 and on a review of the Salvation Army's internal Prisoner Logs from the 1970s.

might be. However, once the Salvation Army began contracting with prison agencies in the late 1960s and early 1970s, the men and women who were in Salvation Army facilities were legally *prisoners*. Though they did not have to wear a uniform and could leave during the day, they could be administratively returned to an institution at any moment, without any legal proceeding. If they absconded, they were considered escapees.

Religious organizations' mission activities and the day-to-day operation of prisons converged more visibly in larger cities across the country. In Chicago, Miami, and Jacksonville, the Salvation Army converted entire buildings into specialized facilities for prisoners, and even started modeling their programs on the "pre-release guidance centers" operated by the Federal Bureau of Prisons.²⁹ In the context of a non-profit that primarily provided basic needs to poor people, contracts to operate these facilities appeared enormously lucrative. According to one former employee of the Salvation Army's Correctional Services Division, the Salvation Army eventually developed a "vested interest in prison programs."³⁰ The financial pull was considerable and, between 1974 and 1978, the Salvation Army in Florida went from hosting an occasional federal prisoner at a shelter to holding hundreds of federal prisoners in their custody.

Rather than being limited to a single state or a single religious organization, the integration of religious organizations and prison administration took place on an enormous scale. Federal, state, and local governments all entered into contracts with private organizations to operate programs like halfway houses. Fueled by government funding and private enthusiasm,

²⁹ The Bureau of Prisons encouraged a more "scientific" rehabilitative regime and prohibited the Salvation Army from evangelizing to prisoners in its custody. The prohibition on evangelization caused significant internal conflict between the local Salvation Army Officers who oversaw the contracted programs and the professional Correctional Services staff at Divisional Headquarters who negotiated the contracts with the federal government.

³⁰ Interview with Jan McMahon, Lutz, Florida, December 3, 2015.

the number of halfway houses exploded from fewer than a dozen in 1960 to more than 2,000 in 1978. Their total capacity expanded to more than 60,000 beds—roughly the prison capacity of California, New York, and Ohio combined.³¹ With the ability to house more than 200,000 people in the course of a year, halfway houses represented a massive infrastructure for community treatment of alcoholism, drug abuse, and a range of other social problems.³² They became central features of drug treatment, juvenile justice systems, mental health interventions, probation and parole agencies, and prison systems. By promising to make state intervention less expensive, less restrictive, less dependent on institutional confinement, and “more effective” in terms of rehabilitation, halfway houses became as common a fixture of urban life in the 1970s as roller-skating rinks.³³

Private Profit

It was into this emerging and increasingly lucrative terrain of nascent privatization that Jordan E. Rothbart entered when he began to work at the Salvation Army’s headquarters in Jacksonville. Rothbart was a native of Chicago, where he had worked for his father’s investment firm as a commodities trader. His father’s firm fired him for “questionable integrity” in 1958, and that same year the National Association of Securities Dealers revoked his registration for deceptive practices. In 1962, the Securities and Exchange Commission found that he committed

³¹ Capacity data were extracted from 1978 Directory for the International Halfway House Association (IHHA). This directory was an incomplete accounting of transitional halfway houses, and excluded those that functioned as long-term care facilities, like those for mental patients. International Halfway House Association, *Residential Treatment Centers, Directory, 1978* (Cincinnati, Ohio, 1978).

³² This is a conservative estimate. Most people spent only weeks or months in halfway houses, and the typical stay was about twelve weeks, which would give halfway houses an annual capacity of 240,000. See Robert P. Seiter et al., *Halfway Houses: National Evaluation Program Phase I Summary Report* (Washington, 1977), 5.

³³ IHHA 1978 Directory; Steven A. Riess, ed., *Sports in America from Colonial Times to the Twenty-First Century* (New York: 2011), 794

fraud. Despite these problems, Rothbart continued to work in finance, where he misrepresented himself as an agent of his father's firm and performed trades for unwitting clients. Most of the trades he executed under these false pretenses appeared to be legitimate (though, he provided his clients receipts on pilfered stationary from his father's firm). But in 1967, he took \$142,000 from a long-term client and disappeared, resurfacing a few years later in Jacksonville, Florida.³⁴

In Florida, Rothbart reinvented himself as a savvy administrator and keen political operator. He developed close relationships with the most influential people in Florida's criminal justice system, including Louie Wainwright and Lieutenant Governor Jim Williams. Though he may have had no formal education beyond high school, he told his colleagues that he had attended Texas Christian University and played football there. (According to Salvation Army administrators, Rothbart had not attended TCU nor played football.) It was a shrewd and calculated deceit: the devout Baptists who ran Florida's criminal justice system had closely ties to prison evangelists from Baylor University (led by the football player Bill Glass) and Rothbart's alleged connections to TCU would be unlikely to lead to him being found out while at least locating him in the same league as Baylor. In addition, football epitomized the brand of aggressive masculinity that prison workers and administrators sought to emulate.³⁵

³⁴ The details of Rothbart's history in finance appear in a series of lawsuits brought by the defrauded client. See *Sennott, et al. v. Rothbart, et al.* No. 67 C 424. United States District Court for the Northern District of Illinois, Eastern Division, 1970; *Richard J. Sennott and Joan Sennott v. Rodman & Renshaw*, No. 71-1201 United States Court of Appeals for the Seventh Circuit 474 F.2d 32, 1973; *Sennott et ux. v. Rodman & Renshaw*, No. 72-1740 Supreme Court of the United States 414 U.S. 926, 1973.

³⁵ The politics of masculinity among evangelical Christians in the United States is an emerging topic of interest among scholars of religious studies. For recent scholarship on the subject, see Kristin Du Mez, "Donald Trump and Militant Evangelical Masculinity," *Religion and Politics* (January 17, 2017), available at religionandpolitics.org/2017/01/17/donald-trump-and-militant-evangelical-masculinity/; Jessica Johnson, "Under Conviction: 'Real Men' Reborn on Spiritual and Cinematic Battlefields," *Feminist Studies* 43, no. 1 (2017): 42-67; and Adam Park, *Christian Fighters and the Rise of Mixed Martial Arts in America, 1900-2017*, Manuscript in Preparation, May 2018.

Rothbart had a propensity for fabrication. In addition to embellishing his resume, he promised to fund trips to far-off destinations for the judges he worked with. The Salvation Army organized several conferences about corrections in places like Denver, and Rothbart invited judges, probation officers, and other state officials he worked with. Once, he promised to take all of the Jewish judges in Miami, where he was negotiating a contract for a pre-trial supervision program, on a trip to Israel. The proposed trip was not the first con. He had earlier told them that he had planted trees there in their honor. Of course, the trees were never planted and the trip to Israel never occurred.

Many of Rothbart's lies were self-serving and seemed to hinge on the religious affiliations of his interlocutors. As the director of the Salvation Army's correctional services, Rothbart—who was himself not a Salvationist—talked up Texas football to Baptists and Zionism to Jews. But it appears that his mendacity could have also been habitual, and it sometimes took on a cruel nature. Salvation Army employees told me of an instance when he promised a woman working as a janitor the use of his vacation home for her honeymoon. In their telling, the woman was poor and destitute—the Army had offered her a paying job primarily out of charity—and the trip to Rothbart's home was to be the highlight of her wedding and the only vacation she could afford. After her wedding, Rothbart told her that, because he needed the house, she would have to use the house later. She was understanding, and postponed her honeymoon. After this process was repeated several times, Rothbart screamed at her, called her “undeserving,” and retracted his gift—in full view of other employees. It was only years later that the Salvation Army staff learned that Rothbart could not follow through on the gift because he had never had a vacation home to offer. The entire situation had been an instance of his habit of over-promising and under-delivering. With authority figures like judges or prison administrators, this characteristic

might have appeared manipulative, conniving, or (mutually) corrupt. With destitute employees of the Salvation Army, it seemed merely cruel.

Despite, or perhaps because of, his many flaws, Jordan E. Rothbart was a pioneer not only of privatized probation, but also of electronic monitoring and funding the criminal justice system not through public funds, but through fees on offenders.³⁶ The story of how he did so illuminates the ways the privatization of the criminal justice system was accomplished through religious organizations and religious networks. It also shows how privatization and corruption—though it was often not illegal—went hand in hand.

The Probation and Parole Commission Collapses

After fleeing lawsuits and possible prosecution in Chicago, Rothbart found an unremarkable job working as halfway house administrator for the Salvation Army in Florida. Rothbart's opportunity came in 1975, when the Florida Probation and Parole Commission stopped administering probation for people convicted of misdemeanor offenses in an effort to focus its greatly stretched resources on felony offenders.³⁷ The forces that stretched the Probation and Parole Commission beyond its limits were the same forces that fueled privatization and brought unprecedented numbers of people into harmful contact with Florida's criminal justice system, eventually leading to mass incarceration. As the size of Florida's criminal justice system

³⁶ Electronic monitoring is a form of house arrest where detainees wear an ankle bracelet and, if that ankle bracelet gets too far away from a receiver connected to the detainee's landline, an alarm goes off to alert law enforcement that he or she has absconded.

³⁷ In 1954, the agency known as the "Parole Commission," since 1941, realized that, according to its founding statute, it was actually named the "Probation and Parole Commission." In a unanimous vote at a Commission hearing, Florida's parole commissioners changed the name and seal of the agency to reflect its role administering probation in the state.

outstripped the administrative capacity of state agencies like the Parole Commission, Rothbart and the Salvation Army stepped in to pick up the slack.

In addition to determining who should be released from prison, the Probation and Parole Commission had two labor-intensive tasks: Its officers conducted “pre-sentence investigations” of criminal defendants at the request of a judge, and they supervised probationers and parolees in the community.³⁸ The caseloads associated with both of these tasks exploded over the course of the 1960s and early 1970s. Though pre-sentence investigations were a statutory duty of the Parole Commission since its inception in 1941, in practice, judges rarely requested that they be done. In the 1940s and 1950s and early 1960s, judges requested pre-sentence investigations relatively rarely. In 1955, the Commission conducted a record 1,057 pre-sentence investigations. By 1960, its totals approached 3,000, and by 1973 the officers of the Probation and Parole Commission submitted to courts a whopping 24,420 pre-sentence investigations.

Pre-sentence investigations were labor intensive. Probation officers interviewed the “offender” or “subject” along with his or her family members, work associates, friends, and neighbors. They visited the defendant’s home, and remarked on its cleanliness, quality, and

³⁸ A third contributing factor was the rise of Florida, especially South Florida, as a center of organized crime and drug trafficking. Miami, in particular, developed its own, distinct court practices. For instance, simple possession of cocaine was an offense that, in most of Florida, result in a sentence of probation or prison. In Miami, simple possession of cocaine was, as a matter of routine, either dismissed from court or pled out to time served in jail. Moreover, these cases were handled quickly, so “time served” often meant just one or two days. Probation officers in Miami routinely asked for more resources (and for the authority to carry guns), but these concerns were usually dismissed as unnecessary by administrators in Tallahassee. When Miami probation officers succeeded in getting Tallahassee-based administrators to visit Miami, they were struck by the extent to which Miami appeared to be a different world than the rest of Florida, with more violence, more guns, and a much more lenient court system. Felony probation caseloads in Miami regularly included people convicted of armed robbery, assault with a deadly weapon, and other more serious crimes that would have resulted in prison terms elsewhere in the state. In the telling of Michael Manguso, a former probation officer who was based in Miami from 1976 to the early 1990s, Tallahassee administrators left their visits to Miami with the distinct impression that “Miami’s different.” Interview with Michael Manguso, Tallahassee, Florida, 2015.

neighborhood. “The family is well regarded in the apartment building where they live,” the Supervisor of Probation in Miami wrote as part of an investigation. He added, “This building is located in the negro section of Miami, Florida, and is generally regarded as a slum.”³⁹ Probation officers asked every defendant whether he attended church. If he said yes, or indicated religious participation of any sort, the officer would travel to interview the religious leader, often asking for his perspective on the defendant’s prospects for rehabilitation.⁴⁰ The reports probation officers often stretched more than ten single spaced pages, and ended with a recommendation for how the defendant should be sentenced. The workload associated with pre-sentence investigations—conducting the necessary interviews, writing meticulous reports, and presenting the results to a judge—left probation officers with little time to contact probationers and parolees on their active caseloads.

The second major shift that stretched the Probation and Parole Commission beyond its limits was a significant increase in the use of probation by courts. Between 1965 and 1974, number of individuals sentenced to probation increased more than ten-fold, from 3,430 to 49,454. The increased use of probation led to much higher caseloads for the Probation and Parole Commission. Where in 1965 it supervised fewer than six thousand people on probation, in 1975 more than forty thousand Floridians were obligated to report to a probation officer.⁴¹

³⁹ Michael L. Kite to Paul Murchek, August 6, 1969. Internal records of the Florida Parole Commission. Pre-sentence investigations are confidential in Florida. I was able to access them through a provision that makes them available for “legitimate research.” I have anonymized all of the data from such investigations.

⁴⁰ Probation officers often duly noted the responses of clergy. An investigation from April 30, 1968 includes a summary of the interview: “In talking to Reverend H.W. Wright, he stated that the subject’s aunt with whom he was living, attended church regularly, was a member in good standing, however, he does not recall if the defendant attended regularly.” Pre-Sentence Investigation from Broward County, Florida, April 30, 1968. IRFDC.

⁴¹ Florida Probation and Parole Commission, Annual Reports, 1965-1975.

The Probation and Parole Commission simply could not handle these burgeoning responsibilities without a significant increase in staff and funding. The legislature increased its budget slightly, but not nearly enough to keep up with the rapid expansion of its duties. In the early 1970s, things fell apart for the Commission, and officers essentially stopped doing all but the most pressing aspects of their jobs. A few times, the Commission only learned a probationer or parolee had absconded when he was reported dead in a far-away state.⁴² The Commission blamed its dysfunction on an “overwhelming number of court referrals [for pre-sentence investigations] on narcotic drug violations and additional emphasis on parole and probation as effective treatment mechanisms.”⁴³ Perhaps Francis Bridges, who retired in 1971, felt a sense of irony as the Commission was overwhelmed and, ultimately, undermined, by judges’ and prosecutors’ embrace of “individualized assessment and treatment”—the very practices he had been promoting for decades.

The incapacitation of the Probation and Parole Commission could not have come at a more politically difficult time. Louie Wainwright at the Division of Corrections was struggling with overcrowding in his prisons, and part of his solution was to release as many prisoners as was politically possible into parole supervision.⁴⁴ This meant that the Commission was stretched beyond its limits at the very time when it was being asked to monitor sometimes violent felons who were hastily released from prison. In this context, the shortcomings of the Commission were

⁴² See, for example, the case of James Pearson, whom the Parole Commission lost track of for “several years.” MFPC, Book F, 14.

⁴³ Florida Probation and Parole Commission, 1971 Annual Report, 2.

⁴⁴ The administration of Governor Reubin Askew, who was inaugurated in January 1971, was attentive to prison overcrowding while also concerned about public opinion. Askew’s administration supported Wainwright’s efforts to reduce the prison population and was frustrated by the Parole Commission’s alarmism. In February 1971, Askew sent an aide, Hugh MacMillan, to a meeting of the Parole Commission to alert the commissioners that “the governor did not want any publicity” regarding the additional cases it was hearing to help relieve overcrowding.

glaring. In its 1971 Annual Report, the Commission revamped a document usually reserved for platitudes of esteem for the Commission and the Governor to highlight a “crisis” in parole and probation: “This report is about the appalling lack of supervision now being provided to persons under parole and probation jurisdiction.” The Commission pleaded for funding so it could adequately attend to “the responsibilities of resocializing and decriminalizing thousands of offenders[,] many of whom have deep rooted behavioral problems which have been learned from ghetto environments and other undesirable influences.”⁴⁵ Neither Wainwright nor Governor Askew appreciated the Commission’s public sensationalism. Askew sent an aide to request that the Commission expedite the parole process for hundreds of prisoners and to pass along word that “the Governor did not want any publicity.”⁴⁶

Newspapers carried the Probation and Parole Commission’s sensationalist message of about the “appalling lack of supervision” of probationers and parolees without providing the context that the many of the people going relatively unsupervised were the victims of an increasingly interventionist War on Drugs—not dangerous or violent criminals. Much of the increase involved people arrested for drug violations as courts became increasingly interventionist regarding drug and alcohol use. In particular, courts began to use pre-sentence investigations to determine whether a defendant was “otherwise law-abiding.” For instance, in 1965 a parole supervisor instructed an officer to inquire about a parolee’s alcohol use and “determine whether the problem is simply a cultural weekend type of drinking activity or whether it is motivated by

⁴⁵ Florida Probation and Parole Commission, 1971 Annual Report, vi.

⁴⁶ Hugh MacMillan, the aide who carried Askew’s message to the Commission, was, decades later, instrumental in establishing faith-based prisons in Florida. In his semi-retirement, he began working with Horizons Communities in Prison, a religious non-profit that ran rehabilitation programs within some Florida prisons. Until 2016, MacMillan oversaw the secular programs at Wakulla, where he was a frequent presence and a participant in my ethnographic research. MFPC, Book G, 384.

some other significant deep-seated problem.”⁴⁷ By the early 1970s, courts viewed all drug and alcohol use as potentially pathological and increasingly intervened.

Facing these workload challenges, the Probation and Parole Commission decided in 1975 that it would stop administering misdemeanor probation. This made sense because misdemeanor probation was not a public safety priority, especially in comparison to parole and felony probation supervision. Although there were a few “tough” domestic violence cases, most of the misdemeanant probationers were convicted of minor misdemeanors (public drunkenness, shoplifting, or disorderly conduct), and most had to report to their probation officer only ever three months.⁴⁸ The Commission correctly saw that judges had come to use misdemeanor probation as a default sentence rather than purposefully to promote rehabilitation or to ensure public safety. Rightly identifying misdemeanor probation as a purposeless task in the vast majority of cases, the Commission decided to end its administration of probation supervision for misdemeanants.

Probation supervision for low-level misdemeanors might have become a thing of the past except for the fact that the Florida Legislature had recently established probation as a mandatory sentence for anyone convicted of misdemeanor drunken driving or misdemeanor domestic violence. New legislation required defendants to attend rehabilitation classes and remain on supervision. In addition to mandating punishment, the legislation also limited courts’ and prosecutors’ abilities to decline to prosecute.⁴⁹ A few small counties, like Osceola, shuttered their

⁴⁷ Marvin M. Browlee to Howard H. Sullivan, May 20, 1965, Alonzo Harrell, IRFDC.

⁴⁸ Where felony probationers reported to their probation officer each month, misdemeanants reported every three months, or sometimes only twice a year.

⁴⁹ See Laws of Florida, 1971, Chapter 135 and Laws of Florida, 1973, Chapter 331.

misdemeanor probation programs for a time,⁵⁰ but the existence of these mandatory sentences eventually forced county courts to operate misdemeanor probation, even as the statewide entity washed its hands of such programs.⁵¹

The Salvation Army Takes Over Probation

Rothbart saw the transfer of misdemeanor probation to county courts as an opportunity to expand the Salvation Army's reach into the criminal justice system. Individual counties in Florida had no staff, expertise, nor necessarily any inclination to establish locally operated probation systems for misdemeanants. Additionally, the state provided no start-up funds to the counties, only \$6 per month per probationer. Courts could supplement these funds by imposing a \$10 per month "cost of supervision" fee, which the probationer paid, ostensibly to offset the cost offset the cost of supervising him. The task of establishing these new, misdemeanor probation departments fell to the Chief Judge in each county or circuit, who, in most cases, could not have cared less about misdemeanor probation. Though cost of supervision fee and the \$6 per month state funds might add up eventually, Chief Judges were generally not inclined to dip into their

⁵⁰ Rene Stutzman, "Osceola Judges: Pay Probation Counselors More," *Orlando Sentinel* (December 9, 1990).

⁵¹ The most demanding aspect of administering misdemeanor probation was collecting fines and restitution, and the Commission passed these revenue streams directly to the county courts. It is also true that local courts had a financial interest in keeping misdemeanor probation operational because the threat of a probation revocation could serve as a useful tool in the collection of fines and restitution. If defendants who owed fines fell into arrears, judges could threaten to violate their probation and put them in county jail. Legally, a probationer could be incarcerated for non-payment unless it was "willful," but in practice courts regularly failed to establish whether failure to pay was willful. Without misdemeanor probation, it would have been more difficult for judges to coerce payment for fines and restitution. (Though it would not have been impossible. Defendants who owed fines and willfully failed to pay could be incarcerated for Contempt of Court, but this raised slightly higher legal and procedural protections.) However, there are no indications that Florida courts widely used misdemeanor probation as a money-making tool until 1974. For instance, all of the case law regarding violations of probation for non-payment of fines stem from the late 1970s and 1980s. Additionally, the relatively small number of people placed on probation in the 1960s suggests that probation was not widely used to coerce payment. For Florida case law authorizing (and limiting) courts' abilities to incarcerate defendants for probation violations related to non-payment of fines, see *McCrary v. State*, 464 So.2d 670 (1985), *Coxon v. State*, 365 So.2d 1067 (1979), and *Robinson v. State* 486 So.2d 1186 (1985).

(already insufficient) budgets to hire probation officers, find or rent them office space, and purchase the supplies they needed to get to work.

Rothbart approached judges with a solution to their quandary, essentially offering to run the whole show. Through the Salvation Army, he would hire staff to supervise misdemeanor probationers; his staff would collect court-ordered fines and restitution; they would fill out all of the necessary paperwork; and they would report to the judge about probationers' compliance or lack thereof. Best of all, Rothbart would take over all of these responsibilities for free—at least from the perspective of the Chief Judges. All he would require was the \$6 of funds from the state and the \$10 cost of supervision fees from the probationer. At the time, courts were permitted to impose a “cost of supervision” fee, but frequently waived it. Though the new arrangement would place much of the financial burden of probation on probationers themselves, none of the money required for administering misdemeanor probation would have to come from the budgets managed by the local courts.

The first judge Rothbart approached was Judge Major Harding, the Chief Judge in Duval County (Jacksonville). In 1975, Harding was a politically astute young judge focused on climbing the political ladder, and he was later appointed Chief Justice of the Florida Supreme Court. On a stormy morning in 2015, I interviewed Harding in his downtown office at a Tallahassee law firm, looking for insights into the rationales that he and other judges had for dealing with Rothbart. Harding seemed to find my interest in probation esoteric. “It was an easy decision to make,” he told me, explaining that the Salvation Army was the only organization willing to take on the probation program. Privatization, particularly to a religious organization, might have been seen as controversial in 2015, but he told me it was a non-issue in 1975. On the prospect of handing over a function of government to a religious organization, he said, “The issue of their being—quote—‘religious’ did not cause a problem in 1975 or 1976, like it would

today.”⁵² Harding told me that the program was “very effective” and “changed lives,” but recalled few details about the how the program was financed or administered. Asking Harding questions about probation felt a bit like, in an oral history interview, asking too many questions about a high school dance that your interlocutor barely remembers.

Harding was much more interested in talking about his relationship with Chuck Colson, the former Nixon aide who was convicted for the Watergate burglary. While in federal prison in Montgomery, Alabama in 1974, Colson became a Christian, an experience that, in his mind, legitimated and justified his incarceration. “Praise God for putting me in this prison,” Colson would later write. Harding met Colson in 1976, when, at Rothbart’s invitation, he attended a conference in Denver organized by the Salvation Army. Colson had recently been released and had just published his best-selling memoir, *Born Again*, in which he described his conversion to Christianity. He was quickly becoming a leading advocate for both prison ministry and prison reform. In Denver, Harding and Colson hit it off and began a correspondence. The two maintained intermittent contact, and, in 2002, Harding brought Colson to Tallahassee to speak at the Tallahassee Rotary Club. These trips made me think about others that Rothbart had promised or organized for other judges he worked with, and I gently I broached the topic of Rothbart’s apparent corruption, recounting the story of Rothbart’s imaginary Israeli trees. Harding quickly interrupted me: “I was not involved and did not know the details of that.” As I attempted to elaborate, he added, in way that signaled our interview would soon be ending,

⁵² Other judges were less circumspect about the importance of religion in their decisions to contract with the Salvation Army. In 1976, Chief Judge Clifton Kelly, of Polk County, praised the “religious bent” of the Salvation Army and suggested that the religious elements of the program, while not mandatory, would have a beneficial effect on probationers. “People that go to Sunday school and church regularly don’t come into court all the time,” he told the *Lakeland Ledger*. In fact, the arrangement between the Salvation Army and Chief Judge Harding dates to 1971. See Roe Oldt, “Judges Hear Probation Plan by Salvation Army,” *The Lakeland Ledger* (January 9, 1976), 3A.

“Alright.” I persevered with a few more benign questions about recent case law regarding the establishment of religion before shaking hands and making my way out. I never asked Harding who paid for his trip to Denver, but I interpreted his discomfort when asked about corruption to be a sign of the ways that money was quickly becoming a more important factor in Florida’s criminal justice system, and that, in an era without strong ethics rules, it might have flowed relatively freely.

Around the time that he was negotiating with Harding, the Salvation Army gave Rothbart a new title, Director of Correctional Services, and he went around the state drawing the Army into a closer relationship with criminal justice systems at the county level. Rothbart and the Salvation Army inaugurated a number of rehabilitation programs, mostly for people convicted of the misdemeanor offenses of drunk driving or domestic violence, which were funded by court-ordered fees and an occasional federal grant. These arrangements greatly increased the financial strain for court-involved defendants as defendants became significant sources of income for court administrators and the Salvation Army.

Fee-based probation and rehabilitation was part of a quickly changing criminal justice landscape and produced a financial incentive for administrators to draw more people into the system. Supervision fees for probationers were first established in Michigan in the 1930s, but, prior to 1974, only a handful of states, including Florida, levied fees on probationers.⁵³ These fees, however, they did not drive court practices or play a significant role in funding. In Florida, the bureaucratic arrangements involving cost of supervision fees meant that they were rarely imposed or collected. Before 1974, the fees were ordered at the discretion of judges, collected by

⁵³ See Dale Parent, “Recovering Correctional Costs through Offender Fees,” *Issues and Practices* (National Institute of Justice, 1990), 53; see also Christopher Baird, Douglas A. Holien, and Audrey J. Hall, “Fees for Probation Services,” National Council on Crime and Delinquency (1986), 2.

the Probation and Parole Commission, and then turned over to the state's General Fund, meaning that no single entity had a discrete incentive to use fees to collect revenue. Judges were required to waive the fee if a defendant was indigent, and it appears that they generally followed this requirement closely.

In all of the probation and prison files I reviewed as part of this research, I found no cases of fees or their non-payment entering the written record until the Salvation Army took over misdemeanor probation. The Probation and Parole Commission was upset with the legislature's unwillingness to increase its budget, and resentful of the fact that it was required to hand over the fees it collected either to local courts (if they were for restitution) or to the General Fund (if they were cost of supervision fees). In 1974, the Commission successfully pressed for legislation that allowed it to keep money it collected through cost of supervision fees and use it to fund its own activities. The law also stripped judges of the authority to waive the fee, and instead gave it to the Probation and Parole Commission, which, of course, had an interest in making sure as many people as possible paid the fees. The Probation and Parole Commission's legislative victory, however, was short-lived. In 1975, the legislature stripped all supervision functions from the Commission and turned them over to the Department of Corrections, which further monetized probation.

Rothbart took the fee-based model of probation and expanded it to other court-ordered rehabilitation programs. In practice, this meant that, in addition to being on probation, defendants were required to attend—and pay for—multiple rehabilitation programs, many of which were operated by the Salvation Army. Someone arrested for drunk driving in Jacksonville, for instance, could be placed on probation for six months to a year, each month paying the \$10 cost of supervision fee. A judge could also require a defendant to participate in a remedial drivers' education program as well as a special intervention for drunk drivers. The defendant would have

to pay for his mandated participation in each one of these programs. If he failed to pay or failed to attend, the county judge could send him to county jail for violating his probation: payment and participation in rehabilitation programs were requirements of his probation. A single misdemeanor arrest could cost an individual hundreds or thousands of dollars, once court-ordered fees were paid.

The Salvation Army operated dozens of local programs, all the while collecting fees. It turned some of these fees—for things like restitution, court fees, and public defender fees—over to the court.⁵⁴ The \$10 cost of supervision fee and the fees defendants paid to participate in the rehabilitative programs, however, went directly into the Salvation Army coffers and stayed there. Under these arrangements, county courts ordered people to pay a fee to private entity, for a service provided by that private entity; when people failed or refused to pay the required fee to the private entity, they could be sent to jail.⁵⁵

The privatization of probation in Florida began as an entirely an extralegal process. Judge Harding entered into the contract with Rothbart without the benefit of authorizing legislation or legal precedent. No law allowed the Salvation Army to collect fees or operate probation. In 1976, after the Salvation Army had been administering probation for a year, the lack of authorizing legislation emerged as an obstacle as the Salvation Army looked to expand their operation to other counties. To bring the Salvation Army's arrangements onto clearer legal footing, Rothbart

⁵⁴ The Salvation Army did not always turn monies over to the court quickly. It adopted a unique policy whereby it only turned over the fees it collected when the defendant had paid *all* of the fines he or she owed. As a result, it ended up holding onto partially paid fees and fines for a very long time. In 1997, the Salvation Army revealed that it had amassed nearly \$700,000 in partially paid fines. See Dave Roman, "A \$700,000 Question for the Salvation Army," *Florida Times Union* (October 22, 1997): B1.

⁵⁵ Laws and policies allowed for courts to waive the fees for indigent defendants, but courts did this only intermittently. It became increasingly difficult for probationers to obtain waivers for indigence, especially after the legislature stopped providing the \$6 per month matching funds in 1980, after which probation programs were funded exclusively funded by fees paid by probationers.

and other Salvation Army employees went to the Florida Legislature to lobby for a bill they named “The Salvation Army Act.” This Act allowed the Salvation Army “and other private entities” to administer probation programs and to collect fees on behalf of courts.

The Salvation Army Act of 1976 was the first law in Florida—and perhaps in the United States—to require people under the criminal justice supervision of a private organization to pay that private organization directly. Though it was local courts who entered into the contracts with the Army, courts themselves were removed from the flow of money. In effect, the contracts legalized by this law went further than simply privatizing the administration of probation supervision; in shifting the full financial burden of criminal justice programs to defendants, the state absolved itself of fully funding criminal justice programs.

Conclusion: The Expansion of “Offender Fees”

The fee-based model for funding probation dramatically changed the way courts and judges used probation supervision. In fully funded probation systems, judges could sentence to probation only those defendants whom they wanted to monitor or supervise. Generally, these were so-called “tough cases,” most commonly involving domestic violence. These tougher cases consumed significant resources from the probation department: they required persistent monitoring, regular contact, and significant legwork to help probationers find jobs, housing, or other types of aid. In a fully state funded model, the probation department could afford to devote significant staff time to such cases.

The fee-based system exemplified by Rothbart's agreement with Judge Harding changed the economic underpinnings of probation. Like when they had been state employees, probation officers still functioned as “the eyes and ears of the court,” and were still expected to provide intense supervision to the more serious cases. Indeed, the Salvation Army’s probation officers

filed hundreds, if not thousands, of violations against people under their supervision, and frequently used its powers to send people to jail. Employees at Salvation Army's offices in DeLand told the *Orlando Sentinel* in 1990 that their office filed more than 75 violations a month, mostly for failure to appear and non-payment. They estimated that courts jailed about ten percent of violators. "[Some clients] think it's a piece of cake," one Salvation Army employee who had previously worked as a chain gang supervisor for the Department of Corrections said of being under the Salvation Army's supervision. "But it's not," he added.⁵⁶ Despite having to provide relatively intensive supervision for such tougher cases, the Salvation Army's finances were tied to the number of cases it supervised—not the amount of work each case would require. This meant that any case—no matter how much work it required—earned the Salvation Army \$16.

Cases that required more intensive supervision quickly consumed the \$16 per month in funds tied to that probationer. Therefore, in order to ensure that the Salvation Army had the staff resources to attend to the most pressing cases, courts began to sentence thousands of people to probation who required little or no supervision. Hundreds of thousands of low-risk people whom judges had no tangible interest in supervising came under supervision primarily so that private entities could collect the fees that were required to keep the system running.⁵⁷

⁵⁶ See Kevlin Haire, "Salvation Army Wants Offenders To Be All They Can Be," *The Orlando Sentinel* (December 20, 1990).

⁵⁷ I would be remiss not to mention the interpersonal dynamics that resulted in the dramatic increase in the use of probation. Like Judge Harding, many judges in Florida likely felt that Rothbart and the Salvation Army were performing a public service and doing the judge a personal favor by taking over a task that, realistically, would only cause headaches for them. Knowing that the salaries of the probation officers employed by the Salvation Army were dependent on the number of cases they sentenced to probation, it seems likely that judges changed their policies not only to ensure the financial viability of the misdemeanor probation programs, but also out of a sense of something akin to gratitude that the Salvation Army had taken on a court program that was mundane and far from the cutting-edge. Of course, kickbacks and other forms of corruption would have solidified the reciprocal aspects of these contractual arrangements.

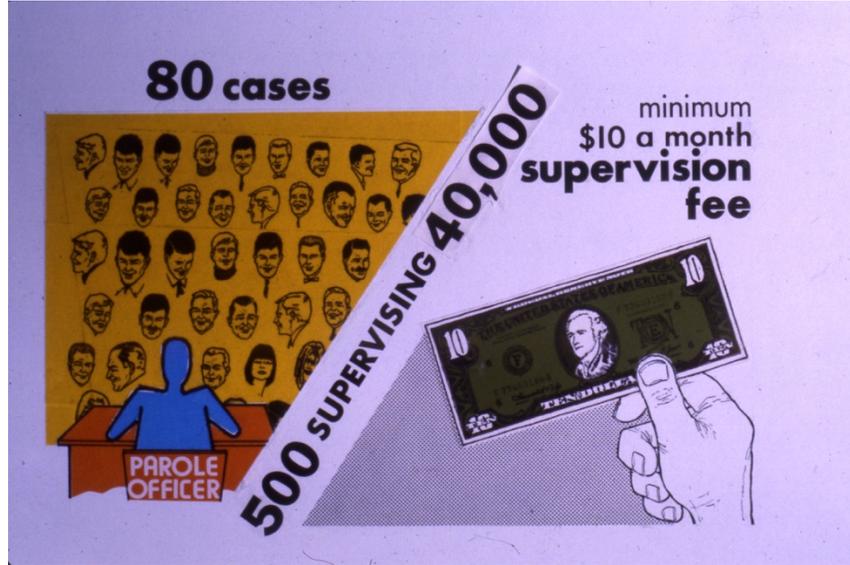


Figure 3.1 500 Supervising 40,000: Slide from Florida Department of Corrections, ca. 1977. State Archives of Florida, Series 2185, Box 7, Folder DOC Slides 1971-1982.

In 1975, as part of the Correctional Reorganization Act, responsibility for felony probation supervision and parole supervision was stripped from the Probation and Parole Commission and given to the Department of Corrections. (Ever since, the Parole Commission has had the power to determine whom to release on parole, the task of supervising parolees has rested with the Department of Corrections.) Wainwright soon lobbied to change the structures of funding, so that the cost of supervision fees collected by his officers stayed in the Department of Corrections, rather than returning to the general fund as they had previously. The number of people sentenced to probation skyrocketed from just over nine thousand in 1970 to nearly fifty thousand in 1974. The increases in the use of probation by courts became increasingly hard to track as the system became more decentralized.⁵⁸ Over the course of the late 1970s, dozens of counties opened misdemeanor probation programs.

⁵⁸ The Probation and Parole Commission seems to have made an effort to track counties' use of probation until 1976, when the decentralization proved too large an obstacle to overcome.

These figures point to a profound change in court practices that amounted to a huge expansion of the criminal justice system. If, in 1960, you were arrested for a misdemeanor—say, disorderly conduct, public intoxication, or domestic violence—you were likely to spend the night or the weekend in jail and then be released. Typically, the local prosecutor would exercise his discretion and decide not to prosecute you, leaving you free to go home and return to your normal life. Of course, if you were arrested again, the prosecutor could review his earlier decision and decide to prosecute you, potentially sending you to state prison or county jail. Most of the time, however, your arrest and release was the end of your interaction with the criminal justice system.

If you were arrested for the same offense any time after the mid-1970s, your experience of the criminal justice system would have been dramatically different, and much more unpleasant for you. Instead of spending the night in jail and moving on with your life, you were much more likely to have a prolonged entanglement with the criminal justice system, and your offense was more likely to continue to impact your life. It would have been much more likely that the prosecutor decided to charge you, and you would have probably accepted a plea to a term of probation. You might have been assessed court fees, which courts were imposing more frequently in response to local budget cuts. And, if you pleaded to drunk driving or domestic violence, you now had to participate in a rehabilitation program, which you also had to pay for.⁵⁹

More likely than not, the person you met every month who collected your fees, reported to the judge about your case, and had the power to file a violation of probation against you was an employee of the Salvation Army. By 1977, Rothbart had convinced judges in 18 Florida

⁵⁹ In 1960, there were more than 100,000 arrests in Florida. That same year, 3,293 people were sentenced to prison and 1,960 were sentenced to probation. The vast majority of arrests resulted in no official criminal justice sanction. Florida Parole Commission, 1960 Annual Report.

counties to allow the Salvation Army to take over their misdemeanor probation caseloads. The Salvation Army operated misdemeanor probation in the state's most populous counties: Dade (Miami), Hillsborough (Tampa), Duval (Jacksonville), Orange (Orlando), Polk (Lakeland), Brevard, and Leon (Tallahassee). As early as 1977, fifty-two percent of Floridians lived in a county where the Salvation Army administered misdemeanor probation, and the Salvation Army continued to expand.⁶⁰

By 1990, more than two hundred and sixty-six thousand Floridians were placed on probation each year, meaning that more than one in fifty residents was sentenced to probation *every single year*. Prior to the expansion of probation, most of these individuals would have likely seen their charges dropped; those who would have avoided felony convictions would not have lost their right to vote. These changes in court practices meant that, for the first time, someone who had broken a law but whom no authority presumed to be dangerous could be expected to have his family, friends, and co-workers interviewed by a law enforcement officer and, likely, be placed under some form of supervision.

⁶⁰ United States Census Bureau, Intercensal County Estimates by Age, Sex, Race: 1970-1979. Data from 1977. Available at <https://www.census.gov/popest/data/counties/asrh/pre-1980/co-asr-7079.html>.

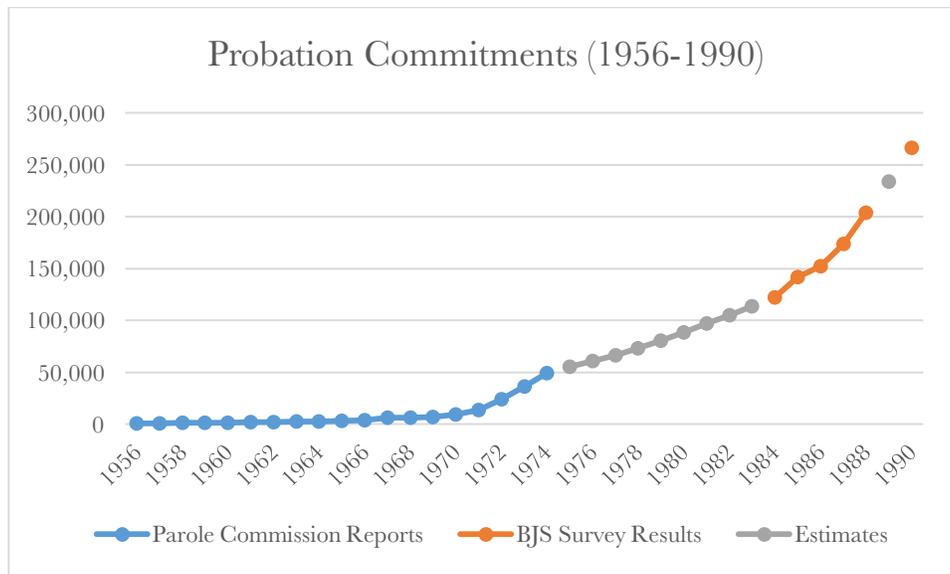


Figure 3.2 Florida Commitments to Probation, 1956-1990.

The Salvation Army, in turn, became highly dependent on fees collected from probationers, and began to focus more of its efforts on fee collection. The fees paid the salaries of Salvation Army employees, many of whom were themselves former prisoners, but it seems likely that funds from the Army’s Correctional Services Division were adequate to subsidize other ministries. In 1987, the first year for which I have data, the Salvation Army took in more than \$6.5 million through its misdemeanor probation program, 97 percent of which came from fees paid directly to the Salvation Army by probationers.⁶¹ Rothbart touted the Salvation Army Act as the first law of its kind in the United States, and it soon served as a model for similar laws in Alabama and Georgia, where Rothbart sought to expand.⁶²

In fact, Rothbart’s influence was much broader. “Offender fees” became centerpieces of criminal justice systems throughout the United States, and, in 1990, the National Institute

⁶¹ Salvation Army Correctional Services, “Correctional Services in Florida.” An internal document from the Salvation Army of Florida Divisional Headquarters.

⁶² See Parent, “Recovering Correctional Costs through Offender Fees” and Ike Flores, “Salvation Army Misdemeanor Probation a Model for Other States,” *Lakeland Ledger/Associated Press* (January 8, 1979), 3A.

pointed to the Salvation Army of Florida’s probation programs as an effective model to extract the most financial resources from people under criminal justice supervision. Few jurisdictions implemented extractive systems of justice more ruthlessly governments St. Louis County, Missouri. The U.S. Department of Justice’s Civil Rights Division criticized the city government in Ferguson, Missouri for orienting the local criminal justice system towards revenue generation, primarily by imposing and extracting fees for what one observer called “bullshit arrests.”⁶³ “Many officers” in Ferguson, the DOJ concluded, “appear to see some residents, especially those who live in Ferguson’s predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.”⁶⁴ In Ferguson and elsewhere, the fee-based model of criminal justice that the Salvation Army perfected in Florida has “sown deep mistrust between parts of the community and the police department, undermining law enforcement legitimacy among African Americans in particular.”⁶⁵ After a Ferguson police officer shot and killed Michael Brown in 2014, Ferguson residents protested the racist policing of their communities. The police insisted the protests were organized by “outside agitators” and launched a military-style repression campaign. The DOJ debunked the police department’s narrative: “[the] distrust of the Ferguson Police Department is longstanding and largely attributable to Ferguson’s approach to law enforcement,” adding that “the City must replace revenue-driven policing” if it were to regain legitimacy.⁶⁶

⁶³ U.S. Department of Justice, Civil Rights Division, Investigation of the Ferguson Police Department, March 4, 2015, available at https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report.pdf; Alex Tabarock, “Ferguson and the Modern Debtor’s Prison,” blog post at Marginal Revolution, August 21, 2014, available at <https://marginalrevolution.com/marginalrevolution/2014/08/ferguson-and-the-debtors-prison.html>.

⁶⁴ DOJ, Investigation of the Ferguson Police Department, 2.

⁶⁵ Ibid.

⁶⁶ Ibid., 3.

By making probationers responsible for paying for the cost of their supervision, fee-based justice linked the amount of money in the criminal justice system to the number of people courts brought into it. Given that the amount of money was tied to the number of people in the system, private organizations like the Salvation Army that ran probation could not afford to supervise the higher-risk, domestic violence cases unless hundreds of other people, mostly charged with inconsequential misdemeanors, were swept into the system; the fees of low-level misdemeanants subsidized the supervision of those that (perhaps) truly required it. In this context, it became judges' *responsibility* to keep people that increased policing had swept into the criminal justice system under probation supervision to ensure that they paid fees to keep the whole system running. But fees, which funded private entities and state agencies alike, eventually became their own rationale, and probation became the de facto resolution for most people who entered the criminal justice system. The prison population ticked slowly upward, but mass incarceration was presaged by mass supervision.

Chapter Four

Prisons of Prosperity: Private Enterprise and the Politics of Religious Pluralism

As the Salvation Army forged new roles for religious organizations outside of institutional prisons, the texture of religious life on the inside changed, too. The tumult of the Civil Rights Movement, the rise of black nationalism, and the social turmoil surrounding America's involvement in the war in Vietnam shook the white, Protestant foundations of Florida's prison system. African American prisoners demanded that the Division of Corrections cease being an all-white organization and hire its first black staffers. Controversies around religious conscientious objectors punctured the World War II-era conception of religion as a social glue binding together a diverse nation. And in prisons around the country, black nationalists—particularly followers of the Nation of Islam—challenged the hegemony of prison Protestantism head on, demanding, in lawsuits, full recognition of and respect for their religious rights. The stability of postwar prisons, rooted as much in Protestant Christianity as in Jim Crow, collapsed along the same fissures that jolted the rest of country in the late 1960s and early 1970s.

This chapter traces changes in the politics of religious pluralism in Florida prisons from the 1960s to the 1980s. I show how black Americans and religious minorities challenged the white, Protestant hegemony in Florida prisons and forced the state to adopt policies that nominally endorsed a more pluralistic model for the encouragement and regulation of religious activities in prison. Though protections for religious minorities often proved hollow, a new emphasis on religious pluralism partially dislodged white evangelical Protestantism from its

commanding place in Florida's prison system. In response, many white evangelicals formed new networks outside the domain of the state. In Texas and Florida in the early 1970s, private ministry groups came to play central roles in prison evangelism. State officials encouraged private evangelical involvement in prisons, to the extent that in many cases they actually participated in revivals and crusades themselves. In a few cases, the religious networks that developed alongside Florida's criminal justice system in the 1970s played important, if informal, roles in criminal justice policy, especially the advent of profitable private prisons.

I narrate these developments through the story of Frank Constantino and his religious nonprofit organization, Christian Prison Ministries, Inc. Constantino became a born again Christian while incarcerated at Glades Correctional Institution. In the years after his release, Constantino started an informal evangelistic ministry and recruited former state actors, particularly the chaplain Max Jones, as key employees. The ties between state actors and Constantino's private organization eventually led to informal discussions with Louie Wainwright while the two travelled to a prison revival to evangelize together worked to transform Christian Prison Ministries, Inc. into a nonprofit private prison firm. The organization's embrace of the Prosperity Gospel—an inheritance of Constantino's conversion within Florida prisons—would ensure that Christian Prison Ministries, Inc. would be a private prison in a new mold.

A Consequential Conversion

Frank Constantino met Max Jones the same way most prisoners did: at an orientation for newly arrived prisoners where administrators told them “what they thought they were doing at that [particular] prison.” Constantino had been what he called “a professional criminal,” specializing in burglary and robbery. He estimated that, prior to his incarceration, he did forty to fifty jobs a year. In 1969, he was among the first batch of white prisoners trucked from Florida

State Prison to Glades Correctional Institution, Florida's second oldest prison and originally named Florida State Prison Farm #2. The "only purpose" of Glades CI, according to a 1987 Department of Corrections profile, "was to grow fresh vegetables for state institutions and road camps."¹ Daily life at Glades consisted either of arduous and hot labor in the prison's crop fields, which stretched as far as the eye could see over the flat, mucky landscape; or of dangerous—and even hotter—work in the cannery. Because the job assignments at Glades were among the worst in the entire prison system, prison officials typically assigned them to African American prisoners and other prisoners of color. Under court order to desegregate Florida prisons, Wainwright ordered mass transfers.² Busses hauled black prisoners up to Florida State Prison and to Avon Park CI, the state's minimum security prison, and white prisoners down towards Glades.

Fresh off the bus at Glades and sitting through the orientation, Constantino warily eyed the tall and broad chaplain and his thick head of gray hair. Constantino thought that Jones "looked like he had come from Tennessee ... and his jokes sounded like he had heard them up there."³ (Jones was from South Carolina.) According to Constantino's memory of the events, recorded in his 1979 memoir, Jones meanderingly explained the prison's religious program, telling his audience about bible study groups and opportunities to play music as part of the chapel band. He encouraged prisoners to attend Christian services. "If you all come to church on Sunday and don't like the sermon, I'll give you back everything you put in the plate, ha ha!" The joke about getting your money's worth repurposed prisoners' poverty as comedic fodder, but it also accorded with Jones's theological stance that religious devotion would reap worldly rewards.

¹ Richard Dugger, *Correctional Facility Profile Booklet* (Tallahassee: Florida Department of Corrections, 1987).

² The U.S. Supreme Court ruled segregation in prisons unconstitutional in *Lee v. Washington*, 390 U.S. 333 (1968).

³ Frank Constantino, *Holes in Time: The Autobiography of a Gangster, Second Edition* (Grand Rapids: Acclaimed Books, 1986), 103.

And by framing church attendance as transactional, Jones made clear that prisoners—who had no money and who would otherwise spend Sundays bored in their dorms—had nothing to lose by attending chapel services.

Jones concluded his orientation with a speech that, in just a few short years, prison higher-ups would try to prohibit. He testified to the assembled men about his own conversion experience, telling them how he answered an alter call in a humble church. “I went up there and I asked Jesus to come into my life. My wife accepted Christ the same night at the same chair and He’s never left me since and, man, I want to tell you, each of us will stand accountable to God.” Jones continued with his theme of accountability, albeit in a slightly more threatening tone. “Somehow or another, men, each of you has got to come to the place where you decide about your life, and the price you will have to pay if you die without Christ.” Welcoming Jesus into his life saved him from eternal damnation—and improved his social life, too. “Anything that’s good in me,” Jones said, “anything that is alive, anything that is likable in me is Jesus Christ in me.” He finished the orientation by repeating several times, “I know that I know that I know that Jesus Christ is my personal Saviour.”⁴

A few weeks after the orientation, Constantino became concerned that he was “flipping out” and had “g[otten] institutionalized.” He believed that a group of inmates conspired to fix the television programs the TV committee chose to show in dayroom—undermining the democratic process by which prisoners determined which station would play at each hour. Furious and indignant, he confronted a member of the group and prepared to shank him if he

⁴ Ibid. See also Joanne Jacquart, *End of the Line: The Story of Chaplain Max Jones* (Grand Rapids: Acclaimed Books, 1984). The dialogue throughout this chapter was recreated in Jones biography and Constantino’s memoir. In many cases, the quotations are identical, indicating that Jones’ biographer drew on Constantino’s memoir. Though the actual words spoken surely varied somewhat, these quotations resemble the talk that was characteristic in Jones’ and Constantino’s religious networks.



Figure 4.1 Prayer Groups at Glades CI: Bible study and prayer groups outside the chapel at Glades Correctional Institution, ca. 1974.

didn't allow Constantino to watch his preferred program. (The man backed down and Constantino didn't stab him.) Apparently disconcerted by his own readiness to use violence to resolve such a minor conflict and remembering Jones's calm certainty, Constantino went to visit Jones in the prison's chapel. The visit culminated in Constantino's spiritual rebirth. If Jones complied with protocol, he would have recorded Constantino's conversion as a "new commitment" to Christ and reported it, along with the total number of commitments and Sunday sermon attendance numbers, on his monthly report to prison headquarters. "Jesus is waiting for you right now," Jones told Constantino, "and if you'll ask Him into your life He'll come in and give you what you're looking for." The two prayed together: "Jesus, Frank's looking

for the truth, for something real and he needs to see who the truth is, that it's You Lord, he's looking for.... He doesn't want this life he's had... that's easy to see." Constantino would later write about that moment, "The Son of God came into my life and I knew Jesus Christ. As I walked out of that chapel, I was still in man's prison, but the [existential] prison I had been born in was gone and I walked out into a free place where God's peace reigns..."⁵

Constantino may still have been in "man's prison," but the privileges that accrued to his reborn self fundamentally changed his experience at Glades. Instead of spending all of his days working in the fields or the cannery, Constantino passed much of his time in the chapel. He attended Christian services, participated in bible study, and practiced with his band, the God Squad. The God Squad played Christian rock music, apparently well enough that nearby churches regularly invited the group to perform. With his musician friends and under the supervision of Jones, Constantino left Glades to perform and to witness to outside audiences. The Division of Corrections encouraged the off-grounds activities of groups of Christian prisoners. The community visits of "changed men"—practically uniformly to churches, but occasionally to groups like the Rotary Club—bolstered the agency's public image and won favorable local news coverage.⁶ The visits also might bring more people to Christ, as administrators like Wainwright believed that prisoners were especially persuasive evangelists. If Jesus can absolve the sins of murders and robbers, such thinking went, surely He will forgive the banal misdeeds of middle class suburbanites. The off-compound visits helped Constantino's case for parole in that they demonstrated that he could be trusted with certain degrees of freedom. And the visits also provided opportunities to eat some better food.⁷

⁵ Constantino, *Holes in Time*, 114.

⁶ See, for example, Russell Chandler, "Inmates 'Reborn': Conversions to Christ—A Prison Revival," *Los Angeles Times* (March 15, 1976), b1.

⁷ Constantino, *Holes in Time*, 119.

The privileges accorded to observant Christians extended to their interactions with their families, apparently part of an attempt to leverage a prisoner's conversion into that of his wife and children as well. If prisoners' families visited on Sunday and attended Jones's sermon, prison officials allowed them a few hours of unsupervised time to stroll the prison's orange groves together. In a prison system that provided few moments for privacy or intimacy, an unsupervised afternoon with loved ones was a highly valued privilege. Families who attended Sunday chapel often passed their afternoons engaged in activities for which prison typically provided few outlets. Bunny Constantino, who was married to Frank, joked that "those were fertile groves" whenever she acknowledged that the couple conceived their youngest daughter one Sunday in the orchards.⁸ More consequentially than the privileges that accrued to observant Christians within prison, Constantino and other members of the God Squad quickly won release on parole. Having served just shy of four years on a twenty-two-and-a-half-year sentence, Constantino walked out of prison in 1972. Promising to leave crime behind him, he intended to go into ministry.

A Message from Black Men

Needless to say, Jews, Catholics, Muslims and followers of other minority faiths would not have felt welcome in Max Jones's chapel, or, for that matter, most other prison chapels around the state and nation. Practices and policies having to do with religious inclusion could vary significantly between states and even between individual chaplains, but many prison chapels resembled that administered by Jones, at least as measured by their prioritization of evangelical Christianity and their extreme marginalization of other religious discourses and practices. In

⁸ Bunny Costantino and Joanne Jacquart, *Lady in the Shadow* (Grand Rapids: Acclaimed Books, 1981).

1976, at the same Denver meeting where Major Harding met Chuck Colson (it appears that the Salvation Army arranged Jones's travel as well) the American Correctional Association's Congress of Chaplains elected Jones Chaplain of the Year.⁹ The award indicates the extent to which Jones' actions were within the mainstream at the time. Jones accepted the award "on behalf of all chaplains who are preaching Christ" and "in the name of Jesus Christ."¹⁰

Throughout Florida and the rest of the country, Christianity—especially white, evangelical Protestantism—underpinned most officially sanctioned religious activities and shaped the formal and informal systems of reward. A 1971 job description for the chaplain of a new prison in Brevard, Florida asked that he "be imaginative" in designing religious activities beyond just bible study and Sunday sermons; it suggested as imaginative activities "Evangelism and special seminars complete with Alter Calls and Testimony."¹¹ In Florida, prisoners received Extra Gain Time for attending Christian Sunday chapel services, effectively shortening their sentences; officials did not reward prisoners for attending other religious services, though most of the time other religious services were not even available.¹² Christian prisoners sometimes spent mornings or afternoons at bible study or prayer meetings; prisoners of other religions had no similar reprieve from the boredom of the dorms or the sweaty labor of the crop fields. And Christian prisoners occasionally received a letter supporting their parole from a chaplain or a

⁹ In their memoirs, both Constantino and Jones write that the Salvation Army orchestrated the award, and Jones writes about getting a call from the Salvation Army about planning his trip to Denver.

¹⁰ Jacquart, *End of the Line*, 153-55.

¹¹ Program for the Operation of Brevard Correctional Institution, January 14, 1971, Box 2, Series 594 Adult Corrections Programs Correspondence, 1969-1975, RG 800, State Archives of Florida, Tallahassee, Florida.

¹² Prisoners received one day of Extra Gain Time each month for attending chapel services. See, for example, Sylvester Newman Reclassification and Progress Report, October 30, 1969, Sylvester Newman 091631, IRFDC.

warden; in reviewing hundreds of files from the 1960s and 1970s, I found not one instance where a Muslim prisoner's case for parole received such official support.

Religious and racial minorities were vastly underrepresented in the chaplaincy. In 1971, there were no black chaplains, no Muslim chaplains, and no fulltime Catholic chaplains. Two part-time Catholic chaplains shared the duties of ministering to Catholic prisoners, who represented thirteen percent of the prison population. While the state paid Protestant chaplains an adequate salary of \$9,600 per year and reimbursed them for the costs of travelling between institutions, it paid part-time Catholic chaplains only \$25 every week and a Rabbi nothing at all. Several black Christian ministers visited Florida prisons and led religious ceremonies on a volunteer basis, receiving nothing from the Division of Corrections. And leaders of the Nation of Islam were barred from entering Florida prisons in the first place.¹³

Long-simmering tensions around issues of racial and religious discrimination came to a head in 1971, erupting nearly simultaneously on multiple fronts. In February, men at Florida State Prison organized a general strike, stopping work at the Tag Plant, furniture factory, education center, laundry, and agricultural squads. They demanded, among other things, that the Division of Corrections hire black staff and cease being an all-white employer. At the same time, Catholic and Jewish part-time chaplains stopped doing some of their work. Fr. Creedon, a Catholic priest ministering at Florida State Prison, reported that "he does not feel it is 'his duty' to also attend the [nearby Lake Bulter] Reception and Medical Center from the small allowance he is receiving from the canteen at Raiford." (Part-time chaplains received their pay not from a normal distribution from the state's general fund, but instead from a tax of sorts levied on profits from sales at the prison canteen. Exorbitant canteen prices—used in part to fund religious

¹³ B.R. Pattersson to Damon Holmes, June 3, 1971, Box 2 Adult Corrections Programs Correspondence, 1969-1975.

programs—also motivated the 1971 prisoner strike.) Fr. Maurice Imhoff, who worked with him, also stopped providing unpaid services, and rumors spread that Catholic prisoners “better declare their religion ‘Protestant,’ then you will receive better treatment.”¹⁴ Reflecting the extent to which administrators believed that members of minority religious faiths should be content simply for being granted access to Florida prisons, Wainwright wrote that “everyone was astounded when Father Imhoff began writing demands for compensation and alleging discrimination.”¹⁵ Rabbi Elliot Winograd, who visited Jewish prisoners at several Florida prisons, encountered less indignation when he asked simply that the Division of Corrections cover his mileage expenses. Officials ignored his request until he, too, alleged religious discrimination, then agreed to compensate him on a per-visit basis.¹⁶ The complaints and allegations of clergy chipped away at the Protestant hegemony in Florida prisons.

Real change in the religious regimens of Florida’s prisons, however, came through the efforts of Nation of Islam prisoners to leverage the power of the federal judiciary. Nationwide, followers of the Nation of Islam sued corrections agencies for violating their constitutional rights to the free exercise of their religion. Winning these lawsuits required more than demonstrating that the state suppressed religious practices; Nation of Islam petitioners also had to demonstrate that the activities prison policy prohibited were in fact *religious*—not political as most prison administrators claimed.¹⁷

¹⁴ Fr. Maurice Imhoff to James A. Bax, March 5, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975.

¹⁵ Louie Wainwright to Damon O. Holmes, June 22, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975.

¹⁶ Louie Wainwright to Emmett S. Roberts, April 1, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975.

¹⁷ See Sarah Barringer Gordon, “Faith as Liberation,” in *The Spirit of the Law* (Cambridge, MA: Harvard University Press, 2010), 96-132.

The Nation of Islam’s national struggle for recognition of their religious rights advanced, in Florida, in the form of a handwritten complaint that P.C.X. McCloud submitted in 1969 to the United States Court for the Middle District of Florida, in Jacksonville.¹⁸ P.C.X.’s suit alleged intense discrimination against of Muslim prisoners at Florida State Prison. He wrote that prison officials refused Muslims the use of the chapel and prohibited Muslims from assembling in groups to talk or to pray in the day room or on the yard. Officials denied Muslims access to religious literature, including the Quran and Elijah Muhammad’s books *How to Eat and to Live* and *Message to the Black Man*. Prison meals nearly universally contained pork—sometimes obviously (Christian prisoners I interviewed in 2015 longingly recalled pork chops being served at Florida State Prison in the late 1960s), but usually less visibly: a ham hock thrown into a pot of stewed greens, pork lard mixed into bread dough or biscuits. The invisibility of pork products, combined with their warranted distrust of prison officials, made it difficult for Muslim prisoners to ensure that they avoided eating the religiously forbidden meat. Interestingly, as P.C.X. sued to win religious practice rights for Muslims, he explicitly linked discrimination against Muslims to discrimination of black prisoners more broadly. Apparently setting aside issues particular to Muslims, P.C.X. wrote, “this petitioner has not one Black minister to lead him in any religious services.”¹⁹

P.C.X. also made clear that officials retaliated against prisoners who peacefully protested discriminatory conditions. Using the third person term “the petitioner” to refer to himself,

¹⁸ The Federal Court combined the P.C.X. McCloud case with others filed by Arthur Lee Moore, Buster James Smith, William X. Kilpatrick, Willie Lee X. Cox., Samuel Choice, Coy Carlton X. Sload, and Steven X. Washington. I have so far been unable to access the original case files, which, apparently, are uncatalogued in the basement storage of the Federal Court of the Middle District of Florida. P.C.X.’s handwritten petition was the only one to have been preserved in the DOC records, which is where I accessed it. These cases were filed in 1969 and 1970, and the Division of Corrections entered into a consent decree (which it subsequently violated) in 1971.

¹⁹ P.C.X. McCloud v. Louie Wainwright, Middle District of Florida, 69-566-Civ-J. Available in P.C.X. McCloud 032083, IRFDC.

P.C.X. wrote, “The petitioner contends that his constitutional rights was violated and cruel and unusual punishment was used against the petitioner when the prison officials put the petitioner in the maximum security cell or administrative segregation cell without having exercise and without having sunshine.” The officials who put P.C.X. in solitary confinement and deprived him of outdoor exercise were as legally savvy as they were vindictive. Administrative segregation constituted a special category of solitary confinement and was typically reserved for prisoners “under investigation” for rule violations. Administrative segregation usually amounted to a slightly less harrowing experience than “punitive segregation,” the form of solitary confinement reserved for prisoners who had been adjudicated for rule violations. Inmates in administrative segregation had continued access to reading material and did not forfeit gain time. But if administrative segregation was marginally less brutal than punitive segregation (and, in P.C.X.’s case, it probably wasn’t, given that prison authorities had banned the reading material that interested him), prison officials could leverage its relative flexibility to retaliate without risking accountability. By the early 1970s, most prisoners in punitive confinement could sue in public court to have their confinement reviewed by external authorities. Prisoners in administrative confinement had no similar access to external systems of review; because their disciplinary cases were still “pending” and prison authorities had made no adjudication, there was no bureaucratic action that prisoners could challenge. By placing P.C.X. in administrative confinement—theoretically while investigating alleged rule violations—prison officials were able to exact punishment in practice without exacting it in law, thereby insulating their retaliatory actions from the scrutiny of state and federal courts.²⁰

²⁰ As of 2015, prison authorities were permitted to hold prisoners in administrative confinement for thirty days. These protections were won through litigation. See Florida Administrative Code § 33-602.220, available at <https://www.flrules.org/gateway/RuleNo.asp?ID=33-602.220> and *Sands v. Wainwright*, 71-339 Middle District of Florida (1973).

Owing in large part to the favorable precedents established by Muslim prisoners in other states, P.C.X. won a reasonable-seeming consent agreement in the Federal Court in Jacksonville. The court ordered that prisoners “have the right to free, uninterrupted, and unimpaired access to Black Muslim literature,” including the Holy Quran. It ordered that the Division of Corrections provide “at least one full-course pork-free diet once a day.” And it ordered that Muslim prisoners be ensured the “right to use the chapel of the Florida State Prison on a non-discriminatory basis for the purposes of religious worship, subject to the existing policy that the services be conducted by recognized minister of the faith.” The court qualified Muslims’ access to the chapel: “such use is subject to the restriction, applicable to any and all religious services held in said chapel, that no material alteration of the physical structure of such chapel is or will be permitted.”²¹

In affirming the consent decree, the federal court applied relevant precedents and seemed to intervene strongly to protect the religious rights of followers of the Nation of Islam. However, the qualifications and limits the court placed on the practice of religious rights were as consequential as its defense of those rights. One full-course pork-free prison meal a day was hardly adequate for a person’s nutritional needs, even putting aside the fact that Muslims had few ways to ensure that the meals were actually pork-free. Use of the chapel, under the conditions that a “recognized minister” conduct the service and that services involve “no material alteration” of the chapel, also proved a vapid protection. The Nation of Islam—with no seminaries or theological institutes—had no means to certify its leaders in the same way that Christian denominations accredited their ministers. And it was virtually impossible to conduct Muslim Jum’ah services in the prison chapel without modifying the facility’s physical structure. Unless they moved the pews, the chapel contained no practical space to perform salah (prayer). A

²¹ P.C.X. McCloud v. Louie Wainwright.

Christian-focused perspective so infused the court's protection of religious rights as to render its ruling obsolete for the religious groups who needed protection the most.

P.C.X. almost immediately sued Wainwright and the Division of Corrections for violating the terms of the consent decree, and just as quickly the state put him back in administrative confinement. Muslims would win the ability to practice their religious rights in Florida prisons incrementally, largely through litigating prison officials' compliance with consent decrees like the one won by P.C.X. Seemingly momentous court victories often proved hollow, and only contentious and persistent legal engagement (often at the risk of retaliation) solidified the rights of Muslim prisoners. Until today, the ability of Muslim prisoners to practice their religion rests on the courage of individual prisoners to file lawsuits or grievances in response to rollbacks of their rights.²²

“A Definite Pro-White, Pro-Religion Bias in the Division of Corrections”

As the Division of Corrections suffered a series of legal defeats (that themselves produced a constant stream of litigation) and drew allegations of discrimination from priests and rabbis, aides in Governor Reubin Askew's administration intervened to take steps to limit the state's

²² Shortly before I began my fieldwork, Muslim prisoners at Wakulla filed grievances against officers at Wakulla for impinging upon their ability to pray together. Muslims had access to the chapel only on Friday afternoons for Jum'ah prayers; during all other prayer times, they prayed in the dorms, on the yard, or in their cells. One prisoner organized an informal group prayer during afternoons when he was in yard, and a half dozen or so men would face East and kneel in prayer. The group was usually one among many on the yard; Christian groups often used the outdoor time to read or pray together, and other groups formed around activities like weightlifting. For several weeks running, an officer broke up the group of Muslim men praying, citing a rule against assembling in groups and threatening participants in the prayer group with a disciplinary report. Officials left other groups on the yard unmolested. One prisoner filed an official grievance against the officer and policy, and appealed it all the way to central office before higher authorities allowed Muslim prayer gatherings, albeit under restricted conditions. Some staff at Wakulla began calling the man who filed the grievance “bin Laden” and one official measured his beard every day, threatening to send him to confinement if it were ever longer than regulations allowed.

legal liability to claims of religious discrimination. The Governor's Office asked the Department of Health and Rehabilitative Services (then the cabinet-level agency that oversaw the Division of Corrections) to assess the Department's liability and recommend any necessary changes. The goal of the review was more to put a Band-Aid on any problems than to repair any injustices. A parallel inquiry—motivated by court challenges to the Division of Corrections' opaque disciplinary procedures, the irregularities of which facilitated racist and retaliatory actions—took the far-from-radical step of recommending that prisoners “be afforded some modicum of the Due Process Clause.”²³ (The legal standard that governs disciplinary adjudications still is not “beyond a reasonable doubt” or even “a preponderance of the evidence” but instead the extremely low standard of “some evidence.”) The Governor's concerns, in other words, had less to do with justice than with identifying small changes that might insulate the state from the scrutiny of federal courts. A lawyer named B.R. Patterson conducted the review of the Division of Correction's religious policies and concluded, “There is a definite pro-white, pro-religion bias in the Division of Corrections. I can not [sic] say that there is an anti-Catholic or anti-Semitic attitude.”²⁴

Patterson had no trouble establishing the “pro-white” bias: All the full-time chaplains serving Florida prisons were white. Two of the nine part-time chaplains who worked at road prisons were black, but they received about one fifteenth the pay of full-time chaplains. “The mere fact that all the full-time chaplains in our prison system are white,” Patterson explained, “indicates racial discrimination in the hiring of chaplains.” Of course, he might have noted that Florida prisoners had no black employees in any role in early 1971.

²³ B.R. Patterson to Emmett S. Roberts, Damon O. Holmes, Paul Skelton, Jr., and James G. Mahorner, July 22, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975.

²⁴ B.R. Patterson to Damon Holmes, June 3, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975.

If the “pro-white” conclusion transparently reflected the reality of Florida prisons, what to make of Patterson’s determination that the Division of Corrections had a “pro-religion bias?” Although prison officials promoted *some* forms of religion, their support for religious beliefs and practices ended abruptly if “religion” entailed anything other than bible study, talk about Jesus, and ideas of individual salvation. Collective religious practices (like Muslim prayer) or practices that required materials other than bibles or dictionaries (like Catholic communion) lay conspicuously outside of the religious terrain that prison administrators endorsed. “Pro-religion,” in this context, meant “pro-Christian,” or even more narrowly, “pro-(white) Protestant.” That Patterson called an official endorsement of white evangelical Protestantism simply “pro-religion” illustrates the extent to which nearly everyone in the Division of Corrections operated with a Christian-centric focus. Even the lawyer tasked with evaluating the claims and complaints of religious minorities—who explicitly stated their claims in religious terms and invoked constitutionally protected religious rights in their arguments—*refused* to see them as religious in essence. Religious claims were only legible to the state only insofar as they were racial claims—and even then only within a Christian context. “Religious,” to the state, meant “Christian,” and particularly “white Christian.” The claims brought by followers of the Nation of Islam registered as political—not religious. The religious claims that the state acknowledged as legitimate, those of black Christians, fundamentally affirmed a Christian framework and prioritized racial as much as religious discrimination. In apparently sublimating the discrimination he faced as a Muslim to the broader racial claim that the prison “has not one Black minister to lead ... any religious services,” P.C.X. perceptively stated his allegations in terms that the state would recognize. Patterson recommended that the state “immediately ... hire some black ministers.”

Patterson’s inability to perceive an “anti-Catholic or anti-Semitic attitude” probably had more to do with his own prejudices than with institutional practices. Patterson approached his

task of sussing out religious and racial bias by employing a data-driven approach that equated discrimination with disproportional representation. If half of the inmates were black, he reasoned, so, too, should be half of the chaplains. Catholics accounted for thirteen percent of the prison population, but not one full-time chaplain was Catholic. Patterson acknowledged the disparity, but attributed it not to systemic discrimination but to recent increases in Florida's Catholic population. Ignoring migration trends that drew Catholics to the state from the U.S. Northeast and from Latin America, Patterson implied that higher birth rates had caused the increase in the number of Catholics in the state. In an otherwise formal memo, Patterson noted the recent increase of the state's Catholic population and wrote parenthetically, "(no birth control, remember?)." In the end, however, Paterson somewhat relented to the numbers. He recommended hiring one additional part-time Catholic chaplain, who, according to established practice, would receive far less pay than a full-time chaplain.

Rehabilitation and Accreditation

Despite the barrage of legal and political challenges around issues of religious freedom and practice, the uppermost administrators in the Division of Corrections remained preoccupied with a different goal. Since 1968, Wainwright and his top brass pursued accreditation by the American Correctional Association of Florida's entire prison system. They hoped to make Florida the country's first fully ACA-accredited prison system and establish the state as a leader in prison rehabilitation. The 1967 film *Cool Hand Luke*, starring Paul Newman and George Kennedy, made Florida prisons' abysmal conditions a matter of common public knowledge, and the effort to achieve accreditation was probably motivated by an effort to rehabilitate the image of the state's prison system. The multipronged initiative involved upgrading physical facilities to meet minimum standards, expanding the number and type of rehabilitation programs available,

and establishing professionalization and training standards for staff. The campaign to gain accreditation for Florida's prisons launched Wainwright into the national spotlight in a sympathetic light: as a champion of rehabilitation and professionalization. The rebranding largely proved successful. In 1971, the American Correctional Association elected Wainwright its President and, in 1975, the organization awarded him its top honor, the E.R. Cass Correctional Achievement Award.

Wainwright had become the Director of the Division of Corrections in 1962 after a career that saw him climbing the ladder from a line prison guard to the superintendent of Avon Park Correctional Institution, a minimum security facility established in 1957 that emphasized education and industrial training.²⁵ The son of a Baptist minister, he expanded rehabilitation and religious programs in tandem. An advocate of "modern penology," he believed that the best way to manage people (whether staff or inmates) was through trust and incentives. "Prisoners usually admire what they call a 'square shooter' and usually try to reciprocate with truth and justice to an officer whom they can trust implicitly," Wainwright or one of his staff members wrote in a 1960 institutional manual. "They detest one who is insincere, changeable or weak, even though they also possess the same defects."²⁶ Still, physical violence and solitary confinement remained staples of his disciplinary regime, though he ostensibly reserved them only for uncooperative prisoners.

Many officers under Wainwright's employ were less discerning in their infliction of extralegal physical violence or in their use of vindictive solitary confinement and Wainwright did

²⁵ The prisoner population of Avon Park was exclusively or almost exclusively white until the late 1960s. The Division of Corrections assigned white prisoners to facilities emphasizing rehabilitation, education, and industrial training and assigned black prisoners to facilities like Glades CI and road prisons where daily life centered around extractive labor.

²⁶ "Introduction to ACPI," March 1960, Box 1, Series 2185, Photographs, Slides, Negatives and Films, ca. 1940-2006, RG 670, State Archives of Florida, Tallahassee, Florida.

little to stop such abuses. Moreover, he invariably defended staff accused of abusing their authority. Though he was fired in 1987, Wainwright still enjoyed broad support among Department of Corrections staff thirty years later, in large part because of his indefatigable defense of corrections employees accused of abuse or misconduct. During my research, circles of his supporters fended off my inquiries about arranging an interview. In Tallahassee, people involved in criminal justice policy informally called Wainwright's legion of supporters "Louie's Army," and, to this day, he can influence bureaucratic decision-making and, occasionally, Departmental policy with a few phone calls.²⁷ Though he was ninety-two in 2016, Wainwright still served on the board of the Florida Corrections Foundation, a charitable organization he founded that, among other things, helps defray the legal costs of prison staff accused of misconduct or abuse. Jack Murphy described the reason for Wainwright's broad base of support among generations of Florida prisons staff most succinctly: "They could be dead wrong and he'd have their back."²⁸

When I asked Wainwright about his rehabilitative ideology, he told me that the very first thing he did when he became Director of the Division of Corrections, in 1962, was to order the construction of the chapel at Florida State Prison. The chapel, which now occupies a small plot in the center of the compound, had been planned but never built, and Wainwright saw its construction as a materialization of his commitment to rehabilitation and the idea that prisoners could change. Wainwright articulated what he called a humane approach to prison management. "I never did take the position that I had a bunch of hateful convicts that I wanted

²⁷ See Meg Laughlin, "\$1.2 Million Spent to Get Prison Transfers," *St. Petersburg Times* (November 14, 2007).

²⁸ Interview with Jack Murphy, November 17, 2015.

to make walk on one side of the sidewalk and me on the other side,” he told me.²⁹ “I always tried to let them know that I’d treat ’em like a man if they let me treat ’em like a man. And if they didn’t, I’d treat ’em like I had to [in order] to make them behave in prison.”³⁰

Wainwright elaborated his management tactics by telling me a story from the early 1960s, when he was warden of Avon Park. He used prison funds to buy 800 fishing poles, nearly enough for all of the facility’s prisoners. On Sundays after chapel, he allowed prisoners to wander into the surrounding swamps and streams to fish. At the end of the day, prisoner-cooks would clean the fish and the whole compound would celebrate with a fish fry. Wainwright saw these privileges as an ideal way of managing a prison. He told me that every prisoner ever allowed to go fishing returned at the end of the day. And equally important to him, it seemed, all of the fishing poles returned each time, too.

Wainwright spoke in great detail about the incentives and trust that underlined his management approach, but was more euphemistic when he talked about the punishments and

²⁹ In his remarks about sidewalks and yellow lines, Wainwright was referencing “inmate management” techniques that the Department implemented after he left office. The walkways of every prison operated by the Florida Department of Corrections are divided by thick yellow lines, painted 18 inches from the edge of the path. Prisoners are required to walk, single-file and to the right, on the narrow spat of path between the yellow line and the grass. Guards, staff, and volunteers walk conspicuously down the middle of the path. When prisoners cross paths with staff, they are forbidden to speak unless they are spoken to. Additionally, prisoners are discouraged from looking at staff or making eye contact with staff, and are occasionally harassed if they do so. These official policies and unofficial practices made the practice of simply walking across the prison yard a potentially dangerous and humiliating act; these practices also helped make sidewalk encounters a site where the hierarchical relationships of the prison were materialized and performed, much as behavior on sidewalks revealed racial norms and hierarchies during Jim Crow. One officer at Wakulla in 2015 regularly harassed inmates with homophobic taunts and occasionally wrote them up for making sustained eye contact with him, which he interpreted as a challenge. Of course, not all interactions were so stilted. The African American prisoners who worked as chapel clerks regularly stood out in front of the chapel and greeted nearly all passersby with smiles, waves, and jokes. (They did not greet the harassing officer or an aggressive Captain, but usually stepped inside the chapel and watched them pass from the narrow window in the door.) For a discussion of the racial performances in everyday interactions, see Stephen Berrey, *The Jim Crow Routine: Everyday Performances of Race, Civil Rights, and Segregation in Mississippi* (Chapel Hill: University of North Carolina Press, 2015).

³⁰ Interview with Louie Wainwright, December 16, 2015, Tallahassee, Florida.

threats that underpinned it—as in “treat ’em like I had to.” The most important qualities of Wainwright’s management philosophy were that it was unorthodox—like Max Jones, he entrusted prisoners and staff underlings with great privileges and freedoms; it was transactional and personal—his “if—then” proposals framed institutional management as a personal contract; and it was undergirded by the threat of violence. There was also a degree to which Wainwright’s tactics prioritized expedience over principle. Though he sought to increase the professionalization of officers and operate a human prison, for instance, he had few qualms about encouraging and facilitating extralegal physical violence or abuses of power.

Wainwright made one his strangest deals in 1971 with Jack Murphy and the duo have been fantastic friends since. At the time, Murphy was serving two consecutive life sentences plus a term of twenty-five years, and prison officials assigned him to live on Florida State Prison’s death row wing. Q-wing, filled with condemned men, was the most miserable corner of the prison and officials sometimes housed the most disruptive inmates there as punishment. Solitary confinement, lack of sunshine and outdoor exercise, constant loud noise, violence, stifling heat in the summer and freezing cold in the winter defined life on Florida’s Death Row, made all the worse by sheer boredom. Murphy told me that officials placed him on Q-wing because he had been an instigator of a strike and work stoppage in February 1971 that led to a full scale rebellion. Murphy claimed to be one of the few prisoners with the credibility and charisma to coordinate across the prison’s racial and ethnic divisions. Reaching out of his own white group of “Miami Boys” to the leaders of African American and Cuban inmate groups, Murphy claims to have helped engineer a work stoppage and strike that took over both the Main Unit and the East Unit.

(No records indicate Murphy’s involvement in the strike, nor do any records show that he was housed on Q-wing. However, both Murphy and Wainwright have repeatedly insisted that

they met while Murphy was housed on Q-wing and one prisoner I met during my fieldwork at Wakulla, who was at Florida State Prison during the rebellion, told me that Murphy was involved in planning the strike. Given the dearth of records, it is difficult or impossible to corroborate the extent of Murphy's involvement in the work stoppage. Similarly, it is difficult to determine the length of time he spent on Q-wing—or whether he was there at all. I think that it is possible that records may have been destroyed. Indeed, one former prison staffer told me that he knew of the destructions of records of at least one of Murphy's disciplinary reports. The destruction of records that reflected badly on Murphy would have been a crucial step in an effort by officials in the Department of Corrections to help him secure release on parole.)

In February, 1971, a few months before the rebellion at Attica, prisoners at Florida State Prison organized a general strike. Like prisoners striking at other facilities in the 1970s, their demands seemed reasonable. They wanted the Division of Corrections to hire more black staff. They asked that prisoners be released from solitary confinement. They wanted the administration to lift restrictions on the type of mail prisoners could receive. And they demanded that prison authorities recognize the Inmate Council, an elected body of prisoners that sought to represent prisoners' demands and improve communication between the prisoner population and the administration.

The strike began the morning of February 12th with prisoners refusing to report to work at the prison's Tag Plant, furniture factory, and academic school. By midday, prisoners working in the laundry and the agricultural squads had also stopped working. Unsure how to contain the strike, administrators herded prisoners onto the facility's athletic fields. After negotiations broke down in the afternoon, prison officials instructed the 1,350 strikers to report to work or return to their cells (where they could be more easily contained). After dark, prison officers fired into the crowd of strikers with tear gas, shotguns, and even two submachine guns. The official account

insists the shotguns fired only bird shot, but two prisoners I spoke to who were among the strikers told me that staff used buck shot and larger caliber ammunition as well. In the face of overwhelming force, the prisoners retreated to their cells and the strike fizzled out. Nonetheless, over the course of the next week, prison staff singled out African American prisoners who had been wounded by gunshots, called them to a prison office, and systematically beat and tortured them. A favored method involved using a Billy club to re-open prisoners' still un-treated gunshot wounds. Owing to the color of his skin—or, perhaps, because he was only tangentially involved in the rebellion, Murphy escaped most the severe retaliation.³¹

In August or September 1971, guards unexpectedly called Murphy out of his cell on Q-wing. The group of guards included Tom Barton, an enormous man who was Florida State Prison's "enforcer." Staff and inmates alike called him the "Ice Man" and even Wainwright, who defended him against lawsuits and later promoted him to warden, conceded to me that he "sometimes got his hands on inmates." Barton led Murphy to a small room where Wainwright waited. Wainwright's chief goal in meeting with Murphy was to solicit his help in expanding rehabilitation programs to Florida State Prison so that it could gain ACA accreditation.³² Wainwright been successful in expanding rehabilitation programs moving other prisons through the hoops of accreditation, but Florida State Prison—reserved for the "worst of the worst"—had so far foiled him. Organized around the poles of forced agricultural labor and lockdown confinement, Florida State Prison offered virtually none of the educational or rehabilitative programs that the ACA was looking for. Wainwright hoped to turn Murphy's leadership

³¹ This account of the February events at Florida State Prison is drawn from statements written by more than a dozen prisoners after the riot and from an internal report of the riot signed by Wainwright and presented to James Bax. See Statements, Box 1, Adult Corrections Programs Correspondence, 1969-1975 and Louie Wainwright to James Bax, March 29, 1971, Box 2, Adult Corrections Programs Correspondence, 1969-1975. See also

³² Wainwright Interview; Murphy Interview, September 11, 2015.

qualities—the very ones that ostensibly helped him instigate the work stoppage—to the task of moving Florida State Prison toward ACA accreditation. When I asked him why he approached Murphy, Wainwright replied carefully: “In that type of prison, there are always some prisoners—I won’t say they’re in charge, but they can sometimes control what happens in the prison.” Because Murphy controlled parts of the prison, Wainwright regarded him as a powerbroker who could be won over.³³

Wainwright explained to Murphy that, since one had a life sentence and the other intended to be a long-serving prison boss, the two were “going to have a long career together.” Wainwright told Murphy that he could choose the tenor of that career. He could help administer programs at Florida State Prison (and reap unmentioned benefits), or he refuse the bargain and continue living on the death row wing. The presence of Tom Barton unsubtly conveyed a message that physical violence might also be a risk of refusing the bargain. Murphy is keenly opportunistic—he told me offhandedly that every social world has its own hierarchies, and the key to success is to keep climbing the ladder—and he accepted the deal.³⁴

Soon, Murphy was back in general population and facilitating a handful of the prison’s programs. He ran the Growth Orientation Laboratory (GO-Lab) and prison’s Alcoholic Anonymous meetings. He started a chapter of the United States Junior Chamber (also called the Jaycees) and, by recruiting hundreds of prisoners, grew it into the country’s largest chapter. He started a band, the Jack Murphy Quintet, which played at gatherings in the chapel and at AA events.³⁵ Murphy was an adept administrator and gained the trust of the staff and volunteers with whom he worked most closely. He was also a highly effective recruiter. Florida State Prison never

³³ Wainwright Interview.

³⁴ Murphy Interview, November 17, 2015.

³⁵ Dan Wayne, “A.A. News,” *Starke Reality II*, Vol. 2 No. 5. (January 1977).

had—and has never had since—the levels of participation in rehabilitation programs that Murphy was able to solicit.

Murphy undoubtedly owed part of his success to his charisma. But when I asked him how he recruited so many participants, he mimed an encounter with another prisoner that suggested other possibilities. In the reenactment, Murphy encountered another prisoner as he walked across the yard. After a handshake and a greeting, he turned his head and muttered to his imaginary interlocutor, “Here, I’ll give you some dope if you sign up.” Yes, it seems that the height of the rehabilitative ideal in Florida prisons—as well as record enrollment in Florida State Prison’s AA programs—was achieved, in part, by trading drugs for attendance. More surprisingly, the drugs-for-attendance arrangement seems to have had the tacit support of some people in Florida State Prison’s administration. Supposedly because of his administrative duties with the Jaycees, prison administration provided Murphy with a secure locker to which only he had the key. The administration entrusted Murphy with a locker even though he was rumored to control a significant fraction of the prison’s illicit drug trade—rumors he confirmed to me in 2015. (Murphy told me that his girlfriend, Connie, travelled to visit him each weekend on a private plane piloted by an acquaintance who typically used the plane to traffic drugs between the panhandle and the Caribbean. Most prisoners and staff at Florida State prison were under the mistaken impression that the plane belonged to Hugh Hefner and that Connie had access to it because she worked as a Playboy bunny. The plane did not belong to Hefner, nor did Connie work for Playboy. Connie was the only familial visitor to make use of Florida State Prison’s

airstrip.³⁶) Despite the complaints of some staff members, Murphy retained control of the locker until 1979, when a legislative committee learned of its existence.³⁷

Wainwright brought Max Jones to Florida State Prison in 1971, also to help guide the prison towards ACA accreditation. Jones employed similarly unorthodox means to gain prisoners' trust and cooperation, and Wainwright saw him as one of his most important allies within the Department of Corrections.³⁸ Jones, too, helped build the prison's AA and other rehabilitative programs. Perhaps at Wainwright's urging, Jones took a special interest in Murphy, putting him in charge of running the chapel's library when he wasn't facilitating other programs.

In 1974, Bill Glass, a linebacker who played for Baylor University and won a national championship with the Cleveland Browns, visited Florida State Prison and led a revival. One of his trademark acts when he visited prisons involved tossing his championship ring into the crowd and inviting his audience to take a closer look at it. When prisoners passed the ring back to him at the end of his testimony, he celebrated their trustworthiness and ultimate goodness. (Never mind the authority of prison officials to mount an inquisition-like search in the event that someone pocketed the ring.) Murphy was one of the prisoners who answered Glass's alter call that day and became a born again Christian. Slowly, he says, he stopped using and trading drugs and, by the late 1970s, administered rehabilitation programs through less entrepreneurial means.

³⁶ Interview with Bernard Cohen, November 10, 2015.

³⁷ See Disposition Report of Issues Suggested by Staff During Orientation (Phase I), Corrections Committee, Folder "Corrections Committee Meeting, 317 Capitol, 1-1-79 8:30 a.m.," Box 587, Series 19, "House Committee Records, 1969-2017," RG 920, State Archives of Florida.

³⁸ When I asked Wainwright who his most important allies were, he listed Dave Bachman, Jim Bowl, T.P. Jones, Anabel Mitchell (whom he later married), Jim Goodwin, "and of course the chaplain, Max Jones." Wainwright Interview.



Figure 4.2 Bill Glass Speaking at Florida State Prisons: Bill Glass speaks in front of Florida State Prison's main tower, ca. 1974. The image is not labeled or described in the archives, and Murphy identified it for me. Folder DOC Slides, 1971-1982 (first of two identically named folders), Box 7, S. 2185, "Photographs, slides, negatives and films, ca. 1940-2006," RG670, State Archives of Florida.

Wainwright kept close tabs on Murphy's religious progress and credited Jones with Murphy's religious conversion. He told me that Jones "really brought him to see what the B— what we refer to as 'the light.'" As he stopped midway through the word, "Bible," it seemed that Wainwright caught himself slipping into a too overtly Christian discourse, and made a small correction. His final way of phrasing seemed intended to leave a little bit of room for religious pluralism; invoking "we" instead of "the Bible" offered a slightly less universalist perspective on Biblical truth. Like many of the current and former officials I interviewed, Wainwright possessed

an ability to modulate—and sometimes to censor—his religious language. This ability was so well-practiced that it served almost as a professional requirement of a higher-level bureaucrat in Florida’s criminal justice system. In recorded oral history interviews with me, Wainwright and other officials never used the language of Christian evangelizing and never asked about my religious beliefs—they waited until I had turned the microphone off. Their sensitivity to the politics of religious pluralism was a far cry from Max Jones’s direct, unabashed born-again preaching. The politics of religious pluralism in prisons shifted dramatically in the 1970s and 1980s. Some state actors, like Jones, prioritized their religious missions over the new politics of religious pluralism. Though new considerations for religious minorities often proved hollow, the consolidation of ecumenicalism as virtue within Florida’s prison bureaucracy proved forceful enough to encourage a few administrators and chaplains to find alternative ways to share God’s word.

Christian Prison Ministries, Inc.

Over the course of the 1970s, the jobs of prison chaplains became increasingly monitored and constrained as religious minorities pushed against the Protestant religious regimens of prisons in Florida and around the country. A combination of court orders and directives from central office—aimed at avoiding additional court orders—sought to mold prison chaplains from evangelical creatures into ecumenical ones. Courts and administrators instructed chaplains to focus their labors less on evangelizing and converting than on attending to the spiritual needs of all prisoners, whether they be black or white, Protestant or Catholic, “Spanish” or Anglo, or Muslim or Jewish. (Non-Abrahamic religions still failed to register on institutional radars; and Latino ethnicity mattered mostly insofar as Latino prisoners required Spanish language services.) Chaplains seemed relatively comfortable with some of the decrees from central office: When the

order came down to “immediately hire ... some black ministers,” Max Jones promptly hired Austin Brown as his Assistant Chaplain. Brown, a former prisoner whom Jones had led to his conversion, was one of the first black employees of the Division of Corrections and, like the rest, initially occupied a relatively powerless role.³⁹

But many of the new requirements grated on chaplains. As minority religious groups like Nation of Islam gained legal access to prison chapels, courts required that chaplains facilitate their religious services, usually by coordinating with outside groups. The Department of Corrections (it became a Department, instead of a Division, in 1975) also tried to prohibit chaplains from proselytizing. The prohibition, periodically restated, has never truly stuck. At the annual chaplain’s conference in 2016, officials from central office, once again worried about the Department’s legal liabilities, instructed chaplains that they should not proselytize. Several chaplains objected. One told me afterward that he had been called by God to ministry, and his divine calling was to evangelize. If the constraints of his job prevented him from sharing the word with prisoners, he would resign and go into private ministry.

Shortly after receiving the Chaplain of the Year award and facing new limits on his evangelism, Max Jones did as my interlocutor forty years later had threatened and entered private ministry. He joined the outfit started by his old mentee, Frank Constantino. Constantino and his new ministry, eventually incorporated as Christian Prison Ministries, Inc., had gotten off to a rough start in the months after his release. By his daughter’s account, he worked two or three jobs, usually in construction, and struggled to make ends meet. There were periods in the early 1970s when Constantino had to choose whether to put gas in his car in order to travel to give his testimony and to fundraise, or whether to buy food for dinner. According to his memoir, on one

³⁹ Cohen Interview.

occasion he chose to “trust that God would put food on the table” and decided to buy gas. As recounted both by Constantino and his wife, Bunny, Frank had put the family’s last \$10 in the gas tank and the family had nothing to eat that night. Unrepentant, Frank asked Bunny to set the table anyway. With the family gathered around empty plates, he said a prayer: “God, you know our needs and you said you would provide. We need food for our family tonight.” Thirty minutes later, a friend stopped by and offered 400 pounds of beef from a freshly slaughtered cow. “I’m glad you trusted God,” Frank reported Bunny as saying. Constantino told the story of that night many times, making clear that with faith comes prosperity. In contrast to many Christian groups, which discouraged “making deals” or negotiating with God, Constantino’s depicted divine relationships as transactional to the extent that they seemed contractual. “You said you would provide.” Or, as Max Jones said regularly in his sermons, “if you’ll just do God’s business and be God’s man wherever you are, in His timing those gates will open. God will open those gates wide enough for a freight train to go through sideways.”⁴⁰

Constantino turned out to be good at God’s business. Charismatic and a great storyteller, he was a wildly successful fundraiser and promoter. Though at first contributions to his ministry came in a trickle and Constantino continued to work in construction, by the late 1970s local Christian businessmen would offer \$25,000—or even \$100,000—to his efforts. When he asked what they wanted him to do with the money, they apparently told him, “Go and pray about it and get back to me in a few days.”⁴¹

Constantino also established connections to prison officials and became particularly close to Louie Wainwright. His relationships with prison authorities developed along two fronts. First, his efforts in prison ministry kept him in close contact with Jones, as well as wardens and assistant

⁴⁰ Constantino, *Holes in Time*, 152, 176.

⁴¹ *Ibid.*, 158.

wardens and several Florida prisons. Constantino gained more formal connections to Florida's prison system in 1975 or 1976, when someone (probably Jones) recommended Constantino to Wainwright for nomination first to a seat on a correctional advisory committee then a seat on the Regional Advisory Council that covered the Orlando area. Regional Advisory Councils were toothless committees. The legislature envisioned their main tasks as "recommending ... modifications in state program policy" and "providing advice on program coordination." Prison officials seemed to hope that the councils might relieve the Department of Corrections of some of the burden of responding to citizen feedback by "providing a forum for receiving citizen complaints."⁴² There is no evidence that the existence of the councils diverted criticism from the Department of Corrections. (Regional Advisory Councils no longer exist in Florida, but their juvenile justice system corollary persists in the form of Circuit Advisory Boards. At least one member of each board is required by statute to be "a representative of the faith community."⁴³)

Constantino quickly rose to become chairman of his Regional Advisory Committee, a development that likely had as much to do with other members' lack of enthusiasm for the unpaid post as with his appreciation of the soft power it could endow. Through his work as chairman, Constantino developed close relationships with Wainwright and with Dave Bachman, an upper-level administrator who later became an Assistant Secretary. "My father and Louie really hit it off," Constantino-Brown told me.⁴⁴ Constantino went from being the "token ex-con" on an advisory committee to a real influence peddler in Florida's prison politics. Wainwright continually struggled to get the legislature to fund rehabilitation and treatment programs and Constantino, as proof of their efficacy in the flesh, sometimes persuaded where Wainwright could

⁴² Correctional Reorganizational Act 1975.

⁴³ See 2017 Florida Statutes 985.664.

⁴⁴ Telephone Interview with Lori Constantino-Brown, November 15, 2015.

not. Jack Murphy told me, “Frank and Louie were partners.” Speaking about his effectiveness at the legislature, Murphy continued, “Frank was sort of a hit man for Louie.”⁴⁵

In 1976, Constantino’s fundraising reached a level that it became necessary to incorporate, as Christian Prison Ministries, Inc. And shortly thereafter he hired Max Jones away from his state job, and Jones became a full-time evangelist at Orange County Jail, still visiting prisons on the weekend for revivals. By then, Wainwright, too, periodically joined Constantino on his weekend revivals, witnessing and giving his testimony alongside the other evangelists. If to some observers it might appear unseemly for state officials to target for evangelization the incarcerated men and women over whose lives they had a unique authority, in the world of Florida’s criminal justice system such actions barely register as remarkable, let alone scandalous.

Wainwright was hardly alone visiting prisons to witness and evangelize among high-ranking state officials. In 2015, I interviewed Charles Lawson, a former parole commissioner who still occasionally presided over parole hearings in his retirement. After I turned off the microphone recording our conversation, Lawson asked me “what denomination” I belonged to before asking me if I “kn[ew] how to become a Christian.” Though reticent in the formal interview, he witnessed to me for the better part of two hours, taking me on a tour through his house and showing mementos of his favorite revivals, including several pictures of himself with Murphy, Bill Glass, and Tim Tebow, the University of Florida star quarterback.⁴⁶

Like Wainwright, Lawson also regularly participated in prison revivals, usually with First Baptist Church of Jacksonville, which calls their revivals “crusades.” He participated in his first prison revival with Bill Glass in 1974 and, the day after I talked with him, he visited Mayo

⁴⁵ Murphy Interview, November 17, 2015.

⁴⁶ Interview with Charles Lawson, November 12, 2015, Tallahassee, Florida.

Correctional Institution with an outfit organized by Jack Murphy called “Inmate Encounter.”⁴⁷ Lawson and Murphy are cordial friends, and may have met for the first time in 1974 at Bill Glass’s prison revival, in which Lawson participated and Murphy converted. Lawson decorates the walls of his home with several paintings of lighthouses that Murphy painted while in prison. In 1982, eight years after the Bill Glass revival, Lawson cast the decisive vote to release Murphy on parole.⁴⁸

When I expressed surprise that a sitting member of the Parole Commission would visit prisons to participate in revivals, Lawson told me that he tried to never disclose his official position or reveal his last name; he was a private citizen and unpaid volunteer just like the dozens of Christians he visited prisons with. But Lawson also told me about one occasion when prisoners did learn that he was on the Parole Commission. Smiling slightly, he told me that he had brought a lot of souls to Christ that day. To my surprise, he seemed to register no concerns about the sincerity of the conversions he facilitated, despite the fact that he might someday be tasked with deciding whether some people he talked to would walk freely outside of prison again or whether they would meet their end in a dingy prison hospital. Lawson was more excited to talk about the number of people he had helped convert than he was concerned about differences in power.⁴⁹

⁴⁷ Several organizations operate prison revivals in Florida, and all take as their model the evangelism campaigns initiated by Bill Glass in the early 1970s. Glass, a former linebacker for the Cleveland Browns, formed Bill Glass Ministries, affiliated Baylor University in Texas. All of the major prison evangelism organizations share formal and informal links. Lawson, for instance, served on the board of Glass’s organization while volunteering for Inmate Encounter and First Baptist Church of Jacksonville.

⁴⁸ Lawson Interview.

⁴⁹ Ibid.

A Prison Boss Patron

By the late 1970s, Constantino had become a bit restless with his prison ministry. By his estimates, he “had led over 1,000 people to salvation,” but the fact that he knew only “a dozen ex-cons that were really walking the Christian walk” bothered him. He thought that prisoners needed material and social support to consolidate their spiritual rebirth, to help an individual “regenerate” “a whole new life.”⁵⁰ Constantino began bandying about the idea of opening an aftercare program to help people make the transition from prison to society. He conceded that it would be difficult to get former prisoners to live at his aftercare facility voluntarily: “Even the ex-cons” didn’t like the idea of an aftercare facility, he wrote in his memoir. “All they did was complain.”⁵¹ In addition to a skeptical clientele, Constantino faced the problem of funding. Providing housing, food, counseling, and drug treatment was expensive. Although the Episcopal Church and some local Christian businessmen expressed interest in supplying start-up funds, the costs of operation would almost surely outstrip Constantino’s fundraising abilities within a few years. One day in 1978 or 1979, while Constantino and Wainwright travelled together to a prison revival, Wainwright presented Constantino with an arrangement that would resolve both the funding challenge and the problem that few people would voluntarily choose to live in an aftercare facility after being released from prison, understandably preferring either to go home to their families or even face the challenges of homelessness. Wainwright asked, “Why don’t you do what the Salvation Army is doing?”⁵²

⁵⁰ Constantino, *Holes in Time*, 155.

⁵¹ Constantino, *Holes in Time*, 157.

⁵² In his memoir, Constantino credits Dave Bachman with suggesting in following in the Salvation Army’s path. In interviews, both Wainwright and Lori Constantino-Brown told me that it was Wainwright who made the suggestion. Given the informal nature of the communication, it is difficult to know which version has more truth, and it is also possible that Wainwright and Bachman both suggested that Constantino open a private prison. However, there would have been good reason for Constantino to

Wainwright had contracted with the Salvation Army to operate Community Corrections Centers (CCCs). Amid a broader anti-institutional movement in the 1970s, the Department of Corrections hoped to close or shrink most of its remote institutional prisons and move thousands of prisoners into facilities that would be located in—and connected to—urban communities. The initiative had never really gotten off of the ground. The legislature failed to appropriate adequate funding to build the new CCCs, and local groups resisted the construction of prison facilities in their neighborhoods. Wainwright promoted the CCC initiative with the slogan “a prison in your community” and called resistant community groups “unchristian.”⁵³

By outsourcing the operation of CCCs through contracts with the Salvation Army, Wainwright overcame the challenges of insufficient funding for construction and, somewhat puzzlingly, community opposition. The Salvation Army was well-placed to operate CCCs because it owned halfway houses, shelters, and warehouses in the urban areas where prison officials wanted to establish CCCs. The Salvation Army could easily and cheaply convert these facilities into small scale prisons. Existing shelters required few adjustments in any sense, and warehouse space needed only bunkbeds and showers. A 1975 work release initiative dubbed “extending the limits of confinement” allowed the state to move prisoners to less restrictive—and even non-secure—settings.⁵⁴ The fact that the new facilities were built with private capital—not state funds—allowed Wainwright to bypass the state legislature to increase the number of beds. The prison system could quickly increase prison capacity with no state funding and no legislative oversight. Of course, Wainwright handsomely compensated the Salvation Army with a lucrative

obscure his relationship with Wainwright. At the time he wrote his memoir, Wainwright remained Secretary of the Department of Corrections and depicting him in too close a relationship with a contractor who also happened to be a former prisoner might have set off alarm bells.

⁵³ Tuesday, January 8, 1974 [Minutes from public meeting in Indian River County], Folder “Indian River,” Box 1, Adult Corrections Programs Correspondence.

⁵⁴ Reorganizational Act 1975. See also Florida Statutes (1976) § 944.026.

\$10 per day per prisoner. So, even though the funding streams differed, the state paid in the end regardless.

Another peculiar advantage of contracting CCCs to private religious groups like the Salvation Army was that the religious organizations encountered significantly less public opposition than the Department of Corrections when they opened new facilities. Why people seemed less opposed to the CCCs run by religious groups than those run by the state is difficult to say. One factor surely is that charitable religious organizations like the Salvation Army and Goodwill had better public reputations than the Department of Corrections. But a bigger reason seems to be that the general public and the media failed to see the facilities run by religious groups as prisons. The media called them “halfway houses” and “re-entry centers,” and obscured the facilities’ relationship to the Department of Corrections as well as their residents’ status. The public may have not realized that the people confined in religiously operated facilities remained legally in the custody of the Florida Department of Corrections and had no freedom of movement or association.

When Wainwright suggested that Christian Prison Ministries, Inc. do “what the Salvation Army [was] doing,” he essentially offered two key capacities of the state—funding and coercion—to help make Constantino’s vision of a Christian aftercare a reality. Constantino had to find private funding for the startup costs of building or renovating a building; he raised \$100,000 from the Episcopal Church. But this task was made easier by the knowledge that a steady stream of state money would follow the facility’s clientele throughout their stay. State funding ensured that the aftercare facility would remain financially viable, and the fact that clients of Christian Prison Ministries, Inc. had the legal status of prisoners guaranteed that new facility’s beds would filled, even if men occupied them unwillingly. The arrangement was also institutionally expedient for the Department of Corrections. With Florida prisons overcrowded

far beyond design capacity, the Department needed all of the prison beds it could find. By promising Constantino a contract, Wainwright gave him and his potential financial backers the security they needed to use private capital to expand the infrastructures of confinement.

Wainwright made one other crucial intervention. He realized that official contracts with an organization with the transparently religious name of “Christian Prison Ministries, Inc.” would invite challenges from religious minorities. Wainwright suggested that Constantino name his prison facilities something else, and ideally choose something secular-sounding. Constantino created a new non-profit organization called “The Bridge,” and set it up as a subsidiary under the umbrella of Christian Prison Ministries, Inc. The use of a new nonprofit corporation obscured the organization’s religious mission and helped legitimate its close collaboration with the state.⁵⁵ It was also an early step in Constantino’s use of increasingly complex financial arrangements. Constantino, like the Salvation Army before him, had entered the private prison business.

Conclusion

Constitutional claims by Muslims and black Americans combined with allegations of discrimination brought by Catholics and Jews to rapidly change the politics of religious pluralism in Florida prisons. Lawsuits and protests dislodged white Protestantism from its hegemonic place at the heart of prisons’ sanctioned religious practices and their rehabilitative regimes. This chapter has shown how white Protestant networks of prison administrators reformulated in private, voluntary organizations where their actions fell outside of the scrutiny of federal courts. New private prison ministry groups like Bill Glass Ministries, in Texas, and Christian Prison

⁵⁵ Wainwright Interview; Constantino-Brown Interview.

Ministries, Inc., in Florida served as a new iteration of prisons' encouragement of Christian practices. These networks proved to be instrumental as the state grappled with a crisis of overcrowding and served as overflow capacity for a system bursting at the seams. In the next chapter, I show how Frank Constantino and Christian Prison Ministries, Inc. made modifications to the model of community-based treatment that bent its facilities' practices closer to those of institutional prisons. Constantino's success in a privatized corrections industry, I will demonstrate, was due as much to his abilities to link punishment and treatment as to bridge the gap between prisons and community.

Chapter Five

Bridging Treatment and Punishment

Today, Christian Prison Ministries, Inc. operates correctional facilities on the outskirts of Orlando, Sanford, Jacksonville, Lakeland, and Bradenton, as well as near the small town of Auburndale. The current President, Frank Constantino's daughter, Lori Constantino-Brown, recently renamed the organization's largest subsidiary "Bridges International," to reflect the nonprofit's expanding involvement in criminal justice programs in Canada, England, Scotland, Ireland, France, Estonia, and Russia.¹ All told, more than 10,000 people pass through its facilities each year, virtually all involuntarily.² The organization has an unusually complex financial structure. Constantino-Brown and her husband Charles Brown, who met in the early 1980s while Brown was incarcerated at The Bridge, have incorporated at least twenty-seven different entities. Charles Brown serves as Vice President of Christian Prison Ministries, Inc. and as President of a handful of its subsidiaries. Most of the twenty-seven organizations are not-for-profit, but two are registered as limited liability corporations, which do not make their financial records public.³ According to documents filed with the Internal Revenue Service, the nonprofit

¹ Phone interview with Lori Constantino-Brown, November 15, 2015.

² See, for example, "Murf the Surf Takes His First Steps toward Freedom," *St. Petersburg Evening Independent* (December 20, 1984), p. 12-A.

³ Based on searches on the official website of the Florida Division of Corporations, <http://search.sunbiz.org>, retrieved March 21, 2018.

subsidiaries of Christian Prison Ministries, Inc. paid Constantino-Brown and her husband more than \$736,000 in 2015.⁴

In late 2015, I visited The Orlando Bridge, the site of the first facility operated by Christian Prison Ministries, Inc. It forms a sprawling compound of low-rise cinderblock buildings and trailers, which function as the primary classrooms and are filled with desks and computers. One two-story terraced building, which housed people as part of a court-mandated residential confinement program for certain probationers, looks like a 1980s motel, except it looms over other buildings and trailers, not a parking lot. Men walked slowly between the buildings past loudly rumbling AC units. They were dressed mostly in street clothes, but a handful of new arrivals still wore their blue prison uniforms. After a few weeks of good behavior, new residents could shed their prison clothing and buy a cell phone. Prisoners and staff dangled their identity cards from colored lanyards, the color of which signals each individual's institutional status and the areas of the compound that he or she is permitted to enter. Anyone caught in the wrong zone would risk return to an institutional prison. When I visited in 2015, the atmosphere struck me as much more relaxed than other prisons—no one seemed worried about violence—but still untrusting and institutional. The facilities smelled of the same cleaning supplies as Florida's other prisons; staff asked prisoners about their destinations as they moved from place to place; men waited quietly and anxiously in the cafeteria, and did not talk when they ate; green, plastic-coated prison mattresses lay on top of bunk beds in rooms, some of which accommodated upwards of twenty people; and, tellingly, I passed through a heavy locking door to enter the

⁴ See Christian Prison Ministry, Inc., Form 990, Return of Organization Exempt from Income Tax (2015), available at http://990s.foundationcenter.org/990_pdf_archive/591/591711323/591711323_201606_990.pdf.

facility.⁵ After walking around the maze of hodgepodge buildings for close to forty-five minutes, I walked through a heavy door and found myself in the first building built by Constantino, a small space that originally held only eight beds.

In the 1980s, policy makers and the media often called the Bridge a “halfway house,” a term that Constantino did not object to and which accurately reflected some aspects of the program, especially in its original incarnation as a small eight-bed facility.⁶ The halfway house model emerged from the interventions of religious organizations in the criminal justice system, particularly organizations that preached and practiced a version of the Social Gospel, but Constantino took it in new directions. If The Bridge was a product of the halfway house movement, it also marked a crucial moment in halfway houses’ absorption into institutional and profit-driven modes of criminal justice intervention. Constantino shared with other halfway house administrators a commitment to rehabilitation and the belief that people could change, but his understandings about how people changed—and how they could *be* changed—radically diverged from the anti-institutional and community-based model of rehabilitation that motivated reforms like halfway houses. Constantino understood rehabilitation—or “regeneration,” as he preferred to call it—as an individual transformation. Because he conceived of rehabilitation as an individual process rather than a social one, Constantino had little if any need for community treatment and The Bridge quickly took on many characteristics of institutional prisons, especially those that reduced costs. As Constantino expanded The Bridge, he inverted the rehabilitative ideology of the halfway house movement, transformed its relationship to surrounding

⁵ PRIDE, a for-profit corporation that relies almost exclusively on prison labor, produces a range of cleaning supplies that the state purchases at favorable rates. I have found the same cleaning supplies in Wakulla, the Orlando Bridge, the offices of the Florida Parole Commission, and in offices and cabins of the State Park Service.

⁶ For typical characteristics of halfway houses, see inter alia, Oliver J. Keller and Benedict Alper, *Halfway Houses: Community-Centered Correction and Treatment* (Lexington, MA: Heath Lexington Books, 1974).

communities, and deviated from its anti-institutional origins. Each of these adjustments related to elements of Constantino's theology and, individually, each amounted to slight tweaks or changes in emphasis to an existing model of correctional intervention. This chapter traces the changes Constantino brought to the halfway house model and how they materialized in *The Bridge*. These changes carried Christian Prison Ministries, Inc. into newly profitable, newly punitive, and newly neoliberal terrain. For almost all intents and purposes, Christian Prison Ministries, Inc. quickly became a private prison corporation, albeit one ostensibly not-for-profit.

Legacies of the Halfway House Movement

Like most halfway houses, *The Bridge* began as a small facility operated by a religious organization for people just out of prison, many of whom worked paying jobs during their stay. *The Bridge* also owed its existence to the successes of the halfway house movement. The halfway house served as the model for the Division of Corrections' Community Corrections Centers. In 1971, Florida had sought out O.J. Keller, one of the country's preeminent experts of halfway houses, to implement the halfway house model in its juvenile and criminal justice systems. Keller developed a close professional relationship with Constantino and helped propel his career in criminal justice.⁷ The tenets of halfway houses—that “community treatment” was more effective and more humane than institutional confinement, that work and labor could serve socially integrative functions, and that rehabilitation was best accomplished within a social setting, not an institutional one—underpinned the legislative reforms that made possible small, non-secure

⁷ Keller regularly invited Constantino to speak at criminal justice conferences and events, and invited him to chair a plenary session at the 1976 ACA Conference in Denver. See Constantino, *Holes in Time*, 140-155.

prison facilities like those run by the Salvation Army, Goodwill, and Christian Prison Ministries, Inc.

Anti-institutional sentiments served as the backbone of the halfway house movement. No factor fueled the rapid embrace of small-scaled facilities more than widespread dissatisfaction with prisons and other “total institutions.” In the 1960s and 1970s, exposés in mainstream media and culture like Ken Kesey’s 1962 novel *One Flew Over the Cuckoo’s Nest* depicted total institutions as brutal, dehumanizing, and socially counterproductive.⁸ In the 1967 film *Cool Hand Luke*, set in a Florida road prison, Paul Newman plays a messianic character whose death the film implicitly compares to crucifixion, showing the prisoner’s dying body with feet crossed and arms splayed wide.

Discontent with prisons and other forms of institutional treatment ran rampant in policy and political circles, too. John Bartlow Martin, a speechwriter to Adlai Stevenson and John F. Kennedy, called prisons “the enemy of society” and wrote that they “should be abolished.”⁹ The conclusions of the 1967 President’s Commission on Law Enforcement and the Administration of Justice reflected the extent to which policymakers saw prisons as harmful and undemocratic: “Life in many institutions is at best barren and futile, and at worst unspeakably brutal and degrading.”¹⁰ In 1970, a group of judges spent a night in Nevada State Prison. They reported to *Time* magazine that they were “appalled at the homosexuality” and rattled by “men raving, screaming and pounding on the walls.”¹¹ One judge who spent the night at the prison said that

⁸ Ken Kesey, *One Flew Over the Cuckoo’s Nest* (New York: Viking Press, 1962), esp. 6

⁹ John Barlow Martin, *Break Down the Walls: American Prisons: Present, Past, and Future* (New York, 1954), 262.

¹⁰ President’s Commission on Law Enforcement and Administration of Justice, *The Problem of Crime in a Free Society*, 159.

¹¹ An overwhelming portion of officials in the 1960s and 1970s who expressed concerns about the effects of institutionalization cited homosexuality as a reason to move to other forms of intervention. This topic is fertile ground for future study. See, for example, The President’s Commission on Law Enforcement and

officials in Nevada should “send two bulldozers out there and tear the damn thing to the ground.”¹²

The sense that prisons were failing on their own terms provoked an atmosphere of great experimentation in corrections. In Maryland, administrators endorsed a “defective delinquent” statute, allowing the state to hold people who were “not quite criminal, not quite insane” for indefinite treatment in a secure facility called Patuxent Institution.¹³ In Provo, Utah and the Silver Lake neighborhood of Los Angeles, corrections administrators tried alternative forms of confinement and treatment based on small facilities and intensive therapeutic interventions. These and other experiments won their adherents, but most proved costly and difficult to replicate, or, in the case of Maryland’s Patuxent Institution, profoundly authoritarian.¹⁴

The halfway house model, on the other hand, proved easy and cheap to replicate and, especially in contrast to institutional prisons, triggered little anxiety about authoritarian methods. A major appeal of the halfway house model was that it was emphatically *not* an institutional prison. The 1967 President’s Task Force on Corrections embraced halfway houses because they were “architecturally and methodologically the antithesis of the traditional fortress-like prison, physically and psychologically isolated from the larger society and serving primarily as a place of

Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, 1967), 163; Robert Korn, “Of Crime, Criminal Justice, and Corrections,” *University of San Francisco Law Review* 6 (1971): 27-76;

¹¹ Robert S. Wolfe, “A Private Correctional Institution,” unpublished manuscript, Box A664, St. Leonard’s Ministries, Archives of the Episcopal Diocese of Chicago, Chicago, Illinois.

¹² “The Shame of Prisons,” *Time* (January 18, 1971), quoting E. Newton Vickers.

¹³ I am indebted to Charles Bright for comparing halfway houses to other forms of experimentation in corrections. See “The Patuxent Institution,” in *A Learning Experiment in Correctional Psychology: Observations from Visits to Agencies and Associations in Justice and Psychology in Greater Washington, D.C. 1973*, Lawrence Clifton, ed., Center for Correctional Psychology, University of Alabama, May 2014, available at www.ncjrs.gov.

¹⁴ See Lamar T. Empey, “Provo and Silverlake Experiments,” in *Corrections in the Community: Success Models in Correctional Reform*, ed., Eugene Miller and M. Robert Montilla (Reston Publishing Co., Inc., 1977).

banishment.”¹⁵ Where prisons were large, halfway houses were small. Where prisons reinforced stigmatized social positions through uniforms and explicit hierarchies, halfway houses obscured them by allowing residents to wear street clothes and organizing interaction around the concept of family.¹⁶ Most significantly, where prisons were often located in remote and sparsely populated areas, halfway houses could be located in the urban centers that reformers believed were the origins of crime and delinquency.¹⁷ The ideology that fueled the halfway house movement involved blurring the lines between prison and community by shifting punishment and rehabilitation decisively way from remote institutions and into communities.

At the same time that the halfway house model served as “the antithesis” of institutional prisons in terms of scale, institutional regimentation, and metropolitan geography, it preserved many of the prison’s capacities for supervision, surveillance, and control. Staff at halfway houses monitored residents’ work, sexual, and family lives. They checked that residents appeared at their jobs on time and ensured that they returned to the house before curfew. Staff made residents clean their dormitories and they tracked their dating lives. And, in almost every iteration of halfway houses, staff held, formally or informally, the power to punish residents with more restrictive forms of confinement. “Virtually all” residents of halfway houses stayed involuntarily,

¹⁵ President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report—Corrections: A Report to the President’s Commission on Law Enforcement and Administration of Justice* (Washington, 1967), 11.

¹⁶ This, too, was hierarchical and cast the priests and administrators as patriarchal figures. Patriarchal hierarchy, however, was appealing, in large part due to ideas that delinquency could be caused by the absence of a strong father figure. In a 1964 article that Robert F. Kennedy published in *Crime and Delinquency* article, he profiled three residents of halfway houses. Their fathers were, in turns, “retiring,” “an alcoholic,” or “had already completely stepped out of his [son’s] life.” Robert F. Kennedy, “Halfway Houses Pay Off,” *Crime & Delinquency* 10 (1964): 1-7.

¹⁷ The racist conception that urban areas were the primary sites of delinquency was prominent among liberals and emerged out of scientific and political attempts to link blackness and criminality. See Muhammad, *The Condemnation of Blackness*; Hinton, *From the War on Poverty to the War on Crime*; Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York, 2014).

either as prisoners, probationers, parolees, or criminal defendants party to some form of consent degree or pretrial “diversion” initiative.¹⁸ All of these statuses entailed limited due process rights, making halfway house residents particularly vulnerable to incarceration in a jail or institutional prison. In other words, halfway houses proved particularly appealing to people who worked in criminal justice because they departed from what were seen as prisons’ most problematic characteristics, while also maintaining mechanisms for surveillance, punishment, and control.

The halfway house model also owed its acceptance in mainstream criminal justice reform to the convergence of religious models of charity and reform with social scientific understandings of crime, deviance, and rehabilitation. In 1967, the Office of Juvenile Justice and Delinquency Prevention noted that “delinquency and crime and reactions to them are socially defined.” Prison administrators realized that “social reintegration” sometimes depended more on the willingness of a community to welcome a former prisoner as it did on his or her success in rehabilitation programs.¹⁹ Daniel P. Moynihan’s 1965 report, *The Negro Family*, perhaps best exemplifies the extent to which social understandings of deviance and poverty influenced government policy and achieved a broad following.²⁰ The conception of crime and delinquency as *social* problems infused Lyndon B. Johnson’s War on Poverty, and for a time in the 1960s, liberals worked to reduce crime by attacking its “root causes,” which they saw as poverty, unemployment, inequality, and segregation. These ideas had a certain kinship with Social Gospel

¹⁸ See Eugene Doleschal, “Criminal Justice Programs in Model Cities,” *Crime and Delinquency Literature* (June 1972): 143-96.

¹⁹ LaMar T. Empey, *Alternatives to Incarceration* (Washington, U.S. Dept. of Health, Education, and Welfare Administration, Office of Juvenile Delinquency and Youth Development, 1967), 4-6.

²⁰ Khalil Muhammad, *Condemnation of Blackness* (Cambridge, MA: Harvard University Press, 2011); Elizabeth Hinton, *From the War on Poverty to the War on Crime* (Cambridge, MA: Harvard University Press, 2015); Daniel P. Moynihan, *The Negro Family: The Case for National Action* (Washington: U.S. Department of Labor, 1965).

understandings of salvation—even down to their compatibility with eugenics. Moynihan might have put it in different terms, but he fundamentally agreed with William Booth that “without some kind of extraordinary help, [the poor] must hunger and sin, and hunger, until, having multiplied their kind . . . , the gaunt fingers of death will close upon them.”²¹ As historians have recently pointed out, despite their benign intentions, policy makers who drew intellectual links between crime and poverty helped legitimate increasingly coercive and punitive interventions across a broad range of state actions.²²

Social Gospel concepts of charity and welfare, converging with postwar liberal ideas about the social causes of crime and deviance, provided the outlines of the facility that Constantino established when Wainwright suggested he try “what the Salvation Army [was] doing.” Like the Community Corrections Centers run by the state and the Salvation Army, The Bridge originally was small, had relatively few technologies for control, and centered around the idea that prisoners would find private employment. But a theology that emphasized individual salvation as the route to prosperity repurposed the structures of the halfway house model. The Prosperity Gospel helped transform the facilities run by Christian Prison Ministries, Inc. into an institution of a new mold.

Individual Salvation

In his memoir, Constantino uses the thoughts of his pre-converted self to mock the then-pervasive idea that crime had social causes. “I knew I wasn’t really, finally, responsible for what I had done, that it was my environment, my genes, that landed me in prison. After all I had no

²¹ William Booth, quoted in Paul Bollwahn, *William Booth: The Development of His Social Concern* (Alexandria Virginia; Salvation Army National Headquarters, 2000), 10.

²² See especially, Hinton, *From the War on Poverty to the War on Crime*.

control over either.”²³ For Constantino, correctional rehabilitation, inextricably linked to religious conversion, was a fundamentally individual experience. Individual reform, in Constantino’s view, was a prerequisite for social reform: “The people who are not responsible to free society because they are not responsible to themselves as individuals give up the privilege of responsibility, the right to be free.”²⁴

Constantino’s rehabilitative ideology was not only individual, it was also deeply influenced by the Prosperity Gospel, especially as Max Jones, the Florida prison chaplain, had preached it. Constantino liked to divide his testimony into two neat halves. In the first, he was a young and impulsive gangster seduced by the finer things in life. He craved “nice threads,” leather shoes, Cadillac sedans, and wads of cash; he pursued these material goods through lying, robbing, and burgling. These activities landed him penniless and in prison where, “on October 21, 1969, Jesus Christ came into my life and changed me.”²⁵ The second half of his testimony touched on hardships, but overwhelmingly emphasized his accumulation of the material wealth he had so long sought. After a relatively short time working several jobs, the construction firm he worked for promoted him “from general superintendent to administrative assistant, and finally to vice president and general manager of the company.” Then he bought an entire division the construction company he worked for and went into business himself. Constantino spoke and wrote of his wealth in precise detail: “Business was good; I earned \$200 to \$300 per day. We made a step up in housing, purchasing a 5-bedroom, 4-bath home with 3,000 square feet of

²³ In this quote, Constantino also mocks scientific work that attributes criminality to inherited, genetic factors. Constantino, *Holes in Time*, 103.

²⁴ *Ibid*, 70.

²⁵ *Ibid*, 172.

living area. I bought Bunny a Buick station wagon and myself a Cadillac. We were finally moving in style.”²⁶

In contrast to the religious groups that had founded halfway houses and for whom meeting the material needs of the poor was a prerequisite for eternal salvation, Constantino perceived of material wealth as the *outcome* of salvation. These two theological stances—that salvation was individual and that it resulted in worldly prosperity—allowed The Bridge to take on characteristics that made it much more closely resemble a prison than a halfway house. Because Constantino conceived of salvation and rehabilitation as individual, not social, processes, he built The Bridge in a rural area northwest of Orlando, where land was cheaper.²⁷ He dispensed with the idea that rehabilitation was better accomplished in urban communities. This also made The Bridge distinct from the Salvation Army’s community corrections facilities, which remained much closer to city centers and working class neighborhoods.

Compared to most halfway house administrators at the time, Constantino placed less emphasis on finding prisoners jobs that they could continue working after their release. This reflected differences in their theologies and rehabilitative ideologies. Halfway house administrators motivated by the Social Gospel saw employment as providing the material stability that was necessary to live a good life and achieve salvation. (Social welfare liberals likewise saw employment as providing material stability that would insulate former prisoners from criminality.) These models of community correction centers and halfway houses were based on the idea that labor was socially re-integrative. They envisioned that prisoners would begin working jobs while living at the correctional facility, and keep working them after their release. In the meantime, prisoners would be able to save enough money to help them get on their feet after

²⁶ Ibid, 138-39.

²⁷ Ibid., 161.

their release—hopefully at least enough to pay first and last months’ rent. Proponents of community corrections centers and halfway houses believed that a stable job and a small nest egg—enough to ensure they would not fall into poverty—would insulate returning prisoners from the temptations of crime.

Although Constantino echoed the rhetoric about the importance of employment after incarceration, his embrace of the Prosperity Gospel resulted in him making relatively little effort to connect prisoners with permanent employment. If prisoners could be led to a conversion experience, his theology held that “God would provide.” Once an individual was saved, Constantino believed, matters of employment and material wellbeing would take care of themselves—or, rather, that God would take care of them. Constantino practiced this financial theology in his personal life as well as in the programs of Christian Prison Ministries, Inc. Lori Constantino-Brown told me, “My father never consulted his checkbook ever.” She went on to say, “My father really believed that his mission was with the heart of God and that God would provide.” Constantino believed that anyone who aligned their mission with the heart of God would reap the worldly benefits.

The relatively remote physical location of The Bridge also presented obstacles for prisoners who searched for permanent employment, but Constantino had a ready answer, here, too. Some prisoners in Constantino’s custody appear to have worked for Constantino’s own businesses. Jack Murphy, for instance, worked for Christian Prison Ministries, Inc. alongside Max Jones in the Orange County Jail. More commonly, however, many prisoners seem to have worked for Constantino’s construction firm, building The Bridge up from an eight-bed facility

into haphazard complex of dorms, cafeterias, and a chapel.²⁸ Constantino's contract with the Department of Corrections allowed him to garnish some of the wages of the prisoners in his custody, ostensibly to offset some of the costs of their confinement. No records from Constantino's facilities persist, but, across all Community Corrections Centers in the 1980s, prisoners lost forty-five percent of their wages to such fees.²⁹ (The state or private contractors garnished additional wages for court fees, fines, and restitution, so most prisoners were only minimally compensated for their labor.) Similar arrangements appear to have fueled the expansion of Christian Prison Ministries, Inc. facilities into rural and ex-urban areas around the state.

Constantino had settled into an arrangement that a former business associate called "very lucrative." The state paid his nonprofit firm to hold prisoners in his custody. While confined to Constantino's facilities, many of those prisoners worked for his for-profit business. Their labor likely expanded the capacity of his nonprofit prison facilities, allowing Constantino to confine even more prisoners. Constantino's for-profit business paid prisoner-employees for their labor (it is unclear whether prisoners were paid at market rates), but his nonprofit corporation garnished almost half of their wages. In all probability, the nonprofit firm paid the for-profit firm for the construction, meaning that Constantino's right hand paid the left and vice-versa. As he operated this transparently extractive scheme, Constantino encouraged prisoners to attend chapel services

²⁸ I found no documents definitely indicating that Constantino employed prisoners at The Bridge in his construction firm. However, George Laws, a business associate of Constantino's and a former prisoner himself, told me about the two did to put together a proposal for a federal community corrections center. They proposed to buy a large, dilapidated hotel near Interstate 4. Prisoners would live in one wing of the hotel and spend their days working to renovate the others. They envisioned that after renovating the building, prisoners would perform most of the labor required to operate it as a motel. Laws did not explain the corporate structures of the motel, the community corrections center, and the construction firm, but he told me that the arrangement promised to be "very lucrative." Interview with George Laws, September 11, 2015, Doral, Florida.

²⁹ See Dale Parent, *Recovering Correctional Costs through Offender Fees* (Washington, D.C.: National Institute of Justice, 1990).

and he preached a gospel of salvation and prosperity. But as Constantino leveraged private capital and prison labor to expand the capacity of Florida's prisons, it became clearer that prosperity belonged to the jailers.

“We Have More Rules”

Despite operating a facility that was explicitly part of the state's community corrections initiative and loosely modeled on “what the Salvation Army's doing,” Constantino appears to have been unaware of the history and intentions behind small scale corrections programs like the one he operated. “Without a model to fit our specific needs,” he wrote in his memoir, “I just slipped into the logic of developing a program based upon how I would like to have been treated when I got out of prison.”³⁰

Though he may have not have been fluent in the correctional models he tinkered with, Constantino was a shrewd political actor. His political skills, after all, had helped get him into the prison business and his relationship with Wainwright grew out of his abilities to sway state legislators. Closely attuned to the prevailing political currents of the early 1980s, Constantino promoted The Bridge both as a rehabilitation center *and* as a “law-and-order prison ministry” intended to appeal to “the hard-nosed conservative.” A CNN film crew visited The Bridge sometime in the mid-1980s, and Larry Woods produced a special called “Can Time Change a Man?” I was unable to find the final version, but Christian Prison Ministries, Inc. shared with me much of the raw interview footage. When the CNN reporters asked how his program differed from other halfway houses, he responded, “We have more rules.”

³⁰ Constantino, *Holes in Time*, 162.

The focus on law and order bent The Bridge's internal practices closer to those of institutional prisons. The most striking feature of Constantino's vision for The Bridge was that he based his idea of what community life should be like on his experience of what made for a well-run prison. In stark contrast to proponents of halfway houses, who argued that rehabilitation would be best accomplished by infusing correctional facilities with qualities of family and community life, Constantino's rule-based idea of rehabilitation depended on making community life a lot more like prison. In a statement that demonstrated how little anti-institutional intention Constantino had, he said, "We concentrate on bringing people into an obedience to the rules." Constantino conveyed his ideology that society should be like prison to new arrivals during the mandatory orientation session—an institutional routine that, only eleven years earlier he might have mocked as "another indoctrination program so we would know what they thought they were doing at that [particular] prison." He described the orientation to the CNN journalists. "We go right into their environment," he said of men just off the bus from a state prison. "What would a prison be like if there were no rules?" he said he asked prisoners in his custody. "Well, most of them guys would tell you real quick: 'Man, oh boy, that'd be a really rotten place to live if there were just no rules, if you just let anybody just run rampant and do anything.' And the first thing we do," he continued, modulating his tone, "is we establish in the minds of the people that we're working with that there is a need—that there is a necessity for law and order and for rules."³¹

Although The Bridge subscribed to a law-and-order, rule-based, and discipline-focused program, Constantino eschewed the de-humanizing tendencies of total institutions. He

³¹ Frank Constantino, Unpublished raw footage from CNN interviews, produced by Larry Woods, n.d.. (In author's possession.)

differentiated The Bridge's regime from that of institutional prisons, saying, "We take the threat out of the rules. We take the summary punishment out of the rules and say, 'Look at these rules and understand they're your friends and they're to help you live properly.'"³² Constantino also emphasized that he did not intend the rules to be punitive, but instead saw them as ensuring a collective good. Echoing broader discourses about crime and punishment, he said, "The law is the law. And it's there for the protection of everyone in the community... And without the law, this community would be a rotten place to live in."³³ (By "this community," Constantino meant The Bridge and the people who worked and were confined there.)

In addition to an emphasis on law, order, and "the rules," Christian Prison Ministries, Inc. also emphasized "a radical Christian ethic" and advocated "love" as a pathway for individual transformation. In the raw interview footage recorded by CNN, Constantino was most animated when talking about love. In one passage, a cameraman shot almost twenty minutes of film from the passenger seat of Constantino's car as he drove on a toll road outside of Orlando and an interviewer in the back seat asked questions. In this footage, Constantino negotiates traffic and stops to pay a toll while the film crew adjusts the sound settings and reframes the shot. Constantino periodically looks annoyed when the crew asks him to repeat things that the boom mic didn't pick up cleanly, but he finds his rhythm and starts thumping the steering wheel for emphasis as he almost shouts,

And we're talking about love, man! I'm an old gorilla, man. An ex-convict. But my message to people in prison is that God has made a way for you to live. To live within the rules, to live a good life, to live an abundant life, to have a wife, to have a family. And to be surrounded by people who really love you. [*Turns to look at camera.*] That's my experience since I've turned my life over to Jesus. I started becoming a lover of men, [*looks*

³² Constantino, CNN Tapes

³³ Constantino, CNN Tapes.

back at road] and a lover of souls. [*Shakes his head slowly.*] And people started loving me back. It's terrific. And it's radical.³⁴

In this sense, Constantino's focus on rules is best seen less as an embrace of institutional practices for their use in managing people in large groups than as a discipline-based form of "work on the self," whereby people realize complete and fulfilling lives through productive disciplinary practices.³⁵ Constantino embraced the disciplinary mechanisms of institutional life for some of the same reasons that religious groups established penitentiaries during the Revolutionary Era—because he thought that they would help make people better.³⁶ In the mechanisms of prison management, Constantino saw principles that he could apply to a project of individual reform. Most halfway house administrators—including those who operated the Salvation Army's community corrections facilities—adopted disciplinary techniques because they proved to be effective and convenient tools to manage large groups of people. Having prescribed times and places for people to work, sleep, and eat streamlines the administration of any institution, and even institutions like schools and hospitals use technologies such as locking doors to enforce the physical and temporal separation of activities. Constantino's focus on discipline, however, emerged not just from convenience but also from a particular philosophy of human flourishing, one he embraced while in prison himself. This philosophy holds that true happiness comes from restraint. A good marriage, Constantino would later argue in his memoir, requires the discipline of fidelity.³⁷ Constantino's philosophy about living a good life by living a disciplined one shares

³⁴ Constantino, CNN Tapes.

³⁵ Michel Foucault, "Technologies of the Self," in Luther Martin, Huck Gutman, and Patrick Hutton, eds., *Technologies of the Self: A Seminar with Michel Foucault* (Amherst, MA: University of Massachusetts Press, 1988).

³⁶ Jennifer Graber, *Furnace of Affliction: Prisons and Religion in Antebellum America* (Chapel Hill: University of North Carolina Press, 2011).

³⁷ Constantino, *Holes in Time*, especially 83-4.

much in common with many ethical and religious traditions of “work on the self” through techniques of self-discipline.³⁸ Most people whose religious practices involve a great degree of self-discipline and self-restraint, however, work to achieve “merely” an ethical, good life, but not necessarily a materially abundant or prosperous one. Fewer still find application of their religious practices in the management of prisons.³⁹

Merging the Politics of Treatment and Control

Constantino used the same focus on rules and discipline that structured life inside The Bridge to sell his program to the broader public. Despite the reformist origins of the state’s community corrections initiative (of which The Bridge was a part), Constantino identified Christian Prison Ministries, Inc. with the “hard-nosed conservative” who was “tired of being kicked around.”⁴⁰ Yet at the same time that Constantino embraced “law and order,” he also continued to promote The Bridge’s rehabilitative capacities and to emphasize the ability of people to change. Christian Prison Ministries, Inc. coupled “radical love” with correctional control. Politically, they proved a potent combination. Constantino’s rhetoric offered almost everyone a little to like.

³⁸ See, for example, Saba Mahmood, *The Politics of Piety: The Islamic Revival and the Feminist Subject* (Princeton: Princeton University Press, 2004).

³⁹ This statement requires some qualification because many people who practice forms of self-discipline would object to my use of the word “abundant.” They rightfully see abundance of many kinds in their health, daily lives, and in their relationships to other people and to God. I am using abundance here in to echo Constantino’s hope “to live an abundant life,” which, to him and other followers of the Prosperity Gospel, directly entailed material wealth. I have also placed “merely” in quotation marks to indicate that the goal of living a good life is hardly an unambitious goal.

⁴⁰ Constantino was not exactly clear in who might be kicking around “the American people,” but he was upset about the seizure of the U.S. embassy in Tehran. More broadly, his pessimism about the state of the world accorded with a resurgence of premillennialism in evangelical circles. See Clyde Wilcox, Sharon Linzey, and Ted. Ge Jelen, “Reluctant Warriors: Premillennialism and Politics in the Moral Majority,” *Journal for the Scientific Study of Religion* 30, no. 3 (September 1991): 245- 258.

In the late 1970s and early 1980s, the Florida Legislature pursued a criminal justice policy that was often at cross-purposes with itself. Concerned that the prison population would become too large, legislators in 1983 placed a cap on the prison population, forbidding the state from imprisoning more than one in 364 residents. That same year, they undermined their goal to cap imprisonment by abolishing parole as a mechanism of release for most prisoners. The legislature instructed the Department of Corrections to build no more beds in institutional prisons, then promptly retreated and authorized prison expansion. It decreed that the major purpose of imprisonment was “rehabilitation of the whole person,” and then instituted lengthy terms of imprisonment for drugs.⁴¹ By the late 1980s and certainly by the 1990s, punitive and “tough on crime” politics became the consensus. But in the early 1980s, demands for punishment coexisted with strong rehabilitative inclinations in Florida politics.

Constantino’s success in lobbying for his own business and for the legislative goals he shared with Wainwright was likely due, in part, to the ease with which he mobilized both punitive and rehabilitative discourses. Consider Constantino’s standard pitch for The Bridge’s prison program (in saying “the community,” he means “the public”):

The proposal to the community is really quite a simple one: How is the community best served? By a man coming out of the penitentiary, with a hundred dollars and a suit of clothes, and dropped off at the bus station? Or is he better served coming into a comprehensive support system that is going to provide him with housing, temporarily, with a job, transportation to and from work, and some control while he’s putting his life together? Well the answer’s obvious. To have a guy floating around in the community

⁴¹ See Correctional Reorganization Act of 1975, 1975 Laws of Florida, Chapter 75-49; Correctional Reform Act of 1983, 1983 Laws of Florida, Chapter 83-131. For a fuller account of efforts in the 1980s to reduce Florida’s reliance on confinement, see Mark Dykstra, “Apart from the Crowd: Florida’s New Prison Release System,” *Florida State University Law Review* 14:3 (Fall 1986). For an account of Florida’s War on Drugs and the increasingly punitive nature of its criminal justice system, see Heather Schoenfeld, “The War on Drugs, the Politics of Crime, and Mass Incarceration in the United States,” *The Journal of Gender, Race and Justice* 15, no. 2 (April 2012): 315-352.

under no supervision, under no control, with no job, with no way to get back and forth to work is almost programming defeat and failure. And what we're talking about at least gives the person coming in who is motivated to do something about their life, at least it gives him the opportunity to do something about their life, if that's what they want to do.⁴²

This spoken paragraph helps reveal why Constantino was such an effective lobbyist. Unlike most legislators and corrections administrators, Constantino saw that punishment and rehabilitation were *not* dichotomies, but congealed together in many forms of correctional interventions. He marketed The Bridge as an institution that could supervise, control, punish, rehabilitate, treat, and provide a “comprehensive support system” all at the same time. Rhetorically and in practice, its program simultaneously addressed social welfare and was a materialization of “law and order” politics.

Constantino artfully navigated the question of coercion at The Bridge. On the one hand, he decisively embraced it by calling for control and supervision instead of letting people just out of prison “float[] around the community.” Almost immediately, however, he changed his framing of a drifter from one preoccupied with security to one invested in treatment: he equated not supervising someone with not providing them with the tools and services that they needed to avoid “defeat and failure.” Finally, Constantino used the rhetoric of “opportunity” to question whether his program is coercive at all: “at least it gives [them] the opportunity to do something about their life, if that's what they want to do.” Of course, this idea that The Bridge was helping people who wanted to change their lives overlooked the fact that the facility's main function was to incarcerate. It also elided the reason why Constantino found it necessary to contract with the Department of Corrections instead of operating the bridge as a private, voluntary aftercare center: Without coercion, it would have been impossible to find clients for The Bridge. As

⁴² Constantino, CNN Tapes.

Constantino had complained in the 1970s, “No one seemed to really want the program anyway. Not even the ex-cons. All they did was complain.”⁴³ The Bridge was premised on coercion, no matter the elisions of its founder.

The Bridge’s interactions with other arms of Florida’s criminal justice system ensured that it expanded the state’s capacities for control and surveillance much more than those for treatment. Wainwright’s original goal in embracing Community Corrections Centers and in contracting with the Salvation Army and Christian Prison Ministries, Inc. had been to move people out of institutional prisons into smaller, more benign facilities where they could serve the last months of their sentence. Had The Bridge replaced or displaced institutional imprisonment, its more humane regimen might rightfully be seen as bending Florida’s prison system away from more authoritarian modes of confinement. (Prisoners in the state almost invariably preferred incarceration at The Bridge than at a large state-run facility.) But Constantino framed The Bridge as replacing *release*, not institutional confinement. Despite the fact that the men in his custody were prisoners, he still viewed The Bridge as an aftercare facility, designed for people who were ready for *release from prison*.

The idea that confinement at The Bridge would replace release from prison rather than confinement in a different, more brutal prison proved to be more than rhetoric; it served as the backbone of its business strategy. Constantino regularly attended parole hearings and fiercely advocated that the Parole Commission grant parole releases to prisoners with lengthy sentences. He generally asked that the Commission grant a parole release effective for some future date—usually around two years from the hearing—and recommend, in the interim, that the Department of Corrections transfer the prisoner to The Bridge. The Parole Commission itself

⁴³ Constantino, *Holes in Time*, 157.

did not have the authority to actually transfer prisoners, but, with Wainwright at helm of the Department of Corrections, prison administrators typically followed parole commissioners' recommendations. Constantino also seems to have involved himself in the selection of candidates to serve as parole commissioners. He regularly met with gubernatorial aides and, on at least one occasion in 1983, requested and received a list of finalists for seats on the Parole Commission.⁴⁴ Even if Constantino exerted no influence on the selection of commissioners, his political access and the appearance of influence it entailed would have strengthened his hand in interactions with members of the Parole Commission. In both his political rationales and in his business strategy, Constantino situated The Bridge as an extension of carceral confinement.

Blue Chips and Competition

Despite the significance of the moment when an individual is released from prison, almost no rituals exist to mark its occasion. For the vast majority of the 700,000 people released from U.S. prisons each year, release is an anticlimactic experience. Suddenly, a person is simply no longer in prison. He is on the street, in a family's car, or waiting for a bus in a small Greyhound station where the bored staff see people like him every day. Crowds are rarely on hand to greet "returning citizens," and few prisons give sendoffs like the one Jack Murphy received at Zephyrhills CI in 1984. At Wakulla, many prisoners concealed their release dates from others, and walked out without saying goodbye to friends or acquaintances. The abruptness of the transition and its almost complete lack of social ritual led people I interviewed to describe their release from prison as "surreal" and "unbelievable."

⁴⁴ Nancy Avery to Frank Constantino, September 30, 1983, Nancy Avery (General Correspondence), Box 814, Series 19, "House Committee Records, 1969-2017," RG 920, State Archives of Florida, Tallahassee, Florida.

The facilities operated by Christian Prison Ministries, Inc. are among the few U.S. prisons to have developed elaborate rituals to accompany the release of each prisoner. After all of the paperwork was in order, Constantino would greet the day's releases and remark upon their progress and their pending reunions with friends and families. He would give a motivational speech (today the facility director gives the speeches), telling the prisoners how success would be difficult but sweet. And, in the final act before the doors opened, Constantino would hand each person a blue chip, the same kind that casinos use to denote their highest monetary denominations. Constantino would explain that the "million dollar chips" represented each person's intrinsic value. "You're my blue chips," he would say. "Anywhere you go, if you need us, you call us and you've got a bed anytime."⁴⁵

Constantino intended rituals like this to convey his emotional and spiritual investment in the well-being of the men and women who passed through his custody, and they made use of the same metaphors of durable and material wealth that pervaded the rest of Christian Prison Ministries, Inc.'s programs. The offer at the end of the speech—"you've got a bed anytime"—also recast prisoners' stay at The Bridge as arising from a charitable rather than custodial relationship. The rituals elided the extreme power difference between the jailed and the jailer, but, in these sincere moments, Constantino spoke as if he ran the voluntary aftercare center he had initially envisioned rather than the involuntary prison facility he created.⁴⁶

Despite allusions to charity, it is clear that Constantino, along with administrators at Goodwill and the Salvation Army, led their charitable organizations into a profitable line of work. The per diem funds that religious organizations received from the Department of

⁴⁵ Constantino-Brown Interview.

⁴⁶ I use the term "sincere" here purposefully to describe particular moments of interaction. As I explore below, Constantino's success was partly due to his ability to offer love and hope to people whom he simultaneously exploited.

Corrections to hold prisoners in custody added up quickly, and religious groups furthered their revenues by leveraging their powers to seize 45 percent of prisoners' wages. In 1988, the only year for which I was able to obtain data, the Salvation Army's Correctional Services Division made nearly \$8 million in profits.⁴⁷ The prison businesses of Christian Prison Ministries, Inc. and Goodwill also grew to become multi-million-dollar enterprises. As private groups developed financial stakes in carceral confinement, Constantino's blue chip metaphor portraying prisoners as million-dollar assets cut closer to the truth than he probably intended.

Easy money rarely lasts long. In the mid-1980s, religious groups found themselves competing for corrections contracts with for-profit enterprises. In 1983, a group of real estate and hotel investors based in Nashville, Tennessee founded the first modern private prison firm, Corrections Corporation of America (CCA). CCA's founders envisioned fully privatizing the field of corrections, but in their earliest years, they followed narrowly in the path of their religious predecessors. Though the corporation's ambitions stretched far beyond the work release and community corrections facilities operated by Christian Prison Ministries, Inc. and the Salvation Army, CCA began by operating small, relatively non-secure facilities. Its first prison facility, near Chattanooga, was a medium-security "workhouse" and "prison farm" for women. Like the religiously operated facilities, the CCA prison farm lacked a secure perimeter and allowed prisoners to leave the grounds. It also initially resembled The Bridge in terms of scale. The original contract was for 150 beds. (CCA quickly expanded the Chattanooga facility and, by 1987, it confined 340 men and women.) CCA won its first contract to operate a secure

⁴⁷ In the case of the Salvation Army, it appears that the organization used corrections funds to subsidize its other missions. At Christian Prison Ministries, Inc., organizational funds largely went towards salaries. See Salvation Army of Florida, Correctional Services in Florida, Undated, Unsigned Memo, Internal Records of the Salvation Army of Florida, Lutz, Florida.

corrections facility in 1985, for the Bay County Jail in Pensacola, Florida.⁴⁸ Indicating the extent to which religious organizations and for profit corporations competed, the Salvation Army of Florida also submitted a bid to operate part of Bay County’s detention program.⁴⁹

Most of the scholarship about private prisons—and most of the public controversy about their role in American life—has focused on a few very large corporations that operate large “warehouse” prisons. And, indeed, a handful of companies including CCA, Wackenhut, Management and Training Corporation (MTC), and, more recently, G4S and the GEO group, have played outsized roles in criminal justice lobbying and policymaking.⁵⁰ However, until at least 1997, only three companies (CCA, Wackenhut, and MTC) operated maximum security adult facilities.⁵¹ The vast majority of the private prison market centered around activities pioneered by religious groups. Hundreds of small companies competed to operate community corrections centers, misdemeanor probation, electronic monitoring, and minimum- or low-security prison facilities.⁵² Like the religious organizations that preceded them, many of the for-profit companies had contracts that ostensibly were for specialized treatment.

Religious organizations refused to yield to the upstart for-profits. They quickly found themselves in fierce competition for corrections contracts. By 1985, the Salvation Army’s state and federal contracts were subject to competitive bids, as were those of Christian Prison Ministries, Inc. and Goodwill. The competition, which, in Florida, emphasized lower costs rather

⁴⁸ Prior to this contract, CCA operated immigration detention in repurposed hotels surrounded by a chain-link fence and barbed wire. Theresa McHugh, *Research Monograph: Privately Owned and Operated Prisons* (Salem, Ore., 1985).

⁴⁹ Judith Hackett et al., *Issues in Contracting for the Private Operation of Prisons and Jails* (Lexington, Ky., Urban Institute and Council of State Governments, 1987).

⁵⁰ Though the role of these corporations has not necessarily been more significant roles than unions that represent prison staff and other public sector employees. See Heather Thompson, “Downsizing the carceral state,” *Criminology & Public Policy* 10: 3 (2011): 771-779.

⁵¹ SunTrust Equitable Securities, Discussion Materials: Youth Services/Juvenile Corrections Industry (n.d.), 14. (In author’s possession.)

⁵² *Ibid.*

than better services, pressed religious groups to find cheaper ways to operate their facilities. The pressure to reduce costs affected different religious organizations in different ways. Christian Prison Ministries, Inc., for instance, had already oriented the organization to capture as many state resources as possible and to supplement the organizations' earnings with prisoners' garnished wages. The Salvation Army, by contrast, faced more intense pressures to change their operations and cut costs, in large part because its community corrections facilities maintained more vestiges of the halfway house model. "The for-profit companies painted us into a corner," Jan McMahon, a former administrator at the Salvation Army Correctional Services Division explained to me. Competition from for-profits companies encouraged the Salvation Army to make its facilities larger and relocate them from urban areas to rural or suburban areas where land and rents were cheaper. Sometime in the mid-1980s, the Department of Corrections asked that all bids for smaller-scale prison facilities include provisions for locking doors. As McMahon told me about the Salvation Army's facilities, "They got much more [like] real prisons, you know?"⁵³

Pay to Play

By the mid-1980s, religious organizations that had entered the administration of criminal justice with largely humanitarian and anti-institutional motivations operated "real prisons." They competed against predatory for-profit private prison corporations to win the contractual authority to confine the poor. Even James Jones, the Episcopal priest who founded St. Leonard's House in Chicago in the 1950s, moved to Miami and, during the 1980s, operated a drug

⁵³ Interview with Jan McMahon, December 3, Lutz, Florida.

treatment facility that confined state prisoners under contract with the Department of Corrections.⁵⁴

Few characters in this history were as transparently corrupt as Jordan Rothbart. He lied to and likely bribed public officials. He is alleged to have retaliated against political opponents.⁵⁵ And he started the nation's first privatized probation program knowing full well that the costs and his own salary would be paid by poor people swept up in an expanding criminal justice system. After departing the Salvation Army, Rothbart went into business with none other than Louie Wainwright, becoming an officer of Wainwright Judicial Programs of Florida, Inc. (Wainwright had been fired from the Department of Corrections by Governor Bob Martinez and was no longer a state official.) The new company sought to win over the contracts that Rothbart had previously negotiated for the Salvation Army. When Rothbart fell out with Wainwright in 1988, he moved to Alabama and worked for a firm called Keaton Associates that began to compete for work release and community corrections contracts. Rothbart also worked with his brother, Glen, for a Palm Beach-based company called Alternative Detention Services that focused primarily on electronic monitoring. Like Rothbart's other businesses, Alternative Detention Services' business model centered on collecting fees from people under court-ordered supervision. A 1985 article in the *New York Times* profiled one of Glen Rothbart's enterprises, which the journalist wrote, "charges chronic misdemeanor defendants ... a substantial fee for the right to be supervised at home." The article quoted a defendant who paid \$410 to avoid

⁵⁴ Obituary, James G. Jones (1927-2003), Box A664, St. Leonard's Ministries.

⁵⁵ When, in 1985, Allison DeFoor, then a judge in Monroe County (Key West), cancelled the county's probation contract with the Salvation Army, Rothbart helped spark an investigation of DeFoor by the state's Judicial Qualifications Commission. The Supreme Court of Florida reprimanded DeFoor as a result of the investigation. See *Inquiry Concerning a Judge, Judge J. Allison DeFoor, II*, No. 67,595, 494 So. 2nd 1121 (1986).

pretrial detention (and therefore keep his job) as saying, “Damn. All this for driving with a suspended license?”⁵⁶

The Rothbarts remained proximate to scandals. Alternative Detention Services came under investigation by committees in the Florida House of Representatives and the Florida Senate in 1985 relating to \$600 in payments to a county judge who referred a disproportionate number of defendants to their supervision programs. Amid the scandal, the *Sun Sentinel* reported that federal courts had twice convicted Glen Rothbart of conspiracy to violate securities laws.⁵⁷ The duo founded several for-profit corporations specializing in corrections, including a company with the Orwellian name Care of People Enterprises, Inc. and others called U.S. Corrections Incorporated and Court Programs, Inc. Today, Glen Rothbart’s son, David Rothbart, serves as president of Court Programs, Inc. The firm, based in Biloxi, Mississippi, continues to provide court-ordered supervision funded primarily by fees levied on people under its control. Court Programs Inc. operates in a few counties in Florida and in most of the state of Mississippi. The corporation’s website touts its affiliation with the Salvation Army and calls itself “a progressive leader in the solutions of alternatives to incarceration.”⁵⁸

Because Florida corrections contracts were lucrative monopsonies awarded by state or county governments, the arrangements systemically encouraged influence peddling, either through social networks, monetary exchanges, or, usually, a combination of the two. Small but well-connected firms dominated the market for non-secure corrections services, and out-of-state companies struggled to get traction. “Unless you’re a good ol’ boy, unless you’re part of it, you

⁵⁶ Jon Nordheimer, “Jail Moves into Probationer’s Home,” *The New York Times* (February 15, 1985), A16.

⁵⁷ Larry Barszewski, “Senate Committee May Put Controls on Probation Firms,” *Sun Sentinel* (May 15, 1990), 4B.

⁵⁸ Court Programs, Inc. “Home,” www.courtprograms.com/index, accessed May 29, 2018.

just can't get the bid," Tamara Lindholm, an administrator of a California-based corrections firm told the *Miami Herald* in 1987. "That's why we quit bidding."⁵⁹

Wainwright and other former state officials were involved in many of the more successful private corrections corporations. While still Secretary, Wainwright awarded a corrections contract to a firm called National Corrections Management, Inc., whose upper echelons were comprised almost entirely of former prison administrators, including some of the most unsavory. Robert V. Turner, Vice President of the corporation, had coordinated the torture of the demonstrators at Florida State Prison in 1971.⁶⁰ And later, as Superintendent of Glades CI, he called in officers as reinforcements to help break up a fight and, after things had calmed, allowed them to badly beat prisoners with shotguns. The officers had reported to the prison directly from a local festival where they had been drinking excessively and where two were performing as clowns. According to court records, the officers still had their faces painted as clowns while they beat prisoners over their heads with shotguns.⁶¹ Turner had also been implicated in the disappearance of \$120,000 worth of merchandise from a warehouse at Glades, but no charges were ever filed.⁶² Notwithstanding the torture, the drunk abusive clowns, and allegations of theft, Wainwright apparently trusted Turner and his colleagues enough to give them custody of Florida prisoners and to go into business with them himself.

According to the *Miami Herald*, Wainwright awarded the contract to National Corrections Management after the firm discussed the possibility of hiring him. But when the facility turned

⁵⁹ Phil Kuntz and Anders Gyllenhaal, "Ex-Prison Officials Land State Contracts Private Takeover Raises Costs," *Miami Herald* (March 5, 1987), 1A.

⁶⁰ See Prisoner Statements in Folder Raiford, Box 1, S594, RG900, State Archives of Florida.

⁶¹ Anthony La Marca, et al. v. R. V. Turner, et al., 1986 U.S. Dist. LEXIS 31162.

⁶² Gary Blankenship, "GCI Goods Shortage: Theft or Mismanagement?," *Palm Beach Post* (August 11, 1979), 1.

out to cost more under private than public management, a small scandal broke out and scuttled any prospects that Wainwright become part of the firm. Instead, Wainwright went into business with James Nathan Cole, a former Assistant Secretary of Programs for the Department of Corrections who also had been an official at National Management Corrections. By October 1987, Wainwright and Cole won a consulting contract to manage the Hernando County Jail.⁶³ That arrangement, too, came under public scrutiny when their first recommendation was that the county hire another firm run by Cole, Corrections Products Group, Inc., to construct a secure perimeter fence for far above market rates. Ten years, later, the U.S. Securities and Exchange Commission revealed Cole to be the point man on and fraud and kickback plot involving millions of dollars in government bonds in Fulton County, Georgia.⁶⁴

Wainwright would have likely found the Georgia kickback scheme crude. In Florida, he practiced a means of influence that not only proved more effective, but was also perfectly legal. In the thirty years since he stepped down as Secretary, Wainwright has managed a small consulting firm, Wainwright Judicial Services, Inc. His business is largely confidential, but the outlines of some of his practices emerged in a 2007 investigation carried out by the Department of Corrections' Office of the Inspector General. Prisoners in the state of Florida who wanted to be transferred to a different prison in the state hired Tallahassee lawyers who, in turn, hired Wainwright, to help secure their transfer to a more desirable prison. According to the *St. Petersburg Times*, Wainwright would informally request that a prisoner be transferred according to his or her wishes. Though the official process for approving transfers involved waiting periods and sometimes programmatic prerequisites, officials could use their discretion to transfer

⁶³ Charlotte Sutton, "County Hears Sales Pitches by Jail Firms," *St. Petersburg Times* (November 13, 1987), 1.

⁶⁴ Jon McKenna and Christopher McEntee. "Lazard, Stephens ex-officials charged with fraud by SEC," *The Bond Buyer*, (November 21, 1997).

prisoners as Wainwright requested. Though the scheme netted Wainwright and the lawyers he worked with more than a million dollars, the state officials who actually executed the transferred received nothing. Because no money or other tangible good passed from private hands to public hands, prosecutors decided to file no charges and found no violations of bribery or corruption laws. Wainwright had created a fruitful and legal arrangement, charging what the market would bear for his informal political clout within a state bureaucracy.⁶⁵

Although several of Wainwright's arrangements with for-profit corporations came under investigation by the media or by public authorities, his relationships with religious, non-profit organizations remained insulated from public scrutiny. After serving on the board of Christian Prison Ministries, Inc. (perhaps while Secretary), Wainwright became an independent consultant to the organization's subsidiaries. An online 2008 description of Bridges of America published on the website of the St. Dismas Society (another organization controlled by the Constantinos) called Wainwright "an integral part of the decision and policy making process for Bridges of America."⁶⁶ His involvement with Christian Prison Ministries, Inc. would have improved the nonprofit's competitiveness as it bid for contracts. And his status as a contractor (rather than board member) would permit the organization to compensate him. One former official told me, "Mr. Wainwright—by just public appearance—appeared to have his hands in both sides of the barrel, so to speak."⁶⁷

Wainwright was among the first leaders of Florida's criminal and juvenile justice systems to move to the private sector after a government career, but today the path from public service to

⁶⁵ Meg Laughlin, "\$1.2-Million Spent to Get Prison Transfers," *St. Petersburg Times* (November 11, 2007).

⁶⁶ Bridges of American contracted with Wainwright Judicial Services to provide criminal justice consulting. "Bridges of America," May 21, 2008 available at http://www.stdismas.com/index.php?option=com_content&view=article&id=83%3Abridges-of-america&catid=19%3Aintroscroller&Itemid=71

⁶⁷ Interview with Bernard Cohen, November 10, 2015.

private enterprise is well-trodden. Nonprofit and for-profit private corrections firms hire former administrators for their knowledge of and personal connections within state bureaucracies. Certain state officials can count on plying new trades as lobbyists, grant writers, and administrators for private organizations that play central roles in the state's justice system.

Good Intentions Gone Awry?

After Rothbart's departure from the Salvation Army, the organization reckoned with the purpose of its corrections program. In an unsigned and undated memo from the late 1980s, a Salvation Army administrator conceded that, in the eyes of many employees and administrators, the organization's corrections programs were "viewed only as a method for generating funds for the subsidizing of our other programs rather than an opportunity to influence the lives of these people and hopefully be able to make a difference." The memo's author continued, "It would seem to me that we need to clarify our focus on what we are attempting to do and then set some clear goals to achieve our purpose. If our interests are only monetary in nature, we ought to acknowledge that, and adjust our programs to maximize [their] financial aspects.... However, if it is to be helping ministry, we need to address ourselves to that issue and then make it a vital part of our programs."⁶⁸

Religious organizations around the country found themselves in the same conundrum as the Salvation Army as they sought to reconcile their charitable ambitions with the carceral realities of their facilities. In Chicago, several members of the board of St. Leonard's House resigned in protest in the late 1980s, writing that the organization's relationship to the Illinois Department of Corrections made its religious mission impossible. Robert Taylor, a member of

⁶⁸ Salvation Army of Florida, Correctional Services in Florida, Undated, Unsigned Memo, Internal Records of the Salvation Army of Florida, Lutz, Florida.

the board of St. Leonard's and a freedom rider in the 1960s, wrote that St. Leonard's House's corrections contract "enables a dysfunctional correctional system to function and runs counter to a spirit of reform we once had and have now lost."⁶⁹ The resignations forced some minor changes, but St. Leonard's continued to confine parolees against their will.

For all of the Jordan Rothbarts out there, there were dozens more employees of religious organizations who were discomfited by the fact that their charitable rehabilitation programs had become "real prisons." The transformation in the facilities themselves was slow and subtle: adding a few locking doors or using coercion to discourage drug use could turn a facility towards more institutional methods of management. By and large, well-meaning administrators realized the consequences of their decisions even more slowly. Several, it seemed, first saw their facilities as prisons while I interviewed them. One of these was Ralph Hendrix, who began working in drug and psychiatric treatment in 1977. Before then, he "was hitchhiking across the United States and taking a lot of LSD." He started working as an aide in a psychiatric hospital in Nashville, then moved to Alabama, where he directed the state's privatized drug treatment programs from an office at the University of Alabama, Birmingham. During his spare time, he served on the social and racial justice committee of the Episcopal Diocese of Alabama. In the bulk of his work as a Program Director for drug treatment at the University of Alabama, Birmingham he dealt with "alternatives to incarceration." He supervised the state's contracts with rehabilitative service providers, the vast majority of which were religious or faith-based organizations. Hendrix had seen Alabama prisons and was horrified by their brutality. "I came in as a kid wanting to do good. My goal was to get people out of those cages by any means necessary.... I just wanted people *out* of jails and prisons," he told me. In the late 1980s, he

⁶⁹ Robert Taylor to Robert Ford, (July 5, 1985), Box A664, St. Leonard's Ministries.

“started smelling a rat” as he saw the people to whom he doled out contracts become wealthy. Still, he reasoned that the private facilities were better than prisons, if only marginally. When I spoke to him on the phone in late 2017, he told me that it was only during the time that we had been trying to schedule a call that he realized that the “alternatives to incarceration” he funded were indistinguishable from prisons in the most important ways. Nearing retirement, Hendrix felt furious and complicit: “That’s why I’m looking back like the headless horseman’s after me,” he said. He was struck by the ways that “in the name of good, how bad things can happen.” I asked Hendrix if it was only in retrospect that he saw the slow transformation of treatment facilities into prisons, or whether he had inklings in real time that a fundamental change was taking place. “You know what?” he responded. “It was like boiling a frog.”⁷⁰

The transformation of America’s religious treatment programs into prisons produced discord and cognitive dissonance within religious groups that prioritized charity and social welfare. But the private prison industry accorded just fine with people like Constantino. While the Salvation Army wrestled with the implications of its profitable corrections programs and the Episcopal Church fissured over questions of coercion, Bridges of America flourished and expanded under Constantino and Constantino-Brown. Their rehabilitative rhetoric and punitive methods perfectly matched the politics of the time, and their Prosperity Gospel legitimated both profit and discipline. Punishment, treatment, profit, and discipline. Christian Prison Ministries, Inc. was among the first organizations to decipher the themes that would serve as cornerstones of America’s prison systems in an era of mass incarceration.

⁷⁰ Telephone interview with Ralph Hendrix, August 30, 2017.

Part III

Everyday Life in a Total Institution

“I find it hard to frown this much.”

“For the first time in my life, I’m happy with who I am.”

—Prisoners at Wakulla Correctional Institution

The first time I passed through Wakulla’s gates, in 2012, it was dawn. Prisons tend to operate on very early schedules, and Wakulla was no exception. “Doors roll” every morning at 4 a.m. (heavy cell doors mechanically open, loudly and in unison) and by six-thirty or so most prisoners have been counted, fed, and corralled toward their job assignments. I had met a group of volunteers on Tallahassee’s south side at 5:45 and we made our way down together in a gray minivan through the swampy pines of the Apalachicola National Forest. As we emptied our pockets, took off our shoes, and took turns walking through a metal detector, the skies opened up. Heavy raindrops bounced high off the concrete and asphalt sidewalks that led back to the minivan. Prison staff lent us some umbrellas and we made our way across the compound through eight sets of gates, waiting at each one until an officer in a central tower buzzed us through. Finally, we disappeared into the artificial cold of the prison library.

Hours later, we emerged under a hot and bright sun. As my eyes adjusted to the light, I saw that the rain had driven hundreds of tiny frogs out from the flooded grassy areas and onto the slightly raised pathways, where, after the storm, the summer sun killed them, cooked them, and dried them out. Within the prison’s gates, where the concrete was very light gray, dead frogs

were scattered every few steps. By the time we reached the dark asphalt near the parking lot, crispy frogs were everywhere. Unavoidable, they crunched beneath my feet.

We tend to think of prisons as controlled, mechanical places, defined more by poured concrete and industrial steel than by their location near the woods, in a swamp, next to a farm, or in the desert. But prisons are as alive with animal life as they are subject to the weather of the place they are built. Some animals—birds and lizards foremost—have the envied ability to make the prison’s infrastructure appear ephemeral, moving unencumbered about and through it. Other creatures have more dispositive interactions. At prisons with electrified perimeters, the current takes a nightly toll of small animals, usually raccoons drawn to the stench that accompany human activity. One of the daily chores in these prisons, usually assigned to inmate trustees who have the privilege of being able to move beyond the prison’s perimeter, is to circuit the fence to collect the previous night’s casualties.

At Wakulla, frogs, lizards, ants, roaches, snakes, birds, spiders, mice, wasps, and even a cat roamed the grounds. These were recurring characters in the social life of the prison. An orange cat that made its way around the compound through PVC drainage pipes was widely beloved and had almost as many names as there were people to name it. A few prisoners—I was told about two or three to a dorm, or about one in 25 or 30—befriended the little lizards that cruised around the compound and taught them to do tricks. Men carried pet lizards in their breast pockets, training them to hide there until, on cue, they scurried out and ran down the arms and into the hands of their hosts. One man became so attached to his well-trained lizard that he took the risk of carrying it to visitation in order to proudly show it to his family. Doing so exposed the lizard to mortal danger. Not only was having pets prohibited (I heard two stories about staff cruelly crushing a pet mouse and lizard) but carrying the lizard into the visitation room required smuggling the little guy through two strip searches, where an officer would pat

down the clothes the lizard was hiding in, potentially killing or injuring it. The man rehearsed the strip search with the lizard until he was confident it knew the routine, then successfully carried it to the Visitor's Park and back. I suspect his family was as confused as they were impressed.¹

Prisoners and veteran staff told stories of other unexpected domestications. Mice lived in the prison dorms alongside caring humans, and a few prisoners were regularly visited by birds that perched in a cell's narrow windows. Several prisoners and veteran staff told me that inmates in the solitary confinement units at Union CI and Florida State Prison had trained roaches to carry notes and cigarettes between the cells. After attaching a cigarette or tightly rolled piece of paper to the back of a roach with tape or a twist tie, prisoners would set the roach on its planned course to deliver its payload.²

The most common pets at Wakulla were spiders. Spiders were ubiquitous in North Florida, and they appeared of their own accord in prison cells' corners. On a typical day, I would see about one in five men in the line outside the chow hall holding small plastic bags and occasionally lunging forward, plastic in hand, into what seemed like empty air. Flies went from swarming the chow hall to buzzing in a plastic bag in a pocket for a few hours. Once back in the dorm, they would be forced into a fatal encounter with a spider.

Prisoners fed flies to their spiders to help them grow large. Prisoners valued bigger spiders because they believed them to be better fighters. They called the most hulking spiders

¹ There are a number of online forums where families of prisoners ask questions about what they and their incarcerated kin should expect and exchange advice about prison life and the challenges of having a family member in prison. Several participants on these sites broach the subject of pets. One woman, whose loved one was in a Florida prison, asked specifically about pet lizards and expressed her confusion: "I got a letter from my man yesterday in which he told me that 2 weeks ago he caught an iguana out in the yard. He has had it in his cell since that time and says he feeds and bathes it and that it's really well behaved and he has named her after me!! [...] :confused:" "Pets in His Prison Cell??" Prison Talk. Online posting. Available at <http://www.prisontalk.com/forums/archive/index.php/t-165361.html>.

² Apparently, American prisoners have been training roaches to carry contraband throughout facilities for generations. The earliest documented account I found occurred in Texas in 1938. See Associated Press, "Mystery of Prison Smuggling Solved," *St. Petersburg Times* (March 23, 1938), 1.

“Florantulas,” a portmanteau of “Florida” and “tarantula.” Spider fights interrupted the boredom of prison dorms. A group would gather around, often making wagers, to watch two spiders fight to the death. Occasionally, I was told, the spiders would need a little prodding before beginning to fight, but spiders could be counted on to fight and kill. When a man’s spider was eventually (and inevitably) killed, he would look for another gladiator to take its place.

Despite the ubiquity of spiders, they were not something people talked about regularly, at least to me. The animal most referenced in conversation was rarely on the compound. Dogs appeared at Wakulla only as part of a K9 unit searching for drugs, but they were a constant discursive presence.³

“Treated like a dog.”

“Caged like a dog.”

“Chained like a dog.”

“Beaten like a dog.”

These were some of the comparisons through which prisoners came to terms with their confinement. The comparison to dogs was poignant because prisons coerce and encourage their captives not only to submit to the institutional regime, but to appear to do so willingly.⁴ Prisoners who resist or thwart the institutional regimen invite the prison’s coercive measures. Small rebellions like refusing to shave, failing to make one’s bed, or refusing to work result in tougher and more dangerous job assignments, solitary confinement, and, sometimes, physical violence. In

³ Dogs afflicted with canine heartworm disease lived at the Work Camp as part of a program called HART (Heartworm Assistance Rehabilitation Training), which relied on prisoners to care for and treat the dogs. These dogs remained at the Work Camp and never travelled to the Annex or Main Unit.

⁴ The quality of dogs that prisoners most commonly referenced and feared was their apparent willingness to tolerate abuse and confinement. Dogs, they suggested, greet even an abusive master loyally and seem to submit to punishment with resignation, not rebellion. See Martin Seligman and Maier, “Failure to Escape Traumatic Shock,” *Journal of Experimental Psychology* 74, no. 1 (May 1967), 1-9.

contrast, prisoners who follow the rules—those who attend classes and rehabilitation programs, comply with unreasonable demands, and are polite and submissive toward staff—are rewarded with less strenuous or boring jobs, better clothing, and possibly transfer to a safer, more comfortable prison.

The concern of many inmates was that choosing to get along and to get by in prison entailed sacrificing part of their humanity. It seemed incompatible with human nature to willingly accept punishment, to comply with the idiosyncratic (and often foolish) rules of the prison, and to endure the daily indignities of prison life with the smiling humility that was required and rewarded. Was it human-like to stand naked and squat and cough, so authorities could be sure you hadn't hidden contraband up your ass? To be on display (including to staff of both sexes) every time you used the toilet? To expressionlessly absorb the homophobic taunts of officers as you tried to move from the dorm to the chapel or education building? And to do it all saying "Yes, sir" and "No, ma'am" while submissively avoiding eye contact?

"You can't be happy in here and not be institutionalized," a man named Reggie told me one morning, leaning close from his chair so other prisoners couldn't hear. "If you're happy in here, you're like a dog in a cage." Reggie, African American and in his mid-forties, was clearly miserable and seemed to prefer it that way. The only times I saw Reggie smile throughout three months of weekly conversations were when he talked about his motorcycle, which he dearly missed and occasionally dreamed about. Reggie's misery was both cultivated and protective. Staying unhappy was how he remembered that his life in prison wasn't his normal life. He would eventually return home, to his wife and step-children, where he could eat when and what he wanted, go where he pleased, and even tell people to go to hell when he thought they deserved it. Cultivated unhappiness might help keep things in perspective, but it could be exhausting. Another man who stayed miserable to stay normal told me, "I find it hard to frown this much."

The French philosopher Michel Foucault's ideas about how the prison's carceral technologies work to create disciplined, regulated, and governable subjects have been extremely influential to historians and anthropologists.⁵ But, at Wakulla at least, the prison did more to unmake individuals than it did to re-shape them as disciplined subjects. Daily life in prison was "an assault on the self," to use the sociologist Erving Goffman's term.⁶ It was replete with de-orienting, destabilizing, and de-individualizing routines and rituals. Prisoners were referred to by number or last name, were made to walk in line along narrow pathways painted in yellow, and routinely endured pat downs, shake downs, and strip searches. Officers regularly referred to meals as "feeding," a turn of phrase that many inmates repeated in discussions with each other. Its resonances with industrial animal husbandry rattled me every time. The "No Talking" signs in the chow hall were a further indication of how thoroughly the prison stripped meals of their social character.

Wakulla was a place where it was hard to feel human, let alone to feel like yourself. In addition to the de-humanizing rituals, prisoners at Wakulla were deprived of almost all the relationships—to people, things, and activities—that they previously relied upon for individual identity. They had been plucked out of their families and homes, taken away from their jobs, and stripped of almost all their worldly possessions. Reggie's motorcycle was only available to him in his dreams. Prisoners' connections to kin were mediated mostly through awkward phone calls interrupted by a voice constantly reminding everyone that the call originated from a correctional institution.

⁵ Foucault, *Discipline and Punish: The Birth of the Prison* (London: Penguin, 1977); Lorna Rhodes, *Total Confinement* (Berkeley: University of California Press, 2004); Elizabeth Lunbeck, *The Psychiatric Persuasion: Knowledge, Gender and Power in Modern America* (Princeton: Princeton University Press, 1994);

⁶ Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Random House, 1961).

“You can’t let this place determine who you are,” a man named Daren told me one day. “The written and unwritten codes and rules are insane,” he continued. “If you don’t have a concrete faith—not just in God, but in yourself—this place will dehumanize you.” He paused before continuing, “If you don’t really stay on top of your *self* . . . it can happen.” Shaking his head, he added, “I’ve seen it happen to the best of guys.”

Becoming a part of the institution was a constant concern for men at Wakulla, and many “worked on themselves” to cultivate a sense of self. In religious and secular programs alike, many prisoners practiced self-knowledge, self-awareness, and self-discipline. The rehabilitation programs preached—and many prisoners believed—that “knowing yourself” was best achieved by sharing your life experience with others, and listening as they told their own stories. These chapters, based on my ethnographic research at Wakulla, bring prisoners’ perspective to the fore, focusing on how they make sense of their imprisonment and interact with community volunteers and with one another in prison rehabilitation programs.

Wakulla Correctional Institution

Wakulla actually consisted of three, semi-independent facilities. The facility I visited on the day with the dead frogs was a 1600-bed prison known as “the Annex.” The Annex abutted the main road to the prison, Commerce Boulevard. (The name captured the relationship between Wakulla and its impoverished, job-starved surrounding communities with disconcerting precision.) Adjacent to the Annex and further to the south of Commerce Boulevard sat the Main Unit, with almost 1500 beds. And a few hundred yards further south and past a patch of pine

trees lay the Wakulla Work Camp, which confined nearly 450 people.⁷ A shooting range pushed further south still into the surrounding scrub pine forest. Many mornings, the pops of pistols or the bangs of shotguns rang out as staff kept their firearms certifications up-to-date.

Florida built the Main Unit, the Work Camp, and the Annex over a span of ten years as part of an unprecedented construction spree that increased the state's prison capacity by nearly 60,000 beds between 1990 and 2011.⁸ The architecture of the three facilities differs dramatically, each reflecting the state's changing needs and priorities. The Main Unit, completed in 1997, was built to hold people en masse. It is divided into two large areas. On one side, eight dormitory buildings circle a large, mostly empty yard used for exercise and recreation. On the other side lie the main program and administrative buildings: a chapel, law library, education building, classrooms, classification offices, and medical center. Both sides had dining halls. Traffic between the administrative section of the prison and the dormitory side passed through "Center Gate," where officers checked the credentials of every staff member, visitor, and prisoner before allowing him or her to move on. Prisoners often waited for long periods of time at Center Gate, rain or shine, hot or cold. In stormy weather, they would arrive at the chapel or education building soaked to the bone. Once on either side of the compound prisoners and staff could move relatively quickly between buildings, as no fences or doors controlled movement (though doors to individual buildings were often locked).

Beginning in the late 1980s, the Department of Corrections built Work Camps near many of its major institutions and completed the Wakulla Work Camp in 2002. The need for

⁷ The official capacities of each facility changed periodically as officials reallocated space to serve different purposes. When I concluded my fieldwork in 2016, the capacity of the Main Unit was 1,397. See Florida Department of Corrections, "Wakulla Correctional Institution," in Introduction to Information on Florida Correctional Facilities, n.d., available at <http://www.dc.state.fl.us/facilities/region1/118.html>.

⁸ See Florida Department of Corrections, "Facilities," 2010-11 Annual Report, available at <http://www.dc.state.fl.us/pub/annual/1011/facil.html>.

Work Camps grew out of increased security measures that made it more difficult for prisoners in institutional facilities to leave the grounds of the prison that confined them. Because prisons required labor on both sides of the fences—to mow, farm, and pick up dead raccoons—the state began building Work Camps near its existing prisons to house thousands of prisoners with lower custody grades. In a sense, as soon as concerns about security made it difficult for prisons to reproduce themselves using inmate labor, the state built a network of new prisons whose sole purpose was to keep the existing prisons up and running. Like all of Florida’s Work Camps, the facility at Wakulla consisted of cheap cinderblock buildings. Each had an open floor plan that accommodated either dozens of beds or, in the case of the visitor’s park, a few tables and vending machines. The prisoners at the Work Camp had “off grounds” privileges and could often be seen in downtown Tallahassee cleaning or doing landscape work at the capitol building or the Department of Corrections headquarters, on the roadside cutting grass and mulching trees, in Florida’s state parks maintaining the trails, or outside the fences at Wakulla mowing grass or washing staff members’ cars. In addition to using the Work Camps to perform some of its own labor-intensive tasks, the Department of Corrections provided prisoner labor to an array of government agencies as part of an effort to build intragovernmental support for its budget requests. As the first committee meetings for the legislative session began in October 2014, administrators at Wakulla held a “Community Meeting.” I expected nearby residents and community volunteers to attend, but everyone there represented arms of local or state government. There were representatives from two local sheriff departments, the local prosecutor’s office, the Florida Department of Transportation, the Florida Highway Patrol, and other offices in state, county, and local government. During the meeting, the Secretary of Corrections, Michael Crews, quantified the value of the labor that prisoners had provided to

each agency in attendance and asked their offices to support the Department's new budget request.⁹

The Annex, completed in 2008, was the biggest and most secure part of Wakulla. Its architecture drew on the newest techniques in prison management and was designed not only to hold large numbers of people, but also to make it impossible for them to congregate in large groups. In contrast to the open spaces of Main Unit, the outdoor space at the Annex consisted of approximately fifteen small areas, all divided by high fences and locking gates. Officers in a tall central tower presided over all movement in the Annex. Officers on the ground would use walkie-talkies to ask their colleagues in the tower to open gates if they needed to move from one place or another. Volunteers and the staff who worked without radio privileges demonstrated patience and persistence as they depended on the unseen officers above to grant them mobility within the compound. The indoor spaces of the Annex also had more locks and controls, and inmates and many staff members relied on officers to unlock doors to move even just a few yards. The Annex's architects intended the divided structure to prevent rebellions or disturbances by keeping prisoners apart and giving authorities the easy capacity to cut off an insurgent group from the rest of the prison's population.

A single warden oversaw all three of Wakulla's units, but the Main Unit and the Annex each had their own staffs, chains of command, assistant wardens, and chaplains. Moving between the two prisons required leaving the secure area and re-entering through the other unit's main entrance, though only a few volunteers and the highest levels of administration made this trek. Prisoners only rarely moved from one unit to the other, and, from their perspectives, the divide between the two adjacent institutions was unfathomably wide. One prisoner at the Main Unit

⁹ Wakulla Correctional Institution Community Meeting, October 8, 2014, Crawfordville, Florida.

went to extraordinary lengths to correspond with a friend confined less than a football field's length away at the Annex. Regulations prohibited prisoners from communicating directly with one another (unless they were family), so the duo relied on a mutual pen pal in Europe to pass letters between the friends. The same postal worker would pick up and deliver each letter, but in the interim it would make a round-trip trans-Atlantic voyage.

I conducted the bulk of my research in the Main Unit, in large part because its layout allowed me much more efficient access. Where at the Annex I slowly passed through eight locking doors to reach the education building, at the Main Unit I passed through only three. And once I arrived, I could easily move between the education building, the Main Unit's two libraries, and the chapel, which had an additional small library. Usually, the doors to each building were unlocked, but occasionally I asked the officer who oversaw movements between the buildings to let me in.

Over the course of thirteen months, I conducted hundreds of hours of research at Wakulla. I observed or participated in almost all the prison's educational, rehabilitative, and religious programming, from Hebrew Israelite services to Computer Literacy, Anger Management to Inside-Out Dads, and Trauma Recovery to Spiritual Warfare. At each meeting of each group, I passed around copies of my Study Information Sheet, explained my research to the prisoners and volunteers in attendance, and secured oral consent to take notes on what was done and said.¹⁰ On the few occasions where a prisoner or volunteer did not want to participate, I either switched to another group or made no notes on what he or she did or said. I estimate that 800 prisoners entered the study as participants.

¹⁰ There were a few programs, such as weekend sermons, where the large numbers of people involved (often greater than 200) made securing the informed consent of all participants implausible. In these cases, I secured oral consent and collected data only from people who spoke publicly.

In the groups and programs I observed, I asked prisoners to volunteer if they were interested in participating in an interview with me. I conducted ethnographic interviews with 68 prisoners, interviewing many multiple times. I also interviewed 15 staff members. These interviews varied widely in length, with the shortest being approximately fifteen minutes and the longest just over three hours. I conducted these interviews in private locations where our conversation could not be overheard: in the chapel library, the Assistant Chaplain's office, an office used by the inmate clerks, a windowless office in the education building, or an unused classroom space. As is often the case in ethnographic research, much of my most valuable data came not from scripted interviews, but from informal conversations I shared with prisoners and staff. In these informal conversations, I practiced what ethnographic researchers call "iterative consent": I informed people multiple times about my purpose in the prison and repeatedly asked for their consent to collect data. Many of these informal conversations took place while we waited. (Waiting was a particularly common activity at Wakulla, both for me and my interlocutors.) I spoke informally to prisoners while we waited for an activity to begin, for chow to be called, for the pill window to open, for a lockdown to end, for a door to be unlocked, or for any number of daily events that left my interlocutors and me with few options other than waiting or chatting. Count was the only time everyone waited quietly, as talking during count could result in severe penalties. I usually left the room during count or found an excuse to write copious notes: Count was a dehumanizing ritual that seemed to rob my interlocutors of their dignity; I found that diverting my attention to the ritual allowed our conversations to more fluently resume where they had left off.

I used pen and mini legal pads to take "jottings" during my fieldwork at Wakulla. Prison administration did not allow me to use audio or video recording devices with the prison. After leaving the prison, I annotated many of my fieldnotes to capture context or important

information that I had been unable to capture in real time. I supplemented my jottings with long-form fieldnotes that I typed after leaving Wakulla. I did not record the names or identifying information of participants.

State and National Context

During my fieldwork, Florida prisons repeatedly made national headlines for horrific and systemic abuses. In 2012, staff at Dade Correctional Institution tortured and killed Darren Rainey, a fifty-year old man who suffered from mental illness, by burning him to death in a locked scalding shower.¹¹ In 2010, staff “gassed” Randall Jordan-Aparo, a twenty-seven-year-old serving time for credit card fraud, and looked on as he suffocated to death clutching his Bible.¹² When the cover-up fell through in 2016, Florida prison officials on Facebook called Jordan-Aparo a “bitch” and wrote “Who the fuck cares!!!”¹³ In 2014, officers beat Matthew Walker, a forty-six year old man imprisoned at Charlotte Correctional Institution, crushing his throat. They then looked on for forty-five minutes while Walker slowly died.¹⁴ In 2017, a jury convicted two officers at the Lake Butler Reception and Medical Center, who were members of the Ku Klux Klan, of conspiracy to commit murder for planning to kill a prisoner after his release.¹⁵

In the mid-2010s, Florida prisons were among the nation’s worst places to be imprisoned. They hosted one of the nation’s highest prisoner death rates and had recorded several years of

¹¹ Julie K. Brown, “Behind Bars, A Brutal and Unexplained Death,” *Miami Herald* (May 17, 2014).

¹² Julie K. Brown, “As Florida Inmate Begged For Help, Guards Gassed Him To Death, Suit Says,” *Miami Herald* (September 19, 2016).

¹³ Julie K. Brown and Caitlin Ostroff, “Prison Guards Take to Facebook to Mock Florida Inmate Who Died while Being Gassed,” *Miami Herald*

¹⁴ Julie K. Brown, Lawsuit Blames Florida Prison System for Inmate’s Death,” *Miami Herald* (April 11, 2016).

¹⁵ Derek Hawkins, “Morning Mix Ex-Prison Guards In Ku Klux Klan Plotted To Kill A Black Inmate. An FBI Informant Caught Them,” *The Washington Post* (August 16, 2017).

increases in so-called inmate-on-inmate violence as well as instances of use-of-force.¹⁶ A hastily privatized medical system left many prisoners without basic medical or dental care. One prisoner I knew went to the dentist complaining of a toothache; the dentist pulled all of his teeth except the molars. Prison officials even skimped on providing prisoners with toiletries and forced prisoner to buy their own toothbrushes, razors, and hand soap from the prison canteen. In 2017, these forces combined to result in a record number of deaths in Florida prisons.¹⁷ In an ominous sign pointing to the systemic problems with abuse and inadequate medical care, the average age of prisoners who died in 2017 also set a new low. The typical person who died in Florida prisons in 2017 had lived only 56.3 years.¹⁸

Wakulla’s status as a “faith- and character-based institution”—particularly its abilities to exclude prisoners with recent disciplinary infractions or serious mental health issues—somewhat insulated it from these broader forces. People imprisoned at Wakulla had to contend with a woefully inadequate medical system and the occasional verbally abusive staff member, but the facility was relatively safe and also reported fewer disciplinary reports than other facilities. In fiscal year 2013, Wakulla’s three facilities recorded only twelve instances of use of force, compared to more than 800 at Suwanee, nearly 700 at Santa Rosa, or more than 200 at

¹⁶ See Margaret E. Noonan, “Mortality in State Prisons, 2001-2014 – Statistical Tables, Bureau of Justice Statistics (December 2014), 11; Florida Department of Corrections Office of the Inspector General, FY2014-2015 Annual Report, 27, available at <http://dc.state.fl.us/pub/IGannual/igannual15-16.pdf>; and Association of State Correctional Administrators, *Assessment of Use of Force Policy and Practices within the Florida Department of Corrections* (August 31, 2015), available at [http://www.dc.state.fl.us/secretary/press/2015/ASCA%20Use%20of%20Force%20Audit%20\(2015\).pdf](http://www.dc.state.fl.us/secretary/press/2015/ASCA%20Use%20of%20Force%20Audit%20(2015).pdf).

¹⁷ See David Reutter, “Florida Prisoner Deaths Spike with Privatized Prisoner Health Care,” *Prison Legal News* (April 25, 2017).

¹⁸ Sarah Blaskey, “Record Number of Inmates Died in Florida Prisons Last Year. And They Died Younger Than Past Years,” *Tampa Bay Times* (January 21, 2018).

Apalachee.¹⁹ In other words, where officers at other prisons in Florida have used physical force or chemical agents on prisoners as much as once or twice a day (or more), at Wakulla they did so only about once a month.

Jeb Bush pushed for the creation of faith-based prisons in Florida in 2003, and in large part he sought to replicate the efforts of his brother, George W. Bush, who had established similar prison programs as governor of Texas. The Texas and Florida initiatives drew on the Bushes' promotion of "Compassionate Conservatism," a neoliberal political philosophy that promoted the privatized provision of welfare through charitable, private, and usually religious networks.²⁰ (The doctrine gained its fullest realization in the 2001 creation of the White House Office for Faith-Based and Community Initiatives.) A major appeal of the faith-based prison model was that the work of rehabilitation would be carried out by volunteers at little or no cost to the state. James Crosby, then the Secretary of the Florida Department of Corrections, supported the faith-based initiative not for its religious components but for its potential to serve as a pathway for the cheap expansion of rehabilitative programs.²¹

Florida developed its faith-based prison with an eye towards insulating them from successful challenges in federal court. Lawsuits in Iowa and Texas focused on the fact that faith-based prisons were operated by private, Christian groups; they privileged some forms of religion (especially Protestant Christianity) over others; in their material construction and physical layout,

¹⁹ Based on my analysis of Use of Force data provided by the Florida Department of Corrections. See Florida Department of Corrections, 2010-13 Use of Force Data, in "Setting The Record Straight: The Miami Herald's Fuzzy Math on Use of Force," (n.d.), available at <http://www.dc.state.fl.us/pub/record/index.html>.

²⁰ See Jason Hackworth, "Neoliberalism, Partiality, And The Politics Of Faith-Based Welfare In The United States," *Studies in Political Economy* 84:1 (2009): 155-180.

²¹ Brad Stoddard, *Spiritual Entrepreneurs: Florida's Faith-Based Prisons and the Carceral State*. Manuscript in preparation (April 2018).

they provided participating prisoners with privileges not accessible to prisoners at other facilities (in the Iowa case, the court honed in on the fact that the doors at the faith-based prison were made of wood, not steel); and their contracting arrangements, whereby the state paid private religious groups, amounted to state establishment of religion.²²

The people who drafted the 2003 legislation establishing faith-based prisons in Florida wrote a law designed to circumvent these constitutional pitfalls. Faith-based prisons in Florida would be state-operated and be physically indistinguishable from other prisons in the state. In determining which prisoners to admit to the faith-based programs, the state would take no account of a prisoner's religion or lack thereof. Though the state would require prisoners at faith-based prisons to participate in rehabilitative programs, it would not require participation in religious programs. And no state funding would pass to private religious groups. Within a state prison system that had for-profit private prisons and private prisons operated by religious non-profits, state operation of the most explicitly religious prison programs would shield them from court scrutiny.

The promoters of faith-based prisons also waged a sophisticated public and legislative relations campaign and influential Democrats supported the faith-based prison bill alongside the Governor's office. They reached out to the American Civil Liberties Union in an attempt to neutralize a lawsuit, and took some of the organization's concerns into account.²³ Several proponents of Florida's faith-based prisons repeatedly claimed that the ACLU "approved" of the model the state created, but it would have been more accurate to say that, given the rampant constitutional and human rights issues in Florida prisons, the ACLU had bigger fish to fry.

²² See Winnifred Sullivan, *Prison Religion: Faith-Based Reform and the Constitution* (Princeton: Princeton University Press, 2009).

²³ Interview with Allison DeFoor, July 16 2012, Tallahassee, Florida.

In practice, the protections for religious liberties proved to be relatively fungible in some cases. Despite promises that no state funding would go to religious groups, the state has, since 2012, contracted with a religious nonprofit, Horizons Communities in Prison, to facilitate programming at Florida's faith- and character-based prisons.²⁴ (In 2005, the state added the word "character" to the formal name to further reduce vulnerability to constitutional challenges.) Though faith- and character-based prisons do not require prisoners to participate in religious programs, they did require that prisoners participate in a certain number of programs or risk being transferred to another prison; because many programs were explicitly Christian, members of minority religious traditions sometimes struggle to enroll in enough program-hours. And, predictably, the distinction between a "religious" program and a "secular" one was fuzzy indeed.²⁵ However problematic and complicated in their relationship to issues involving religious pluralism and church-state relations, administrators in Florida's faith-based prisons publicly maintained an inter-faith ethos.

There is a common expression among prisoners and criminal justice reformers: If you've been to one prison, you've been to one prison. The expression serves to admonish people to not universalize an experience of any single prison and to remind them that prisons are diverse. The

²⁴ See Florida Department of Corrections Contract with Horizon Communities Corp, Contract No. C2756, executed October 19, 2012, available at <https://facts.fldfs.com> and Florida Department of Corrections Contract with Horizon Communities Corp, Contract No. C2756, executed July 1, 2015, available at <https://facts.fldfs.com>.

²⁵ The challenges involved in differentiating religious and secular programs stem from many issues. For one, the vast majority of programs at Florida's faith-based prisons depend on volunteers for teaching and administration, and almost all people who volunteer in prison do so for religious reasons. Asking volunteers to limit their evangelization has proved difficult; the volunteer who facilitated Wakulla's chess program called it a "chess ministry" and many volunteers witnessed even in secular programs. Another cause are the broader similarities between religious conversion and secular rehabilitation, which are reflected in a wide array of rehabilitation programs. InsideOut Dad, for instance, is an evidence-based program whose curriculum is published by the National Fatherhood Initiative. Its textbook and workbook come with optional faith-based components that can be fully integrated into the course. See Christopher Brown, *InsideOut Dad: An Evidence-Based Program for Incarcerated Fathers, Second Edition* (National Fatherhood Initiative, 2012).

particularities of personalities, social relationships, ideologies, official policies, and informal practices cohere differently in each facility. At Wakulla, where three semi-independent facilities were stitched together under the same leadership and drew on the same populations for staff and prisoners, the Main Unit, the Annex, and the Work Camp each had a unique institutional culture and engendered different experiences. Even within a single facility, I observed how changes in leadership, staff, and policies reshaped the prisoners' experiences. By the time I concluded my fieldwork, nearly the entire leadership team and around 80 percent of the prisoner population had turned over. Time schedules, policies on facial hair, and enforcement of the religious diet program had all changed. In the middle of my fieldwork, administration retired the Annex as a "faith- and character-based" program and converted it into what everyone called a "psych camp," or a facility that confined people who the Department of Corrections determined required anti-psychotic drugs. Although I conducted research in a single facility in 2015 and 2016, I began and ended my fieldwork with different people who had different concerns and lived in an environment that had changed in marked ways.

As prisoners themselves warned me, generalizing from any single institution can be a perilous undertaking. However, despite the differences between facilities, certain themes are present in nearly all prisons: concerns about confinement, violence, sincerity, and religion; tensions between treatment and coercion, punishment and rehabilitation, inclusion and exclusion; and contention around issues of race, gender, sexuality, class, and criminality. The balance between these concerns forms a peculiar cocktail in each facility. At Wakulla, some themes figured more prominently than they would have in other institutions, especially religion, sincerity, punishment, and rehabilitation. Others—particularly fear of violence—were relatively muted compared to other prisons in the state. (Though I learned from some prisoners who had

been imprisoned in other states, Wakulla was not particularly safe compared to prisons outside the state of Florida.)

This part of the dissertation discusses themes that were important to the people I interacted with at Wakulla. It necessarily emphasizes religion, rehabilitation, and concerns about truth, deception, and manipulation. I also keep an analytic focus on themes such as violence that were relatively less prominent at Wakulla than other facilities. My political goal in writing these chapters is to bring into focus the challenges prisoners at Wakulla faced and, in many instances, their inspiring resilience and generosity in one of America's more dehumanizing spaces.

Chapter Six

The Rehabilitative Regime of a Faith-Based Prison

“New beings are taking shape,” boasted Ike Griffin, as he reflected on the impacts of his volunteer work at Wakulla Correctional Institution.¹ Wakulla, located a short drive south of Tallahassee, was one of four “faith- and character” based prisons established in Florida since 2003. The volunteers who made the trek on a narrow road through sandy pine forest were instrumental to the functioning of Wakulla as a faith- and character-based prison, the constitutionality of which was premised on the basis that no state funds were used for religious purposes or paid to religions organizations, and that there was no proselytization within them.² Volunteers led a variety of religious and “secular” activities, including bible study groups, anger management classes, academic courses, self-help groups, Alcoholics Anonymous meetings, and revivals that included “non-denominational” forgiveness ceremonies. Wakulla’s volunteers were overwhelmingly Christian and typically retired. Almost as many women volunteered as men. Almost all of the retirees were white. A handful of working age black men who had themselves been incarcerated administered a few programs. Volunteers’ mission within Wakulla was clear, if implicit: facilitate a transformation within prisoners in which they find faith and overcome

¹ Ike Griffin, “Transformation,” *Kairos Horizon Start-Up Guide* (December 2003), 85.

² In fact, the operation of Wakulla does not completely comply with these premises. Horizons Communities in Prison, Inc., a religious non-profit that administers many of the prison’s rehabilitative programs, receives approximately \$500,000 in state funds. Florida Department of Corrections Contract with Horizon Communities Corp, Contract No. C2756, executed October 19, 2012, available at <https://facts.fldfs.com> and Florida Department of Corrections Contract with Horizon Communities Corp, Contract No. C2756, executed July 1, 2015, available at <https://facts.fldfs.com>.

criminality. The rehabilitative goal, as they saw it, was to help prisoners become non-criminal-Christian citizens.

This chapter explores the way prisoners and volunteers conceived of and pursued rehabilitative transformations, especially the ways in which they wove together secular ideas about crime and rehabilitation with Christian conceptions of sin, redemption, and forgiveness within Wakulla's more formal programs. As volunteers and prisoners interacted within a framework that emphasized overcoming criminality, they were forced to ask "What does it mean to *be* a criminal, and how can an individual *stop* being a criminal?" They constructed an understanding of what criminality "looks like," and, by extension, an idea of what was implicated in a non-criminal status. Their decision to quantify criminality in the form of a risk assessment instrument suggests that they conceive of criminality not as a binary status that can be overcome, but rather a characteristic on a spectrum or a continuum. Importantly, improvement required the continual cultivation of "non-criminal" behaviors and attitudes. Family and parental relationships, financial stability, and steady employment were essential to becoming "non-criminal," and so were concepts like forgiveness, redemption, and salvation.

In Wakulla, religious and criminal transformations paralleled and entangled one another.³ Though I separate them analytically (only to weave them back together at the end of this chapter), religion and criminality pervaded nearly every interaction within Wakulla and were practically impossible to distinguish in practice. They were slippery categories with indistinct boundaries, and, in their practices and discourses, volunteers and prisoners rarely differentiated the two. In many ways, the distinctive social field of the faith- and character-based prison was a

³ I find it helpful to think of Christianity and criminality as the two strands of a double helix, running parallel but entangled, linked and linked and bound together. At any specific moment, they can be difficult, if impossible, to distinguish.

hybrid culture in which criminality, therapeutic self-help, and religion overlapped and fused. The rehabilitative ideal here entailed Christian and criminal transformations in tandem. However, these entangled transformations contained asymmetries that, when combined in the hybrid culture of Wakulla, fundamentally changed their component parts. Specifically, efforts to overcome criminality were based on the cultivation and practice of non-criminal habits over a long period of time, putting them in direct tension with evangelical Christian conceptions of rupture and abrupt change. The relationship between religious and criminal transformations as they were conceived as part of the rehabilitative regime of a faith-based prison—and the ways they change one another—is the heart of this chapter.

Rupture in Christian Conversions

Joel Robbins writes that Christianity “provides for the possibility, indeed the salvational necessity, of the creation of ruptures between the past, the present, and the future.”⁴ In many ways, Christianity itself is defined by such breaks in time: the division between “old” and “new” testaments, the crucifixion of Christ, and the Christian calendar represent a few definitive examples of such “radical temporal breaks.”⁵ Robbins and Birgit Meyer each explore the ways temporal rupture in Christianity creates new identities and new cultures for groups or communities of people. In her study of Pentecostals in Ghana, Meyer argues that the “appeal to ‘time’ as an epistemological category enables pentecostalists to draw a rift between ‘us’ and

⁴ Joel Robbins, “Continuity Thinking and the Problem of Christian Culture: Belief, Time, and the Anthropology of Christianity,” *Current Anthropology* 48, no. 1 (February 2007), 10-11.

⁵ Jon Bialecki, “Disjuncture, Continental Philosophy’s New ‘Political Paul,’ and the Question of Progressive Christianity in a Southern California Third Wave Church,” *American Ethnologist* 36:1 (February 2009), 113. See also Robbins, “Continuity Thinking” and Joel Robbins, “Secrecy and the Sense of an Ending: Narrative, Time, and Everyday Millenarianism in Papua New Guinea and Christian Fundamentalism,” *Comparative Studies in Society and History* 43, no. 2 (2001): 525-551.

‘them,’ ‘now’ and ‘then,’ ‘modern’ and ‘traditional,’ and, of course, ‘God’ and the ‘Devil.’”⁶ “Traditional” elements of culture—worship of ancestors, reliance on native medicines—are consigned to a past that no longer holds currency and is no longer relevant. However, Meyer notes, despite the temporal rupture accomplished by pentecostals’ embrace of Christianity, ‘tradition’ “actually ... concerned a life form which co-existed with the modern, Christian one, and which had dynamics of its own.”⁷

Similarly, in his work with the Urapmin of Papua New Guinea, Robbins explores the processes of cultural change in which “people seemed to grasp a new culture whole.”⁸ “The Urapmin speak of the revival [in which they converted to Christianity] as the decisive break that culminated their colonial experience.”⁹ For groups of people, then, the temporal ruptures characteristic of Christianity allow for a strict differentiation between past and present, and confine non-Christian elements of cultures to a “pre-Christian” past.

More importantly to this project however, are the ways in which individual experiences of Christian conversion are represented and conceived as ruptures in time and person. Particularly for those who are *born again*, conversion marks a complete rupture in time, allowing individuals to “make a complete break with the past.”¹⁰ Matthew Engelke writes how, for apostolic Christians in Zimbabwe, the temporal ruptures embedded in Christianity allow individuals to embrace new habits and practices. Specifically, he writes of a man who “found that apostolic Christianity allowed him to break with all of this [what he perceived as the ‘backward’ elements of ‘African

⁶ Birgit Meyer, “‘Make a Complete Break with the Past.’ Memory and Post-Colonial Modernity in Ghanaian Pentecostalist Discourse,” *The Journal of Religion in Africa* 28, no. 3 (August 1998): 317.

⁷ Meyer, “‘Make a Complete Break,’” 318.

⁸ Joel Robbins, *Becoming Sinners* (Berkeley: University of California Press, 2004), 3.

⁹ Robbins, *Becoming Sinners*, 154.

¹⁰ Meyer, “‘Make A Complete Break,’” 316.

culture’]—to look ‘forward’, without reservations and without restricted vision.”¹¹ Susan Harding, in *The Book of Jerry Falwell*, shows how, in conversion narratives, the act of conversion functions as a dramatic temporal rupture. Within conversion narratives, one’s life is characterized before conversion as “lost,” “meaningless,” or a soul in need of salvation—even (and, in fact, especially) if the person did not realize what their life was missing until after their conversion. The temporal rupture of conversion identifies the sinful, pre-Christian state, and immediately relegates it to a distant past. The theme of “moving forward” is again present in Harding’s summary of one man’s representation of his conversion: “He was saved, and he went forward and gave his heart to Christ, and the love of God came to live in his heart. His need was met. His life began to grow and materialize into something that was real, something that had meaning and purpose in it. His old character and its desires passed away.”¹² Crucially, in the standard conversion narratives of charismatic Christians, not only is one *born again*, but an old self dies or “passes away.” The desires, sins, habits, and identity of the “old self,” who is often depicted as “buried,” disappear and are relegated to a distant and distinct past.

Prisoners at Wakulla embraced and deployed Christian conceptions of rupture. Through conversion narratives, prisoners were able to impart to listeners the reasons for their incarceration (i.e., they are able to explain their crime), and they were also able to relegate their offense (here, rebranded as sin) to a distant past, committed by a person who no longer exists. However, in the hybrid culture of Wakulla, secular conceptions of how criminality could be overcome intervened in the conception and process of creating new Christian selves. While Christianity allowed for rupture and abrupt transformation, dominant ideas about how to

¹¹ Matthew Engelke, “Past Pentecostalism,” *Africa* 802, no. 2 (2010), 188.

¹² Susan Harding, *The Book of Jerry Falwell* (Princeton: Princeton University Press, 2000), 45.

overcome criminality emphasized continuity and the long-term cultivation of “prosocial” and non-criminal habits.

William James’s remarks on habit from more than a century ago almost perfectly capture the sentiments and outlooks of the pop-psychological, therapeutic, and self-help approaches to overcoming criminality that characterize Wakulla: “All our life, so far as it has definite form, is but a mass of habits—practical, emotional, and intellectual—systematically organized for weal or woe, and bearing us irresistibly toward our destiny, whatever the latter may be.”¹³ Critically, in James’s conception of the role of habit on individuals, “we are stereotyped creatures, imitators and copiers of our past selves.”¹⁴ Any attempt to overcome criminality is dependent on developing and practicing new, healthy habits. Far from marking a rupture, transformation from criminal to non-criminal depends on *continuity* and reproduction. This was most evident in the many aspects of the programming at Wakulla that resemble—and, indeed, were inspired by—Alcoholics Anonymous. The type of continuity implied in “being” and remaining an alcoholic and the constant work required to stay sober is very similar to the continuities and practices of cultivation that are my focus here.

As I explore below, in the unique hybrid culture of Wakulla faith- and character-based prison, two types of transformation are being pursued simultaneously as prisoners become non-criminal Christians. Conversion to Christianity depends—indeed, is constituted by—a sharp temporal rupture. Transformation from criminal to non-criminal, on the other hand, depends on the continuity, on the refinement of past and current selves so that they can be reproduced as better in the future. Christian transformation marks abrupt change; criminal transformation depends on gradual and incremental change.

¹³ William James, *Talks to Teachers*, 1899, available at <http://www.uky.edu/~eushe2/Pajares/james.html>.

¹⁴ *Ibid.*

When these two drastically different conceptions of transformation merged in the social field of a faith-based prison, they, in turn, reshaped one another. As I discuss below, Christian notions of rupture and rebirth continued to define the social field of Wakulla. However, these conceptions of rupture contained threads of continuity. Instead of “burying” an “old self” and having it “pass away,” old selves might be “hibernating,” always threatening to re-awaken. Additionally, though new beings were forgiven for the sins of the “old self,” new selves were held accountable for past actions, and could cultivate non-criminal habits by rehearsing events from their past, thus eliding the very rupture that defines them.

Recidivism: An Implied (and Understood) Transformation

In this section, I explore the emphasis that advocates for faith-based prisons place on the concept of recidivism to argue that the appeal of faith-based prisons lay in their promise to facilitate a transformation within prisoners wherein they become Christian and overcome criminality. Faith-based prison advocates viewed themselves as prison reformers. They indicted the Department of Corrections for “corruption,” believed that the extant prison system was “inefficient and ineffective,” and promoted faith-based prisons as a major improvement over the present system. A few of the more radical faith-based prison advocates identified Florida’s prisons as a system of racial control, and believed that prisons constitute a significant challenge to human rights. One prominent advocate for faith-based prisons, who was also pressing for significant decarceration, called the Department of Corrections “ultimately demonic” and, in public presentations, depicts the prison system as a serpent.

For the most part, however, faith-based prison advocates and volunteers did not question the legitimacy of the US prison system; largely, they accepted the mission of the Department of Corrections as one of confinement, punishment, and rehabilitation. When I asked one advocate

and volunteer whether he thought there were people in prison who should not be incarcerated, he answered by telling me, “Not really. Mostly, I see people on the outside, and I think, ‘I know a lot of people in prison who are better people than you!’”¹⁵ Rather than believing the prison system to be inherently compromised or an injustice unto itself, they criticized the Department of Corrections for failing to rehabilitate prisoners. Echoing a common complaint, Allison DeFoor writes that “the Department of Corrections is perversely named, because it ... does not today even pretend to correct anything or anyone.”¹⁶ Ike Griffin, the founder of Kairos Horizons, laments that states have “abandoned the practice of ideologically referring to prison in optimistic terms like *reformatory* or *penitentiary*. Many states now refer to their Department of Corrections as a Criminal Justice System. ‘Corrections’ has lost its meaning in relation to what is expected of the department.”¹⁷ (The fact that Griffin believes penitence—or self-inflicted punishment—to be an “optimistic” term indicates the extent to which faith-based prison advocates accept punishment and coercion as proper roles for prison authorities.)

In the view of faith-based prison advocates, the prison system is large, expensive, and ineffective. Their solution to these problems lies in finding ways to lower recidivism rates. Jeb Bush, who as Governor of Florida played a key role in establishing faith-based prison in the state, asked the *Sun-Sentinel*, “Wouldn’t it be nice if we could figure out a way to lower that 38 percent [recidivism rate] closer to zero percent, for your family and your community? This is not just fluffy policy. This is serious policy.”¹⁸ For Bush and other faith-based proponents, it was not that

¹⁵ Interview with Hugh MacMillan, August 2012.

¹⁶ J. Allison DeFoor, II, *A Church Behind the Gates of Hell: A Prison Ministry Project in the Episcopal Diocese of Florida*, Doctor of Ministry Thesis, South Florida Center for Theological Studies, 2005, 17.

¹⁷ Ike Griffin, “Essential Essays,” *Horizon Communities in Prison Start-Up Guide* (December, 2003), 61.

¹⁸ For Bush, faith-based prisons were practically the definition of “fluffy policy.” Bush’s statements and questions about the subject indicate that he had little idea of what faith-based prisons entailed, except that he viewed them alongside mandatory minimum sentences for drug and gun possession as his crowning

too many people are placed in prison to begin with, but instead that too many people return to prison after being released.

A primary appeal of faith-based prison reform was a purported ability to reduce recidivism rates. Indeed, practically everyone involved with faith-based prisons—from the political operatives who helped established them to the volunteers who visited them to the people who are incarcerated within them—cited lower recidivism rates as a justification for faith-based prisons. A number of studies have shown that recidivism rates among people released from faith-based prisons are slightly lower than those released from other prisons, and both volunteers and inmates demonstrate a practiced facility with these figures. However, more rigorous studies demonstrate that lower recidivism rates are the result of selection bias, not the result of programming.¹⁹ The volunteers and prisoners tended to cite the favorable studies and ignore those with more nuanced results. On one of my first visits to Wakulla, a prisoner with a life sentence told me about the benefits of interacting with volunteers, and then recited recidivism statistics for the faith-based programs.

Well before the founding of faith-based prisons in Florida in 2003, recidivism played a central role in how church groups conceived of their activities in the prison and with former prisoners. Recidivism was a preoccupation of Rev. James G. Jones, and served as a rationale for the development of halfway houses. In the spring of 1996, Innovation Baptist Church, in Tallahassee, sponsored a meeting that was billed as “The Role of the Church in Combatting

achievements as governor. Mark Hollis, “Faith Gets a Test in Turning Florida Prisoners away from the Criminal Life,” *Sun-Sentinel* (February 8, 2004).

¹⁹ See Alexander Volokh’s summary in Alexander Volokh, “Do Faith-Based Prisons Work,” *Alabama Law Review* 63 (2011-2012): 43-95 and Florida Office of Program Policy Analysis and Government Accountability, Faith- and Character-Based Prison Initiative Yields Institutional Benefits; Effect on Recidivism Modest, No. 09-38, October 2009, available at <http://www.oppaga.state.fl.us/Summary.aspx?reportNum=09-38>.

Recidivism.” “The primary focus of the Innovation Baptist Church Prison Ministry,” a pamphlet promoted, “is to form an alliance with other churches ... in order to combat recidivism.” Other goals of the ministry were to assist prison chaplains with administrative duties, “minister to the spiritual needs of the inmates’ families,” and to “assist inmates in their transition from incarceration to society.”²⁰

Given that advocates of faith-based prisons had access to and knowledge of these studies but continued to frequently cite lower recidivism rates as justification for faith-based prisons, one must ask why the concept of recidivism so important for proponents of faith-based prisons. I suggest that the salience of the concept of recidivism lies in its rehabilitative implication that prisoners in faith-based prisons undergo a fundamental transformation, that faith-based prisons provide a space for a prisoner to cease being criminal and begin being a Christian. If the problem with the standard prison was a high recidivism rate and the people who are incarcerated within them remained felons, ex-cons, and criminals upon their release, the promise of faith-based prisons was their ability to transform criminals into non-criminal Christians. Where most people released from prisons remained (legally as well as colloquially) felons, convicts, and offenders, people in faith-based prisons acquired an additional, and at times more dominant status: that of Christian and non-criminal.

Secular Parallels to Religious Conversion

In her study of a trial that found a faith-based prison in Iowa unconstitutional, Winifred Sullivan, too, remarks on faith-based prison proponents’ use of secular goals and behaviorist

²⁰ Innovation Baptist Church, “The Role of the Church in Combating Recidivism,” March 31, 1996, in Hugh MacMillan, *Chaplaincy and Religious Pluralism: A New Vision for Florida Prison Ministry*, Doctor of Ministry Thesis, South Florida Center for Theological Studies, 1996, Appendix 4.

language to advocate for and defend faith-based prisons. Therapeutic and psychotherapeutic theories of individual reform “parallel” faith-based initiatives seeking individual transformation, just as “institutions promoting ‘biblical justice’ take their place next to those teaching secular criminologies.”²¹ In the Iowa trial, a group of prisoners filed suit against the InnerChange Freedom Initiative (IFI), a faith-based prison program that contracted directly with the Iowa Department of Corrections to administer a faith-based prison. Unlike any entity in Florida, IFI had complete administrative control over a wing of a prison. Its paid staff determined who would be admitted to the program, had the authority to expel prisoners from the program and return them to the general population, and operated every aspect of the prison. Prisoners’ days started at 5 am with prayer and meditation, and, if prisoners demurred, guards would roust them from their cells and force them to attend the morning prayer.

Like faith-based prison supporters in Florida, IFI justified its role in the prison by emphasizing its secular goals. Its literature promised prisoners that the program “not only will you get out of prison, you’ll stay out of prison.”²² Even the most transparently religious activities were justified with secular language: attending church is “about being prosocial” and morning prayer and Bible study are “useful tools for teaching the values of ‘getting up in the morning,’ ...[and] ‘being accountable.’”²³ Sullivan ruefully remarks that “No sociologist could be more functional in explaining religion than Sam Dye,” the national director of IFI.

Yet in Sullivan’s view, “for all their talk of sin and judgment,” proponents of faith-based prisons “do not, in fact, reinvent prisons merely for punishment but as places where persons are

²¹ Sullivan, *Prison Religion*, 103.

²² *Ibid.*, 29.

²³ *Ibid.*, 124, quoting Sam Dye’s testimony.

saved through Christian love.”²⁴ Despite the mixing of religious and therapeutic language, the “*single* cure [for criminality] is said to be a relationship with Jesus Christ mediated through an encounter with the Bible.”²⁵ A white paper commissioned by IFI outlines the group’s philosophy: “The IFI model seeks to ‘cure’ prisoners by identifying sin as the root of their problems. Inmates learn how God can heal them permanently, if they turn from their sinful past, are willing to see the world through God’s eyes, and surrender themselves to God’s will. IFI relies and directs members to God as the source of love and inner healing. Members then build on this new relationship to recast human relationships based on Biblical insights.”²⁶ In the Iowa case, the secular goals of prosocial relationships for individuals and lower recidivism rates could only be accomplished through a conversion to Christianity.

Sullivan notes that secular and therapeutic language is instrumental for faith-based programs to be deemed constitutional by US courts. She cites a case from Tacoma, Washington in which a faith-based organization convinced a judge to dismiss a lawsuit by scrubbing all religious language from its materials and insisting that “provable psychology and the Bible do not contradict one another.” “For the court,” Sullivan writes, “religion inhered in the use of explicitly religious language.”²⁷ Avoiding explicitly Christian language can be a successful tactic to help a faith-based organization to withstand the scrutiny of US courts and pass constitutional muster.

Even if IFI’s use of secular and therapeutic language was merely an attempt to help a religious program with court approval (and, indeed, a federal court found that it was), there are significant differences between the faith-based prison operated by IFI in Iowa and faith-based

²⁴ *Ibid.*, 106.

²⁵ *Ibid.*, 109, emphasis hers.

²⁶ Henry Brandt and Kerry Skinner, “InnerChange Freedom Initiative: White Paper,” (n.d.), available at <https://www.kerryskinner.com/%2FFiles/%2Finnerchange.pdf>.

²⁷ Sullivan, *Prison Religion*, 110-11.

prisons in Florida. IFI, which had operational control over a wing of an Iowa prison, billed itself as “A 24-hour-a-day Christ-centered, biblically based program that promotes personal transformation of prisoners through the power of the gospel ... confronting prisoners with the choice of embracing new life in Christ and personal transformation or remaining in the grip of crime and despair.”²⁸ IFI recruited prisoners who embraced—or would embrace—Bible-believing forms of Christianity, and discouraged prisoners following other traditions, including Catholicism, from entering their unit. IFI also had the authority to remove or expel prisoners from its program.

The institutional framework of Florida’s faith-based prisons differed significantly from the Iowa case. Wakulla, like all of Florida’s faith- and character-based prisons, was owned and operated by the Florida Department of Corrections.²⁹ The faith-based groups that operated within them did so on a volunteer basis, and had no formal say in the administration of the prison. Furthermore, prisoners were supposed to be admitted to a faith-based prison like Wakulla based on their disciplinary record at another prison—not on the basis of religiosity or faith.³⁰

Furthermore, as mentioned earlier, the groups that advocated for the establishment of faith-based prisons in Florida expressed secular goals—namely, recidivism—well before faith-based prisons were established in 2003. Secular and therapeutic language in Florida was not a justification after the fact for faith-based initiatives, but seems to be fundamental to their development and constitution. Indeed, as I will discuss below, activities and programs within Wakulla seemed intended to facilitate two interrelated and entangled transformations, one

²⁸ Sullivan, *Prison Religion*, quoting Plaintiffs’ Exhibit 48, 32.

²⁹ In a state with many privately operated prisons, all faith-based prisons are operated by FDOC.

³⁰ Though this is the official policy of the Department of Corrections, I learned that it was not always followed. Some prisoners were transferred to Wakulla without their knowledge or consent, and some prisoners seem to have been transferred away because of insufficient religious sincerity. See Chapter 7.

religious and one secular. Rather than interpreting them as code or cover for Christian initiatives, I take “secular” initiatives seriously and at face value. Though these processes cannot be separated in practice, I will separate them analytically in the next several sections. First I will discuss the religious transformation that underpins volunteers’ and prisoners’ conceptions about the faith-based prison. Then I will turn discuss attempts to overcome criminality.

Becoming Christian

Prisoners at Wakulla regularly proselytized to one another and emphasized that they were trying to build a “community.” One prisoner joked repeatedly that, “We live in a gated community.” Most conceptions of “community” were built on the idea that Wakulla was a community of Christians, or, when Muslims were present, a “community of faith.” Many prisoners were adamant that religion was something they already had. When I explained my research and used the word “faith-based,” one man objected to my terminology: “Why do you keep calling it ‘a faith-based prison’? It is a ‘faith- and *character*-based institution. We had faith when we got here. Now we’re working on character.” Prisoners must apply to faith-based prisons, so self-selection plays a large role in ensuring that the prisoners within faith-based prisons are religious. (In 2012, there was supposedly a very long waiting list of over 10,000 prisoners waiting to get in.) To be admitted, individuals must accrue a favorable disciplinary record in other prisons. Faith, religion, or lack thereof (again, to maintain constitutionality) is not considered at all in determining who is admitted to a faith- and character-based prison. In fact, there were many reasons people apply to be transferred to a prison like Wakulla: if they were from Tallahassee, they knew they would be close to home and family; some believed it would provide them with favorable evidence at a parole hearing; many believed the conditions to be better and the environment less violent; and many sought a religious community.

The long waiting list meant that it sometimes took many years after an individual is initially incarcerated for him to be transferred to a faith-based prison like Wakulla. Of the stories prisoners told me about their religious conversions, most took place before they arrived at Wakulla, either while incarcerated elsewhere or before they were imprisoned. Jerome, a former prisoner at Wakulla who had a life sentence without the possibility of parole that was invalidated by the U.S. Supreme Court's ruling *Graham v. Florida*, told me the story of his conversion, which, like most of the stories I heard, occurred before his incarceration at Wakulla.³¹

When I was in jail [pending re-sentencing for a technical violation of probation], I'm out on the basketball court in the county jail and I remember hearing a voice say, "You're going to do at least ten years." And I didn't think nothing of it. [I thought] "I got [a sentence of] 15 years probation, they're not going to give me ten years in prison..." But when he sentenced me to life, I didn't think about that voice then, but of course later on down the line, I was like, "God warned you. He showed you."

Eight years after he returned to prison, he started reading the bible consistently, and witnessing to other prisoners. After four years of intense religiosity at other prisons in Florida, Jerome was transferred to Wakulla, where he appreciated the religious and supportive climate, which, in our conversation, were indistinguishable.

Guys have their eyes on you. If there are fifteen hundred guys there, you have 1499 accountability partners. You do what your peers do. You may do it because you want to fit in, but even away from your peers, you're still doing it. You may do it because you want to fit in, but you actually get so much out of it that before long, even away from your peers, you're still doing it. It's like you pick up these good habits. And for me, it was so true, the things God was saying to me through the Bible.

Jerome had "1499 accountability partners" that not only helped him cultivate "non-criminal" behavior, but also kept him religiously engaged. He witnessed to others, and told them that he

³¹ In *Graham v. Florida*, the Supreme Court invalidated sentences of life without the possibility of parole for individuals who committed non-homicide crimes as juveniles. The Florida Legislature has not passed legislation instructing the judiciary as to how to re-sentence prisoners whose sentences have been invalidated. Most people serving invalidated sentences, including the plaintiff Terrance Graham, remain incarcerated. Jerome won a re-sentencing hearing and was released, and his attorney (who represented him pro-bono) is a former solicitor general of Florida who volunteers at Wakulla.

knew he would not spend his life in prison, that he had heard God tell him he would not serve his life sentence. “You’re crazy. Man, that dude’s crazy. He got a life sentence and he’s talking about going home...’,” he told me prisoners told him as he witnessed to sometimes deaf ears.

But now, when they guys call me from there, they hear it, they hear the witness now, they listen. Because they know, the day I walked out of there, instead of me having an attitude where I could have said, ‘yeah I told you I was leaving’... I saw a lot of hope on a lot of guys faces. And it wasn’t so much me, but they knew that God was real, because that’s all I talked about. I said, ‘God is going to get me out of this.’ And they knew then.

Even those who doubted Jerome’s faith and discounted his witnessing were drawn to his hopeful message after he secured his release.

Prisoners not only proselytized to one another, but they also witnessed and proselytized to volunteers. When I first attended a session of a secular small circle rehabilitation program called Quest, four prisoners witnessed to me; I had not indicated I was Christian and they were concerned for my soul. Similarly, one volunteer who identified as a “secular humanist” shared with me her discomfort about talking about religion. A prisoner with whom she had a particularly close relationship had confided to her that he did not respect non-believers, and seemed to be gearing up to ask her about her religious views. Worried that he would soon ask about her religious practices, she nervously discussed how she would deal with the question with other people who volunteered in the secular program.

Conversion, then, is presumed, rather than mandated or even explicitly encouraged, in a faith-based prison. Christian conversion is generally thought to be already accomplished. In the next section, I discuss the ways in which Christianity displaces criminality discursively. Being universal, Christian categories (such as sinner) are preferable to stigmatized secular categories, such as criminal.

There are no “Christian inmates,” just “dear Christians” who are in prison. Discursively, religiosity plays a role in the creation and articulation of a new, Christian status that, to a certain extent, is able to displace an individual’s status as both prisoner and criminal. In Christian discourse, crime is expressed as sin, and criminals are transformed into sinners. Because everyone is a sinner, “sin” is a preferable category to criminal. Lennie Spitale, a minister who wrote a guide to “understanding prison culture inside and out,” details his interactions with unconverted “inmates” and “prisoners” and “men in cages.” Yet religious individuals are often (discursively, at least) exempted from these statuses. When he writes of “a dear Christian woman serving a life sentence for murder,” Spitale acknowledges that this woman committed murder, but grants her the status of “dear Christian.”³² When an “inmate becomes a Christian,” they inhabit a new status that, unlike inmate or prisoner, is not loaded with implications of criminality. The hybrid notion of a “Christian inmate” appears in Spitale’s writings principally as an individual whose religiosity is questioned. “The proof [that faith is genuine] is when you hear the other residents giving testimony to the integrity of a particular Christian inmate. Then you know that this inmate’s faith is deep and consistent.”³³

Volunteers in and advocates for faith-based prisons similarly use discourses that replace notions of criminality with those of religiosity. Allison Defoor, a Republican political operative and Episcopal priest who helped to found faith-based prisons in Florida, calls the faith-based prison effort an attempt to build a “community of the faithful” within the confines of a prison, or, in his words, “behind the gates of Hell.”³⁴

³² Lennie Spitale, *Prison Ministry: Understanding Prison Culture Inside and Out* (Nashville: B&H Books, 2002), 7.

³³ Spitale, *Prison Ministry*, 83.

³⁴ Defoor, *A Church Behind the Gates of Hell*, 40.

Prisoners at Wakulla also use born-again discourses in ways that first acknowledge, then transcend criminality. When I introduced myself to a group of prisoners at Horizon's REEFS (Realizing Educational Emotional and Financial Smarts) program, the first four prisoners I met described their experience of conversion and their embrace of a Christian identity. In narratives closely resembling the conversion narratives described by Susan Harding in *The Book of Jerry Falwell*, they said that, before they came to prison, they led sinful, criminal, and harmful lives. In these narratives, the act that led to their incarceration (generally murder or robbery) was acknowledged and identified as a crucial turning point, the point at which the former trajectory of their lives became unsustainable. "Prison saved me," one man said by way of talking about the importance of faith in his life. "[Before prison,] I knew of God, but I didn't know him."

In addition to addressing the fact of one's incarceration and the reasons for it, narratives of religious conversion allow individuals to place these events safely in the past, and in fact speak of them as existing in another life. These narratives exemplify the rupture characteristic of Christian conceptions of time. One man told me a long story about his childhood, which described his behavior as a drug addicted, violent adolescent. Unable to read (probably due to dyslexia), he dropped out of school and fell into even more trouble with the law. Eventually, in a drug-induced haze, he shot and killed another man. In his narrative, this was the single sin that acted as a turning point, paving the way for him to find Christianity. One day, he looked at the Bible, and, all of a sudden and for the first time in his life, "the words stopped swirling around, flipping upside down, and smiling and winking at me and fixed themselves on the page. I could read them." Suddenly, his life had new meaning, and he began preaching the Gospel and witnessing and has not stopped since. This story hinged on a born again conception of rupture. Since reading the Bible and finding Christianity, he had stopped using drugs, ceased violence,

and, somewhat ironically given that he has spent the duration of his Christian life in prison, found meaning.³⁵

Another prisoner, Richard (a pseudonym), testified to the meaning he had found in his life, even though he believed he would spend it in prison: “I may spend the rest of my life in here, but I want to spend it making the world a better place. I want to make this prison a better place.” As he told his story, he artfully wove biblical references into his life experience. “I may never get out. I may never be released. I may be the Moses who never reaches the promised land. But I’ve seen the promised land, and I know I am saved.... I know God, and I know I am forgiven.” Seeing the promised land and knowing one is saved gives real meaning to this man’s life, and it is all dependent on “knowing God.”

Although there were many similarities between these stories and the conversion narratives documented by Harding, Richard’s narrative contained an interesting and unique twist. Echoing other conversion narratives, he said, “I’m a new person,” then, after pausing for emphasis, added, “I’ve buried the old person.” Instead of letting old selves lie, however, he continued, “He’s hibernating... Sometimes he wants to wake up and I put him back in the cage, back to hibernating.” After narratively producing temporal rupture and the creation of a new self, Richard immediately pivoted to introduce continuity by suggesting that his new self and his old self coexist. What is more, these coexisting selves battled for dominance. Richard’s status as a

³⁵ In his story, Richard took complete responsibility for the killing he committed, but also insisted that, owing to the drugs he was on, he does not remember it. He told other prisoners and me that he remembers coming to and seeing a dead body near him, but does not remember the actual murder. Other prisoners looked at him skeptically as he said this, and one even made a little noise (humf), indicating that he did not believe this aspect of the story. It seems that by including the fact that he was in a drug-induced haze and does not remember the killing, this man made his story significantly less convincing to those around him and brought into question the sincerity and ontological certainty of the rupture he articulated.

non-criminal Christian is dependent on his ability to put his criminal and non-Christian tendencies “back in the cage.”

Cultivating non-Criminality

Developing the ability to keep conquering a hibernating, criminal, and non-Christian self takes practice. And, despite the emphasis within faith-based prisons on religious experiences and conversions and the discursive role religious identities play in displacing criminality as a status, few advocates of faith-based prisons believe that religious conversion alone is sufficient for an individual to overcome criminality. Byron Johnson, a professor of the Social Sciences and Religion at Baylor University and an influential proponent of faith-based initiatives (who has been active in the Florida initiative), writes that “just because an inmate makes a profession of faith in prison does not change the fact that he or she will struggle to find stable employment, acceptable housing, adequate transportation, and supportive family members.”³⁶ The man who objected that I omitted “character” from the name of the prison insisted, “now, we’re working on character.”

In a story touting the efficacy of faith-based prisons, Byron Johnson succinctly describes what a prisoner must accomplish to acquire a non-criminal status. Ron Flowers became a Christian while he was incarcerated for murder in a faith-based facility in Texas. One of the volunteers put him in contact with the mother of the woman he killed, and “for the first time, [he] confessed to the murder.” Without thinking, the mother immediately told him that she had forgiven him. After his release from prison, Flowers “visited Mrs. Washington [the victim’s

³⁶ Byron Johnson, *More God, Less Crime: Why Faith Matters and How it Could Matter More* (Philadelphia: Templeton Foundation Press, 2011), 157.

mother] weekly. He sat with her in church on Sundays.... Now happily married, Ron has been out of prison for more than a decade, has been employed at the same company for nine years, has a four year-old son, and has a bright future.”³⁷

Each of the themes that Johnson articulates—forgiveness, domesticity, financial security, and stable and continuous employment—recurred within the volunteer-led programs at Wakulla. The largest and most enrolled initiative in Wakulla is run by Horizon Communities in Prison. Horizon Communities offers a series of courses titled Realizing Educational Emotional and Financial Smarts (REEFS). Through REEFS, Horizons offers inmate-facilitated courses on personal investment management, bookkeeping, and credit and debt management, as well as a course called Developing a Business Concept. The heart of the REEFS series is a course called Quest, which in many ways resembles a pop-psychology self-help course. Groups of seven or eight prisoners, one of whom is a facilitator who has already completed the program, discuss their life experiences in relation to chapters on “responsibility, family violence, anger, relapse, moving through anger, communication, relationships, parenting, and restorative justice.”³⁸ The Quest workbook was written almost entirely by prisoners (and published at a nearby prison for 25 cents per copy), and is used by both volunteer and inmate facilitators to guide discussions, in which participants are expected and encouraged to be forthcoming and honest.

The Quest curriculum, workbook, and sessions provide unique perspectives on the nature of criminality. By articulating the ways in which prisoners must change—the skills, characteristics, and behaviors they must adopt and practice—in order to overcome criminality, Quest offers a vision of what a successful transformation from criminal to non-criminal looks like

³⁷ Johnson, *More God, Less Crime*, 167-168.

³⁸ Quest: The Quest for a Peaceful World Begins When I Step on the Path.

and implicitly constructs both criminality (as a status to be overcome) and non-criminality (as a status to be attained). Criminals, in this depiction, are cynical, irrational, angry, aggressive, and hostile individuals without strong social ties, who lack—or have dysfunctional—spousal and parental relationships. They replicate the contentious, and often abusive, relationships of their childhood, and are unable to communicate effectively with those around them. They are consumed by anger and without techniques to control or channel it. Finally, in these depictions, criminals struggle to hold down a job and are often in debt (and in default).

To not be criminals, Quest asks individuals to achieve a degree of serenity, such that life's "little annoyances ... roll of my back unnoticed." Much of the curriculum is intended to help prisoners establish and maintain "love relationships." "Be Sympathetic and Supportive Of Your Partner...Do Not Try To Change Her," the Quest workbook advises before asking prisoners to discuss how they and their partner engage in "relationship makers" and "relationship breakers." Respect, caring, loving, intimacy, humbleness, and "financial goals and practices" are key to love relationships. Abuse, violence, career stress, infidelity, jealousy, "emotional baggage," "no sex," "social training," and "daytime TV" are indicators of a relationship going awry.

The structure of the Quest course and discussion groups emphasizes the belief that non-criminal behavior is something that must be continually cultivated. In 2004, shortly after faith-based prisons had been established in the state, Ike Griffin sent an email to Allison Defoor in which he quoted Carl Jung to make the point that "[u]ltimately the prisoners must learn new ways to replace the old."

We seldom get rid of an evil merely by understanding its causes and for all our insight, obstinate habits do not disappear until replaced by other habits. But habits are won only by exercise, and appropriate education is the sole means to this end. No amount of

confession and no amount of explaining can make the crooked plant grow straight; it must be trained upon the trellis of the norm by the gardener's art.³⁹

The Quest workbook offers discussion questions that guide group conversations during the sessions. In these group discussions, prisoners and volunteers overlook significant differences in the nature of their relationships and other aspects of their lives. Prisoners, many of whom have been incarcerated for decades (and often since their teens) and whose families have largely passed away while they were incarcerated, are expected to be forthcoming when asked questions like “Which three areas are the most difficult for you and your partner?” and “What are you doing to improve your relationships?” Prisoners without existing relationships from before their incarceration talked openly about their relationships from their childhood and youth, often discussing romantic relationships from their long-gone adolescence in the same space and genre as other prisoners discuss persisting spousal and parental relationships.

Expectations that people without existing familial relationships can cultivate “healthy” relationship habits by rehearsing situations from their past imply a temporal continuity that is hard to reconcile with Christian conceptions of rupture. Indeed, someone who insisted that he was a “new person” drew upon experiences before his conversion to talk about how he dealt with anger in familial relationships, and how he might deal with it better in the future. The rupture that created fundamental distinctions between past and present—and between old and new selves—is immediately undone.

Volunteers, too, were expected to be open about their relationships; they talked about what frustrates them about their partners, how they feel when these frustrations arise, and how they react (both “healthily” and “unhealthily”) to these frustrations. These representations are often exaggerations. One volunteer, a social worker, talked about how her adolescent daughter

³⁹ Email from Ike Griffin to Allison Defoor in Defoor, *A Church Behind the Gates of Hell*, 48.

frustrates her and the challenges she faces in controlling her anger towards her. Later, in the car between Tallahassee and Wakulla, she told me that that she and her daughter are very close and get along marvelously: the daughter is a star athlete, top of her class, extremely conscientious, and helps her mother around the house. The volunteer received a call from her daughter each time after she visits the prison, which she, smilingly, attributed to her daughter's joking nervousness that "they might not let me out."

Within the confines of Wakulla, the good habits reformers sought the to cultivate—particularly those involving relationships with people who are not at in the prison—cannot be actually exercised or practiced, so they must be performed and acted. Prisoners without existing relationships relied on their memory of past relationships to articulate the challenges of relationships and to imagine alternative responses as a way of cultivating non-criminal habits. In this setting, volunteers represented the possibility of transformation by performing various aspects of their lives in ways to which they hope prisoners could relate. Of course, as the volunteers would admit, every relationship has its strengths and weaknesses, but within the confines of Wakulla, volunteers emphasize the challenges of their relationships and the work required in maintaining them. In the discussions I observed, volunteers portrayed the positive aspects of their relationships as the reward of hard work, patience, tolerance, and communication. Just as volunteers "wear their sins on their sleeves," they performed their relationships as challenging and frustrating, yet something that, with cultivation, can be extremely rewarding.

Perhaps the most intriguing element of the Quest course and workbook is the risk assessment it contains, titled "Am I At Risk?," which participants complete at the beginning and end of the ten-week curriculum. The risk assessment instrument asks which of two choices more closely resembles how an individual would act or respond given forty-six scenarios. One answer

in each duo represents a “point” for anger, aggression, or cynicism. The instrument claims to measure “hostility” by totaling the number of points scored for cynicism, anger, and aggression: “Cynicism + Anger + Aggression = Hostility.” People with higher scores are said to have a “higher risk for developing life-threatening illness,” be more “likely to deprive self of social support by driving others away or by not perceiving it freely given,” and be “more quickly [to] activate [a] fight or flight response [that is] likely to endanger health by too much eating, drinking alcohol, or smoking.”

However, the risk assessment instrument does not engage with or probe for the habits or traits that might correlate with the risks it claims to measure. Nowhere does it ask about eating habits, smoking, or anything to do with illness. The prisoners who developed the risk assessment instrument clearly value risk assessment as a practice—hence they went through the process of developing one—but do not seem to understand how a risk assessment instruments work or are used in the criminal justice system (which is where these prisoners gained their knowledge of and about risk assessment). Risk assessment instruments are generally targeted to measure a specific type of risk. Then, they ask questions that use known (or believed) correlations to estimate and quantify that risk. For instance, an instrument might seek to measure an individual’s “risk to reoffend,” and, because the frequency of past criminal behavior is the best indicator of future criminal behavior, go on to ask a series of questions about an individual’s prior criminal career. It appears as though the prisoners who developed the risk assessment instrument that is part of the Quest workbook developed the instrument “Am I At Risk?” first, and only after the fact decided on what an individual might be “at risk” for.

In the analysis that follows, I am treating the Quest risk assessment instrument as a document that demarcates the criminal from the non-criminal. The answer that that is scored for as cynicism, anger or aggression marks the “criminal” response, and the non-marked and un-

scored “right” answer is the “non-criminal” response. This is, of course, a simplification, but, taken in its entirety, the risk assessment instrument constructs a vision of non-criminality as comprised of serenity, compassion, patience, attentiveness, and acceptance of broader structures of power (including those of the prison).

However, the structure of the risk itself suggests that criminality, unlike faith, is something measured by degrees. Criminality and non-criminality are not conceived of as absolute and exclusive categories, but rather as two ends of a spectrum that, to a certain extent, can be quantified. An implication of this conception of criminality is that the transformation from criminal to non-criminal that lies at the heart of the faith-based prison can only be partial and requires continual cultivation; some “risk” always remains. When the prisoner told me that he was “working on character,” he perfectly articulated and captured the ways in which the criminal to non-criminal transformation is one continually in progress and resists completion. Unlike Christianity, criminal transformations are not produced through rupture.

Many of the questions of the risk assessment instrument are evidently based on prisoners’ experiences undergoing risk assessment as part and parcel of their time in prison involvement in the criminal justice system. They deal with frustrations posed by the prison environment and reveal the limits on choice, action, and freedom that prisoners experience. “I have been standing in the canteen line an hour,” one question poses,

and guys are cutting in at the head of the line when the police begin to stop the current canteen run.

- A. I check my anger and wait until the next canteen run.
- B. I begin cussing at the cop for not watching the line.

Answer B is scored as one point for cynicism, and the answers probably outline the choices prisoners have to this scenario: get angry, or let it go. Another question poses the following.

While standing in the chow line, someone you know is drunk and making racial slurs.

- A. I pull him up and tell him to check himself.
- B. I let him move further ahead of me in line.

Answer A is scored as a point for aggression. The risk assessment instrument asks how prisoners respond to some of the daily challenges posed by their incarceration.

It is raining and the police who runs the housing block door is taking his time to let you in.

- A. I lean back against the wall and enjoy the sound the rain makes as it hits the pavement.
- B. I quickly start to get angry because the police knows I am waiting to come in and this is his/her way of tormenting me.

In these and other questions, serenity is valued above all else. The inmate who lets nothing—not the taunting insults or slights of other prisoners nor the torments of the correctional officers—bother or rile him is better off and less “at risk.” “Only you can make yourself angry,” the Quest workbook insists.

Other scenarios posed by the risk assessment instrument emphasize compassion. One question asks one’s feeling on “prisoners who always have their hands out for coffee and canteen.” The “non-criminal” answer acknowledges “how tough times have become over the years,” while the “cynical” response portends that “the bums are too lazy to get a hustle, spend their money on dope, or gamble it away.” Another asks how a prisoner would respond if a family visit were interrupted.

While heading to your visit, something goes down on the yard and someone is wheeled off in a gurney.

- A. My only thoughts are that this incident is cutting into my visit.
- B. I hope the guy wheeled off the yard wasn’t hurt too seriously.

Though there is little that a prisoner could do in this situation to help the injured man, the prisoners who wrote the risk assessment instrument believe that feeling concern for him is an important aspect of overcoming criminality.

In the Quest risk assessment instrument, accepting and buying into the power structures of the prison is another important step in becoming “low-risk,” and therefore non-criminal. Prisoners are encouraged to accept the authority of prison officials to control their movements, enforce (or not enforce) the line of the canteen, and make maintaining family ties difficult. Yet it is not merely the legitimacy of prison authorities that the risk assessment instrument encourages, but also the legitimacy of broader political structures. One scenario poses,

An election year rolls around.

- A. I learn anew that politicians are not to be trusted.
- B. I am caught up in the excitement of pulling for my candidate.

Getting “caught up in the excitement” of the election is the non-criminal answer, but encouraging prisoners to embrace electoral politics seemed particularly odd given Florida’s nearly complete disenfranchisement of people with felony convictions. Not only are prisoners barred from voting while incarcerated, but they face a near impossibility of recovering voting rights even after their release from prison.⁴⁰ Prisoners are encouraged to embrace of electoral politics despite the zeal with which both major parties in Florida have pressed for legislation that expands mass incarceration (Florida’s drug laws are among the nation’s strictest and the state abolished parole in 1995) and deprives felons of civil and political rights (public housing as well as voting are off-limits for most released prisoners). Nonetheless, *practicing* or performing involvement in electoral politics is thought to be an adequate way of cultivating non-criminal habits.

⁴⁰ Over 1.5 million Floridians are unable to vote due to laws that permanently disenfranchise people convicted of a felony. People who have been disenfranchised may apply to the parole commission to have their civil rights restored, but the application and associated hearings are onerous. Recent budget cuts have eviscerated the ability of the parole commission to review applications to restore civil rights, further aggravating the backlog of cases pending (19,000 as of November 2012). Jeff Manza and Christopher Uggen, *Locked Out: Felony Disenfranchisement and American Democracy* (New York: Oxford University Press, 2006), 248.

Although state actions bear considerable responsibility for the plight of prisoners, prisoners and volunteers within Wakulla accept the legitimacy of the state and place complete responsibility for an individual's incarceration on him. In *Quest*, prisoners are asked "Are you happy with the circumstances you find yourself in?" The obvious answer ("No") is explained by way of a poem titled "**CHOICE**," written by "a father in prison."

Everyday I wake up in prison, I face the reality that I: Can't hug my sons; Play catch with them; Work on the car with them; Drop them off at the movies; Help them with their homework; Watch them play; ... Or kiss them goodnight (Things I used to do). **WHY NOT?** Because of the **CHOICE** that I made!

A prayer book distributed by Kairos Prison Ministry, which is used to guide semi-annual events run by Kairos at Wakulla, includes "A Prisoner's Prayer for his Family": "Society places just demands upon me as an offender. In the spirit of forgiveness, I submit to the punishments which I have brought upon myself. I offer myself to make restitution to the degree that I can." This prayer encourages prisoners to accept the legitimacy of the prison authorities, the political system that supports their incarceration, and the "just demands" of incarceration placed upon them by society. It also is remarkable in that it is written and distributed by Kairos Prison Ministry, an organization that explicitly encourages conversion to *born again* forms of Christianity, a Christianity marked by rupture and the creation of new selves. However, this prayer elides the rupture other Kairos materials promote to grant the status of "offender" a particular continuity. Regardless of whether a prisoner is a new Christian person who has perhaps buried the old criminal person, he remains "an offender" upon whom society's demands are just.

Guilt and Recidivism: Creating non-Criminal Christians

So far, I have established that faith- and character-based prisons are fundamentally about facilitating a hybrid transformation in which non-Christian criminals become non-criminal

Christians. I have discussed the ways in which Christian conversion, particularly to those forms of Christianity described as *born again*, depend on temporal ruptures that create a distinct past and a distinct present, as well as two distinct selves that inhabit these discreet temporalities. I have also discussed ways in which these ruptures are elided and erased within the context of Wakulla, and have attributed this elision and erasure to a parallel process of transformation that relies not on rupture, but instead on continuity. Volunteers and prisoners espoused Jamesian conceptions that non-criminal habits must be practiced and cultivated in order to complete a transformation from criminal to non-criminal.

By way of conclusion, then, I want to explore the ways in which Christian and criminal transformations are co-implicated and codependent. Forgiveness is a prerequisite for non-criminality, and doubt or feelings of guilt are equated with recidivating and reoffending. Crucial to this analysis, I will also argue that, in the unique social field of a faith-based prison, not only non-criminal habits, but Christian rupture, too, must be practiced and cultivated.

Jerome, whose story I discussed earlier, told me about the challenges of going to court to be resentenced after his sentence was invalidated due to a recent Supreme Court ruling.

It was tough being there, and you want to go in there and keep a straight face for the judge, but you can't. You realize [of the victim's family] that your crime changed their lives. But you can't beat yourself up. The thing I can do is stay out here and show them I've changed. God has showed them that I can't go everyday worrying about what they think about me. And a lot of inmates need to realize that it's time to forget it and move on. It's happened. It's not a good thing, but the way you make amends is to change, and to be the man you were created to be. That's how you make amends.... It's guilt, because that's when you mess up....

There are a number of important concepts embedded in this story. First, note that Jerome emphasizes how challenging it is to face the judge and the family of the person he shot (who later died of unrelated causes). Jerome knows that he has changed and knows that God has forgiven

him, but still struggles to hold onto that forgiveness in the face of scrutiny from others: “I can’t go everyday worrying about what they think about me.”

In Jerome’s telling, the stakes for worrying about what others think is extremely high. “It’s guilt, because that’s when you mess up.” “Mess up” in this context means to reoffend, to recidivate, to return to prison. When one feels guilty, when one doubts that one is a new person forgiven by God, that is when one stops being a new person and the “old,” non-Christian criminal self comes out of hibernation. If forgiveness is crucial to become non-criminal, feelings of guilt are an indicator not only of the reemergence of an unforgiven and buried self, but also of a reversion to criminality. Jerome’s comment makes it clear that the transformations from criminal to non-criminal and from non-Christian to Christian are, in fact, one and the same.

Jerome also told me and a volunteer that many prisoners struggle with guilt.

I think for prisoners, the hardest person that they have to forgive is themselves. Because we know what we’ve done. We don’t feel good about it.... In 18 years, I have not met a guy who said, ‘I’m glad I did what I did, and I’d do it again.’... I don’t know if you guys noticed, but listen the next time you go in. A lot of inmates are really hard on themselves. They’re still walking around with that guilt.

As his own story indicates, remaining convinced of one’s forgiveness was a challenge for prisoners, but was critical to overcoming criminality. As I mentioned earlier, during one of my first visits to Wakulla, I was stuck by the ways prisoners introduced themselves with long narratives that described their offenses, their past sins, and their experiences of redemption and forgiveness as they found God. After all the prisoners in the group had introduced themselves, one man asked me what I thought and what I had learned that would be valuable to my research. I said that the way they introduced themselves was really interesting to me, and remarked that I rarely met people who felt compelled to tell me the worse thing they ever did by way of introducing themselves. I also pointed out that I had not told them the worst thing I had done. Though most people in the group seemed to think that this was a strange thing to notice,

Richard, the man whose old self occasionally tried to awake from hibernation, told the group that he felt that he could talk about his offenses “because I’ve forgiven myself.”

The frequency with which prisoners testify to the fact that God has forgiven them and that they have forgiven themselves suggests that these stories of rupture are also being practiced and cultivated. As one volunteer said,

The prisoners I interact with... everyone wants to convince me ... which is really convincing themselves that they are not a monster.... But I wouldn't be there if I thought these people were monsters. I wouldn't want to hang around a bunch of monsters. But it's like they don't believe in themselves so they have to project this...

Although this volunteer was not sure what prisoners were projecting to her, to me, at least, they were attempting to project their forgiveness and rebirth as new people. Regardless of how convinced an individual is that God has forgiven him, as Jerome’s story indicates, it is very hard to remain convinced that one is forgiven, especially in the context of a prison in which even the most zealous *born again* volunteers refer to the “just demands” of society. In this context telling a story of rupture—and in fact *practicing* telling a story of rupture—is in some ways a key step in cultivating non-criminal-Christian status.

The *born again* Christianity practiced in Wakulla faith- and character-based prison was one infused and inflected with pop-psychological, therapeutic, and Jamesian conceptions of gradual change through the cultivation of non-criminal habits. The fusion of these paths for transformation created significant tensions between Christian notions of conversion as rupture or rebirth, and Jamesian or therapeutic ideals based on conceptions of continuity. As rehabilitative programs asked prisoners to change by practicing, performing, and cultivating non-criminal habits, they erased and elided the ruptures created by *born again* Christianity that allowed them to express themselves as “new people” and safely relegate their old, criminal self to the distant past. The ways in which the rehabilitative regime encouraged the cultivation of non-criminal habits

ensured that prisoners' old selves were always present, hibernating alongside them and occasionally needing to be put "back in the cage." Because it was based on cultivation as much as immediate transformation, the rehabilitative regime of Wakulla worked to sew back together the ruptures in time and in person created through *born again* conversions.

Chapter Seven

Conspiracy, Signs of God, and Religious Conversion in Prison

Prisoners live in an environment where conspiracies abound, secrecy reigns, and “manipulation and deceit are pervasive themes.”¹ Surviving in prison requires not only an awareness that secret plans may be afoot, but also an ability to suss them out. Prisoners get used to the idea that there is often more to events than what meets the eye. Many pride themselves on their abilities to not be “fooled”—to pick up on the subtle pieces of evidence that indicate a scheme or reveal hidden forces at work.

Where earlier parts of this dissertation focused on how politics and ideologies undergirded by religious ideas shaped the institutional structures of the prison, this chapter explores how factors endemic to institutional confinement create conditions that dovetail smoothly with some religious concepts. In particular, the practice of interrogating events and looking for signs of hidden forces resonates with the idea that God is intimately involved in human activities. I argue that prison is a hyper-semiotic environment—a social field where people are extraordinarily invested in interpreting things and events as meaningful signs—and that, as such, it creates conditions that predispose people to interpret events as signs of divine intervention in their lives. I demonstrate that prisons encourage an extreme attentiveness to signs and that this is caused by people in prison (administrators, staff, and prisoners) often operating with hidden agendas and concealed motives. Within this context, seemingly innocuous signs have the potential to betray

¹ Lorna Rhodes, *Total Confinement: Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press, 2004), 166.

conspiracies, shed hazy light on secret plans, and reveal the hidden forces animating events. At the same time, American prisons are characterized by a proliferation of religious discourses, many of which depict God as an omnipotent orchestrator of daily life. The institution of the prison fosters an attunement to signs, a search for intentionality, and an attribution of agency to hidden forces. Frequently throughout my fieldwork, God was the hidden force to which prisoners attributed agency. Prisoners at Wakulla were keenly aware that events in their lives might be part of plot, and many believed that sometimes it was God pulling the strings.

A small body of scholarship addresses the subject of “jailhouse conversions,” the relatively common phenomenon whereby people in prisons or jail adopt or change their religion, usually emphasizing the import of the institutional benefits that sometimes accompany conversion to Christianity.² Much of this research is problematic and some is undermined by overt hostility towards Islam and black nationalist religions. One recent study, for example, distinguished between “sincere” and “insincere” conversions, and compared converting to Islam to joining a gang.³ The stronger literature on this topic investigates the ways that institutional structures encourage religious conversion. A group of sociologists who investigated Christian conversions in Britain argued that the “mortification” processes make prison “one of the social contexts in which self-identity is most likely to be questioned.” They suggest that the “crisis of

² See for example John W. Popeo, “Combating Radical Islam in Prisons Within the Legal Dictates of the Free Exercise Clause,” *New England Journal on Criminal and Civil Confinement* 32, no. 135 (2006): 135-59; Mark S. Hamm, Terrorist Recruitment in American Correctional Institutions: An Exploratory Study of Non-Traditional Faith Groups Final Report, National Institute of Justice (December 2007), available at <https://www.ncjrs.gov/App/abstractdb/AbstractDBDetails.aspx?id=242801>.

³ Harry R. Dammer, “The Reasons for Religious Involvement in the Correctional Environment,” *Journal of Offender Rehabilitation* 35, no. 3-4 (2002): 35-58.

self-narrative” prisoners face encourages them to look to other narratives that can help them make sense of their lives, and that conversion narratives neatly fill this role.⁴

This chapter does two things. First, it advances the scholarship that connects religious experience in prison to the operations of power within total institutions. I argue that prisons are hypersemiotic social environments in which people expend an unusual amount of time and energy devoted to reading and interpreting events as signs of hidden forces at work. I show that this phenomenon is produced by the rampant and real conspiracies that affect life in prison; both prison administrators and prisoners themselves regularly conceal their intentions and their actions. I then show that hypersemiosis interacts with prevailing religious discourses that insist that God plays an intimate role in human activities.

It is worth emphasizing that the phenomenon I am driving towards in this chapter is the tendency of the prison’s social life to predispose or encourage people to see signs of God intervening in their lives. I am influenced by evolutionary theorists of religion, many of whom connect religiosity among humans to “hyperactive agency detection.” Their argument is that agency detection, or “‘who did that and why’...has been a critical task facing human being throughout their evolution” and that religion is first and foremost a system capable of attributing earthly events to divine agents.⁵ Though I am not engaged with examining the underlying

⁴ Shadd Maruna, Louise Wilson, and Kathryn Curran, “Why God is Often Found Behind Bars: Prison Conversions and the Crisis of Self-Narrative,” *Research in Human Development* 3, no. 2-3 (2006): 161-184.

⁵ Greg Dawes and James Maclaurin, *A New Science of Religion* (New York: Routledge, 2013), 142. See also Pascal Boyer, *Religion Explained: The Evolutionary Origins of Religious Thought* (New York: Basic Books, 2001); Scott Atran, *In Gods We Trust: The Evolutionary Landscape of Religion* (New York: Oxford University Press, 2002); Stewart Guthrie, *Faces in the Clouds: A New Theory of Religion* (New York: Oxford University Press, 1993); Justin L. Barrett, “Counterfactuality in Counterintuitive Religious Concepts,” *Behavioral and Brain Sciences* 27, no. 6 (2004): 731–32; Scott Atran and Ara Norenzaya, “Religion’s Evolutionary Landscape: Counterintuition, Commitment, Compassion, Communion,” *Behavioral and Brain Sciences* 27, no. 6 (2004): 713–770; Michiel van Elk, Bastiaan T. Rutjens, Joop van der Pligt, and Frenk van Harreveld, “Priming of Supernatural Agent Concepts And Agency Detection,” *Religion, Brain & Behavior* 6, no. 1 (2016): 4-33.

structures of the human mind, I find their linkages between agency and religion to be useful in examining particular aspects of social life at Wakulla and at other similarly situated institutions. I am also influenced by Tanya Lurhmann, who, in *When God Talks Back*, suggests that the most unexamined aspect of evangelical Christianity is not belief but rather the processes by which people come to see God as playing an active role in their lives. She argues that sensing God as an intimate presence in one's life is "more like learning *to do* something than *to think* something" and requires developing an alternative theory of mind.⁶ I draw on these ideas to show how concerns about conspiracy in prison encourage people to look for signs of hidden forces, and how this tendency intersects with religious discourses in prison.⁷

My second goal in this chapter is to depict the social life at Wakulla with ethnographic richness. I am especially interested in showing the ways that operations of power shape daily life, and do so using a narrative style in the anthropological tradition of thick description.⁸ I show some of the importance to prisoners of emotional and financial support from their families, and the implications for prisoners whose families are unable or unwilling to help. I also try to convey some of the textures of religious life at Wakulla. I show how community volunteers have engaged with prisoners and how one prison's chaplain conceived of the institution as being under siege and asked prisoners to monitor one another.

⁶ Tanya M. Lurhmann, *When God Talks Back: Understanding the American Evangelical Relationship with God* (New York: Knopf, 2012), xxi.

⁷ In other contexts, psychologists have called the phenomenon of people interpreting coincidences or innocuous events as strongly personally significant "ideas of reference" or "delusions of reference." Ideas of reference are often thought of as components or symptoms of mental illness. I resist this terminology because of its pathologizing tendencies. See Len Sperry, "Ideas of Reference," in Len Sperry, ed., *Mental Health and Mental Disorders: An Encyclopedia of Conditions, Treatments, and Well-Being*, Vol. 2. (Santa Barbara, CA: Greenwood, 2016), 575-576.

⁸ Clifford Geertz, *The Interpretation of Cultures* (New York: Basic Books, 1973).

I begin this chapter with an extended vignette about Allen, a non-religious prisoner who began seeing signs that God was intervening in his life. This vignette introduces some of the ways that materials and actions signify particular relationships to different types of power. The chapter then proceeds to show how concerns about manipulation and deceit preoccupied both prisoners and prison officials. Conspiracy, I argue, shaped the texture and experience of daily life at Wakulla. I then address what I call hypersemiosis through a discussion of prisoners' attempts to interpret the intention behind acts that, in another context, might seem innocuous. Finally, I conclude with a broader discussion of conspiracy, the search for intentionality, and why scrutinizing events to discern the role hidden forces may predispose people to seeing God as an active force in their lives.

“See How God Works?!”

I met Allen on a Tuesday evening. We were in a small self-help group called QUEST that prisoners at Wakulla were required to attend if they wanted avoid being transferred to another prison. A large, heavysset white man in his mid-forties, Alan had thinning curly hair and a beard that seemed to exceed the quarter-inch length allowed by prison policies. He seemed nervous at the group, alternately resting his elbows on his knees to stare at the floor or slouching far back in his plastic chair while crossing his arms. Constantly twitching a leg or craning backward to look at the clock, he rarely made eye contact with others and tried to avoid talking.

Allen had noticeably bad hygiene. His skin and hair were greasy, he had mild acne, and it seemed he had no access to deodorant. His prison uniform, too, was in bad condition. He wore prison-issued dark blue crocks—not the black boots or white sneakers that some inmates purchased—and his blue uniform was faded nearly to white and torn in several places. Around

the edges of his V-neck, it was easy to see that his white undershirts were, in places, barely threads.

Allen's appearance, attire, and smell—not to mention his fidgetiness—were immediate signs that he lacked social and financial support, either from his family or from other prisoners. The Florida Department of Corrections did not distribute the items required for basic hygiene (shampoo, soap, deodorant, toothbrushes, toothpaste, combs, etc.), but instead offered them for sale, at inflated prices, at the prison canteen.⁹ Even hand soap, unarguably a necessary provision if only for public health concerns, was treated as such a commodity.¹⁰ Women in the custody of the Department of Corrections were required to purchase their own sanitary pads or tampons. Given the need to buy basic necessities and a near total inability to make money in prison outside of illegal trade or gambling, the burden of keeping prisoners clean usually fell to their families. Many families sent \$50 to \$100 dollars a month—a sizable sum for most—to help keep their loved ones clean and better-fed.¹¹

It was clear that no one was sending Allen any money, but many prisoners who had no one to send them money appeared better than he did. In particular, many prisoners relied on friendships, favors, and other types of exchanges with other prisoners to procure toiletries and decent clothing. Clothing that fit well or that was of higher quality was particularly sought out,

⁹ The chaplain provided a precious few prisoners with provided basic sanitary items that had been donated by religious groups. Only a prisoner who at no point in the past six months had had \$20 in his inmate bank account was eligible to petition for a zip lock bag of toiletries each month. If the balance of a prisoner's inmate bank account exceeded \$20, he would be removed from the list of people given toiletries. Only after six more months of indigence would he be eligible to re-apply.

¹⁰ At one point, prisoners used the money they earned from their assigned jobs to buy these things, but, in 2015, prison labor went virtually uncompensated. In 2015 and 2016, most prison jobs at Wakulla paid nothing. A few jobs, such as working in the canteen, paid between low wages of up to \$0.32 per hour. See Wendy Sawyer, "How Much Do Incarcerated People Earn in Each State," Prison Policy Initiative, April 10, 2017, available at <https://www.prisonpolicy.org/blog/2017/04/10/wages/>.

¹¹ Prisoners' families were almost uniformly under significant financial strain. In addition to the fact that many prisoners' families were in poverty to begin with, they were now trying to make ends meet with one less wage-earner.



Figure 7.1 A Florida Prisoner in his Undershirt: A Florida prisoner whose prison-issued undershirt was in similar condition to Allen's. Florida Department of Corrections, available at <http://www.miamiherald.com/news/special-reports/florida-prisons/article162565763.html>.

and it invariably ended up on men who either could pay surprisingly significant sums of money for it or who were widely respected (or, sometimes, feared) by other prisoners. Thirty dollars allowed you to trade your baggy V-neck for a button-up prison shirt with a collar, and two- or three-times that could buy pants that fit more like normal jeans—with five pockets and even belt loops—instead of like baggy pajama pants with a drawstring. As I went through my fieldwork, I noticed that many of the people who were recognized as religious leaders at the prison were especially well-dressed, despite receiving little or no money from their families. When I asked one

such man, who was an informal counselor to many prisoners and had shepherded several to their conversion experiences, how he had acquired both a button-up shirt and well-fitting trousers, he smiled at me and said, “I have the favor of God in my life.” In his case, God’s favor was manifest through social relationships with prisoners who worked in the laundry. They worked to make sure that the esteem they held him in as their friend and spiritual mentor would be apparent to others, at least to the extent that it could be conveyed through his clothing.¹²

In general, the people who looked and smelled like Allen—who could not procure even a little soap from their neighbors in the dorm (who might share soap and deodorant out of self-interest)—were sex offenders, or “SOs” in the parlance of the institution. SOs were the bottom rung of the inmate hierarchy, and their inability to take care of their hygiene could be only the beginning of their vulnerability. One man I knew at Wakulla spent a few weeks at the prison hospital in Lake Butler, Florida, where he told me that he saw an inmate orderly who worked at the hospital there stab out the eye of a man who was dying of cancer, ostensibly because he was an SO. When staff investigated what had happened, they concluded that the man had ruptured his own eyeball with his overgrown fingernails, which they subsequently trimmed. According to my interlocutor, the tortured man died a few days later.¹³

Allen’s apparent status as an SO—unconfirmed, but suggested by the combined signs of his greasy hair, tattered undershirt, misfitting and faded uniform, socks with holes, prison-issued

¹² Prisoners could buy clothes with money, but were not guaranteed to get them back from the laundry without either social connections or intimidation. One volatile military veteran wore the best clothes, but was widely held in contempt by other prisoners. When a group was complaining about him, I asked how he got his clothes. “Bought ‘em,” was the derisive answer. The general consensus was that clothes obtained through social connections were more valuable than those acquired with money.

¹³ I have some anxiety about recounting these stories because I feel that they sensationalize the experience and vulnerability of people convicted of some sex crimes. Discourses about prisoners harming people convicted of sex crimes proliferated at Wakulla, but I have no indication of the extent of actual violence. Despite my concerns that these stories further exaggerate and sensationalize the vulnerability of people charged with sex offenses, I have decided to use them because they clearly illustrate how otherwise innocuous signs can signal particular institutional statuses.

crocs, body odor, and pimples—would be reason enough for his visible discomfort in a mandatory self-help group. This was especially so in the self-help group he found himself in that day, which was based on the premise that rehabilitation could be accomplished by better “knowing yourself,” a process thought to be accomplished by sharing openly about your life and past. In the first few sessions, Allen evaded the questions that inmate facilitators asked him and was defensive about pretty much everything. He answered most questions with just a few words, and then would lean back into his chair with a practiced air of toughness. When I asked if he would be willing to participate in my research, he asked me, “Are you trying to figure out what’s wrong with us?”¹⁴

Over time, though, Allen loosened up in the group. I credited, in large part, the skill of the inmate facilitators, two men (one white, one black) in their fifties and sixties who were consistently compassionate and patient. They believed that, given space and trust, all the participants of the group would come out of their shells and start to confide in one another. In Allen’s case and many others, they were right. Allen soon began talking. He told us about how he missed his children and his ex-wife, though he felt that he hardly knew them, this being his third time in prison.

Allen was one of the few prisoners at Wakulla who talked openly about not being religious. He wasn’t interested in religion, didn’t care about church, and had no interest in what he saw as a contrived and self-deceiving relationship with Jesus Christ. When I asked why he had requested to be transferred to Wakulla (a faith-based prison), he said, “Honestly, I heard they had air conditioning here.” (They didn’t.)

¹⁴ Prisoners regularly mistook me for a psychiatrist, a psychologist, or a social worker, these being the three academic disciplines with which they had interacted most as the objects of study.

Allen started telling jokes, smiling openly, and talking about enjoying “chicken night”; Thursday dinners were the only meal that contained something immediately identifiable as meat, meat being something he and most other prisoners missed dearly. “I never saw a pinto bean until I got to prison,” one man once told me forlornly, making clear he wouldn’t be missing them when he got out.¹⁵ To my surprise, Allen began to seem joyful, greeting his group-mates and me with high fives, smiles, and a general sense of comfort.

Some areas of conversation, however, caused Allen to return to his anxious twitching and lack of eye contact. While another member of the group talked about his own legal battle to be identified only as a sexual offender and not as a sexual predator, Allen looked at the floor or checked the clock anxiously.¹⁶ (This other man had been sexually victimized as a child, and, as an adult, received a 100-year sentence for possession of child pornography. The judge gave him the maximum sentence of fifteen years for each image, and ruled that they would run consecutively. He joked that his sentence was so long he had “Star Trek Time.”) One moment stood out as especially awkward. The group was discussing the series of events and decisions—“choices,” in the rhetoric of the rehabilitation program—that caused each of them to come to prison. Each individual told a story of how he ended up in prison. The stories were clearly part of a genre, not far removed from Christian redemption narratives.¹⁷ The men in the circle described long-term and long-running mistakes like cheating on a spouse, caring too much about

¹⁵ Pinto beans, textured vegetable protein, soy-based cheese, and sugar-filled peanut butter spread were the primary protein sources in the prison’s menu.

¹⁶ Florida law established a hierarchy of sorts of sex offenders, and “sexual predator” was the most restrictive registration level and was usually reserved only for people who committed violent sex offenses. Possession of child pornography generally did not require registration as a sexual predator, and this man was eventually successful in getting his designation as a sexual predator overturned.

¹⁷ For literature about redemption narratives, see Susan Harding, *The Book of Jerry Falwell: Fundamentalist Language and Politics* (Princeton: Princeton University Press, 2001). For the similarities between religious redemption narratives and recovery narratives, see E. Summerson Carr, *Scripting Addiction: The Politics of Therapeutic Talk and American Sobriety* (Princeton: Princeton University Press, 2010).

money, or using drugs. Their stories lasted ten minutes or more and emphasized hubris and their false sense of invulnerability. One man described driving home after drinking an entire bottle of vodka; his family had him hospitalized for alcohol poisoning, but the next day he “felt fine” and resumed his binge where he had left off. The event of being arrested or sentenced to prison appeared at the end of these stories. Arrest and incarceration narratively served the function of puncturing their earlier hubris, bringing them back down to earth and forcing them to realize that their lives had gone off the rails without them noticing. Most of the men in the circle didn’t talk about their offenses, instead placing emphasis on the “life choices” that preceded and precipitated them. Their stories invariably concluded with the image of them ruminating in a prison or jail cell, belatedly realizing the errors of their ways.¹⁸

Then Allen’s turn to talk came around. “Man,” he said, pausing, before beginning to talk a little quicker than usual. “I knew I was coming to prison when I got arrested. I got pulled over with ten pounds of weed.” This time, it was the other members of the group who were looking at their shoes. I gathered from their body language that they didn’t believe Allen, but neither did they want to confront him.¹⁹

Despite such awkward moments, Allen seemed more relaxed and comfortable in the group and continued to open up to the others. Towards the end of the six-month course, Allen began talking about his anxiety about where he would live and what he would do when he got out of prison. He was due to get out about a month after the QUEST course ended, and his

¹⁸ Maruna, Wilson, and Curran discuss the psychological significance of these narratives in and Maruna, Wilson, and Curran, “Why God is Often Found Behind Bars.”

¹⁹ In addition to failing to convince other members of the group that he was telling the truth, Allen also failed to replicate the narrative arch of these How-I-Came-To-Prison stories. Instead of presenting his downfall as a surprise and a wake-up call to change his life, he presented it as something he knew was coming.

classification officer had arranged for him to be released to the Salvation Army shelter in Tampa. He had lived in Tampa two decades prior, but it was not a place where he had friends or family.²⁰ The Department of Corrections' contract with the Salvation Army paid for only a single night of room and board, after which former prisoners were on their own, pushed out of the shelter to make room for the next day's releases. This meant that on his first full day out of prison, Allen, like many former prisoners, faced the prospect of wandering the streets with no place to stay, sleep, or eat. Allen's anxiety continued to grow, and one evening he was so stressed that the group talked of nothing else for close to an hour.

The man with the 100-year sentence (who had been in and out of prison before) tried to be comforting, telling Allen how to find free food and good bridges to sleep under. But it was a volunteer named Luke sitting with the group who spoke to Allen the longest. Luke was a handsome African-American man in his mid-50s with tightly cropped hair. He was always impeccably dressed: leather-soled shoes with matching belts, tailored pants, expensive-looking watches, bulging rings, and a gold cross that danced across his chest from a thick gold chain. A minister and extremely engaging speaker, Luke liked to tell people that he'd been to jail seventeen times (though he was never sentenced to prison). Prisoners, especially African-American prisoners, listened carefully to his advice—about the struggles of drug addiction, the need to control one's sex drive, how to be a better parent, and how to present oneself as an upstanding citizen.²¹ As a convicted felon who appeared to live a middle or upper-middle class life—he talked regularly about the size of his house—Luke was held in particular respect, someone who had been through it all and had made it out.

²⁰ I have changed these locations and other details of Allen's story in order to better preserve anonymity.

²¹ As is common in some American evangelical circles, prisoners and volunteers at Wakulla regularly cast male sexuality as an almost uncontrollable force.

Luke told Allen not to worry. He said that God had a plan for him and that he was going to be okay. Then, he explained to Luke that his stress was self-induced. “It’s how you receive the information that’s breaking your spirit,” Luke said, pointing out that his material conditions had not yet changed. “You’re creating the conclusion of the battle with the way you think.” He went on to tell Allen, “Your strength is being tested, your faith is being tested, and your [resolve] is being tested,” all of which is part of a process that is “making you stronger.”²² There were some ominous notes in Luke’s monologue: “The Devil knows you’re coming out,” he said at one point. But he tried to make it clear to Allen that with a little patience and trust in God, everything would work out fine. “You have to trust in what you believe. You pray that God’s will be done, not that your will be done.”

Allen didn’t seem terribly comforted. He said he just wanted a safe place to live, and was open to living in any city he could find a place, including Tallahassee. This caused Luke to conclude on a relatively lame note intended to be comforting: “I know people in Tallahassee.” The implication was that some of these people might be willing to help Allen find a place to live. Luke then changed the subject, bringing the conversation to the topic of the day’s lesson. I thought that he realized that “I know people in Tallahassee” was much less inspiring than “God has a plan for you” and it’s “making you stronger.”

²² I recorded quotations from within the prison with pen and paper on a mini legal pad. I did not have an audiorecording device. As a result, what was said may have been slightly different than what I recorded, but I made great efforts to transcribe what was said as accurately as possible. (Of course, I did not write down everything, just those things I hoped would be most relevant to my research.) In this case, I was unable to record the final thing that Luke believed was being tested. I wanted to preserve the rhythm and sentiment of his speech, so “resolve” is written here in brackets. In fact, it could have been a different word, such as “belief,” “constitution,” or, possibly, “soul.” In general, I found that the individual words in rhythmic speech were largely interchangeable from the perspective of the people who used them. When I would ask, after the fact, what a particular word in a rhythmic monologue had been, the speaker often couldn’t remember it exactly, but would provide me with a list of similar words.

After the group was over, I offered to help Allen find a place to live after being released. I soon found myself as part of a small team of volunteers hunting for a place Allen could stay. (As has long been the case in American prisons, Wakulla's religious volunteers often helped prisoners without family ties arrange places to live after their release.) It was through this process of working with him that I learned that he was—as his clothing and hygiene signaled—an SO, not a drug offender as he had told me and others. He also told me more about his case. At age 19 (almost 25 years before I met him), Allen had had a long-term relationship with a girl who, at the time they met, was 15, and they had sex. When the two broke up, the girl's mother brought statutory rape charges against Allen. Following the advice of his attorney, Allen pleaded no contest and was sentenced to three years probation. At the time he was sentenced, his offense did not require him to register as a sex offender, and Allen completed his probation without any problems. In 1997, the Florida Legislature passed a law that retroactively made statutory rape a registerable sex offense. Allen, who was still on probation, was required to register as a sex offender. For an array of reasons—shame, a sense that registering was unjust and undignified, and disorganization—Allen never registered. In the early 2000s after satisfactorily completing his probation, Allen was sentenced to prison for failing to register as a sex offender. He served a year and a day in prison. After he was released, he still did not register as a sex offender, and returned to prison again. The same process repeated itself when he got out a second time. I was helping him navigate his *third* release from prison for failing to register as a sex offender, for an offense that had initially warranted only probation—a sentence he had completed without any problems.

Florida places tight restrictions on where SOs can live, so Allen's options were limited. None of the publicly operated shelters or re-entry centers in Tallahassee or Tampa (the two cities Allen was looking to live) were currently accepting people on a sex offender registry. Private groups, too, largely excluded SOs from their shelters and re-entry centers; many operated

adjacent shelters for families with children (making them ineligible to house SOs) and most were downtown, too close to the schools, bus stops, and parks that were off-limits to people with Allen's legal restrictions.

Three volunteers and I found exactly one organization willing and able to take Allen in, a small non-profit owned and operated by a white, late-middle age Christian couple. They had cashed in their modest retirement savings to buy a property with several decaying buildings in an industrial area, which they turned into a re-entry center for SOs. They installed bunk beds (four beds to a small room) and window AC units, and they brought in a trailer to use for an office. They ran a tight ship: residents had to attend church every day of the week; they could not leave the compound for the first three weeks of their stay; there was an absolute prohibition on alcohol and drugs (other than tobacco, which residents seemed to use constantly); and group Bible study was a required daily activity. Any violation could result in expulsion—which could not only land you homeless and penniless in the street (the organization tightly controlled the finances of all residents), it could be a violation of the terms of supervision and result in re-incarceration.²³

On an afternoon a few weeks before he was to be released, a volunteer and I told Allen about the place we arranged for him to stay and gave him all the information he needed in order to confirm his spot. I was nervous for him, and told him about the intensity of the Christian regimen he would be required to follow, expecting that he, as an openly non-devout person,

²³ Expulsion from the program was not a violation of the terms of supervision in and of itself. Rather, the entailing factors associated with expulsion (namely, changing addresses and changing jobs without prior notice) could amount to technical violations of supervision and result in re-imprisonment. This was something residents at the center discussed and feared, but I encountered no cases where mere expulsion resulted in re-incarceration. The people who were re-incarcerated after being expelled from Tallahassee's private re-entry centers whose cases I learned about all had violated additional terms of their supervision. In a typical case, one man was incarcerated after administrators expelled him for being drunk, primarily because he refused to leave the property and threatened to harm the administrators.

would struggle with daily church and Bible study. He brushed it off (“As long as I got a place to stay.”) and seemed relieved.

Allen called me using his roommate’s phone the day he got out. I asked him how it felt. “It’s great to be free,” he said, before quickly adding, “Well, free-er.” He told me he wasn’t allowed to leave the re-entry center, except for his daily group trips to church and a weekly trip to Walmart. At the end of three weeks, he would be allowed to make some limited, pre-approved trips off the small compound and would be allowed to get a phone. We agreed that I would be in touch when his three-week “cooling off” period passed. Three weeks later, I called Allen (I got his number from the re-entry center administrators) and he seemed ecstatic to hear from me. “I just got a phone! I just got a phone!” he shouted. “I was thinking of texting you my number last night! See how God works!?”

Why was Allen, a self-professed non-religious person, apparently seeing God working in his life? It wasn’t because he had a conversion experience. When I met with him a couple days later, he didn’t call himself a Christian and he complained about the religious regimen of the halfway house: “They’re all, you know, real ‘gung ho’ for God.” But his exclamation about God’s role wasn’t a one-off. He made clear to me (without solicitation) that he saw God working in many aspects of his life. For instance, the first time he went to church on the outside, “I kinda had a déjà vu.... It’s like I’ve seen all these people before. The organist, the choir lady,” he listed. “It’s like I’ve seen them in my dreams or something.” This sense of déjà vu was comforting to him, a sign, he thought, that he must be on the right track. “I thank God every day for helping me continue on,” he told me sincerely.

Many, if not most, of the prisoners I interacted with saw God working in their lives. Almost all began seeing signs of God’s involvement in their lives while they were incarcerated. Part of this was surely the fact that people like Luke, the volunteer who told Allen to pray that

God's will be done, were persistently re-iterating the born-again tenet that God is closely and deeply involved in the lives of individuals. But I also felt that there was something about the institution of the prison itself that made people more invested in paying attention to many different types of signs—especially those that might indicate purpose, intention, motivation, or agency. In the next section, I show how concerns about manipulation and deceit encourage people to scrutinize everyday occurrences for signs of hidden forces at work.

Manipulation and Deceit

“Truth is manipulated.” That’s how Chaplain Lane, a thirty-year veteran of the Florida Department of Corrections and the Senior Chaplain at Wakulla, began his monthly sermon in December 2015. Chaplain Lane was a fit and compact man with a silver crew cut, a remnant of his Navy career. He tempered his military bearing with vibrantly colored dress shirts—today’s was bright purple—always accompanied with a tie. “The Devil deceives the whole world,” Chaplain Lane continued, urging his audience to be on guard. “As Christians we have to be prepared because we’re in a real spiritual battle.” The lesson of the sermon was the importance of discerning the real from the fake, and Chaplain Lane was emphatic about the stakes of doing so: “Even Satan disguises himself as an Angel of Light.” Though Chaplain Lane spoke at a level of abstraction, it was clear to everyone in attendance that he was talking quite directly about what he saw as dangerous changes at Wakulla CI, namely, that there were prisoners at the faith-based camp who were doing the Devil’s work.

Over the course of the year, concern had been growing that the religious and moral fervor of the faith-based prison was declining. Staff and prisoners cited a number of changes and events. Reports of drug use were up and participation in both voluntary and required programs was down. Two or three men confined in an unventilated and un-air conditioned dorm at the

height of summer attempted suicide, reportedly in order to be moved to a cooler location (medical and lockdown facilities were air conditioned). Guards began confiscating more weapons, finding one hidden in the rafters of the chapel. A serious fight had broken out—the first in over a year, I was told. And synthetic marijuana, or K2 (which was often mixed with other chemicals) had become commonplace.

I was able to track some of these changes, too. Lockdowns (which, for me, meant I was unable to enter the prison) became slightly more frequent, and a number of prisoners I knew were disciplined for being found with K2.²⁴ In a change from a few months prior, in late 2015 I began to notice prisoners in the chapel or education building who were visibly high about twice a week.²⁵ It was very hard to tell whether these changes were caused by prisoners or simply by a more anxious and security-minded prison administration.

The consensus among practically everyone at the facility, staff and inmates alike, was that Wakulla's reputation as "a place to do easy time" had gotten around and that hundreds of opportunistic prisoners from across the state had managed to transfer in. (Allen, you will remember, said that he decided to apply to transfer to Wakulla not for the faith-based program, but because he heard there was air conditioning.) Wakulla was certainly less violent than other

²⁴ In one case, a young man I knew was found "near" K2. Proximity was enough for the Disciplinary Committee to adjudicate him for possession, and he spent 60 days in solitary confinement before being shipped off to another facility.

²⁵ I believe this data point to be an indication that drug use had increased over the course of 2015, but it requires some context and qualification. Most importantly, my research did not focus on drug use within the prison and I did not investigate or look for drug use until it became a frequent topic of conversation and I noticed people I believed to be under the influence of drugs. It is possible that drug use was pervasive throughout my fieldwork and that I simply became more aware of it as my fieldwork progressed. (Many things, such as the significance of small differences in prison clothing, became apparent to me only after extended field research.) However, prisoners themselves talked about an increase in drug use, leading me to interpret these data as I have. I also believe that the obvious drug use I observed in late 2015 would not have escaped my attention too many times had I encountered it a few months earlier. (I believe this to be the case, in part, because, through previous work as an outreach working for a drug treatment facility in Miami, I learned many of the indications of different types of drug use.)

prisons in the state, making it attractive to people who wanted to live in a safer environment. Some prisoners derisively called it a “PC camp,” comparing it to Protective Custody, a form of solitary confinement that prisoners held in contempt because it was most commonly requested by prisoners who refused to fight.²⁶ Many prisoners told me that fighting was necessary in order to avoid being taken advantage of. “It doesn’t matter if you lose. You just have to fight,” one told me. The implication was that the demonstration of one’s willingness to fight, not the outcome of the fight itself, was important as a self-protective act. Within this logic, prisoners who requested PC were believed to be unwilling to stand up for themselves and, in doing so, were turning themselves into victims.²⁷

The concern that many prisoners were at Wakulla only to “do easy time” directly implied that many were insincere, that they were faking their religiosity. As these complaints intensified, I began asking prisoners how pervasive opportunism and insincerity were at Wakulla. Most prisoners told me that they believed only about twenty percent of the inmate population was sincerely religious. The rest, they told me, were still involved in the “games” of prison life. They were doing drugs, watching pornography, making “buck” (prison wine), and gambling. To the extent they attended programs, I was told, it was to comply with the minimum participation requirements to stay at the facility, to steal a few hours in the air conditioning (the education building and the chapel, unlike the dorms, were air conditioned), or to catch a glimpse of the young, attractive social work students who were doing their field placements in the classrooms.

²⁶ Protective Custody was a custody level that prisoners at any prison could request if they feared that they would be victims of violence. It was essentially solitary confinement, and many prisoners were contemptuous of people who requested it because, in their view, they were unwilling to fight to defend themselves. The act of requesting PC was also humiliating: prisoners were required to present themselves to guards, request PC, and be escorted out of the dorm in handcuffs and shackles.

²⁷ For more on the perceived necessity of fighting in prison, see Rhodes, *Total Confinement*, especially 170-78.

Another reason prisoners thought others participated in activities was simply that it got them out of the dorm, where loud noises, irritations, and boredom were defining characteristics of life.

Chaplain Lane had already made clear his concerns about insincere prisoners in earlier announcements, warning prisoners that they would be transferred to another facility if they failed to meet the participation requirements. He and the many prisoners who supported him called it “cleaning house.” Already, the inmate clerks who worked for him were auditing other prisoners’ program participation records; prisoners who were not involved in the required programs or who were not enrolling in sufficient program hours were being told that they would be sent away unless they brought their enrollments up quickly. There were also rumors that members of minority religions were being singled out first. In September, all of the people who practiced Native American religions were transferred away; a few weeks later, most of the Hebrew Israelites (a messianic black nationalist religious group) were packed up on different busses and sent to prisons around the state.²⁸ At the Wakulla Annex, prison officials believed the Spanish language Christian service to be so infiltrated by gang members that they shut it down indefinitely. When I asked an inmate chapel clerk (who administered most of the chapel programs) about the Native Americans, he half smiled and said, “They done got rid of the Native Americans.”²⁹

²⁸ The Hebrew Israelites told me that they were classified by the Department of Corrections as a gang. This seemed unlikely to me: prison administrators certainly would not provide a group they believed to be a gang an un-surveilled space in the chapel building for several hours a week. However, in late 2016 I attended a briefing by the director of the Strategic Threat Group (the arm of the Department of Corrections that investigates gang activity) where I learned that the DOC feared gang activity among Hebrew Israelites (and other religious groups). He seemed to indicate that the Department had taken steps to ensure that followers were not concentrated in any single location. (However, he said contradictory things about the monitoring of Hebrew Israelites, and, after questions, seemed to confuse them with other groups.)

²⁹ Christians at Wakulla were openly dismissive of the Native Americans, including some of the chaplaincy staff. Engaging in a long-running racist discourse that refused to recognize multiracial Native Americans, staff and Christian prisoners told me that none of the practitioners of Native American religions were

After making clear what the subject of his sermon would be, Chaplain Lane began reading a passage from Matthew 7, but stopped paused to ask his audience to pull out their Bibles so they could follow along. “Remember these?” he asked, a little aggressively, as he held is Bible up. When everyone had his Bible out, he continued. “Beware of false prophets, who come to you in sheep’s clothing, but inwardly they are ravenous wolves,” Lane read.

You will know them by their fruits. Do men gather grapes from thornbushes or figs from thistles? Even so, every good tree bears good fruit, but a bad tree bears bad fruit. A good tree cannot bear bad fruit, nor *can* a bad tree bear good fruit. Every tree that does not bear good fruit is cut down and thrown into the fire. Therefore by their fruits you will know them.³⁰

“Now you’ve got to figure out if you’re in sheep’s clothing, right?” Lane asked the prisoners while implying they might be wolves. “Is God’s word your breath today?”

Chaplain Lane’s message felt like part warning and part threat, not least because the bad trees might be “cut down and thrown into the fire.” Alluding to the widespread belief that prisoners sometimes used the chapel to have sex—the chapel was one of the few spaces without CCTV cameras—he said that he knew there were some “fruity guys” at Wakulla, and suggested that they were sitting at the back of the chapel, perhaps engaged in sex acts while he spoke. He chuckled wryly at his joke, but the audience was dead silent.

ethnically American Indian, but were all “white guys” who “just want[ed] to be different.” For historical analyses of the politics of Native Americans and race in the Southeast United States, see Karen I. Blu, *The Lumbee Problem the Making of an American Indian People* (New York: Cambridge University Press, 1980).

³⁰ Matthew 7:15-20.

While Chaplain Lane's sermon felt like a threat to some prisoners, it was also an effort to get prisoners to monitor one another. "We need to determine who is in sheep's clothing," he said. The goal should be to "surround yourself with believers we can trust."³¹

Chaplain Lane acknowledged that discerning the real from the fake would be difficult. He said that "the deceivers" were legion and that "they know more Bible than we do." But Matthew 7 provided him with a ready answer: "Recognize them by their fruit." He told prisoners to watch one another's behavior and do so for long periods of time. He said to be particularly wary of prisoners who changed their religious beliefs frequently and to be skeptical of people who violated prison rules. He asked prisoners to watch one another in the dorms and evaluate the extent to which their peers were "liv[ing] by the law." "He's saying the right words," Chaplain Lane said about a prospective wolf in sheep's clothing, "but I'm watching his lifestyle."³²

Though many of the prisoners seemed to appreciate Chaplain Lane's sermon (several talked to me about it the following week), they didn't need *him* to tell them to watch other prisoners closely and to look for signs that other prisoners might be trying to deceive or manipulate. Prison itself had already schooled them in this. Prisoners regularly told me that it was difficult to trust people in prison, and that even seemingly kind actions might be manipulative. One man told me about a game he and a friend used to play when someone was

³¹ Chaplain Lane's use of the pronoun "we" here is notable because it suggests a collective interest and collective evaluation. The idea of Christians as a small, besieged community was prevalent among many of the born-again Christians at Wakulla, particularly among those who spoke about "Spiritual Warfare."

³² A crucial component of Chaplain Lane's sermon was that the only way to be able to "spot the fakes" was to know what the real looked like. He made an analogy to counterfeit money. Fakes will come in countless varieties, he explained, making it impossible to learn them all; the best way to spot a counterfeit is to be intimately familiar with the real thing. For Chaplain Lane, this meant being intimately familiar with Jesus Christ and studying the Bible thoroughly and with dedication. "If you cut the Bible out of your life, you're guaranteed to become a casualty," he said. He concluded his sermon like this: "The determination about getting into heaven? Well, it's all politics. It's about who you know." With this, he reiterated that it was a personal relationship with Jesus that would be the decisive factor in the afterlife.

newly arrived in the dorm. One of them would start to pick a fight and demand some of the goods that the newcomer had purchased from the canteen. The other would intervene, pretend to befriend the newcomer, and say that, for a price (predictably, a share of some of the items purchased from the canteen), he would protect him. Either way, the duo would end up with some extra food, which they would split 50/50.³³

Prisoners were all too familiar with rackets like this, and many worked to protect themselves by watching other prisoners carefully and constantly. I watched as prisoners closely tracked who was entering and leaving a room and who was talking with whom. There was a signal to alert other that an officer was approaching the unmonitored space of chapel: a prisoner outside the chapel would walk through the door, take one lateral step the right, and, with his hands low and in front of him, would place right hand on his left wrist, as if covering a wristwatch. The habit—and, for many people, it quickly became a habit—of closely tracking the actions and behavior of others could be exhausting. When I met Allen after his release, he seemed fine in a quiet corner of a deserted Chili’s restaurant but paranoid when we sat at picnic tables in a bustling gas station parking lot. He constantly looked over his shoulder and scowled at any man he made eye contact with. (He looked at women in a different way.) When I pointed out that he seemed a bit nervous, he said, “I think I might have a social disorder from that situation,” referring to prison obliquely because a young couple was close to within earshot. “I don’t trust a lot of people.”³⁴ Watching people closely in an effort to divine their intentions was the principal

³³ The man who told me this story was white, and he told me his friend was black. They would assign aggressor/conciliator roles depending on the race of the newcomer. If the newcomer was black, the white conspirator would be aggressive and the black co-conspirator conciliatory; if the newcomer was white, roles were reversed. By exploiting common conceptions (and, often, facts) of racial animus in prison, this duo made their ploy more convincing.

³⁴ It is worth pointing out that Allen’s behavior closely resembled the symptoms of post-traumatic stress disorder.

way prisoners endeavored to manage their social relations—whether they did so for self-protective reasons or for self-enriching ones. It was a learned and self-protective practice arising out of the fact that few people could be trusted.

Hidden Conspiracies Abound

Prisoners live in an institution where their lives, routines, and social relations can be upended at any moment at the whim of prison officials. They can be re-assigned to a different job within the facility, moved to a different dorm or cell, or be placed in a small room with a potentially violent stranger. Officers are empowered to search their belongings, confiscate personal materials (including treasured pictures of loved ones), and place them in administrative confinement on the mere *suspicion* of violating prison rules. Perhaps most significantly, each prisoner knows that, at nearly any moment, he may be informed that he is being transferred to another prison. When this happens, he will have twenty minutes to pack his belongings. Anything that does not fit in a small box will be disposed. Then, prison staff will shackle him by his ankles and wrists and force him to board a white BlueBird bus with barricaded windows and doors. A different prison worker will chain him to a stranger. He will be driven in a circuit, mostly on old U.S. routes, visiting dozens of Florida prisons. When the bus arrives at each one, he will wonder whether this will be his final stop. Only when he is told to disembark will he find out which of Florida's 145 prison facilities he will be forced to call home—even though he will ever actually call it "home."

Despite the far-reaching consequences of decisions like these, prisoners can have little or no insight into the reasoning behind them. Prisons are almost completely unaccountable to their inmates. Rarely do prison officials explain their motivations, and there are virtually no mechanisms that prisoners can leverage to solicit the causes of or rationales for institutional

decisions. Most of the time, major changes in prisoners' lives take place without explanation. Moreover, prison bureaucracy is able to obscure the agent behind any particular action: a prisoner being searched has no way to know whether the search was initiated at the discretion of the officer in their dorm, ordered by a sergeant or the warden, was part of a "new" Department-wide policy to conduct more random searches (there seem to always be such "new" policies), or triggered another prisoner's allegation.

The *fact* that prisoners' lives are controlled by forces hidden to them leads people in prison to look for signs of these hidden forces in operation. Take the example of the mass transfer of Hebrew Israelites that I mentioned earlier. The first indication that something was awry occurred during one of their services. A prisoner stepped in the room briefly to tell the prisoner leading services, who went by the name Elijah, that officers were searching his belongings back in the dorm. Searches were not uncommon, but they usually occurred while prisoners were present and able to observe. The fact that Elijah's belongings were being searched without him being present was cause to be concerned; it would have been possible for anyone to plant an item of contraband in his bed or small locker. Elijah told the group not to worry, that he had been through disciplinary procedures before, and that, though he would probably be sent to solitary confinement and eventually transferred to another institution, he would be okay: Yahweh was looking out for him, he said. He then told the group that the Department of Corrections had classified them as a gang, and that they should all expect similar treatment. He dutifully finished the service, hugged many of the participants, and made his way out the door. I shook his hand and wished him luck, and never saw him again.

Over the next several weeks, most of the other Hebrew Israelites were transferred to other facilities, leaving only five out of an initial group of around thirty at Wakulla. Although the remaining Hebrew Israelites were convinced that their black nationalist group was being split up

because the Department of Corrections had classified it as a gang, most other prisoners dismissed this explanation. “Would the DOC give a gang space to meet?” one prisoner asked rhetorically to express how unlikely he believed this possibility to be. Most prisoners at Wakulla pointed to other causes to explain why the Hebrew Israelites were being transferred away: they weren’t accumulating enough participation hours; they were violating prison rules; some had graduated from the faith-based program and were moved out to create space for new people to begin. Indeed, hundreds of prisoners of all faiths had been transferred for these and other reasons, and it was not clear that the Hebrew Israelites were disproportionately transferred away.³⁵ Nonetheless, the Hebrew Israelites I spoke with in whispered conversations in the education building’s library, believed that they had been targeted because of their ideology of black nationalism and racial uplift. Conspicuously, the remaining Hebrew Israelites approached me when I was in the education building, not in the chapel. I took this as a sign that they felt targeted by the chaplaincy staff or the chapel clerks.

Crucially, prisoners at Wakulla had no reliable ways to evaluate the different explanations for the transfers of Hebrew Israelites. In fact, they possessed no mechanism to determine whether the treatment of Hebrew Israelites was disparate, let alone motivated by anti-black, anti-black nationalism, or anti-non-Christian sentiment. And neither they nor anyone they knew had the

³⁵ The fluidity of Wakulla’s population became starkly evident to me when I returned to the prison in September 2016 after an eight-month hiatus. In late 2015, I had known more than 100 prisoners by name and recognized about one third of all the prisoners on the main compound. When I introduced myself to prisoners in 2015, most prisoners recognized me and were familiar with what I was doing at Wakulla. They had heard about me from other prisoners or had seen copies of my “Study Information Sheet,” which described my purpose at the prison and of which I distributed hundreds of copies. When I returned to Wakulla eight months later, only about 30 of the people whose names I knew remained and, because of the turnover in the population, few prisoners recognized me and vice versa.

ability to determine whether the Department of Corrections had been monitoring Hebrew Israelites because it feared group members were involved in gang activity.³⁶

Prisoners were invested in tracking the subtleties of human interaction because small pieces of evidence could point to significant conspiracies.³⁷ For people who believed that the Hebrew Israelites were singled out, the fact that Elijah's possessions were singled out for a search—not as part of a dorm-wide search—was an important sign indicating he had been specifically targeted. Also significant to them was the fact that his belongings were searched while he was in another location, unable to observe. Prisoners were aware that there could be other causes: an allegation by another prisoner or the simple bad luck of being selected for a random search. They were also attuned to the possibility that Elijah's search and transfer may have been an isolated event, that it was entirely unrelated to the subsequent transfer of other Hebrew Israelites. However, the search of Elijah's belongings and his subsequent confinement and transfer were some of the few data points prisoners had made sense of. Prisoners weren't allowed to communicate with people in other prisons, and it would likely be months or even years before Elijah's version of events trickled back to the people who remained at Wakulla. In this context, several prisoners saw the unusual search of Elijah's belongings as evidence that hidden forces within the Department of Corrections were specifically targeting the Hebrew Israelites.

A year after these events, in late 2016, I attended a briefing by the Director of the Strategic Threat Group, the bureaucratic sub-group of the Department of Corrections that

³⁶ The Florida Department of Corrections had a directory called the Strategic Threat Group that monitored gang activity in prisons. The records of the Strategic Threat Group are exempt from Florida's public records laws, and only employees with special clearances can access the Strategic Threat Group's digital records or internal memos.

³⁷ It has been brought to my attention that the most common use of the term "conspiracy" in our present media climate refers to "conspiracy theories" and generally is used to indicate imaginary or concocted secretacies. I intend no such connotations. I use the "conspiracy" to refer to plots, schemes, or secret plans—many of which are very real.

monitored gang activity. He explained that he was concerned that gangs were using religious programs to recruit, organize, and communicate. He said that when the Department suspected that a religious gathering was being used for gang purposes, the practice was to disperse the members of the group to different prisons in the state. One chaplain asked whether the Hebrew Israelites were such a gang. Seemingly confused about which groups exactly were Hebrew Israelites, the Director of the Strategic Threat Group gave conflicting answers, though he did indicate, briefly, that the Department was “tracking” Hebrew Israelites.³⁸ I was never able to determine whether the Hebrew Israelites were specifically targeted, or whether their transfer away from Wakulla was a deliberate plan. If there was such a plan, Elijah was probably right in identifying the underlying motivation of the Department of Corrections’ as concern about gang activity. The experience of the Hebrew Israelites demonstrates that it was with good reason but little evidence that prisoners believed they might be targeted by hidden, conspiratorial forces.

Concealing One’s Own Agency (Or Lack Thereof)

If the bureaucratic operating procedures of prison shielded the agency of prison officials, prisoners used other means to obscure their ability to effect changes within the prison. To

³⁸ Despite the concern about gangs operating under the cover of religion, the Department of Corrections had little expertise regarding non-Christian religions. As he talked about how jihadis were infiltrating Florida prisons, the Director of the Strategic Threat Group showed pictures muscled brown men, pointing out their tattoos and claiming that they were gang identifiers written “in Farsi.” (I should note that the STG Director was by far the most knowledgeable and competent high-level administrator at the Florida Department of Corrections, even accounting for mistakes like this.) The situation of the Hebrew Israelites seemed to result from a similar conflation of difference. It seems that Black Hebrew Israelites, an offshoot the Southern Poverty Law Center identifies as a hate group, were considered a gang. The confusion about other groups of Hebrew Israelites stemmed from confusion about the qualifier “black,” particularly whether it applied to the name of the group or the race of the people involved in the group. (As one would expect of followers of a black nationalist religion, Hebrew Israelites are overwhelming black and, at Wakulla, they were all black.) “Racist Black Hebrew Israelites Becoming More Militant,” *Intelligence Report* (Fall 2008), available at <https://www.splcenter.org/fighting-hate/intelligence-report/2008/racist-black-hebrew-israelites-becoming-more-militant>.

illustrate how prisoners themselves play with representations of their agency, I will now tell two stories about Robert, an African American prisoner in his early fifties who, as a chapel clerk, was one of Chaplain Lane's primary assistants. (It was Robert who made the remark about getting rid of the Native Americans.) One episode relates to his disavowal of agency within the institution and the other describes an instance where he had no power but seemed to refuse to admit it. Robert's status as chapel clerk placed him closer than almost any other prisoner to the staff's bureaucratic decision-making structures. (Chaplain Lane was closely involved in all or nearly all of the decisions the prison administration made about security, education, chaplaincy programs, and other spheres of institutional life.) Each day, Robert was among the first prisoners to be released from the dorms. From a small desk behind a window, he monitored who was entering and leaving the chapel, and, on a clipboard, he recorded who attended each of the chapel's programs. Robert had a close relationship with Chaplain Lane stretching back more than a decade. Before Chaplain Lane began working at Wakulla (at the same time that it became a faith- and character-based prison), the two had worked together at a different prison in the state. In an event that pointed to the closeness of their relationship, when Chaplain Lane moved to Wakulla, he arranged for Robert to be transferred with him.

Through his relationship to Chaplain Lane, Robert had a unique ability to effect change within the prison. In one instance, a prisoner he knew wanted his institutional job to be re-assigned. Instead of working "Inside Grounds" (a catch-all job that mostly involved mowing the grass with a push reel mower), this man wanted to work as an inmate facilitator, essentially a teacher in one of the rehabilitation programs. He had submitted a request a job change months prior, but prison officials had taken no steps to reassign him. Aware of this background, Robert approached Chaplain Lane one morning and told him that he thought his acquaintance would

be a good facilitator for one of the chapel programs. With Robert's recommendation, Chaplain Lane began the process of assigning the man the job of inmate facilitator.

When the man learned that his job had been changed, he immediately approached Robert to thank him. Robert, however, disavowed any role in the change. His acquaintance seemed wise to the fact that Robert had been involved: "I know you had *something* to do with it," Robert told me he said. But Robert continued to insist that he had not helped in any way. I later asked Robert why he had told the man that he had done nothing to help him even though he had, and Robert insisted that he had told the truth. "It was all God," he said. "I was just the vessel." In his statements to me and to the man he helped become an inmate facilitator, Robert not only worked to obscure his ability to effect change in the institution; by casting God as an omnipotent and animating force of human action and by insisting he was "just a vessel," he called into question the idea of human agency itself.

If in this case Robert wanted to project that he lacked agency, in other instances he seemed to go out of his way to imply that he had the power to effect changes in the prison even when he didn't. On one warm Sunday afternoon in the fall of 2015, the air conditioning in one of chapel's small classrooms had been left off. The thermostat was located in Chaplain Lane's office, which no one other than Chaplain Lane and the Assistant Chaplain had the keys to. (Because the office had an internet connection, it garnered special security procedures and only a few prison staff had a key.) The classroom wasn't too hot at first (other areas of the chapel were air conditioned that day), but it was clear that it could get hot quickly when the room filled up.

It was an unlucky Sunday for Wakulla's Catholic prisoners and volunteers. They had a few more volunteers than usual, and several had brought musical instruments so participants could play music and sing during the service. The weekly Catholic service usually had around forty participants and took place in an adequately large, air conditioned room in the prison's

education building. As the group of volunteers made their way to the usual location, they were intercepted by staff who told them that musical instruments were only allowed in chapel and they could not use musical instruments in the education building.³⁹ After some negotiation, it was determined that they could use the small classroom in the chapel—the one that didn't have air conditioning that day.

The small classroom was crammed with people—I counted 43—and it quickly became hot. Prisoners, their blue uniforms growing wet with sweat, began leaving the room to get a drink of water and a short reprieve from the heat. Every time the door opened, I could feel and smell a wave of hot, humid air pouring into the hallway. One of the volunteers asked Robert if it was possible to turn on the air conditioning, and Robert politely and sympathetically explained that the thermostat was in Chaplain Lane's office and no one had a key. Robert asked an officer to check to see if a key might be found, but the search was fruitless. (My understanding was that only the highest-ranking officers had the ability to open the chaplain's office in his absence, and these were off-duty on this Sunday afternoon.)

About halfway into the two-hour service, an elderly white inmate who had walked over from the prison infirmary exited the classroom, sweat dripping from his face. Like many of the ailing prisoners in the infirmary, he was wearing a long cotton under layer beneath his prison V-neck. He approached Robert, explained that it was very hot in the classroom, and asked Robert to adjust the thermostat. Robert looked the man up and down and said, "No. We're not turning down the temp." The elderly inmate asked why, and Robert ignored him. About ninety seconds passed while the man kept looking at Robert and Robert kept pointedly ignoring him. When the

³⁹ This rule was apparently motivated by security concerns, not by any desire to preserve the education building for silent study. Guitar strings, apparently, could be repurposed as weapons.

man complained again, Robert said aggressively, “Yeah, I know it’s hot” and re-iterated that he would not be adjusting the thermostat.

Robert’s actions were simultaneously out of character and part of a larger pattern I had seen when prisoners in positions of relative authority were placed in situations where the constraints of their limited authority forced them to tell people “no.” Robert left the impression that he was leaving the Catholics in a steaming room on his *own* volition rather than admit that he had no ability to adjust the thermostat. The man was clearly aggrieved by Robert’s apparent disdain, and told me so when I followed up with him after the Catholic service ended. Later, I asked Robert why he had acted like he was refusing to change the temperature as if it were his choice instead of simply explaining (as he had to the volunteer) that he was powerless to do anything about the heat. Robert emphatically said to me, “*He knows that.*” He insisted that the elderly man knew that Robert had no power to adjust the temperature. Robert believed that the man’s persistence was an attempt to force Robert to acknowledge that he was powerless—an admission that he perceived to be a humiliation.⁴⁰

Where prison administrators took advantage of institutional decision-making to shield their intentions from scrutiny, prisoners relied on confrontations and denials. Power and agency at Wakulla were complicated subjects. Though Robert had exceptional discretionary powers relative to other prisoners that derived from his relationship with Chaplain Lane, his status as a prisoner made him vulnerable to the whims of prison authorities and to the intimidations of other prisoners. If he acknowledged his influence to the friend whom he helped get a more desirable institutional job, other prisoners might have pressured him to do similar favors on their behalf.

⁴⁰ A number of researchers have addressed concerns about respect and humiliation in prison. For the best work, see Rhodes, *Total Confinement*, esp. 52-56 and Gresham M. Sykes, *The Society of Captives: A Study of a Maximum Security Prison* (Princeton: Princeton University Press, 2007 [1958]).

By denying his role in the events, he could plausibly resist if another prisoner sought to compel him in the future. In this example and in the instance of when he pretended to refuse to turn on the air conditioning, Robert worked to misrepresent his agency. In one case, he denied he had the ability to effect change, even though he had; and in the other case, he intimated that he was acting on his own volition even when he was constrained by institutional forces.

Eighteen-Inch Barriers

I lingered in the chapel library one late morning with a group of prisoners who were discussing a fight that took place the evening before in one of the dorms. One man had attacked another because he had bumped into him one-too-many times, an action that the attacker perceived as intentional, aggressive, and disrespectful. To my surprise, the prisoners I was sitting with believed the attack to be justified. The man who had done the bumping was “asking for it,” they said. He had breached the “eighteen-inch barrier” too many times and never apologized. They reasoned that he simply got what was coming to him.

For all of its banality, bumping into people was something prisoners spent a good deal of time discussing, analyzing, working to avoid, and fighting about. I heard prisoners talk about bumping into one another probably once a week or more. It was significant enough a phenomenon that the main textbook used in the rehabilitation programs, which was developed by prisoners, lectured that interpreting being bumped into as a sign of disrespect was an indication of “cynicism, anger, and aggression.”⁴¹ The contention surrounding bodily collisions was rooted in the ability (and inability) of the action to convey intention. A tall, skinny white man in his sixties with a large tattoo on the back of his head succinctly broke it down for me: “If you

⁴¹ Tom Chapman, *Quest Personal Workbook* (2012), 10-13.

break my barrier, you're going to do one of three things. Number one, you're trying to hurt me. Number two, you're gonna kiss me. Or number three, you're trying to intimidate me. So I want to know what you're up to."

Prison dorms are crowded and noisy places, and minor collisions were unavoidable. At Wakulla, there were two types of dorms, each of which corresponded to different custody grades. Prisoners with a lower custody level lived in 72-bed dorms. Close to fifty bunk beds lined the walls, and the middle of the not-very-large room was filled with approximately 20 additional beds (not stacked in bunks) that formed narrow aisles. A dayroom with a single television a shower room with toilets rounded out the facilities. All these spaces (including the toilets) were visible from the slightly elevated officer station, where staff of all genders would watch the happenings of the dorm and its mirror-image twin, an identical dorm on the opposite side of the officer station. The officer station was walled in with glass, but it was not one-way glass, meaning that it was easy for prisoners to see how closely an officer was watching.

The higher-custody inmates were confined to 68-bed dorms that enabled considerably more privacy. Two-man cells were the norm there, and each cell was filled by two bunk beds, a metal toilet, and a small sink. Though the tight quarters entailed more privacy than they open bay dorms, the constant proximity to a toilet brought different types of unpleasantness. One prisoner complained me, "We live in a bathroom." These cells had low ceilings (approximately seven feet) and were stacked in two stories, with the middle open. The second story cells had a narrow galley with a railing, not unlike many motels, which prisoners often used to do body-weight exercises, even though these were prohibited. Friendly or permissive officers would tolerate exercising in the dorms (as well as other transgressions) and would even take advantage of the lack of one-way glass to signal to prisoners to cease a prohibited activity if a higher-ranking officer was approaching. Four tables with attached benches occupied the middle of the dorm. An

elevated officer's station sat at one end of the dorm and overlooked two other identical dorms—the station was at the middle of a large building shaped like a T. From the officer's station, it was impossible to see into the cells. Heavy mechanical steel doors would “roll” open and shut whenever staff pressed the appropriate buttons. Whenever it was dark or foggy, prison policies required that the men in these higher-custody dorms be confined, meaning that they were not permitted to attend or participate in any of the evening programs. Even morning programs could be disrupted when foggy weather blew in.

Given the number of people crammed into a small space and the number of narrow choke points inhibiting traffic as people move around the dorms, prisoners inevitably bumped into each other. These encounters could be dangerous and were almost always semiotically fraught. On first appearance, bumping into someone seemed to boil down to an issue of intention: if someone bumped you by accident, the offense could be easily forgiven; but if someone bumped you on purpose—if someone intentionally disrespected you—you would not only take offense but may feel compelled to fight, fighting being the primary way to ensure that others would respect you and to insulate yourself against being otherwise victimized.⁴²

The possible significations of a minor collision were myriad and mind-spinning. If someone bumped into you and, thinking it was an accident, you let the encounter pass, you might have conveyed that you were someone who could be taken advantage of. On the other hand, being bumped into could provide an opportunity for you to signal to everyone in the dorm that you were willing to fight and should not be trifled with. Even if you believed that the person who bumped into you did so incidentally, you might intentionally misinterpret the episode and appear willing to fight over it. This would convey to everyone who was watching not only that

⁴² For a discussion of how perceptions of intentionality affect everyday ethical concerns, see Webb Keane, *Ethical Life: Its Natural and Social Histories* (Princeton, N.J: Princeton University Press, 2015), esp. 84-87.

you were willing to fight, but also that, if they wanted to avoid trouble, they should afford you particular space and attention.

The actions of the person doing the bumping (although these roles could be difficult to disentangle) also sent signs, whether they were intended or not. Apologizing too quickly would reveal that you were afraid. It might also convey an unwillingness to fight and a sense of vulnerability. Fear, vulnerability, and a hesitance to fight were all qualities that would signal to other prisoners that you were probably easy to take advantage of. On the other hand, pretending that the collision had been intentional had the capacity to signal aggressiveness and willingness to fight, qualities that could be protective. And people *did* intentionally bump into others: it was perhaps the most common way to assess how easy it might be to victimize or take advantage of someone. After all, if things went awry, it was always possible to claim the bump had been an accident. Of course, two people invested in conveying to one another and to all onlookers that they were willing to fight could quickly become an out-of-control arms race.⁴³

One day, I observed a noon workshop session for the inmate facilitators, who, by this point, included Robert's friend. David, a white prisoner in his 40s who had more prison teaching experience than almost any other prisoner, led a workshop on "active listening." David emphasized that listening was a more important part of teaching than speaking: "God gave us two ears and one mouth so we ought to listen twice as much as we speak." David devoted the

⁴³ In general, the tensions around minor collisions dissipated when those involved had known and established reputations. Prisoners with fearsome reputations or prisoners with strong social relations could apologize for incidental contact and quickly accept the apologies of others as genuine. One man I grew close to was one such prisoner, having strong social bonds and having proved his willingness to fight on multiple occasions. He wore a long scar on his forehead, from an instance when he fought a prisoner who held a padlock in his fist. One morning, my friend seemed a bit shaken (he struggled with depression) and I asked if anything was bothering him. He explained that another prisoner had bumped into him and immediately launched into a fearful apology. "I felt bad for him," he said after re-enacting the man's frenetic plea. "Are you really that scared of me?"

majority of the workshop to discussing the importance of body language when listening. He told the facilitators that their unconscious body language—crossed harms, shaking heads, or slouched—could indicate a lack of “respect.” Failing to show respect, David said, could permanently destroy a teacher/student relationship. David warned the facilitators that one posture read as disrespectful could undo all of months of work and progress.

This engendered a series of questions about the power of body language to signify. The group broadly agreed that it was important that the facilitators be respectful, especially in cases where a prisoner-participant in a rehabilitation program said or did something that was offensive. One inmate facilitator asked if feigning deafness to offensive comments would be appropriate to a racist comment. The prisoner leading the discussion said that feigning deafness would be a sign of disrespect. Another prisoner asked about *actually* being deaf and unable to make out what had been said, or even to be unaware that something was said at all. The appropriate response, according to the leader of the day’s discussion, was to ask the person to repeat the statement; failing to respond or acknowledge an individual’s statement—even owing to deafness—would communicate disrespect.

The unanimous consensus of the group was that all body language was semiotically significant. It was impossible, in their view, to be semiotically silent, to communicate nothing. Signs emanated from bodies, irrespective of intentions. “A non-response isn’t really possible,” David said. “You’re going to communicate *something*.”

One prisoner took these sentiments to their logical conclusion. He brought up Michael J. Fox, the actor who has Parkinson’s disease. Referring to Fox’s constant involuntary movements, the man said that Fox’s “body’s giving off all kinds of different signals.” I initially thought this comment was a joke—really, it *should* have been a joke—but he intended it to be a serious comment. Moreover, the prisoners involved in the discussion not only received the comment

with seriousness (none laughed), they seemed to agree. Indeed, the majority of the group expressed agreement that Fox's Parkinson's-induced movements were semiotically and socially significant. (Only one, more educated prisoner seemed skeptical, looking at me with one raised eyebrow.) To be honest, I think that, if pressed to discern the meanings of Fox's movements, all or most of the prisoners involved in this discussion would soon admit to the impossibility of gleaning any significance from them. And, in daily life, prisoners ignored many events and signs. People sneeze and stomachs grumble and no one pays them any heed. Still, the fact that most of the prisoners in the group quickly agreed that Fox's involuntary movements were "giving off all kinds of signals" suggests the extent to which prisoners were not only hyper-attentive to signs, they were also inclined to interpret actions as signs of intentionality—even in circumstances where intentionality seemed beside the point.

Looking for Hidden Forces and Seeing God

I have argued in this chapter that prison is a hypersemiotic social environment because it is a place where conspiracy reigns. It is an institution that encourages its inmates (and staff) to look for significance and meaning in everyday and mundane interactions. This quality, I have shown, arises out of particular social realities and people's responses to them. Specifically, people in prison scrutinize others' actions in an attempt to divine their intentions in response to prevailing concerns about manipulation and deceit. Determining someone's intent is difficult because the prison's bureaucracy conceals its rationales and, in many cases, does not acknowledge its actions. It is also difficult because prisoners, too, cloak their abilities (and inabilities) to effect change in prison. Many of these phenomena arise from prisoners' efforts to protect themselves from blackmail, manipulation, or intimidation.

The factors that encourage hypersemiosis in prisons are not entirely unique to prisons. Many institutions or bureaucracies that rely on secrecy precipitate their own bubbles of extreme attentiveness to signs. Veteran observers of the Supreme Court, for instance, glean meaning from who is in the courtroom on a particular day (and who is not), which justices have already written opinions for the current term, and which of the Supreme Court clerks has been recently seen dating. (Clerks tasked with writing significant decisions are typically engrossed with work as the decision approaches, giving them little or no time for romance.) The secrecy of North Korea's government also encourages observers and analysts to be interpret seemingly small signs as significant. Analysts of the North Korean regime make inferences about the country's willingness to wage war based on the clothes worn by its leader, Kim Jong-un; they divine meaning from the people Kim is photographed with; and they even wonder about the significance of the fact that Kim's ears appear to be photoshopped in dozens of pictures.⁴⁴ Many workplaces, too, produce special attunement to signs. In workplaces in the midst of vague "restructuring" or other secretive changes, workers often extract significance from otherwise incidental and everyday happenings, like who visited the boss's office and what expressions they wore afterward.

The hypersemiosis of prisons differs from that of these other, secretive institutions in at least two critical ways. The first is that, in prison, hypersemiosis is inescapable. Where analysts of the U.S. Supreme Court or North Korea's government can leave the hypersemiosis of their workplace behind when they interact with non-work people (whether it is at home, on the softball

⁴⁴ See, for instance, Max Fisher and Jugal K. Patel, "What One Photo Tells Us about North Korea's Nuclear Program," *New York Times* (February 24, 2017), <https://www.nytimes.com/interactive/2017/02/24/world/asia/north-korea-propaganda-photo.html>. For speculation about manipulation of photographs of Kim's ears, see Sarah Emerson, "Why Does North Korea Keep Photoshopping Kim Jong-un's Ears?" *Motherboard* (June 21, 2017), https://motherboard.vice.com/en_us/article/ywzjj5/why-does-north-korea-keep-photoshopping-kim-jong-uns-ears.

field, or at a restaurant), prisoners live in a hypersemiotic environment around the clock. This has to do with the fact that, in prison, normal spheres of life are “desegregated.” Where civilian life⁴⁵ is characterized by doing different things, in different places, with different people—most people tend to “sleep, work, and play in different places, with different co-participants”—prisoners undertake all of life’s activities in the same places, surrounded by the same people.⁴⁶ The social and spatial distinctions that divide sleep, work, and recreation do not exist in prison; prisoners live all aspects of their lives in the same hypersemiotic social milieu.

Spending all of your time around the same people not only makes hypersemiosis inescapable, it also contributes to and furthers hypersemiosis. In particular, the relatively closed world the prison endows others with the ability to observe, reference, and compare your actions across multiple spheres of life. Erving Goffman called the ability of others to challenge your current behavior with past behavior from another context “looping” and classified it as an “assault on the self.”⁴⁷

Looping as a characteristic of institutional life was what Chaplain Lane was taking advantage of when, concerned about prisoners’ sincerity, he told prisoners to watch one another’s lifestyle. “Watching his lifestyle” meant monitoring another prisoner in the dorm,

⁴⁵ Writing about the social life of prison requires distinguishing it from social life outside of prison. Goffman calls life outside of total institutions “civil society,” a term that points to institutions’ exclusionary tendencies. In the vernacular, many people use the word “normal” or “outside” to describe life not-in-prison. I have decided to use the term “civilian” to describe the generic sociality that I must conjure to describe some aspects of prison. I use the term “civilian” because it was a vernacular term during my fieldwork that prisoners used to identify people who were not prisoners, officers, or prison staff, and therefore well-suited to describe the lives of people who do not live or work in prison. I also like the term “civilian” because it resonates with military language and seems a suitable counterpoint for the War on Drugs, the War on Crime, and what the militarization of American society, where police, schools, and politics writ large operate according to the logics of security and enforcement. Erving Goffman, *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates* (New York: Random House, 1961).

⁴⁶ Goffman, *Asylums*, 5-6 and 36-40.

⁴⁷ Goffman described looping as occurring when “an inmates conduct in one activity is thrown up to him by staff as a comment and check upon his conduct in another context.” Goffman, *Asylums*, 37.

dining hall, or showers and comparing his actions there with what he did and said in the chapel.⁴⁸ In addition to extending special attunement to signs to all spheres of life, looping is part of the reason why prisons are hypersemiotic to begin with. Its premise that valuable information can be gleaned from actions not immediately observable is part of the reason why people are especially attentive to signs. Hypersemiosis in prison, then, is distinct from other modes of hypersemiosis because it extends to and ties together all spheres of daily life.

The second way the hypersemiosis of prison differs from other examples of unusual attentiveness to signs is that many prisons and jails are institutions where religious discourses proliferate. At the same time that prisoners become habituated to the idea that hidden, possibly conspiring forces are controlling their lives, they are surrounded by people who tell them that God is active in their lives and that His actions leave traces. Chaplain Lane told the audience at his sermon that God had brought them to hear his message that afternoon. Luke's advice to Allen—that God had a plan for him and would take care of him—was typical of interactions at Wakulla. They attributed many events in their life to God's will, and taught one another to interpret them as such.

The notion that God is benevolently and remotely administering your life is an idea that can get stuck in one's head. In a story that is famous among anthropologists of Christianity, the anthropologist Susan Harding surprised herself when she noticed herself seeing God as active in her life. Harding spent much of the 1980s and 1990s studying Jerry Falwell and his followers, and recorded hundreds of interviews where they witnessed to her and talked about key moments

⁴⁸ Chaplain Lane's encouragement to "watch his lifestyle" is in some ways a classic example of looping in that examining an individual's actions in the dorms in relation to his conduct in the chapel is exactly the type of desegregation of spheres of life that prisoners experience and civilians take for granted. (Civilians at church do not expect to be observed by their co-congregants in their bedrooms or workplaces.) However, this example differs from those discussed by Goffman in that it demonstrates that looping is not limited to interactions between staff and inmates, but occurs in interactions between inmates themselves.

where they felt God's influence in their lives. Driving back to her hotel after one interview, she was nearly involved in a serious car accident. After slamming the brakes and pulling safely to the side of the road, she asked herself, "What is God trying to tell me?" Harding's story demonstrates that, after prolonged exposure to discourses that attribute events to God's will, it is remarkably easy to think that God is controlling events in one's life and that mundane or coincidental events might have meaning or purpose.⁴⁹

Everyday safety and security at Wakulla and other prisons required special attention to the fact that there were hidden forces at work. The constant threat of conspiracies habituated people to look for signs that might betray intentions of prison officials or those of other prisoners. Many prisoners attributed their ability to stay safe in prison to their capacities to divine the intentions of others and scuttle any plans to manipulate or deceive. And people in prison became accustomed to interpreting things and events as signs of intentionality. The hypersemosis that emerged from the prison's operations of power melted smoothly into ongoing religious discourses that cast God as an intimate and intervening force, making it more likely that people like Allen would interpret things and events as signs of God acting in their lives.

⁴⁹ It is important to note that the "God" whose actions were made apparent in these social contexts was a remote administrator. People like Allen tended to see God as a powerful and ultimately benevolent force, but not as an entity they had a close relationship with. It is telling that the hidden force behind daily events is "God"—not Jesus, the figure with whom evangelicals have close relationships. Luhrmann, *When God Talks Back*.

Epilogue

*It's been a long time coming
But I know a change is gonna come, oh yes it will.*
—Sam Cooke (1964)

Plus ça change, plus c'est la même chose.
—Jean-Baptiste Alphonse Karr (1849)

For the first time since World War II, felon incarceration in the United States is dropping. U.S. prison and jail populations peaked at 2.4 million in 2009, and today 300,000 fewer people are confined under the auspices of U.S. criminal justice systems. As was the case seventy years ago with the internment of Japanese and Japanese Americans, increases in incarceration by other arms of the state have at least partially offset these declines. In some cases, the increased confinement in immigration systems map on to the hollowing out in criminal justices with disconcerting precision. In June 2018, U.S. Immigration and Customs Enforcement (ICE) announced that its immigration detention facilities were so overcrowded that it planned to transfer 1,600 people from immigration detention centers to newly vacant beds in federal prisons.¹

An uncanny species of continuity defines histories of confinement in the United States. (Lorna Rhodes calls it a “haunting.”²) Despite changes in the modalities and rationales of

¹ Eli Rosenberg, “So Many Immigrants Are Being Arrested that ICE Is Going to Transfer 1,600 to Federal Prisons,” *Washington Post* (June 7, 2018).

² Lorna Rhodes, *Madness and Reason in the Maximum Security Prison* (Berkeley: University of California Press, 2004), 15, 103.

incarceration, the material infrastructures of confinement remain remarkably constant: When the federal government finally dismantled the Japanese internment camps on the West coast, federal officers packed the fences and barbed wire into trucks bound for the U.S.-Mexico border near Calexico, California.³ The metals that had confined Japanese Americans during and after war had a new life controlling a different boundary as part of the Southwest's first border walls. In the years after World War II, mental asylums held three times as many Americans as were confined in prisons.⁴ When the number of people confined in mental asylums plummeted in the 1960s, many of the facilities served new roles as halfway houses or "community-based" criminal justice facilities, confining prisoners, probationers, and others against their will. Today, people apprehended by ICE in workplace raids occupy the same cells that previously confined people swept up in the War on Drugs. When one institution is wounded, it tends to bleed into its neighbors.

Allow me an extended metaphor: The contractor that built the Wakulla Annex originally constructed a type of chain-link fence that easily broke into pieces. Prisoners sharpened these metal gauges and repurposed them as weapons. To contain the lethal possibilities present in the surfaces of the prison itself, administrators enclosed the chain-link fence inside large, smooth pieces of hard blue plastic. The manufacturer evidently didn't test the blue plastic for prolonged exposure to ultraviolet light. So, after a few years under the North Florida sun it began to crack, breaking off into long shards. From a certain perspective, these shards were better than the chain link in that they needed no sharpening to serve as shanks. Foiled again as the prison was awash

³ Kelly Lyte Hernandez, *Migra! A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010), 130.

⁴ National Institute of Mental Health, cited in Gregg M. Bloche and Francine Cournois, "Mental health Policy for the 1990s: Tinkering in the Interstices," *Journal of Health Politics, Policy and Law*, 15 (1990), 387-411; Bureau of Justice Statistics, U.S. Department of Justice, *Prisoners 1925-1981* (Washington, 1982), available at <https://www.bjs.gov/content/pub/pdf/p2581.pdf>.

with *bricoleur* bladesmiths, administrators decided to wrap the cracking blue plastic under a heavy layer of black mesh fabric. During my fieldwork, the mesh had begun to fray.

The prison's walls enact a violence that they cannot contain. Administrators recognized the violent potentialities of the prison's surfaces as they proliferated pointy pieces, but they failed to appreciate that the act of confining is inherently violent—be it in a prison, asylum, ghetto, or community treatment center. The people coerced into confining institutions will chip away at what they can.

The shape-shifting, proliferating capacities of prisons frustrate attempts to conceive of a coherent genealogy for them. It may be best to conceive of the history of prisons more in terms of networks of exchange than lineages of descent. Prisons have continually interacted with their adjacent institutions, in some cases borrowing methods and in other cases propelling them outwards. In Florida, prisons piggybacked on military installations (many Florida prisons have airstrips because they originally served as air bases), mental asylums, halfway houses, residential segregation, deindustrialization in urban areas, and agricultural labor systems that strongly resembled slavery. In turn, some of their punitive and surveilling mechanisms extended to welfare and child support systems, schools, policing, drug treatment initiatives, and other realms of state action, especially those relating to healthcare and labor.

In addition to emphasizing exchange over descent, I would argue that it is best to think of the history of prisons more in terms of cyclical repetition than linear trajectory. Today's enthusiasm for "community-based alternatives" to the prison eerily resembles the turn towards community treatment forty years ago that pulled the Salvation Army, Goodwill, and other religious organizations into close relationships with state correctional agencies. Like the reformers who closed fortress-like facilities such as the federal prison on Alcatraz Island and embraced the halfway house model, the most promising anti-prison campaigns today cite physical distance as

one of prisons' fundamental flaws. The #CloseRikers campaign seeks to shut down New York City's island jail facility and replace it with smaller "borough-based" facilities to be run by private groups, most of which would be not-for-profit. It is not difficult to imagine another generation of non-profit groups succumbing to the punitive pull of confinement.

The cyclical nature of prison reform deeply affected my fieldwork. On arriving in Tallahassee in 2014, I met with my colleague Deb Brodsky, who directs a criminal justice think tank based at Florida State University, to discuss a draft of a white paper she was writing that outlined a process to comprehensively reform the Florida Department of Corrections. Deb advocated a system of external oversight, a move towards community-based alternatives to prison, better and more specialized treatment programs within prisons, higher pay and professionalization for staff, and a more data-driven classification process. Deb's recommendations served as the basis for failed legislation for three legislative sessions spanning from 2015 to 2017, but in 2018 a version of the bill became law. As I dug into the archives, I found that Deb's reforms had been promoted in multiple iterations: in the 1940s, the Florida Parole Commission pressed for similar reforms, as did the Division of Corrections in 1957 and again in 1971. In 1967 when the conditions of Florida's county jails were dire, Louie Wainwright successfully lobbied to transfer felons with relatively short sentences from jails to state prisons, where he thought the rehabilitative programming was more effective.⁵ Today, sheriffs are lobbying to get short-term inmates out of state prisons and back into county jails for the same reasons.

The prison has remained a legitimate social institution in the United States—and become a defining feature of American life—because attempts to reform it have built on its foundations of

⁵ Heather Schoenfeld, *Building the Prison State: Race and the Politics of Mass Incarceration* (Chicago: University of Chicago Press, 2018), 50-51.

violence and coercion. Francis Bridges' "humane" approach to turn parolees into "useful citizens" rested on his willingness to "haul them back to the institution" at his discretion. Frank Constantino's rhetoric about rehabilitation and his insistence that "God can change a man" legitimated the punitive aspects of the prisons he operated. Religiously motivated reforms sought to smooth out the sharp edges of the prison, but they never altered its foundations. Like the mesh fabric over plastic and chain link, religious interventions in the criminal justice system have made the violence of imprisonment more palatable even as they fortified its structures. However sincere, rehabilitative interventions in prison have added little more than a veneer.

The title of this dissertation speaks to the ways that religious conceptions of rehabilitation and individual change have served to solidify the social legitimacy of prisons. By believing that the prison could be made to redeem its captives, religious reformers helped redeem the prison itself.

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