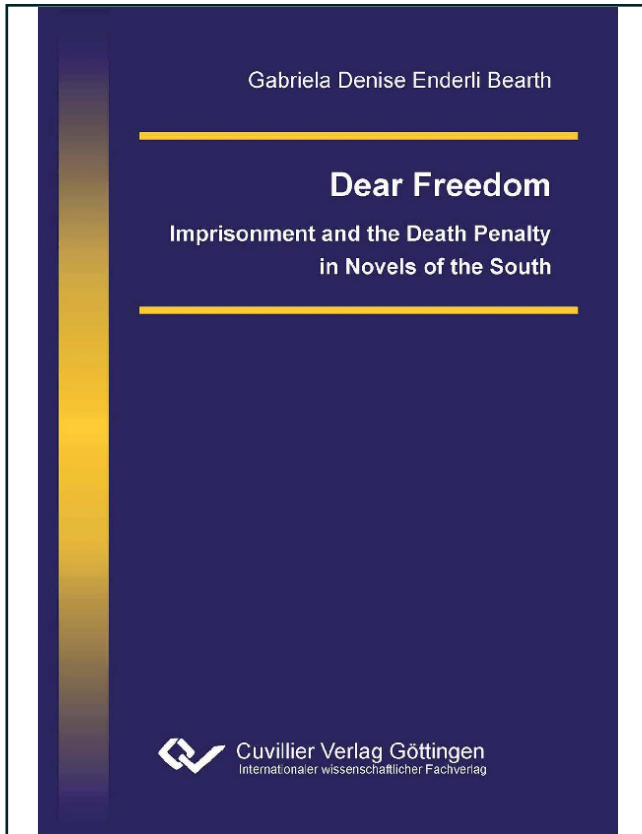




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Dear Freedom

Imprisonment and the Death Penalty in Novels of the South



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INTRODUCTION

Imprisonment and the Death Penalty in the Novels of the South, the title and context of this doctoral thesis, aims at a literary and cultural analysis of how the experience of confinement and the ensuing death penalty features in a selection of novels on prison and execution, mainly in the US-American South. The purpose is to analyze and show the effect the rigid use of power within prisons can and does have on death row inmates and their families, as represented in fiction. In this context my study is based on three questions: How do power and control over the incarcerated subject appear in the fictional novel? How far can an analogy be stated between reality and fiction in respect to incarceration and treatment of minorities, such as African Americans, juveniles, mentally retarded, and women? How has the representation of the villain changed within the 20th century, and does this change reflect a different perception of the criminal in society?

My research includes fifteen novels depicting the life of the protagonist sentenced to death and one serving a life sentence in the time between 1925 and 2005. Some of the protagonists are white or African American male convicts; some of them juvenile and/or mentally retarded. African American and white women are also represented as prisoners, but in a considerably lower number than their male counterparts. Reasons for this dissimilarity will be discussed in the chapter on women on death row. I have chosen a chronological approach in the selection of the texts in order to reflect cultural changes and continuity in the representation of the culprit and the execution of the law under the influence of power and control as mirrored in the chosen texts. All the protagonists are members of a lower social class.

I base my studies on Michel Foucault's *Discipline and Punish. The Birth of the Prison*, where he elaborates how the institution of the prison evolved in the eighteenth century as a result of the fight for human rights against the backdrop of Enlightenment. Starting out as a humanist reformation in favor of the incarcerated individual, the institution soon proved to be a powerful controlling instrument for the State. A large group of individuals could now be more effectively manipulated than ever before. According to Foucault this condition is consciously cultivated by governments and even transferred on society in general. Such traits can be detected in all the novels at stake, where the apprehension of the invisible power is omnipresent



and goes beyond the prison walls. This aspect also corresponds to my experience in contact with prisoners, their families and prison officials.

To this day little research has been conducted focusing on the representation of power and control related to imprisonment and execution in fiction. Peter Caster's *Prisons, Race, and Masculinity in Twentieth-Century U.S. literature and film* focuses on prisons, race, and masculinity in 20th century U.S. literature and film, as the title of his book indicates. David Guest's *Sentenced to Death* analyzes the novels *McTeague*, *An American Tragedy*, *Native Son*, *In Cold Blood* and *The Executioner's Song* in the light of 'the criminal justice system in America as a powerful shaper of history and society'. *Native Son* and *In Cold Blood* also appear in David Guest's *Sentenced to Death* in the light of literary determinism. While Guest bases his analysis on the broader social and political dimensions of the death penalty and their representations in the novel, Peter Caster approaches the subject of American prisons in the 20th century from the point of view of race and masculinity and their representations in books and films.¹ His emphasis lies on the representation of African American men and its influence on reader and spectator, claiming that the portrayal of prisons and prisoners have an impact on society's perception of prisoners: '20th-century representations of black men too often capitulate to the black super masculine menial, who becomes the criminal and thus the prisoner' (Caster xiii). In my analysis in which I draw upon Michel Foucault's *Discipline and Punish* I will open the angle taking family, friends and others into consideration who are directly involved with the prisoner. While comparing various features of power and control as depicted in fiction with official statistics, I am also including my personal experience with death row prisoners and their environment. I limited my selection to fifteen novels representing the era from the beginning of the 20th to the turn of the 21st century:

¹ Peter Caster, *Prisons, Race, and Masculinity in Twentieth Century U.S. Literature and Film*.



1. William Faulkner, *Sanctuary*, 1931
2. William Faulkner, *Requiem for a Nun*, 1951
3. Richard Wright, *Native Son*, 1940;
4. Harper Lee, *To Kill a Mocking Bird*, 1960;
5. Truman Capote, *In Cold Blood*, 1966;
6. Albert French, *Billy*, 1993;
7. Ernest J. Gaines, *A Lesson Before Dying*, 1993;
8. Sister Helen Prejean, *Dead Man Walking*, 1993;
9. Pete Earley, *Circumstantial Evidence*, 1995;
10. James S. Hirsch, *Hurricane, The Miraculous Journey of Rubin Carter*. 2000;
11. Mary-Ann Tyrone Smith, *Love Her Madly*, 2002;
12. Ernest Hill, *Cry Me A River*, 2003;
13. Amanda Eyre Ward, *Sleep Toward Heaven*, 2004;
14. Maureen Mc Coy, *Junebug*, 2004;
15. Richard North Patterson, *Conviction*, 2005. ²

² Lately another group of writers has emerged: prisoners writing on their experiences. In *PEN*, a literature program, founded in 1971, prisoners are encouraged to write, thus speaking on their behalf. *PEN*. 5 May 2011 <<http://www.pen.org/page.php/prmID/152>>.



My Personal Experience

My interest in the subject is corroborated by an extended personal exposure to and involvement with the topic. Having visited death row inmates in Texas and Florida since 1996 and living with one of their families during my visits, I have gained some personal insights into the topic. My experience described in this thesis are based on visits to Texas and Florida death rows, as well as everyday life in an African American family with one of their members on death row. When in Houston, I live in Fifth Ward, an underprivileged neighborhood, where merely African Americans and Mexican immigrants live. This is where Michael grew up and his mother still lives. Her son has been on death row in Texas since 1987, William, another death row inmate I visit in Florida, was sentenced to death in 1991. Beside two prisoners on death row, I also visit and exchange letters with James, a convict in 'general population'³ in Texas, who was sentenced to ninety-nine years at the age of eighteen years. He could not be punished with the death penalty being a minor (fifteen years of age) when he allegedly committed the crime. He is accused of killing a cashier at a gas station during a robbery and is now in his thirties. The three men are African Americans and derive from 'lower middle class', as they call it themselves.⁴

Before Michael was incarcerated, he used to work as a truck driver in Houston, Texas. His mother and sisters still have contact with him and casually visit him⁵. William, who was in his twenties when he was arrested, was a member of a city gang in Miami, Florida. Unlike in Michael's case, his father left the family when he was a child, and his mother lost contact with him when he was imprisoned. He has a son who casually pays him a visit together with his wife and daughter.

³ official term to distinguish non death row prisoners from death row.

⁴ 'Lower middle class' is a euphemism for 'working class'. The three men had not yet finished high school when they were incarcerated. According to the latest publication of the Bureau of Justice Statistics in 2003, 68% of State prison inmates did not have a high school diploma at the time of incarceration. About 26% of State prison inmates said they had completed the GED while serving time in a correctional facility.

⁵ Michael Norris's mother suffered a stroke in 2009. Her two daughters take it in turns to look after her in her house.



James was a fifteen-year-old youth, living with his mother, his half brother and grandmother in Chappellhill, a small town in the north of Houston, Texas, when he and his fatherly 30-year-old friend tried to rob a gas station. After shooting the cashier, the companion succeeded in talking the teenager into confessing the homicide in order to save him from a death sentence. James was given a sentence for ninety years instead of death due to the fact that he was minor at the time of the crime. The real killer served a sentence of eight years and was then released. James is entitled to request release on parole after the first fifteen years and from then on every two years. He has done so twice, but his pleas were declined both times based on the seriousness of his crime.

Beside lawyers, spiritual advisors⁶ and pen friends from overseas, only underprivileged African Americans, Hispanics⁷ and Whites are to be seen in the visiting rooms. After a while one recognizes the prisoners as well as their callers from previous visits. Not every inmate has family or pen friends. Some can neither read nor write which makes it almost impossible to approach anyone outside prison. Those who have neither family nor friends visiting, though, have the opportunity of seeing a spiritual advisor, the only person entitled to be in the visiting room for eight hours every day. With their visits they allow several prisoners to leave their cells for one or two hours once in a while. By the same time, there are also convicts who deny seeing spiritual advisors for various reasons. A prisoner with a religious background other than Christianity may not want to read the Gospel with a Christian representative. These inmates prefer spending time with their own books or fellow prisoners and are never seen in the visiting room. Thus, a visitor to death row only sees a fraction of the entire prison population. It is conspicuous that African Americans receive fewer visits from their families than Hispanics or Whites, the major reason being their financial situation. By the same token, like in Michael's case, many family members show little interest in their relative's fate or are resentful and sever all contact with the

⁶ No official definition exists for 'spiritual advisor'. However, it is used for people entitled to visit a prisoner in order to read and read the Bible together. Susan Sarandon played the role of a spiritual advisor in *Dead Man Walking*, a film based on the book written by Sister Helen Prejean. The spiritual advisor is required to have accomplished a seminar or course on Bible study.

⁷ 'Hispanic' is the official term in Texas for people deriving from South or Central America.



prisoner. Except for Michael's mother, who must rely on someone driving her to the prison, and her two daughters, other family members do not wish or are unable to visit at **all** or very rarely. It seems that family ties are considerably stronger in white and Hispanic families. Therefore, the official racial prison statistics cannot be compared with the picture the visitor obtains. It can safely be stated that most visitors to white or Hispanic inmates are family members, whereas this is the opposite for African Americans. The majority of their visitors comprises spiritual advisor, lawyer, representatives of human rights organizations and overseas pen friends.

The visible racial segregation in Texas' everyday life is reflected inside its prisons. Ethnic groups take care of their members and protect them against others, as long as they comply with the group's rules. Although not officially declared, a strict code of honor exists for each group, requiring the members to stay within their own ethnical faction: Whites, African Americans or Hispanics.

After visiting Michael for four years, I seized the opportunity to study at the University of Houston for one semester, taking classes in the fields of computing science and multilinguistic aspects in the ESL classroom. During my studies I lived with Michael's mother and was allowed to participate in the family's life. 'Mom' or 'Sister Mary', as her children and congregation members call her, goes to church every Sunday. Religion plays a major role in her life, like in the entire community. She is a member of Reverend Stagger's Southern Baptist Church in Fifth Ward, an underprivileged area in Houston, where Michael used to drive the bus on Sundays and holidays before his incarceration. Sunday school⁸ starts at seven o'clock in the morning. The teacher reads passages from the Gospel asking the congregation to repeat or finish sentences in a call-response technique. After Sunday school, the reverend enters the room to pray with the congregation. The official service starts between 8.30 and 9.00 during which people go forward to confess their sins. They declare that they found Jesus and religion after being a sinner for a long time. Many men in the congregation acquired their faith while serving a prison sentence and

⁸ Sunday school classes in African American churches are reminiscent of the first churches on plantations during slavery, where not only religion was preached, but reading was taught, as well; cf. Janet Duitsman, *Slave Missions and the Black Church in the Antebellum South*. (Columbia: University of South Carolina Press, 1999).



speak about it in their churches after their release. Others start their own church after leaving prison and become preachers. The sermons are topical: unemployment, alcoholism, drug abuse, death row, to mention just a few. Although everybody knows that nobody is on Texas' death row for anything other than murder, the term 'murder' is never enunciated. They pray for their 'brothers and sisters on death row'. The people in Fifth Ward do not talk about their brothers, sisters, sons and daughters or mothers and fathers on death row. Nobody officially knows that 'Sister Mary' has a son there. However, they pray for him every Sunday, as for all the others sharing his fate. Michael's brother Calvin started to preach and pray for others over the phone after his release from prison, where he had served eight years. It is notable that a considerable number of prisoners on Texas' death row derives from Third or Fifth Ward in Houston, both areas being known for notorious crime and poverty. After their prayers people donate money coming forth and putting their envelopes with their names and address on a plate. Breakfast is offered by volunteers in the adjoining room, where families can sit together and have a chat while drinking coffee. The afternoon is spent with various activities for children, as the adults exchange the latest news in the community.

Next to the praying hall another room holds a bed for the person experiencing the spirit during the service. This phenomenon is manifested by a man or woman running in circles or quadrangles until s/he drops with exhaustion. When I first witnessed such a scene, I was told that there were several patterns of the dance depending on the spirit the individual receives and the message s/he obtains.

As I am writing, Michael's and William's appeals are exhausted. They have not received an execution date yet. When they do, they will be notified by their court appointed attorney precisely three months ahead. Michael received his death sentence on June 25, 1987 in Texas for the shooting deaths of his girlfriend and her two-year-old son. William was convicted for shooting a thirteen-year-old female in a gang riot on August 30, 1991 in Florida. Whereas Michael never denied the crime, William claims that another man fired the fatal shot. Anthony Graves, another African American who was accused of brutally killing an entire family, spent eighteen years on Texas death row until his lawyers could prove his innocence in 2010.



My Research

After visiting death row prisoners in Texas and Florida for a number of years, I became interested in the way fiction would reflect this phenomenon in Southern States. I started to scrutinize various novels throughout the 20th century focusing on protagonists incarcerated under a death sentence. When I first looked at novels covering the death penalty, I planned to concentrate on Texas, having lived there and being familiar with its legal system and procedures. However, I soon discovered that most of the texts written on death row and the death penalty in Texas are legal or journalistic writings. So, I opened up the angle going east towards Louisiana and Mississippi detecting similarities across the state borders. The setting could be in any Southern state. The range of the selected texts covers fictional and documentary novels about men, women, juveniles and mentally retarded African Americans as well as white Americans on death row or with a life sentence mainly in the South, where traditionally most death sentences are rendered. Although *In Cold Blood* is not set in the South, the author, Truman Capote, was born and raised in New Orleans and thus has a Southern background.

In search of novels portraying both, African Americans and Whites on death row, I soon discovered that the major part of novels focus on African American males throughout the 20th century. This situation seems to coincide with real life incidents and leads to the assumption that racial profiling is still common today when murder or rape is involved. One famous example of recent racial profiling is the case of the *Central Park Jogger*⁹, a Caucasian female who was raped and nearly killed. Soon after the crime five youths of African American and Hispanic ethnicity were convicted by the jury and consequently served up to thirteen years in prison before the actual offender came forward and confessed to the crime. Another prominent case is the one of Clarence Brandley, an African American from Texas who was convicted in 1981 for the murder of a sixteen-year old Caucasian female and spent nine years on death row before he was freed in 1990. An all-white jury found him guilty at the time, although no evidence linked him to the crime. One of the jurors who asked for more

⁹ Trisha Meili, by the media referred to a 'Central Park Jogger, was raped by a group of youths in Central Park, New York, in 1989.



time and evidence to judge the case was threatened and called 'nigger lover' by anonymous phone callers. Although it could be proven that Brandley was innocent and another man was found to be guilty, he had to wait for several years until he was released. It came to light that evidence had been destroyed by police and investigators at the time of the crime. Furthermore, a witness had been coerced to testify in the case against his better judgment. A similar method was applied in Anthony Graves' case. He spent eighteen years on death row in Texas in spite of being innocent. In his case, too, there was no evidence tying him to the crime. Here, too, evidence had been withheld and false testimony elicited. In October 2010 he was finally released.¹⁰

With this selection of novels my aim is to show how major issues in the discussion about capital punishment in the United States, particularly in the South, are reflected in fiction, namely the controversy about race, gender, juveniles and mentally retarded inmates. Similarities to issues discussed in the orbit of capital punishment can be detected. So, we observe that, comparable to the situation of capital punishment defendants, the protagonist in the selected novels at the beginning of the 20th century is a male African American. Later in the century also mentally retarded, juvenile and female culprits are taken into consideration. However, the African American male is still predominant in the novels, as well as in official death row statistics.

Although not included in the analysis, Theodore Dreiser's epos *An American Tragedy* shall be briefly summarized, as it bears similar motives as *Native Son*. The novel, published in 1925, relates the story of Clyde Griffiths, a young white man who was raised by religious parents. After being compelled to help them in their street missionary work as a child and adolescent, he aims to achieve more in his life. His uncle in New York owns a factory and helps him to a higher position. When Roberta Alden, a poor girl with whom he soon starts a relationship, tells him that she is pregnant, he tries to convince her of an abortion. She, however, expects him who coerced her into having sexual intercourse with him, to marry her. Clyde has other plans, though, dreaming of Sondra Finchley, the daughter of a wealthy family. As Roberta opposes an abortion, he takes her out on a canoe to tell her that their rela-

¹⁰ At the time of writing Anthony Graves is fighting for recompensation.



tionship has come to an end. During a fight on the boat Roberta falls into the water and drowns. After a sensational trial Clyde is sentenced to death and executed. Dreiser wrote the novel basing it on the case of Chester Gillette who was executed in New York in 1908 for drowning Grace 'Billie' Brown pregnant with his child. Chester, like Clyde Griffiths in the novel, came from a poor family and looked for a way to gain access to high society. The novel, written in the tradition of naturalism, focuses on the evil side of man, but at the same time also environmental determinism, where the protagonist is confronted with the flipside of the American Dream. Even though the selection of the novels is limited to the American South, and the setting of this novel being the Mid-West, it is vital to refer to it, as it bears a number of similarities in motives and themes, the major one being the American Dream.

Changes in Political and Social Views throughout the Century

The novels at stake represent different periods throughout the 20th century in which multiple works are written on the topic of prison life and capital punishment, whereas in other years only few books are published. One of the reasons may be found in the changing political and social views on the death penalty during the century. Whereas it was often applied during 1920s and 1930s, a ten-year-voluntary moratorium halted executions between 1967 and 1977. A peak in the number of executions in Texas was reached again in 1999. From 1999 to 2010 a steady decrease of executions nationwide can be observed.¹¹

With Karla Faye Tucker's execution in Texas in 1998, the interest on women on death row and executions was awakened in women's literature. Notwithstanding, the number of novels featuring a female offender on death row is rather low.

Power and Control

Power and control appear in diverse ways on death row and is expressed in numerous forms which I will uncover in different social fields in and around death row. Against the backdrop of Michel Foucault, I will consult V. Streib's statistics and publi-

¹¹ Death Penalty Information Center. 21 December 2010. 3 May 2011. <<http://www.deathpenaltyinfo.org/documents/2010YearEnd-Final.pdf>>.



cations on death penalty and death row, as well as incorporate my personal experience gained through letters and visits with death row prisoners in Florida and Texas.

Each of the selected texts relates the story of a person who spends a number of years on death row; some focus on the protagonist's life before incarceration as well as life in prison, some on life on death row only. Both, guilty and innocent convicts are represented. Regardless what kind of lives they were leading before the crime, after their conviction it turns into one and the same daily routine on death row. It is structured and held in check by diverse agents beyond the prisoners' control. One feature, barely visible in the concerned novels, is the fact that prisoners develop their own method of control not only amongst each other, but also in relation to prison officials, family and pen friends. This intriguing point which can be experienced and witnessed when in contact with inmates would be worthwhile pursuing more closely in the context of prison writing, e.g. poems and novels or letters written by prisoners. However, it would go beyond the scope of this thesis.

Some of the selected novels are based on real crimes (*In Cold Blood*, *Hurricane*, *Dead Man Walking*), some are fictional, but can also be traced back to actual occurrences, where action and actors have been distanced from the real event, like in *To Kill A Mocking Bird*. A third variation is the novel with the issue of the death penalty in general at a certain time with no connection to a specific case. *A Lesson Before Dying* may be mentioned here.¹²

History of Capital Punishment

As the focus in this study is on life on death row as reflected in the chosen texts, it is essential to call to mind the history of capital punishment and the correctional system in the United States of America. There was a time when Europeans went across the Atlantic to study modern ways of punishment and prison organization at the time. Alexis de Tocqueville wrote a half century after the foundation of the United States: 'In no country is criminal justice administered with more mildness than in the

¹² Some of the selected novels were turned into films (*Native Son*, *To Kill A Mockingbird*, *In Cold Blood*, *A Lesson Before Dying*, *Hurricane*, *Sleep Toward Heaven*, *Dead Man Walking*).



United States.¹³ The penal system in Europe was far from being humane in those days and went, like in America, through considerable changes in the 19th century after the Age of Enlightenment. In the US this shift, however, occurred mainly in the North; the South always maintained its traditions of honor¹⁴ and 'eye for an eye' attitude.

Not only the institution of the death penalty, but also its acceptance and support experienced some fundamental changes during the 20th century. In the course of history, arguments for and methods of execution altered, and so did theories concerning crime and the characteristics of criminals. While it was commonly accepted in colonial times that the defendant committed a crime as a self-determined individual, the enlightened society of the 18th century began to see the cause for a criminal's wrongdoing in her/his environment, (Banner 103) hence shifting responsibility from the individual to family background and society. In the 19th century, another theory added to the view of the criminal lacking a free will: the plausibility of a mental disorder, an approach taken up again in the 20th century. Such theories contributed to construct a different picture of the delinquent with a number of ways to explain the crime. Responsibility could now be ascribed either to the delinquent, the environment and society or the defendant's physical or mental health. These different arguments for or against the culpability of a defendant were developed in the 20th century and can also be traced in the analyzed novels.

In the 21st century we yet see another discourse taking neuroscientific research into consideration: In 2002 the Supreme Court ruled against a death penalty verdict for mentally retarded individuals based on the argument that they do not have the same access to moral behavior as others.¹⁵

¹³ Alexis De Tocqueville, *Democracy in America*, Book I, chapter 3.

¹⁴ In *Born Fighting* Jim Webb traces how the spirit of the Scots-Irish who brought their tradition of honor and violence with them, is still present in the South and Midwest of the United States.

¹⁵ 'ATKINS V. VIRGINIA (00-8452) 536 U.S. 304 (2002)'. Cornell University Law School. Legal Information Institute. 5 May 2011 <<http://www.law.cornell.edu/supct/html/00-8452.ZS.html>>.



The issue of brain development gained importance also in juvenile courts. In 2004, the American Bar Association published an article showing that new research in adolescent brains confirms ‘that the teen years are a significant time of transition’¹⁶ and can therefore not be judged and sentenced as adults.

A closer look at the phenomenon of the death penalty in the United States leads us to a distinction between development and implementation of the death penalty in the North versus the South. Whereas the South maintained the English laws including the death penalty, the North removed this type of punishment by the middle of the 19th century. The first American abolitionists appear in the North and are intellectuals influenced by Beccaria’s publication.¹⁷ They therefore have a longer history in the fight against the death penalty than those in the South. Similar to the controversy about the abolition of slavery or the promotion of civil rights, a cleavage between North and South is discernible. It must not be forgotten that political views regarding slavery differed significantly in the South from those in the North from the birth of the colonies throughout the Civil War (1860-1865) and later. Unlike the industrialized North, Southern economy entirely relied on plantations with the export of cotton and other colonial products. Slaves being considered objects lacked fundamental personal and civil rights. Even with the first free African Americans, the ‘Black Code’¹⁸ existed, a law exclusively implemented for African Americans. When reforms changed the laws in states such as Virginia and Kentucky, these were explicitly intended for free people. Both states having large slave populations in prisonlike environments, ‘the problem of managing large numbers of captives – in Virginia, nearly half the population – prevented any further reform’ (Banner 99). Jim Crow Laws¹⁹

¹⁶ Adam Ortiz. ‘Adolescence, Brain Development and Legal Culpability.’ *Juvenile Justice Center* January 2004. 1 May 2011 <<http://www.abanet.org/crimjust/juvjus/Adolescence.pdf>>.

¹⁷ Beccaria, an Italian lawyer and philosopher, supported the ideas of the Enlightenment, together with Voltaire, Denis Diderot, Hume, Adam Smith, and Thomas Paine.

¹⁸ ‘A code of laws, esp. as adopted by some Southern states of the US. shortly after the Civil War limiting the rights of black people. Merriam-Webster Dictionary. 25 May 2011. <http://www.merriam-webster.com/dictionary/black+code?show=0&t=1306303262>.

¹⁹ Laws introduced in the United States between 1876 and 1965 mandating a de jure segregation in all public buildings.



dictating segregation between black and white Americans continued to exist until 1964, when the Civil Rights Act outlawing racial segregation in public schools and giving African Americans the right to vote was enacted.

Even by the beginning of the 21st century, despite the fact that some states in the US oppose the death penalty, it must not be forgotten that it exists in Federal Law. Hence, under certain circumstances a case may be transferred from State to Federal level to achieve a death sentence, even if the crime was committed in a state without capital punishment. 'More than half of the nation's death row inmates are imprisoned in Alabama, Georgia, Mississippi, Louisiana, Texas, and Florida. Nearly eighty-five percent of all executions take place in these six states. Among attorneys these states are known as the *Death Belt*'.²⁰ The name is evocative of the *Bible Belt*, a name allotted to the Southern States and the Midwest,²¹ where religious fundamentalism is dominant. As the name suggests, most executions in the United States are carried out in the South. Therefore, it is not surprising that most of the execution novels also take place in this region and the majority of the selected texts deal with male African Americans.

The Death Penalty at the Beginning of the 21st Century

Texas executes its citizens on a weekly basis. The 'execution schedule' can be accessed on the Internet, with names, gender, race, age of victim and offender, crime, as well as the date when the sentence was pronounced and the scheduled date of execution. Below this on-line execution program the most frequently asked questions are answered:

²⁰Pete Earley, *Circumstantial Evidence* (New York: Bantam Books, 1996) 278.

²¹ Informal term for the Southern States in the US with predominantly Evangelical and Baptist denomination. The term 'Bible and Lynch Belt' was coined by H.L. Mencken, a Baltimore satirist, in the 1920s.



Q. How is it determined what date a Death row offender will be scheduled for execution?

A. The judge presiding over a Capital Punishment case sets the date of execution for a Death row offender when it appears that appeals in the case have been exhausted. When TDCJ receives a warrant of execution from the court, we add the offender's name to the list of scheduled executions, scheduling the execution on the date ordered by the court.²²

Execution time is six p.m. A reporter is always present. After an execution details on the executed, as well as the precise time of the convict's death, her/his last statement and meal are broadcast. It has become routine to listen to this piece of information almost every week in the car on the way home from work. Some radio stations celebrate the execution by playing extra aggressive songs with 'grill'em' chants. Groups like 'Justice for All' who support the death penalty organize death row tours, where people (only supporters are entitled to join the tour as a group) are led through the prison, passing cells where they can view prisoners and enter the execution room at the end of the tour.

Texas is proud of its educational and disciplinary prison system. The *Victim Services*, a department of the Texas prison system, is in charge of organizing such prison tours for victims of crime. With this shock therapy the visitor is confronted not only with daily life on death row, but also the meticulous procedure of an execution. Here one can physically feel the gurney on which the person to be executed is strapped before the deadly drugs are inserted in her/his veins. Such programs are offered in other states, too and are aimed at deterring potential criminals. Angola, the Louisiana State Penitentiary, offers tours for churches and school groups:

Louisiana State Penitentiary is the state's oldest and only maximum security prison and, as such, a much sought after tour destination for school groups, Churches, and criminal justice professionals. A regular tour consists of a visit to the mu-

²² Texas Department of Criminal Justice. 1 May 2011
<<http://www.tdcj.state.tx.us/stat/scheduledexecutions.htm>>.



seum, the historic Red Hat, a cellblock or dormitory at Camp F, lunch at Camp F (provided this request was made in advance and group arrives before 11:00 a.m.), and the lethal injection table. Offender speaker(s) are also available for a Q&A session with approved groups.²³

The Church

The death penalty with its overwhelming use is associated with the 'Bible Belt'. US-America is unthinkable without the Bible and its message, but particularly the South with its Protestant fundamentalism.²⁴ As Mathews points out, 'the first white Southerners - before there was a South or a nation or even much of a Virginia – lived under the rule of religion.[...] To whip Virginians into shape, the Governor thought it necessary to remind them of the solemnity of their mission into the New World and of the ultimate source of their strength' (Mathews, *Religion in the Old South* 1). The Southern Baptist denomination, the biggest and most influential church in the South, was founded in Augusta, Georgia, in 1845, separating from the Northern Baptist group over the issue of slavery. The oldest Baptist Church in the South was founded in Charleston, South Carolina, in 1682.

In the colonies up to the 18th century the clergy had a major interest in teaching a moral lesson through executions. The first settlers who had brought the English law with them had an execution literally staged to demonstrate what would happen if one chose the wrong way. The preacher held a sermon and prisoners were expected to make a statement for didactic reasons. Still in the 21st century a chaplain is present in the execution room. While the didactic motivation has remained the same, the technical equipment is now modernized. The purpose is twofold: on the one hand the target audience comprises people at risk of becoming criminal who should learn

²³ Louisiana Department of Public Safety and Corrections. 1 May 2011
<<http://www.corrections.state.la.us/view.php?cat=7&id=45#edu>>.

²⁴ Baptists and Methodists represent a vast majority in Southern religious denominations. They have always supported punishment by death on the basis of the Old Testament and do so today, as an official statement of their convention in 2000 shows on the homepage of the Southern Baptist Convention. June 2000. 1 May 2011
<<http://www.sbc.net/resolutions/amResolution.asp?ID=299>>.



from another person's experience by seeing the punishment; on the other hand the person to be executed is expected to expiate and be prepared as a penitent before God.

How big the impact of biblical language in arguments for or against a conviction is and how language is used in the novels is yet another point of interest. The function of preacher or spiritual advisor in giving the condemned hope and helping the State to execute will be highlighted. In order to justify an execution on the grounds of religion, a preacher is available for the inmate at all times. Still in the 20th century, like in colonial times, s/he helps the convict to prepare to face God. For this purpose the Bible is read or quoted during prison visits. Finally, during an execution, the chaplain is the only person physically present next to the person being executed. The support of executions on the grounds of the Bible has a big impact on society and is still very powerful at the beginning of the 21st century.

Minorities

When analyzing representations of capital punishment in Southern novels, the question of racism and social issues arises. Far into the 20th century it suffices for a white woman or girl to claim that an African American man has raped her in order to achieve a death sentence for him. Tom Robinson (*To Kill A Mockingbird*) is a young black field hand accused of raping a white girl. The story takes place in Maycomb, Alabama, and is based on the trial of the Scottsboro boys, nine young African Americans who were on trial for raping two white girls on 25 March 1931 in a 'gang rape'.²⁵ That hasty prejudiced convictions still happen in the US of the 20th century was shown with the trial of the 'Central Park rape' in 1989, where a young white woman was raped when jogging in the park. Soon after the incident five young African Americans and Hispanics were arrested for the crime. The ensuing trial proved to be one of the gravest miscarriages of justice in New York's recent history.

²⁵ 'Group rape' or 'gang rape' is the name given to the situation in which a group of people is involved in the process of raping one victim.



An interesting development, however, can be seen with respect to women on death row. As Streib points out, despite rare high-profile cases, women are generally not perceived as murderers and death row convicts in society:

‘Picture a condemned murderer being sentenced to death, or eating a last meal, or trudging ever-so-reluctantly into the execution chamber. In your mind’s eye, do you see this wretched creature as a woman? Most of us would not, given that over ninety-nine percent of the persons executed in the United States are men [...]A modern case with front-page national coverage was that of Karla Faye Tucker, executed in Texas on February 3, 1998’ (Streib, *The Fairer Death* 1).

The almost theatrical production of the first woman to be executed in Texas after more than one hundred years induced woman writers to start writing novels about one or more women on death row. Although women were on death row and executed throughout the 20th century (Streib, *The Fairer Death* 1), not many novels or books described their situation until the end of the 20th century. From the late nineties into the beginning of the 21st century, women writers started to get interested in the lives of women on death row and to give them a place in literature. So, Mary-Ann Tyrone Smith, relates Karla Faye Tucker’s trial and time on death row in her novel *Love Her Madly*, published in 2004, six years after the execution. The motive of the religious group seeing a loveable sensitive woman in the former killer follows Karla Faye Tucker’s case in Texas. Her supporters publicized a completely changed person who apparently found Jesus during her time on death row. Tucker herself tried to convey this image in interviews in which her lovely face, her beautiful blond locks and her soft voice were intriguing. People should see that the person to be executed was not the former cold-blooded axe killer, but a soft spoken angel full of love.

In *Sleep Toward Heaven*, 2003, Amanda Eyre Ward narrates the story of five female killers on death row in Texas. Dr Fanny Wren, a doctor from New York, works in the prison’s hospital, where she becomes acquainted with one of the inmates Karen who has AIDS and stays at her side until her execution. All the protagonists in the novel are women. Beside the prisoners, the female doctor Fanny Wren plays an important role, as well as Celia Mills, the widow of a man murdered by Karen. The



narrative is written in the perspectives of three women who are connected with the institution of capital punishment in three different ways: Karin (on death row), Fanny Wren (prison doctor) and Celia (widow of a victim).

Considering the number of fictional texts written on female murderers compared to their male counterparts, it plays a minor role in the field of capital punishment as yet.

By contrast the execution of children and mentally retarded (intellectually disabled) prisoners is an issue in novels throughout the analyzed period, as it is in reality. According to Hoffmann, 'the use of the death penalty against juveniles is by no means a recent phenomenon in the United States. It has always been a rare practice, however, and its constitutional validity has come under increasing attack in the past several years' Joseph L. Hoffmann noted in 1989 (Hoffmann, *On the Perils of Line-Drawing: Juveniles and the Death Penalty* 229). Meanwhile the situation has changed for juveniles. Whereas no age limits were set until 2005 so that even children could be sentenced to death (*Billy and Cry Me A River*), they must now be eighteen years of age to be eligible for a death sentence.

Jefferson (*A Lesson Before Dying*) is undoubtedly mentally retarded, but this aspect is not taken into consideration by the court in the Mississippi of the thirties.

The Controversy

The raging controversy over the death penalty for murder takes a new turn and opens up the angle when Vincent Bugliosi publishes his book *The Prosecution of George W. Bush For Murder* in September 2008, where the famous writer and successful prosecutor presents an elaborated legal case putting the American President in court for murdering 4000 US soldiers and over 100'000 civilians in the war against Iraq. This is even more explosive considering the fact that George W. Bush was one



of the most adamant proponents of capital punishment as Governor of Texas and later President of the United States.²⁶

Changes in society's attitude towards culpability and the changing role and personality of the culprit can be traced in novels throughout the 20th and the beginning of the 21st and along with it external manifestations of the prison system, such as the architecture of prison and court house, as well as legal language. While the figure of the prisoner changes within the century, as well as scientific methods to analyze crime and key factors of the legal system, there are still traditions kept alive. One of them is the death penalty, which involves life on death row and the ritual of the execution. Equally, the basic architecture of the prison and court house remains unchanged, which will be shown in the different descriptions of buildings and cells.

My key interest in this study is to analyze how the institution of the death penalty and with it the inevitable implication of power and control is represented in various novels. I have had opportunities to experience how this power is exerted on prisoners and their visitors. One example is the use of a dress code for visitors. As it is not precisely described, officers on duty decide at their discretion whose appearance allows a visit or not. Visitors are randomly sent away to change clothes losing visiting time during this process. Another way of control is to tell a visitor that the prisoner already has another visit and thus depriving her/him to see the inmate. Furthermore, employees of Texas death row have found a way to prevent visits for a longer term by unattended checkpoints on the parking lot. It is strictly forbidden to leave the parking area without being checked and cleared to leave. If a visitor decides to leave after waiting for a while to no avail, s/he will consequently be barred from visits for the following two years. This is done in a formal way accusing the visitor of having refused to stop. These are three examples of how power is constantly being exercised and abused in and around prisons with the goal of finally demoralizing inmate, family and friends. Power and control are expressed in visible and invisible ways. The visible appearance is displayed in the architecture of the prison, the prison cell

²⁶ The issue is again in the focus of a controversy on 2 May 2011, when President Barack Obama announces that Osama bin Laden was killed in Pakistan at his command. The top terrorist was shot and his body disposed of within 24 hours.



and the visiting room as well as in the uniforms of prisoners and guards. However, while the institution makes prisoners equal in that they lose their freedom, it cannot force the individual to lose her/his inner freedom. Every prisoner remains an individual and reacts differently. Convicts have their own way of coping with the situation. Some develop different methods to use power themselves. The invisible part of power exertion is revealed in life on death row and finally the death sentence and execution. From the moment a death sentence is pronounced, the legal machinery is started and the defendant can only choose to construe her/his remaining life within a limited frame which s/he cannot alter or move. This control is reinforced by making the defendant anonymous (nameless). Instead of having a name, s/he is labeled with a number.²⁷

Speechlessness

Not only does the convict lose her/his name. S/he also loses her/his speech. S/he cannot speak for her/himself.²⁸ Instead, an attorney is appointed to defend the case. At this point the inmate is already socially dead before being put to death physically. S/he becomes a public body during her/his time in prison and in the moment of the execution through media attention. In Texas the prison allots journalists and reporters one afternoon per week for interviews with inmates. Shortly before the execution the prisoner is interrogated about her/his feelings and hopes. A report is made during the execution and broadcast in the newspaper, radio, TV and the Internet. Prisoners have different ways of dealing with a publicity they would never have outside prison. Some refuse to turn into a public object and withdraw into their cells, allowing nobody to approach them. Others try to use their newly-won publicity and popularity to find friends and supporters in order to obtain a re-trial and new verdict which might help them to leave death row. Their final statement before the execution is published on the Internet and reveals their attitude towards the verdict and the vic-

²⁷ The importance of a prisoner's number becomes evident when addressing a letter to a prisoner with his full name but no number. In this case the letter is sent back with the note 'return to sender. Name unknown'.

²⁸ In theory prisoners are allowed to defend themselves. However, the majority of the inmates lack education in questions and terminology of law, so that they are well-advised to ask for judicial support.



tim families. Some apologize and are at peace. Others take their anger with them into their own death by seizing the last opportunity to accuse government and society of their fate. In both cases, however, this is the only time they publicly speak for themselves. They have nothing to lose at this point of time and express themselves as they wish and feel. This piece of information on their last utterances, together with a picture can be viewed on the Correctional Department's website for an unlimited time. One could argue that with the broad media coverage of executions, the prisoner is given the possibility of expressing her/himself in interviews. Given, however, that these interviews are again supervised and controlled, it cannot be said that the inmate is representing her/himself as s/he would, if s/he were free. Moreover, interviews are censored and adapted before publication.

New Identities

This being said, it must also be mentioned, though, that at the moment of entering the prison system the convict is given a new identity within the prison population. Beside the official prison number, s/he gains yet another one within the prisoner group, a particular nickname, characterizing and identifying her/him among prisoners and thus endowing her/him with a certain role and function. Michael's prison name is 'Cadillac', as he used to drive a pink Cadillac before he was incarcerated. So, each prisoner has her/his specific prison name and identity within the prison population living a parallel life to her/his official personality.

Before analyzing and comparing the presented novels, I will turn to the history of capital punishment in the United States from the colonial beginnings to the beginning of the 21st century in the first part of this thesis.