

PEN America's Prison and Justice Writing

# THE FREEWRITE PROJECT



## INTRODUCING THE FREE WRITE PROJECT

The writings in this collection were done as part of a series of pilot writer's workshops seeded by PEN America's Prison and Justice Writing Program. For more than five decades, the PEN Prison and Justice Writing program has worked to amplify and cultivate incarcerated writers through the written word. By providing resources and mentorship opportunities, we have helped incarcerated authors integrate into the broader literary community. These workshops are the most recent effort at cultivating literary communities behind the walls.

These workshops were based around the text, *The Sentences that Create Us: Crafting a Writer's Life in Prison*, an anthology written by currently and formerly incarcerated authors as well as writers who teach behind the walls. The book contains chapters on different genres, such as theater, poetry, essays, suggestions for how to get through writer's block, directions for how to get published and submit to contests and much more. Almost 45,000 copies of this book have been distributed for free to incarcerated people and writing teachers in prisons and jails throughout the US.

Workshops were also provided a curriculum that explains how to organize writer's circles, like those used in Masters of Fine Arts programs throughout the US. These round table workshops offered incarcerated writers a peer group which helped them revise and refine their writing skills. It contains guidance on how to give peer review, methods for editing and information on which literary and journalistic outlets accept paper mail submissions—something that is necessary because incarcerated people have no access to the internet.

The writing featured in this zine was selected from final submissions provided by workshop participants from Texas, Oklahoma and Arkansas. Each of these states were selected deliberately as places where there are high numbers of incarcerated people and a lack of opportunities to learn about writing.

We hope you enjoy their writing!

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For more than four decades, PEN America's Prison Writing  
Program has amplified the writing of thousands of  
imprisoned writers by providing free resources, skilled  
mentors, and audiences for their writing. To learn more  
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**Be Agitated**

TSUNAMI CARYL- AVERLYN

Do not fear agitation, for agitation is a part of the rhythm of life; put it in motion, stir it up,

Do not fear the movements that decenter what you always thought permanent.

You carry within the center of your understanding the compass to show you the way,

Carry with you the love that will hold you,

The vision that will guide you, the relationships to all beings and the

World that will ground you. Go in peace and in gentle motion, agitation to stir this world to the side of love.

## **IN HER ARMS**

JAX FRANKS

I imagine I can smell her still. It has been more than a year, so I know that it is my imaginings that take me to a place where I am once again in her arms. When I hold the outsized sweatshirt she left behind, she is there beside me.

The damned thing is three sizes too big for me ~~ just like her heart. I feel her arms encircling me as I wear it, the woman that she could have been, should have been keeping me safe and warm. For all that I miss her, for all that I wish I could be with her now, her freedom is paramount. It is so strange to support her absence.

Prison makes you do crazy shit.

The sweatshirt was stained long before it came into my possession ~~ it is nigh ruined now. Gardening, painting, snuggling against the ravages of a frozen winter wasteland: all have taken their toll upon the fabric. I hesitate to turn it in for cleaning, truth be told. I fear when it finally succumbs and reverts to nothingness, I will have truly lost her.

She walks along the top run in a silent funk, raggedly thin locks swaying across slim hips ravaged by age. Thirty seven years have passed while she ambles up and down the catwalks. Her hair is long, split ends tickling the backs of her calves. She is a living embodiment of the portraiture of Anglican dowager queens of old.

For years, we have begged her for permission to cut her hair. We have asked her to at least allow a small trim. "I can't." she says every time. "I promised my girls I would let it grow until I get home to be with them." Promises like that are sometimes our only reality. The promises we make to our children are oftentimes the only remaining link to our families outside the fences.

Jane has done all she could to get home to her girls, too. Until age overcame her intentions, she worked in the prison industry, making pennies on the dollar while the prison administration pocketed the vast majority of her income to "offset costs" for Jane's imprisonment. Her work ethic does not waver despite calendars passing. Even at her advanced age, she stoops each night plucking the detritus left by other inmates out of sewer drains and up from shower floors. It is a nasty job for one who should be sitting on a porch stoop with a Mason(R) jar of iced sweet tea, enjoying the sunsets of retirement.

Jane qualifies for parole, but cannot achieve it. She has never even made it past the Parole Board to the governor's desk, who would be even less likely to allow her any clemency. Officials from the county Jane "fell out of" (wherein her crime was committed) vociferously protest her release every three years when she comes up for consideration. She has not even thought about violating a rule for decades, but that matters not. One year, a Board member actually said he was denying her parole because she had obviously figured out how to "game the system" or she would have write-ups for misbehavior. He did not believe the arguments (nor the parole investigator's recommendations) when Jane pleaded her innocence and adherence to rules and regulations.

If they only knew Jane's barely left her cell for nearly a score of years. The farthest she wanders is to haunt the top tier, walking back and forth in the only exercise she will get all day, a ghost of her former self. As she makes her way, her hair sways over her gaunt frame, honoring a promise made to daughters who have not spoken to their mother in over thirty years.



## **NOT SO DIFFERENT**

AARON FLAHERTY

I have been in a correctional facility since I was eighteen years old, for almost 9,700 days. It is easy to let those days float by here, to see many Mondays pile up into a year and look back to realize I have accomplished nothing noteworthy. But those days matter. On my tombstone will be a date of birth and a date of death; I don't want the dash between those two dates to represent an empty block of time. I don't want my life to be a meaningless existence, even though most of it will be--and has been--spent in prison

I have struggled to find purpose in prison. The environment behind these walls is full of negativity and pessimism. Conversations are bursting with excuses about why inmates will always be outcasts and why they won't succeed in life, even after their release. I hear constant bickering about the conditions of confinement, yet there is very little attention given to the condition of the person who is confined; people want their circumstances to change, but they don't want to change. All of this talk makes me realize that if I am to live a purposeful life, one that will leave a positive impact on those around me while also contributing to my self-worth, it is up to me to do so. Nobody is going to hand me a bag of tricks and some magic dust and tell me my road will be filled with glee. This is not a fairy tale.

I remember a sign that hung on the office wall at the prison's furniture factory where I worked over a decade ago. It read, "Excuses are the nails that build the house of failure." I still find encouragement in those words. They remind me that I must put actions to my resolutions or my purpose fails. I aim to inspire those people around me to be the best they can be, while also trying to be the best person I can be. I challenge myself. I don't live as though prison is the end of

my life. This is part of my life, and I am using it to prepare for another chance at freedom.

When it comes down to it, the State of Texas is not concerned with what I do during the mandatory forty years I must serve, as long as I don't hurt one of their officers or harm another prisoner. The State will not rehabilitate me or any other inmate. It will provide opportunities--vocational programming, on-the-job training, cognitive courses, and educational options--but it will not force reform. That is a personal choice.

I choose to spend my time improving myself. At 44 years old, I have spent 59% of my life in prison. I don't consider this time a waste, though, for many reasons. Over the years, I have earned three college degrees--an Associate's of Applied Science in Drafting Technology, an Associate's of Science in Business Administration and Management, and a Bachelor's of Science in Biblical Studies. I write, for myself and for others. I published a book last year (Reshaping the Texas Prison System for Better Public Safety: An Inside View from a Texas Lifer) that is now required reading for one Texas state representative's entire staff, and it is also being used as a textbook in Professor Michele Ditch's Criminal Justice Policy class at UT Austin. My purpose has begun behind these walls; it is not waiting for my release.

I have also spent my time here serving others around me, because the most destitute of lives is the one spent focused only on oneself. I served as a supplemental instructor for one prison's college program, and I assisted people with legal research at the law library for fifteen years. I continue to reach out: My current job as a field minister allows me to serve others by teaching several classes each week--teaching men how to read, teaching personal finance, parole preparation, and job skills training, among many other areas of life skills. I am able to tutor, counsel, and mentor men.

Every day, I try to offer words of encouragement to people who are tempted to quit trying to do better for themselves.

During my days in prison, I often listen to the conversations of the staff members around me. I hear their complaints about life being a struggle in the world beyond prison gates. I hear them speak of wanting more fulfillment out of life. I see their smiles when they share funny things that happened the previous days. And I realize something in the midst of it all: each human struggles to find purpose in life, not just in prison. Everyone wants his or her life to matter. When I consider this, I ask myself: Am I really any different than the officers I eavesdrop on? The answer is a booming "No!" The only difference is the color of my clothes and the conviction attached to my name.

## **“BLIND, DEAF, AND DUMB”**

NATYASHA DEMENY

Right or wrong.. Good or bad-  
I suppose it depends on who you ask -  
Isn't human judgment simply a matter of opinion?

Who among us is qualified to make the decision? Courts of  
laws convict and declare a sentence-  
Even these age old practices are flawed systems-  
So what delusional fussy and blood average joe can make it  
their business -

To base who we are on the very little knowledge they're  
given-

So many have no label and reject what's different  
If they could look past the surface would they change their  
decision? And discover more good than bad in our heart  
kept protected and hidden

Yet, that would involve forgetting themselves for a minute  
Would involve caring enough to open ears and listen to pay  
attention- to the answer that lies not in human judgements  
but rather the heart of the person judging  
The question of good and evil is often answered far quickly  
be those who fail to listen

Blind, deaf, and dumb v.s Judge and Jury

## **NOT MY HOME**

COURTNEY QUILLEN

Torn between two realities, which one is real? Both so vivid, so tangible.

How did I wind up here? Stuck in a gray area between these two realities, scenes from both sides flash through my mind. a slideshow that is stuck on repeat creating a whirlwind of mixed emotions.

### MY HOME-NOT MY HOME!

A mother's loving embrace, a daughter's precious laughter fades into a roaring mass of foreign creatures that live such desolate lives. so full of chaos and destruction.

This is not my home!

Fried chicken and potatoes, a pillow top mattress, and a family that brings strength and hope- all replaced with rubber disc foods, concrete floors, and a metal rack topped off with a 3 inch thick plastic mat.

This is not my home!

From laughter and love, from being accepted, and able to freely be who I am- to a scheming and provoking atmosphere where you walk on eggshells and everyone has entitlement issues.

This is not my home!

From feeling on top of the world to hitting rock bottom.

This is not my end.  
This is not where I belong.  
This is a pit stop on my journey.

This is my training ground to become the woman I was made  
to be.

I am on the road from

NOT MY HOME TO HOME.

## **TIME SQUARED: AN EXCERPT**

GENEVA PHILLIPS

How do you know if you are so broken that you cannot be repaired? When do you just accept the fact that certain aspects of your life have become irretrievable? When do you let go of the hope that you will ever again be normal or be able to have a normal life?

These are the questions that I am forced to reckon with, questions that I do not readily have answers for, ones that I am not sure I even want the answers to. Yet recent events have left me no choice but to look at myself more circumspectly than I am comfortable with.

It has been a long time, dear reader, since I even vaguely entertained the notion of an interpersonal relationship. Even before my time away, my history with such things was muddy and uncertain. People are complicated. Maneuvering through the emotional swamp of mutual affection and the expectations which seem to follow did not come easily to me. Often what started as affection devolved into some type of turmoil and inevitably ended in mutual confusion.

Honestly, dear reader, I hadn't thought to find myself unarmored against the possibility of interest. But I was unarmored. I was naked in the startling face of it. And I fell briefly into the lovely delusion, that subtle and sublime madness of belief, that I could have this most basic of cultural ideological identities. Wanted. The wonder of being wanted. The quick abyss of wanting to be wanted.

It happened between one moment and the next. There was someone new at my job. Someone who was only doing contract work, so they would not be there permanently.

Already the possibility of awkwardness was removed in advance. There would be no hazardous pitfall of day-after remorse. Anything could be erased in only a few weeks. No need to be overly uncomfortable for any extended period of time.

The pressure of attraction had been largely absent before this. Any feeling remotely edging into this territory was summarily smothered in its infancy. I can't say why this time was different. If I consciously wanted it to be different out of an unsatisfied curiosity or perhaps it was only the inevitable result of allowing myself the illusion that I am a normal human being and should have a life that corresponds with what society holds as normal.

Regardless it went as most of these things go. A look, a smile. Random conversations that are more than mildly interesting, a shared laugh over some innocuous thing or other. Oh, then...that curious jolt of recognition that begs the answer. What if? What if they feel this way, too. And then of course lunch leads to dinner leads to the pressing anxiety of more. Which is where the problem lies, of course. That casual expectation of more, to be more than friends. Because being friends was never the goal. Being friends was the lie I fed myself to have the courage to open the door in the first place. And once the door was open. well. That's the crux, isn't it? That was the dissuasion from the beginning, the component of my reality which kept me apart and aloof.

My complete and total inability to bear the touch of another person. What is a prerequisite of any normal human relationship is an absolute unrequited possibility for me. And so my tiny house of hopeful cards flutter to the ground with some measure of grief and embarrassment but hardly any sound at all.



I was not always this way. Before (in spite of my struggles with maintaining emotional connections) I had a deep appreciation for intimate contact. Holding hands. Kissing. These things were everyday gestures, almost negligently enjoyed..... negligibly overlooked. Occurrences so commonplace they were hardly worth noticing, let alone mentioning. I gave affection freely, received affection with thankless regularity.

Not so in this latter time. So long without conscious physical contact has robbed me of something fundamental. Now I cannot bear the feel of my own hand on my naked skin. The slick smoothness, soft and lacking texture, is repulsive to me. I sleep fully clothed. When I towel myself dry after a shower, it is with a blank mindless ferocity. Even applying moisturizer I concentrate solely on the rate of absorption; how long before I may return to my normal state. The overwhelming sensation in my fingertips, in every exposed millimeter of my epidermis is a trap of vulnerability from which I must escape.

And if I cannot stand to touch my own skin, dear reader, what do you think my response was when someone else touched me?

I tried. I tried to remember how it was to want to be touched. To enjoy touching another, but that reality is so far removed that I simply could not recapture the truth of it.

Still I endured the rasping anxiety of hands. An entire evening of gentle fumbings which invaded my core, left me stripped bare and shuddering with disgust. I tried to disguise it as desire however the whole thing was a failure and a sham. One that has left me coated in a thin veneer of

shame, although I am not certain exactly what I am ashamed of..... Is it my utter lack of ability to either reciprocate or enjoy the most basic of human tenets? Or is it that I wanted, so desperately, to hold on to the hope that I might once again feel that I am fully human. A normal human being able to live a normal human life.

But it seems that I am not. I have been broken in some fundamental way which precludes me from experiencing a normal life. And now I have lost even the camouflage of pretense. I am not normal. I am not normal and my life will never be normal again.

**LIKE THIS !**

LEWAUN PORTER

Faith is surely dead without morality.  
The old habits in your life have to take a casualty.  
How can you move forward if you're living in the past?  
Things of this world are fleeting that means they won't last.  
How can you put all of your hope and trust in a man?  
Praying to the creation was never a part of God's plan.  
Through the times and ages man is truly lost.  
Except those that do good deeds and try not to floss.  
What good is faith without a real religion?  
It's like a hundred thousand prisoners outside a prison.  
Senseless our society is so defenseless.  
Fighting the power of Satan when he's so relentless.  
Every man in this world is one day bound to fall.  
Grab a hold to your faith and you are on the ball.  
Check it, or break it down with the fight.  
You aint never met a muslim like this.

## **THEY'LL DANCE NO MORE**

JERI CROW

I think I'm in shock, the only thing I feel right now is relief. It's a strange sense of calm, almost like floating. I'm sitting at my kitchen table smoking a cigarette like a normal housewife on a normal day. The fact that I'm watching my husband, Jimmy, writhing on the floor from a gunshot wound surely busted that bubble of normalcy. I didn't want to kill him, I just wanted him to stop hitting me. I could tell from the look in his eyes, the beating was gonna be really bad this time. I've learned to gauge the impending pain by the expression on his face. It's like there are two different people living inside of him. I never know which one I'm gonna get until he walks through the door. My grandmother, Ella, told me there was a strange darkness inside his soul. She's usually right.

My relationship with Jimmy has been a love fueled by fire. We were consumed by each other, left breathless. He was tall, dark, handsome and mean - yummy! He drove fast cars, did bad things and dressed in western clothes. I bought him a fancy belt buckle for his birthday. It was gold with red coral inlay and had a silhouette of a couple dancing. He loved that buckle, and wore it everyday.

The two of us ignited a fire that would incinerate most. Our courtship began as a whirlwind consuming everything in its pathway. I don't think I ever fully caught my breath until I found out I was pregnant. The darkness inside Jimmy grew more prevalent. Our marriage began a downward spiral resulting from his volatile mood swings, which kept me walking on eggshells.

I asked him one time, exactly what he did for a living. "I'm a problem- solver," he sneered. "It pays real good and I'm real

good at it." His tone was so eerie, I'd never heard his voice sound so noxious or his eyes look so vacant. That was the last time I asked a question that I really didn't want to know the answer to.

He had started hitting me while I was pregnant, then escalated into terrible beatings after our child was born. I gauged the years of my life by the recovery lengths of each ordeal. At first, I think he really did feel remorse when faced with looking at his handiwork. His promises became hollow and ultimately stopped altogether as his brutality escalated. I became nothing more than one of his many acquisitions showcasing his tyranny. He had raised himself up as a god upon a throne looking down upon us mere mortals. Any encounter with him had an otherworldly feel, straight from the pits of hell.

The flame that had burned so brightly inside of me had been systematically snuffed out, leaving a smoldering ember behind. I had become an empty husk accepting my position in life. But then his cruelty had crossed a boundary when it was directed at our child. This can't continue. I borrowed the gun from Ella yesterday. I'm not sure what my plan was - well actually I had no plan. I hid the gun in a planter in the corner of the living room.

When Jimmy walked in this evening, I saw the venomous look and intent in his eyes. I don't know this man anymore; he's become a stranger in my home. "I've had enough! Jimmy you're not gonna hit me anymore," I whimpered. He laughed as he stepped toward me, backing me into the corner where I bumped against the planter. I grabbed the gun. It was cold and hard in my hand as I pointed it at him. "No more," I said, trembling. My hand was shaking so bad, I didn't know if I could pull the trigger.

I had just raised the stakes in his game and he was thoroughly enjoying himself. He assumed I was bluffing as he chewed the anticipation like a tasty morsel. He called my bluff, raised the ante and stepped toward me. "You won't shoot me MaryAnn," he drawled as he raised his fist to strike me.

My eyes were drawn to the couple waltzing on his buckle. I could hear the music they were dancing to. The barrel of the gun followed the focus of my eyes. I'm not sure if they were dancing for my dreams lost or his reign of terror achieved, but they'll dance no more. I felt my finger pull the trigger, though I hadn't told it to. My ears were ringing, time stood still as he collapsed in slow motion. I slid down the wall as I watched him writhing on the floor. There were no human cries of pain, only animalistic sounds, beastly groans of the type humans should not encounter from such close proximity.

The fear I had been consumed by was gone. His hold over me was broken. I've been set free like a caged bird turned out to soar once again. I had been existing, it's time for me to live again.

I raised myself up and took one last look at my soon to be ex-husband lying on the floor. Then I calmly stepped over him moving forward into my new life. I placed the gun on the kitchen table and sat beside it. I looked at the gun lying between a pack of cigarettes, a book of matches and an ashtray. My mind wouldn't comprehend, "What doesn't belong in this picture?"

I did the only logical thing at this moment. I shook out a cigarette, placed it between my lips and lit a match. I inhaled deeply and felt the relief as it slowly flowed through me. I'm not sure if it was the nicotine or the knowledge that this

chapter of my life was over, but I savored it. Ella always said, "It's the small things in life that mean the most MaryAnn, don't let them pass you by."

## **HOW I MOVE**

MECO MOHAMED

Someone said when I move you, you move, you move just like that. Well, no I'm not a puppet, there's no strings on my back. I don't move when you say jump. I have my own mind. I move when I want. I do things when I want, when I move I'm at ease, I don't do things to do as you please. Moving is a gift and not a command. So don't tell me to move when you move, dance when you dance, or jump when you jump, or flip when you flip. When my song comes on I'll dip when I dip. You are not my salsa and I am not your chip, so don't tell when to move these hips. One foot in front of the other is how I like to go. Not crawling or sliding my way across the floor. When I do get where I'm going it's going to be at ease, cause I don't wanna scrape or hurt my knees. So, jump up and down, spin all around. That is how you move, that's how you get down. Don't say I didn't tell you so when your world comes tumbling down. I'll just step right over you when your ass is on the ground.



## **PRISON CAMPAIGN PROMISES**

EZRA ORTEGA

In November of 2022, technology finally reached the Jordan Unit in Pampa, Texas in the form of tablets which has become a norm of Texas prison life. It was at this time that administrators, mainly Texas Department of Criminal Justice (TDCJ) Executive Director Bryan Collier, are claiming to be pursuing a new vision of change by exploring all "potential opportunities" or the agency with the tablets being a tool to realizing this goal.

Announcement of this plan came to residents through the FYI app that features 106.5 THE TANK, a resident operated podcast that is located on the Polunski Unit in Livingston, Texas. In a 2022 interview between Tank host Ramy Hozaifeh, aka Megamind, and Mr. Collier, the director states that his goal, dubbed the 2030 plan, is an objective that seeks to "formulate what TDCJ will look like in 2030." The TDCJ Mission Statement charges the agency to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime. The director's statement comes on the acknowledgment that the TDCJ mission statement is not being accomplished by the admission that the agency has been guided by a negative culture.

So far from what has been said of the 2030 sounds much like campaign promises vague statements designed to garner trust and support. Ironically, the intended expectation of the plan and what may actually occur, is somewhat incongruous as the majority of officers are not even aware of this newly established strategy. But for arguments sake, the

director seems to be genuine in the direction he wishes to guide the agency. One can only wonder though, what steps are being taken right now to combat the lack of awareness of this new vision and the negative culture that has plagued the agency for decades.

In the same 2022 interview, Mr. Collier admits to having been a part of the negative culture and therefore should fully understand the barriers to change that are deeply embedded with- in the agency. Due to TDCJ's high turnover rate (40.3% for prison guards in 2022 according to the Texas State Auditor), the agency is left with only a limited array of officers. The current pool consist of those who have no belief in the TDCJ Mission State- ment, those with no concern or focus on professionalism as an agency, officers who will just look the other way when policy and resident rights are being violated, and those who believe that their sole purpose for employment is to make residents suffer for their crime. This is not to say that every officer is this way, but it highlights the "us" versus "them" mentality that is so pre- valent in the Texas cultural view of what prison is for.

The structure of TDCJ has as much to do with these campaign promises of change as does education or staff morale. When you have a structure only concerned with crowd management and security, the guiding principles (TDCJ Mission Statement), will not be effective in any programming that may be available and therefore the resident is not truly receiving the promotion of positive change and agency audit numbers are merely being "puffed up." An example of this type of behavior can be seen in

the praise educators on the Jordan unit will deceitfully elevate residents with who are pursuing "higher education," but yet, security on the education building will deny a resident in college to take a dictionary into a english composition class because by definition, a dictionary is not a textbook. These are frontline workers who are of the beliefs that "criminals" do not deserve to benefit from tax-payer money or that residents are even intelligent enough to accomplish higher learning.

The reality is that the structure of TDCJ is designed to merely house "inventory" and so one can only speculate that the half-truth, which is still a lie, is being sold as a promise, a campaign promise. With the agency's current behavior of cruel and unusual punishment in the form of alienation and stigmatization of residents that is not going anywhere, most Texans will not believe Megamind's claim that there is "a shift in the mentality of staff of a caring attitude. You cannot just hire people who simply apply because they have no other employment options or because the agency is approximately 8,000 positions short statewide. This has only compounded the problem and one could say that the agency has already crossed the line from where there is no turning back.

Addressing the type of officer issue first, TDCJ would do well to consider modeling officers and programs after a well-known and effective model such as the country of Germany's prison system, where guards take a more direct role in rehabilitation by having been educated on a college level (two-year program) in areas such as psychology, communication skills, and conflict management which would have a greater impact on staff numbers and lasting positive change in resident

behavior. TDCJ should also rethink wasteful spending and eliminate programs such as Windham's virtual check-out counters where residents are "taught" on how to buy food. This type of programming clearly implies lower expectations (which some would consider racist, the idea that Hispanics and blacks are too dumb to buy food at Kroger) and will not move anyone forward when your curriculum is designed to always play catch up. TDCJ should not only be about security and crowd-management, but should incorporate a layout that promotes constant use of time towards pursuits. After all, all residents have in prison is time and it will not serve the public trust wasting away watching Stephen A. on ESPN.

## **THE TASTE OF ASHES: AN EXCERPT**

CRYSTAL AVILLA

"I can't believe we're doing this, Jimmy." Miriam was paler than usual beneath the bright florescent light as she nervously chewed her lower lip, stopping only when she recognized the metallic tang of blood.

"Honey, just pretend this is any other ordinary day, and we're just stopping by to visit someone real quick. This whole thing will be over before you know it, then we can pick up some food on the way back home and eat it on our nice, soft couch while we watch Netflix." Jimmy moved behind his wife and wrapped her narrow shoulders in his strong embrace, resting his chin atop her head. "I'll even let you pick the show."

He flinched guiltily to feel her delicate frame tremble like a terrified bird squeezed in someone's fist. but chose not to comment on it.

"How can you consider any of this ordinary?" She finally choked out, a noise halfway between a laugh and a sob bursting explosively from her chest. She stepped out of his arms to face him, her pretty face twisted, the threat of tears looming. "How can you even act like any of this is ordinary, Jimmy? Are you crazy? This is sick! For God's sake, look around you!" Her voice rose with sharp desperation and he averted his eyes uncomfortably, glancing around the room to see if Miriam's display of emotion was attracting attention.

It was. People were staring.

Automatically prepared to apologize to the others around them for the scene, Jimmy opened his mouth but something sopped up the words before they could escape his throat. He furrowed his brow and shifted his gaze as he contemplated the possible reason for the glitch but came up empty. He couldn't figure out what in the world could be making him pause, there was no logical reason for it as far as he could tell. Still evading the accusing glare of his wife, he instead examined the strangers facing them. The row of blank expressions pointed their way made his pulse flutter. Maybe Miriam was right to be disturbed. What she'd said was true. None of this was exactly ordinary. As a matter of fact, he'd go one step further and say the whole setup seemed almost sinister. Like one of those old B movies that come to life. By chance, one of the recessed lights in the ceiling above chose that exact moment to flicker eerily and, for Jimmy, the world stilled.

Doubts about the wisdom of being there mounted within him by the second, and it was a slippery slope to start imagining the strangers in the waiting room as a bunch of flesh-hungry ghouls. Maybe this is all they did, day after day, year after year, he thought. Just sitting there, posing as regular people. patiently waiting with their soulless eyes for unsuspecting people to walk in, drop their guard, and then WHAM! They would attack like a horde of festering pollution, devouring the flesh of newcomers like so many maggots on roadkill. Jimmy tried his best not to shiver as gooseflesh puckered his skin but he couldn't stop the reaction. Then, growing angry at himself for succumbing to his weak thoughts, he flexed the muscles under his shirt to remind himself of his strength. He was a man, dammit. A big, tough man. He would keep his shit together. Forcing the vivid imagery from his mind, he closed his eyes and silently counted to ten. He used the time to mentally tick off just how many manly attributes he possessed, much

as someone would count sheep before going to sleep. Unfortunately, he had to admit that no matter how tough he might be, the situation had him well and truly spooked. Indecision about the appropriateness of what they were doing returned and tickled across his brain like autumn leaves caught in a breeze. Why were they here? Was their presence even really necessary, or was he just being his usual stubborn self about this whole thing? The business he and Miri had with this place had really been his parent's business, then after his mother had passed away, his father's business. Never their business. There was no reason for him not to have just called Lazarus Corporation after the reading of his father's will last week when the estate had passed over to him and simply terminated the account his father had with them. No muss, no fuss.

## **POSITION DETERMINES PERSPECTIVE**

DAVID R. FLEENOR

Analyzing the problem of prison overcrowding from the outside of corrections looking inward, led the Council of State Governments (CSG Justice Center) to presume that the enactment of Oklahoma's 85% law would cause dangerous levels of prison overcrowding as "violent offenders [would be] serving longer sentences in prison than ever before;"<sup>1</sup> this is simply not true.

Had the CG Justice Center conducted in-person meetings with people currently inside corrections, they would have discovered that: 1) people convicted of crimes classified as violent, prior to the enactment of the 85% law, have and are currently serving the longest prison sentences in Oklahoma's history; and 2) the Pardon and Parole Board's unwillingness to pass applicants, who have served 25 consecutive calendar years or more in the Department of Corrections, to a stage-two parole and/or commutation hearing is significantly contributing to the problem of prison overcrowding.

To date, the longest consecutive term of incarceration served by a person convicted of a crime classified as violent under the 85% law<sup>2</sup> is twenty-one (21) years.

The longest consecutive term of incarceration served by a person convicted of a crime classified as violent prior to the 85% law is fifty-three (53) years.<sup>3</sup> It is an unfortunate truth, but in Oklahoma a person serving 21 consecutive calendar years of incarceration inside the Department of Corrections does not shock the conscience of anyone in this state not even the incarcerated person, nor his family.

To better illustrate the point, this writer conducted a survey of the 40 men assigned to the living quarters on D-2 Right at



the Joseph Harp Correctional Center on the evening of October 28, 2021. It was discovered that 18 of the 40 men assigned to the housing unit were serving sentences for crimes classified as violent under Oklahoma's 85% law. Collectively, these 18 men had served a total of 229 years in the Department of Corrections at an approximate cost of \$3,893,000 to the Oklahoma taxpayer.

The remaining 22 men were serving sentences for crimes classified as violent, which were imposed prior to the enactment of the 85% law. Collectively, this group of 22 men had served a total of 708 years in the Department of Corrections at an approximate cost of \$12,036,000 to the Oklahoma taxpayer--with no possibility of release insight! Indeed, the actual cost of incarcerating these 22 men is much higher than estimated in this article as the majority of them are over 50, and older prisoners have double, if not triple, the health care cost when compared to their younger counterparts.

The reality inside the Oklahoma Department of Corrections is reflected in the conclusions of several long-term studies revealing that merely warehousing people until they die is not an effective strategy for ensuring public safety. The Parole Board's discretionary practices- or the authority to act with impunity- not only contribute significantly to the problem of prison overcrowding; these practices can be linked to the mental and physical deterioration of the incarcerated who endure a lifetime of hopelessness and hyper-vigilance.

One-hundred percent of the 22 men that were serving sentences imposed prior to the enactment of the 85% law, expressed feelings of hopelessness and despair because they believed they would die in prison without a meaningful

opportunity to demonstrate that they have redirected their lives in a way that conformed to society's expectations. Those men reported that their despondence was linked to the Board's unwillingness to look past their commitment offense in deciding whether or not to pass them to stage two.

In Oklahoma, all applicants convicted of crimes classified as violent are reviewed for parole and/ or commutation in two-stages. During the initial review, or first-stage, the Parole Board considers only the applicant's committed offense as the relevant factor in making the decision of whether or not to pass him or her to stage two. Despite the overwhelming evidence showing that commitment offense alone is an insufficient factor in determining suitability for clemency, the Oklahoma's Parole Board continues to exclude a particular category of inmates from back-end release mechanisms such as parole and/ or commutation based on that very metric.

It is common practice for Oklahoma's Parole Board to routinely deny, without explanation, approximately 300 applicants before lunch during the initial review process; that is just over 60 seconds per application. It is my opinion that such manifest indifference during the performance of a constitutionally prescribed duty works to effectively repeal the Governor's power to grant clemency to all deemed worthy. Said another way, it is unconstitutional for the Board to use an incarcerated person's commitment offense as the basis to forever exclude him or her from the privilege of executive clemency.

It must be noted that the law requiring the Board's investigator to compile a report detailing the incarcerated life of the applicant is not triggered unless the applicant is passed to stage two. Meaning that the vast majority of people, convicted of crimes classified as violent, will never

have a meaningful opportunity to demonstrate reform simply because they cannot outlive their commitment offense.

I believe that major reforms that go far beyond the scope of this article are needed at the Oklahoma Pardon and Parole Board; however, I will make two policy recommendations that I think would have the effect of undermining our State's misguided assumption that incarcerating people until they die, without a meaningful review, is the best strategy for ensuring public safety.

First, I would recommend a new administrative policy mandating a stage two parole and/or commutation hearing for every incarcerated person after they have served 25 years in the custody of the Oklahoma Department of Corrections. At a minimum, this would provide at least one meaningful opportunity for an applicant to demonstrate, in person, that they have done the necessary work to transform themselves into someone who could live within the confines of the law.

Second, I would recommend that the Pardon and Parole Board hire a formerly incarcerated person to work as a parole and/or commutation liaison assisting only those incarcerated applicant's that have served 25 years or more in the Department of Corrections. This would not only facilitate the process; it would also bring hope to the hopeless.

## **Se Agitador**

TSUNAMI CARYL- AVERLYN

No temas a la agitación pues tal vez es el  
Ritmo de la vida misma: ser puesto en  
movimiento, incitarte.

No temas los movimientos que descentras  
en lo que creías permanente.

Llevas dentro el centro de tu entendimiento,  
La brújula que te muestra el camino.

Lleva contigo el amor que te sostendrá, la visiones que te  
quitarán, las relaciones con todos los seres y el mundo que  
te enraizan la tierra.

Ve en paz y con una suave agitación mueve  
A este mundo hacia el lado del amor