

But Some of Them are Fierce: Navigating and Negotiating the Terrain  
of Motherhood as Formerly Incarcerated and Convicted Mothers

by

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## ABSTRACT

Women who are incarcerated are viewed as having departed from the hegemonic standard of motherhood, and become questionable in their roles as mothers, and are often perceived as "bad" mothers. While the challenges of parenting behind bars has been widely researched, there is a paucity of research that centers the experiences and challenges of mothers post-incarceration or probation and a void in the literature that attempts to view this population outside of the confines of the good/bad mother dichotomy. This dissertation explores how mothers who are formerly incarcerated or convicted describe their experiences navigating and negotiating their roles not as good or bad mothers but as *fierce mothers*. The concept of fierce mother exists outside of the good/bad mother binary; it is based on themes that emerged from the stories women told during our conversations about the practice of mothering. The energy of hard-won survival is what they bring to their mother roles and for many it drives their activism around prison abolition issues. Their stories challenge the normative discourse on good/bad mothers, justice, rights, freedom and dignity.

## DEDICATION

### **Hope is the Thing with Feathers**

Emily Dickenson (1830–1886)

Hope is the thing with feathers,  
that perches in the soul,  
And sings the tune- without the words,  
And never stops at all.

To my children- I love you with the depth and breadth of who I am. You are my songs of hope, my songs of freedom. I thank your spirits for choosing me to carry you into this world and walk beside you on your journey here. I am so honored and proud to be your mama, I promise to always do my very best in this role.

### **All of Us or None**

Bertolt Brecht (1898–1956)

You who hunger, who shall feed you?  
If it's bread you would be craving,  
Come to us, we too are starving.  
Come to us and let us lead you.  
Only hungry [people] can feed you.  
Everything or nothing.  
All of us or none.  
One alone [their] lot can't better.  
Either gun or fetter,  
Everything or nothing,  
All of us or none.

To fierce mamas-thank you for allowing me into your lives. You inspire, ignite, and motivate me to keep working towards freedom- This is for all of us.

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My partner Manny knows most intimately the weight of the punishment system as he has carried the burden of my sentence along with me. I will forever be grateful for all of the times he has stood unflinchingly by my side. Thank you Manny for being my "Ride or Die," we have been through some hurricane level shit and we are still here! Thank you for all the times you said "You are beautiful," "I am a lucky man," "I am proud of you," "You deserve it," "Fuck them!," "Everything is going to be okay," "Just come home," or "As yoouuu wiiish." Your love, kindness, patience, humor, and generous spirit have carried me. I love you and look forward to the twists and turns life will bring by your side #Theve♥Lala.

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## TABLE OF CONTENTS

	Page
LIST OF TABLES.....	xiii
PROLOGUE.....	ix
CHAPTER	
1 LITERATURE REVIEW.....	1
Social and Legal Constructions of the Good/Bad Mother.....	1
Punishment System and Motherhood.....	8
2 METHODOLOGIES.....	12
Calling All Dreamers of Freedom.....	12
Process.....	13
Method/Testimonio.....	17
Recruitment Process.....	19
Analysis.....	20
Participant Demographics.....	21
3 THEORIES/CONCEPTS.....	24
My Soul is Weary with Sorrow.....	24
Role Strain and Role Conflict.....	26
Stigma.....	27
Stigma Management.....	28
Good Eggs or Bad Apples.....	30
Some of them are Fierce.....	33

CHAPTER	Page
Fierce Mothering as Intergenerational Knowledge.....	34
Fierce Mothers Access and Practice Othermothering.....	34
Fierce Mothers as Imagined Communities.....	36
Fierce Mother Situated Knowledge.....	37
4 CONTEXT/PORTRAITS .....	39
Context: Women in the Punishment System.....	39
Portraits of the Mothers .....	45
Phoebe's Story .....	44
Kini's Story .....	51
Martha's Story .....	64
Ericka's Story .....	73
Yraida's Story .....	79
Lisa's Story .....	91
Mary's Story .....	99
Gigi's Story.....	113
Christine's Story.....	121
Summary of the Portraits .....	134
5 PUNISHMENT SYSTEM A/EFFECTS .....	137
Matrix Insiders: Understanding the system.....	137
From Justice to (In)justice System .....	138
Love in Action.....	140
Rebuilding Self.....	141

CHAPTER	Page
Trying to Make a Dollar Outta 15 Cents .....	145
Mamas a Hussla’: Resistance Activism Empowerment .....	150
6 PROGRAM MODELS, RECOMMENDATIONS, CONCLUSION .....	155
We Dream of Freedom .....	155
Program Models .....	155
YG Institute .....	155
Project Family .....	158
RISE, IMAP, PPEP .....	161
Summary of Programs .....	164
Recommendations .....	164
Conclusion: Why Stories Matter .....	166
REFERENCES.....	169
APPENDIX	
A EXPANDED LITERATURE REVIEW .....	184



LIST OF TABLES

Table	Page
1. Demographics of Participants .....	23

## PROLOGUE

### **A Prayer for We who Stand at the Shoreline**

For those of us who live at the shoreline  
standing upon the constant edges of decision  
crucial and alone  
for those of us who cannot indulge the passing dreams of choice  
who love in doorways coming and going  
in the hours between dawns  
looking inward and outward  
at once before and after  
seeking a now that can breed futures  
like bread in our children's mouths  
so their dreams will not reflect  
the death of ours.

...

And when we speak we are afraid  
our words will not be heard  
nor welcomed  
but when we are silent  
we are still afraid  
So it is better to speak  
remembering  
we were never meant to survive

-From Litany for Survival by Audre Lorde

For those of us who live at the edge of the shoreline life means that precarity is a way of being- waves roll in sometimes gently lapping at, and at other times urgently and incessantly crashing against the shore. The waves remind us not just of their presence but also the power they hold to destroy our lives. This dissertation is for us, we who live at the edges of humanity. First and foremost it is being written with a soul-deep love for fierce mothers. For mothers who stand at the edge of impossible choices and agonizing dilemmas, holding the forces that desire to lay waste to their lives at bay, many times only with their love.

Fierce mamas dare to dream of a world beyond their own, audaciously raising their children to dream dreams that exceed the one's the world imagines for them. Fierce

mamas, I write for you, and I write for me. The earth's plates shift wildly beneath us and yet we continue to stand firm, continue to exist when it seems the world is conspiring against our very survival for we were never meant to survive, much less thrive. It is from this impossibility, the unfeasibility that we survive(d) what was meant to destroy us, that we create new possibilities, new ways to envision and interact with the world and new ways to resist those forces that seek to bury us before our time.

Often times I have wished to wipe my memory clean, to erase all the moments I have felt despair and begin anew. The first memory I have of being "in the system" is the way my name changed. When my mother says my name it sounds like satin, cool, slippery, soft. The way water feels when it flows over your feet. It sounds like love. But I hate to hear my name roll off the tongues of judges, corrections officers, gatekeepers at the fish bowl, and probation officers' mouths, it sounds cold, metallic, harsh. It sounds like hatred. Despite, or better yet, *because* of these memories I force myself to stand again for roll call. Now when the haunt yells my name, I confidently respond, "Present!" because through this work I have the opportunity to return my name to myself and to those who love me, and give other mothers the opportunity to do the same. My name is Grace. I am a mother, daughter, sister, lover, scholar, property of the Arizona Correctional System, and dreamer of freedom. I stand, making myself visible, with the hopes that my standing will encourage other fierce mamas to stand too. I invite you, to dream with us. Dreams evoke hope, and hope makes resisting death conceivable. Surviving what you were never meant to survive means that you have already won.

In *Wretched of the Earth* Frantz Fanon (1963) writes that "the unemployed and the starving do not lay claim to truth. They do not say they represent the truth because

they are the truth in their very being” (p. 13). Likewise formerly incarcerated and convicted mothers have a truth that is written on their person; truths that structure and color every aspect of their lives. I will never forget the two women I celled with, Jenine and Ginny. In the close quarters of a jail cell people live on each other- they crash into each other with their brokenness and pain...and there is no buffer to save or protect you. I learned a lot about my cellmates when I was with them. Jenine and her boyfriend were pimps, initially he was her pimp she began working for him as a teenager, and he was all she had ever known. Twenty years later they became business partners, as she called it. She loved Lil’ Jon’s song “Get Low” and she would sing it on repeat from the morning until lights off. I can easily recall the sound of her voice and can still see her clearly in my mind’s eye, head nodding to the rhythm and singing, “3, 6, 9, standing real fine, get low, get low...from the windoooww to wall!”

Ginny was a former veterinary’s assistant, she was sweet, generous, and loving she adored *Precious Moments* characters; after I got out she mailed me coloring book pictures she had colored of them with a note that read “Don’t forget me.” Ginny like Jenine was also a sex worker, a road she began down after becoming addicted to methamphetamines. Both women had lost custody of their children, but despite the hard roads they traveled and their rough exteriors, talking about their children softened them and brought light to their eyes, as both assured me, and really more themselves, saying, “when I clean up, my babies will come home.” When I got out I knew that I would be haunted by their stories for the rest of my life but I never imagined in those early days that I would ever be in the place I am today- a mother, a partner, and doctoral candidate on the cusp of graduation.

In *Specters of the Atlantic*, Ian Baucom (2005) writes about the way in which time folds together and in on itself. He writes, “time does not pass, it accumulates” (p. 325).<sup>1</sup> What does it do to our concept or theory of time if we think about it as an accumulation? Instead of moments that occurred at one time, time that lived once and then no more, time and the memories it holds become a living, breathing shadow, following and hovering over every move you make. Thus, if you apply a “ghost-minded” perspective of time, ontologically the past and present converge, rather than thinking about them as separate categories they co-exist. Time is simultaneously your “then” and your “now.” Indeed I do not know how to mark “now” without first going through my past; each “now” is colored by my yesterdays. Baucom (2005) writes that this alternate way of knowing time “implies a now that accumulates within itself the moment of loss, the long after history of loss, and the moment of confrontation with loss” (p. 325). Consequently, time is swollen and exists on a different spectrum in my world; it is something that I am acutely aware of. In many ways I am afraid of time which is haunted for me. Fear and time are subtexts in this project. Time and fear, times of fear, fearing the time that does not seem to pass and what it will bring:

I feel afraid all of the time.

I am afraid of never being free,

I am afraid of not being heard because my words will fall flat when I speak,

I am afraid that no one will care about us,

I am afraid that my children will see me as a failure that ruined their lives,

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<sup>1</sup> Baucom’s chapter “The Sea is History: On temporal accumulation” (p. 309-333) is inspired by Derek Walcott’s poem “The Sea is History” (2007) where he writes “Where are your monuments, your battles, and myrrtr’s?/where is your tribal memory?/Sirs, in that gray vault./The sea./The sea has them locked up./The sea is history” (stanza 1). The poem offers an acute perspective on the haunting of time, how it accumulates in history with manifest impact on present bodies.

I am afraid that I am not talented or smart enough to tell these stories,  
I am afraid of being misunderstood,  
I am afraid that my children will become social pariahs because of me,  
I am afraid of being unemployable,  
I am afraid of my infinite sadness,  
I am afraid that it will all eventually swallow me whole.

My sense of time is warped. It at once, marches steadily on while also remaining fixed. Like a scratched record, time moves on a loop for me. There is no “getting on with life” this is partly because I am under still under state supervision and with a lifetime sentence of probation I don’t know if it will ever end, but also having a conviction history means that I always have to talk about my past and sentence. Whether in job interviews or if someone decides to Google me, it is something I will always have to face. More than thirteen years have passed, but yet it is as if they haven’t. These are the waves lapping and sometimes crashing against my shoreline. And so, despite my fear I must speak, because silence just might kill me.

This is work that is personal. I briefly served time inside, and I am on active probation, and I am a mother to two beautiful children. Living alongside the punishment system for thirteen years has taught me important lessons. First I have realized that anonymity is a luxury; it is not something that I will ever have, I cannot control how people choose to wield my past against me. Second I have learned that if I do not value myself enough to fight for my own dignity no one else will. Rather, I discovered that unless I want to live a small life of just barely surviving I need to do this work, and like everyone else I want to *thrive*, so I am researching what I know well. And third, I know

intimately that when people are motivated by hatred, revenge, fear and ignorance they will not be sensitive to the fact that I am a mother of two small children. My children do not matter to them, like me they are less than human too, so in navigating these difficult spaces and moments of non-choice I must be fierce in order for them to thrive as well.

The stories told herein are the stories of women who I have named *fierce mothers*. Fierce mothering is a concept that emerged from the narratives. I walked away from my very first interview dumbfounded at the strength this woman had demonstrated, the sheer fortitude she showed in navigating the system and her role as a mother, made me shake my head and say “Damn, that is one *fierce* mama.” In every interview that followed, these mothers told stories that were piercing, riddled with pain and sadness, but also ferocity. I learned that mothers who are formerly incarcerated or convicted frequently perform their roles in between a rock and a hard place. Moments of non-choice characterize their lives, and at tender junctures in their mother roles they often make impossible decisions. Fierce mothering is characterized by impossible choices and agonizing dilemmas through which mothers see their self-hood, authority, and personal power evolve. For these women, their roles as mothers propel them and for some it is the locus of their activism around incarceration issues. These fierce mothers are redefining commonsense notions surrounding justice, rights, freedom, and the institution of motherhood.

This dissertation will follow the specters that haunt the lives of formerly incarcerated and convicted mothers, fierce mamas, it gives flesh our haunting, to our fears, in order to banish them or at the very least lessen the power they hold over our lives. Avery Gordon (2008) argues in *Ghostly Matters* that we are haunted by our past

and because the past and present are not mutually exclusive we are tasked with the responsibility to creatively engage our specters. Attempting to banish our ghosts without engaging them turns trauma into a haunting that will return when least expected with consequences that run a broad spectrum of possibilities be they intellectual, historical, social, emotional, or all of them. The haunting, according to Gordon, is memory which shapes the way we know and interact with the world. Thus the healing begins in the stories we tell, as we claim our past and reclaim our futures we are able to exorcise the ghosts that haunt us and imagine possibilities “beyond the limits of what is already understandable” (Gordon, 2008, p. 195).

Stories of mothers who are formerly incarcerated or convicted, are at the center of this dissertation. My *autohistoría* weaves in and out, and at certain points merges with the stories of other mothers whose lives and experiences are recorded here. In her essay “*Was My Life worth Living?*” Emma Goldman (1934) writes that more than personal experience is required in order “to gain a philosophy or point of view from any specific event [rather] it is the quality of our response to the event and our capacity to enter into the lives of others that help us to make their lives and experiences our own” (p. 53). Thus, it is how we respond to events in our lives including a willingness to interrogate our personal experiences and an ability to engage the experiences and memories of others that helps us understand our circumstances and form a value system, perspective, and critical analysis of a given phenomena. Therefore, in this work I am drawing connections between state power and abuse with mothering out of bounds, based on personal experience and the experiences of other mothers who are similarly situated. Fierce mothering surfaces then also as a theoretical construct that stands in opposition to, and in



spite of, state constructions of good and bad mothers. And it is an articulation of feminism that is based on lived experience.

### **Overview of the Dissertation**

I have broken the dissertation into two parts. Part I contains chapters 1-3. Chapter One, “Social and Legal Constructions of the Good/Bad Mother” situates the present project within the literature.<sup>2</sup> Because the mothers who participated in this work are all either formerly incarcerated or convicted, my review of the literature will focus on scholarship situated around the unique conditions of our lives and considers the social/legal constructions of mothers. Chapter Two “Calling all Dreamers of Freedom” outlines the methodologies and includes details regarding the research process, methods, analysis, and participant demographics. Chapter Three, “My Soul is Weary with Sorrow” covers the theories and concepts which undergird this work. The theories addressed are role strain, role conflict, and stigma management. I also introduce a new concept *fierce mother*.

Part II covers chapters 4–6 and the conclusion. Chapter Four introduces the mothers’ personal stories. It opens with a snapshot of women in the United States punishment system and concludes by offering insight into how the individual stories of the mothers who participated in this project intersect with the profile of women caught up in the punishment system. Chapter Five, “E/Affects of the Punishment System” looks at the impact of the punishment system on the women’s lives and on how they perform their roles as mothers. Chapter Six, “Mama’s a Hussla’: Resistance, Activism and

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<sup>2</sup> The Appendix contains a detailed literature review on the social construction of motherhood from varying perspectives. It begins with a review of the prominent scholarship surrounding western feminist constructions and deconstructions of motherhood that were dominant during the periods commonly referred to as first and second wave feminism. The second body of literature is a response to first and second wave feminism and covers Critical Race Feminism and First Nation Feminism and perspectives on mothering.

Empowerment,” offers insight into how these mama’s enact fierce mothering through their involvement in social justice activism. The chapter illustrates how they negotiate their parental role and how their active resistance against state and social constructions of them as mothers and formerly incarcerated people, leads to confidence and empowerment.

## PART I

### CHAPTER 1

#### LITERATURE REVIEW

##### **Social and Legal Constructions of the Good and Bad Mother**

“Definitions belong to the definers, not the defined.”

- Toni Morrison *Beloved* (1987, p. 190)

The following body of literature focuses on how “mother”<sup>3</sup> is defined by law and how these definitions construct women as either good or bad mothers. In *M is for the Many Things*, Carol Sanger (1992) writes “[W]ho is a mother no longer has a simple answer” (p. 18). This is especially true within the context of surrogacy or other-mothering<sup>4</sup> practices common in communities of color. Regardless several common tropes come to mind when we imagine mothers and motherhood. This is largely because, as Sanger (1992) argues, American culture dictates a particular way mothers should appear and conduct themselves. According to Susan Chase and Mary Rogers (2001) the good mother ideal is characterized by selflessness. They write:

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<sup>3</sup> Much has been written about the terms mother, and motherhood themselves. MM Slaughter (1995) writes that “Mother is a term that refers to two functions- childbearing and childrearing. Since women are usually the primary childrearsers as well as childbearers, the two functions are usually collapsed under this term” (p. 73). Slaughter separates the two functions to illustrate “that it is social relations that produce female Motherhood” (p. 73). For her work she capitalizes Mother when referring to people rearing children versus those that bear them. By doing so she is able to address the nuances of gender trappings, as men can be Mothers as well. Since my focus is on cisgendered women who are mothers I use the term mother and motherhood interchangeably to encapsulate both functions. “Other-mothering” refers to caretakers who are not the natural mothers of the children they care for. Stanlie James writes that the term other-mothering refers to a practice common in the African American community whereby women assist blood mothers in the role and responsibility of caring for children; these arrangements can be formal or informal and cover short or long periods of time (1993).

<sup>4</sup> Njoki Nathani Wane defines the concept of “othermothering” in *Reflections on the Mutuality of Mothering: Women, Children and Othermothering*, as “[looking] after children whom [a caretaker] has not blood relation or legal obligation. There is usually a mutual agreement between mothers, aunts, uncles or fathers who play the role of othermothers in a given community” (p. 106).

She follows the advice of doctors and other experts and she educates herself about child development. She is ever-present in her children's lives when they are young, and when they get older she is home everyday to greet them as they return from school. If she works outside the home, she arranges her job around her children so she can be there for them as much as possible...The good mother's success is reflected in her children's behavior- they are well mannered and respectful to others; at the same time they have a strong sense of independence and self esteem. They grow up to be productive citizens (p. 30).

This is the model of mothering that all mothers are regulated and judged by and that many mothers, particularly, women of color and formerly incarcerated or convicted women are automatically exempted from. For these populations they are always, already failing in their role as mothers. In *Of Woman Born*. Adrienne Rich (1977) argues that this mode of mothering, termed patriarchal motherhood or sacrificial motherhood, emerged in the mid-twentieth century. She explains "The patriarchal institution of motherhood is not the 'human condition' any more than rape, prostitution, and slavery are [rather motherhood] has a history [and] ideology" (p. 33). Understanding that motherhood is a social construction, and that the sacrificial motherhood construct that forms the litmus test for what makes, both socially and legally, a "good" mother is neither ideal nor healthy, opens up possibilities for accepting that there are other valid and powerful ways of mothering which is especially useful for women who are, as previously stated, written outside of this ideal.

Regardless of the above stated problems with defining motherhood the law clearly preferences and rewards those women who fall under the false rubric of “good mother.”

According to Slaughter’s (1995) Foucauldian analysis of power and the state,

Power is constantly exercised by regulation or ‘surveillance’ to create a ‘society of normalization’; a society that is organized so that there are multiple social pressures forcing people to conform to particular socially constructed norms.

This normalizing society is maintained through a number of regulative apparatuses that arise under ‘local conditions’ coming from the bottom up, not from the top down. Law is one of these and operates not simply to punish but to normalize or produce (p. 76).

In other words, the law normalizes and produces subjects this includes mothers and makes what it constructs appear natural and necessary. Slaughter (1995) continues her analysis by positioning mothers as failing at the norm of the Ideal Worker, a norm which is legitimized by the law. According to Manicol (1980) the Ideal Worker is a worker who works at an employer’s demand, adhering to whatever schedules the employer deems necessary. Of course, this assumes there is a caretaker at home to care for children; the exchange is that the Ideal Worker earns a wage that supports a family. By this definition women who are mothers are excluded from being Ideal Workers, they may be workers but still separate from the Ideal Worker. Many mothers work outside of the home, however because of the gendered division of labor many mothers are forced to accommodate work and family responsibilities (Slaughter, 1995). This speaks back to the earlier definition of what it means to be a good mother; a good mother would not place her career ahead of the family; therefore a line is drawn in the sand in many senses-

either you are a good mother or an Ideal Worker, it is virtually impossible, according to the given parameters, to be both. The law masks inherent power relations and interests and instead upholds the false ideal of good mothers as well as the gendered division of labor.

Slaughter (1995) offers two relevant examples of the laws complicity with a “regulatory system that works to construct mothers” (p. 86). Slaughter (1995) focuses on two pieces of social welfare law Unemployment Insurance Benefits (UI) and Aid to Families with Dependent Children (AFDC). Despite the fact that AFDC was replaced in 1996 with the even more restrictive welfare policy of Temporary Assistance for Needy Families (TANF), the logics of the two systems are the same and thus the argument she makes still valid. According to the U.S. Department of Labor’s (2014) *Unemployment Compensation: Federal/State Partnership* UI provides benefits to jobless workers who demonstrate a strong attachment to the workforce who meet specific periods of work and earning requirements. This definition, which has changed little since Slaughter’s publication in 1995, is still based on the Ideal Worker prototype which was largely constructed around the male worker. As Slaughter (1995) states “the law does not provide for part-time or casual workers, most of whom tend to be women” (p. 88). These workers do not meet the wage or time worked requirements (which assume dislocated workers will return to the job market quickly) to file for and receive UI benefits. Slaughter (1995) rightly says that mothers on the other hand “work intermittently” and often “leave the job market for extended periods of time” to care for the family (p. 88). According to UI guidelines extended lapses in employment disqualify filers from collecting benefits; thus, “because of their particular work patters mothers often fail to

meet UI eligibility requirements” (Slaughter, 1995, p. 88). In essence women who are mothers who may even work outside as well as inside the home are not recognized as Ideal Workers and therefore are not rewarded by this legal system.

Alternately AFDC was substitute income for families with children under the age of 18, this program was replaced by TANF in 1996 which set restrictions on who was eligible to receive aid; it banned teenage mothers, newborn babies, people convicted of certain felonies, and legal immigrants (Marchevsky & Theoharis, 2000). The new welfare program became a temporary assistance plan for those deemed “deserving” and focused on getting recipients to take personal responsibility for their poverty and moving them as quickly as possible off the rolls and back into the workforce. Both AFDC and TANF have income restrictions, mothers receiving aid cannot earn more than a stated amount from work outside of the home. Slaughter (1995) writes that AFDC does not “recognize or pay the mother directly for childrearing as work in and of its own right...rather it ‘gives’ her money...this creates a social construction in which mothering is placed outside the category of work...and reifies the division between breadwinning and mothering” (p. 89). Effectively laws such as AFDC (now TANF) reinforce the social construction of women as dependent, nurturers and caretakers and perceives their labor as “non-work” thus the monies they receive are akin to charity.

Murphy (1998) writes that “judicial and legislative pronouncements about when mothers may have custody of their children, when mothers may or must work, and with whom mothers may live are all entrenched in a legal construct of ideal motherhood” (p. 690). Again, these laws, such as the piece of legislation reviewed above, reify the stereotype of mothers as heterosexual, self-sacrificing, stay-at-home mothers. Despite

the ways in which the law upholds the social construction of good mothers, it also positions women (within the law) as equal beings, this is especially true when the law takes up “mothers’ economic rights and responsibilities” (Murphy, 1998, p. 680). The hand of the state in manipulating these philosophically opposed definitions of motherhood is made most apparent in the area of child placement in cases of divorce or separation. Mothers are caught in a legal game of pickle as they are judged on their perceived capacity to provide financially (as would a breadwinner) for her children, as well as their ability to devote the time and attention to nurturing and caretaking the construct of good mothers dictates is appropriate and necessary. In effect the law expects women to be both Ideal Workers and Ideal Caretakers.

Though there has been a substantial increase in mothers who work outside of the home since the 1960’s (Sanger, 1996; Kessler-Harris, 1982)<sup>5</sup> family law has not caught up with the changing times and remains grounded in the assumptions of the ideal family and the good mother that old television shows like *Leave it to Beaver* popularized. To reiterate this ideal consists of a mother who is good-natured, almost saintly, married, monogamous, heterosexual, and available at all times to care for her children. The law on its face appears to be neutral; however, the outcome and impact of the law is not race, class, gender, or conviction history neutral. There is no law that says “a good mother is X and a bad mother is Y” however the differential impact of the law on particular mothers is what dictates how the law defines good and bad mothers. And as Murphy (1998) writes, “poor minority women frequently bear the punishment for deviating from

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<sup>5</sup> This is especially true for middle and upper class married mothers, poor single mothers have always had to work. See U.S. Dep’t of Commerce, Statistical Abstract of the United States 1996; Sanger (1996) *Separating from Children*, 96 Colum.L.Rev. 375, 399-409, Alice Kessler-Harris (1982) *Out to Work: A History of Wage Earning Women in the United States* viii.



the stereotype of the ideal mother, whereas white middle class and wealthy women reap the rewards for being good mothers” (p. 691). Child custody law evolved from 19th century positions of women and children as property of the father (paternal preference), to 20th century maternal preference which argued that women were predisposed to nurturing and caretaking making them the natural choice for custody, to the modern doctrine of “best interest of the child” (Grossberg, 1985; Ramos, 1979; Mason, 1994; Federle, 1994; Clark, 1988; Uviller, 1978). Murphy (1998) writes that the “best interest of the child” gives the appearance of neutrality; however, the standard of who is the better placement option is based on the judges own ideas of what constitutes a good mother. Teitelbaum (1985) states “a court must decide what conduct and circumstances are desirable and what are not. The criteria for this decision, if not supplied by the parents themselves, must derive from the judge’s views of good childrearing and good citizenship” (p. 1156). This leaves the door open for differences in application of the “best interests” model. The “best interests” standard is most apparent in child custody cases. Case law is important because it sets legal precedence for how similar cases that follow are arbitrated (Black’s Law Dictionary, 2009). In *Mother’s on Trial* (2011) Phyllis Chesler, highlights several such cases, which demonstrate the ways in which gender imbalance and the ideals of the “good mother” adversely affect women who subvert the script of the good mother as sacrificial caretaker by working outside of the home. Five of the cases that Chesler reviews where mothers lost custody of their children (Bezou v. Bezou, 1983; Cooley v. Cooley, 1982; Masek v. Masek, 1975; McCreery v. McCreery, 1977; and Ramirez-Baker v. Barker, 1992) show that when a mother’s work and aspirations that take them outside of the home they are perceived negatively by the

court and ultimately are punished (i.e. losing custody of their children) for transgressing the norms of ideal motherhood. Through these cases it is apparent that the ideas of how good mothers are socially understood intervene in legal outcomes. Mothers are held to a double standard.

The literature reviewed in this section shows that if mothers are dependent on state resources to provide for themselves and their children (AFDC/TANF) and not financially independent it is held against them, however if they work too much or are too ambitious that too is held against them. This section illustrates the ways in which the law punishes non-conforming women and places them outside of the construct of good mothers. Nowhere are mothers farther outside of the construct of ideal mothers or even Ideal Workers, than formerly incarcerated or convicted mothers. This is most evident in legislation such as the Adoption and Safe Families Act (ASFA).

### **Punishment System and Motherhood**

ASFA was passed in 1997 and it reduced the time in which children could remain in foster care before parental rights are terminated. Under this piece of legislation “if an incarcerated parent does not have contact with his or her child for six months, he or she, can be charged with ‘abandonment’ and lose parental rights. If the child is in foster care for 15 of the last 22 months, the child welfare agency is required to file a petition to terminate parental rights” (Law, 2009, p. 44). Sixty-six percent of incarcerated women are mothers of children under the age of eighteen, many of whom are single parents; therefore, this law differentially impacts women and children (Enos, S., 2001, p. 3) Genty (2003) writes “reported termination of parental rights involving parental incarceration increased by approximately 250 percent...since 1997 [when] ASFA was

enacted” (p. 1678). Mothers who are incarcerated and fight to maintain parental rights find themselves in uncharted territory where the law is decidedly against them. The case of Kebby Warner is illustrative of this fact. Kebby entered prison pregnant and after delivery her parents agreed to care for the baby while she was incarcerated. However, four months later Kebby’s father passed away and her mother gave the baby to foster care, and “when Helen was two years old, a judge terminated Warner’s parental rights, stating that the length of her incarceration constituted neglect and abuse” (Law, 2009, p. 45). After Warner’s caseworker threatened to have her child immediately adopted she stopped trying to appeal the judge’s decision. In return for dropping the appeal and relinquishing her parental rights Kebby was promised that Helen would not be moved to another family. Kebby feeling as if she did not have a choice in the matter and wanting to stay informed of where her daughter was living, signed over her rights (Law, 2009, p. 45). Kebby’s story demonstrates that mothers who come in conflict the law face unique challenges that severely impact their ability to parent and further shows how the law does not support this population. Despite the fact that research demonstrates that family unification reduces recidivism (Laughlin, J., Arrigo, B., Blevins, K., Coston, C. 2008), mothers who are incarcerated or formerly incarcerated are constructed as social deviants, which make them (and their children) disposable.

Women comprise the fastest growing population under the control of the prison industrial complex. Since 1990 the total number of women under the supervision of the corrections system grew by 48% (Greenfeld & Snell, 1999, p. 6). When we disaggregate the numbers by race the disparity is even more prominent. The BJS report entitled *Women Offenders* states that “nearly two-thirds of women sentenced to probation are

white, while an estimated two-thirds of those confined in local jails and State and Federal prisons are women of color” (Greenfeld & Snell, 1999, p. 7). A key difference between men and women in the corrections system is that women are more likely to carry the sole responsibility for taking care of children (Braithwaite, R., Treadwell, H., Arriola, K., 2005). Research shows that approximately 1.3 million children have a mother who is under the supervision of the corrections system (Greenfeld & Snell 1999). As demonstrated in this literature review, the ideology of motherhood is constructed along a hegemonic binary of good/bad mother which leaves little room for complex personhood. Because formerly incarcerated and convicted people are constructed as social deviants their voices and stories are invisible.

This is the reason the stories of formerly incarcerated and convicted mothers are important to tell- all of them both big and small, because the criminal legal process becomes our story and we no longer have ownership over our personal narrative. Our stories, told in our voices, are not part of the official record of our lives. Rather the official record of who we are, and always will be, is told through court and legal documents, newspaper stories, and other news media. This negative record of our person is visible and easily accessible in our current digital age and is frequently levied against us regardless of the passage of time. This reality makes the recording and telling of our counter-stories imperative. Our stories, told in our voices, are in tension with what is considered the “official record” of our lives and through the process we reclaim authority over our narrative and potentiality. We often work and exist at the lower end of the economic structure, which means we experience constant instability in our employment opportunities, and child care options the uncertainty created by poverty is augmented by

all of other jobs we as mothers often do, cooking, cleaning, educating, driving to activities, grocery shopping, medical appointments we do all of this while also navigating the effects of the punishment system. Like other mothers our lives and the choices we make often revolve around the needs of our families but the conditions in which we must make these choices are decidedly different. Telling our stories is the only way to remove the chain from our necks. Through our stories we are able to contextualize the intended consequences of the criminal punishment system, and on a human level our stories told in our own voice, document the way we want to be remembered- they are the counter stories to the narrative of our lives that have been dictated and shaped by the state. Through speaking we can release what is living in our darkest memories, we can heal, we can be the definers of our lives—our struggles, and our thrival.<sup>6</sup>

A curious thing happens when you get to know someone, you begin to form opinions about them, and ultimately you begin to care because you see them as a whole person. Marshall Ganz argues that we talk about hope and other human values “in the language of stories” stories are powerful and important because they allow us to identify, feel, and understand conditions that may not our own (2009, n.pag.). Stories matter because they are the method by which we understand ourselves in relationship to others. We all have a self-story; however, for people with conviction histories our stories are interpreted and told for us largely through our criminal legal documents. Thus to narrate one’s self in this context is a powerful act of reclamation.

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<sup>6</sup> Instead of survival- thrival- to thrive not just survive.

## CHAPTER 2

### METHODOLOGIES

#### **Calling All Dreamers of Freedom**

The Dream Keeper

By Langston Hughes

Bring me all of your dreams,  
You dreamers,  
Bring me all of your  
Heart Melodies  
That I may wrap them  
In a blue cloud-cloth  
Away from the too- rough fingers  
of the world.

This work and the stories herein are a reflection of my own experience with the punishment system; it carries my hopes and my dreams just as much as it carries that of the women who participated in this project. I oftentimes imagined myself at the shoreline offering it to the waves of uncertainty, or perhaps laying it down. I wrote it at times in fear. I was afraid of the future I could be inscribing for myself, I wondered if I was somehow sealing a negative fate for myself by choosing to write publically about this part of my life. I was afraid of not doing a good job and somehow failing the mothers who so generously offered their stories. At other times I wrote in anger, and still others in sadness- many times it was this, a deep well of sadness whose depths seemed to know no ends. But always there was love- love for my children and family, love for my future, and a deep, deep love for the women whose stories I carry with me. They are this work as I am this work- we reflect and echo each other in many ways. Often times I would close my eyes when I sat down at my keyboard to write. I would speak to my heart and call her forth and tell her to write what she felt and I would pray that the Divine would guide my words so that I could make these stories felt and felt powerfully.

The obligation and responsibility to write well for them, for us, for me, kept me up at night. I began to notice that I truly was carrying their stories inside of me, and I was running out of room to hold it all in as we elbowed into each other in an effort to make room. Each story was pulsating inside of me, and it became difficult to disconnect and simultaneously challenging to *connect to* writing. It was a struggle. Conducting this type of research is difficult. There is obvious challenge of finding people to go on record to talk about sensitive and painful issues. But being a part of this population myself, and consciously choosing to include my own story in this work, presented unique emotional challenges I had to consciously fight through. Self-reflection and interrogation is not an easy task, I frequently wrote feeling uncomfortable. I wrote this dissertation from a deeply personal location.

### **Process**

Over the course of several months, I conducted nine life history interviews with mothers who identified as formerly incarcerated or convicted. All of the interviews were audio recorded using a digital voice recorder. The interviews were subsequently transcribed verbatim and coded for themes connected to fierce mothering. The duration of each interview depended upon what and how much each mother wanted to share, interviews ranged from 45 minutes to 3 hours. Because I used a pseudonymous approach a signed consent form was waived in all but two occasions where participants wanted to use their true names. However, every participant received a copy of the consent procedures. This project is centered on mothers who are now on the other side of prison, jail, or probation and broadly considered 1.) The “afterlife” of the punishment system; as a result of their “marked status” their roles as mothers continue to be structured post-

punishment and 2.) To explore how these mothers resist restrictive notions of what it means to be “good mothers.”<sup>7</sup>

The women who participated in this project lived in various locations across the United States. I conducted in-person interviews with women who were located in Arizona. Interviews with women outside of Arizona were done over the phone. The geographic locales the women hailed from were diverse; I interviewed women in California, Texas, Oklahoma, Florida, New York, North Carolina and Washington. I used pseudonyms in all but two cases, where the women requested that I use their real

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<sup>7</sup> In *Lose Your Mother: A Journey Along the Atlantic Slave Route* (2007) Saidiya Hartman argues that the afterlife of slavery is “skewed life chances, limited access to health and education, premature death, incarceration, and impoverishment” (p. 6). The book is haunting as it looks at how one connects to a personal history where individual records of experience [souls lost in the Middle Passage] have been ghosted from the historical archive. Prior to *Lose Your Mother* Hartman wrote *Scenes of Subjection: Terror, Slavery, and Self-Making in the 19<sup>th</sup> Century* (1997) which explores scenes of terror that have been invisibilized under the rubrics of pleasure, paternalism and property. In many respects the book is an exploration of what it means to be human, and exploration of the “discourse of humanism”. What constitutes humanity? How does the law work to make these distinctions? How did/does the law subvert humanity to intensify suffering? Is humanity borne equally by all? What is the relationship between injury and personhood. Hartman writes, “I am interested in the ways that the recognitions of humanity and individuality acted to tether bind and oppress” (p. 5). She argues that there is no “access to the subaltern consciousness outside dominate representations or elite documents” (p. 10). Hartman writes that she has tried to read these elite documents against the grain “in order to write a different account of the past” (p. 10). This method then requires an excavation of established records through a reading of the margins in order to retrieve fugitive histories. Ultimately, Hartman explores how “the texture of freedom is laden with the vestiges of slavery, and abstract equality is utterly enmeshed in the narrative of black subjection” and explains, “I am trying to grapple with the changes wrought in the social fabric after the abolition of slavery and with the nonevent of emancipation insinuated by the perpetuation of the plantation system and the reconfiguration of subjection” (p. 116). So she asks, How [did] the formerly enslaved [navigate] between a travestied emancipation and an illusory freedom?” (p. 119). Thus by reading against the grain she reconceptualizes the character of resistance. She examines tactics such as “work slowdowns, feigned illness, unlicensed travel, the destruction of property, theft, self-mutilation, dissimulation, physical confrontations with owners and overseers” and through them documents everyday practices of resistance (p. 51). These acts of resistance are examples of expressing individual agency when one is without individual rights or written outside of humanity. This is the genealogy that informs “the afterlife of the punishment system” that similarly produces social or living death. However, formerly incarcerated/convicted mother’s resist these conditions; the narratives of “fierce mothers” herein can be read as existing in juxtaposition to and in spite of liberal/ideal motherhood, a construct reinforced by the state. Thus conditions created by the state that restrict fierce mothers from performing their roles as such, could be read as *intentionally* disallowing segment of society to be read as mothers.



names, to not do so would have robbed them of their personal power over how their story gets told.

As previously stated, I used in- depth, life history interviews to gather narratives highlighted in this work. I used a semi-structured interview approach. The interviews covered four major categories. These included a.) General thoughts on motherhood b.)Mothering and the corrections system c.) Stigma management and d.) Activism. The questions asked were open ended in nature with follow-up questions posed that emerged from the dialogue. This approach was best suited for the goals of the project for many reasons one being that it allowed for private conversation about a topic that is personal and sensitive without a time limit. Additionally, it allowed for the women to create a “critical space” (McCorkle, 1998). In this space they were able to tell their stories on their own terms and in their own voice without fear of reprisal or judgment which was an objective of the work.

Schmid and Jones (1991) argue in their study of identity transformation in a prison setting that the unique combination of the loss of access to resources and the totalizing demand that one see oneself in a specific and damaging way constitutes a “massive assault” on the very selfhood of a person who is incarcerated (p. 415). Meaning the punishment system (jail, prison, probation) does not only punish and condition the body, in punishes the mind and the soul as well. Total institutions, like prisons, jails, and I would argue the probation system, are “forcing houses” where identity conversion is a mission of the system.<sup>8</sup> In these institutions, particularly in jail and prison where the

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<sup>8</sup> Though Erving Goffman popularized the term “total institutions” in his essay “On the Characteristics of Total Institutions” (1961), it was used by other theorists as well albeit under different names. For example, Foucault refers to the same logics of total institutions as “complete and austere institutions” in *Discipline and Punish*. Goffman defines the term thusly, “a place of residence and work where a large number of

assault is so unrelenting so complete, it becomes almost impossible to retain one's former self much less a positive self-image amid the constant negative declarations state actors levy about who and what you are, and always will be (Goffman, 1961; Lifton, 1961; Silberman, 1995).

The reality of the aforementioned disciplining logics the women in this project have lived under made the method of interviewing well- suited for the goals of this work. The space created in the interview process intervened as a "critical space." According to McCorkle (1998) a critical space is one which operates outside the purview of surveillance, it is one where participants are free to express themselves without fear of being reported for their interpretation or rejection of labels that they have been forced to wear. It does not have to be a physical location, indeed for this project it often was not as the majority of interviews were conducted over the phone. Finally, within a critical space must be a desire to define oneself in a manner that is "distinct from the labels of ...staff and to critically examine the content of [the] rhetoric" they have been forced to observe.

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like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life" (p. xiii). He classifies several institutions under this rubric including prison and jails. Every day life is rationalized and conditioned by rules and regimentation the purpose of which is to discipline and control every moment of the person housed therein. Goffman argues that part of this project includes stripping the person of any identity previously held outside its walls. In prison and jail there is a poverty of those resources and material possession people often depend upon to create positive self-images. In these "total institutions" one lacks social credit- there isn't the status of a house, a job, a car etc. to rely upon to confer an understanding about your social acceptability/viability. One is entirely dependent upon the institution for their basic needs to be met. The re-education project begins immediately- you are literally stripped of all identifiers, clothing, jewelry, hair ties, make-up, in your nakedness you are further humiliated by being asked to squat deeply and cough, spreading yourself bare in front of an audience of corrections officers and other people being processed. You are dressed in prison jumpsuits and though given time to shower you aren't provided with any toiletries or hair instruments to adequately groom yourself – you are completely degraded and debased physically and verbally by corrections officers. There is no humanity shown. This is all done to make you understand you are powerless and that you have a new identity- that of inmate. From now on your movements are not your own, you eat, shower, exercise, work, make phone calls, sleep and wake when and where you are told. This re-education is totalizing and all consuming and threatens and often succeeds in claiming your soul, it is a constant battle to safe-guard the privacy of your mind and thoughts. Thus as all normal aspects of life occur in these warped houses, and they *force* an identity conversion. Goffman (1961) writes "these total institutions are the forcing houses for changing persons, each is a natural experiment on what can be done to the self" (p. 12).

McCorkel continues by writing that in critical spaces participants “recover a sense of who they are that is distinct from the kind of person that [judges, corrections officers, and probation officers have said that they are]” (p. 244). The interview method allowed women to narrate their experiences without the oversight of corrections officers, parole/probation officers or judges, and through the process they demonstrated the ways they sustain(ed) themselves and surviv(ed).

**Method: *Testimonio***

In the introduction to *Telling to Live: Papelitos Guardados* (2001) the authors write that *testimonios* can be viewed as a collective means of “bearing witness and inscribing into history those lived realities that would otherwise succumb to the alchemy of erasure” (The Latina Feminist Group, 2001, p. 2). Testimonios create a critical opening for groups who have been historically used as silent objects of study to speak. Ruth Behar writes that testimonio “speaks to the role of witnessing... as a key form of approaching and transforming reality” (Behar, 1996, p. 27). I employed testimonio in this project positioned within a Chicana feminist epistemology. This approach allowed for a reciprocal exchange between the women who participated and I, to recognize, acknowledge and draw from our experience situated knowledge.

According to Dolores Delgado Bernal (1998) Chicana feminist epistemology is “concerned with ...who generates an understanding of ...experience and how this knowledge is legitimized or not legitimized” (p. 560). This epistemological framework allowed for reading the participants experiences as situated knowledge about post-incarceration obstacles and survival. Chicana Feminist Epistemology is informed by “endarkened feminist epistemologies”. Cynthia Dillard (2000) writes that endarkened

feminist epistemologies are rooted in Black Feminist Thought and are located “in the intersection/overlap of the culturally constructed socializations of race, gender, and other identities and the historical and contemporary contexts of oppressions and resistance for African American women” (p. 662). These epistemologies regard research as responsibility, and are “obligated to the very persons and communities being engaged in the inquiry” (Dillard, 2000, p. 663). The testimonios collected form a specialized body of knowledge about the state, justice, incarceration, community corrections and the after effects on mothers and families. While legitimate and powerful, these stories are dismissed and even excluded from reified bodies of knowledge particularly in fields such as Criminology. This exclusion is the opening to create alternative sites to bridge understanding and knowledge production.

Gugelberger and Kearney (2001) argue that as a method, testimonio communicates struggles for survival. Testimonio relates, through individuated experiences, a “collective memory...truth is summoned in the cause of denouncing a present situation of exploitation and oppression or exorcising and setting aright official history” (Gugelberger and Kearney, 2001, p. 4). Testimonio works to relate the experience of a collective reality. Although the individual journeys may look different, mothers whose lives have been punctuated by the punishment system share the common experience of social and political disenfranchisement. Additionally, testimonio challenges traditional assumptions about what constitutes knowledge and who can produce it. As cited earlier, “testimonios act as a means of bearing witness” (The Latina Feminist Group, 2001, p. 2) and writing into the archives the lives of those who are so often erased or misrepresented. Furthermore, testimonios demonstrate how knowledge emerging from

lived conditions can act as the foundation for not only theorizing but constructing a political praxis that addresses the material conditions in which mothers impacted by the punishment system live. In this way testimonios act as political narratives and demonstrate how personal experiences often hold meaning beyond the event being related.

### **Recruitment Process**

Initially I reached out to personal networks to find participants. These contacts ranged from folks that work in and around prison abolition, a group of scholars in the Convict Criminology network, prison ministries, and agencies/individuals that work in and around re-entry issues. From these sources I found my first three interviews. After months of unreturned email and voicemail messages I contacted friend and colleague Victoria Law- author of *Resistance behind Bars* and asked for help. I emailed her my project description and research questions, which she forwarded along. One of the places she sent my information to was the national website on re-entry issues, Re-entry Central. From this one intervention I received the bulk of my contacts. I believe that by Vikki Law informally vouching for me, people who reached out trusted and believed in the proponents of the research project. Her conveyance of the project call for participants contributed to establishing rapport before I even conducted an interview.

The recruitment method I used was a combination of purposeful and snowball sampling. But I prefer to think of it as “mothers who organize and are committed to creating a just society”- or the *comadre* effect. It all began with one enthusiastic mother who reached out when she saw my recruitment script posted on RE-Entry Central, who then called her friends. I would interview one mother who would then call her friend

who had a story to tell, who would then tell their friend and it went on and on, linking stories and experiences from mothers of a range of backgrounds across the United States, like those yarn lacing cards pre-schooler's tend to love so much, their stories connected to each other in jagged lines. I found that Re-Entry Central was a vital hub, a community where people exchanged information and news; it operates as an underground network of people helping each other survive.

### **Analysis**

After each interview I transcribed the audio file and made notes for myself within the transcription using comment boxes. These notes ranged from connections between what the woman was saying and scholarship, to moments where interviews were in dialogue with each other, to emergent themes. In this initial review a broad set of themes were found including: economic insecurity, health consequences, stigma, identity formation (as a mother, a formerly incarcerated or convicted person, as a worker, as an activist, as living a drug-free life), the role of support, success and employment. I pulled out quotes from each interview that represented these themes and created "relevant text" files for each interview. I sat with these text files of themes and focused on how the ideas fit together. During this time period, when I was so immersed in the data, is when I truly began to feel haunted by the stories I had collected. What invaded my waking moments and my dream life was *how* the women articulated their stories and *why* they shared them with me. I easily recalled the cadence of their voices. I remembered the specific moments where their voices became hushed, hesitant, angry, defiant, and happy- and the moments where they were so overcome with grief and mourning that they cried in pain. I began to wonder why these women would choose to revisit their painful histories with

me; I was a stranger after all. They were each telling one particular kind of story; it was a story of negotiating and navigating the terrain of motherhood in the peripheries. “The How”- defined as the stories they chose to share and “The Why”- explained by how the sharing of their stories serve them, became the object of my analysis. I sat out with this new focus to reexamine my research questions, interview questions, and data. And found that one set of interview questions consistently elicited compelling responses that got at the how and the why. These questions considered how women managed their roles as mothers post-punishment. This series of open-ended questions asked mothers to define what being a good/bad mother meant to them, to reflect on whether or not their experiences with the punishment system changed the way they thought about themselves as mothers, if it impacted the way they engage their roles as mothers, if it had lasting effects on their relationships with their children, how they negotiate their realities, how they conceptualize freedom, and finally why stories such as theirs are important. These stories are the making of how I conceptualize what I term as *fierce mothers*.

### **Participant Demographics**

Table 1 offers a glimpse of the demographic characteristics of the women who participated in this project. The age of participants ranged from 33 to 53 with a median of 48 years of age. Consistent with research on women and the corrections system, most of the women in this project were involved with the corrections system as a result of drug and/or alcohol related offenses, this was true even for those women whose charges may not have officially been drug/alcohol related, in those instances they assert that their addictions were a motivating factor in their situation.

All of the women are mothers, four of whom have minor children still living at home. One mother's child is deceased, a victim of murder inside an Arizona prison. During the mother's incarceration/jail the children experienced diverse living arrangements. Some children lived with aunts and uncles or grandparents, some were in group homes, and others were raised by siblings. A small number were cared for by their biological fathers, in only instance was the father in a relationship with the mother. In the cases where the mother was incarcerated, she did not have immediate custody of her children upon release; in one case the mother had permanently lost custody of her children.



Table 1

*Demographics of Participants<sup>9</sup>*

Name	Age	Race/Ethnicity	Number of Children	Education	Employment	Supervision Status
Phoebe	33	Hispanic	1	Associates Degree	Full-time	Jail- 2 months Probation- 10 years
Kini Seawright	48	Black	1- deceased	GED	Disability	Incarceration- off and on from 1995–2001 & again briefly in 2013 two separate times. Probation
Martha	45	White	3	Master's Degree	Full-time	Incarceration- 15 months, 4 years Parole
Ericka	46	Sioux and Italian	1	11th grade	Unemployed	Incarceration- 15 months & Probation 5 separate times
Yraida Guinpa	53	Hispanic	2	Master's Degree by 2015	Full-time	Incarceration- 10.5 years & Probation- 5 years
Lisa	50	African American	6	GED	Unemployed	Incarceration- 7 years & Probation- 5 years
Mary	48	White	2	Associates Degree	Full-Time	Incarceration- 3 years & Probation- 5 years
Gigi	53	White	3	Associates Degree	Full-time	Incarceration- 10 years off and on & Drug Rehab- 14 months Probation- 2.5 years
Christine	37	White	2	B.S., Registered Nurse, Currently	Full-time student	20 months incarcerated- 4 weeks outpatient drug treatment

<sup>9</sup> All names are pseudonyms with the exception of two Kini Seawright and Yraida Guinpa. All race/ethnicity classifications are based on how participants self-identified

## CHAPTER 3

### THEORIES/CONCEPTS

#### **My Soul is Weary with Sorrow: Role Strain, Role Conflict, Stigma Management, and Fierce Mothers**

“There were times when I would just break down and be like, ‘I don’t know if I can do this? Do I just get up and leave? Do I just get up, take my baby and go and hope that nobody will find me?’”- Phoebe

As detailed in the literature review, hegemonic norms surrounding the model of what it means to be a good mother are not neutral, nor without consequence. Rather, how we socially and legally understand what it means to be a good/bad mother relies on heteronormative ideals that are raced and classed and are embedded with how we understand gender. To summarize briefly, the literature previously discussed demonstrated that the good mother is the “Intensive Mother” which is a construct that situates mothering as a woman’s exclusive role, meaning her life is entirely centered on her children and family, their care and development consumes the bulk of her time and emotional energy (Hays, 1996). This mother is devoted to caring for her family, she sacrifices all of herself for the good of her children, she is “not a subject with her own needs and interests” (Bassin, Honey, & Kaplan, 1994, p. 2). This is what is understood as the making of a good mother (Berry, 1993; Ribbens, 1994; Thurer, 1993).

#### **Role Strain and Role Conflict**

The expectations around how motherhood is performed are untenable under normal conditions making mothers who are formerly incarcerated or convicted even

further written outside the boundaries of ideal mothers. The reality of a formerly incarcerated or convicted woman's situation and her identity as a mother often come in conflict with each other. She is a mother but one who is often unable to perform the role according to society's standards, and this produces "role strain." As Berry and Eigenberg (2003) write, these mothers are "expected to follow standards of behavior that are universal for mothers, but due to [her] conditions... she cannot meet these standards in normal ways" (p. 104). Indeed this population is difficult to even be read as mothers because the supercharged labels of "convicted felon," "criminal," "ex-convict," or "drug addict," "sex offender," "drug trafficker," "prostitute" dominate and overwrite that of "mother" (Faith, 1993; Girshick, 1999). Formerly incarcerated and convicted women are seen as having doubly failed. They have failed as women and as mothers (Baunach, 1985; Beckerman, 1991; Harris, 1993; Jones, 1993, Zalba, 1964) and in situations where children were permanently removed from their custody, women who claim the identity of mother have few opportunities to demonstrate that they are indeed "good mothers" (Berry & Eigenberg, 2003).

Role strain theory suggests that we understand our roles and how they ought to be performed from people in our personal networks as well as broader social expectations of how a given role should be executed, when one is unable to meet the expectations held surrounding their role they experience "role strain" (Goode, 1960). According to Goode (1960), role strain occurs on two levels. The first level occurs when a person fails to meet expectations held of them in their role by their personal networks. This is largely about one's performance in their role. The second level is internal- meaning it is something that is experienced psychologically and emotionally, it is a "felt difficulty in

fulfilling role obligations” (p. 483). This psychological role strain is the result of someone caring that they are not meeting role expectations; in the case of the present work these are women who feel like they are failing their children and family as mothers. Role strain is caused when there is difficulty meeting the demands within a *single* role—in this case the multiple expectations held of mothers. However, role strain does not fully address the tension this population experiences regularly. Many times formerly incarcerated and convicted women are unable to fully perform their roles as mothers *alongside* meeting the expectations held of them as formerly incarcerated and convicted people. They are roles that are incompatible with each other in fundamental ways. Role conflict is characterized by competing demands from multiple roles where performing well in one role often jeopardizes performance in the other role (Barnett & Baruch, 1985, p. 136). The effect is increased stress and hopelessness. Managing these conflicting roles is difficult particularly as this population faces persistent social condemnation and discrimination.

### **Stigma**

Research demonstrates that felony status is equally stigmatizing regardless of whether a person was incarcerated or sentenced to some other form of community corrections. Petersilia (2003) writes, “[a] criminal conviction—no matter how trivial or long ago it occurred—scars one for life” (p. 13). For example, securing gainful employment is the first step towards establishing stability in a person’s life but for formerly incarcerated and convicted people this critical requirement is one that presents significant challenges. Barriers to employment are a persistent issue for this population (Dodge, M. and Pogrebin, M., 2001) and because a criminal record never expires;

formerly incarcerated and convicted people serve a life-time sentence of social exclusion and instability. However, that is just one challenge people with criminal records face there are, in fact a whole host of restrictions, life-giving rights and resources formerly incarcerated and convicted people are excluded from. Some of these include “freedom of movement, access to social welfare, access to education, access to... financial opportunity [such as the ability to secure bank loans], and juridical rights including voting or serving as jurors” (Gámez, 2013, p. 64). These are all the ways that people are legible as such in our society. Without jobs, skills, education, civil and social rights, inclusion in communities etc, it is virtually impossible for people to survive.

**Stigma Management.** Mothers who have conviction histories are highly stigmatized, as women they are stigmatized by virtue of having a criminal record but they are also stigmatized as unfit, indifferent, or “bad” mothers. The person, not the deed, is labeled as bad (Braithwaite, 1989; Dodge, M. and Pogrebin, M., 2001). As the label of “criminal” becomes one’s master status (Becker, 1963; Dodge, M. and Pogrebin, M. 2001) women are forced to manage their stigmatized identities. They may use education, their mother status, or community work to disassociate themselves with their “ex-offender” status and mediate the effect of what Jones, E., Scott, R., Markus, H. (1984) terms a “marked” status. Yang, L., Kleinman, B., Link, J., Phelan, S., Good, B. (2007) use “mark” to describe a “deviant condition identified by society that might define the individual as flawed or spoiled” (p. 1525). Though the effort to manage a stigmatized/marked identity is largely futile as even a single “bad, dangerous, or weak” (Goffman, 1963, p. 3) characteristic is enough to be reduced from “a whole and usual

person to a tainted, discounted one” (Goffman, 1963, p. 3) people with stigmatized identities engage in a number of behaviors to conceal or “pass” in society.

In “Jean Valjean’s Dilemma” Harding (2003), drawing on Goffman’s (1963) seminal work *Stigma*, which focused on that ways in which people managed “spoiled identities” he identifies three ways in which people manage stigmatized backgrounds; though his study involved male parolees on the job hunt the techniques employed are transferrable and relevant regardless of gender and purpose. These were: no disclosure, full disclosure, and conditional disclosure (Harding, 2003, p. 579). Harding (2003) writes that the distinction between no disclosure and full disclosure is as follows, “[t]he stigmatized individual who [does not disclose] conceals his stigma, while the individual who [fully discloses] acknowledges the stigma and then attempts to reduce its impact” (p. 580). Harding (2003) describes conditional disclosure as a compromise between no disclosure and full disclosure. He argues that people who employ this tactic initially do not address their convictions but rather gauge the most opportune time to disclose and typically wait until the “audience” is aware of their positive characteristics to do so (p. 583).

The issues of disclosure and stigma management are bound concerns. It is impossible to entirely avoid situations where one’s stigmatized background might come up, particularly (as was the case for virtually all the participants in this project) if you are someone who desires to pursue advanced education, a career working with the public, or a job where you can climb the company ladder. These conditions make it not a matter of “if you will disclose” but rather “when you will disclose” (Harding, 2003). In most cases it is easier to manage the tension that surely arises after disclosure, than it is to manage

something that is largely out of your control: information (Harding, 2003). In this age, access to details about people and their backgrounds is readily found using a basic internet search. As noted, mothers who are formerly incarcerated or convicted are faced with a greater degree of stigmatization as a result of their subjectivities, making stigma management a key concern. The women in this project do engage and depending on the situation, alternate between, these tactics. The negotiation and navigation of tactics employed to mitigate stigma largely depended on the impact disclosing would have on their children. These mothers face unique challenges and unforgiving social judgment that often trap them in a game of “two steps forward three steps back.”

The following section, “Good Eggs or Bad Apples?” details the concept of Fierce Mothers which is the way women not only survive the punishment system but also engage their roles as mothers. The section will explain how the model of Fierce Mothers/ing 1. Subverts and exists in contradistinction to the mythology of “good” or “bad” mothers and 2. Connects to the present project.

### **Good Eggs or Bad Apples?**

Though one could contend that motherhood is legally regulated for all mothers; this is especially true for mothers who run afoul of the law. Furthermore, as noted in literature review (Chapter One) legal constructions of motherhood shape social understandings of what constitute good and bad mothers and these ideas are inflected by the dynamics of race and class. Smart (1992) writes “motherhood is central to the social and legal definition of women. A woman who does not have children will still, in the context of law and legal institutions, be treated as though she is or may become a mother” (p. 29). Because women who break the law also defy their gender role expectations they

are read as “doubly deviant” (Lloyd, 1991; Owen, 1998). Once within the web of the punishment system, including ancillaries such as child welfare agencies and the Department of Economic Security, women find that the way they perform their roles as mothers is intimately controlled and shaped by the state. Despite this reality, women impacted by the punishment system continue to identify as mothers and look for ways to perform their roles to the degree they are capable. With “fugitive movements”<sup>10</sup> they circumvent and defy conditions and restrictions placed upon them in order to engage in their children’s lives in what were once considered “normal” ways prior to their contact with the punishment system. In effect, they steal back their roles moment by moment.

The idealistic script of motherhood structures social expectations of women. Sheila Ruth (1995) describes a mother as “the essence of purity, totally absorbed in the activities and qualities of caring. Serene and satisfied within her role, placing the needs of her charges above her own, she busies herself with feeding them, watching over them, making them happy (p. 88). Consequently, an ideal or good mother is one who is self-sacrificing, and one who is able to solely devote herself to caretaking. Again as detailed in Chapter One many women are written outside of this ideal and no one is further outside the parameters of this construct than mothers with a conviction history. Regardless, the women who participated in this project retain strong opinions surrounding their understandings of the makings of a good or bad mother. Primarily they reported that good mothers are self-sacrificing, they meet the needs of their children, and offer their presence, support, and unconditional love. In terms of what made a bad

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<sup>10</sup> In “The Case of Blackness” (2008), Fred Moten writes “...fugitive movement is stolen life, and its relation to law is reducible neither to simple interdiction nor bare transgression” (p. 179). In *Criticism*, Vol. 50:2, pp.177-218.



mother many of the women highlighted situations of neglect or abuse; however, their analysis was nuanced. For example Phoebe said, “[Y]ou know, being a mom isn’t easy and sometimes mothers just give up mentally and emotionally. Physically a mother may be there, but they aren’t *really* there for their kid. A bad mother is someone who is there physically because they have to be not because they want to be. They don’t care and their child, their well-being isn’t a concern.” And Yraida said, “[I]t’s hard because mother’s aren’t bad by nature, not even animals are. I would have to see the situation, because sometimes when mothers do something to their children, it is because they are going through a depression or they’ve been injured a lot, or they are going through something in their brain. But overall, I would say bad mothers don’t care about their children.” These two examples highlight significant insights into how women who are formerly incarcerated or convicted understand not good or bad mothers, but simply *motherhood* which is rife with contradiction and uncertainty. Motherhood in all of its forms is complex, beautiful, frustrating, challenging, and rewarding.

Phoebe critically interrogated the notion of “being present.” Women who are incarcerated obviously are unable to be physically present in their children’s lives but they continue to show-up for their children in creative and meaningful ways. For example, they write letters, send care packages, phone in to parent/teacher conferences, regularly call home, research and connect their family to social services, and arrange care takers. Yraida challenges us to think beyond what makes a “bad” mother and rather consider the conditions in which women perform their roles as mothers. Frequently there are pathways that lead into prison for certain segments of society, these inroads to the punishment system are paved with disparities like sexual violence, mental illness,

addiction, domestic violence, poverty, lack of education, homelessness, unemployment, and lack of social support networks. In Yraida's statement we see an argument for expanding how we understand mothers and motherhood. Rather than reverting to familiar constructs that categorize and pathologize people we are challenged to sit with uncomfortable complexities so that we may make room in our hearts and minds to amplify and support *all* of the ways in which women mother.

### **Some of Them are Fierce**

“Up from a past that's rooted in pain, I rise. I'm a black ocean, leaping and wide, welling and swelling I bear in the tide, leaving behind nights of terror and fear. I rise into a daybreak that's wondrously clear. I rise.” - *Still I Rise* by Maya Angelou

The concept of *fierce mothers* disrupts the dichotomy of the good/bad mother paradigm. It is characterized by impossible choices and agonizing dilemma through which formerly incarcerated and convicted women see their self-hood, authority, and power evolve. The energy of hard-won survival is what they bring to their mother roles and for many of the women involved in this project their roles as mothers formed the impetus behind the social justice related activism in which they are involved. The genealogy of fierce mothers reveals a knowledge system that restates motherhood from below. It emerges from situated knowledge. Finally, fierce mothers can be thought of within the context of “imagined communities.”

### **Fierce Mothering as Intergenerational Knowledge**

Fierce mothering is intergenerational. The knowledge and skills produced by surviving conditions not of your own making are passed on and built upon. For example, Phoebe spent a significant amount of time in the care of her maternal grandmother when her mother was employed outside of the home. Phoebe said her

grandmother was “like a second mom” who she also credits with teaching her what it meant to be a present, supportive and resilient parent. Phoebe’s uncles cycled in and out of the system and as she watched her grandmother offer support and care for her uncles she observed her own mother driving her grandmother to the prison for visits or connecting them to services when they got out. Phoebe’s mother learned from her own mother that sometimes the people we love make poor choices, but poor choices do not bar care, love, or support- all of which she offered to Phoebe when Phoebe found herself on the other side of the law. According to Phoebe, to navigate difficult moments as a parent requires patience and even sacrifice, but the end goal is to ensure your child feels supported and cared for, this was knowledge passed down to Phoebe and it has informed her own parenting style. Phoebe also relies on her older sisters for parenting advice and with caretaking responsibilities.

### **Fierce Mothers Access and Practice Othermothering**

Fierce mothering is rooted in the collective. Othermothering describes the practice of nurturing children in the place of or alongside bloodmothers; othermothers can be grandmothers, aunts, cousins, older siblings, uncles, and caretakers that are not blood related ( Hill-Collins, 2000; James, 1993; Wane, 2000;). Communal mothering, or othermothering, was both a tradition and strategy many of the mother’s I interviewed relied upon and/or participated in themselves. There were two instances where older siblings acted as caretakers of younger siblings. The first example came from Yraida. Yraida’s own mother passed away when she was a young child, and one of her much older sisters assumed responsibility for her, she raised her and later acted as the aunt/grandmother to Yraida’s two sons. When Yraida was incarcerated her mother/sister

stepped in to provide care for the children when Yraida's husband was working. She also provided emotional care for Yraida during her long term of incarceration. The second example comes from Lisa. When her husband abandoned her and their five minor children during her 7-year sentence in a Florida federal prison, Lisa relied on her oldest son then 17, to care for his younger siblings whom resided in New York. There were other people that provided nurturing for Lisa's children as well, primarily two female neighbors who kept an eye out on the family and also sent Lisa pictures and updates of the children. In Lisa's situation the care work was collective, women in her community responded to her absence by making sure all of Lisa's children, including the 17 year old, had their needs met. They also made sure to assure Lisa that her children were not in danger. However, the majority of the women relied solely on family networks to care for the children when they were unable. For example, Gigi said her three children were allowed a "strong vote" in where and with whom they wanted to stay. If they were not with their father, they were with their maternal grandmother or Gigi's sisters.

The women acted as othermothers as well. For example, Ericka lives with her best friend who she calls her sister and together they take care of her friend's three grandchildren. Additionally, though Ericka is adopted she maintains contact and provides care for her biological sister who is currently incarcerated; she visits her sister once a month, talks on the phone with her, writes to her and puts money on her books. Phoebe, though she has herself relied upon othermothering or collective caretaking when she was in the system, has stepped in to provide similar care for children in her own immediate family and social network.

### **Fierce Mothers as Imagined Communities**

Fierce mothering problematizes social constructions of good/bad mothers by restating motherhood from the marginalized perspective of formerly incarcerated and convicted women. Benedict Anderson's (1983) concept "imagined community" was used to theorize nationalism (p. 7). He argues that nations are imagined communities in that they are not actual communities of people who have face-to-face interactions, rather an imagined community is socially constructed by people who identify as part of the group (Anderson, 1991, pp. 6–7).<sup>11</sup> Anderson (1983) argues that imagined communities emerge from "imagination" and "creation" which is different from fabrication (p. 49). A key understanding is that the imagined community has finite bounds, and beyond those bounds exists other imagined communities. However, *within* their given boundaries there exists an imagined camaraderie, fraternity, and culture; there is a community (Anderson, 1983, p. 50).

Anderson's concept has since been applied to a range of collectivities. For example, Chandra Talpade Mohanty draws upon the concept of imagined communities to create a theoretical foundation for her in her work on third world feminism. In thinking about the diverse politics involved with third world political and social struggles and the conditions and locations of third world women in particular, she considers the concept of "imagined communities" useful as it offers a political rather than cultural basis for alliance building and collaboration (Mohanty, 1991). Consequently what forms the foundation is not race, *per se*, but the manner in which people think about, critique, and act against oppressive systems (Mohanty, 1991). She argues that what holds the idea of

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<sup>11</sup> For example, at global sporting events such as the Soccer World Cup, fans will identify and participate with pride in their nationhood alongside other members of their imagined community. They carry a sense of belongingness that is not rooted in anything actual because members of the imagined community will never know all of each other personally.

third world women<sup>12</sup> and the politics of feminism together is this, “imagined communities of women with divergent histories and social locations, woven together by the political threads of opposition to forms of domination that are not only pervasive but also systemic” (Mohanty, 1991, p. 4). Thus what allows for the imagined community to co-identify, ally, and collaborate is a “common context of struggle” (Mohanty, 1991, p. 7). In this way Fierce Mothers form an imagined community, our individual subjectivities including race, class, religion, and education differ, but we share a common context of struggle as formerly incarcerated/convicted mothers.

### **Fierce Mother as Situated Knowledge**

Donna Haraway (1988) describes *situated knowledge* as offering “a more adequate, richer, better account of a world, in order to live in it well and in critical, reflexive relation to our own as well as others' practices of domination and the unequal parts of privilege and oppression that makes up all positions” (p. 575–599). Formerly incarcerated and convicted mothers similarly create and offer knowledge born from our unique [and ongoing] relationship to the state. This knowledge addresses how mothers navigate their roles as mothers alongside state violence, and how they survived those conditions mentally and emotionally as individuals. As in all things, race, class, and education clearly impact opportunity as well as outcome. In this present project women of color received longer sentences, faced serious limitations in maintaining contact with their children as a result of financial constraints, and struggled with more job instability than their white counterparts. Nevertheless, our shared commitment is freedom and our

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<sup>12</sup> Mohanty (1991) defines third world women as women from geographically bounded areas typically considered 3<sup>rd</sup> world nations, but also includes indigenous groups and other people of color in the United States, Europe, Australia. She uses the term interchangeably with “women of color” and writes that it is the “common context of struggle” that allows for oppositional alliance that transcends racial categories (p.4-7).

shared understanding is that freedom will remain forever out of reach if any one of us is left behind.

Part II opens with Chapter Four “Context and Portraits” and introduces the mother’s personal stories which cover their formative years, what brought them into contact with the punishment system, and where they are at in their journeys now. It opens with a snapshot of women in the United States punishment system and concludes by offering insight into how the individual stories of the mothers who participated in this project intersect with the profile of women caught up in the punishment system. The mothers’ individual stories are ordered in the sequence in which our conversations took place.

## PART II

### CHAPTER 4

#### CONTEXT/PORTRAITS

##### **Context: Women in the Punishment System**

The United States holds the record for the largest number of people incarcerated of any nation in the world (International Prison Studies, 2009). As of 2013 the United States of America has an estimated 6.9 million people under state supervision, including prison, jail, probation and parole (Glaze & Kaeble, 2014). Incarceration in all of its forms has become an American institution. But like many of America's violent institutions and practices it has a disparate impact on people of color, women, the poor, and those suffering from mental illness and other medical conditions like drug and alcohol addiction.

Though incarceration most severely impacts African American men with 1 in 12 African American men ages 18–64 is incarcerated versus 1 in every 87 white men (Pettit & Lyons, 2007; Western, 2006), women are the fastest growing population in prison, jail, or on probation, outpacing their male counterparts by two times the rate (Glaze & Kaeble, 2014). Like men, race figures predominately in the rate of incarceration. Black women are incarcerated at close to *three* times the rate of white women and Latina's are incarcerated at close to two times the rate of white women (Guerino, Harrison, Sabol, 2011). The percentage of women incarcerated has dramatically increased from 1980 to 2010 from 15,118 to 112,797; however, if we take a comprehensive look at the punishment system and include women in jail, on probation, or on parole the number of women under state surveillance exceeds 1 million (Cahalan, 1986; Glaze & Bonczar,



2011; Guerino, Harrison, Sabol, 2011; Minton, 2012). Research demonstrates that women in prison face unique challenges which require a gendered approach. Tragically, the common approach within corrections is to label an approach gender responsive without altering the core of the practice that creates disparate impact on women.

Women who go to prison or jail are more likely to have committed a drug or property offense, whereas men are more likely to be incarcerated for violent offenses (Guerino, Harrison, & Sabol, 2011; The Sentencing Report, 2009). Women are also more likely to experience various states of vulnerability such as staff sexual misconduct, chronic and/or communicable diseases such as HIV, Hepatitis C, and other sexually transmitted diseases, as well as mental health issues (Beck, 2012; James & Glaze, 2006; Maruschak, 2008; The Sentencing Report, 2009). There are also reproductive concerns specific to women such as pregnancy and birth. Estimates suggest that 1 in 25 women are pregnant when they are admitted to state prisons and 1 in 33 in federal prisons (Maruschak, 2008; The Sentencing Report, 2009). Modern, ethical, compassionate policy for these mothers is wanting as women are still shackled during labor and delivery in many states and the overwhelming majority of babies born to incarcerated mothers are separated either immediately or within 24 hours (Maruschak, 2008; The Sentencing Report, 2009; Women's Prison Association, 2009; Women's Prison Association, 2011). Though nearly 3.6 million *parents* are under some form of correctional supervision, including parole (Mumola, 2000), women in prison are more likely than men to have children under the age of 18 (62% women, 51% men) and to have been the custodial parent prior to incarceration (64% mothers versus 47% fathers) (Glaze & Maruschak, 2010). This means that children whose mothers are incarcerated are more likely to

experience a disruption in their homes and caretakers than children whose father is incarcerated (Dallaire, 2007). More than 1.7 million minor children have an incarcerated parent in the U.S.; and 10 million children have experienced parental incarceration in their lifetime (Nesmith & Ruhland, 2008; The Pew Charitable Trust, 2010; The Sentencing Project, 2009). Again the impact of incarceration on children is not race neutral, more than “1 in 9 black children have a parent in prison or jail, a rate four times what it was 25 years ago” (Western & Pettit, 2010, p. 18). Hairston (2007) writes that parental incarceration is a “complicated challenge for the child...because of the added effects of social, community and institutional stigma” (p. 2). Some research suggests that children of incarcerated parents are six times more likely than their peers to themselves come in conflict with the law at some point in their lives (Bilchik, Seymour, & Kreisher, 2001, p. 109). However, again this pathologizes children who have parents with an incarceration history.<sup>13</sup> Such research positions our children as fundamentally damaged while *continuing* to ignore the well-known pathways that lead to prison. In other words, poverty, the foster care system, and the fact that their parents were taken away from them, not being able to maintain regular contact with their parents while they are incarcerated, are all entry ways to the punishment system. Children affected by parental incarceration are carrying unreasonable burdens, are the most disadvantaged and vulnerable members of our communities, and their lived experiences are the consequence, and responsibility, of the punishment system.

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<sup>13</sup> For further reading on pathologizing mothers and children, or the detrimental effects of labeling children and families as “at risk” see: Swadener, B. B., & Lubeck, S. (1995). The social construction of children and families “at-risk”: An introduction. In B.B. Swadener, & S. Lubeck, *Children and families “at promise”*: *Deconstructing the discourse of risk* (pp. 1-14). Albany, NY: State University of New York.

Mothering from prison/jail is complicated and research suggests that mothers often have to redefine how they engage their roles as traditional notions of “active” parenting are largely impossible (Benedict, 2009; Enos, 2001; Owen, 1998). One way mothers maintain their relationships with their children is through visitation. When children are unable or prevented from visiting it has negative emotional, behavioral, and psychological repercussions for both the child(ren) and the mother (Arditti & Few, 2008; Marun, LeBel, & Lanier, 2004; Poehlmann, 2005; Wismont, 2000; Young & Reviere, 2006). The strain of incarceration is felt by the whole family who now collectively face social stigma, eventually marriages and other family relationships become taxed and sometimes end; this appears to be true particularly for families of color (Patillo, Weiman, & Western, 2004; Western & Wildeman, 2009). Despite these challenges and consequences many mothers credit motherhood as the reason they survive prison, their roles as mothers are protective and motivate them while inside (Benedict, 2009; Shamai & Kochal, 2008). The data reveals that the effects of the punishment system are transgenerational and buttressed by race and class. Therefore, the punishment system and the impact it has on families and communities should be a social justice and community concern.

Because the majority of women who are incarcerated are non-violent, and primarily commit drug and property offenses, they will eventually return to their families and communities, each with varying degrees of preparedness for what awaits them. Drug abuse/addiction, sexual abuse, domestic violence, mental illness, history of multiple incarceration, and poverty are common conditions women in the system confront (Johnson & Waldfogel, 2004; Owen, 1998; Young & Reviere, 2006). Unfortunately, the

challenges they faced prior to their involvement in the system and emotional scars they carry do not disappear once they are released. Mothers who have been “in the system” live lives exposed to vulnerability they often live at the lower end of the economic structure, and the uncertainty and stress created by poverty is augmented by all of the other jobs mothers are often tasked with as caregivers. They navigate and negotiate their roles as mothers alongside the negative and enduring impact of the punishment system. The label of “convicted felon” means that they face a lifetime sentence of *de facto* and *de jure* exclusion and discrimination, which in turn impacts their children and the relationship between them.

### **Portraits of the Mothers**

The stories of the mothers that follow not only introduce the women that participated in the project; they humanize the reviewed, often overwhelming data. Each portrait is presented in the order in which they were interviewed and are organized around the central theme the narrative revealed. The central themes of the narratives connect back to the theories and concepts outlined in Chapter Three- Theories/Concepts. These were role strain/conflict, stigma and stigma management. However, in translating the interview script into narrative form I placed emphasis on five questions, these were outlined in Chapter Two- Methodologies. The questions asked mothers to define what being a good/bad mother meant to them, to reflect on whether or not their experiences with the punishment system changed the way they thought about themselves as mothers, if it impacted the way they engage their roles as mothers, if it had lasting effects on their relationships with their children, how they negotiate their realities, how they conceptualize freedom, and finally why stories such as theirs are important. The stories

they told around these prompts is how I conceptualized *fierce mothers*. Their stories revealed situated knowledge and a different insight on the system and the practice of motherhood. Each story tells their journey into the system, how they theorized that experience and how they apply that knowledge to their lives. In constructing the narrative I emphasize the way they resist those conditions that place them and their children at increased vulnerability to early death (Gilmore, 2007).

### **Resisting and Rejecting Labels: Phoebe's Story**

“You can't let this define you...despite what people think and say, I'm gonna come out the other end.”  
- Phoebe

“Do I have everything I need? Let's see I have my recorder and it has fresh batteries in it, I have back up batteries just in case. I have my note pad, sharpened pencils, and waters. I think I am set?”

It is a sizzling hot day in July and I am on my way to the Global Justice Center in South Tucson, Arizona where I will be conducting my first interview. I am both nervous and excited, which is making me feel like I am about to laugh, cry and pee my pants simultaneously. Basically I am a wreck. I didn't sleep well the night before in anticipation of this interview and I overcompensated by drinking too much iced coffee. I am sweating profusely, and my caffeinated, jittery affect is making me look wired. I run to the bathroom and wash up, and drink several long satisfying gulps of water. I whisper a quiet prayer, thanking God for the time and space to do this work and try to center myself. I tell Him to give me the right words, and the ears to hear what this mama has to say. And I remind Him how much this project means to me and how high the stakes feel. After my rushed prayer I feel calmed and set about preparing for the interview.

The building I am in is locally historic. It was formerly the Stardust Ballroom but after decades of steady decline it was placed for sale and purchased by The Alliance for Global Justice. The place also has personal significance, as a family we have celebrated many momentous occasions here like my cousins wedding receptions; and my parent's 50th wedding anniversary just a few years prior. I am grateful the building wasn't razed and was instead repurposed to support local social justice efforts. The now, Global Justice Center, houses a group of radical think-tanks, direct action committees; and activist artist cooperatives. I submitted a proposal to pitch a film project based on my dissertation research to one of the participating collectives, Pan Left Productions, they agreed to support the project, and as part of that agreement gave me access to the building and office space. It is a quiet and supportive environment where I can write, which is invaluable since I do not have a private work space at home. The building only has evaporative air conditioning, which in Arizona means that it is hot and muggy, but I quietly figure that "with all of the fans on and pointed right at us we should survive." I turn on the recorder and run a "test, test, 1,2,3,4" to make sure the whirring of the fans don't cause too much of a disruption.

I have scheduled the interview for late in the afternoon on a Saturday. Phoebe works long hours during the week and has children to care for making weekends a bit more flexible. Saturdays work better for me too, even though my partner works on Saturdays; there isn't the hectic weekday schedule to contend with and he can watch the kids comfortably for a few hours without the hassle of shuttling our older daughter back and forth between summer camps with a baby in tow. I made sure our son napped well, I nursed him just before I left, and fed them both a good lunch, and cleaned the kitchen so

things should be relatively stress free...right? I make a concerted effort to push the never ending laundry list of motherly responsibilities, worries and guilt out of my mind and turned my attention fully to the pending interview.

When Phoebe walks into the room the first thing I notice was how her energy completely consumed the space. She sat down on the sofa with her purse in her lap. She was dressed nice, but casually wearing a flowing flower patterned crepe top, in shades of crème, brown and gold, capri length denim pants, and black ballet slip-on style shoes. Her thick onyx colored hair is pulled back into a no-nonsense bun and she wears thin wire rimmed glasses which are fashionably understated. She is tall; she has a generous laugh, and a mischievous look about her. I find that she commands the space but yet she hasn't uttered a word. She is observant, confident, and comes across as strong-willed, but I also find that she is quick to smile, and laugh, making it a comfortable conversation. We talk for three hours about her life and experiences navigating her role as a mother alongside the label of "convicted felon." It is apparent that she uses laughter as medicine, she laughs to offset the trying times which are many. She is in a stable and loving relationship with a man that she has known since she was a young teenager, this after over a decade of being single. Phoebe has one daughter who is 12 and her partner has three children who fall roughly in the same age bracket. Phoebe works in customer service and her partner works at the airport. They have all recently moved in to a modest house together and seem to have formed a happy family unit. Her partner drops her off and says he will wait at the Mexican restaurant next door, where he can enjoy a meal and a beverage while watching the game. Phoebe is obviously happy in her life; she loves the family they are creating and is hopeful for the future. However, this happiness she has

arrived at did not come easy; the journey to this love and peace was a painful one, and though the trials are ever present her relationship and family provide unwavering stability.

Phoebe is from a Mexican American, Catholic family of seven; her parents are married and raised their family together in a modest home on the southwest side of Tucson, Arizona. She has two older brothers and 4 sisters; it is a matriarchy, not simply because the number of women in the household exceeds that of the men but that the women are the glue of the family, they are the ones who carry the burdens of the family with a dogged will for survival, with faith, with hope and with love. In the stories Phoebe told of the female figures in her life it was evident that she was raised by strong women who had navigated some mess in their own lives, including her mother, older sisters and grandmother.

Phoebe's grandmother was like a second mother to her. When Phoebe was a child her mother worked outside of the home; while both parents were at work young Phoebe and her siblings were cared for by their maternal grandmother. Because a great deal of her early years was spent in her grandmother's charge, Phoebe says the time spent there also impacted her ideas about what it meant to be a good mother. However, she talks about what she learned about what it means to be a mother by reflecting on how her own mother and sisters navigated Phoebe's experience with the punishment system. By reflecting on how her own mom processed Phoebe's choices and the related legal consequences and by observing how her mother walked beside her throughout the criminal proceedings, jail, and 10 years of probation Phoebe began to understand that



children often fall short of what their parents imagine for their lives and that to get through the broken dreams and heartache one must have patience. She said,

Your kids aren't always going to live up to your expectations. You can give your kids all the tools necessary to be a great kid and succeed in life but at the end of the day they still make their own choices so you have to have patience to let them learn and go through whatever they need to go through, but you still need to be there and support them whether its good or bad, you're their mom and you love them unconditionally, through the good and the bad. Your kid is not always gonna live up to what you want her to do but she's gonna learn from it, and hopefully it will guide her back to the right path.

Phoebe went on to say that her mother learned how to unswervingly love and support her children, particularly in the trying times, through observing her mother (Phoebe's maternal grandmother) navigate the system with her brothers (Phoebe's uncles). She said,

Unfortunately, my grandmother had sons that were in and out of the system, but she stood by them unconditionally. You know, right or wrong, they are her sons, and it's an unconditional love whether she supported what they did or not. My mom was the one who always took my grandmother; either to see them or to help her mom with her brothers. My mom got that patience and the sacrifices that you have to make when you have kids that maybe don't make the right choices from my grandmother.

Insider/situated knowledge is produced when one is forced to navigate the system.

Previous exposure to the corrections system by way of her brothers prepared Phoebe's

mother for offering Phoebe the right kind of support she needed when she went through the system. From the stories Phoebe told about her mother and her relationship to the punishment system I got the impression that her mother advocates “tough love.” She said that her mother had the position with her uncles and with her that “you need to learn from your choices because if you don’t learn from them you will be stuck in the same pattern.” When I asked what her mom thought about the system now that she has had a more intimate exchange with it, Phoebe suggested that her mother was able to see how the “one size fits all” method to sentencing procedures or the revenge model to achieving justice is in fact unjust. The message of patience, love and support is one that was reflected back to Phoebe time and again not just through her mother but her sisters as well.

Phoebe is second to the youngest of the family and her eldest sister, in particular, filled many of the emotional roles a mother might fill when Phoebe was going through her criminal trial and throughout the aftermath. This is not to say that the rest of her family wasn’t supportive, they were, with many of them offering encouraging words and pitching in with caretaking of her infant daughter when she went to jail. But, her oldest sister, like a mother, was a constant presence, even (perhaps especially) when Phoebe tried to isolate herself. She said, “I really didn’t want my family involved [in the criminal proceedings], I didn’t want my family to have to be put through the same humiliation and shame that I felt at that time. I didn’t want my family to be tied into what I did and feel like it was a part of them. So I really kept everybody at a distance.” Despite the fact that Phoebe never asked for her parents or siblings to be present at her court hearings, her sister attended court dates regardless and was involved in regular caretaking of Phoebe’s baby. As mentioned, Phoebe describes her mother as having a loving but no nonsense

approach to life. She said that her mother is not one to show affection in gushy ways nor is she overly verbal, but she demonstrated her love for Phoebe by being present.

Phoebe's mother assumed primary care of Phoebe's daughter when she was in jail, fulfilling probation obligations, and when she was in school. When she did speak it was to offer simple words of support and matter of fact observations. Her mother would tell her "all this is going to pass and be finished, you gotta move forward because you got a daughter, so you *have* to move forward, you can't let this define who you are" (*Phoebe's emphasis*). After making this comment, Phoebe looked contemplative and then said,

You know, she never expressed how it made her feel, seeing me, her daughter, check in to a system, but I know it took a toll. I know it was a hard thing to do, so seeing her strength and dealing with "here I am dropping my daughter off" and "here I am picking her up" cause she is going to jail, the strength of just moving forward and not letting it bring her down, spoke more than words ever could.

No doubt her mother suffered watching her daughter struggle, but upon reflection Phoebe recognized the strength and resolve it took her mother to support her through this crisis. These were lessons to Phoebe about what it meant to be a mother but also what it meant to be a woman of fortitude.

Phoebe's sister on the other hand, was characterized as being more verbal and outspoken. She constantly assured Phoebe that her choices did not define who they believe she is as a person- that her crime is not *who* she is in effect. These words of assurance helped combat the negative messaging Phoebe was persistently bombarded by about her person by state actors who take it as a purpose and function of their jobs as judges, corrections officers, probation and parole officers to force those whose care they

are charged with to assume a particular label as their identity. Phoebe said that her sister would tell her, “We know this isn’t who you are, we know this was a mistake” but more importantly her eldest sister and other siblings offered emotional support by acknowledging that she made a poor decision but did so without anger or judgment. This security is what helped Phoebe move through moments of despair where she would question her ability to continue. Phoebe was able to voice her pain to her sisters who would then take it and encourage her to keep putting one foot in front of the other. She said,

It’s that question of “do I just get up and leave?” You know? Do I get up and go and hope that nobody finds us? But when you have your family behind you saying, “You can’t. That’s a dumb decision you gotta keep moving forward, it’s gonna pass, we know this doesn’t define you” all that positive feedback allowed me to not get to my lowest of low, allowed me not to give up, they pushed me to not think of myself as a monster- because that’s what you are described as.

Throughout our time together I was consistently impressed by Phoebe’s strength of character and by her wisdom, wisdom that is born of her life experiences. There were of course moments of vulnerability, and when she cried I could feel her grief myself, however what was most moving were her insights about the mother/child relationship, life and living. She demonstrated a seasoned ability to examine herself and her circumstances and draw from that a philosophy of life. One of things that she said stayed with me and carried over into every interview I participated in after. She said “it is easy to make wrong choices when you are in a bad situation.” How very true indeed.

### **Poverty, Addiction and Trauma: Kini’s Story**

“I think I felt him touch my finger.” - Kini Seawright

I met Kini through a mutual friend, Peggy, who is a prison abolition activist and social justice advocate in Phoenix, Arizona. I emailed Peggy to ask if she knew anyone who might be interested in participating in my project on formerly incarcerated and convicted mothers and she immediately referred me to her friend and roommate, Kini. When I called Kini to make a plan for our conversation I noticed her voice was warm and sonorous and had almost a southern lilt to it. It was comforting. She was very open and told me to “name the day and time” and that she would be available, her only constraint was that she did not drive and so if we met anywhere other than their home she would have to rely on Peggy to drive her. I was still nursing my 10-month old son- so I was unable to leave Tucson for an entire day or be gone overnight because he was relying on me for sustenance. Also, it was summer and school was out and my 10 year old daughter was itching for a change of scenery so I thought it would be nice to make a weekend out of it and drive up to Phoenix with my partner and our two children. After all, I reasoned, it would only cost us the gas to get there; we would not have to pay for hotel accommodations since my sister lives in Phoenix and had offered us her home.

The day of our interview I left my little family watching movies and gorging on snacks, that is, at least my partner and daughter were, our son contented by a belly full of milk, had drifted off for his afternoon nap. As I drove toward the bustling downtown city center and away from my sisters’ quiet suburban neighborhood I thought about the lovely scene I left behind and felt grateful for the bundles of love I had in my life. I began thinking about how long my first interview had lasted (three hours) and remembered that Peggy had mentioned that she would make it a point to stay away from the house for a

few hours so that we could have privacy and she had also said that Kini was disabled and experienced chronic pain. I wondered if sitting for a long time would be hard for Kini, and made a mental note to ask her if she wanted a break throughout the interview. Both Kini and Peggy were being so generous with their time and home and I remembered my mom's practice of taking something to eat when she was visiting someone, she always makes an effort not to arrive empty handed, I scanned the area for a *panadería*, finding none I opted to pop into a grocery store bakery in the hopes of finding something to take to Peggy and Kini. However, the baked goods and dried out rotisserie chickens looked unappetizing and so I purchased a store gift card instead thinking that it would at least be useful.

When I arrived Kini welcomed me at the door. Her hair was worn naturally, cropped close, with defined curls. She was wearing knee-length shorts and a modest cotton tank top. Her mocha skin was beautiful, light freckles playfully dusted her cheeks, and an almost imperceptible silver nose stud graced the crease of her left nostril. As she was wearing flip flops I noticed her toes were neatly manicured and freshly polished a bright shade of blue. At 48, I would say that Kini is young; however, as I looked into her eyes to thank her for meeting with me, I saw a sadness that exceeded her age.

Kini held the door open for me and as I walked past her into the house I felt my energy shift. I felt surrounded by despair and my chest tightened. The home was the size of a small guest house and thus quarters were close. The door opened to a small kitchen, Kini's room was off to the left and Peggy's to the right. We sat in their darkened kitchen which was lit only by the light over the sink. In Arizona summers keeping lights off and curtains closed are one method used to reduce the heat inside of the home, and by

extension lower your monthly cooling bill. Perhaps this isn't a technique known or used by all Arizonans, but it certainly is one used by all of us folks of limited means.

Kini graciously offered me a seat and pointed to a "room- for- two" kitchen table, and asked if I wanted some water and then apologized for not having something more to offer. I thanked her and said I always carried water with me and not to bother about anything that I had just had lunch. Then I heard a tinkling of bells and turned to see a small dog toddle in to the room. Kini said sweetly, "Come here baby." He listened obediently and she swiftly scooped him up cuddling him to her chest and then giving him little kisses said "This is JoJo. He's my baby boy." She sat him down and he came over to me and licked my ankles I reached down to pet him, his body was soft and chubby and his hair was like down, he felt just like a baby. I fawned over him a bit and commented on how sweet he was. Kini said, "Everybody just loves him, he's my world, he spoiled I know." I went on to explain the project and said that we could stop at any time, to which she said, "I've had counseling for the last two years, I've been in one-on-one counseling and grief counseling, it just ended. I have one last group on Monday. I take psych meds I was diagnosed with post-traumatic stress disorder." I said, "After your incarceration?" To which she replied, "No, after my son was killed."

I was stunned. I didn't know anything about Kini's story before our interview and I was unprepared for such a disclosure so soon, we were off the interview script before we had even gotten to specific questions I had prepared. I wasn't sure if we should just go with it or if I should steer the conversation back to the questions I had prepared? Furthermore, how does one do that tactfully after such tragic revelation? I said, "Oh my goodness, I am sorry Kini. I want to hear everything you have to say about

your son but can we back up a little? Maybe talk about your background a bit first?" She said, "Okay, ask away."

I wanted to get a sense of each woman's childhood and background so one of the first questions I asked all of the women was who taught them the most about what it meant to be a mother. This question was taken in various directions by the women, many stories, like Kini's hinted at lives marked by early trauma and rejection. Kini said, "Well, I learned a lot from my mom. She taught me how to sew and crochet; she taught me how to cook. She taught me how to be a woman and to prepare me for Dana, which I had him at 19, which she didn't want me to but I had to, her and my father had me put him up in foster care because neither one of them would take me in with them. So I worked two jobs and got him back." With a look of longing she said, "He was such a beautiful baby, he was."

My heart ached; her anguish was like a third body in the room, it was palpable and it surrounded her like a shroud. This was a grieving mother. I decided at that moment that I was going to abandon trying to stick to interview questions and follow Kini's lead. She wanted to talk about her baby? Well then, my job was to listen with an open heart. So I said, "Tell me about that, tell me about your baby boy." Her mood seemed to shift, light came into her eyes and a soft smile touched her mouth. She said, "Oh my God, he was so beautiful! He had a head shaped like his father, and his father was a big, ugly black man." Laughing she continued, "You know I'm not into looks, I'm into the person. His father was a little older than me but he broke my heart because when I was in the hospital, they didn't tell me, because I was staying...you know how back in the day people would send their daughters off to a nun's place to have their babies?" I



said, “Yes.” She continued, “Well I was in one of those places, in Ohio, and I lived there, because my mom put me out. And so I went into labor at 4 o’clock in the morning and I went downstairs to get ready. I had somebody call Dana’s dad to tell him I was in labor and would he come to the hospital. He got on a Greyhound bus and went to Florida, at the same time I was pushing him out.” As she was telling me Dana’s birth story, I couldn’t help thinking about my own baby boy. I had a precipitous labor, my son was born lightning fast and it was terrifying. I couldn’t imagine going through all of that alone, with only the faces of strangers (and considering her circumstances, most likely judgmental faces) looking back at me.

She continued wistfully, “But the first time I laid eyes on him I thought he was the most beautiful baby I had ever seen. And I didn’t feel like I had done right in the world. I had done a lot of bad stuff, not a lot of bad stuff, but my mother didn’t love me like she was supposed to. My mother was molested when she was a child, very bad to where she hated men. So she was very bitter towards me, I was her only daughter and we didn’t get along. She didn’t love me the way a mother should.”

Kini was forced by her parents to sign Dana over to the foster care system immediately after giving birth. She was still under the effects of medication. Her parents showed up for this purpose only, they were not present for the birth, or to care for her after she was released from the hospital. Her son, Dana, was taken into state custody a couple of days after he was born. Kini suffered preeclampsia while pregnant, after delivering Dana her blood pressure remained high, and she was very swollen. She was present when officials came to collect Dana. She said, “I told myself ‘I will work two jobs and get my baby back.’” And that is what she did; she left the hospital, unwell,

without a place to go or anyone to provide her any type of support, she took whatever jobs she could and she got Dana back. Dana was born on April 20th and Kini regained custody of him on July 25th.

As Kini talked about her life, Dana's early childhood and their lives together, she revealed a life marked by abandonment, rejection and trauma. Kini described her mother as being detached from her children as a result of being sexually abused. Kini said that her mother told her that "she never wanted us kids and had never wanted to get married." Then she said, "That was the reason I had Dana, to have somebody to love me like I wanted to be loved. And somebody to need me." As a single teen mother Kini struggled financially which meant that meeting her and her son's basic needs of food and housing was often difficult. She said, "I tried really hard but welfare would only give me \$265 a month and \$100 and something in food stamps. There was no way I could find an apartment. I use to go and rent apartments where move-in is free, or one month move-in free, and then I would have to move that next month. I did that for a couple of times."

At one point Kini secured a job working at a resort as the employee cook. She had rented an apartment located across the street from her mother's apartment; however she was unable to afford the electricity deposit. It was a typical Arizona summer and thus well into the triple digits and so she asked her mother if she and Dana could move in with her for a bit until the electricity was turned on. Her mother said yes but then changed her mind and kicked them both out. Kini said, "It was 110 degrees outside and we didn't have no lights on across the street yet. Me and Dana slept in there [the rented apartment] with cold sheets on us that I had put in her freezer and brought over across the street." Kini doesn't know why her mother kicked them out, and it seemed as if that was

just how her mother was, emotionally fickle and indifferent to Kini (or Dana's) needs. When Kini went to work she had no one to care for Dana. Though both her mother and brother lived nearby, neither one would agree to take care of Dana while Kini was at work. Kini said "Dana sat at home by his self in the hot house, though I had lights on by then, he would look out the door and wait for me. Somebody called the police and thought he was being neglected and when I got home from work the police were there. I told them 'look I'm working a job and I have no babysitter.' Now they'd of took him in to CPS, but then they understood. I used to try and take Dana, when he had to stay home by his self, I'd tell him 'you stay home by yourself I'll take you across the street to Chuck E' Cheese on the weekend', so he enjoyed that."

Kini talked about the constant struggle of trying to make it with little to no support from the system and even less from her family. It appeared that after trying to make it, navigating persistent instability in employment and housing that Kini turned to sex work to survive, and then to drugs which eventually took over her life. When Dana was 6 years old Kini asked her brother, who was married with 4 children, if he would take Dana in. She said "I couldn't do it, I was into drugs, I was prostituting. I lived down on Buckeye Road in a drug neighborhood. I sent him to my brother because they were a happy couple, raising kids, so I thought Dana would fit in there perfectly, and he did for a couple of years." Reflecting on this decision Kini said that she wanted Dana to have a better life, to be happy and protected. Initially, Kini did not give up her rights as Dana's parent to her brother; rather it was an informal arrangement. However, Kini's addiction to drugs escalated, and coupled with her work in the underground economy she began to come in conflict with the law. She went to jail for the first time in 1995 when

Dana was 11, he had already been living with his uncle for 5 years at that point. When she walked out of jail she looked around and realized no one was waiting to pick her up, that no one would be coming, and that she had nowhere to go. She walked down to Buckeye road (a common walking strip for Phoenix sex workers) found a pay phone, called her brother and said “I can’t do it no more just take him please.”

Her brother kept Dana for one more year and then when Dana was around 12 his uncle turned him over to Child Protective Services (CPS). At the time Kini was incarcerated at the Arizona Center for Women when she got out she found out where her son was and went to see him and she discovered that he was being sexually abused. She said, “He was in a center for boys, I went to visit him for his birthday and I took him a gold necklace and I remember seeing this big man standing behind Dana at all times, like he was trying to watch what Dana was saying to me. He was being raped by the other kids there, and the teachers and counselors wouldn’t do anything.” Kini was devastated particularly by her inability to get him out of the system. She visited him often and said it was difficult because he would beg her to get him out of there. She said “I thought about kidnapping him, but I knew I would be arrested and go back to prison, and I didn’t have anywhere to take him.” Instead of journeying down any illegal pathways Kini tried to work within the systems both she and her son were stuck in; however the institutions never produced results, those structures charged with their care never seemed to really value either of their lives enough to provide them with meaningful help. One of the things Kini tried to secure for her son within the Child Protective Services system was psychological treatment for his sexual assault(s). Despite Kini’s pleas CPS never provided Dana with any type of counseling or treatment. She said “I fought the state time

and time again, calling them, calling CPS and telling them he needed counseling, and they never gave it to him.” Dana remained in the system until he aged out at 18.

In 1999–2001 Kini was incarcerated in Tucson, Arizona at the Southern Region Community Correction Center (SACRC) after signing her release papers and collecting her belongings the guard who processed her out said “I’ll see you soon.” She said that made her mad and that she wanted to prove the guards wrong. After her term of incarceration she served an additional 7 months on parole in a halfway house in Tucson. There she attended group therapy and received drug treatment. She also filed paperwork to get her birth certificate, social security card, state identification, and a twenty dollar bus transit card which was renewed monthly. Slowly she pulled a life together for herself. She said, “I was living normal. I had a bank account, credit cards, a license. I was living life normally; I was going to the store buying stuff. Everything I had accomplished through drugs got stolen. What I got from the Dollar Store meant something to me even if I had just spent a dollar on it because I had worked hard for it.” She had indeed worked very hard and had moved from an entry level job at Boston Market into a management position with the company. After her parole in Tucson ended she then moved back to Phoenix. There she got a job making siding for Boeing aircraft. The job paid well at \$17 dollars an hour, she had medical insurance and was able to afford the \$1000 co-pay to receive a much needed hysterectomy, and she also enrolled in the company 401K plan. Though the work was grueling- 64 hours a week, working on 900° presses making aluminum siding, the job had positioned her to finally be able care for herself and for her son. She rented a two bedroom apartment in Chandler, AZ, and got her dog, Jojo. She said, “I enjoyed that life, sometimes I would walk up to my

apartment Grace, and I just couldn't believe it was mine. I paid \$850 dollars a month, Jojo had his own room, he had a TV in it a fan, a dog house." She laughed and continued, "Jojo is spoiled rotten he has winter clothes, summer clothes, Joseph [Jojo] that's Dana's brother. He got Dana's middle name, Joseph Hayward Seawright. Dana would stay at my house with me on the weekends; I gave him money whenever he needed it." This long desired peace came to an end when Dana was sentenced to prison for 12 years for a drug violation. Kini had a plan though, she was able to talk the judge out of considering the 25-to- life sentence that was on the table and the judge told her that Dana could appeal the 12 year sentence and possibly get 6 years instead. Her plan was to contribute more money to her 401k and reduce her personal bills. She streamlined her finances and soon was able to pay her rent and other living costs with one check; the rest of her monthly income was set aside for Dana's appeal process. Kini's plan was in motion when she received word from the Lewis State Prison in Buckeye, Arizona that Dana had been attacked. Dana was brutally beaten and stabbed and later fell into a coma. He never regained consciousness, he died in 2010.

The look in her eyes had shifted, crestfallen she said, "I was gonna save all my money and when he got out I didn't care how we left here, walk, ride a skate board, roller blades, however, I was gonna take my son out of Arizona." Dana was 26 when he died and although prison investigators knew who ordered the brutal beating (West Side City Crips), no one was ever held accountable for his death. Of his murder, the Department of Corrections investigator told Kini, "If it's any consolation they didn't mean to kill him, they only meant to teach him a lesson." It wasn't a consolation, particularly as she began to learn the details surrounding his murder, such as the fact that staff delayed in getting

Dana medical attention. Dana was attacked at 7:30 in the morning; medical interventions were not made until 10:30 in the morning. Prison staff stood looking at Dana's bleeding body without doing anything to staunch the blood; no efforts at CPR were made.

Kini had just had back surgery after being diagnosed with spinal stenosis and was still in physical therapy when she was notified that Dana was in a coma after being attacked. She arrived at the hospital to the news that he no longer had brain activity and that he was on life support. That was on July 3rd and on July 7th Kini made the decision to remove Dana from life support. She held the body of her beautiful baby boy until he died. She said, "It was easy to do it Grace. It was one of the hardest things I ever did, but one of the easiest because I gave him to God. He wouldn't be in pain no more, he wouldn't be hurtin' no more." Though Dana was unconscious from the onset and eventually in a comatose state, he remained handcuffed to his hospital bed with guards posted up in his room for the duration of his time there.

Each morning, under the watchful gaze of corrections officers Kini washed Dana's face, and gave him kisses and morning greetings. She would say, "Hey baby. Good morning, mommy's gonna wash her face and brush her teeth and then I'm gonna wash your face." She said the room was so small and the officers' presence prevented her from saying goodbye to Dana like she wanted to. She said, "They never gave me any time, I just wanted to get in bed with him and just hold him, because I knew he was dying. I just wanted to talk to him, because I think I felt him touch my finger." The prison guards hovered over Kini and her son as she kissed him and whispered goodbye, trying desperately to commit his face, the curve of his hands, the way his ears stood out, everything she possibly could, to memory. Even as Dana's life was slipping swiftly away

the guards stood watch, leaving only when the next state official, the coroner, came to claim his remains. As Kini finished her story I thought about grief and who has the right to grieve. Judith Butler (2008) writes “specific lives cannot be apprehended as injured or lost if they are not first apprehended as living” (2008, p.1), it was obvious that Dana’s death was of no consequence to the state and neither was Kini’s sorrow, because for the state Dana and his mother were ontologically “other.”

Who was there to console this mother who just held her baby as he died? Not a single person. When Dana died Kini went home and crawled into bed, she said no one called her or visited her for three months. Her body deteriorated, she lost her job, and eventually her apartment. She started using again to numb the pain; eventually she started shoplifting and ended up in jail. And then out of nowhere Peggy entered her life.

Peggy runs Arizona Prison Watch which documents abuses, murders and other corruption taking place in Arizona prisons. She also tirelessly organizes a range of support for family members of folks who are inside. It was through this work that Peggy learned of Dana’s murder and subsequently about Kini, at which point she began providing unsolicited support. Peggy would show up to Kini’s hearings, with friends. Kini was baffled at first. When Kini served jail time, Peggy put \$100 dollars on Kini’s books every week, and put money on her account so that she could make phone calls. A year after Dana’s murder Peggy and her friends collected Kini and her belongings and Kini moved in with Peggy. They have been best friends, roommates and family for almost 4 years now. For the first time in her life Kini has support, and a family that loves her. Unflinching commitment and care has made all the difference in Kini’s life. Since



Kini no longer has to worry about being abandoned or abused she is able to focus solely on healing.

### **Surviving Childhood Sexual Abuse: Martha's Story**

“Once you invite the police or the law into your life your life is not in your hands anymore so don't invite them in.” - Martha

I met Martha through the Convict Criminology Group which offers an online network of academics (particularly criminologists) who also self-identify and are relatively open about their status as “ex-convicts.” Convict Criminology is an emerging perspective in the academic discipline of Criminology, and one that is controversial. As a discipline, Convict Criminology challenges the ways in which crime, policing, and control are traditionally understood and represented by researchers, policymakers and politicians.

The research produced by this group represents crime and corrections from the perspective of scholars who also have first-hand experience with the punishment system (Richards & Ross, 2001, p. 180; Ross & Richards, 2003, p.6). This group of researchers calls upon their former experiences within the punishment system in order to offer a critical analysis of a structure that disproportionately impacts a large segment of already marginalized and disenfranchised populations within the United States and to propose alternative strategies to current corrections practices (Richards & Ross 2001, 2002, 2003; Terry, 2003a, 2003b). Martha became a member of this group while pursuing her master's degree in Criminal Justice. She saw an email I sent to Dr. Stephen Richards, who is one of the founders of field of Convict Criminology. I reached out to Dr. Richards looking for advice about entering the job market. I wrote:

Greetings Dr. Richards,

My name is Grace I am a PhD candidate in Justice Studies at Arizona State University. I am in my fourth year and I plan to graduate by May 2015. My dissertation research will focus on mother's who are formerly incarcerated or convicted and will explore the ways in which good and bad motherhood has been constructed by the law, I will also discuss the ways in which felony status intersects with motherhood to place women outside of the boundaries of what constitutes "ideal mothers."

I have a conviction history myself and my current and past research is influenced by my experience in the system. I came across your website when I was looking for a journal to submit my work to last year. My manuscript, "The Zombification of Formerly Incarcerated & Convicted People: Radical Democracy, Insurgent Citizenship & Reclaiming Humanity" was accepted by The Journal of Prisoners on Prisons (JPP) this past Fall.

I am writing to you today to introduce myself and to also impose upon you. I have tried to position myself as best as I can for the job market (ie conferencing, publishing, grant work etc) and will be graduating soon; however, I am finding that I am in need of mentorship and support from folks who have lived through the process of earning a PhD and entering the professorial job market as formerly incarcerated/convicted people. I suppose I am feeling discouraged before I have even begun? Any wisdom you are willing to offer in this regard would be most appreciated.

Respectfully,

Grace

Dr. Richards responded to my email by saying that he had come across my article in *JPP* and he said not to be discouraged that there was mentorship and help available in navigating the job search process, and he copied in the other Convict Criminology Group members. Many people eventually responded to Dr. Richard's email to me, but Martha was the first person to welcome me to the group. She wrote:

Hi Grace,

I just wanted to reach out to you and welcome you to the group. I too struggle with being discouraged and if we can help each other through this process I am willing and eager :) I had to put my PhD plans on the back burner for now but very much hope and plan to move forward again in the near future, I was overwhelmed with teenagers at home and work and being pulled in a million directions at once :) Anyway, look forward to getting to know you. Stephen and the rest of the group are so wonderful and supportive; it is good to have a "family" to lean on.

It was encouraging to be welcomed into the group. The process of pursuing an advanced degree as a first generation college student, woman of color, and as a convicted person, often feels challenging and isolating. Martha and I exchanged a few emails and eventually I asked her if she would be willing to be interviewed for this project, she immediately agreed and we set up day and time to talk. Evenings worked best for her as she is employed full-time in the legal field, also her husband worked nights so she reasoned that an evening appointment would grant her the time to chat privately and without interruption.

Martha lives in Texas on a small farm, so our interview took place over the phone. It was my first phone interview and I was nervous about how or if it would work. It turned out that my worry was for naught as Martha and I had a lively and engaging conversation. Martha's voice is bubbly and thus sounds very young so I was surprised to learn that she is the mother of three children ages 22, 18 and 15. We began our conversation, as was the same with previous interviews, with general biographical questions.

Martha shared with me bits and pieces of her childhood which were spent in between Texas and Chicago. She is an only child and for the majority of her childhood her parents were married, they divorced when she was 16 only to remarry each other 3 years later. Her parents are from Texas and they met as undergraduate students at the University of Texas. After her parents were married they moved to Chicago; however, they continued to spend summers in Texas as both sides of the extended family continued to reside there. In addition to spending summers in Texas, Martha reported that over the course of her childhood she and her parents moved in-between Texas and Chicago and so she feels a strong connection to the state. Martha said, "As all good Texans do I came home to raise my family here, I consider Texas, more than anywhere else, home."

Martha described her childhood as happy. Her family was upper-middle class and since she was an only child, Martha wanted for nothing. Her mother stayed home with her until she began kindergarten and she described their relationship as being very close when she was a young child. Her parents did not expect much of her, particularly in the way of chores, she was free to play and wonder at the world with the knowledge that she and her needs would be taken care of. She was also the only grandchild on both sides of

the family for 16 years and so it is fair to say that she was doted upon for much of her youth.

However, her idyllic and innocent childhood was thrown into a tailspin when at the age of 12 she was molested by an uncle. The man was married to her mom's oldest sister; Martha kept the abuse to herself until she was 16. When she disclosed the sexual abuse her extended family (aunts, uncles, grandmother) responded by closing ranks around the issue. No one wanted the grandfather to find out, or for the abuse to cause any friction within the family, and so Martha's parents acquiesced and made the decision to move back to Chicago. Martha's uncle continued to pursue her for several years after they moved and in response Martha and her mother cut ties with that side of the family.

Martha sounded disconnected as she told me this story of abuse, as if she was recounting an incident that happened to someone else and not sexual violence committed against her own person. She concluded the revelation by saying, "My very young years were great, it got bad after about 12." I asked her how she felt about her parents' reaction to, "sweep it all under the rug" and proceed with life as usual. She said, "You know, now looking back, I wish my dad would have beaten the crap out of my uncle or even killed him; I think that would have been an appropriate response. At the time, I guess that was the most comfortable thing to do, pretend it didn't happen. And then I didn't really have to face it or deal with it either." She continued by saying that she harbors resentment toward her extended family, because it was as if they chose the abuser over her, she and her mother lost those relationships while her abuser was able to maintain face and also the relationships with that side of the family.

Unfortunately Martha's history of abuse is reflective of the profile characteristics of women who have had contact with the punishment system, and is also reflective of the characteristics of some of the participants in this present project. The statistic for previous history of physical *or* sexual violence for women who have been in the system hovers around 70% (Bloom, Owen & Covington 2004; Chesney-Lind & Pasko, 2004; McDaniels-Wilson & Belknap 2008). In fact there is a body of research that proposes that a prior history of abuse is a predictor for future criminally defined infractions and incarceration (Arnold, 1990; Chesney-Lind & Rodriguez, 1983; Fox & Sugar 1990; Gaardner & Belknap 2002; Gilfus, 1992; Wilson-McDaniels and Belknap, 2008). In other words, the overwhelming majority of formerly incarcerated and convicted women are themselves survivors of violence and trauma. And furthermore, their histories of abuse were risk factors or entry ways into the punishment system. It became obvious over the course of our conversation that it was an event that significantly marked her life and her relationships.

As mentioned, Martha is the mother of 3 children, two boys and one girl. The oldest, a boy, has a different father than his younger two siblings. Martha had her eldest son when she was 22 years old, and said that her and the father broke up while she was still pregnant when she realized that "he wasn't the man for me." Martha was a single parent for 4 years at which point she got married, and subsequently had her daughter and later another son. Martha talked about all of their births, her eldest was born via C-section, with her daughter she had decided that she would not have another C-section and after laboring for *two days* delivered her daughter vaginally. Martha's labor with her youngest son's was on the opposite end of the spectrum, he came bolting into the world-

he was born in 1 hour and 40 minutes. With each baby she recounted her first moments with them, I could hear the smile in her voice as she talked about them. Of her daughter she said, “from the first moments she knew who I was, she would turn her head at the sound of my voice and would cry if anyone else held her, but then I would put my face down next to hers and she would just stop crying.” She said, “I have a purpose for everything I do, until I die, everything I do and accomplish is for them.”

Martha and her husband divorced in 2000 and it was not a peaceful separation. She characterized the relationship as rocky before the divorce. She said, “I wasn’t perfect, I had the abuse from my childhood and I had issues with him. He was controlling and he had been lying to me so we were fighting a lot.” Though she said they both were at fault in the demise of their relationship she said his reaction to their break-up was to “portray me as a bad mother.” Her ex-husband was awarded custody of the children and Martha said “I kinda went, you know...I went berserk and lost it a little bit.” Her husband was awarded custody based on false statements he made about her in court. Martha felt as if her ex-husband had duped the legal system and that they in turn had failed her and her children. The law had intervened into her life in the most intimate way imaginable, all of a sudden the state made a determination as to what was “in the best interest” of *her* children- decisions that she as a mother had been responsible for- and suddenly both how she engaged in her role as a mother and her children were outside of her control.

Martha was beside herself after losing custody of her children. Angry and frustrated she drove to the ranch house her ex-husband was staying at which belonged to his parents, and she vandalized it, in the end the damaged totaled \$12,000 and was

covered by insurance. She said “In my mind I was lashing out because he took my kids and lied about me in court, I had no comprehension at the time that that was going to end up getting me a 5 year prison sentence.” This act of desperation and grief set her on a course which would consume the next 15 years of her life as she battled family court for custody of her children and the criminal court system against the felony property damage charge.

Martha was eventually indicted on a vandalism charge in 2004, four years after the offense. The trial for the charge did not take place for another three years, in 2007. She was sentenced late 2007, Martha appealed but ultimately lost and in 2010 (10 years after the offense, 6 years after being indicted) she had to report in to prison to begin serving her 5 year prison sentence. During the intervening 10 years between her offense and the commence of her sentence, Martha earned a bachelor’s degree and then master’s degree in criminology, she had dreams of pursuing her doctorate but she decided against it because as she said “I knew prison was inevitable, it was living in there somewhere.” Martha described the years of waiting, uncertainty and stress as follows,

I had all these years but I couldn’t really do a whole lot with my future, I was afraid to get married, afraid to have more children, because I knew I would be in prison some day. Then those last 3 years [between the 2007 appeal and 2010 sentence] they were pretty much saying that at any time I was going to get that notice from the court that said I had to go to prison and that lasted for 3 years. I had a great job and then I lost my great job and it was really hard to get a job and have a clear conscious because if I told them the truth I wouldn’t get the job. So I felt like I was always on the outside. I felt resentful because the only reason my



kids weren't living with me was because of the process, and I wasn't even in prison yet!

After Martha recounted the years it had taken for the vandalism charge to come to a resolution and the ways in which the waiting had structured her life I remembered an article I had read about the state, time, and punishment. I said,

I just read two pieces not that long ago that deal with- she calls it the “weaponization of time”- the first looks at how time is measured politically and the second takes up the ways in which the criminal justice system, uses time as punishment even before an accused person is found guilty and begins serving their sentence. You are treated and considered guilty throughout the entire criminal process. So what should have been a 5 year sentence turned into a 15 year sentence as you placed every area of your life on hold in the face of this looming potential prison sentence, because who knows when the ball is going to drop?

Martha enthusiastically said “YES!” and I immediately emailed her a copy of the articles by Nina Power “The Pessimism of Time” (2012) and “Time does not always heal: state violence and psychic damage” (2014). In “The Pessimism of Time” (2012) Powers argues that time is wielded as a weapon by state actors whereby they mark life and death, but she encourages a deeper analysis by introducing the sinister question this articulation of time asks, “whose finitude counts and whose doesn't” (Powers, 2012, n. pag.). The way the system forces one to mark time becomes a signifier of personal worth whereby a distinction is made “between those whose life/death ‘counts’ and those about whom nothing is counted at all” (Powers, 2012, n. pag.). The long years of waiting to discover

her fate, the suspension of time and the despair she felt when she eventually went to prison, and the curious in between-ness of freedom and restriction that parole/probation presents, turned Martha's dreams and hopes into echoes of what was once possible. Martha's potential and her children's potential were not disregarded; rather they were inconsequential to the system because once written as a criminal both she and her children mattered less.

Martha ended up doing 15 months inside a Texas prison and then was released to complete the remainder of her sentence on parole. It is safe to say that her experience with the punishment system altered her perspective of justice and changed her ideas about the safety the system purports to provide communities, families, and individuals. Her long years involved in the various institutions connected to the prison system also changed the way she engages her role as a mother. She perceives that her duty and obligation as a parent is to train her children to see the state clearly for what it is.

### **Alcohol Dependency and Treatment in the Punishment System: Ericka's Story**

"They weren't gonna break my spirit, they can't that's giving them too much control. You might be able to lock me up but you can only keep me for so long." - Ericka

I was referred to Ericka by Martha. They had been incarcerated together and although they reside in different states, Ericka lives in Oklahoma, they have maintained their friendship. In fact, Ericka tells me that Martha has repeatedly invited her to live with her in Texas. She tells me that Martha's quiet farm life sounds appealing to her and that one day she just might take Martha up on her offer. Since the interview is taking

place over the phone, and since Ericka does not have access to a computer or the internet, her demographic data and pseudonym forms are filled out over the phone.<sup>14</sup>

Ericka has a low, raspy voice, a charming southern accent and a gregarious personality. She refers to me as “Hun” throughout the interview; the familiarity of which reminds me of the comfortable way the waitresses in the local Mexican café I frequent, El Merendero, refer to me as *mija*, I find it endearing and unlike some people do not feel it is condescending or diminutive. When I asked her what name she wanted to use she said, “Let’s go with my ex-stripper name Ericka, I used to be a stripper for 27 years, I quit stripping 6 years ago.” I said “okay, Ericka it is.” She begins to tell me about her life growing up and shares that she is “half Sioux Indian and half Italian” and that she was adopted by a white family. Her adoptive mother, Mama Jo, suffered from diabetes, and after nine miscarriages she made the decision to adopt. Mama Jo first adopted a son and then a few years later adopted Ericka at birth. Ericka tells me her mother passed away when she was just 6 years old. Her father remarried a woman who had 4 boys of her own.

Ericka describes her childhood as being carefree. She was the only girl in her family and was always outside playing with her brother and exploring with her best friend Nikki who lived across the street from her growing up. She refers to Nikki as her sister. She said “I had the best childhood, my belly was always full, I always had a roof over my head, I always had a warm bed, I never wanted for anything, that’s for darn sure.” Ericka adored her father who was a professional race car driver. They had a close relationship; she was virtually raised at the raceways. She eventually became part of her

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<sup>14</sup> All of the other women I interviewed over the phone had access to computers and the internet so they received project participant documents via email. These documents were filled out and signed and then scanned back to me.

dad's pit crew and worked in this capacity well into her pregnancy with her son, and after he was born she totted him along with her to work in the pits.

Ericka is not close to her stepbrothers. She said "they were much older than me; the youngest one is 13 years older than I am." She then goes on to tell me that one of her stepbrothers was a drug addict and that he is currently incarcerated. She also shares with me that her biological sister is in prison for murder. She says,

Nikki's sister is incarcerated at the same prison my biological sister is at. We both had to get approved to go visit, I stayed on the phone with X once or twice a week for a good month until they let me in. I told them 'I understand that I am a convicted felon I will abide by your rules.' We go visit them once a month and write the girls JPay letters,<sup>15</sup> and they write us back, we put money on their books and stuff.

Ericka has another biological sister but does not know her whereabouts, her biological mother is deceased and she does not know anything about her biological father. As our interview progresses I begin to realize that she is close with very few people. These include her friend Nikki, her brother Alan and to a degree Martha. She was very close to her father and her paternal grandmother, but her dad passed in 2003 and her grandmother long before that. She mentioned that her dad took very good care of her and that when he was around "there wasn't much [he] didn't do" for her. He loved her and as much as she had him wrapped around her little finger he wasn't afraid to discipline her when she needed it. She told me that when she was 16 he caught her smoking marijuana and he grounded her for the rest of the year. Of the incident she said "He let me have it with

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<sup>15</sup> JPay is a method for sending e-messages to folks who are incarcerated. It is a "pay for" service which allows pictures to be attached, the system is also used to put money on the books of those inside.

both barrels! Needless to say I don't smoke marijuana, I never done any drugs, and I'm 46!" In addition to being a professional race car driver he also did custom body work. He bought her her first car and customized it himself. The car was a 1968 convertible Fiat, she said "I was racing around like I was Andretti!" She had the car until she became pregnant with her son, then her dad took it away because it was a convertible and he didn't feel it was safe for a "pregnant mother to be driving around."

When I ask her who taught her the most about being a mother, she talks about her paternal grandmother, not her own mother or her stepmother. She said, "[M]y grandma taught me that you never punish a child out of anger. If you're angry with them you walk away, you take 24 hours before you instill a punishment. My dad was the same way." The importance of taking 24 hours was to let the anger pass so that as a parent you were level headed enough to provide counsel to your child before instituting any sort of corrective action. Both her grandmother and father encouraged Ericka to enjoy her son, to keep him close, to include him, to play with him, and talk to him and listen to his perspective and his desires. Ericka indulged her son who excelled academically and was outgoing and athletic. Her son wanted to play sports and she supported this interest by taking him to all of his games and practices in-between work shifts. She took her grandmother and father's advice to keep him close and enjoy him, she said "from the time he was 3 years old he was in the pits with me bleeding breaks." When her son reached his teenage years her grandmother cautioned her "teenagers are like 2 year olds, you better keep your eyes on them 'cause if you don't they're gonna get in trouble." Bearing this in mind Ericka kept her son active, she said that by playing sports year round he was always under some form of supervision.

Ericka is currently unemployed and living with her “sister” Nikki. It is an arrangement that works for both of them for the moment. They are best friends and love each other and enjoy each other’s company, they play on a bowling league together a few nights a week. Also Ericka keeps the house and babysits Nikki’s 3 grandchildren during the week. Ericka’s brother Alan is a frequent visitor, often having dinner with them. She said that she and Alan are close and mentions several times that he looks out for her and takes care of needs she may have. Most recently he put up ceiling fans throughout their house and bought her a new TV. She had a small TV in her room but he justified the gift saying, “You gotta have something you can see, ‘cause you can’t see worth a crap in first darn place!” As an electrician he travels out of town for jobs but he always calls to check in on her. It is obvious that she trusts and loves Nikki and Alan; these are the real and meaningful relationships of her life. Ericka has had many romantic trysts, but I observe that she doesn’t talk about any of them in a meaningful way; certainly not like she talked about her brother or her father.

As our conversation progresses she talks about the men who have come in and out of her life. From physically abusive husbands to womanizing boyfriends, from businessmen and judges who appear to use her for sex I begin to realize that she is seen as a commodity, and so they too occupy a similar category for her - their value to her is in what they can do for her. For example, she has an “on and off boyfriend” who she got to pay for her and Nikki’s bowling league fees.

Before going to prison on DWI charges, Ericka was “dating” a local attorney. At the time she was living in Dallas she had relocated there after fleeing with her son from an abusive husband. On her way home from a pool tournament she was pulled over and

cited for her second DWI, the day she was ordered to appear she went before the man who she had been “dating” and realized he was a judge not an attorney. She said, “he was just as surprised as me, and then I got my third DWI and I had to go before him again. I just looked at him like ‘guess what I got a DWI after you took me to my truck.’” After three DWI’s most people serve prison time, but because of the nature of their relationship he sentenced Ericka to 3 years probation, that she violated 5 times and which he reinstated 5 times. After violating again, he sentenced her to jail time. She did 6 days of detox before beginning her sentence. She served 10 months at Dawson State Correctional Facility in Texas and then was paroled into a drug treatment center where she served another 5 months.<sup>16</sup> During her time in the “treatment center” her alcohol addiction was never specifically addressed, rather it was a warehouse to wait out the last months of her sentence.

As our conversation turned to the time she spent at Dawson and the impact it had on her life and how she perceived herself. Ericka revealed that she had been drinking throughout the course of our phone call. As she named the dismal conditions surrounding her confinement she said, “I don’t drink and drive anymore; I will walk 10 miles before I get behind the wheel of the car if I have had one beer. I can drink an 18 pack and 4 shots of vodka and you won’t be able to tell I’ve been drinking. The whole time I been talking to you I’ve had 4 beers and 2 shots of vodka, I know what I am saying, I know what is going on. I’ve just always been a drinker.” She was right, we

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<sup>16</sup> Dawson, a privately run facility, is described as the “worst jail in Texas,” and not just by Martha and Ericka. See the following reports for further information:

<http://www.texasobserver.org/death-at-dawson-why-is-texas-worst-state-jail-still-open/>  
[http://grassrootsleadership.org/sites/default/files/uploads/DawsonStateJail%20Web\\_0.pdf](http://grassrootsleadership.org/sites/default/files/uploads/DawsonStateJail%20Web_0.pdf)  
<http://www.womeninandbeyond.org/?p=1643>

were a little over an hour into our interview, and I couldn't tell she had been drinking. Her speech wasn't slurred, her thoughts were coherent. She said,

The system changed me in the way that I have respect for my addiction. I am an alcoholic. Do I need to quit? Yeah. Do I want to quit? No. I don't think the system changed me in the way of bringing me down, I wouldn't let it. They weren't gonna break my spirit, they can't, that's giving them too much control.

You might be able to lock me up but you can only keep me for so long. And I'm gonna do exactly what I want to do when I get out of here.

Part of me admired the "you can't hold me down" attitude Ericka held toward the system. But the other part of me was thinking about how Ericka's untreated addiction was claiming ownership over her life. She doesn't have a job, she mentioned her son was ashamed of her time in prison, and she is dependent upon people, particularly the men she casually dates, to take care of her basic needs. Was she really victorious over the system? Or had the circumstances, such as the unethical actions of the judge in her case, perpetuated her continued downward spiral? As we concluded our conversation she warmly said, "It was nice talking to you, tell Martha I said hello, and call me any time Hun, I'm always home."

### **The Enduring Consequences of the Punishment System on Mothers and Children: Yraida's Story**

"Your sentence doesn't end with you, it doesn't even end with your life- your sentence goes to your children and even your grandchildren." - Yraida Guanipa

I met Yraida through Vikki Law author of *Resistance behind Bars* and other phenomenal works on prison issues. Vikki had collaborated with Yraida on a previous project and put us in contact with each other. After exchanging a few emails in late



August, 2014 we set up a time to talk during the first week of September. Yraida lives in Miami, Florida and so our conversation happened over the phone.

September is still very hot in Arizona but my son is very physical and must play *outside* every day or he is just wild, so about two hours before nap time, I pack my baby boy in the car, along with lunch, and head out in to the world. I try to change up our activities, sometimes we go to the public library for “Babytime” which includes a short story, singing and dancing, and then 10 minutes of free play. Other days we go play at the park, and the park with the ducks is his favorite play spot by far. At this particular park there is a playground geared towards toddlers, everything is just their size. Here he digs, roll-ins, and much to my chagrin, tries to eat the sand. After our afternoon outing, we head home where depending on how dirty he is, he will take a warm bath, read a book, nurse (though now he drinks a cup of whole milk) and then head off for a long nap. Most babies take 3 naps a day two hours or so each, Santi stopped taking multiple naps around 12 months, instead he wakes up at 7:30 in the morning and stays up until about 1:30 or 2 in the afternoon and then goes to sleep for a 4–5 hour stretch, then he wakes up and plays more, eats dinner, and is back in bed by 8 pm. My research, reading, and writing is scheduled around his and his sisters’ routines. When I was interviewing I scheduled phone appointments during his afternoon nap because it was a guaranteed stretch of time without interruptions- my partner would be at work, Maya would be at school, and Santi would be asleep.

The day of my interview with Yraida, Santi and I proceeded with our usual routine. We were sitting on our picnic blanket counting the line of ants marching by and eating oranges when my phone rang. It was Yraida calling to ask if I had forgotten our

meeting. I realized had miscalculated the time difference between us by an hour and was late for our appointment. I explained my mistake and said I was at the park with my very much awake toddler and asked if she wanted to reschedule, or wait another 40 minutes so I could get home and put the baby to bed. She said she would expect my phone call in 40 minutes. I quickly packed Santi and our picnic into the car and headed home. Santi was confused and angered by the abrupt end to our routine and cried the whole way home; suffice it to say his nap time routine was a disaster that day. As I sat down to call Yraida, Santi was loudly protesting being lay down to sleep without his bubble bath and having been read a book. To the not so distant wails of “boooook! boooook!” Yraida’s soft, warm heavily accented voice calmly entered the chaos; I could hear her smile as she answered the phone saying “Hello Grace, did the baby go to sleep?” I told her “Well, not quite he is screaming in his room, but I expect he will drift off soon.” She said, “How beautiful.” At the time I remember thinking “Actually it’s not so beautiful, more like nails on a chalk board!” however after hearing Yraida’s story, and learning about all the precious and not so precious moments she had missed out on with her own son’s during her long prison sentence, I began to understand how even the most frustrating moments of motherhood would be beautiful to her.

Yraida had asked to see the questions in advance of our conversation and I had also sent along the consent form and demographic data page. She sent back everything filled out but instead of selecting a pseudonym she had written her true name. At the start of our interview I asked her what pseudonym she wanted to use and she said, “I want you to use my name; I want to be public about it. People need to know, and people like me, the formerly incarcerated, need to be open about that. It’s everybody’s decision but use

my name and all of my information, including my organization, The Yraida Guanipa Institute.” Yraida and Kini both requested that their true names be used, and after listening to Yraida’s story I thought about the reasons why these two women in particular wanted their names to be used because by doing so they could potentially be traced to this project in the future. Their stories of state violence are haunting and very quickly make clear the manifest impact the prison system and its corollaries have on people’s lives- realities that are conveniently ignored by state actors. I think about what the benefits might be, putting the system<sup>17</sup> on blast for sure, but also their stories really do forefront the far reaching impact of the system on both mothers and their children. Yraida poignantly noted, “[Y]our sentence doesn’t end with you, it doesn’t even end with your life- your sentence goes to your children and even your grandchildren.” Yraida rightly observed that the impact of the criminal justice system does indeed extend past any term of official punishment, it is perpetual. The system is complicit as they shape people’s futures and ability to survive. By using her true name Yraida (and Kini) make their stories visible and reveal the punishment system for what it is.

Yraida is a hustler; she is resourceful, defiant, brave and willing to fight to make a life for herself and her family.<sup>18</sup> She is currently pursuing her master’s degree in Human Resource Management at a university in Miami, Florida. While incarcerated, in order to

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<sup>17</sup> Understood as government, laws, police, and anyone with authority to interpret these related structures (for example, probation/parole and corrections officers, judges, lawyers, court mandated counselors)

<sup>18</sup> Hustler/ “street hustler” is a slang word commonly used to describe a person who traffics in the underground street economy for survival (ex. selling illicit drugs, sex work, running cons). However, “hustler” also describes a person who is willing to put in the hard work and sacrifice necessary in order to meet a goal or need- whether it be feeding your kids that day, providing shelter, or clothes. A hustler is a person who is uncompromisingly determined to succeed therefore they refuse to be deterred when obstacles arise. Instead they look for the open windows when the doors are closed; they are adept at navigating choppy and dangerous waters. They use their own personal ingenuity to “hustle up” resources for survival. Yraida was a hustler inside prison and remained so when she got out. Her singular determination to be with her children motivated every action inside and outside of prison- from filed motions, to radical blogging, to organizing Yraida used her entire arsenal to reunite with her family.

advocate for herself, she became a self-educated jailhouse lawyer and after her release became employed as paralegal, she works on a contractual basis for surrounding lawyers. Yraida also founded her own non-profit organization, The Yraida Guanipa Institute, located in Miami, FL. The organization is dedicated to helping formerly incarcerated people re-establish their parent-child relationships after incarceration. This is work that she hopes to eventually do full-time.

Yraida was born in Venezuela but has been living in the United States for 32 years. Her biological mother died a few days after her 6th birthday and left behind 8 children, Yraida is the second to the youngest of her siblings. Certain things she says give the impression that her father was a womanizer and an absent parent. She and her father did not appear to have much of a relationship. Yraida makes it a point to say that her mother had a least 11 pregnancies and that her father had “more than 30 children all together.” Since it seemed as if her father was not actively involved in her or her siblings lives I asked her who raised her after her mother passed away. She said that she was raised by one of her father’s daughters, her half-sister, who was much older. Over the years her relationship with her half-sister has been tumultuous but Yraida says “she raised me, and she taught me that a mother’s love is unconditional. We have many conflicts, but over all she believes in motherhood.”

Yraida remembers that when she was a child she missed being able to say “mama” after her own mother passed away. Though her sister was a mother figure, and they had a quasi mother-daughter relationship, they both knew that they were in fact sisters. This early loss made young Yraida dream of the day when she would hear her own child call her “mama.” After she married, it took her and her husband a long time to

become pregnant. After years of fertility treatments Yraida became pregnant with her first son via artificial insemination, the second son she became pregnant with a year later. She says my “second [son] was a gift from God. I got pregnant on my own.” Becoming a mother was Yraida’s major goal in life and it is a role that she regards as an honor. She says that much is communicated simply in the inflection of how “mom, mama, mommy, mother” is said. Similar to the way a baby communicates various needs in the differences of his cry the way mama is said tells you “if they are scared, happy, or want something from you, it is rewarding to hear and feel the sweetness in a ‘I love you mom.’”

Our entire interview is very much about her sons and the way that her role as a mother was changed once she came in conflict with the punishment system. Much like classroom teachers, mothers fill many roles like Yraida said, “As a mom we play so many roles, a friend, a teacher, care giver, everything. It is challenging to fulfill the expectations of your children, especially after being incarcerated.” This is true as your life becomes punctuated and structured by the system you are trapped in as a convicted felon, these constraints are often in conflict with the expectations your children, family and even society hold of you as a mother. Yraida gave the example of being unable to participate in her son’s school activities in ways that other parents are able to as a result of her criminal record, for example acting on the PTA, Sports/Band Booster Club, chaperoning events. As a parent and particularly as a mother your accumulated absences from events, or differential participation, are *felt* by your children. It harms your children, affects your relationship with them, and it reinforces a negative image of who you are as a mother to other parents, you are categorized socially as a “bad mother” for not showing up.

Yraida was convicted on federal drug conspiracy charges in 1996. In 1995 she was the general manager of a mail facility in Miami, a position she had held for 7 years. When a package came in for a regular customer of hers who only spoke Spanish, she was asked to verify receipt over the phone, she did so, she was not aware that the sealed package contained a large quantity of cocaine. When she was indicted on attempted possession and distribution of cocaine charges she pled not guilty and fully cooperated with the government as she said “my entire involvement in this crime was the phone call.” However, a year later she was convicted on federal charges of attempted possession and conspiracy to distribute and was sentenced to 13 years in prison and 5 years of supervised probation. Her son’s were toddler’s at the time ages 1 and 2. Yraida fully cooperated in the investigation, did not have a criminal background, was married, stably employed, an upstanding member of her community, and yet none of these factors were taken into consideration during sentencing.

People convicted of federal charges are ineligible for parole, as federal parole was abolished in 1984 under the Sentencing Reform Act.<sup>19</sup> Yraida was sentenced under mandatory minimums and because of the way 18 U.S.C. §3624(b) was written Yraida did not accumulate “good conduct time”<sup>20</sup> like she should have, instead of 54 days of “good time” a year she was only eligible to earn 47. While incarcerated, Yraida filed motions to contest this legal code established by the Bureau of Prisons that calculated “good time” credits. Eventually her petition was heard before the 11th Circuit Court in northern

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<sup>19</sup> See Comprehensive Crime Control Act of 1984 (Pub. L. No. 98-473 § 218(a)(5), 98 Stat. 1837, 2027 [repealing 18 U.S.C.A. § 4201 et seq])

<sup>20</sup> According to 18 U.S. Code § 3624 “good conduct time” is time that is in effect deducted from your sentence for good behavior. This code applies to people who are serving sentences longer than 1 year. At the end of the year if there have been no disciplinary infractions, you have demonstrated “exemplary compliance” to institutional demands, 54 days can be added to the time you have actually served. So 365+54= 419 days completed of your sentence. You can also lose good time. For more information see <http://famm.org/wp-content/uploads/2013/08/FAQ-Federal-Good-Time-6.7.pdf>

Florida. Though the Court decided against her petition I believe it speaks volumes about her tenacity in advocating for herself and others who would be impacted by this injustice (*Yraida Leonides Guanipa v. Warden Carlyle Holder*, 05-15137 [11th Cir. 2006]).<sup>21</sup>

Every decision Yraida made while incarcerated was done with her sons in mind. She says that she survived prison because of her sons love. When Yraida went to prison her family went from a two-income household to a single income home. Her husband was the sole provider of the family and also had to provide for Yraida's financial needs inside. Her husband began working 16 hour days 6 days a week in order to manage the family's expenses. Thus, her children who were toddlers when she was incarcerated were cared for by the step-sister that raised her after her own mother died. The family's emotional and financial circumstances were further strained by the fact that Yraida was sent to a "prison camp" DCI Coleman which was close to 300 miles from her sons in Miami, Florida. Between her husband's work schedule and the family's financial needs it was an insurmountable hardship to make the trip consistently to visit her; taking time off of work every weekend was impossible, as was paying for the road trip (i.e. gas, food, hotel accommodations).

Yraida understood her family's financial constraints but also knew the importance for both herself and her sons of maintaining the mother-child relationship. Yraida also saw other mothers in DCI Coleman that were suffering under the same family restraints she was, so as any mother would do she began looking for help. First she approached the prison administration and asked for programming for incarcerated mothers that included assistance for families on the outside to travel to the prison for visitation. The institution

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<sup>21</sup> Access the complete ruling here:  
[http://njlaw.rutgers.edu/collections/resource.org/fed\\_reporter/NEWcircs/cir11/200515137\\_cir11.html](http://njlaw.rutgers.edu/collections/resource.org/fed_reporter/NEWcircs/cir11/200515137_cir11.html)

ignored her pleas. Next she filed a motion to be moved to a facility closer to her sons, this was denied. After exhausting legal channels, Yraida staged a hunger strike. She said, “[W]hen you do a hunger strike they are supposed to place you under medical supervision, they put me in the SHU [solitary confinement].” The hunger strike was contrived to pressure the Bureau of Prisons to relocate her to a facility closer to her sons in Miami and to grant a day furlough so that she could spend time with her sons. On the fifth day of her hunger strike the Bureau of Prisons moved her to FCI Tallahassee a federal women’s prison in northern Florida to serve the remainder of her sentence. This prison was even farther than Coleman from her sons.

FCI Tallahassee is 481 miles (approximately a 7-hour drive) from Miami, Florida, where her family lives. In the 10.5 years that she was incarcerated she saw her boys *four times* for 30 minutes each visit. This means that in the 10.5 years that Yraida was incarcerated she only received two hours of face-to-face time with her babies. The major complication was the distance of the prison which meant prohibitive travel costs. After the failure of the hunger strike Yraida began to research other options to help her sons make the trip to visit her. She found a program in Virginia that bused children of incarcerated parents to prison facilities for free so that they could visit with each other. Yraida decided that she would focus her attention on finding an organization that would be willing to offer a similar service to children of mothers incarcerated at FCI Tallahassee. However, incarcerated people do not live under the same rubric as people in the free world. The Federal Bureau of Prison rules it illegal for an incarcerated person to ask for assistance from the outside world, to do so can potentially constitute a solicitation offense and the possibility of added time. Though Yraida was aware of this regulation



she wrote to church and civil rights organizations that she could find an address for and asked if they would be willing to sponsor a bus for children of mothers incarcerated at the facility she was housed in, eventually she found an organization that was willing to provide this service and was able to arrange transportation for her two sons and 46 other children to visit their mothers for an entire day. It took 8 years to achieve this win.

Yraida worked hard while incarcerated to maintain her mother role with her sons. This included taking many risks, she staged two hunger strikes the second almost killed her. I asked her why and she said “I always wanted to make sure my boys knew I loved them immensely and that my mistake would not destroy the unconditional love I have for them.” She called them three times a week for 15 minutes each phone call, she wrote letters and cards and crocheted gifts for them, but nothing takes the place of seeing and holding your children and vice versa, this was something that she was not able to do on a regular basis while incarcerated and it took its toll on her and her sons. The time apart fractured their relationship. As she said,

Serving a sentence of 10.5 years changes you, it changes your children, it changes everybody. My boys they lived two different lives when I was incarcerated and they are still living two lives. They don't tell their friends that their mother was in prison and they are always afraid they will find out. And even though I can talk to them right now I know they are afraid and I know they are angry and confused inside. I was a stranger to my children when I came out of prison. When I was inside I was dreaming. I was dreaming how it was gonna be when I came back home, and when I was released... they rejected me. That's the word, rejection. They wanted me to leave; I don't blame them I was not part of their life. I mean

can you imagine only seeing your children 4 times in 10.5 years? After 8 years of my release I'm still struggling to have a healthy relationship with my boys.

By this point Yraida was weeping. She continued to talk about the challenges that presented themselves after incarceration and through her last several years on federal probation. Even though she was outside of the prison walls when she began probation this meant that her home became part of the surveillance system, and her husband and son's became part of that system too. This did not help her relationship with her young sons. They were afraid of her because of what living with her meant. She brought home with her the state. She said, "[M]y probation officer she wore a gun when she came to the home, even though it was under her blouse, it was covered, you could still see the gun through the cloths [*sic*]. My kids would just run inside the room and they would not go out. It was hard." As she talked about how much the system had changed her as a person she spoke of how she learned the value of simple human contact, of the vast limits of human brutality, and how as a mother part of your job is to educate yourself and your children about the law. She learned through her own experience as a first time, non-violent "offender" that "ignorance of the law, ignorance of the system, is not a protection, you can still get in trouble" and she argued that this fact is something that must be impressed upon your children because there is no sympathy or humanity in the system once you run afoul of the law.

As mentioned, Yraida's primary focus during our conversation was the impact of the system on her role as a mother. As she continued to talk about living her life and performing her role as a mother she began to talk about time is like now out of prison and off probation. She said,

There is a life sentence in [having a record]. Everything is revolving direct with that that you were in prison. It doesn't go away. I am afraid that if my kids do something good or become famous, they will always tell them 'your mother was in prison.' If they want to run for politics, forget it, they will say 'we see your mother was in prison'...so the sentencing doesn't end with you, it doesn't end even with your life, your sentence goes to your children and even your grandchildren. If our grandchildren become successful somebody will bring the subject up. It will be like "Oh, your grandmother was in prison!"

I discovered that this was not a fear Yraida held without any basis. Rather I learned that a woman that participates in a support group for formerly incarcerated mothers through Yraida's non-profit organization shared with the women an example of the intergenerational impact of felony record. This mother's eldest son had a dream of becoming an intelligence officer for the Federal Bureau of Investigations. Over the years he did everything in his power to make sure the path to that end was clear. He maintained excellent grades and eventually graduated from college with honors; he never interfaced with the law, held relevant jobs, and had superb recommendations. However, he did not pass his moral fitness background check after it was discovered that his mother was in prison. Just like that the years of effort toward that goal were erased. Yraida was crying as she told this story and said "We all understood this mother's suffering so much. And the son he told her 'don't worry mom, that job wasn't for me.' But she knew that was his dream." The story Yraida shared with me about the consequences of having a record on one's family reminded me of another story I heard and later wrote about in an article I published on the Formerly Incarcerated and Convicted People's Movement

Conference. In a session held on felony disenfranchisement, an organizer out of North Carolina said that he and his wife were denied a grant to cover medical expenses for their daughter, who was born with Down Syndrome, because of his criminal and prison record (Gámez, 2013, p. 65). The system does indeed punish entire families.

As we concluded our conversation I asked Yraida what freedom meant to her. She said “it is very simple; to be free means to be able to be a mom.” As we hung up I thought about her definition of freedom, and about all the stories she had shared with me. Being a mom means to be able to freely engage in all areas of your child’s development and interests, to be able to actively support their dreams and desires, to be fully present and unencumbered. And it also means being able to realize the full potential of who *you* are in that role. If you’ve never experienced “unfreedom” you may not connect being a mom with being free. However, I realized that her definition of freedom, “to be a mom” isn’t simple for people like us where the obstacles are layered and pronounced, and it won’t ever be.

### **Shackled: Giving Birth behind Bars- Lisa’s Story**

“When I went to prison I was two weeks pregnant, I did my whole pregnancy in jail.”  
- Lisa

Lisa reached out to me after hearing about my project from someone who had read about it on the Re-Entry Central discussion board. She called me and left a message saying she wanted to participate and said, “When I went to prison I was two weeks pregnant, I did my whole pregnancy in jail.” I called her back to set up a time to talk. When she answered the phone the first thing I noticed was her heavy New York accent. She said she wanted to make the appointment for 8 am the next morning which was 6 am my time. I said that was fine and just before we hung up she said, “Are you paying for

this?" I said, "Actually, I am not paying people for their stories." I felt ashamed that I hadn't arranged to pay anyone for their time. I didn't have the money to personally pay people and in my haze of new mommy-hood I had not applied for grants, and did not write into my IRB application that I was paying people. No one else had asked for payment so I was unprepared for her request.

I said "I personally don't have much but would a \$10 gift card to Wal-Mart be helpful?"

She said, "I guess so, when am I gonna get my money?"

She sounded disappointed and so I thought that maybe this project wasn't something she really wanted to participate in so I said,

"Your participation is entirely voluntary. You don't have to do this if you don't want to or aren't interested. I can mail you out a gift card if that is helpful to you but I haven't been paying people to tell me their stories."

She said "No, that's fine. We can talk tomorrow."

After learning about Lisa and hearing about the struggle she experiences in securing employment and in supporting herself and her children I understood why she asked for something in return for her time, giving interviews was one way to earn some income.

The next morning while everyone in my house was still asleep I got up to prepare for my interview with Lisa. I called her at exactly 8 a.m. her time and she promptly answered the phone I could hear the television on loud in the background, and it remained on throughout our conversation. We began by talking about basic demographics and her early childhood.

Lisa is 50 years old and self identifies as African American, she grew up in Astoria Queens, New York where she lived with her mother, brother and stepfather.

When I asked Lisa what her childhood was like she said “it was okay” she did not elaborate beyond this. Lisa is the mother of six boys, her four oldest are living away from home, but her two youngest sons live with her in an apartment in Bronx, New York. Lisa was unemployed at the time of our interview; she reported that she received her GED while she was incarcerated in Miami, Florida.

Lisa said that her grandmother taught her the most about what it meant to be a mother. I asked her what kinds of things she learned from her grandmother and she replied “how to cook, how to clean, and how to wash my ass or wash up.” Lisa’s story of how she came in conflict with the punishment system is a familiar one, at the root is poverty, drug addiction, and the nation’s war on drugs and the poor.

The United States Customs and Immigration as well as the Drug Enforcement Administration were conducting an investigation that spanned several years around a Jamaican drug ring that was operating out of Miami, Florida. They discovered that hundreds of pounds of cocaine were carried aboard over twenty well-established cruise lines over the course of their investigation. Lisa was one of the forty people involved, arrested and convicted of conspiring to transport cocaine and heroin aboard cruise ships based in South Florida. Lisa was living in New York at the time of her indictment, she was taken in to custody and held at MDC in Brooklyn and then was extradited to Miami where she served seven years in a federal prison. After her term of incarceration, she was released to a halfway house and began her sentence of five years on probation which will be complete in 2016.

While incarcerated Lisa was sent to solitary confinement several times for disciplinary infractions she says they were the result of “fighting with the guards” but she

does not elaborate on why she would argue with staff. She says that the time away from her children was hard and that she did not receive visits or letters from family members (or her children) while she was away. She says that she relied on neighbors from her community back in New York for support. One neighbor would sometimes put money on her books and another neighbor would mail her pictures of her kids so as she said “I could watch them grow up.” When Lisa was incarcerated her sons were 19, 17, 15, 12 and 8.

When Lisa went to prison she was two weeks pregnant, this is a fact that is inconceivable to me. I was pregnant when I went through the stages of a criminal trial, I was so afraid of having to deliver my baby in prison that I accepted a plea deal without fully understanding the vast consequences of what I was pleading to. They really did not matter to be honest, all I could think about was being alone and pregnant in prison, and then delivering my baby into, quite literally, the prison system and ultimately being separated from her. I could not do it. Lisa tells me that all of her prenatal care was conducted inside the prison with the exception of three appointments that were off site.<sup>22</sup> As she tells me this I can’t help but reflect on what prenatal appointments were like for me with my most recent baby. There was the anticipation of glimpsing my baby boy in his secret and warm world, and of hearing the rush of his heart beat. They were sweet moments of love for me where all of my cares and worries fell away for a moment as I adored the life inside of me. The conditions around my first pregnancy with my daughter were decidedly different. I was in the middle of a criminal trial and pretrial services had

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<sup>22</sup> Pregnancy in prison is high risk, compounding this reality is that these mothers receive limited or no prenatal care, and deficient nutritional support. Their subpar prenatal treatment often ignores pre-existing substance and/or alcohol abuse, domestic violence, and sexually transmitted diseases (Clark & Adashi, 2011, pp. 923-929).

placed me on house arrest. I had to have my pre-natal appointments approved and because I wore an ankle bracelet and had to carry around a monitor, I felt stigmatized and ashamed at every appointment. It provokes a deep anger in me to remember those moments and I feel robbed in many ways. Though my experience does not compare I empathize with what going through a pregnancy while incarcerated must be like. However, the nightmare of being pregnant in prison that I imagined was intensified when Lisa went on to say that she delivered her son while handcuffed and shackled.<sup>23</sup>

I forced myself to remember what it was like to be shackled, so filled with shame are those are times that I rarely allow those memories to see the light. However, I found that in order to write many of these profiles I had to revisit my own pain to be able to access and explain these mothers' truths. In my minds' eye I saw myself in my prison garb shackled, and then remembered the realities of going into labor. Some pregnant women who are incarcerated are shackled not just during transport from the prison to the hospital, but also during labor through post-natal recovery. To be shackled means that your wrists are handcuffed in front of your body, attached to those handcuffs is a short chain that links down to another chain around your waist, the points between your wrists and waist are locked together; your range of motion is severely restricted. There is another chain that is attached to shackles at your ankles; the chain between your ankles is short restricting your gait to a shuffle. It is shameful and dehumanizing.<sup>24</sup>

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<sup>23</sup> As of June 2014, 21 states (Arizona, California, Colorado, Delaware, Florida, Hawaii, Idaho, Illinois, Louisiana, Maryland, Massachusetts, Minnesota, Nevada, New Mexico, New York, Pennsylvania, Rhode Island, Texas, Vermont, Washington, and West Virginia) have legislation limiting or prohibiting the shackling of incarcerated women during labor, childbirth and recovery. For more information see: [http://lsrj.org/documents/factsheets/13\\_RJ\\_Prison\\_System.pdf](http://lsrj.org/documents/factsheets/13_RJ_Prison_System.pdf)

<sup>24</sup> There are several risks associated with shackling a pregnant person. When you are pregnant your center of gravity shifts drastically as ligaments stretch to accommodate your growing baby (and belly), the increase in flexibility and elasticity to prepare for the *act* of giving birth makes it such that a pregnant person must be vigilant when walking as you are more prone to falling. In the final stages of pregnancy



Shackling is used when transporting an incarcerated person outside of the prison/jail facility regardless of gender, physical condition, or security level. The rationale behind shackling a woman in labor is rooted in the correctional narrative of security which has three tiers including, public safety, officer protection and flight risk (Ocen, 2012). Essentially women in labor are assigned to the same risk category as their non-pregnant counterparts; the absurdity that a woman in her third trimester and *in labor* would consider, let alone physically be able to escape seems obvious. Even if we set aside the reality of what being in labor means physically, the practice of unilateral shackling disregards facts surrounding gender differences of people who are incarcerated. Namely, the practice of shackling pregnant women ignores research which demonstrates that incarcerated women commit less violence, and less serious forms of violence than their male counterparts (Dignam, B., and Adashi, E., 2014; Harer and Langan, 2001).

The Florida House of Representatives passed Senate Bill 524 the “Healthy Pregnancies for Incarcerated Women Act” on July 21, 2012.<sup>25</sup> The regulation limited the use of shackles for women who are pregnant and held in prison, jail or any other detention facility in the state. The bill came on the heels of a damning report issued by the Rebecca Project for Human Rights entitled *Mother’s Behind Bars* (2010) which gave

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when you can’t see your feet, being in leg irons is particularly hazardous to the mother and her unborn child, as there is an increased risk of falling (El Kady, 2007). Shackling during labor and delivery prevents a mother from seeking relief from the pain by walking and repositioning her body (Lawrence, Lewis, Hofmeyer, et. al., 2009; Simpson & James, 2005). It also makes administering epidural medication complicated (Gonik, Stringer, Held, 1983). Shackling after delivery and during recovery has been shown to place mothers at risk to developing deep vein thrombosis (Jacobsen, Skjeldstand, Sandset, 2008). Since 2007 several organizations have decried the practice of shackling pregnant mothers. Including The American Congress of Obstetrics and Gynecology (ACOG), The World Health Organization (WHO), the American Correctional Health Services Association (ACHSA), the American Medical Association (AMA), the Board of Directors National Commission on Correctional Health (NCCHC), the Association of Women’s Health, Obstetric & Neonatal Nursing (AWHONN), the American College of Nurse Midwives (ACNM), the American Public Health Association (APHA) and the National Organization for Women (NOW).

<sup>25</sup> To access SB 524 see the following:

link<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=47486>

Florida an “F” for its shackling policies.<sup>26</sup> However, this regulation was instituted after Lisa delivered her son 2004 while she was incarcerated in Miami. Lisa was handcuffed to the hospital bed and shackled throughout her stay. She was tethered to the hospital bed by the wrist and ankles which limited movement to help manage labor pains, and after delivery her handcuffs limited her ability to hold her child. Lisa only was able to spend 24 hours with her newborn son before she was taken back to prison, she did not receive any post-natal care or therapy. She said, “My ex-husband took the baby and he had the other kids too, for a little while.” I asked “And then what happened?” and she said “My 17 year old raised them, all by himself.” Lisa said that back in New York her 17 year old son assumed sole responsibility for raising his 4 younger siblings for the next 7 years. I know how hard it is to raise children, and I have a partner and family around me to lend a hand, so I couldn’t help but wonder how a 17 year old managed to take care of three school-aged kids and an *infant* for seven years all alone? It must have been scary to have to assume so much responsibility without consistent guidance and resources.

When Lisa was released from FDC Miami in 2011 the baby she delivered when starting her sentence was 7 years old. When I asked Lisa what being a good mother meant to her she said “a good mother is responsible, loving and caring.” She reported that she thought the system would say she was a good mother because she “always got people to donate, [my children] always got food boxes and stuff, and the two little ones are at home now.” Being able to connect her children to support while she was incarcerated made her feel like she didn’t completely abandon them because she was doing what she could do to provide for some of their needs with the resources available to

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<sup>26</sup> “Mother’s Behind Bars” is a state by state evaluation and report card on the conditions of mothers behind bars and child impact. It is fully accessible online. To access the report see: <http://www.asca.net/system/assets/attachments/2475/20101021mothersbehindbars2010.pdf?1300291025>

her. However, she acknowledges that her incarceration was hard for her children. She said that they “struggled, they was hungry, and cold” and she continues to carry guilt over the fact that she “wasn’t there for them while they was growing up.”

Though her term of imprisonment was hard on her and her family, she continues to face challenges post-release. Like many formerly incarcerated people, Lisa faces discrimination and social condemnation as a result of her incarceration background. She says that she is often told she that she is “big, black, and intimidating” and she feels this impression of her alongside her record makes employment opportunities scarce. She says, “[T]rying to find work is very, very hard. Supporting my kids is a challenge, I feel judged as a mother.” I asked if her experiences in the system had changed her as a person and a mother to which she said yes. She said that she particularly felt a shift in her “attitude and emotions” she clarified by saying “I learned to be humble.” She said that she also stopped using drugs while inside and has remained clean since her release. She feels that those combined changes impacted how she engages her role as a mother. She said, “I am more responsible now, I know who comes first.”

Like a person committed to sobriety Lisa works her own recovery steps faithfully, these steps are largely around recovering her own personhood and dignity. Certain activities help Lisa on her path to maintaining her person and regaining confidence. One is by telling her story; another is through engaging in activism around prison issues, and lastly securing employment. Lisa reported that talking about her story keeps the struggle she and her children experienced actively present, it reminds her of where she has been and what she doesn’t want to go back to. In fact, just a few days after our interview Lisa sent me a text message to say that she was on her way to be interviewed by another

woman who was researching the practice of shackling mothers during labor and delivery. Jobs and a living-wage are connected to human dignity, and personal confidence. As noted previously, Lisa has been struggling with unemployment and underemployment since her release in 2011. When we first spoke she was unemployed. Despite consistently looking for work and filling out applications she rarely received an interview. However she recently reported that she now has two jobs. She is happy and looking forward to 2016 when she will finally be off of probation.

### **Gender and Failure to Protect Statutes: Mary's Story**

“I am a human being.”

- Mary

Mary reached out to me by telephone in early October 2014 after seeing my recruitment script on Re-Entry Central. She enthusiastically agreed to participate in this project and readily set aside time for us to chat. She lives in North Carolina so our conversation took place over the phone. She has a lovely southern accent; making her voice warm and inviting. I truly enjoyed talking with her; she was open, self-aware, and wise, she had a smile in her voice throughout our conversation. I felt invigorated and inspired by all of the work she is doing around re-entry and mothering and later sent an email of introduction to her, Yraida in Miami, and folks in Seattle that are doing similar work. We spoke for a couple of hours and I learned about her struggles and what drives her work around women and re-entry.

Mary is 48 years old, European American, single, and mother to two adult sons. Mary holds an Associate's degree and prior to her incarceration worked as an administrative professional in the medical insurance field. We spent the majority of our time talking about her experience with the punishment system and the paths it lead her

down. She spoke briefly about her family growing up and I gathered from what she said that the family dynamics were strained.

Mary grew up in Georgia with her mother, father and 3 siblings. Mary characterizes her parents' relationship as "unhealthy" and says that this early model of an intimate relationship set the stage for her future relationships which ended up being abusive. When she was 12 the family moved to Illinois, and two years later her parents divorced. Her mother eventually remarried but her new spouse passed away within a couple of years of the marriage, and she remained single afterward. Mary appears to have had a close relationship with her father, who passed away while she was incarcerated; however, she says that she no longer has a relationship with her mother or her two sisters. She and her brother remain engaged in each others' lives and he was a reliable source of support while she was inside. Mary reports that she learned the most about what it means to be a mother from her paternal grandmother. Her grandmother had 8 children and Mary's father was the oldest. Mary says that she observed her grandmother negotiate taking care of her large family alongside her work outside of home in a carpet plant in Georgia. She said, "she was always cookin' and anything the kids needed she was always there, she was always takin' care of her family. When I was born all of them were already grown but whenever you'd go to my grandma's house there was always somebody over there, one of the kids." Mary observed that her grandmother created a home for her family that was safe, warm, open and available. Even though her grandmother worked outside of the home, taking care of her family's physical and emotional needs was paramount. These early observations influenced Mary. From her grandmother she saw an example that she wanted to emulate, she learned how to turn a

house into a home, the importance of caretaking and how to juggle those obligations while also working outside of the home. Mary said that she always wanted to be a mother; she had her first son when she was 25, but had three miscarriages and a tubal pregnancy before carrying her first born to term. She said “when I had my son it was such a blessing, I put everything into being a mom, I loved being a mom.”

Mary’s two sons are three years apart. When she was pregnant with her second son, her husband had an extra-marital affair. She moved to South Carolina “to make the marriage work” and raise her family. Mary was actively involved in her sons’ lives, happily serving as “soccer mom” and on the school PTA. She relished those early days before further tragedy and trauma befell her family. As a result of her engaged style of parenting, she and her sons were very bonded; she worked outside of the home but her boys were the center and focus of her life. She lovingly said that remembering their babyhood and their evolution into rambunctious children were some of her most fond memories. Mary was her children’s primary caretaker. Her ex-husband was employed as a truck driver and thus frequently absent for extended periods of time. When she and her husband divorced, Mary was given full custody of the children and her ex-husband had visitation. He saw the boys every other weekend. As a result of his absence and seeming indifference, the children did not have a relationship with their father. Additionally, Mary’s ex-husband did not pay child support and so Mary found herself solely responsible financially and otherwise for her two sons.

A few years after their divorce was finalized Mary began dating and soon had a boyfriend. After dating for more than a year they moved in together. Mary could not afford to pay for childcare for the boys while she was working, so she was grateful when

her new boyfriend offered to watch her sons while she was at work. Not long into this new child care arrangement Mary received a call at work from her boyfriend who said that she needed to come home immediately. She walked into a living nightmare when she arrived home that day. Both of her sons were gone and she was informed that her boyfriend had physically abused her eldest child. Mary was charged with “failure to protect.” Failure to protect statutes are written in gender neutral terms; however, like most laws the impact is not neutral. Research shows that women comprise the vast majority of people charged with convicted of failure to protect offenses (Appell, 1997; Jacobs, 1998; Panko, 1995). This is a clear example of the ways in which understandings of what it means to be a good vs. bad mother intersect with the application of law.

Socially, mothers hold a greater burden of responsibility when it comes to parenting and are swiftly and severely punished for falling short of social expectations. In 2003 Mary accepted a plea bargain. She served 3 years in prison and 5 years of probation. Her ex-boyfriend was sentenced to 20 years in prison.

Mary’s ex-husband received custody of their sons. Because her sons did not have a close relationship with their father they felt like they were being forced to live with a stranger, and Mary found herself helpless to change the situation or make it better for them. Her ex-husband further exacerbated the trauma and anxiety the children felt by the abuse and abrupt separation from their mother, by prohibiting her phone calls, and refusing to take the children to visit her. Two years into Mary’s sentence her ex-husband finally decided to take the children to see her. However, Mary realized that his intention behind visiting was to reengage in a relationship with her, when he discovered that she was not interested, he left and never took the children back to see her again. Because

Mary was at her ex-husband's mercy she only saw her children one time in those three years that she was incarcerated. Mary wanted to maintain contact and a relationship with her children, in the absence of face to face visits and phone calls, Mary relied on the only mode available to her, the mail. She said, "Every week for 3 years I sent them a letter, at that point that's all I could do, I couldn't say 'Prison, I'll be back in a week I need to go see how my kids are doing' I was limited on what I could do [to maintain the relationship], writing was the only thing I could think of." Mary's sons were 13 and 10 when she was released from prison; however, one of the stipulations that governed her life after she was released from prison, and until she completed her 5 years of probation, was that she could not have unsupervised contact with anyone under the age of 18, so her sons were never able to come back to live with her.

Mary was the only mother that I interviewed who had lost custody of her children as a result of her contact with the punishment system. When I asked her what she thought about the punishment system she said,

[I]t's unfair. I saw people who have been in trouble 5, 6, 7, 8 times and still get probation. And for my case I got 3 years in prison, and then the different departments, like DCS [Department of Child Security]- I just don't think the system looks at every angle. They don't look at the total well-being of the kids. I think I was charged and that was it I was a bad mom, they don't look back, they didn't look at everything else. I always say that was the hardest time in my entire life. The first six months I was inside I was thinking "[T]his is a big mistake, someone's gonna come in and say 'oh my gosh poor Mary let's take you home.'" But that didn't happen.



With humor and grace Mary went on to talk about what daily life was like inside. She said that early on she was told that she could take college class and other educational courses. However the prison that she was housed in offered very basic programming. They had a GED program, a support group for women who had experienced domestic violence, Alcoholics Anonymous, and Narcotics Anonymous. Mary's junior college degree eliminated education as an option, and she did not feel that the other groups reflected her needs. Not long into her sentence Mary's father was diagnosed with cancer and within six months his condition rapidly deteriorated. Mary requested a special release to say her final farewell to her father but it was denied by the prison. Mary was devastated, she felt like her dad was hanging on waiting for her to come and see him and say goodbye. The day after her request was denied she called her father and said "it's okay to let go, I promise you I'm gonna be okay, and I promise I'm gonna take care of James and John." Her father passed away less than 24 hours after they spoke. Losing her father was painful; she was unable to attend his funeral and was forced to grieve the loss behind cold metal bars, under bright fluorescent lights and amid the clanging, barking, sounds of the prison. She said, "Going through something like that while you are inside is really, really difficult...you are dealing with prison life and you're dealing with what's going on outside...you really need to find somebody you can talk to and relate to. I found one, we consider ourselves sisters, she lives in Charolette, about 2 hours away."

The friend that Mary made while inside, walked with her on her journey, and vice versa, they survived because of and with each other and by imagining a different possibility for the world they found themselves living within. Both Mary and her friend found the lack of programming disheartening, one afternoon while sitting in the dayroom

they were talking about needing some sort of support group for women who have longer sentences. They rightly reasoned that the issues women face serving longer stretches of time, particularly around parenting, are different than someone who only has 6 months on a sentence. They decided to craft a proposal to establish a support group for women serving two years or more and present it to the warden. To their surprise, and joy, the warden approved the group. They named the group “Women of Courage.” I asked what sorts of things they covered in their meetings. She said, “[w]e talked about our kids and whatever issues we were going through, and we talked about what we could do to help when we got out.” She said, “You can have dreams inside, and they can come true, but the dreaming has to start while you are inside.” The group Mary and her friend established is the only program that was created by women held at the prison and approved by a warden. The group still exists and has the same facilitator that was brought in from the outside to run it when Mary was there.

Mary had another person inside that helped her navigate the new world she found herself in, they formed an uncommon bond and were an unlikely pair. Mary was assigned to kitchen duty on her arrival which didn’t work out and so was reassigned to the school as a tutor to help women who were pursuing their GED. A year into her sentence the prison case manager requested Mary to help her on a project. Mary was reassigned to work personally with the case manager in the Classification Unit; she remained in this position for the bulk of her time inside.<sup>27</sup> Mary said, “[S]he was actually

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<sup>27</sup> The Classification Unit holds confidential information on every person housed in the prison. Typically this unit holds files of each person that includes an overall personal history, offense, sentence, risk level, programming/counseling needs, and custody designation. The file is periodically reviewed updated, adjusted to reflect disciplinary infractions, time left to serve etc. It is uncommon for people who are themselves incarcerated to work in this unit because of the access they would have to sensitive and confidential information.

working on her master's degree in counseling at the time so I would help her type her papers, do light research on the internet for her, organize her paperwork, and create her spreadsheets." They formed a close bond. The case manager had been employed with the Department of Corrections for over 30 years and was ready to retire and Mary told her "you can't retire until I leave!" and she didn't, she stayed on until Mary was released and retired shortly after. The support she offered Mary inside was a safe space and kindness, and when Mary was released she gave follow up care by calling her every few days to make sure she was okay. Mary says, "I call her my surrogate mom, because I love her she helped me through a lot." I found the fact that she found someone in the system who actually cared about her and who was actively committed to helping her succeed, surprising to say the least. She was the first and only person I interviewed to say that someone in the system made a positive impact on her life.

Mary also had her father, while he was alive and brother as champions while she was inside. Her father was concerned about her when she was first incarcerated and made sure to write to her consistently. Mary said, "[M]y dad is not a writer but he wrote letters to me and I still have those. Even when he was really getting sick he was still worried about me and made sure I had money for canteen..." Her brother provided similar support. She said "[O]ne of the things that I learned is that when you first go in of course people will write to you and be like 'oh yeah we are here to help you and support you' but the more time you do the less letters you get, so if you do more time that's how you see who your true friends are."

I asked Mary to talk about what it was like coming home after being away and how she negotiated her role as a mother given the conditions she had to abide by. Mary said,

It was hard because my ex-husband held the [no unsupervised contact condition] over my head; he would always try to make things more difficult. I was probably out a couple of hours and he called my brother's phone and wanted to talk to me and the first thing he said was 'I need some money for these kids.' I was like 'I just got out of prison after 3 years! Do you think I have money?' It was the power of 'I have the kids you now have to do what I say' because that's how it was in our marriage. When he figured out there wasn't any power it got uglier.

Mary said that over the years she has learned to stand up to her ex-husband and that she no longer has any contact with him. This personal evolution, of coming into her own power and self-worth was transformative; she realized her ex-husband did not have control over her life. Still life after prison was challenging, she was on probation, had to find work, a place to live, had 500 hours of community service to complete, and her role as a mother to contend with. She said,

[W]hen I first got out my head was going in different directions. You're like 'I know I have to get a job, and I know I have to do this' I call it the 'daze phase' because you are on the outside but you are still on DOC time and you wonder 'Am I late for count? Am I gonna get a write up? Is it time to eat?' because you are on such a structure that you have to transition when you come out. You think everybody is watching you because CO's are always watching you. One day I

woke in my bed thinking I was late for standing count but I was in my own bed, it's just a transition.

Mary petitioned to have her probation moved to North Carolina where her brother lived so that she had support in navigating her new life. She said that probation itself was not hard, she was transferred to different probation officers a number of times as her risk level for "reoffending" was low and she was deemed an easy case. Her probation officers never gave her a hard time and she described them as "sweet, protective, kind" and said that they "trusted that I knew what I had to do." Eventually the North Carolina probation department requested that her probation be terminated but South Carolina denied the petition and said she had to complete all 5 years. Though she never had difficulty with the requirements of probation or with the officers overseeing her, she did find the transition from prison, and life as a convicted felon challenging. One area that she experienced obstacles was in finding employment.

Mary is educated, skilled and had a steady history of employment prior to her incarceration. However she faced stigma and rejection as a result of her new label. She told me her story around securing employment after prison which turned out to be a painful experience. She said,

One of the interviews I went on before I got my job at the halfway house was at an employment agency as a receptionist. I knew I could do the job and the owners interviewed me and I told them about my record and they were like, 'Okay we want you to start tomorrow' the next day I came in and I was so excited. Well they took me into the conference room and said 'we're not going to be able to hire you because one of the ladies in the office doesn't feel comfortable

with you being here.’ I had never met that lady, she just knew I had been in prison and she didn’t feel comfortable. I didn’t get the job and I was devastated. I thought ‘how could she think that? At least meet me, talk to me, then you’ll understand I am not a violent person.’

With this experience she began to understand the intimate and curious connection between having a criminal record and personhood. Essentially she found herself illegible human, instead she fell into a category of “other” and was someone to be feared. Though this experience was painful and likely shameful, Mary continued looking for paid work and a place to complete her 500 hours of community service.

Mary heard about a non-profit organization called Project Re-Entry when she first got out of prison and made an appointment with them to learn about what they could offer to the process. She decided that perhaps she could complete her hours there since they work specifically with formerly incarcerated and convicted people. She emailed the program coordinator and informed him of her administrative skills and experience and then said “I have 500 hours of community service, you’re a non-profit, can I do my hours with you guys?” She received approval and began immediately; it took her 7 months to complete all of her hours. She worked every day from 8 in the morning until 12 in the afternoon, and then she went to her paid position at a women’s halfway house from 1pm until 10pm. She loved working at Project Re-Entry, it was fulfilling and purposeful work, and so before she completed her hours she began telling her supervisor “you guys really need to hire me when I am done” and they did. She has been working full-time as an Employment Specialist for Project Re-Entry, a partner of Goodwill Industries, since 2007.

The work Mary is involved in has been healing in many ways. First it has given her the opportunity to find her voice and learn to navigate stigma which unfortunately will be something she will always have to contend with. She is constantly looking for ways to improve in her role and has used education as a means for doing so. She recently took a career development class that certified her for additional responsibilities. She said that she had to fill out an application to be accepted in to the course, which inevitably contained the dreaded question “Have you ever been convicted of a felony?” “If yes, please explain.” Mary provided the information but later received a request for more details. She said, “They do that with everybody who has a criminal record. Could I provide the information? Yes, I could. But I don’t think I should have to because you see my criminal record and it is what it is.” She went on to problematize basing a decision about a person’s “deservedness” or making a conclusion about their character, on a past criminal record. She pointed out that she had been successfully working with formerly incarcerated and convicted people for 8 years and that her personal experience with incarceration was an asset. She was knowledgeable about the re-entry process in a way that someone without a record could never be and because of her insider knowledge she was effective. She decided to take a stand on the request and so in lieu of “providing further details of her offense” she wrote to the CEO of the company and voiced her concerns and her position on the issue, she enrolled in the class without providing more details surrounding her plea deal. Her belief is that people, employers, and other gatekeepers need to move beyond a past criminal record and instead look at the person in front of them and assess their merits and qualifications independent of the past. Her job has given her self-confidence and has made her feel empowered to voice her truth.

Mary has been on a journey of coming into her own, and it has been an arduous one. Prison and the subsequent conditions she was beholden to changed her and her relationship with her sons. The once close bond she had with her boys was fractured, and it remains so in many ways. Mary still navigates the residue of guilt around what happened to her family. She said,

[Y]ou have in your mind the kind of mom you want to be and I couldn't do that after I was incarcerated. From the very beginning I told my sons I love you no matter what and I hope you can forgive me for what you guys had to go through...I put them in a situation where they were harmed, if I could change [the decision to allow the ex-boyfriend to watch them] I absolutely would. If it was up to me I would have taken them as soon as I got out [of prison]. But I couldn't because of the stipulations, it was difficult and that's where more guilt comes from, I felt like I was letting them down. As a mom I wanted to do all those things I did when they were younger and I couldn't. It was the hardest, hardest thing. And I still have regrets. As mom's we carry a big burden, we have all these dreams for our kids to do so much but when we are a part of their failure, it is hard to get past that.

She has a relationship with her younger son but continues to struggle with her eldest. She indicated that he was more susceptible to her ex-husband's negative messages about her. It became evident in our conversation that her ex-husband was not a loving mentor, something both sons and especially the eldest who was the target of the abuse, would have needed. She said of her relationship with her oldest son, "I have had to put up boundaries with him" she will not converse with him if he yells and curses at her. He has



been to jail and though she wanted to protect and save him from going to jail she couldn't. She did what she could though which was to write letters, put money on his books, and talk to him. She told him, "[Y]ou have to decide what your future looks like, I can't do it for you." He was 18 at the time, so she had to explain to him that legally he was considered an adult and that it was a different ball game now. At the time she thought she had reached him however she said he has since been back to jail. Of this second charge she said "I think he just gets caught up in negativity because he wants his dad's approval so bad, I can't change that, I can only pray for him and hope that he sees he must make changes for himself. I told him 'I'm not 100% right, your dad's not 100% but you got to figure out what is right for *you*.'"

Before we hung up I asked Mary if she felt like telling her story was useful to her and other mothers going through the system. Like many of the women I interviewed she answered in the affirmative and then spoke about healing. She said,

[T]elling my story is healing because it takes that stigma away of 'don't tell anybody because you don't know what they will think', but for me I think if I tell my story people will see a human being here instead of a statistic, I am a human being. Sharing my story helps give a face to what incarcerated people look like, we don't all look like what you see on *Maximum Lockup*. So telling my story helps people understand our experience. We are all dysfunctional. We all have dysfunction, it's the level of dysfunction or how the dysfunction is handled that changes.

The various struggles Mary faced are part of her story but they aren't *the* story. The story is finding purpose and joy amidst the rubble, the story is how she found herself, and how

telling her story of reaching in towards self-awareness and ultimately healing, serves her and others. Ultimately, I see the story of how a fierce mother survived what was meant to destroy her.

### **A Case for Treating Addiction as Illness versus Incarcerating the Sick: Gigi's Story**

“If you always do what you always did, you’re gonna always get what you always got.”  
– Gigi

Gigi was referred to me by Mary who she met through Project Re-Entry. While working towards her associate’s degree Gigi took a class that had an internship component. The director of her program suggested that she look into interning with Project Re-Entry. That night she went home and read about Project Re-Entry online. She said “I teared up and I knew that’s where I wanted to be.” The next day she called Mary who set up an appointment to interview her for a one year internship with the organization. Gigi nailed the interview and Mary approved her to intern with the agency. At the end of her intern contract, the agency created a part-time position for her, which led to a permanent position within a few weeks with Project Re-Entry as an Employment Specialist. Gigi has been happily employed in this capacity for four years now.

Gigi is warm, gregarious, and committed to re-entry work. I gather from our conversation that it is her commitment to seeing people successfully reclaim their lives post-incarceration that drives her to talk about her own journey to freedom and it is why she readily agreed to talk with me. We begin our conversation talking about what life was like for her as a child. Gigi tells me that she grew up with her mother, father and two brothers in West Virginia. Their family home and farm sat on 67 acres of land; they all worked hard to maintain the farm and family. Her mother worked full-time outside of the home and so Gigi assumed many of the household chores in her absence while her

brothers worked with her father out in the hay fields. When not in school, or working at home, Gigi rode horses and her brothers spent their free time driving 4-wheelers and riding motorcycles. She describes her childhood as “very happy.” She says, “I had very loving parents. My dad was really strict...he was completely disabled from the Korean War so he had a short fuse. My mom was a little bit more lenient more understanding.” I inferred that she grew up with firm boundaries that were laid down with love.

I went on to ask Gigi who she looked to as a model for mothering. She said her mother, grandmother, and great-aunt influenced much of what she thinks about motherhood. She said that her great-aunt was like a second mother. She was never married and never had her own children and so she offered her love, guidance, and support to Gigi and her brothers. I asked her what lessons she learned from all of them and she said, “Mainly that, I don’t know, I always felt like no matter what our children do we are to love them unconditionally. If they make a poor decision you just try to help them get through it because we all make them.” Gigi went on to have three children, two boys and one girl and they are all now adults. Though Gigi spent a large chunk of their childhood battling drug addiction and in and out of jail and prison she was able to maintain a loving and open relationship with them. Gigi and I spoke at length about her addiction to narcotics, how it brought her in contact with the punishment system and how it impacted her role as a mother.

Gigi unfortunately fits the profile of women in prison as the majority of women who find themselves incarcerated in the United States are there as a result of nonviolent

drug-related offenses (Guerino, P., Harrison, P.M., & Sabol, W., 2011).<sup>28</sup> Gigi began using alcohol when she was 18 and going out to clubs for the first time. She said,

I could not control my alcohol [intake], and would drink until I was extremely intoxicated. That should have been the red flag to let me know I should never experiment with drugs. My drug addiction really started after I got hurt in a water skiing accident where I dislocated my shoulder, I eventually had to have surgery for the injury and was prescribed pain killers afterwards. That's when I started abusing prescriptions.

As she found herself unable to stop she graduated to stronger medications. She became dependent upon licit drugs like Loratab, Percocet, Dilaudid, Oxycontin, and Benzodiazepines in order to function. Soon prescription drugs turned in to illicit street drugs like cocaine and crack. She said, "really I used whatever I could get my hands on and I would commit crimes or take stuff from my family to get money to support my habit." As a result of her drug addiction she eventually found herself in conflict with the law and spent 8–10 years of her life cycling in and out of jail and prison. Gigi's long term drug addiction had health consequences particularly around memory and recall and she doesn't remember exactly when she was incarcerated for the first time. She says, "I guess I battled with addiction and prison for 8–10 years." She alternated between probation, home confinement, prison and jail. Each time she relapsed she would end up pulled back into the punishment system. She said "It was like a vicious cycle for me I kept doing [time] because I kept going out and getting high which would lead to more trouble." Gigi continued in this cycle for the better part of a decade.

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<sup>28</sup> Combined drug and property related offenses account for 55.3% of the crimes women are incarcerated for. See Guerino, Harrison, Sabol (2011)

Gigi described the many years she was involved with the system using one word, loss. She says, “I think about loss, loss of freedom, the loss of your family, to me [prison] is the closest thing you will ever come to dying, besides actually dying.” Indeed loss characterized her time inside and her time addicted to drugs. Though she said she took advantage of programming inside when it was available and attended mandated Narcotics Anonymous meetings on the outside what she needed was quality, long-term, in-facility, drug treatment. She said that when she was inside and sober she would vow not to use when she got out, but once she would return home she would inevitably relapse. Research demonstrates that drug relapse is the primary factor involved in recidivism for women (Broome, Knight, Hiller, & Simpson, 1996; Freudenberg et al., 1998; Richie, B., 2001). This was certainly true for Gigi as she reflected,

The first times I went in I would swear ‘Okay Lord I will be different just get me out of here!’ I would mean it at the time but the minute I came home I would go back to what I had always done and I would end up right back up in the system again. You know if you always do what you always did you’re gonna always get what you always got.

While Gigi eagerly accepted responsibility for what she perceived as her own “poor decisions” to use drugs which would then land her back in jail or prison and separated from her children, I couldn’t help but think that she was continuously set up to fail by the system. After incarceration people return back to their communities and the problems that were there when they left are waiting to greet them when they return home. Richie and Johnson (1996) correctly argue that in the unnatural context of prison-settings drugs are not readily available so it is easier to abstain from using; the problem is that prison-

based interventions do not prepare people to negotiate their addiction and abstain from using once they are back in their home environments. Instead in “counseling” folks are fed the narrative of personal responsibility and accountability and not given the proper tools to effectively manage their condition or circumstances. I know from personal experience that the message of “you are responsible and culpable for your own choices, you are not a victim” was oft repeated and one I was expected to be versed in. Anytime you even suggest mitigating factors that undergird your behavior like drug addiction, alcoholism, domestic violence, mental illness, a history of sexual abuse you are accused of trying to excuse your behavior and evade responsibility. And being perceived as not accepting responsibility can have serious repercussions. For example, it can mean not being released from state supervision, longer stints in mandating counseling, being categorized as “high risk to reoffend” and loss of privileges. However, these are my insights they are not reflective of what Gigi personally stated, quite the contrary in fact. Gigi assumed total and complete responsibility for the choices she made that landed her in prison. She never used her past drug use to provide context for the choices she made. She said, “I kept going in and in and in, because I was not learning or using [prison] for an opportunity for learning and growth.” What she focused on most was the effect her addiction and related offenses had on her three children.

Gigi spoke about being trapped in the cycle of addiction and the impact it had on her children. She indicated that being in prison, and away from the dulling effects of drugs, made her realize how much being a mother was part of her identity. She said, “[Prison] made me appreciate the honor it was to be a mother. When that was stripped from me when I was incarcerated, it was almost like losing my parental rights; it was like

my kids were gone from me and it was devastating.” While incarcerated she missed her daughter’s eighth grade graduation. She remembered with lingering sadness and regret that she had helped her daughter prepare a speech that she delivered at that graduation she said,

[W]hat hurt me most about that was knowing that my daughter stood in front of all those people and gave that speech with her heart broken yet again by her mother. [Being in prison] made me value being a mother and it made me want to come home and be the mother that I was called to be.

Things finally changed for Gigi when she was sentenced to 14 months at Teen Challenge, a drug treatment center.<sup>29</sup> Gigi who was from West Virginia, was sentenced to complete her treatment in Western Michigan. Being in a live-in treatment center, and away from her home environment worked for Gigi, she has been sober since 2006.

Gigi completed drug treatment in August 2007 and returned to West Virginia until December 2007 at which point she moved to North Carolina where her children were living. She said, “I wanted to be back with my children again. God had given them for *me* to raise not somebody else. I made up my mind that I was coming to my children if they would let me.” Gigi had to learn to navigate her role as a mother again which was challenging. However, one thing she quickly learned was that she couldn’t reassert herself as an authority figure in the house after being away; it was something she had to negotiate slowly. She said her daughter easily resumed a relationship with her but her middle son kept his guard up with her for a long time. She said,

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<sup>29</sup> Teen Challenge International has chapters across the United States and internationally. It adheres to Bible based philosophy in providing substance addiction treatment. Learn more by visiting the website: <http://wm-tc.com/about/our-philosophy-mission/>

A few months ago we went to my niece's wedding in West Virginia and my son and I were dancing a slow dance and he stopped right in the middle of it and he looked at me and said 'mom I want you to know I have totally forgiven you for everything you have done to me.' It was a very emotional memory that I will never forget, it was an amazing moment in my life. It took him 7 years before he finally said that to me.

Unfortunately, her eldest son has found himself going down the same road as his mother did before him. He is battling drug addiction and has been in and out of prison several times. Of this she said,

I love him no less than the other two and I have to be really honest about everything especially when it comes to my children; he learned a lot of the stuff he did learn from his mother. I'm not proud of that, I can't go back and change any of that but now I am trying to show him the way he should be living his life.

After Gigi finished her drug treatment program she still had 5 years of supervised probation to complete. Though she was sentenced out of West Virginia, Gigi requested and received an interstate compact agreement and had her probation transferred to North Carolina. She has not lived in West Virginia since 2007. Gigi has worked very hard to reclaim her life and is steadfastly committed to sobriety. Her children who were older when she returned home, (2 were out of high school, and 1 was almost out of high school) were happy to have her back again and wanted her to comply with whatever demands probation had of her. Gigi's children supported her efforts and understood moments where perhaps she was absent or had to excuse herself early because of probation. Because of their age, self-sufficiency, and support Gigi never felt like her role



as a mother came in conflict with her obligations to probation. Gigi's work in this regard did not escape the notice of her probation officer who *independently* wrote a letter to the courts in West Virginia to request that Gigi's probation be terminated; she was released from probation 2.5 years early.

As we concluded our conversation I asked her to talk about what freedom means to her now after experiencing captivity in various senses. She reflected,

When they would open that [prison] gate and let me out- and I didn't realize this until the last time I went in- but when they let me out I was still a prisoner within me. I had all this baggage I was packing down inside of me and it kept getting worse, and I kept putting on more and more layers of ugliness, bitterness, betrayal and manipulation. When I started working on myself, I realized that true freedom means being free inside and out. Not just outside of a prison barbed wire fence, but free in my own spirit. Freedom is being happy with yourself, just being able to lay down at night and not feel guilty, its being free inside and out.

I thought her understanding of freedom was poetic and I reflected that her experiences must make her exceptional in her role as an Employment Specialist for Project Re-Entry as she works with people who are likely battling demons she knows by name. She talked at length about what her work with formerly incarcerated and convicted people means to her and she said that her negative experiences now inform her work around re-entry. In essence, Gigi feels as though her suffering wasn't for naught because she has been able to wield and refashion her pain to serve a positive purpose. Like Mary she said that her work has allowed her to continue to heal. She facilitates a group inside once a week and there she shares her story of addiction, loss, and liberation. Indeed sharing her story

serves her as well as she said, “[T]he more I talk about it the more I heal, just like talking with you today is part of the healing process.” Like the other mothers who shared their stories with me Gigi found that the act of telling allowed her to release the ghosts that haunt her and each time she speaks her memories cast fainter and fainter shadows over her life.

### **Redeemed: The Journey through Drug Addiction and Prison- Christine’s Story**

“I have lived on the streets I have been made to prostitute myself, I’ve been kidnapped, beaten, raped and I just keep coming back, there must be a God, that’s all I can say really.” –Christine

I was referred to Christine by Elizabeth Hendren who is an attorney for RISE Project located in Seattle, Washington. Elizabeth works with formerly and currently incarcerated mothers to help reunite them with their children post-incarceration. The organization she works out of is the Northwest Justice Project. Elizabeth saw my recruitment script on Re-Entry Central and shared it with women she was working with as well as community members. She emailed me to tell me as much and to ask if she could have access to my findings when I completed the work. I agreed to share with her my final product and thanked her for passing on my information. We communicated via email about the project for a few weeks and after learning more about the intentionality behind the work she made a few targeted phone calls and soon I was connected to Christine.

Christine is 37 years old, European American, and a mother of two sons, one age 21 and the other age 11. Christine is also a first year law student at Seattle University and involved in several social justice oriented efforts. As a result of her many obligations she is busy and sometimes stretched thin. After exchanging a few emails we eventually

nailed down a time to talk and spoke in early November on a Saturday afternoon. She and her family were in the process of moving into a new rental home and she generously carved out time in her day to talk with me about her life, incarceration and motherhood. She allowed me to see into her world by sharing her early abandonment(s), traumas and pain, all of which culminated in imprisonment. Throughout our conversation she referenced faith, hope, and a dogged-will to not just survive but to thrive as having brought her to the place of abundance she lives in now. Her voice is gentle, soft, and almost shy. As she reveals the roads she has travelled down for me, I find her to be quietly and beautifully, ferocious.

Christine's parents divorced when she was a year old, her father lived in California and her mother lived in Washington, Christine grew up between the two households. Life for Christine as a young child was marked by trauma and neglect. Both of her parents were active drug abusers, because of their addictions, they failed to nurture or care for young Christine. She said, "[B]eing raised in active addiction by both parents was really hard and brought a lot of dysfunction...they never did things normal parents would do like be on the PTA or go to church or anything like that." Christine bounced between both parents, she completed kindergarten in California with her father, and 1st – 6th grade with her mother, then 7th grade with her dad, because home was not a safe, loving, and caring environment Christine began running away at the age of 11. Most children at 13 years of age are preparing for their first middle school dance; however at 13 young Christine had left home permanently and was living on the streets of Washington. She said, "[W]hen I was 13 I left home for good and I never went back." To survive she lived with people she met on the streets, she said sometimes she would

meet women who needed childcare and in exchange for taking care of their children they would let her stay with them temporarily. And then at the age of 14 Christine became pregnant with her first son, Derrick.

Christine did not have parents to teach her what it meant to be a mother and likely they did not bring very many people around her that she could look to as a role model. So when I ask Christine who taught her the most about what it means to be a mother, I am unsurprised that she largely taught herself what it meant to be a parent. Christine had her son at 15 and enrolled in an alternative school program where she took parenting classes and met other mothers her age who introduced Christine to their families. She said, “I learned a lot through parenting classes and I had a friend in high school whose mom really touched my life, I actually lived with them when I had my son.” After going back to school at 15 Christine continued her education at full-tilt, she graduated from high school and immediately went on to college and continued her education until she became a registered nurse. Christine quietly described a childhood of abuse, of innocence robbed and yet despite the nightmares she must have lived through she was able to right herself, and go on to build a life for her and her son. I asked her, “[W]hat would you say helped you to be so resilient?” She chuckled softly and said,

I think about that a lot. I have been through so many bad things in my life, including prison, and now I am in law school. I don't know, I really don't know. I have lived on the streets, I have been made to prostitute myself, I've been kidnapped, beaten, raped, and I just keep coming back, there must be a God, that's all I can say really. Whenever I feel defeated I just have to go to my God in prayer and get the strength there because giving up is not an option.

Being a mother drove Christine, it structured her life and gave her a purpose, she said that her deepest desire was to give her children a better life than she had had. It was rewarding for her to participate in their lives. Though children bring their mothers joy just in their being in the world there are always moments of tenderness and pride that stand out. Christine shared that one of her proudest moments as a mother was when her oldest son Derrick received a college football scholarship. She was an involved mom, and when her children had a goal she did everything in her power to help them meet it, this was true too for her son's football aspirations. Over the course of his high school career Christine was present at all of his football games, she helped him make recruiting films, reach out to college teams, and schedule campus visits. She said, "[W]hen his goal came to fruition and he was accepted at Central Washington University and given a football scholarship it was an awesome moment, it made me proud."

Christine's mother now lives in Hawaii where she continues to abuse drugs consequently Christine rarely communicates with her. Christine's father moved back to Washington when she was 16, and ended up incarcerated shortly thereafter. When he was released from prison in 2002, he was diabetic and Hepatitis C positive, Christine took him in and cared for him. He was sober from 2002 until he died in 2010. When Christine's father died her life skidded off the road she had carefully and methodically mapped out for herself. She had been under a significant amount of stress in the months preceding his death, she was working full-time as a nurse, and providing end of life care for her father who was living with her, and she had a husband and two children to care for. She was depressed and seeing a psychiatrist who proscribed several medications including a stimulant, Concerta, to give her the energy she needed to manage her

demanding schedule and responsibilities.<sup>30</sup> She said in an effort to escape her reality she began gambling at casinos and drinking. When her dad died Christine used methamphetamines for the first time. It was given to her by her aunt, the wife of her father's brother.

Research has linked drug and alcohol abuse/dependence to genetics, arguing that some people may be predisposed to addiction. The increase risk for addiction based on genetic factors is anywhere from 45–79% (Agrawal & Lynskey, 2006; Kendler et. al., 2003; Tsuang et. al., 2001). Given this data and Christine's family history she may have had a greater risk to become dependent on methamphetamines when she began using. Christine said that from the first time she used meth it consumed her life. Christine's life unraveled as she began trading drugs for stolen items, selling drugs and abusing various illicit drugs. Eight months after the first time she tried meth she was arrested for organized retail theft. A month later she was arrested a second time and charged with possession of methamphetamines. Ten months after her introduction to meth she was arrested for the third time, this time for delivery of oxycodone, possession of marijuana with intent to deliver, and unlawful possession of a firearm in the 2nd degree. Christine found herself facing 30 months in prison. After Christine finished telling me her story of how she arrived in the system, I thought about what she had revealed to me about her life thus far. I had heard a tale of a little girl, who early on carried the weight of trauma, violence, and betrayal, she had been neglected and abused, and she had not known tenderness or safety. Instead, young Christine's world was unstable, unpredictable and dangerous. This child whose spirit most assuredly died a

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<sup>30</sup> Concerta is a drug that is typically prescribed to manage Attention Deficit Hyperactivity/Attention Deficit Disorder (ADHD/ADD) symptoms.

little each time her parents forced her to carry the weight of their demons grew into a woman whose emotional reservoirs were over-taxed. Eventually the misery and trauma that had always shadowed Christine's life was unavoidable, it ensnared her and she was forced to grapple with the shades that had so long pursued her. I said, "[W]hat I am hearing is that you began using drugs to cope." She quietly responded, "[Y]eah, yeah."

When Christine began her 2.5 year prison sentence in September 2011 her youngest son was 7 years old and her oldest was 17. I asked her if anything stood out about her time inside, she said "yeah my ex-husband served me with divorce papers after I was there a year...then he stopped bringing my son to see me, I can't even describe the pain that was, it was like somebody grabbed my heart and pulled it outside of me." Up until that point Christine saw her sons every weekend, she was working the various programs, in intensive outpatient drug treatment (IOP) and had a goal to go home. It wasn't the loss of the marriage that Christine grieved so much as not being able to see her sons or talk to them. When you are incarcerated very little is in your control. For example, you can make phone calls during an allotted time but you have no control over whether or not the people on the receiving end answer the phone, you can write letters but you can't control whether or not they are received or if you get a response. You are very truly isolated from the world outside and that "cut-offness" can change you, it can turn you into an animal if you're not *trucha*.<sup>31</sup> Christine lost control over her contact with her sons to a certain degree because they were under the supervision of her ex-husband who would not bring them to visit, and who would not accept her phone calls. I

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<sup>31</sup> Spanish *trucha* literally translates to "trout" as in trout fish. However, the slang use of *trucha* means to "watch-out" "stay alert" or "be vigilant." For example, *ponte trucha*, a common phrase one might hear in the streets can mean "stay alert" "you need to watch out" "watch your back" or "heads-up."

asked Christine how she managed emotionally and she said that she relied on her faith to keep hope alive that “there would be a bright future if [she] just did the right things.”

However Christine did not passively accept the imposed separation from her sons, rather she used every scrap of ingenuity she had to maintain contact with her children and send the message that they were beloved. As alluded to previously, Christine was forced to be independent from a very young age; she taught herself how to manage life and thus became adept at navigating obstacles. It was obvious that these life skills served her well especially when she was incarcerated. Many people who are incarcerated are carrying heavy emotional baggage, everyone inside is just trying to survive their own shit. Christine recognized this early on and knew that she had to rely on her God and herself to make it through. As a result she approached the heartache she felt at her sons’ absence clinically, she laid out the goals, figured out what tasks had to be accomplished to meet those goals and set about checking them off one by one. The first goal was to see her children. She could not rely on her ex-husband to bring them but knew that her eldest son would soon be turning 18 and so she began the paperwork to have him approved as a chaperone for his little brother so that they could come for visitation independently. This arrangement allowed Christine and boys to physically see each other once or twice a month.

The second goal was to re-establish a consistent presence in her sons’ lives after her ex-husband stopped bringing them for visitation and stopped accepting her phone calls. Christine largely relied on the mail to make regular contact with her children. As soon as her ex-husband filed for divorce Christine filed paper work to give her friend power of attorney over her finances. Christine instructed her friend to cash out her



retirement plan and set up regular deposits into her commissary account. This allowed Christine to purchase stationary, envelopes, stamps and other goods. Christine regularly wrote to her sons and sent them care packages. She said,

I tried the best I could. It was hard mentally for me; I had to trust God that He was going to protect them. I did my best to stay in contact with them. I would write them letters and poems. At the prison I was at you could actually get yarn and crochet if you had money, so I would make them blankets and hats and scarves and whatever I could, and this was against the rules but I would trade hats, and maybe somebody made something cool that I could trade for and give to my kids. I would buy snacks off of canteen and mail them packages full of candy. I would do whatever I could to stay in contact with them and let them know that they were loved.

Christine, unlike many of the women I interviewed, entered prison with a degree of financial independence. What she needed was logistical support, such as help getting and submitting the appropriate paperwork and setting meetings. As a result of Christine's forward thinking in this regard she was able to participate in her children's lives even if from a distance. She was even able to phone in for parent teacher conferences for her youngest son, which is an uncommon feat.

Though Christine remained engaged in her children's lives to the extent that she was able to during her term of incarceration she says that the separation changed her relationship with her sons. She also stresses that the ten months she was actively abusing drugs hurt the relationship as well. Christine worked to hide her addiction from her family for as long as possible; however, during a period where she was trying to get clean

she told her 17 year old what she was battling. Her youngest son, who was 7 years old at the time, was never fully aware of what sent Christine to prison and is only recently beginning to understand the circumstances that led his mother into the system, but the separation and distance added to the damage that was already done. She said,

[I]t has been hard to re-bond with my younger son since my incarceration, because he became so reliant on my ex-husband for everything. When I came home he continued to just rely on him...I feel like he became closer to my ex-husband because he was there taking care of his daily needs, they were going through a storm together...I felt like he was less bonded to me. [With my older son], I wasn't there for him in his first year of college. There is a lot of guilt and shame around that too.

Christine does not further expound on the guilt and shame she feels at not being available during her oldest son's first year of college. Her son had received a partial scholarship to play college football; however when Christine went to prison there was no one left at home to help her son apply for financial aid to cover the remaining expenses not met by the athletic scholarship, no one to help him navigate the higher education system. Her son did complete a term of college but the lack of finances and stress over leaving his little brother alone while his mother was in prison brought him back home. Her son, who is now 21, is working in the local shipyard and has started taking courses towards a technical degree at community college. Early on in our conversation Christine had said her proudest "mama moment" was when her son received an athletic scholarship, a goal she actively helped him achieve, I suspect that the fact that her son was unable to fully realize this goal due in part to her incarceration weighs heavy on her still.

Christine served 20 months of a 30-month sentence; the last 4 months of her term of incarceration were spent in a work release facility. She credits the work release program with helping to ease her transition back into society and into her parental role. Over the course of four months she was able to interact with her children in the community on social outings and also visit with them in their home. While on work release Christine went through an additional drug treatment program for four weeks, this was done so that she could retain her RN license. It was treatment that was not readily given instead she said she had to fight to receive a chemical dependency evaluation as well as the out-patient drug treatment recommended by her IOP counselor in prison. She said,

I [fought for out-patient drug treatment] because I am a registered nurse and part of my conditions to keep my license was that I do a chemical dependency evaluation and any treatment that was recommended. When I was in IOP while incarcerated the counselor recommended that I do out-patient when I went to work release and [prison staff] wouldn't let me because I was low risk, so I had to fight for it.

Christine successfully completed drug treatment, work release, and retained her nursing licensure. Because she was deemed "low risk" Christine's probation requirement was waived; she was released from state custody on May 20, 2013. I asked her what it was like to fully transition back into her world. She said it was "pretty intense emotionally."

Re-entering society after being away for an extended period of time is a challenge in many respects. Outwardly, you may appear similar but inside you've gone through a

metamorphosis. And though the world may not be foreign, you certainly are perceived and treated as “other.” Christine’s entire world had been forever changed. I imagine it felt surreal to return to the same house she had lived in prior to her incarceration, the home she and her father had purchased together. Though she and her husband were divorced while she was still incarcerated her ex-husband remained living in her house but failed to maintain the mortgage payments. The house had been foreclosed upon but an eviction notice had not been served, her ex-husband could not afford to move out on his own and so they all lived together for a few months. I asked how her children reacted to her presence in the home again and she said “I think they were happy and hopeful and they knew things would be better now that I was home, my ex-husband had very little income and my kids had been kinda struggling.” Christine continues to face obstacles to performing her role as a mother. Like the other mothers in this project she talked about discrimination against people with past felony records which create real barriers to providing for one’s family.

The Washington Department of Health did not strip Christine of her RN license; however she was unable to secure employment in the nursing field as a result of her felony record. She said, “[O]nce they see that record some companies have policies that they can’t hire you, others are just continually condemning you for that and won’t hire you.” Christine eventually found a job at a property management company; there she learned that a criminal record could exclude a person from renting a home. Christine observes that job and housing discrimination based on a past felony record forces people into poverty and encourages them to revert back to methods that have helped them survive in the past, even if that means they are engaging in illegal acts. As mothers we

are socially expected to provide for our children's basic needs (i.e. food, housing, clothing, education) and we are consigned the label of "bad mothers" when we can't meet those needs; however, if it is legal and socially acceptable to actively discriminate against a person with a felony record in the job and housing markets, and to exclude them from the benefits provided by social welfare system, how can mothers to succeed in their role? These conditions are real barriers for women trying to fulfill their roles as mothers post-punishment.

Christine mentioned that the stigma associated with her past felony record makes it difficult to participate in her child's life in the way she would like. She said, "you can't volunteer in the schools with a conviction history, so I don't put in any effort there, I just know I wouldn't be accepted to be a volunteer so I just don't go to the school very much." She went on to say that because she feels judged in that environment she stays away. This fear of rejection has resulted in Christine being careful about who she allows into her world. She is now in law school and said that she is selective about whom she shares her background with, this is a tenuous position to be in the world of higher education. The first thing people often ask in these circles is "what brought you to graduate/law school?" It is not always safe to answer this truthfully. Consequently, Christine isolates herself to prevent people from discovering her past history. She said, "[I]ndirectly this relates to my role as a mother, because I want to graduate and have a career." These are the people who will eventually become her colleagues so in many ways she is protecting her future prospects by carefully choosing who she shares her story with.

As we neared the end of our conversation Christine shared with me the many social justice related projects she is involved with and what influenced her involvement. As she excitedly talked about the work being done in her community and legislatively I thought back to my early email exchanges with Elizabeth Hendren about Christine. Elizabeth has a quote linked into her electronic signature from the 6th century Chinese philosopher Confucius, which reads, “Our greatest glory is not in never falling, but in rising every time we fall.” Christine’s story is demonstrative of what a modicum of hope can help you achieve, her life and her responses to the challenges presented to her reflect the resiliency of the human spirit. Time after time she has clawed her way back to the land of the living, and for a long time she did this alone; however now she has found a community of scholar-activists to work alongside of and is doing real work to transform the system in which so many people languish.

In October 2014 Christine submitted an application to become a volunteer at the facility she served her time in, Mission Creek Prison. She said that she wanted to be able to give women who are currently incarcerated hope for a future, said that it may be complicated and challenging but it is not impossible, and her life is an example that there is hope for a positive future. She has donated time to the Northwest Justice Project, RISE Project, and the Post-Prison Education Program. On November 19, 2014 Christine testified on legislation surrounding legal financial obligations for the ACLU, which is a platform she is passionate about. She said her role as a mother is what prompted her to get involved in prison related issues. She condemned the system for the way they approach substance abuse/addiction, she argued that incarceration tears families apart when, using the same resources, they could give people treatment and thus allow them to

maintain their families. Her involvement in prison activism is also a way she educates her children about the realities of the punishment system. She said “I don’t want my children to go to prison. The best way to do that is to educate them and be honest with them and show them that people can overcome their past, but it is not fun. Everything I have done in my whole life has been influenced by my role as a mother.” Christine said that the work she does is personally rewarding, through her activism she has been empowered. She is accepted and validated which counterbalances the stigma she faces. Her work allows her to tell her story and through the process slowly shed shame, guilt and regret.

Ultimately, we all long for the freedom to realize our full potential. We want the liberty to move our dreams into the realm of reality unencumbered. Christine said that “the idea of freedom means that you can do whatever you put your mind to as long as it is lawful. I am physically free, but I am still not free because of social condemnation. I can’t rent wherever I want to, I can’t get a job- I would like to feel completely free at some point in my life.” In my heart I echoed that familiar prayer- that freedom will soon come.

### **Summary of the Profiles**

One aspect that stood out to me as I sat back and reflected upon this collection of stories was that each mother owned the choices they made that set them on the path into the system. Rightly or wrongly they accepted complete culpability for their circumstances. Their stories are embedded in obvious social, economic, health and familial disadvantages, conditions not of their own making in many respects. People who are well emotionally, physically, mentally, and financially who have strong community

and/or familial networks don't wake up in morning and say "I think I will smoke some crack today," or "today looks like a good day to try out the sex work industry." Rather inroads to the punishment system such as poverty, lack of access to resources, abuse, abandonment and trauma make some people more susceptible to be caught in its web. As Phoebe said, "[I]t is easy to make a wrong choice in a bad situation." These fierce mothers removed the masks they must wear in order to survive the day, and allowed me to see their wounds in all their beautiful and tragic glory. As they sang their laments, I recorded, I heard, and I healed.

The stories that emerged told of physical, sexual, and emotional violence, abusive marriages, drug and alcohol addiction, poverty and an absence of resources, all of which mirror the data summarized in the prelude to this chapter. These were their pathways to the punishment system. However, I also heard rebellious stories of how mothers survive conditions not of their own making. Largely their survival, their hope, and their happiness were found in their children. This made the need to maintain contact with their children imperative, thus they found ways around the many obstacles that presented themselves so that they might preserve the relationship with the children they left behind. Some of these barriers included their children's caretakers or custodial parents, the distance of the prison from their families, and financial restrictions, the loss of regular contact with their children was emotionally and psychologically damaging to both parties in all cases. They told me stories of unforeseen consequences to their incarceration like marital strain, divorces, loss of family, intimate relationships and friendships. And some told me stories about their children who grew into adults that followed their mamas' into the system they are so desperately trying to escape from.



Knowing someone's story makes it difficult to hermetically seal yourself away with the "good" people shepherded into the fold and the "bad" people left vulnerable to the elements that produce deaths of varying degrees. If we as members of the human family can come to the understanding that given the right combination of circumstance and misfortune, any one of us could find ourselves on the wrong side of a barbed wire fence. If we can but for a moment see ourselves reflected in someone else's eyes we just may be able to disrupt the illusion that there are worthy and unworthy people, because there is only us- the "beloved community."<sup>32</sup> Each of us have stories of happiness and sorrow, of pride and shame, no one is ever only the sum of the decisions that they make. We are *all* more complex than that.

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<sup>32</sup> Dr. Martin Luther King, Jr. imagined the Beloved Community, as souls motivated by love to know and care for other souls, individuals committed to an ethic of justice and freedom for *all*. For an introduction to Dr. King's "beloved community" see his works: "Birth of a New Nation" (1957), *Stride Toward Freedom* (1958), "Sermon on Gandhi" (1959), and "Loving your Enemies" (1963).

## CHAPTER 5

### PUNISHMENT SYSTEM A/EFFECTS

#### **Matrix Insiders: Understanding the System**

“You take the blue pill the story ends you wake up in your bed and believe whatever you want to believe. You take the red pill, you stay in wonderland and I show you how deep the rabbit hole goes, all I am offering is the truth, nothing more.” - Morpheus, *The Matrix*

A key question the film *The Matrix* asks is “How do we deprogram in order to transform, ourselves and the world around us?” Invariably it begins with deconstructing binaries. In the present work it is the binary between good people [victim] and bad people [offender], which makes possible the good/bad mother. This simple logic influences legal rulings and organizes social perception. It is a system, and consequently the majority of society is unable to hold complexity, or rather that people are complex, imperfect, and all are capable of committing harm. Unfortunately, life proceeds as usual unless we are confronted with a different reality, at which point we can try to reclaim the life interrupted (a frustratingly impossible venture) or commit to the hard work of making room for new ways of knowing and seeing ourselves and the world around us. We have the choice of blue pill or the red pill; but really there is only the red pill once you have seen behind the veil.

As mentioned, formerly incarcerated/convicted mothers are written outside of the script of “good” mothers as the associated normative ideals of motherhood are often untenable. This lived and felt reality of “otherness” in their mother roles forced them to see and understand the punishment system in a way not possible before. This chapter focuses on the ways mothers in this project were affected (influence by) and effected (the result produced) by their experiences within the punishment system. Mothers who are

formerly incarcerated/convicted have insider knowledge of the system, its intentions and wide impact. All of the mothers who participated in this work reported that their experiences in the system dispelled any illusions they had of the punishment system prior to coming in conflict with the law. This situated knowledge influenced the way they thought about themselves as people, how they understood “justice” system, and influenced how they interpreted their duties as mothers.

### **From Justice to (In)justice System**

Because I understand personally the internal struggle, it was not surprising to hear the women report that their experiences in the system had fundamentally changed them, caused crisis, and trauma that many of the women continue to work through. As cited in the earlier in this dissertation, Schmid and Jones (1991) argue that the loss of access to resources and people to counteract the negative messaging about your person you are constantly assaulted by, and the totalizing demand that you see yourself in a harmful and damaging way is a “massive assault” on ones selfhood (p. 415). The system is organized to discipline through a distinctive form of punishment that extends beyond the actual sentence imposed. The punishment system disciplines and punishes the body, but more sinisterly, it punishes soul.

In *Discipline and Punish: The Birth of the Prison* (1975), Michele Foucault charts the genealogy of the modern punishment system. He begins his study by first examining the social function and intent of punishment prior to the 18th century. He observes that tactics such as execution, corporeal punishment and torture were how punishment was meted out and public consumption of the spectacle was encouraged (Foucault, 1975). Punishment then was directed at the body. However by the beginning of the 19th century

“the body as the major target of penal repression disappeared”... [and] punishment [becomes] the most hidden part of the penal process” (Foucault, 1975, p. 8–9). Foucault argues that the body though punished through imprisonment or forced labor, is no longer the immediate focus of punishment; rather a shift occurs as wardens, court contracted therapists/mental health workers, probation/corrections officers, and prison doctors take the place of the former torturers and executioners, punishment is shifted to the soul. Foucault (1975) writes “[T]he expiation that once rained down upon the body must be replaced by a punishment that acts in depth upon the heart, the thoughts, the will” (p. 16). But torture by any other name is still torture, even if shrouded in “decency.” The evolution of punishment included a change in how people were judged and convicted. Foucault (1975) outlines a new set of questions that begin to haunt legal proceedings; these are not questions of “What crime was committed?” and “What is its corresponding punishment?” but rather questions that concern and judge the very soul of the person, questions that ask “What is their potentiality, their “normality” and morality?” Foucault writes, “[T]he sentence that condemns or acquits, is not simply a judgment of guilt, a legal decision that lays down punishment; it bears within it an assessment of normality and a technical prescription for possible normalization” (p. 20–21). Thus we learn that it is the soul that is on trial, and the soul that is convicted. The criminal process inscribes people with a set of labels (deviant, immoral, abnormal, felon, convict, etc) that cast one as fundamentally “other” which gives permission to wardens, guards, probation officers, therapists, and society in general to also exact punishment in ways they deem fit. Furthermore, when one’s sentence expires they bear the labels for life, which carries with it another punishment- social and civil exclusion *in perpetuity*.

A system whose function is to inculcate abject hopelessness with the intention of breaking the human spirit is ontologically opposed to justice. Before coming in conflict with the law themselves many of the women blindly trusted the system, thinking that justice would prevail. Phoebe said, “[Y]ou know, growing up you view the corrections system for people who have done bad things people who are awful or whatever, but then you go through it yourself and you see how much of it comes down to politics and money and you become a case number, no one really cares. I have grown not to trust the system, or law enforcement, I don’t trust that whole area.” Similarly, Martha said “until you are in it you don’t really understand how unfair and unjust it really is.” For the women in this project it took experiencing the system to see its true nature; the primary function of the punishment system is not to ensure that justice is served, neither is it rehabilitation (i.e. producing worthy subjects), the intent and sole purpose is to punish and its organizing principles are revenge and retribution.

### **Love in Action**

This knowledge changed what they viewed as their primary obligation as mothers in training their children, many of them verbalizing the need to protect their children from the entire network of what they define as the punishment system. For example Yraida said, “[M]y experiences changed me; I learned about the judicial system, there is no compassion there...you have to teach your children to be aware of everything, because not knowing, the ignorance of the law, the ignorance of the system, isn’t a protection.” And Martha said, “[I] have a different view of criminal acts now than I used to, I have a complete disrespect for authority and for the law, my kids kinda share that with me, not that I encourage them to be criminals, it’s just I don’t care what happens I will never,

ever dial 911 or call the police, ever. Once you invite the police or the law into your life your life is not in your hands, so don't invite them in." The women in this project ascribed to a similar belief system as Martha, it is one that inherently questions the validity of the "economy of punishment"<sup>33</sup> and sees it as their duty to ensure that their children also see the system clearly for what it is. Because they love their children that they teach them that the system is not organized to protect them or ensure public safety, much less respond with compassion and care.

### **Re-building Self**

Arriving at the point of seeing the system for what it was did not happen immediately. Even after being convicted, incarcerated, and ultimately released/relieved many of the women persisted in the belief that the punishment system is organized around the precepts of truth, justice and freedom, because of this they attempted to access that same system to right "wrongs." For example, Yraida, approached prison officials, and filed motion after motion while incarcerated to request to be moved to a prison closer to her babies after being sent to a prison close to 400 miles away from her family. It was only after she was met with silence and abuse that she staged two hunger strikes to make herself seen and heard, the prison responded by sending her to a prison that was even farther away than the first.

Kini filed complaints with the child welfare system and group home facility after she found out her son Dana was being raped by other residents. She called administrators within the child welfare system to inform them of what was happening to her son and asked that they provide him with therapy so that he might process the abuse and trauma.

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<sup>33</sup> Taken from Ofelia Ortiz Cuevas' "COPS and the Visual Economy of Punishment" in *Abolition Now!: Ten Years of Strategy and Struggle against the Prison Industrial Complex* (2008)

Dana did not receive protection from the sexual assaults he experienced as a resident in the group home nor did he receive counseling. Kini advocated for her son using the parameters and structure available to her and continued to do so all the way up until her son was murdered in prison. The states' responded to her son's murder by vilifying him, because by constructing him as further outside humanity it was possible to sweep his death under the rug. No one was ever held accountable for his murder. It was her son's death that led her into prison abolition activism. Collectively, it took seeing the system for its true self, free from the mythology of truth, justice and freedom for all, to also see themselves clearly.

In *The Divided Self* (1960) R.D. Laing coined the term "ontological security" which describes a person who has "a sense of his presence in the world as real, alive, whole, and in a temporal sense, a continuous person" (p. 39). From this he constructed "ontological insecurity" where a person "feels more unreal than real, more dead than alive, precariously differentiated from the rest of the world, so that his identity and autonomy are always in question" (p. 42). It is difficult to explain what it is like to *feel* subhuman, as if you are only masquerading as human. As Phoebe said it's "the worst feeling, when you don't know who you are because someone else is telling you who you are." This fundamental insecurity of self can create stasis. For the women in this project reclaiming or refashioning self-hood, personal power and self-worth took concerted effort and was directly related to being able to engage their mother role post-punishment. The first step in reclaiming themselves post-punishment, almost universally, was to reject the identities the state attempted to force upon them. This was not a rejection of responsibility but rather a deliberate casting off of the *label*. It is one thing for the system

to punish a person for violating the law, and quite another to attempt to force that person to internalize and accept a label as their identity. This is punishment at the soul level.

Phoebe said,

[T]he system is full of shit. There wasn't no justice served, it wasn't fair, it didn't make sense in general...I don't know how to explain it, it was almost like I was being toyed with, like it wasn't about justice, it was about revenge, spite and hatred. I felt like I was in a game or circus. And any success you have they [probation officers] want to claim credit for it, like they "reformed" you. But that's not the case a lot of times they are the ones creating more obstacles for you, making every little thing a challenge, I mean as if life isn't hard enough, I have to fight you too? So It's like 'No, I got here *in spite* of you not because of you!' Society my see me as my crime, but I myself am not, that is not my label, *they* put that label on me, I didn't put it on myself. I don't let that define who I am as a person. In the beginning I was letting it define me and get to me, but I'm more than that...I'm a mom, I'm a single parent, I'm a hard worker, I am a sister, I am a friend, I am not that label. I think if I had not come to that realization I would not be the person I am, I think I would be...always questioning my self-worth, questioning whether I am a monster or not, but I know I am not. They want you to believe that so that way they can control you...to keep you stupid like an animal. Once you realize your own worth they can't stop you.

Rejecting state imposed labels was a strategy that the women employed in their healing process. Healing, or coming into and embracing their complex personhood, was necessary in order to be able to fully engage and embrace the family reunification



process. All of the women talked about the ways in which their involvement with the system impacted their children and how it affected their relationships with them. This consequence of the system is perhaps most clearly stated through Yraida's homecoming story.

After close to 11 years away, with essentially only phone calls and letters to remind her children of her existence, Yraida who fantasized about reuniting with her children in order to make it through her long period of incarceration, was roundly rejected by her sons when she returned home. They told her they did not want her to live with them, she was in many ways a stranger to them and the fragile situation was further complicated by the restrictions that governed her life while serving her term of probation post-incarceration. Yraida was convicted of a drug offense and while on probation she was also under surveillance in her mother role. Both of her sons were athletes and active in the school band and other clubs. Yraida's conditions made it such that she was barred from fully participating in her sons lives, such as being a chaperone on sporting trips, or part of fundraising committees. While this may seem insignificant in comparison to being locked away from her sons, after being away and missing so many t-ball, little league, and band performances, it was critical to the (re)bonding process that she start "showing up" in *all* ways for her sons.

Yraida's circumstances were confusing to her sons. She was free, but only conditionally which added to the layers of anger and disappointment they were already negotiating. Yraida felt caught in between a rock (probation) and a hard place (her sons). She recounted a time when she was at her younger son's baseball game happily cheering him on and her cell phone rang. She answered to find her probation officer on the other

end. Her PO was at her house for an impromptu home visit and asked for her location, Yraida quickly walked to her car and lied to her PO saying she on her way home. Yraida knew her PO would show up wherever she was at and she knew her sons were embarrassed of her situation, she knew if her PO showed up at the field sons would be humiliated, Yraida sped home without letting her son know that she was leaving. Though she feared reprisal, Yraida made choices that honored her sons feelings and needs in order to demonstrate they were important to her. Though Yraida consistently fought against the system for her right to be a mom while incarcerated and after she said, “eight years after my release I am still struggling to have a healthy relationship with my boys.” Coming to peace with her own personal and political contradictions gave her a sense of self-worth, without which would have made navigating her return home more than a challenge, it would have been impossible.

To summarize, the proscriptive understanding of “good” mothers assumes there is only one way to express love, care, and devotion for one’s child. Formerly incarcerated/convicted mothers carry heavy emotional burdens that are exacerbated by social and legal norms that force them to parent under conditions which place them in between a rock and a hard place. In their mother roles they are frequently faced with barriers and moments of non-choice. However, in response to these conditions I witnessed that in all things related to their children they practiced love, care and devotion.

### **“Trying to Make a Dollar Outta’ 15 Cents”**

The women in this project circumnavigated the barriers and moments of non-choice they experienced in their mother roles by using back doors, ingenuity and sometimes by ignoring conditions related to their supervision. These were skills which

the women were adept at because negotiating the divides of life often began before they were ever incarcerated or convicted. For example, as a young, single mother Kini lacked formal training and was often underemployed, as a result she was forced to rely upon welfare to support herself and her son. She said “welfare would only give me \$265 dollars a month and 100 something in food stamps [a month], there was no way I could find an apartment. I use to go and rent apartments where the move in is free, one month move in free, and then I would have to move that next month. I did that for a couple of times.” Thus, so that she and her son could survive Kini had to skirt the edges in order to make something out of nothing.

Of course there are layers to Kini’s story, hers intersects with many factors such as poverty, drug addiction, and mental illness all of which also connect to different pieces of U.S. policy. For example the 1996 Personal Responsibility and Work Opportunity Act (PRWORA), or welfare reform, eliminated Aid to Families with Dependent Children (AFDC) which provided substitute income for families with children under the age of 18, the AFDC program was replaced by Temporary Assistance to Needy Families (TANF) in 1996. TANF set restrictions on who was eligible to receive aid and for how long. It banned teenage mothers, newborn babies, people convicted of certain felonies, and legal immigrants and set a lifetime limit of 5 years that an individual can receive aid (Marchevsky & Theoharis, 2000). TANF also set income limits meaning that a person cannot earn above a certain amount of money from paid work every month and continue to receive benefits. The new welfare program became a temporary assistance plan for those deemed deserving and focused on getting recipients to take personal responsibility for their poverty and moving them as quickly as possible off the rolls and back into the

workforce. This is the “safety net” for America’s poor. Soss, Fording and Schram (2012) write “welfare recipients are cast as disordered subjects who require a transformative program to cure their pathologies and help them gain control over their lives” (p. 241–242). In other words, welfare policy and programs reconstruct poverty as a work ethic deficit/personal pathology rather than a network of social conditions that lead and keep people in poverty, which is then transferred generationally. For Kini, as so many people, the issue was not that she was not working hard in “pulling up her bootstraps” rather she *was* working hard, and simultaneously managing the lack of child care, and struggling to keep the lights on, rent paid, and food on the table. The problem was that she was stuck in disposable, low wage, positions that left her in a constant state of instability. The welfare payments Kini received were insufficient to cover what most consider basic necessities such as housing, utilities, food, public transportation, health care, clothing, and basic hygiene products, and food stamps cannot be used for non-food items. This leaves people with few options such as relying on charity boxes, churches, Goodwill centers, and petty shoplifting when viable options are exhausted, which leaves people vulnerable to arrest (Butcher & LaLonde 2006; Hays 2003). Kini herself has various arrests for shoplifting items of basic necessity; the struggle to survive is what began Kini’s journey into the carceral network.

Though Phoebe grew up in humble circumstances, in contrast to Kini she had strong familial networks to draw upon. Regardless growing up in a large family who struggled financially gave Phoebe important life skills. Phoebe’s family relied on the welfare system for food stamps and health care. It is easy to be overlooked in these systems that are bursting at the seams, paperwork is frequently lost, gatekeepers drag

their feet, and being overlooked can mean that benefits are canceled, which translates into a crisis for families who are already living on the edge. From navigating, and watching her own mother navigate these systems, Pheobe learned that she must be persistent in presenting needs, demands, and following up. Pheobe relied on this knowledge when she interfaced with the punishment system. When Pheobe's daughter was a year old she was sentenced to 60 days in jail and 10 years probation. Pheobe's boyfriend and father of her child was underage. She was 18 when they began dating he was 15; she was living with her boyfriend and his family when she became pregnant. During the pregnancy the parents decided to file charges against her for sex with a minor. Pheobe was convicted and is a registered sex offender, recently her daughter's father contacted her to request visitation with his daughter who is now 12 years old. Though Pheobe has not shared his request with their daughter they have decided to jointly explain the circumstances surrounding his absence from her life soon and ease into a visitation schedule with him and his family.

Pheobe's daughter had just turned a year old when she began her jail sentence. Drawing on knowledge learned at her own mama's feet about how to navigate the system, she pushed her public defender to advocate for her.<sup>34</sup> Her demand was that she be allowed to serve her 60 days on weekends. Pheobe was concerned about the impact a two month absence would do to her one year old daughter emotionally and developmentally. Also her reality was that she was a single parent who was working and attending community college. The judge agreed to allow her to serve her time on the

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<sup>34</sup> In "Round the Kitchen Table" (2000) Kimberle Crenshaw writes "I learned who I was sitting at the feet of Black women...it was in women's spaces, usually around the kitchen table, sometimes beauty shops, or on front porches, that I learned...basic lessons" (p. 8). Crenshaw observes that at the apron strings of her mother[s] she learned how to navigate the world she lived in. This was an essential source of wisdom and knowledge for Pheobe.

weekends. She set up care for her daughter using familial networks and ensured that her daughter was in a loving and supportive atmosphere during her absences. Serving her time on the weekends meant that her sentence was served over the course of more than a year.

Christine also offers insight into how fierce mothers perform their roles when presented with barriers. Christine became pregnant at 14 after being homeless for a year. Christine was neglected throughout her childhood but after becoming pregnant (as a child herself) she created a life for her and her child. This included enrolling herself in a teen parent high school program, seeking out resources to feed and provide shelter for her and her child, and ultimately attending college and earning a nursing degree. The challenges were many as were the starts and stops but she learned from an early age to persist.

When she was incarcerated she continued to rely on those survival skills she mastered as a child, when faced with the obstacle of not seeing her children she persisted in exploring options to set up face to face visits and regular communication via mail and the phone.

She gave her friend power of attorney and settled finances so that she could continue to take care of herself and her children financially, she arranged parent teacher conferences, and sent care packages. She made use of her entire repertoire of strategies to survive as a person and a mother.

Fierce mothers learn to navigate spaces and shoulder burdens in order to protect and shield their children, even if it means they are absent from what are important moments, like school plays, first steps, graduations or perhaps even their lives. What characterizes and sets fierce motherhood apart from other ways in which it has been theorized is the persistent nature of having to make critical parenting decisions under

conditions of duress, the messiness of life is what fierce mothers engage, which is sanitized from proscriptive models of mothering.

### **Mama's a Hussla': Resistance, Activism and Empowerment**

Uniformly mothers in this project persisted even in the face of what seemed like insurmountable odds, they continued to dream and hope and fight back precisely because they have children, and for many of them it fueled their activist efforts which are a source of empowerment, healing and identity reshaping.

One of the most active mothers I interviewed was Yraida who began her efforts while serving her almost 11 year sentence on a federal drug charge and continued after she was released. While inside, in addition to the hunger strikes, organizing and blogging, Yraida also drafted motions against the Bureau of Prisons for discriminatory conditions, and to advocate for programming specific to mothers in prison. When Yraida was released and began her long probation sentence she legally challenged her probation officers attempt to prevent her from working as a paralegal. Her probation officer barred her from working as a legal assistant because of “association” conditions which say that while on probation you may not have contact with other people convicted of felonies or people engaged in criminal behavior. She filed a motion to have her conditions clarified which was denied and so she took the case to the federal court of appeals she represented herself and won (*United States v. Guanipa*, U.S.D.C. (S.D. Fla.), Case No. 1:96-cr-00222-FAM.). This win was of course phenomenal for her personally but her decision to resist and fight back also impacts other people who find themselves in a similar position, she has created legal precedence for people who are federally supervised to challenge work restrictions in the legal field based on conditions of association.

As mentioned after her long prison sentence the reunification process was bumpy for Yraida and her family. In response to her personal struggles and awareness that this was an unmet need in her community she developed her own non-profit, the Yraida Guanipa Institute which focuses on helping parents and children rebond after incarceration. She said re-establishing the parent-child bond was the most challenging part of the reentry process. In her role at the Guanipa Institute she said that she helps people returning home from prison “get back into society.” Frequently filling out and filing the correct paper work is a barrier for folks returning home, these are some of the things she focuses on in addition to parent/child relationship issues. She said “I help fill out forms and notarize papers, translate paperwork. Whatever I cannot do for them I connect them to other organizations that help. It is very rewarding for me, and my role as a mother influenced this social justice work because it helps me to continue in my journey to get that relationship as it’s supposed to be.”

Lisa like Yraida served a long sentence for a federal drug charge. Lisa gave birth while in prison and her children including the newborn baby remained in the care of her eldest son during her seven-year term. Her time in prison politicized her and she is actively involved in “Free Her” and the “Real Women, Real Voices” campaigns, two platforms developed by the non-profit organization “Families for Justice as Healing.” The organization and campaigns are led by a collective of formerly incarcerated women. Part of their mission is to make the realities of incarcerated women and their families transparent for the public, particularly in lieu of the widely popular and inaccurate



portrayal of women who are incarcerated, *Orange is the New Black*.<sup>35</sup> The organization also advocates for the rights of formerly and currently incarcerated women including sentencing concerns, shackling pregnant women, and medical incompetency issues.

Christine also served time as a result of a drug charge and is highly active around incarceration issues. She recently was asked to give the closing address at a women's conference and legal clinic held inside Mission Creek prison where she served her sentence. I asked her what influenced her involvement in this particular activity and she said,

It is something I know first-hand, I've lived through the experience so I know how women are feeling while there, and I know the ways in which the system could support people more, I see the gaps and I want to fill those gaps and I also want my life to inspire people, just by what I am doing by going to law school that they can still do what they want also, I want to support women and families to be full and succeed in life. I know it is complicated and it takes a lot of different things, I have to go to meetings and stay in recovery and go to church and communicate with my fiancée [now husband] it is a never ending list of things to do with the kids it is a busy life, but I love it and I want other people to feel that way too, they can do all of that.

The women's conference was just one of many social justice projects Christine is involved in, she also works in the Seattle based Post-Prison Education Program, the Northwest Justice Project, and at the time of our interview was gearing up to provide testimony on behalf of the ACLU on legal fines and interest rates. She said that her

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<sup>35</sup> *Orange is the New Black* is a fictional series available on Netflix that superficially touches on women's issues in prison through the lens of a white upper class woman Piper. It is loosely based on the memoir *Orange is the New Black* written by Piper Kerman.

mother role influences her involvement in the projects/collectives she chooses to engage with primarily because she never wants her children to experience the inside of a cage. So her activism is a protective measure because her work sparks meaningful parent-child conversations and through that she can educate them. She said, “[T]he best way to do that [keep kids out of prison] is to educate them and be honest with them and show them that people *can* overcome their past but it’s hard.” Her activism makes her feel empowered not just as a mother but also in what she has to contribute to the issue. Christine feels accepted and validated in the work that she does which has given her confidence and has helped her transition back into the world in many ways.

Mary expressed similar sentiments around her activism. She is a coordinator for a re-entry program in North Carolina and is currently working on developing a program called “Project Family” which will focus on addressing women’s needs and issues surrounding mothering while incarcerated and also work on thinking through how mothers will engage their roles once they are released. The intent is to bring everyone [othermothers] on to the same page who is involved in parenting the child(ren) and collaboratively create a parenting plan that centers the child’s needs. Mary, like the other women, reports that her role as a mother influence both the work she does as well as the work she imagines. Coming to terms with the harm her children were exposed to has not been easy; in fact, the emotional pain around what happened continues to affect her deeply, however she said that the work she is involve in has helped regain confidence and purpose.

The discussion thus far speaks back to the two animating questions guiding this research project. First, it is evident that the mother role continues to be haunted by the

specter of the state as a result of the ways in which the punishment system continues to structure the women's lives post-punishment. Second, mothers resist restrictive notions of what it means to be "good mothers" through empowerment efforts. In this regard they employ tactics such as rejecting negative labels, and participating in activism around prison issues.

## CHAPTER 6

### PROGRAM MODELS, RECOMMENDATIONS, CONCLUSION

#### **We Dream of Freedom**

“I have a duty to speak the truth as I see it and share not just my triumphs, not just the things that felt good, but the pain, the intense, often unmitigated pain. It is important to share how I know survival is survival and not just a walk through the rain.”

- Audre Lorde

Thus far, I have made the case that the social exclusion and demonization of formerly incarcerated and convicted mothers produces within them a different way of viewing and living in the world.<sup>36</sup> Fierce mothers as a concept dismisses normative thinking around motherhood and creates a rupturing space to understand our roles from the perspective of multiplicity, difference, oppression and resistance. Therefore I will draw directly from their visions of freedom to discuss program models that offer care and support for FIC mamas, these can be viewed as programs that lean towards freedom. There are three programs I will highlight that the women in this project are either directly engaged with or responsible for creating. The first is the YG Institute, the second is “Project Family” and the last discussed jointly are the RISE Project/Northwest Justice Project, Incarcerated Mothers Advocacy Project, and Post-Prison Education Program.

#### **Program Models**

##### **YG Institute**

As previously discussed, when Yraida Guanipa returned home from prison after her long term of incarceration she was unprepared for the negative response and rejection she received from her children. It was difficult to retain deep parental connections with

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<sup>36</sup> Kelley (2002) in discussing Richard Wrights *Native Son* writes that “black people did not have to go out and find surrealism for their lives were already surreal...it was the forced exclusion of black people that produced a different way of looking at the world and feeling it...” (p. 183)

her children after the length of time away, lack of visitation, and brief weekly phone calls. In fact, visitation is a chronic issue for mothers in prison. According to the Bureau of Justice Statistics 54% of mother's in state prisons report not having received visits with their children since the start of their sentences, and the commonly cited reasons were distance of prison from family, transportation, and inability/refusal of caregiver to bring children to visit (2000, Hairston, Rollin & Jo, 2004; Simmons, 2000; Mumola, 2000). In close to 11 years Yraida had 4 visits with her children and distance was the primary reason for the scant personal visits. Though research demonstrates that for mothers caught up in the punishment system, their relationship with their children offers motivation and hope, little if anything is offered by the system to support women in their mother role, or encourage family connection (Coll et al., 1998; Covington, 2002). This remains true post-punishment. Yraida, who is a devout Catholic, responded to this gap in care by partnering with the Detention Ministry of the Archdiocese of Miami, to found a non-profit 501(c) (3) organization that is dedicated to helping parents (with a focus on mothers) and children repair the parent/child relationship post-incarceration.

The YG Institute located in Miami, Florida offers weekly individual group meetings for formerly incarcerated parents, children of formerly incarcerated parents, and group meetings where they attend together. The groups are facilitated primarily by Yraida, her sons, and other formerly incarcerated women. Additionally, Yraida along with her sons and other formerly incarcerated mothers developed a "7 step approach" to reestablishing a healthy parent/child bond post-incarceration. This seven step method is called upon in and frames each group meeting. YG Institute also provides public speaking training for mothers and teens as a way for each to develop and regain

confidence, which is central to successful re-entry particularly as it relates to gaining employment. All of the group meetings and public speaking trainings are provided free of charge. The YG Institute also offers walk-in hours, and appointments for logistical support. Some of the logistic services provided include assistance with preparing legal documents such as divorce filings, motions, and immigration forms. Other assistance includes notary, Spanish/English language translation, resume writing, and assistance with filling out employment applications. These services are offered at individualized rates based on what people can afford.

Currently, Yraida and the YG Institute are embarking on what will be a 5 year longitudinal study on the impact of parent incarceration on children.<sup>37</sup> The goal is to gather information on parent/child communication during incarceration and on support systems. Research demonstrates that both consistent communication and visitation between parent/child and vice versa, are integral to wellness and resiliency for both parties (Krisberg & Temin, 2001; San Francisco Partnership for Incarcerated Parents, 2003; Council on Crime & Justice, 2006).

Yraida founded an organization in order to create the support she needed when she returned home after incarceration. She found that reconnecting and rebonding with her children required guidance and insight from folks who were similarly situated, she realized that she needed help with navigating and negotiating that relationship, and that her children needed insight too and they needed to receive it from other young people who had been down the same path that they were currently on. Yraida also saw other gaps in care that impact re-entry such as how to position oneself on the job market post

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<sup>37</sup> The YG Institute website is [www.yginstitute.org](http://www.yginstitute.org) and contains contact information as well as the link to the research study questionnaire

incarceration, how to craft a resume and navigate the interview process- the logistics around actually rejoining the free world also impact the parent/child relationship. These were not services offered by the system or any other party in her community, and so Yraida took what were felt needs at the time and materialized them in the form of a one-stop organization that provides direct care free of charge or on a sliding fee scale. What makes the YG Institute unique is that the services and programs offered are imagined and facilitated by formerly incarcerated people [mothers], and their children. The YG Institute has created a community of care, through a collective support system through which they creatively and collaboratively resist those conditions that let live some while letting die others, and they are doing so without reengaging the state.<sup>38</sup>

### **Project Family**

Mary is employed as a re-entry specialist for Goodwill in their program “Project Re-Entry.” In this capacity she facilitates a 16 week curriculum inside prisons in North Carolina. The curriculum covers negotiating the job market including resumes, applications and interviews, during the course of the class representatives from the Department of Social Services come in to talk about eligibility requirements around services they offer, and representatives from local community colleges also come in to discuss financial aid options should people be interested in pursuing training or a degree. The curriculum also has built in sessions on domestic violence, healthy relationships, and parenting. The advantage of this program is that they provide continuity of care, once a person who graduates from the 16 week program is released they have an appointment the very next day with the re-entry specialist(s) that has been facilitating the 16 week class. The re-entry specialist connects them to care on the outside, they refer folks to

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<sup>38</sup> Foucault on biopolitics *History of Sexuality* (1976)

housing, health care, help them set up and receive medical prescriptions, and they also have a clothing bank. Mary is helping conceptualize the “Project Family” program which will be an arm of Project Re-Entry. It is currently in the development stage and will focus on mothers, children, and othermothers. Like Yraida, Mary’s contributions to the imagining of the next phase of Project Re-Entry are based on her personal experiences navigating and negotiating her role as a mother during and post-incarceration.

Mary saw her sons one time during the three years she was incarcerated and was forced to rely solely on letter writing to maintain contact with her children during her time away. This was due to her personal relationship with their caregiver, the father. Indeed othermothers possess a great deal of power over communication and visitation and control the parent/child relationship during, and sometimes post-incarceration. Caregivers can choose to facilitate or prohibit the relationship (Council on Crime and Justice, 2006). When Mary was released the terms of her probation were such that her children were unable to live with her, by the time her probation was complete her sons were near or at adulthood (ages 15 and 18), they never had the opportunity to live under the same roof again.

“Project Family” currently imagined is intended to bring everyone involved in caring for the child on to the same page by centering the child’s needs and vision. Mary envisions the program beginning while mothers are still inside and has conceived a multi-tiered approach to family reunification post-punishment. The first step is working with mother’s to help them process their current condition and to identify and understand deeply what lead them into the punish system and tangibly address what needs to be addressed (i.e. drug/alcohol treatment, unhealthy relationships). The second step focuses



on where the children are at mentally and emotionally with the goal of understanding what the child(ren) may be confronting. The third step is coming to a point of mutual respect/civility with the othermother(s) with the goal of setting personal issues or history aside and centering the needs of the child. The way to come to the point of working together as mother and “othermother” is to open the line of communication between them through shared journal writing. Guided prompts would be provided that each would respond to and then reflections would be shared and processed. Steps one and two of the class inside would prepare mothers for stage three of the class, once mother and othermother have come to a consensus and identified goals for their relationship and the relationship with the child then the child becomes involved in the process, this is step four.

Mary has not seen a re-entry program that works with the whole person, adding on an additional element to their current program Project Re-Entry (which largely addresses employment, social services, and education) that centers the mother/child/othermother relationships she feels will better prepare mothers for what awaits them when they return home.

As mentioned the program is still in development stages. Currently Mary is working on two aspects of the development process. The first is soliciting feedback from caregivers and children who have a parent who is incarcerated. The second is evaluating potential training that would be offered as part of the “Project Family” curriculum. Mary is relying on Survey Monkey to gather information from caregivers and children on what they view as their “unmet needs” and is exploring a Conflict Resolution training to add to the curriculum. The primary goal of “Project Family” is to help mothers by giving them

the tools and resources necessary to develop a realistic and comprehensive parenting plan created in conjunction with caregivers and children in advance of their release. Since this would be added on to the Project Re-Entry program already in place, the team (mother, child, othermother) would be connected to care and resources after the period of incarceration as well. Mary said, “Continuing support is so important. One of the things I saw inside was faith-based or other people coming in and saying ‘We are here to help you’ but no one was really there, or they’d stop showing up. You don’t give [people inside] false hope, one of the things people hold on to hope, if they have that they can carry it though, without hope people die in their own lives. I carry that with me, I will not do that [give false hope].” What is important about Project Re-Entry and eventually Project Family, is that formerly incarcerated and convicted people have an integral role is designing and delivering programs and re-entry counseling, both inside and outside. Their situated knowledge is used to create conditions whereby other similarly affected people can access inroads that will lessen their suffering and exclusion.

### **RISE Project, Incarcerated Mothers Advocacy Project, and Post-Prison Education Program**

Christine is completing her first year of law school in Spring 2015 and she partially credits her incredibly fast transition from prison to law school with her participation in the “Re-entry Initiated through Services and Education (RISE) Project” “Incarcerated Mothers Advocacy Project” and the “Post-Prison Education Program” all out of Seattle, WA.

RISE is a legal advocacy program that focuses on aiding mothers in reuniting with their families post-incarceration and is part of the Northwest Justice Project. The

program was imagined and developed by Elizabeth Hendren, who was responsible for introducing me to Christine. RISE offers formerly incarcerated mothers' legal advice through legal clinics and also provides legal representation to formerly incarcerated mothers in areas such as family law, housing, and public benefits. As discussed, many mothers who find themselves in the system are unstably housed and resource poor prior to incarceration and in order for a mother to assume primary custody/care of her children post-incarceration she must demonstrate housing and financial stability. The legal clinics offered by RISE assist mothers in navigating these areas. Mothers often are unable to afford legal counsel and many end up representing themselves (*pro se*), as Yraida has done (see cited cases). Because they lack the technical language and case law knowledge many mothers struggle in this capacity. RISE was envisioned to bridge this gap in accessing the legal system. Christine volunteers with Elizabeth through RISE/Northwest Justice Project offering legal information at clinics held inside the very prison where she spent close to two years of her life.

Christine is also actively involved in the Incarcerated Mothers Advocacy Project (IMAP) where she recently co-facilitated a leadership workshop inside Washington Corrections Center for Women (Purdy). IMAP is run by law students out of Seattle University of Law, social service providers, activists and formerly incarcerated women. Law students offer monthly presentations and workshops on family law as well as general legal information to women inside Purdy and Mission Creek Corrections Center for Women. When women have a specific legal question the law students will research the topic and at the next monthly meeting they return with answers. They also offer regular drop-in legal clinics and referrals to attorneys and/or social service providers for

formerly incarcerated mothers. As with RISE/Northwest Justice Project, Christine draws upon and contributes situated knowledge in her work with IMAP.

I corresponded with Lillian Hewko to gain a better understanding of IMAP's moral and philosophical commitments. Lillian, who is an attorney, imagined IMAP while working with a formerly incarcerated mother, Kimberly Mays. Together they discussed the unmet needs of incarcerated and formerly incarcerated mothers and outlined possibilities for filling gaps in care in terms of access to legal services and information. Lillian then met Elizabeth Hendren who she found was also interested in meeting similar needs, they along with Maya Sheppard, Bess McKinney, Ariana Flores, Michelle Greinauer co-founded IMAP and two formerly incarcerated mothers (Alise Hegle and Kimberly Mays) served as leadership on the advisory board, the current advisory board members, Lindy Laurence and Alishia Rose, are also formerly incarcerated. Though they work within the legal system the organization maintains an abolitionist critique and perspective of the punishment system. Lillian said that as an organization they believe that in order "to effect policy change...leadership must be placed in the hands of those directly affected." Thus by providing leadership workshops, political education, healing and centering those directly impacted they move towards policy change that does not grow or give power to the punishment system, but rather they achieve policy changes that lessen suffering while simultaneously placing power into the hands of those who are/have been directly impacted by the system.

Christine also volunteers as a mentor and tutor with Post-Prison Education Project (PPEP) based in Seattle. PPEP offers access, support and resources for formerly incarcerated/convicted people interested in pursuing post-secondary education. Some of

the resources offered are financial, for example Christine received a scholarship from PPEP to pay for an LSAT preparation course, but they also offer wraparound support including daycare, groceries, mentorship, and housing- all with the goal of helping underserved and marginalized communities access higher education as a pathway out of poverty and inroad to stability.

### **Summary of Programs**

Each of the projects and programs detailed above have in common who and what they center. Formerly incarcerated/convicted women, their needs, and dreams of freedom inform the programming, services, methodology, as well as mission, vision, and values of each project/program. Therefore the services offered are tailored to meet specific needs that affected women have vocalized. There are some commonalities between what services are provided such as talking circles/groups with other formerly incarcerated/convicted mothers, assistance with navigating and negotiating the job search process, access to education and training, and targeted help with family reunification post-incarceration which is multi-layered, and legal advocacy. The key in each is a continuum of care.

### **Recommendations**

The programs and services reviewed are scattered geographically. YG is in Miami, “Project Family” is in North Carolina and there are a host of services offered in Seattle, however there are wide unmet needs in several states which do not have re-entry programs. The needs of formerly incarcerated/convicted mamas are similar thus the models outlined address many of the critical needs women face post-punishment. The ideal program would center family and have components of each re-entry project

highlighted here- there would be informal meetings between FICM and their children in warm welcoming spaces, access to job search services and training, *connections* to employment opportunities, financial resources for higher education, food, housing, advocacy, legal support, information and representation, leadership and empowerment training, and an activism component whereby mothers who are/have been affected by draconian laws and policies provide the analysis and participate in working to change legislation.

To be clear, I am not advocating for a kinder or more humane punishment system- I believe that the system is irredeemable. Rather, I am saying that we all need to reach into the abyss where folks are and work towards alleviating oppressive conditions that make life unlivable *right now* while we work for structural change with the end goal being a world without prisons. As Marie Gottschalk argues in *Caught* (2014) we are not going to eradicate the social-structural ills that are known pathways into the punishment system (i.e. racism, poverty, homelessness, addiction, lack of education/access to resources etc) in the next year or decade. So what can we consider “wins” on the long road towards abolishing the punishment system? We must address “entry” issues and “re-entry.” To that end, we need comprehensive sentencing reform such as an end to mandatory minimums, life-time sentences, and solitary confinement. We need policy change that creates openings in employment, access to education, voting and social benefits for FICP. As well as organizing, mobilizing, and proliferating life-giving spaces and collectives *created* by formerly incarcerated/convicted mamas and allies- such as the ones highlighted herein.

## Conclusion: Why Stories Matter

Rhinoceros Woman  
This world is blind  
And slight of mind  
And cannot see  
How beautiful you are.  
I saw your light  
And it was shining.

- Assata Shakur (1987)

At the end of Alice Walker's (1992) book *Possessing the Secret of Joy* we are given the answer to the implicit question posed in the title and in the trauma that the story of the main character, Tashi reveals. Tashi has suffered disfigurement, pain, and humiliation all of which impacted her role as a mother. However, Tashi's suffering is not simply rooted in her violation, but also in being forced carry her personal experience in silence and shame, and over the course of time both work to slowly erode her mind and creates a sense of apartness within her. Her husband Adam says at one point "They've made the telling of the suffering itself taboo" (p. 161). As Tashi speaks and tells her story she defies social order and reconstructs herself on her own terms. The questions *Possessing the Secret of Joy* asks are "How do you breach the walls of cellular grief and trauma? How do you claim joy? How do you liberate yourself?" Tashi's liberation was in her resistance and so Walker writes "[R]esistance is the secret of joy" (p. 264). Tashi frees herself from restrictive notions surrounding ideal womanhood, the state murders her body however, by the time she faces the firing squad she no longer identifies with her corporeality, her gaze was set at the horizon. Her eyes were on freedom.

Relatedly Assata writes in her autobiography *Assata* (1987), "[N]obody in the world, nobody in history, has ever gotten their freedom by appealing to the moral sense of the people who were oppressing them" (p. 139). In many ways Walker and Assata's

words ring true for this project. First, uniformly the women expressed that it was their resistance and activism that allowed them to see themselves again and reconstruct meaning and intentionality for their lives. Second, their experiences in the system pushed them into critical conscious about the punishment system and thus they know that making moral appeals to an oppressive regime will not serve them on their path towards freedom. They get free by creating freedom and part of that claiming of freedom is claiming how their stories are told. Though the details may differ each fierce mother tells a story of parenting in the shadows, from living on the fringes we learn to hustle up resources and create conditions to thrive, we have obstacles and we have triumphs. However, it is in the telling that we liberate ourselves. As Gigi said, “the more I talk about my story the more I heal; talking with you today is part of that healing process” And all the mamas in struggle said “Amen” because telling our stories makes our lives and our children’s lives visible and in the process of telling we shed the skin that no longer serve us, we heal. Finally, stories that are told from the vantage point of those affected by the system shifts the narrative of the “irredeemable bad mother” and contributes a more nuanced and robust understanding of the ways in which the punishment system imposes on people’s lives long after their sentences have been completed.

This project centered the voices of people who have been disproportionately impacted by failed policy and “community safety” campaigns such as the War on Drugs. The stories related tell of the obstacles mothers face post-punishment, and also describe the ways mothers in conditions of unfreedom navigate and negotiate barriers in order to perform their roles as mothers. The stories demonstrate that to create life fierce mothers learn to live and mother unapologetically- they live, love and operate outside of the



binary of good/bad mother scripts. They resist the social norms that label them “bad” mothers, they push back against *de facto* discrimination, and they defy imposed obstacles in order to claim their right to be mothers *in spite* of the state. Part of the reason why mothers in this project were able to persevere is because they audaciously cling to the hope that tomorrow brings. In *Discipline and Punish* (1975) Foucault writes “The soul is the effect and instrument of a political anatomy; the soul is the prison of the body” (p. 30). He goes on to question the motivation behind prison revolts. He asks, “Were they revolts whose aims were merely material?” (p. 30). Indeed *what* are incarcerated, formerly incarcerated, and convicted people fighting for? I would argue that central to revolutions of oppressed and marginalized communities is hope, which is fundamental to humanity. The punishment system and its corollaries function by attacking hope, without which the soul ceases to exist. The purpose of the punishment system is not to eventually produce a “worthy” subject, if that were true people with conviction histories would be allowed to participate in the democratic process and readily access employment and other social safety nets that make life tenable. The punishment operates to reproduce state power, subordination and domination. In *Abolition Democracy* (2005) Angela Davis encourages us to “think about different versions of democracy” (p. 47). Because hope has the ability to reach out beyond physical and psychological conditions, to expect relief from suffering and injustice, because hope can identify that which requires change, and what is necessary to facilitate change, hope is able to mobilize. Hope is political, didactic, and performative and a way to envision freedom.

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APPENDIX A  
EXPANDED LITERATURE REVIEW

## **Profane Women: First and Second Wave Feminist Constructions of Womanism**

Western feminist constructions of motherhood have been critiqued as being ahistorical, and essentialist in that first and second wave feminists tend to name for all women, regardless of race, class or sexual orientation, what feminism is, its limits and possibilities, as well as the struggles and solutions to those struggles (Cain, 1993; Fuss, 1989; hooks, 1984; Lorde, 1984; Moon, 2012; Moraga, 1986, Rich 1993). The ideology of what constitutes a 'good mother' socially and within the law is based on the white, middle class, and married, heterosexual female experience (Chase & Rogers 2001, Chunn 1988, Kline 1995, Murphy 1998, Smith 2005). Within first and second wave feminist theory on motherhood is a discussion of womanhood. Often female, woman, mother are embedded constructs, thus theories on motherhood often begin with a definition of womanism. The literature diverges into two responses on the question of defining woman. The primary point of departure involves the question of whether or not a definition is even possible. Linda Alcoff (1988) writes that according to cultural feminists, the problem with our male dominated culture is a,

[D]istortion and de-valuation of feminine characteristics, which now can be corrected by a more accurate feminist description and appraisal. Thus the cultural feminist reappraisal construes woman's passivity as her peacefulness, her sentimentality as her proclivity to nurture, her subjectiveness as her advanced self-awareness, and so forth. Cultural feminists have not challenged the defining of woman but only that definition given by men. (p. 407)

Thus cultural feminists embrace what have become commonly held beliefs surrounding the female nature- namely women are caregivers and nurturing, these two precepts are

often associated with mothering. Cultural feminists position these values as essential aspects of womanhood.

The second position rejects the possibility of developing a definition of womanhood because of the view that all definitions of woman are constructed through a patriarchal lens. Alcoff (1988) writes that feminists who take this position believe that, “[t]he politics of gender or sexual difference must be replaced with a plurality of difference where gender loses its position of significance (p. 407). This position falls in line with radical feminism. Radical feminism generally views biological difference between sexes as the means by which female oppression is perpetuated (Firestone 1970, MacKinnon 1993). Thus radical feminists critique cultural feminists’ positions on how women are treated under the law arguing that equal treatment or special treatment reifies false constructs of womanhood in that both platforms measure women against the male norm (MacKinnon, 1993). MacKinnon (1993) writes “[g]ender neutrality is thus simply the male standard, and the special protection rule is simply the female standard, but do not be deceived: masculinity, or maleness is the referent for both” (p. 278). Both cultural feminism and radical feminism take up gender subordination but where cultural feminists seek to reappropriate the script of a universal female nature, radical feminists seek to abolish notions of a single female essence. The bodies of literature on cultural and radical feminist theory are vast and complex; however, in following two sections I will distill out the key arguments of cultural feminism and radical feminism as these two responses to womanism inform western feminist thought on motherhood.

## Cultural Feminism

Linda Alcoff (1988) defines cultural feminism as “the ideology of a female nature or female essence reappropriated by feminists themselves in an effort to revalidate undervalued female attributes” (p. 406). In reclaiming the ways in which women have been socially constructed, cultural feminists position female attributes as essential to the development of healthy institutions including masculinity. In her book *In a Different Voice: Psychological Theory and Women’s Development* (1982) Carol Gilligan constructs women as natural givers and connects this to the relational way women view and interact with the world (Gilligan, 1982). The argument is that women engage the world from the standpoint of nurturance and relationality because it is “women who are primary caretakers of young children” (West, 1988, p. 16). The female essence is thus spiritual and biological. Adrienne Rich (1977) writes “...women will truly create new life, bringing forth children (if and as we choose) but the visions, and the thinking, necessary to sustain, console and alter human existence- a new relationship to the universe. Sexuality, politics, intelligence, power, motherhood, work, community, intimacy will develop new meanings; thinking itself will be transformed” (p. 292). The ability, to carry, sustain and bring forth life is positioned as a power unique to women and part of the female essence. Therefore, within the cultural feminism paradigm, the experience of being a mother and its connection to life is celebrated a possible agent of change.

The two widely cited thinkers within this school of thought are Mary Daly and Adrienne Rich. Mary Daly argues that the biological ability of women to bear children is what makes them targets of male oppression. She writes “Since female energy is

essentially biophilic, the female spirit/body is the primary target in this perpetual war of aggression against life. Gyn/Ecology is the re-claiming of life-loving female energy” (Daly, 1978, p. 355). Her analysis of the biological difference between men and women as an explanation for female oppression is centered on the idea that men, because they are unable to bring forth life on their own must depend on women, this insecurity then translates in to wanting to control this aspect of womanhood (Daly, 1978). According to Daly the female essence overrides any other identifiers or characteristics they may define themselves by. She continues “Women who accept false inclusion among fathers and sons are easily polarized against other women on the basis of ethnic, national, class, religious and other male-defined differences” (Daly, 1978, p. 365). For Daly markers outside of sex (such as race or class) do not form essential differences. Biological sex is the foundation of womanhood for Daly.

Similarly Adrienne Rich embeds womanhood within the construct of biological sex. In *On Lies, Secrets, and Silence* (1979) Rich describes “female consciousness” as being intimately involved with the female body (p. 18). Her earlier piece *Of Woman Born* (1977) falls in line with this position as well. She writes,

female biology- the diffuse, intense sensuality radiating out from clitoris, breasts, uterus, vagina, the lunar cycles of menstruation; the gestation and fruition of life which can take place in the female body- has far more radical implications than we have yet come to appreciate. Patriarchal thought has limited female biology to its own narrow specifications. The feminist vision has recoiled from female biology for these reasons; it will, I believe, come to view our physicality as a resource rather than a destiny. (Rich, 1977, p. 21)

For Rich the female biology, our bodies and what they are capable of should not be something we reject because they have been wielded as weapons against women, a method by which to disenfranchise, rather they should be reclaimed. This is yet another point in Rich's work that dovetails with Daly's. As mentioned above, Daly argues that man oppresses woman because of her innate ability to create and sustain life. In a like way Rich writes that the "dread of the male for the female capacity to create life has repeatedly taken the form of hatred for every other female aspect of creativity" (Rich, 1977, p. 21). Thus, both of these thinkers identify womanhood with the female body and biology and their answer to reclaiming power is reappropriating the female essence.

### **Radical Feminism**

Graham (1994) writes "All versions of radical feminism... reject liberal feminism on the grounds that its understanding of relations between men and women is too superficial" (p. 155). The main point of departure between cultural and radical feminisms is how they situate the female essence; radical feminism rejects notions of a natural female state. Whereas cultural feminism argues for equal protection, radical feminism argues that equal protection does not go far enough. Graham (1994) notes that feminist social programs, like affirmative action, do not alter the patriarchal norms inherent within these social contracts. Carole Pateman (1988) in *The Sexual Contract* argues that by interpreting gender blindness as the means by which men and women enter into these contracts "[obscures] an important question: does the contract become immediately attractive to feminists or socialists if entry is truly voluntary, without coercion" (p. 8)? This position, according to Patemen (1988) does not take into consideration that the system itself is contaminated by patriarchal subordination, such

contracts only masquerade as neutral while maintaining patriarchy (p. 17). Radical feminism, attempts to create a version of feminist theory that is uncontaminated by patriarchal subordination by opting for a version of feminism that does not situate power within that which is used to oppress, a woman's sex. The primary ways this has been theorized in the foundational literatures on radical feminist thought is through a post-structuralist and Marxist interpretation of difference.

In *The Dialectic of Sex* by Shulamith Firestone (1970) the author evaluates the social construction of biological difference between men and women using a Marxist interpretation of material conditions of human reproduction. There are differences in the capacity of men and women in human reproduction with women carrying a greater burden of the labor than men (Firestone, 1970). These differences cannot be amended, and therefore the process of human reproduction will always be unequal (Firestone, 1970). Firestone argues that the disparate demands of men and women in this process influence their roles in the public and private spheres and construct power relations (1970). Her argument is that the biological imbalance between men and women has created a social and cultural discourse, which in turn has over determined women's role in the private sphere. For Firestone, and other radical feminist theorists, motherhood draws on these socially constructed gender roles and is therefore an inherently oppressive institution and thus not valuable to women (Firestone, 1970; West, 1988).

As Diana Fuss (1989) notes both cultural and radical feminism have serious shortcomings, in that they both essentialize and homogenize the experience of womanhood, and by extension motherhood, by excluding the voices of women of color and lesbian identified mothers. In presenting womanism and motherhood as a singular

experience western feminist theories “affirm the conventional notion that there can be one universal class of mothers. As a result, the experiences of many women [or other-mothers] are ignored, and it becomes difficult to deconstruct and denaturalize the patriarchal term ‘mother’” (Wald, 1997, p. 176). As will be seen in the third section of this literature review on how the law shapes notions of good/bad mothers, the themes raised in first and second wave feminist theories of womanism and mothering have informed some of the thinking behind the paradigm of good/bad mothers within the law. Therefore, understanding these foundational theories of womanism is central because the role of women is defined by motherhood and vice versa.

The following section covers Critical Race Feminism (CRF) and First Nation Feminism (FNF). These works not only explore the assumptions surrounding mothering and womanism but offer a response to, and deconstruction of, western feminist notions of womanism and motherhood. The first body of literature engaged will be CRF.

### **Mammies, Welfare Queens, Jezebels, and Breeders: Critical Race Feminism and First Nation Feminism**

“I have borne thirteen children, and seen most all sold off into slavery, and when I cried out with my mother's grief, none but Jesus heard me! And ain't I a woman?”

- Sojourner Truth (Women's Rights Convention, Akron Ohio, 1852)

“Called Matriarch, Emasculator and Hot Mamma. Sometimes Sister, Pretty Baby, Auntie, Mammy and Girl. Called Unwed Mother, Welfare Recipient and Inner City Consumer. The Black American Woman has had to admit that while nobody knew the troubles she saw everybody, his brother his dog, felt qualified to explain her, even to herself.”

- Trudier Harris, *From Mammies to Militants* (1982, p. 4)

“It is because of a Native American woman's sex that she is hunted down and slaughtered...because she has the potential through childbirth to assure the continuance of the people.”



- Ines Hernandez-Avila, *In Praise of Subordination* (1993, p. 375–92)

### **Critical Race Feminism**

Literature within the tradition of CRF “examines the intersection of race, gender, and sometimes class within a legal or multidisciplinary context. [It is] part of an evolving tradition that originated with Critical Legal Studies (CLS), a radical movement of predominantly white male legal academics” however some people of color and white women “felt that some of the CLS adherents...often excluded the perspective of people of color and white women and were able to expand their analyses beyond the worldview of progressive white male elites” (Wing, 1997, p. 2). These thinkers branched off to create Critical Race Theory (CRT) which is organized around the idea that “racism is an ordinary and fundamental part of American society, not an aberration that can be readily remedied by law” (Wing, 1997, p.2). However, women of color also felt that CRT did not capture completely their unique experiences, instead the experiences were bound up in race to the exclusion of gender, much in the way that western feminism excluded race in favor of gender (Wing, 1997). As noted in the previous section western feminism has been critiqued for presuming “that white middle-class women’s experiences can speak for all women” (Wing, 1997, p. 4). Therefore, CRF calls for a more complex analysis of power one that argues that oppression operates on multiple often intersecting axes like race, gender, class, white supremacy, and patriarchy. In analyzing power CRF relies on storytelling as a technique in order to “construct alternative social realities and protest against acquiescence to unfair arrangements designed for the benefits of others...[and] expose the ordinariness of racism [as well as] validate that the experiences of people of

color are important and critical bases for understanding an American legality that perpetuates their disenfranchisement” (Wing, 1997, p. 3). Personal stories are used as counter narratives to challenge common sense notions surrounding western feminist constructions of an essential/universal female experience.

In “Race and Essentialism” (1997) Angela P. Harris critiques radical feminist Catherine MacKinnon’s work for essentializing the experiences of women in her color-blind analysis of rape. MacKinnon uses “dominance theory” in her theoretical analysis of gender difference. According to Harris, MacKinnon insists that “there is only one true, unmodified feminism: that which analyzes women as women, not as subsets of some other group and not as gender neutral beings” (Harris, 1997, p. 13). Harris argues that MacKinnon’s application of dominance theory replicates essentialist values concerning the experiences of women, that in effect, race, class, and sexual orientation can be safely ignored without replicating hierarchies (1997). Harris argues that MacKinnon, like many other western feminist theorists, superficially deal with race by only discussing race in order to demonstrate how bad the plight of women really is. She writes “‘black’ applied to women is an intensifier. If things are bad for everybody (meaning white women), then they are even worse for black women. Silent and suffering, we are trotted onto the page (mostly in footnotes) as the ultimate example of how bad things are” (p. 15). Because her examination is based on a color-blind approach when discussing rape her analysis is dangerously ahistorical and excludes the experiences of women of color. Harris (1997) writes, “As a legal matter rape did not even exist for black women [it] was simply not a crime...black women were considered promiscuous by nature...[rape then] was something that only happened to white women; what happened to black women was

simply life (p.16). The absence of this history from MacKinnon's exploration is not benign; history holds far reaching consequences. This is made clear in Jennifer Wiggins piece "Rape, Racism, and the Law" (1983) she found that in 1968 in Maryland that in all rape cases brought before the court where the perpetrator was black and the victim white every defendant was sentenced to death; whereas 47 percent of the cases that involved black men and black women perpetrator were sentenced to probation (p. 121). Harris (1997) argues that MacKinnon's work, and other feminists theorists who fall victim to essentializing the experiences of women, ghost women of color from feminist methodology.

Like Harris, Celina Romany in "Ain't I a Feminist?" (1997) critiques dominant feminist theory for essentializing the female nature, which, in turn, sustains legal theory and assumptions surrounding women's experiences. She writes "that the feminist narrative deployed as a foundation with its monocausal emphasis on gender falls short of the liberation project feminism should be about: the emancipation of all women" (p. 19). Romany argues that feminist legal theory which accounts for markers of subject formation like race, class, sexuality and gender must be recovered in order to understand, and account for, the lived meanings of "difference, subordination, and oppression" brought about by racism, classism and sexism (p. 20). She writes that falling short of accounting for multiple subjectivities translates into a superficial understanding of exclusion (Romany, 1997). She takes to task seminal works by Carol Gilligan and Catherine MacKinnon for their adoption of an essentialist standpoint that silences women of color arguing that their "totalizing theory of social reality based on sexual oppression does not admit to concept of identity, and therefore cannot account for the multilayered

experience of women of color” (Romany, 1997, p. 21). Ultimately, Romany, like Harris, argues that a feminist theory platform based entirely on gender is inadequate to account for the multi-varied needs of all women and thus fails as a comprehensive liberation project.

As noted in the introduction to this section CRF like CRT relies on storytelling as method to make connections between lived experience, the theoretical, implications, and practice. Adrien Wing in “Brief Reflections toward Multiplicative Theory and Praxis of Being” (1997) writes about her own experiences with overt discrimination as a young, black, female, law professor and the cumulative effect of such incidences on her spirit. She takes up Patricia Williams “spirit murder”<sup>39</sup> to demonstrate the ways in which exclusion, power and oppression result in a “slow death of the psyche, the soul, and the persona” for black women (Wing, 1997, p. 28). She writes about her father’s suicide, visiting the plantation of her great-great grandfather General Beauregard who was the father to her maternal great grandmother Susan, and daily confrontations with racism like being carded at an airport because the stewardess could not believe the young, black woman in front of her could be *Dr. Wing* (Wing, 1997). What she describes is the cumulative effects of re-memory. Wing describes standing on the porch of the big house of her great-great grandfather and looking out to the slave quarters where her great grandmother was raised and explains how in seeing and standing in the place of her ancestors trauma it evoked a rememory- her body remembered slavery, rape, oppression even though it wasn’t her who personally experienced it all.

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<sup>39</sup> See Patricia J. Williams (1987) *Spirit-Murdering the Messenger: The Discourse of Fingerpointing as Law’s Response to Racism*, 42 U. Miami L. Rev. 127, 129

Ultimately, Wing argues that continual spirit murder changes the life course of black women, and it could be argued that this is true for other women of color. The soul murder that occurs for women of color comes from being forced to compartmentalize their multiple subjectivities. Wing writes “I am an indivisible black female with a multiple consciousness” (Wing, 1997, p.30), and advocates for practicing multiplicity by using talents to push forward revised social programming that links “child care, health care, nutrition, education, job training, and positive emotional support...to enable women (and men) to leave poverty” key to such a project is that it would be “designed by the people affected, including women of color; responsive to their multiple needs as defined by them; and adequately funded” (Wing, 1997, p.32). Wing asserts that practicing multiplicity by “designing programs that operate on multiple levels of consciousness and address multiple levels of need” is a method to restructure power relations and ensure that everyone benefits (Wing, 1997, p. 33).

The CRF literature reviewed demonstrates that western feminist approaches to feminist theory, including legal theory, disenfranchise women of color by erasing them from the conversation and construct of womanism. Women of color are otherized, and this exceptional category of being places them outside the markers of womanhood which leaves them at a decided disadvantage both socially and within the law. For example, in “Punishing Drug Addicts Who Have Babies: Women of Color, Equality, and the Right of Privacy” Dorothy Roberts argues that poor Black mothers are “...the most vulnerable to government monitoring, and the least able to conform to the white middle-class standard of motherhood [and are therefore] the primary targets of government control” (1997, p. 127). Therefore this population is more likely to be prosecuted for drug use during

pregnancy relative to their white counterparts (Roberts, 1997). Like the other authors cited above, Roberts discusses the multiple subjectivities that women of color embody and argues, like Wing (1997), that these identities are intersecting and thus impossible to isolate. She writes “Black women experience various forms of oppression simultaneously, as a complex interaction of race, gender, and class” (Roberts, 1997, p. 128) because of these intersecting modes of oppression the issue cannot be analyzed from the sole perspective of gender inequality. Roberts (1997) further contends that Black women’s “devaluation as mothers, which underlies the prosecutions, has its roots in the unique experience of slavery and has been perpetuated by complex social forces” (p. 128). In fact, poor Black mother’s bear a disproportionate burden of the prosecution for drug exposed babies the results of which include incarceration or termination of custody (Roberts, 1997). Their drug abuse, poverty, and Blackness make them ideal targets for successful prosecution partly because of their “failure to meet society’s image of the ideal mother” (Roberts, 1997, p. 129). We observe in this piece that the fundamental rights of poor women of color are regularly breached largely because they fall outside of the purview of “good mothers.” The following piece by Lisa Ikemoto further expands this idea.

In “Furthering the Inquiry: Race, Class, and Culture in Forced Medical Treatment of Pregnant Women” Lisa Ikemoto explores the history of how motherhood has been restricted for women of color. She focuses on forced medical treatment (cesarean sections, blood transfusions, of pregnant mothers of color and argues that race, class and culture play a significant role in court ordered medical treatment. For example she writes that in a 1987 survey of obstetricians of the “twenty-one petitions for court-ordered

medical treatment, seventeen of the orders were sought against, Black, Asian, or Hispanic women. And all the orders were sought against women being treated at public hospitals or receiving public assistance” (Ikemoto, 1997, p. 140). Decisions made against these mothers results from how the law and society define good versus bad mothers. Ikemoto (1997) writes,

The good mother is self-sacrificing and nurturing. The good mother is also white and middle class [within what is not said] one can sense negative stereotypes forming a picture of the bad mother. She has little education...she is unsophisticated, easily influenced by simple religious dogma. She is pregnant because of promiscuity and irresponsibility...she is ignorant and foreign...Not stated is that they assumed characteristics are particular stereotypes of poor women of color. So what goes unsaid is that she is Black; she is Hispanic; she is Asian; and she is poor. ( p. 140)

The focus then is not simply on gender, it is on all of the interlocking subjectivities which makes conformity to the norm of “good mothers” impossible for women of color. This is one of the ways that women of color are written as always already failing. Court ordered medical treatment for pregnant mothers ignores women’s expert knowledge of their own bodies and lived realities and instead privileges institutional knowledge. Ikemoto (1997) tells the story of a Nigerian woman pregnant with triplets to illustrate this point. The woman and her husband refused a cesarean section because they knew that when they returned to Nigera future cesareans would be largely inaccessible<sup>40</sup> which would complicate having further children. Without their knowledge or consent the medical

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<sup>40</sup> Though vaginal births after cesareans are possible typically after a cesarean section future births will be by same mode

facility received a court-order to force a cesarean birth, she had to be physically restrained to perform the surgery (Ikemoto, 1997). This woman made her decision to not have a c-section based on her experience and lived reality, the court and medical staff did not honor her specialized knowledge and instead elected to limit her reproductive choices.

The examples Ikemoto (1997) provides demonstrate the main argument that has been outlined in the readings surveyed thus far in this section, namely that there is no singular female collective condition. Rather positions that assume a universal female essence and ignore, race, class, culture, and sexuality as well as entrench subordination of women of color. These markers are not separable subjectivities worn when the time is right, like Wing (1997) argued women of color embody all subjectivities simultaneously. Therefore, inquiry and analysis must extend beyond gender in order to understand subordination and oppression deeply.

### **First Nations: Indigenous Women and Feminism**

First Nation peoples have a history of brutal treatment at the hand of colonists, settlers, and state actors. The history is one of genocide, war, exploitation, seizure of natural resources and land, and forced migration. As Native Hawaiian scholar Julie Kaomea (2012) writes,

In Hawai‘i, as in other Indigenous nations across the globe, colonial domination took our once healthy, thriving, and self-sufficient Indigenous society and horribly distorted it.

The journals and travelogues of Captain Cook and other early colonists in Hawai‘i reveal numerous accounts of a thriving Indigenous community of strong, happy,



and healthy Hawaiians, coexisting in self sufficient harmony in a land of natural abundance. Now, a little more than 200 years later, statistics tell us that many Native Hawaiian families are poor, unhealthy, unstable, and uneducated, and that our children are consequently at risk physically, cognitively, socially, and emotionally. (p. 1)

What is absent from these charges that work to create powerful stereotypes of Native populations, is a discussion of the effects of colonization on a community. Therefore, it is because of First Nation communities' unique relationship, positionality, and history relative to the United States that First Nation Feminism (FNF), though there are similar concerns, does not completely fit under the rubric of Critical Race Feminism. FNF engages crucial questions related to decolonization, and cultural contexts particular to indigenous communities.

Colonization impacted indigenous women in severe ways. In many cases women suffered a reduction in social stature in that they were removed from positions of power within their communities as egalitarian relationships were replaced with western patriarchy. In a column written for the *Syracuse Herald-Journal* from 1899 the author noted of Iroquois women that they held “public and influential positions. They had a council of their own... There are sometimes female chiefs... The wife owned all of the property... The family was hers; descent was counted through the mother” (Lopez, *Pagans in our Midst*, in Smith 2005, p. 20–21). To further illustrate this point Andrea Smith (2005) writes in *Conquest: Sexual Violence and American Indian Genocide* that, In contrast to the deeply patriarchal nature of European societies, prior to colonization, Indian societies for the most part were not male dominated. Women

served as spiritual, political, and military leaders, and many societies were matrilineal. Although there existed a division of labor between women and men, women's labor and men's labor were accorded similar status. As women and men lived in balance, Native societies were consequently much less authoritarian than their European counterparts. (p. 18)

The management of Native women's capacity in their community extended beyond a reduction of social power, sexual violence was also used as a means to control and gain power over indigenous societies. Andrea Smith (2005) describes the brutality of these projects and concludes that "the history of sexual violence and genocide among Native women illustrates how gender violence functions as a tool for racism and colonialism among women of color in general" (p. 15). Smith compares Native women's "inherent rapability" with African American women's, the distinction being that Native women were raped and brutalized in order to destroy Native populations and Black women raped by slave owners to augment their labor force (Smith, 2005). In reference to the liberties slave owners took with the slave women, Smith (2005) offers the following testimony from a female slave "Whoever he wanted among the slaves, he went and got her...I have known him to go the shack and make the woman's husband sit outside while he went into to his wife...neither the woman or the man could help themselves. They submitted to it but kept praying to God" (p. 16). According to Smith (2005) it was because of the violence inherent in western patriarchal societies, that the more egalitarian Native societies encountered by colonizers stuck out as backwards and ungodly. However those who are characterized as "other" define what is dominant. Thus, Smith argues that "demonization of Native women [in particular] can be seen as a strategy of white men to

maintain control over white women” (2005, p. 21). Paula Gunn Allen (1992) echoes this argument in *The Sacred Hoop*. She writes,

It was to the advantage of white men to mislead white women, and themselves, into believing that their treatment of women was superior to the treatment by the men of the group they considered savage. Had white women discovered that all women were not mistreated, they might have been intolerant of their men’s abusiveness. (p.23)

The legacy of this history has had a manifest impact on Native women today. According to a report compiled for the Bureau of Justice entitled *American Indians and Crime* by Greenfield and Smith (1999) American Indian women are twice as likely to be the victim of a violent crime than men or women of any other ethnic group and the majority of their perpetrators (60%) are white (p. 7).

As Smith (2005) argues, the fertility of women of color poses a threat to the United States. She writes that this is especially true for Native women because their reproductive abilities “continue to stand in the way of the continuing conquest of Native lands, endangering the continued success of colonization” (p. 79). The threat of women of colors’ reproductive capacity has been managed through various government sanctioned medical policies such as sterilization. The rationale behind such abuse was population control, but the practice was aimed only at women of color, poor women of color in particular. Indian Health Services (IHS), an arm of the federal government, embarked on a federally funded sterilization campaign in 1970 (Smith, 2005).

According to a report compiled in 1976 for the General Accounting Office on four of the twelve sites (Albuquerque, Phoenix, Aberdeen, Oklahoma City) in which this eugenics

project took place “3,001 Native women of childbearing age...were sterilized between 1973 to 1976...36 were performed on women under the age of 21, despite a court-ordered moratorium on such procedures” (Smith, 2005, p. 82). Much of the time women were sterilized without consent or under false pretenses. In one case a doctor advised sterilization for the treatment of persistent headaches. The woman in the case consented to the procedure, and of course her headaches persisted, the cause she later found out was a brain tumor (Smith, 2005). In another “two 15-year-old girls were sterilized during what they were told her tonsillectomy operations” (Smith, 2005, p. 84). Though sterilization has become regulated under strict and enforced guidelines the reproductive capacity of Native women (and women of color), particularly those women who interface with the welfare system, continues to be monitored and managed through the over-promotion of hormonal contraceptives.

We see through these examples that poverty and race intersect and act as the rationale for regulating women’s reproductive capacity. The feminization of poverty has been well documented as well as the ways in which poverty constructs the lives of children that it affects. In *Lives on the Edge: Single Mothers and their Children in the ‘Other’ America* (1993), Valerie Polakow offers harrowing narratives of mothers and their children who occupy ‘otherized’ spaces, who they themselves become ‘other’, precisely because of their poverty. Polakow adds to the argument that poverty is socially produced and reproduced and argues that the racialization of welfare has morphed into a criminalization of the poor. The following example from Smith (2005) expounds upon Polakow’s thesis. She writes that “in 1991, the Philadelphia Inquirer ran an editorial suggesting that Norplant could be a useful tool in reducing the underclass [and] over 87

percent of Norplant implants were paid for by government programs, indicating that poor women have been targeted” (p. 89). Additionally, it was discovered that IHS was using hormonal contraceptives (Depo-Provera in particular) before the drugs had been approved by the FDA in the early 1990s, specifically on women with disabilities (Smith, 2005). Smith (2005) writes “the Phoenix IHS had already begun to substitute Depo for sterilization on patients with mental disabilities because by then sterilization had been prohibited” (p. 92). Finally, the child welfare system often intervened, when women became pregnant with additional children, to remove existing children from the home until the mother agreed to be placed on hormonal contraceptives (Smith, 2005).

Because of the above reviewed history, reproductive rights form an important platform of FNF which has obvious intersections with motherhood. Indeed, it is not surprising given the fact that the historical record demonstrates that motherhood for Native women has been actively discouraged and prevented by the state, that the courts would automatically construct them as bad mothers. As Marlee Kline (1993) writes in *Complicating the Ideology of Motherhood*

[T]he construction of First Nation women as ‘bad mothers’ is mediated by the dominant ideology of motherhood...First Nation women are particularly vulnerable to being constructed by courts as ‘bad mothers’ because they do not always meet the dominant cultural and middle class expectations that constitutes the ideology of motherhood. (p. 309)

According to Wearing in *The Ideology of Motherhood* (1984) part of what constitutes a good mother is that she “always available to her children...is responsible for the cleanliness of their home environment...is unselfish [and] should have total responsibility

for her own children at all times” (p. 72). Additionally a good mother follows the dominant notions surrounding what constitutes a family, namely, that children are raised in a home that is “heterosexual and nuclear in form, patriarchal in content [based on] assumptions of privatized female dependence and domesticity” (Chunn, 1988, p. 137). Mothers who do not fall under this rubric are deemed bad mothers. Additionally, in cases of child welfare the actions of the mother are the practically exclusive focus of child protective workers who are often tasked with the responsibility of building cases for the removal of children (Swift, 1991). Their role, as is true for most state actors, is not to document and address social determinants of well-being like poverty, racism or violence that contribute to one’s ability to provide for children (Hooper, 1992). The reports of case workers play a convincing role in how child welfare cases are adjudicated as they follow and reinforce common sense scripts surrounding the good/bad mother ideology.

As mentioned previously Native women are more likely to be the victims of violent crime but according to the *Harvard Project on American Indian Economic Development* (2008), on a whole Native communities are also among the poorest communities in the United States. In fact, 36% of Native families living on reservations fall below the official poverty line compared to 9.2% of families elsewhere in America (*National Center for Education Statistics*, 2008). Poverty is linked to poor education and health outcomes as well as increased crime rates in communities most affected by poverty (S. Murray 2006; eds. Estes, Chapman, Dodd, Hollister, Harrington 2013). Thus these very real concerns of basic survival are ones that Native women must negotiate on a daily basis. These social ills are the effects and consequence of the history of colonization and genocide Native communities faced. This central aspect of such cases

never enters the discussion rather they are framed as the individual “failings” of the mother. As Kline (1993) writes “...the placing of blame for child neglect on the deficiencies of individual mothers...obscures the roots of the difficulties First Nation mothers face in more systemic oppressive relations including historical and continuing colonialist and racist practices” (p. 322). The ideological constructions of motherhood enter into court rulings including one’s home-making abilities. Kline (1993) writes “a mother is not presumed to be a ‘good mother’ if ...she moves from place to place, or if the place where she lives is not clean and tidy. Such behavior is taken as evidence of the quality of a mother’s care, regardless of whether there is actual neglect or inadequate care of the children” (p.323). In such cases mothers are ruled deficient. However, what is ruled ‘inadequate mothering’ does not take into consideration structural racism. The general housing conditions of reservations have been characterized as inadequate shelter (rather than homes) by the National American Indian Housing Council and UC Commission on Civil Rights (2003). Many of the homes on reservations lack electricity, running water, plumbing, basic kitchen facilities, and telephones (U.S. Department of Energy, U.S. Census Bureau, 1995, U.S. Department of Commerce). This is not a deficiency to provide by an individual mother rather the impact and legacy of structural racism.

First Nation Feminism as a political and academic practice takes up the issues outlined above. For example, we see through Smith’s analysis that the systematic abuse and management of Black and Native women’s bodies extends backwards in history and is where the roots of disparate policy and management of women of color began. And nowhere is the divide between western feminist notions of a universal female essence and

the multiple interlocking subjectivities of women of color presented thus far in this section more acutely felt than within the way the law treats both subjects. As Patricia Hill Collins (2000) notes in “Mammies, Matriarchs, and Other Controlling Images” the project of Black feminist thought, not so dissimilar to the project of CRF, is to challenge and control the stereotypical images that work to justify the oppression and subordination of Black and other women of color (Collins, 2000). This is because “controlling images are designed to make racism, sexism, poverty and other forms of social injustice appear to be natural, normal, and inevitable parts of everyday life” (Collins, 2000, p. 77). Regina Austin in “Black Women, Sisterhood, and the Difference/Deviance Divide” (1997) argues that the prevalence and common sense notions surrounding these stereotypes has created another dangerous label- that of deviant. She writes, “As is true in other aspects of American social life, black women who break the rules are judged in accordance with the biases of both white supremacy and male domination. Black female offenders accordingly receive harsher treatment at the hands of the law than do female lawbreakers of other races and ethnicities” (Austin, 1997, p. 238). This analysis extends to other women of color as well; these women subvert dual scripts the first related to her gender the second to the controlling scripts of her racial background (like the selfless mammy, the marianist self-sacrificing, long-suffering mother).206