CAN PRISONERS SPEAK?

ADVOCACY MEDIA ORGANIZATION, FORM AND PRACTICE

IN PRISON RADIO AND THE SENTENCING PROJECT, 1986-2014

by

CHRYSAL R. CHINA

(Under the Direction of James F. Hamilton)

ABSTRACT

This dissertation examines the production of prisoners’ agency by social advocacy groups working on their behalf, using critical theories of culture and representation as a theoretical framework and conjunctural analysis as a methodological foundation. Materials examined include advocacy-media content produced by The Sentencing Project and Prison Radio, including research reports, media content, and materials republished by secondary sources. The project concludes that prisoners’ agency as produced by such organizations is highly variable in form. Furthermore, its meaning and impact is determined by historical conditions. This study concludes by suggesting ways to reconstitute understandings of agency in discussions of prisoner resistance.

INDEX WORDS: Prison writing, prisoner media production, subaltern studies, prison reform, alternative media, advocacy, agency, resistance, critical theory, articulation theory, social movements
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CHRYSTAL R. CHINA

B.A. The Pennsylvania State University, 2006

M.A. University of Miami, 2009

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CHRYSAL R. CHINA

Major Professor: James F. Hamilton

Committee: Anandam Kavoori
           Elli Rousharnzamir
           Peggy Kreshel
           Tina M. Harris

Electronic Version Approved:

Julie Coffield
Interim Dean of the Graduate School
The University of Georgia
May 2015
DEDICATION

To Steve, Vasudha and Kristi. You are my soul mates, my family and my light.

And to my father, Jimmy L. China, who I wish could be here to watch me cross that stage. Life ain't been no crystal stair, but daddy didn't raise no punk. I will miss you eternally.
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INTRODUCTION

A STRUGGLE FOR BALANCE IN CULTURAL STUDIES WORK

The practice of prison writing dates back at least to the advent of the modern prison. Starting with the work of William Keteltas’ *Forlorn Hope* in 1800, prisoners around the world have chosen to use their time behind bars to speak to, about and against the institution (Keteltas, 1800). Political prisoners in many countries and situations since have written about their imprisonment and its injustice. Antonio Gramsci wrote extensively about the nature of domination and oppression while imprisoned during Mussolini’s fascist regime (Gramsci, 1971). Martin Luther King Jr. in his letters from Birmingham Jail, and members of the Black Panther Party in their many volumes written behind bars used their writing to provide an account of their experiences as prisoners and to motivate movement members looking to them for inspiration in their struggles for racial equity (Cleaver, 1967; Jackson, 1970; King, 1963). In 1976, inmates at the Louisiana State Penitentiary at Angola founded *The Angolite*, which covers prison news and discusses social and practical issues that affected their everyday lives. The magazine continues to publish new issues today.

Since the emergence of online media, prisoners also publish their writing through digital media organizations. The British newspaper *The Guardian* has published the writing of many activists writing from prison. In 2013, Nadezhda Tolokonnikova, an incarcerated member of Russian feminist rock group Pussy Riot,

The practice of prison writing is full of narratives and counternarratives that attempt to speak truth to the power underwriting imprisonment. It reveals the scale and the impact of the carceral regime on those it seeks to repress, and who commonly exist on the margins of society. The persistence, irreverence and transgressive potential of prison writing inspired this dissertation research.

My initial interest in this study began with the convergence of two experiences. The first was watching comedienne Mo’Nique’s comedy special filmed at a women’s penitentiary (Mo’Nique, 2007). Between comedy segments, the special featured one-on-one interviews with several inmates serving time at the prison. In one particular interview, Mo’Nique spoke with a young woman in her early 20s who mentioned that she would be incarcerated for the remainder of her life for a crime she committed as a teenager. When asked what she most feared about being incarcerated, the young woman responded, “I’m scared that when I take my last breath, no one will be here to hold my hand.” This moment left an indelible imprint on my mind, my spirit, and my sense of morality. In a society that claims to be the most advanced and progressive in the world, I could not comprehend how so many people could disappear into the void of the American consciousness and be allowed to live—and die—as only one of many prisoners who have been isolated, silenced and invisible. At the time I watched the special, I was not as aware of the
inner workings or the impact of the prison system as I am now, but the moral
outrage I experienced while hearing this young woman's story compelled me to take
a greater interest in and pay greater attention to this self-justifying, draconian
institution and the devastating impact it continues to have on Americans, especially
those in black and brown communities.

The second experience was reading Mumia Abu-Jamal’s *Live from Death Row*
and Assata Shakur's *Assata* (Abu-Jamal, 1995; Shakur, 1987), in which the authors
reflected on their experiences as metaphorical and literal prisoners of the U.S.
criminal justice system. In both cases, the authors were convicted of murder as a
result of the highly questionable trials used to dismantle revolutionary groups—like
MOVE and the Black Panthers—associated with a militant, disruptive black power
movement, a movement that continues to resonate with me on a personal, ethical
and emotional level. These works were my first significant encounter with the
details of the black power struggle. They provided me a way of discerning the shape
of a movement that continues to inspire and inform my own revolutionary ethics.
Though not without its issues, the movement was wildly subversive.
Revolutionaries who emerged from the movement were aggressive, unapologetic,
and largely unwilling to use the master’s tools to dismantle the master’s house.
They believed in responding to surveillance, hostility and violence in kind and
refused to allow the nuances of American racism to dictate how they should and
should not respond to racist affronts. This is not to say that I admire their
aggression and violence on its face. Rather, I admired their dedication to
community education and protection, and their simultaneous willingness to engage
with their oppressors in the same way the oppressors engaged with them. They created counternarratives and counterimagery so powerful in their irreverence that law enforcement groups felt compelled to systematically destroy them (Churchill & Wall, 1988; Glick, 1989; Joseph, 2006). Their belief in community uplift through education and their refusal to bow to mainstream politics of assimilation and “peaceful” resistance inspired the scholar-activist I intend to become.

The convergence of these two experiences informed my initial ideas for this dissertation. In particular, my fascination with the two autobiographies compelled me to investigate other literatures that emerged from such circumstances, and I found that a critical mass of autobiographical reflections on imprisonment had emerged from the Black Power era. George Jackson’s Soledad Brother, Eldridge Cleaver’s Soul on Ice and portions of Angel Davis: An Autobiography also deal prominently with the authors’ experiences as prisoners (Cleaver, 1967; Davis, 1974; Jackson, 1970). As a result, I found that, taken individually and as a genre, these accounts created powerful counternarratives that destabilized common understandings of imprisonment. From that point, I became interested in how such works operated as forms of resistance against a consummately oppressive and repressive institution, both within the context of the Black Power movement and more generally as examples of prison narratives.

After conducting a pilot study using just the works of Mumia Abu-Jamal and Assata Shakur, I decided to explore extending the study into a dissertation by expanding my analysis to include several other works from the genre. Originally, this study would have examined the memoirs, essays and autobiographies of former
members of the Black Panther Party who had been imprisoned as a direct or indirect result of their membership in the Party. My interest was not just in the historical period and the impact of the revolutionaries that emerged from it, but in the counternarratives that challenged and contradicted the narratives presented by the mainstream media. Furthermore, I was interested in the polyvocal nature of these texts. In reading the work of Mumia Abu-Jamal in *Live from Death Row*, for instance, I noticed that the author seemed to be speaking through a number of subjectivities. At different moments in the text, Abu-Jamal spoke as a scholar, an activist, a poet and a griot, which destabilized scholarly notions of the unified, single-voiced self as the most powerful and impactful form of resistance.

However, as evidenced by the work you are about to read, this study has since moved in a different direction. The completion of this project has been an academic struggle, something that Stuart Hall details in his writings about tensions in cultural studies between the theoretical and the practical, between openness and rigor, and between the intellectual and the political. How do we produce work that reflects the openness of the field of cultural studies but adheres to some measure of academic rigor? How do we produce work that reflects our knowledge as scholars but also engages meaningfully with the experiences discourses of laypeople? How do we produce work that is original and reflective of our own scholarly interests but that still demonstrates an obvious belongingness to the fields in which we operate? The ability to produce work that significantly addresses each of these often opposing ideas is one Hall has argued is nearly impossible to negotiate, and I have found that to be the case in the completion of this dissertation.
At many points in time, it seemed that my passion and interests had to be subsumed by the practical matter of producing a defensible mass-communications dissertation. Once I realized my original idea for the study did not fit squarely within the confines of mass communications and mass media studies, I struggled to develop a new direction. Thus, to meet the practical need of completing the program I started, I chose to set aside my passions for a project that would allow me to do so. This study thus has been a struggle at nearly every moment, and the end result is in one sense a project that is academically sound and interesting but not fully reflective of my identity as a scholar.

However, despite these reservations, this dissertation has pushed me intellectually in unforeseen, but valuable ways. It has expanded my understanding of the process of resistance from the relatively narrow ideas I had before. In the case of the original study, I was working from knowledge I already had and a concept I thought I already understood. I assumed that, because the authors of the works mentioned in my original study used their writing to resist the institution and the various oppressions they face, that prison writing, as a genre, was uniformly resistive. However, this study has pushed me to understand agency and resistance as complex processes with no real uniformity or consistency, and as no guaranteed mode of redress. Even more broadly, this dissertation has pushed me to reconsider everything I thought I knew about social change, and it will affect how I evaluate and engage with struggles against oppression outside the halls of academia. Providing this personal account of my journey has been an integral step in completing this dissertation. Ultimately, I hope that telling the story of my struggle serves as a
productive addition to the discussion on the rather messy process of cultural studies in academia.
CHAPTER 1

SUBALTERN AGENCY AND THEORY

This study investigates the production of agency in America’s most oppressed population: prisoners. Many studies on the subject of prisoner agency and media production suggest that the act of prisoners speaking, writing or producing for themselves displays their agency and their resistance to their oppression. This study reconsiders this assertion through case studies of the work of two advocacy organizations—The Sentencing Project and Prison Radio—who use their work, albeit differently, to address the dysfunctionality of the U.S. prison system. Ultimately, this research argues that the meaning and usefulness of agency, and the opportunities for resistance it creates, is entirely contingent upon the historical context within which it exists, and therefore that oppression (here defined as the silencing of prisoners voices in the marketplaces of ideas) and subaltern resistance are complex enterprises with varied and multiple modes of redress.

This chapter begins with a review of literatures that traces two lines of research. On one hand, studies of prisoner media production address ways in which prisoners use their agency to resist the institution, but they tend to discuss prisoners’ agency as a taken-for-granted, already produced capability. On the other hand, studies on alternative media make important claims about the use of media in the service of social change, but they routinely do not include prisoner-produced
media in their analyses. These limitations shed light on the necessity for this study, which attempts to bridge the gaps in each area.

The chapter then discusses the ways in which theoretical frameworks for communication have discussed the issue of authorship and agency. Conventional social theory, as articulated by scholars like John Locke, discusses communication as a simple transmittance of one individual's ideas to another individual. However, these perspectives problematically assume that meaning and meaning systems originate entirely from the individual mind. Critical approaches, on the other hand, allow for fuller understandings of the ways in which meaning in communication is always produced and reproduced by social, cultural and contextual processes.

Finally, this chapter provides an overview of the usefulness of Stuart Hall’s conjunctural analysis as a methodology for the completion of the proposed study. As this study examines the ways in which The Sentencing Project and Prison Radio are articulated at this particular moment in history, the use of conjunctural analysis will help elucidate what these articulations mean for the agency of prisoners, and more generally the act of subaltern resistance.

**Review of Literature**

While many scholars have produced valuable studies of prisoner media and non-mainstream media in general, such literatures have yet to grapple fully with the issue of how prisoners’ agency itself is constituted, or even fully recognize the topic, despite its conceptual fit with the issues the literature raises.
Studies of Prisoner Media

As one such literature of relevance to this study, scholarship regarding prisoner media is commonly sympathetic to prisoners and their plight. These studies tend to discuss prisoner agency as a starting point for analysis, seeing it either as thwarted by institutional restrictions or released by institutional projects, but nevertheless existing unproblematically, in either case.

Contemporary studies of prisoner cultural production focus on the necessity of rehabilitation and the ways in which prisoners’ creative labor serves that purpose. While the prison system is designed to attempt to control and monitor every aspect of the prisoner’s life, rarely does it fully oppress and repress the creative and productive energies of incarcerated people (Baer, 2005; Conquergood, 1995). According to authors such as Hartnett and Novek, through prisoners’ own creative labor they are able to present their views on social reality and attempt to define themselves for themselves.

A good example of this argument is Novek’s work on prisoner journalism. Novek argues that journalism provides prisoners a means of directly challenging dominant discourse about prisoners and the U.S. prison system. Moreover, she contends that journalistic practice promotes spiritual and political empowerment as well as a renewed sense of purpose and self-efficacy for prisoners. Novek (2005a) states that journalism provides prisoners “a sense of agency in the face of oppression” (p. 283). The narratives prisoners create privilege the lived experiences and frank self-expression of individuals whose voices are typically silenced and discredited. In the broadest sense, then, prison journalism (i.e. the
creation of print, broadcast and/or digital media content by prisoners) is an active site of ideological struggle and contestation regarding the definition, purpose and role of the prison in American society.

Novek also argues that news production provides prisoners the tools necessary to make important social and economic changes in their lives. According to Novek (2005b), news production is an intrinsically empowering exercise. Prisoners who engage in the process of news-making hone skills of collaboration, research, writing, and analysis, as well as develop valuable professional competencies that foster a sense of self-awareness and collective empowerment. Therefore, news production can improve prisoners’ social skills and marketability and consequently, increase the limited number of job opportunities available to them upon release.

Similarly, Hartnett (2003, p. 2) contends that the creative labor of prisoners works “both to expose the tragedy of the prison-industrial-complex and to celebrate the energy of those who fight against it.” In his studies of prisoner poetry, he found that prison writing reflects a “pedagogy of empowered citizenship” that encourages prisoners, many of whom have spent their lives being ignored or feeling incapable of self-expression, to envision themselves as better writers and communicators, and ultimately as capable of effecting social change (Hartnett, Wood & McCann, 2011). Therefore, writing allows prisoners to develop the sense of self-worth and self-efficacy the prison institution seeks to strip them of.

Also, Hartnett et al. (2011) argue that prison writing provides a critical connection to the outside world, as knowledge of a reader/audience gives prisoners
the reassurance that someone is listening. Furthermore, the authors state, writing offers prisoners a powerful means of unfiltered, unmediated self-expression; it allows them to speak instead of being spoken for, about or around. These testimonies not only empower the speaker/writer, they benefit greater society in their power as indictments against the brutality and prison system.

Churcher (2011) and Baird (1967) argue that prisoner media production serves important purposes both inside and outside the prison. Just as media serve to produce an informed citizenry, prisoner media production provides prisoners an outlet with which to educate both imprisoned and free communities on the realities of prison life (Baird, 1967; Churcher, 2011). Prison newspapers provide prisoners a means of transmitting information to other prisoners—and sometimes to administrators—for the purpose of consciousness-building, and for the very pragmatic purpose of circulating news (Baird, 1967; Churcher, 2011). In addition, such publications serve as sources of empowerment and self-expression for a population rendered silent and invisible by the mainstream press (Baird, 1967; Churcher, 2011). In light of shrinking budgets in newsrooms and increasingly restrictive policies limiting journalist access to prisoners, the need to protect prisoner-produced media is of vital importance (Churcher, 2011). With relatively few allies and advocates to speak for their plight, prisoners can—and do—use media to speak meaningfully about the conditions of their incarceration, often in hopes of uniting with an informed public to reform the institution (2011).

Morris (2002) agrees with these assessments. He contends that the production of media meets many important needs for inmates. In his review of
prison newspapers, he found that inmate-journalists used their publications to assert their power, and to express and receive recognition for their thoughts and experiences, which are often ignored or misrepresented in mainstream publications (2002). Furthermore, prison publications often circulate outside the prison’s walls. Therefore inmate-journalists find prison journalism necessary in its ability to disseminate counternarratives, both to fellow inmates and to free society, which rarely hears more than sensationalized details of the alleged crime (2002).

Overall, then, and according to studies such as these, prison narratives provide powerful accounts of the experience of incarceration, and therefore have the potential to contradict and subvert dominant articulations of social reality. Prison writing enables prisoners to create counter-discourse—discourse that speaks to and against power—and communicate counter-realities (Terdiman, 1985). It empowers prisoners to name injustice and attempt to fight against it. Furthermore, since prisons aim to obliterate the self, every act of self-production in prison is an act of resistance, and therefore of rehabilitation. Despite their circumstances, prisoners do find ways to protect and assert their humanity and recover the self. Prisoners write and create; they produce themselves through every means available to them.

*Studies of Alternative Media*

As a second key area of literature relevant to the present study, scholarship that addresses non-mainstream media focuses almost exclusively on non-incarcerated populations and activities, generally not recognizing that prisoners’
media also helps explore the issues such studies are concerned with. A sample of authoritative reviews of the literature suggests the range and general relevance of issues raised in this work, as well as the existing boundaries that prevent it from addressing prisoners’ media.

One determinant boundary of current work is the preference for media practice of overt social movements. Such a boundary is less sensitive to interplay between many different formations of media use, including prisoner media. In his review of alternative-media scholarship, Hamilton (2008) addresses and refutes rigid boundaries between alternative and mainstream media, arguing that the field’s “uncritical acceptance” of binary understandings hinders more comprehensive, contextualized and nonreductive understandings of media processes. Hamilton contends that scholars should understand mainstream and alternative media not as two poles of media practice, but as two articulations within a single, but “highly contradictory social formation.” (2008, p. 4). As a result, addressing contexts and conditions that enable this media work is more important than addressing case studies of individual and isolated examples.

Rodriguez (2014) discusses alternative media in the context of new media and social movements. According to the author, scholarship on the rearticulation of mainstream, social media for use within social movements also tends to neglect key issues and complexities. In many cases, scholars interested in social movement media write as if they are the first to investigate the subject, instead of relying on established scholarship to contextualize the phenomenon (2014). To conduct a richer and more productive analysis of social movement media in the age of new
media, Rodriguez (2014) suggests that media scholars seek to understand the historical context from which alternative/new media emerged, employ political-economic frameworks—which provide richer understandings of how mainstream media (like Twitter and YouTube) are rearticulated by social movement participants—and work to portray the full complexity of social movements in the Web 2.0 era (2014).

Working from Rodriguez’s suggestions for the study of social movement media, Kidd’s (2014) study of the Occupy Wall Street movement alludes to the ways in which social movements might work more independently of commercial media outlets, and ultimately find more productive ways to democratize communications. In recent decades, people involved in social movements have moved increasingly away from concentrated, commercial media and toward their own, adapted technologies for the dissemination of information and mobilization of movement participants (2014). Kidd (2014) contends that Occupy Wall Street serves as an illustrative example, because the movement was one of the first to control its own media circulation and production and largely escape the dominant media system. While the Occupy movement was, by no means, a perfect example of movement-controlled media, Kidd (2014) suggests that the movement can be analyzed in its full complexity by taking into account the Rodriguez’s suggestions for the study of contemporary alternative media.

Taken as a whole, these various studies all make important contributions and offer new ways to understand the intricacies and nuances of progressive media practice. They also lend themselves in a variety of ways to the proposed project.
However, each study precludes alternative media as used and created by imprisoned populations and therefore limits a fuller understanding of the practice of alternative media use and/production.

**Theoretical Perspective**

The tendency to posit prisoner agency as a given, along with the general lack of attention to prisoner media production, points to a need to foreground issues of prisoner agency in media projects that concern prisoners. To do so, this section presents a perspective that retheorizes agency as a social, cultural and historical project, and that provides an argument for how agency as a project will be investigated in this study.

*Theorizing Prisoner Agency*

The issues raised by these valuable literatures about prisoner agency in terms of media work at first seem straightforward. The solution to issues of inequality and subjugation in terms of communication seems to be simply to allow and/or assist prisoners to express and assert their perspectives, wishes and needs. However, this view deserves greater critical scrutiny, for it presumes the natural existence of authentic, individual perspectives, wishes and needs, as well as essentialist conceptions of authorship and representation. But can the direct authorship of individual needs and wishes be assumed unproblematically? Is direct authorship inherently authentic and effective? And, as the opposite claim, is the absence of direct authorship inherently inauthentic and ineffective?
These questions relate to the more general issue of media production by subaltern peoples, prisoners or otherwise. Though the term “subaltern,” as utilized by postcolonialist scholars, has historically referred to the colonized peoples of the Global South, here the term refers to those ensnared by a brand of American colonialism discussed by scholars like Derrick Bell (1992), Albert Memmi (1965) and Loic Wacquant (2000; 2001). These scholars extend the definition of subaltern to include those colonized by the various manifestations of American racism, including slavery, Jim Crow, inner-city ghettos, and in recent decades, mass incarceration. A prominent study noted for its theoretical exploration of this issue is that by postcolonial scholar Gayatri Spivak, who notably asked “Can the subaltern speak?” (Spivak, 1988). By contrast to the assertion that the subaltern should simply be allowed, assisted or enabled to speak, Spivak’s formulation valuably deepens the issue and problem. The problem with the normative question of “should” that is common to conventional political theory is the uncritical assumption that, of course, the subaltern “can,” in fact, speak. Spivak draws attention to the fundamental question of whether one is capable of speaking in the first place. Thus, by formulating her question in terms of “can” rather than “should,” Spivak opens up the problem of subaltern representation to a greater range of critical questions.

This formulation places the issue of subaltern agency not just on a functional level, but also on a more fundamental, ontological level. Although providing training and access to media infrastructure is important, such a solution to problems of subaltern representation takes the existence, stability and unity of the subaltern—
and its capability to speak for itself—as a given. But even conventional sociological and anthropological theories call attention to processes of socialization, interactionism, and acculturation, thus reminding us how individual points of view are not individual, organic or intrinsic at all, but social and historical, although creative as well.

In contrast to conventional social theory, critical theories of culture and representation call into question the habit of automatically assuming the existence and authenticity of decontextualized, fully individual views, a habit of thought that Peters traces to John Locke (Peters, 1989). Far from regarding self-sufficient individuals as the untainted origin of authentic expressions, influential critical conceptions suggest that direct expressions by individuals are not necessarily any guarantee of authenticity. Indeed, repressive social conditions might reproduce the subaltern, and in doing so, its consent to conditions of subjugation. In these views, the subaltern may indeed speak directly, but may speak what the dominant engineers.

For example, Marx’s conception of a ruling ideology posits how subaltern support of ruling-class institutions becomes possible. Marx (1970) argues that “the ideas of the ruling class are in every epoch the ruling ideas, i.e. the class which is the ruling material force of society, is at the same time the ruling intellectual force” (p. 64). What is more, the ruling class’s rise to and maintenance of dominance is possible only because those who comprise the ruling class have access to the resources necessary to produce a class consciousness, as well as access to the tools necessary to disseminate and install ruling class ideologies. Thus, the ruling class
uses the resources made available to it by nature of its role in society to produce social structures and practices that reflect its values. Moreover, Marx argues that the ruling class normalizes and naturalizes its ideals so that they appear to reflect the best interest of society and are, as a result, accepted as universally valid truths. Because ruling ideologies can only operate with the support of the subordinate class(es), direct expression by these subordinate classes is seen as emanating not from them, but from the dominant.

Similarly, Gramsci argues via hegemony that a provisional dominance is formed and maintained in part through the consent of the subaltern, which requires, in part, the incorporation of the subaltern by the dominant. In his *Prison Notebooks*, Gramsci (1971) critiqued the idea of unified, uniform dominance in ideologies, subjects, formations and social classes. Rather, all these entities are unstable, contradictory and multiaccentual, and are therefore subject to the complex process of producing dominance through struggle for consent to the popular (1971). Gramsci’s concept of hegemony refers to the struggle for the position of leadership across all social formations and for general support of a ruling bloc’s social projects (1971). In hegemonic social formations, the ruling bloc produces structures of dominance and oppression through the production of “common sense” as the dominant articulation of social reality (1971). However, in order to maintain its dominance, the ruling bloc must win consent to the popular by taking into account but also incorporating subordinate interests (1971). In sum, then, if one accepts conceptions such as these by Marx and Gramsci, teaching basic literacy and narrative skills, and providing access and training in media use—which many
scholars and activist advocate for—simply becomes a more effective way that the dominant works through the subaltern to validate itself.

The drawbacks of individualist, essentialist notions of representation, in which ideas are taken to originate in the individual mind, are also called into question by (post)structuralist approaches to cultural analysis. These contend generally that individual points of view are better seen as historically-produced subjectivities produced through signifying/discursive systems. For example, Althusser (1971) recognizes the historically specific conjunctural nature of ideology. His work discusses ideology as a practice—as opposed to a system of ideas or a construct that emerges from individual minds—that constitutes individuals as subjects (1971). Therefore, the key ideological “effect” is the process through which people produce and understand themselves as social actors. Similarly, Foucault (1984) argues that individuals themselves are subject to the set of relations that constitute them. In other words, an individual’s thoughts, beliefs and actions are never the exclusive property of the individual. Rather, they are produced and enabled by a series of interlocking discourses that produce subjectivities at a particular historical moment (1984).

Lastly, and perhaps most radically, postmodernism and deconstruction suggest that claims of a unitary point of view are even more politically suspect, if not wholly false. Derrida (1978), for instance, alluded to the ways in which all elements in a social system reflect an infinite chain of signification without any end or closure. At no point, he argues, does a system of meaning and the agency producing it have a fixed, discernable or essential center (1978). Rather, meaning systems and the
agency producing them are governed entirely by a fluid, “decentered center” that is subject to constant play via processes of substitution and supplementation (1978). Speaking more sociologically, Denzin alludes similarly to the problematic nature of individualist conceptions of communication in his discussion of postmodernist theory. Denzin (1986) states that the postmodern position “signals the loss of master narratives in Western culture,” as the central assumption of master narratives is existence of an individual author functioning independently of structural forces (p.195). Instead, meaning can only be understood by investigating the ways in which authors and audiences produce and are produced by culture (1986).

From within critical-cultural perspectives such as these, the issue of subaltern resistance becomes fraught with great complexity and relevance for theory as well as for policy and action. If the subaltern is seen as a unitary, essential and authentic social formation with its own independent and natural subjectivity, then it is able to “speak” but in some cases is prevented from doing so. In this view, the progressive solution is simply to provide the means and abilities for the subaltern to express itself.

However, if the subaltern is seen as a socially, culturally, historically and/or discursively produced set of mutable, sliding, contradictory subjectivities—in other words, as an historical project instead of a stable essence—then the subaltern and its agency does not simply exist, but must be produced through contextual, relational processes. The resulting progressive task, then, changes as well. Because there is no unitary formation present in the first place, and consequently no unitary
claim or point of view to simply and transparently express, the task becomes how to devise means by which an actionable subjectivity and agency might be produced so that the subaltern can speak, bound as it is by historical conditions.

The key issue of producing subjectivity and agency is what this study will grapple with. The central progressive problem is not how to simply unleash an always, already-present agency, but how to constitute it in the first place. Therefore, instead of arguing whether prisoners should or should not speak, or attempting to ascertain the degree of (in)authenticity present in the work of activist organizations that seek to reform prisons, this study addresses the complex processes by which an organization’s work constitutes prisoners and their agency, which may (or may not) be used to resist conditions of oppression.

While this study implicitly recognizes the import of prisoner agency, it also recognizes that the need for prisoner agency is not a settled or unquestioned issue. One of the most significant obstacles to prison reform in the modern age is the widespread belief that prisoners deserve the repression and oppression they experience in prison. Prisoners have committed crimes and therefore must serve the time and endure whatever hardships may befall them while behind bars.

Therefore, the issue of prisoner agency is one that many consider trivial, at best, and offensive, at worst.

*Historicizing the Production of Agency*

To address the issue of the constitution of subjectivity and agency and their interrelations with the full range of media institutions, this study uses a
methodological approach based in the concept of articulation. Scholars in British cultural studies, led by the work of Stuart Hall, approach the study of popular culture in terms of how social meanings are constructed, deconstructed and reconstructed through the process of articulation, described as the fixing together of otherwise unrelated cultural/ideological elements (1986). Therefore, Hall understands popular culture not as a set of texts with meanings to uncover but as a set of articulations and as historically specific conjunctures at which and through which social struggle for a more egalitarian society can take place (1981).

For Hall, individual elements of culture and ideology have no essential meaning and no natural or necessary belongingness to one another except in how they are articulated (Hall, 1986). Hall (1986) uses the example of an articulated lorry (truck) to illustrate the theory. He describes an articulated lorry as “a lorry where the front (cab) and back (trailer) can, but need not necessarily, be connected to one another. The two parts are connected to each other, but through a specific linkage, that can be broken” (Hall, 1986, p. 56). Thus articulation can be seen as the creation of a linkage between elements under specific conditions, where that linkage is "not necessary, determined, absolute and essential for all time" (p. 141). The notion of articulation provides a way of understanding how diverse and seemingly unrelated cultural, political and ideological elements come together at specific historical moments (1996). Therefore, articulation is a theory of cultural transformation; it explains how culture and discourse are transformed by the reorganization, and therefore recontextualization, of cultural forms and elements.
Developing this insight further, Hall’s major contribution to the field of cultural studies is his interest in conjunctural analysis, a process of uncovering the circumstances that create these conjunctures, or moments of “arbitrary closure” in ideology and their potential to contest or reinforce dominant social formations and power structures. Plays of power dictate which articulations are dominant at a particular historical moment. While the ruling bloc works through ideological struggle and the manufacture of “common sense”—the dominant articulation of social reality—to maintain its dominance, subordinate/marginalized groups struggle to define structures of representation and present alternative articulations of social reality (Hall, 1996; Gramsci, 1971). Thus, the enactment of power—and consequently agency—is not a process by which social actors create altogether new ideologies. Rather, it is a process of articulation, disarticulation and rearticulation.

Articulation has served as a key theoretical foundation for a variety of studies. Articulation has been used to study race (Yin, 2005), gender (Harp & Struckman, 2010), film (Cornut-Gentille D’Arcy, 2012), politics (Xianlin, 2005), rhetorical criticism (Makus, 1990), and mass-mediated public controversies (Hanczor, 1997). Jefferson (1976) used Hall’s concept of articulation to discuss the production of agency in British Teddy Boy subculture. The author argues that Teddy Boys (Teds), who reconstituted dandy fashions of the Edwardian Era to fit their subcultural needs, used their style of dress to represent their social reality, as well as their aspirations (1976). In appropriating—and ultimately rearticulating—upper-class styles of dress, the Teds used fashion to enact their agency in order to rebel against the bourgeoisie and simultaneously attain high status on their own
terms (1976). Similarly, Clarke (1976) discusses the rearticulation of cultural forms and elements to create a sense of subcultural agency in his discussion of late-1960’s English Skinhead culture. In this case, a reconstituted, inherited community imagery emerged in working class communities as a result of the economic and social alienation of youth during the decline of the working class (1976). As a consequence, isolated youth coalesced in an emerging Skinhead subculture, built around shared ideas of community solidarity, territoriality and masculinity, to recapture and enact a class consciousness that no longer existed (1976).

The usefulness of Hall’s concept of articulation is in its recognition of meaning as highly contextual and based on how social and cultural elements are fixed together in a particular moment. As it relates to this study, articulation provides a framework through which to understand how context and history positions the efforts prison reform advocacy organizations. Since meaning is always conjunctural, the concept of articulation also provides a means of understanding the constitution of prisoner agency and subaltern resistance in such organizations’ work as an outcome of how the organizations are currently articulated.

**The Current Study**

This study addresses the constitution of prisoner agency in the context of advocacy organizations whose activity consists largely of media work—in this case, those that, through media, advocate for prison reform in the U.S. The issue of subaltern populations’ ability to speak for themselves is relevant to prison
populations and prison reform advocacy organizations that use media as their main advocacy tool. While such organizations share the goal of reforming prisons, they differ in how they position prisoners in this activity and thus how they organize, conduct and embody their media-driven advocacy. While some organizations allow prisoners to speak for themselves, others speak on their behalf. This difference among media advocacy organizations presents an opportunity for comparing them in terms of the constitution of subaltern agency, as well as how this role is embodied in the structure, form and practice of media organizations.

Methodologically, this study will identify the elements that, taken together, articulate the two organizations. Specifically, it will identify and discuss the historical, textual and discursive elements that create the context for Prison Radio and The Sentencing Project and the work they produce. The discussion of historical elements will trace the histories of both the organizations and the traditions from which they emerge—starting with the earliest years of each tradition and organization and concluding with recent years—in order to uncover the historically constituted meanings of the organizations’ work. The discussion of textual and discursive elements will include textual and discourse analyses of the use of each organization’s work by the most respected outside institutions and entities in each organization’s tradition, including both a chronological and topical range of examples. The discussion of these elements will provide an understanding of how each organization is articulated within the contemporary landscape of media-driven prison reform advocacy. Though the aforementioned list is by no means comprehensive, it does include the major elements that define and contextualize
each organization and its work in contemporary times. Finally, the study will include a systematic textual analysis (the scheme for which is discussed in chapter 4) of each organization’s content as originally published on their respective interfaces and as republished by outside organizations in order to uncover what the articulation of each organization means for the agency of prisoners.

A comparison of Prison Radio and The Sentencing Project directly addresses the issues of interest for this dissertation. While both organizations have the same goal of advocating for change in the prison system, they go about it using different mixes of contributors, different media forms and different narrative forms. Comparisons among these many facets and through the life of each organization will help this study develop a nuanced understanding of the complexity of constituting subaltern subjectivities and agency.

Both of these advocacy organizations address the same issue. Prison Radio (a website, as well as a separate blog) aims to “challenge unjust police and prosecutorial practices” (http://www.prisonradio.org/about; prisonradio.wordpress.com). Similarly, The Sentencing Project seeks to shed light on racial and other disparities in order to advocate for alternatives to incarceration (www.sentencingproject.org). Both organizations have an established track record, with Prison Radio in operation since the early 1990's (the blog since June 21, 2011) and The Sentencing Project since 1986.

In addition to these similarities, the organizations have some key differences, largely in intention and support. Prison Radio is a nonprofit organization that sees itself as “an independent multi media production studio [that]...produce[s] content
and...seek[s] to distribute...essays and productions throughout the world” (http://www.prisonradio.org/about). It also sells a variety of media and other products (including t-shirts, books, videos and note cards) that publicize the organization. Its parent organization is the Redwood Justice Fund, a charitable organization that receives its funding from donations by the general public, with 89 percent of its funding in the form of gifts, grants and membership dues (http://501c3lookup.org/redwood_justice_fund/). The Fund engages in the “defense of human and civil rights” and “public interest litigation activities” (www.501c3lookup.org).

While similar in terms of existing primarily through noncommercial (i.e. non-advertiser-based) funding, The Sentencing Project engages in research (www.501c3lookup.org), and it receives 99.8 percent of its revenue from contributions and program services (www.guidestar.org). As a nonprofit, the organization conducts research for the purpose of “promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration.” (http://www.sentencingproject.org/template/page.cfm?id=2). Though the organization is much more widely known, as evidenced by its consistent mention by major news and government organizations, its website does not feature any advertisements and, unlike Prison Radio, does not sell any products.

Other key differences between the two organizations include:

• **Intended audiences.** Prison Radio reaches out directly to specific publics.

  While The Sentencing Project does this as well to some extent, it is primarily
an information “wholesaler” providing data-driven research to other organizations and decision makers.

- **Social location of contributors.** Prison Radio primarily uses prisoners themselves, whereas The Sentencing Project uses legal professionals and prison reform activists, with no direct participation by prisoners. It should be noted that Prison Radio only publishes the contributions of political prisoners and not those of the general population of criminal convicts. This is one of the many editorial filters the organization imposes on the writing its contributors produce.

- **Media forms.** The central presence of each organization is a website. But, while Prison Radio uses a variety of media forms (written, video, audio), The Sentencing Project uses virtually exclusively written reports.

- **Narrative forms.** Prison Radio is a mix of first-person accounts by prisoners, second-person advocacy by activists, and third-person analyses of prisons and their role and function in society. While seeking to establish a factual basis for its claims about the inequalities of imprisonment, it also seeks to build empathy and understanding of the conditions experienced by prisoners. By contrast, The Sentencing Project consists primarily of third-person analyses whose task is primarily to establish a factual basis for its claims about prison-system inequities.
Primary Research Questions

1. In what ways do historical traditions of prison reform and of noncommercial media advocacy organizations in the United States inform the practice of The Sentencing Project and Prison Radio?

2. What varieties of organizational intention, support, distribution and participation are embodied by The Sentencing Project and by Prison Radio?

3. What, if any, relationships exist between organizational intention, means of support, media and narrative forms, and the kinds of subaltern agency thus produced?

4. What are the implications of these relationships and practices for understanding the constitution of subaltern agency?

Questions 1, 2 and 3 will help to fill in the gaps in existing literature on alternative media by shedding light on the nuances of prisoner media production. Specifically, questions 1 and 2 will allow for a fuller understanding of the context within which The Sentencing Project and Prison Radio exist and therefore elucidate the role of their work in the process of prisoner journalism. Question 3 will allow for explicit analyses of prisoner and prison-related journalism, and will therefore directly address the dearth of such material in discussions of alternative media.
Questions 2, 3 and 4 will help to fill in the gaps in existing literature on agency by shedding light on the full complexity of the concept. Question 2 will allow for the exploration of the different modes of prisoner participation utilized by the two organizations, which will lay the foundation for understanding how each organization constitutes prisoners’ agency. Questions 3 and 4 will provide a space to directly address and reconceptualize the concept of subaltern agency.

**Organization of the Study**

To investigate the constitution of subaltern agency by tracing and understanding its key articulations, this study will engage in a combination of historical analysis and discursive analysis. Working from the theoretical perspective informed by articulation, the texts produced by and through these two prison reform organizations can only be adequately understood and analyzed relationally. Not only must relationships within texts be addressed, they must be joined to relationships between texts, as well as between texts and their institutional and historical conditions. This dual approach to analysis—historical and discursive—is particularly apparent in chapters 2 and 3, but it informs in general the study as a whole.

Chapter 2, “Professionalized Social Reform in The Sentencing Project,” discusses the emergence and operation of The Sentencing Project. The chapter traces the tradition of paternalistic, research-driven, professionalized prison reform organizations; contextualizes The Sentencing Project within that tradition; provides an overview of how the Project’s research is utilized by outside
organizations; and provides a narrative analysis of how citation of its material articulates the organization as a credible, source of information on the effects of sentencing and penal policy. Ultimately, this chapter argues that, although The Sentencing Project’s work does indeed articulate it as an authoritative prisoner advocacy organization, in order to achieve its authority, it must exclude the direct participation of prisoners.

Chapter 3, “Hybridized Social Reform in Prison Radio,” discusses the emergence and operation of Prison Radio. The chapter traces the complex traditions of social movement media; discusses the ways in which Prison Radio reflects that tradition via its hybrid constitution as paternal figure and publicist for prisoner resistance; provides an overview of who republishes Prison Radio media content, including the implications of republication; and discusses how the particular dynamics of republication articulate Prison Radio material as credible and authoritative within the tradition of community-based advocacy work. This chapter concludes by arguing that Prison Radio achieve its authority and credibility as an alternative, community-produced media organization by allowing the direct, though curated, participation of prisoners it claims to represent.

Where each of the prior chapters focuses historically and discursively on each of the organizations in terms of where each fits socially and how each produces its authority and for whom, Chapter 4, “Constitution of Prisoner Agency,” focuses on how each produces prisoners and their agency. First, the chapter elaborates a bit more fully on critical theories of the production of agency. Then, it discusses how The Sentencing Project’s textual work produces a paternalistic form of agency for
prisoners. At the same time, contextually speaking, the Project's work allows it to operate within major centers of power, where decisions on sentencing and the prison system are ultimately made. The chapter then discusses Prison Radio in parallel fashion, analyzing how the organization's textual work produces a hybrid form of agency through paternalism but also as a publicist. At the same time, contextually speaking, its work exists entirely in the margins and is therefore absent in major circuits of power.

Chapter 5, “Retheorizing Subaltern Resistance” concludes the study. After a brief synopsis of the project, it discusses the theoretical and practical implications of subaltern resistance, and for investigations of prisoner agency and resistance, specifically.

**Sources to be Used**

A number of sources are used to conduct this study. Secondary sources that used and/or alluded to The Sentencing Project’s and Prison Radio’s work were used to provide evidence of the scale and scope of each organization’s work, as well as how the work was utilized by other organizations and entities. Approximately 400 separate stories were compiled from these sources. Secondary source data was compiled using Bing link searches of both organization’s primary URLs (www.prisonradio.org and www.sentencingproject.org) and comprehensive searches of the Factiva and EBSCOhost databases for all news articles (both print and broadcast), scholarly research and government documents mentioning the organization’s by name.
In addition, the textual output of The Sentencing Project and of Prison Radio was used as a primary source. Given the volume of primary documents but also the intention to discern key patterns and frameworks that constitute subaltern agency instead of to conduct a comprehensive content analysis, a purposive sample consisting of a year’s worth of material at five-year intervals was drawn to trim this to a manageable size (Table 1.1). The tabulations in table 1.1 include counts of each organization’s original media content. In the case of The Sentencing Project, this includes only their original research reports. In the case of Prison Radio’s primary website, only radio essays produced by the organization’s incarcerated contributors were included. Though Prison Radio’s blog only includes material republished from outside sources, it is one of the organization’s interfaces and was therefore included in the tabulation. However, in the case of the blog, every piece of content published on the site was included in the count.
Table 1.1: Number of published documents by year and interface

<table>
<thead>
<tr>
<th>INTERFACE</th>
<th>YEAR</th>
<th>2003 (n=)</th>
<th>2008 (n=)</th>
<th>2013 (n=)</th>
<th>Totals (N=)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prison Radio (main website)</td>
<td></td>
<td>89</td>
<td>129</td>
<td>184</td>
<td>402</td>
</tr>
<tr>
<td>Prison Radio (blog)</td>
<td></td>
<td>N/A*</td>
<td>(2011)**</td>
<td>15</td>
<td>50</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>35</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>The Sentencing Project</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(website)</td>
<td>(Jun-Dec)***</td>
<td>6</td>
<td>190</td>
<td>216</td>
<td>412</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>95</td>
<td>354</td>
<td>415</td>
<td>864</td>
</tr>
</tbody>
</table>

*No material published in 2003
**No material published in 2008, so count was taken for 2011
***No material published prior to June 2003

Conclusion

This chapter presented the rationale, supporting literatures, theoretical argument and design for this dissertation. It argued that existing scholarship on subaltern resistance and prisoner agency oversimplifies such concepts, and argues for the reconsideration thereof. Furthermore, this chapter illuminates the gaps in existing literatures on prisoner media production and alternative media, suggesting the ways in which this research seeks to fill in such gaps. The chapter then suggests the usefulness of critical approaches to communication for providing a more comprehensive understanding of the production of agency. In the same vein, it discusses the appropriateness of conjunctural analysis as a methodological framework through which to understand the importance of context and history in
discussing the efforts of prison reform advocacy organizations and the agency they create for prisoners. Finally, it discusses the design of the study, which will rely on a conjunctural analysis of The Sentencing Project and Prison Radio, followed by a discussion of how these articulations constitute, textually and contextually, the agency of prisoners.

The following chapter discusses the articulation of The Sentencing Project, an organization that emerges from the tradition of professionalized prison reform.
CHAPTER 2

PROFESSIONALIZED SOCIAL REFORM IN THE SENTENCING PROJECT

The social and cultural production of agency is complex and uncertain. Due to severe conditions of incarceration, the specific case of prisoners underscores this complexity and uncertainty. For reasons that will become clear in this chapter, a variety of non-prisoners, either singly or more commonly as organizations, have historically come to the aid of prisoners to help bring about prison reform. As one organization that seeks to improve the conditions of prisoners, The Sentencing Project, a Washington, D.C.-based advocacy organization, engages in and publishes research on sentencing and incarceration. The Project serves as an authoritative source for news organizations, lawyers and politicians who wish to address and perhaps correct the broader impact of sentencing policy. For the purposes of this project, the term “authoritative” does not reflect a personal assertion, but rather a factual description of organizations and sources whose work is respected by most authorities in the field. To produce this research, the Project employs a professional staff of researchers rather than, for example, collecting the individual stories of prisoners themselves.

The purpose of this chapter is to explain and analyze the relationship between the purpose, form, structure and use of The Sentencing Project’s work and the extent of its authority as a spokesperson for prison reform. What makes The Sentencing Project worth considering is not only its prominence as a long-standing
organization, but also its constitution as a professionalized social-reform organization. Within the spaces it chooses to operate—i.e. government, mainstream media and the criminal justice system—it must establish itself as a credible, authoritative source of information. To do this, it restricts who can contribute to its work to those who possess the skills and status necessary to produce reputable research. The key resulting issue for this dissertation is what kinds of subjectivities and agencies are produced by a professionalized social-advocacy organization like The Sentencing Project, and what the implications of these forms of agency are for, in this case, prisoners. This particular chapter addresses the key questions of what historical traditions inform the structure and operation of The Sentencing Project, and how does it produce its authority discursively.

Due to this dissertation’s grounding in the theoretical perspective of articulation, the analysis here is a combination of historical analysis and textual analysis. The combination is useful here, because historical forces and textual forces together articulate The Sentencing Project in its particular form, thus requiring attention to both history and discourse.

The chapter begins by tracing the emergence of the tradition of professionalized social reform of prisons, in order to account for the persistence and current authority of The Sentencing Project. It then discusses the emergence of The Sentencing Project itself to document the ways in which the organization functions as a professionalized reform organization. The chapter then considers key ways major social and political institutions use The Sentencing Project’s research, in order to provide evidence of the Project’s role as a leading source of information on
incarceration and sentencing policy. The final section seeks to account for the place of The Sentencing Project in major, dominant institutions through an analysis of the form of the Project’s research reports and how they produce authority and credibility. The chapter concludes by reflecting more generally on the implications of professionalized reform organizations for constituting subaltern agency.

**Professionalized Prison Reform, 1826-1987**

While the core values, as well as the scale and constitution of prison reform organizations has changed vastly since the late 18th century, these organizations created the framework through which to understand the traditions and potentialities of prison reform as a professionalized endeavor. Furthermore, these organizations, taken as a whole, provide the context within which to understand the emergence of The Sentencing Project in the mid-1980s.

Professionalized prison reform is a response to earlier, religious approaches to reform that became less and less effective in a rapidly industrializing society. Reform movements began almost immediately after the advent of the modern prison in the late 18th century. Reformers of this era in the United States were wealthy men who lost their political offices after the Revolution and therefore joined voluntary humanitarian work and associations as a means of shaping the new society. In regards to prisons, they prioritized punishment for criminal action over understanding motives and circumstances of the crimes themselves. What joined their new roles to this priority was their belief in Benthamite utilitarianism common to the era. Not only did these reformers believe that benevolent actions brought the
greatest good to the greatest number of people, they felt they could improve society by promoting hard work, education, religion and discipline, as well as punishing those who did not practice them (Sullivan, 1990). To them, prisons served as microcosms of a perfect society, in which people fall in line, conform to vertical (instead of lateral) relations and power structures, and are independent—yet also conformist—in their moral purpose (Foucault, 1975).

To carry out this view of prison reform, the earliest prison reform organizations viewed crime as a moral failing and thus its solution as moral uplift. The Philadelphia Prison Congress, a Quaker reformist group, lobbied for and built the nation’s first penitentiary, the reconstituted Walnut Street Jail, in 1790 as a response to their criticism of corporal punishment (Bosworth, 2010). The Walnut Street Jail was the first prison to segregate offenders into separate cells, a move also made by larger, more repressive institutions like Eastern State Penitentiary and Auburn Prison. The rationale for doing so came from the Congress and from other Enlightenment-era reformers, who believed that forced solitude and isolation would eradicate evil behavior and absolve wayward souls of sin (Sullivan, 1990). These reformers also used solitude to curtail a number of growing contagions of the period (Christianson, 1998). On one hand, a yellow fever outbreak, which had claimed the lives of more than one-tenth of Philadelphia’s population, compelled reformers to separate inmates (1998). On the other hand, the well-publicized upheavals of the French Revolution caused the Founding Fathers to fear similar uprisings among American slaves and inmates (1998). In these new prisons, criminals were subject to forced labor and religious meditation, near-constant confinement in their cells,
and complete isolation both from the outside world and from each other (Foucault, 1975; Sullivan, 2010). Every aspect of their lives was regimented and preordained. Designed as an “exhaustive disciplinary apparatus,” the prison forced submission and remorse by imposing solitude and depriving liberty (Foucault, 1975, p. 235). However, such organizations achieved their goals only to a limited extent. They were staffed by volunteers rather than paid workers, and focused on helping criminals atone for their crimes instead of seeking to understand the causes of crime.

Toward the end of the 19th century, prison reform organizations came to embrace a scientific approach that viewed crime as the symptom of knowable causes, and its solution as addressing these causes. Seeking to reflect the reformatory ethics of the nation at large following the abolition of slavery, reformers of this period focused on re-educating and retraining prisoners and used prisons as “industrial training schools” (Christianson, 1998, p. 180). By the end of the Civil War, many state prisons had fallen into disrepair, and many traumatized veterans who had returned home found themselves in trouble with the law (1998). As a result, reformers, and the organizations they led, sought to cultivate and restore inmates’ sense of dignity and self-respect (1998). Therefore, the organizations that emerged from the period sought scientific understandings, as they were the best method for understanding criminality (1998). These organizations’ reliance on “scientific” methods and professional advocates signaled a shift away from volunteer efforts and toward professionalized practice. This shift is important to recount, because it established the general rationale, approach and
methods used today by professionalized prison-reform organizations like The Sentencing Project.

In the mid 1800’s, starting with the New York Prison Association’s (NYPAs) first comprehensive study, reformers studied motives and the ways in which life circumstances influenced criminal behavior (Sullivan, 1990). Founded in 1844, at the peak of antebellum reform efforts, the NYPA sought to find the causes of crime and criminality, assuming that doing so would provide insight on how to rehabilitate criminals, not just punish them (Sullivan, 1990). The organization investigated criminals’ families and educational background as well as their habits to understand the ways in which environment contributed to deviant behavior (Sullivan, 1990). Unlike earlier organizations, which relied primarily on religious leaders, the NYPA was led by lawyers, humanitarian merchants and other professionals who rejected the idea that harsh punishment and “moral terrorism” could reform prisoners (Sullivan, 1990, p. 9). As a result, its members endorsed and utilized more humane methods for the rehabilitation of inmates. The organization’s first report, published in 1845, renounced the punishment methods used in most prisons at the time, expressed a desire to act as an advocate for the accused—who were largely at the mercy of their environment—and infused the prison system with a clearer ethics of justice and reform (Bell, 1845).

By the late 19th century, the scientific-professionalized approach was further entrenched by the replacement of volunteer staffs with professional staffs, and by a shift of focus from individual atonement to attempts to understand more broadly the social causes of crime. The approach further legitimated replacing philanthropic,
community-based organizations headed by community and religious leaders with bureaucratic organizations led by lawyers, businessmen, scientists and social workers (Sullivan, 1990). By doing so, these reformers and reform groups ushered in the age of professional penology and the proliferation of professionalized reform organizations. Between 1865 and 1890, scientific approaches became the dominant mode of understanding criminality, and therefore the preferred method of prison reform. Reconstruction-era prison reform proceeded from the notion that knowledge, gained through the scientific study of society, could cure society’s ills and restore social order, and that those with professional knowledge and skills should lead the charge (Sullivan, 1990).

One example of this approach in the post-Civil War period is the NYPAs appointment of leaders of Zebulon Brockway, a professional penologist, and Enoch C. Wines, a professional reform advocate. In 1867, Wines together with Theodore Dwight, professor of law, history and political science and the eventual first dean of Columbia Law School, published the 70-volume *Report on the Prisons and Reformatories of the United States and Canada*, which evaluated all the prisons in the northern United States and recommended the “Irish system,” which allowed inmates to earn a “ticket of leave” after completing two years of solitary confinement and a predetermined sentence of congregate labor, thus serving as the predecessor to today’s parole system (Sullivan, 1990; Wines & Dwight, 1867). The study was based on personal notes and memoranda, 70 printed reports, and more than 650 research questions evaluating issues of administration, finance, juvenile justice, security, hygiene, religious practices, among others, and included a
comprehensive report on the answers to each research question (Wines & Dwight, 1867). The report also contributed to the creation of centralized control structures in the prison system, where state-level administrations would govern all penal institutions in a given state (Sullivan, 1990).

Like the Reconstruction-era NYPAs, the National Prison Association (today the American Correctional Association) also advocated for new prison administration principles based on science and professionalization. Founded in 1870, it was the first association developed specifically for corrections professionals and practitioners (www.aca.org). The organization produced numerous research reports and position papers, which were published in major newspapers like The New York Times and in rising academic journals in the social sciences (Bosworth, 2010). In 1902, for instance, the organization commissioned a study of U.S. penal release procedures that revealed the regressed nature of the prison system in the South (Zimmerman, 1951). Similar to the NYPAs, it also emphasized the importance of using expert knowledge developed by professionals as the basis of its reform efforts (Bosworth, 2010). Prominent businessmen, medical professionals and academics, such as former NYPAs leader Brockway and, in its inaugural year, sitting U.S. president Rutherford B. Hayes (2010), typically presided over the organization.

Scientific, professionalized approaches to problems of reform continued in the early 20th century. In order to alleviate the effects of large-scale increases in immigration, industrialization and poverty, as well as the deteriorating condition of U.S. prisons, Progressive-Era reformists used scholarship-based advocacy to dismantle the Auburn-model prison system in favor of more relaxed—and
presumably rehabilitative—practices (Sullivan, 1990). This approach became even more entrenched in 1929, when sitting president Herbert Hoover established the National Commission on Law Observance and Enforcement, which would be led by former-Attorney General George Wickersham (1990). Hoover assembled the Commission to study the prison system and develop solutions for its dysfunction (1990). In 1931, the Commission published a comprehensive research report, entitled “Penal Institutions, Probation and Parole,” which outlined in detail the state of American prisons. It described the widespread use of arbitrary rules and sentences in prison administration, the lack of meaningful rehabilitation programs for prisoners, as well as the economic costs of crime and the impact of immigration and unemployment on crime rates (Wickersham, 1931).

Mid-20th century reformers maintained the trend of professionalized penology and research-driven reform efforts. Starting in the 1960’s, as penologists shifted their focus to rehabilitation through community-based reentry programs, reformers focused on creating typologies of inmates and addressing the impact of social relationships on criminality (Sullivan, 1990). Following 1950’s—the most riotous period in U.S. prison history at the time—reformers sought to retrench models of rehabilitation that focused on “mental hygiene,” i.e. cleanliness of the mind (Christianson, 1998, p. 267). In 1967, President Johnson created the commission on Law Enforcement and Administration of Justice to study the nation’s growing crime problem (1990). The commission’s report condemned the use of inhumane, understaffed maximum-security prisons and advocated strongly for community corrections centers and reintegration programs that focused on dealing
with the individual convict’s problems within their social context (U.S. Government Printing Office, 1967). The reformers of the era recognized the heterogeneity of criminals and therefore sought to build rehabilitation programs tailored to their differing needs.

However, as overcrowding and understaffing issues worsened and prisoners radicalized, rioted, and staged revolts in the face of the mounting racial and political upheaval of the 1960s and 1970s, both inside and outside prison, reformers abandoned their ethics of rehabilitation for neo-Kantian punishment models (Christianson, 1998; Sullivan, 1990). Supported by reports like that of the Special Committee on Criminal Offenders, which found rehabilitation efforts to be largely ineffective in preventing recidivism, reformers largely endorsed a “just-desserts” method of incarceration that emphasized retribution moving into the late 20th century (Public Interest, 1974). The Reagan administration cemented the shift in 1987 when the United States Sentencing Commission issued a set of sentencing guidelines that prioritized punishment and public safety over rehabilitation, an ethics that largely remains today (Sullivan, 1990).

The Emergence of The Sentencing Project

Like the NYPA and the National Prison Association, The Sentencing Project emerged from a tradition of professionalized prison reform that relied heavily on research as an intervention in a dysfunctional penal system. Due to its fit with the needs of professionalized media organizations, reports by The Sentencing Project
have become an important source of information for professional reporters seeking authoritative sources on the topic of prisons.

The extent to which The Sentencing Project is an authoritative source can be assessed by examining the extent to which its research reports are used and by whom. Since its beginning in 1986, the Project has produced more than 500 research reports, fact sheets, briefings, interviews and testimonies that document the human and financial costs, racial disparities and relative ineffectiveness associated with the U.S. criminal justice system, as well as the expansion of the system and its increasingly harsh sentencing policies. Despite their varied subject matter, these publications largely conclude that the criminal justice system disproportionately impacts people of color, especially black men, and perpetuates social, political and economic inequities with increasingly devastating consequences for society. Its reports have been cited by major news organizations, government bodies and criminal justice professionals. It has provided input on more than 75 initiatives, including the push to reduce sentencing disparities in federal crack/powder cocaine cases and the passing of the Juvenile Justice Accountability and Improvement Act of 2009, within its broader campaign to decrease American reliance on incarceration as a solution to crime (Congressional Documents and Publications, 2009).

The following discussion establishes through the selection of paradigmatic instances the range and extent of the use of The Sentencing Project’s research in major institutions and processes. This is important for the argument of this dissertation, in that it specifies through examples the structural fit of
professionalized social reform organizations with institutionalized politics and law. Later in this chapter, the implications of this structural fit—which requires the exclusion of direct participation by prisoners themselves in efforts of prison reform—will be addressed.

The Sentencing Project began to build its reputation as a professional, data-driven reform organization by hosting the first National Conference on Sentencing Advocacy in Washington, D.C. in 1989 (www.nlada.org). The conference was well attended by those in the field and received widespread media attention, prompting the organization to host the event annually for several years (www.nlada.org).

Following this conference the organization released its first major report (published in 1990), which shed light on glaring racial disparities in sentencing policy. This report attracted much attention from the prestige press. The report, entitled “Young Black Men and the Criminal Justice System: A Growing National Problem,” utilized Department of Justice Statistics and Department of Census data to discuss the ways in which the criminal justice system disproportionately impacted young black males (Mauer, 1990). As one of the first to document the racial impact of the criminal justice system and the war on drugs, the study drew attention to the social and financial costs of mass incarceration. It was cited in at least 34 stories by major national newspapers including the New York Times and The Washington Post.

These events presaged a string of authoritative reports and institutional attention. The Sentencing Project’s sustained campaign against harsh sentencing laws and mass incarceration began in 1991, when then-assistant director Marc Mauer published “Americans Behind Bars: A Comparison of International Rates of
Incarceration,” a study that documented the continued growth of the U.S. prison population (Mauer, 1991). At the time, United States prisons housed approximately 1.1 million inmates, a population significantly larger than that of any other nation in the world and 6.8 percent larger than in 1989, and cost American taxpayers $20.3 billion per year to maintain (Mauer, 1991). The report promoted alternatives to imprisonment, such as community-based rehabilitation programs and dropout counseling (Butterfield, 1992).

In 1992, The Sentencing Project further developed its position as a professionalized reform organization with the founding the National Association of Sentencing Advocates (NASA) and an initial essay titled “An Emerging Profession: White Paper on Sentencing Advocacy.” The essay recognized the emergence of the profession of sentencing advocacy and lobbied for the formation of a professional association that could support the growth of the field and those within it (www.nlada.org). This professional association remained under the patronage of The Sentencing Project until 2005, at which time NASA joined NLADA and changed its name to the National Alliance of Sentencing Advocates & Mitigation Specialists (www.nlada.org).

The Project continued as a source of reliable information on sentencing policy and impact by publishing a follow-up to its earlier study, entitled “Young Black Americans and the Criminal Justice System: Five Years Later.” It showed a marked increase from 23 percent to 32 percent of young-adult black men under some form of justice-system supervision (Mauer & Huling, 1995). The study also showed that black women had experienced the sharpest increase of any
demographic, with their rate of supervision growing 78 percent in the five years between studies (1995).

The figures from this study were widely cited as startling proof of an expanding and increasingly discriminatory institution, making the hyperincarceration of black men—and increasingly black women—a central issue in many social justice campaigns, including the Million Man March of 1995 (Butterfield, 1995; Cass, 1995; Cook, 1995; Grier, 1995; Flint, 1995; Holstrom, 1995; Jackson, 1995). In an Associated Press article, Cass (1995) cited the study in a discussion of America’s mistreatment of black men and the social movements, like the Million Man March, that sought to address the issue. Jones (1995) used the data to discuss the impact of sentencing disparities between crack and powder cocaine on young, black men, stating that “one in three black men between the ages of 20 and 29 are in the grasp of the criminal justice system” (p. 1).

In order to expand its reach and range as a professionalized prison reform organization, The Sentencing Project expanded its advocacy and research efforts to the issue of felony voter disenfranchisement. In 1998 the Project, in conjunction with Human Rights Watch, published “Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States,” the first survey of criminal disenfranchisement laws to include all fifty states. The study showed that nearly 4 million Americans, about half of whom were on parole or probation, had currently or would permanently lose their right to vote due to a felony conviction (Fellner & Mauer, 1998). More than 36 percent of the disenfranchised population comprised black men, a demographic disenfranchised at a rate seven times the national
average, and in seven states—Alabama, Florida, Iowa, Mississippi, New Mexico, Virginia and Wyoming—at least 24 percent (31 percent in Alabama and Florida) of all black men were permanently disenfranchised (1998). Richey (1998) argued that the disenfranchisement laws, which disproportionately impact black men, undermine the political capital of black communities that already have relatively little political power and are largely absent at the polls. Between 1997 and 2010, The Sentencing Project reported, 23 states amended their disenfranchisement laws in order to expand the pool of eligible voters, resulting in 800,000 previously disenfranchised felons regaining their right to vote (Porter, 2010).

Because The Sentencing Project seeks to be a leading, and therefore comprehensive, source of sentencing data, and as the organization’s staff, reach and resources have expanded, it has broadened the scope of its research by including previously unexplored facets of incarceration, such as state-level prison trends and the impact of life imprisonment. Like the previous Project research reports, reports on these issues have been utilized by reporters, politicians, government agencies and criminal justice professionals. The 2002 report “Distorted Priorities: Drug Offenders in State Prisons” brought attention to state policy issues. Based on the 1997 Survey on Inmates conducted by the Bureau of Justice Statistics, The Sentencing Project found that approximately 75 percent of drug offenders housed in state prisons have never been convicted of a violent offense (King & Mauer, 2002). A 2009 study provided evidence used to protest the increasing use of life sentences as punishment for criminal activity. It found that the number of inmates serving life-without-parole sentences grew 22 percent between 2003 and 2008, a growth rate
nearly four times that of parole-eligible life sentences. They also found that nearly
two-thirds of inmates serving life without parole sentences were nonwhite
(increasing to 83.7 percent in New York state) and that 25.8 percent of juveniles
serving life sentence will never be parole-eligible (Nellis & King, 2009).

Due to the organization’s expanded reach and resources, it now produces
many types of informational documents and participates in a wider array of
advocacy activities to supplement its core activities and publications. In addition to
dozens of research reports, the Project has produced a litany of fact sheets and
policy analyses, and its members have published books and other works in
academic and professional journals; participated in countless interviews for print
and broadcast media; and provided testimony to various government and non-
government bodies in its campaign to reform the criminal justice system. For
example, members of the organization’s expert staff made statements and provided
testimony at the 2009 House judiciary Subcommittee on Crime, Terrorism, and
Homeland Security Hearing on the Fair Sentencing Act of 2010 (Congressional
Documents and Publications, 2010). The organization is also credited with
developing the racial impact statement, which allows policymakers to forecast any
unintended disparities that may be associated with a proposed sentencing policy.

The Sentencing Project as a Major News Source

These efforts by The Sentencing Project to establish its authority and
credibility within legal and political circles have indeed articulated the organization
as a leading, authoritative source regarding problems in the prison system. The use
of Project resources by legal, political and news institutions such as the U.S. Congress and the Department of Justice, and major newspapers such as The New York Times and The Washington Post, mutually constitutes and reconstitutes the credibility and authority of them all, in an effort to legitimate problems and particular policy solutions. Because journalistic and legal institutions must demonstrate objectivity, authority and expertise, they draw upon source material from individuals and organizations whose information reflects the same ethics.

To date, thousands of news articles have cited the Project’s research, including ones in major national newspapers such as The New York Times, The Washington Post, and The Boston Globe. A handful of examples (many more could have been cited) provide a sense of the extent to which news organizations rely on The Sentencing Project as an authoritative source. In a 1999 New York Times article discussing the impact of the war on drugs, namely crack cocaine, on U.S. arrest and incarceration rates, Egan (1999) cited Sentencing Project data that showed that, at the time, the United States had more prisoners behind bars than any other country in the world and had an incarceration rate second only to Russia. Derrick Jackson of The Boston Globe used the Project’s data in a 2005 op-ed piece on voter disenfranchisement. Jackson (2005) cited Sentencing Project data showing that between 1991 and 1998, states with an above-average incarceration rate saw a significantly smaller decrease in crime rates than states with below-average incarceration rates. Similarly, a Washington Post article entitled “A Racial Shift in Drug-Crime Prisoners; Fewer Blacks and More Whites, Says Sentencing Project”
cited a Sentencing Project report showing a major decrease in black inmates incarcerated for drug offenses and a sharp increase in whites (Fears, 2009).

In more recent years, Sentencing Project data is cited in television news as well. Good Morning America host Aaron Brown, for instance, introduced a segment on voter disenfranchisement by citing Sentencing Project data that documented the millions of Americans—mostly black Americans—disenfranchised by felony convictions (O’Brien & Brown, 1998). In a 2007 interview with Sentencing Project policy analyst Ryan King, National Public Radio (NPR) “News and Notes” host Farai Chideya opened by stating that black Americans were six times more likely to end up in prison than whites, a fact she attributed to a Sentencing Project report (Chideya & King, 2007).

Sentencing Project research also serves as an authoritative source of sentencing data in academic circles. Scholarly researchers draw upon the data to support their studies on incarceration. They have used Sentencing Project research to discuss a range of issues, including sentencing disparities and public health trends. Wolfe, Xu, Patel and Cain (2001) cited The Sentencing Project’s 1995 study, which found that the United States had the second highest incarceration rate in the world, in a study about syphilis outbreaks in Alabama prisons and the need for correctional health policies that attempt to contain communicable disease transmission. In another public health study, Purtle (2013) discussed felony disenfranchisement as a policy issue. Citing Sentencing Project research that showed that about 13 percent of black men could not vote due to a felony conviction, the author argued that felony disenfranchisement contributes to racial
health disparities, as minority communities lose political power when they lose voters (Purtle, 2013). Additionally, Hinman (1998) used Sentencing Project data on the disproportionate impact of sentencing policies on black males in his article discussing the use of stun belts on inmates in chain gangs.

Although scholars in many areas rely on The Sentencing Project’s data, it appears most consistently in law and criminal justice journals. For example, Leitman (1994) cited Sentencing Project research discussing the debilitating effects of mass incarceration on black communities in his case study on the disparate impact of federal sentencing guidelines for crack and powder cocaine. In another study of crack cocaine sentencing policies, Angeli (1997) stated that nearly one in three black men were under some form of carceral supervision, a figure attributed to a 1995 Sentencing Project report (Mauer & Huling, 1995). In an Oregon Law Review article about the impact of penal policy and mass incarceration on public health, Drucker (2013) made note of Sentencing Project research that showed a tenfold increase in the federal prison population since 1970.

Use of Sentencing Project data by government bodies and leaders further establishes the organization as authoritative source of sentencing data. In recent years, government institutions have relied on The Sentencing Project’s research and its staff to provide evidence for discussions of policy reform. In June 2009, Sentencing Project executive director Marc Mauer provided expert testimony to a House hearing regarding the Juvenile Justice Accountability and Improvement Act of 2009 (Congressional Documents and Publications, 2009). A few days later, at a Senate hearing, law professor Charles Ogletree cited Sentencing Project data in

Government employees have also cited the Project’s data. For example, at the International Community Corrections Association annual meeting in September 2011, Assistant Attorney General Laurie O. Robinson discussed a Sentencing Project report while advocating for Justice Reinvestment, a bipartisan initiative seeking to reduce corrections spending while also reducing rates of recidivism (Department of Justice Documents, 2011).

**Form and Credibility in Sentencing Project Documents**

As the preceding argument has established, working within a 130-year tradition of professionalized social reform, The Sentencing Project has established itself as a leading source of authoritative information for legal, political and news institutions. Yet, this credibility is produced not only historically but textually. As such, it is produced not by the conclusions reached, but by the cultural form of the work itself and thus how easily it articulates with dominant journalistic, legal and political institutions along with the historical traditions of professional prison reform.

Publications the Project produces include policy briefings, support letters, fact sheets, and research reports. Despite this variety, they use a common set of elements such as citations, infographics, anecdotal evidence, and quantitative analysis of primary and secondary statistical research. Each one of these elements, both alone and in combination, draw upon long-standing conventions of evidence-
based rational, logical argumentation as the narrative embodiment of scientific, universalized modernity. It is this narrative embodiment of scientific modernity that, by helping to articulate the Project as an authoritative source, also contributes to its production as a professionalized organization whose work can be widely cited by other professionalized organizations that must also establish authority and credibility.

A key narrative feature that produces this authority is the association of The Sentencing Project through textual proximity and similarity with major legal and political organizations. An article published in *The Washington Post* illustrates this feature clearly (Isikoff and Thompson 1990). Immediately following a paragraph that draws upon the Department of Justice as a source is a paragraph that does the same with data from The Sentencing Project (use of textual proximity), with both paragraphs drawing the same conclusion (similarity). Textual proximity and similarity also associate The Sentencing Project with a range of other authoritative sources, as in the example of a *Reuters News* article in 2002 that discusses how race, racism and racial inequity are woven into the fabric of American culture and politics (Elsner. 2002). Immediately following paragraphs that cite statistical evidence and quotations from scholars and government officials is a paragraph that cites research from The Sentencing Project and that draws the same conclusions.

Yet another example is a 2013 article in *The Guardian* in which Project data serves as a key link in a chain of evidentiary support for the author’s argument that corporate interests have slowed, or attempted to slow, the progress of large-scale prison reform. Closely following a paragraph using U.S. Department of Justice
statistics is one that cites a report from The Sentencing Project that reaches the same conclusions. And immediately following that is a discussion of a court case—in which Illinois Governor Pat Quinn’s closure of four state facilities was challenged in court by the prison employees’ despite an estimated savings of over $21 million—that confirms exactly what the data shows (Walshe, 2013).

By establishing authority and credibility through textual proximity and similarity, reports by The Sentencing Project have also come to have greater authority as a primary source cited by lawyers as well as journalists. For example, a 1996 article in the Harvard Law Review uses data from The Sentencing Project to buttress the introductory statement to the analysis of United States v. Armstrong, indicating that this data represents a credible, authoritative fact on which to base an argument credible enough to appear in a highly respected law journal (Leading Cases, 1996; Mauer & Huling, 1995).

Further examples of the textual production of credibility of Sentencing Project data as a standalone primary source include Moyd (2003), which uses it to establish the lack of attention to mental health issues in the penal system. The report uses data from The Sentencing Project to quantify the scale of the penal system’s negligence of mental health issues that frequently lead to further issues in prison, adding legitimacy and credibility to the author’s call for intake screenings. Another example is a 1995 Federal Probation article that uses data generated by The Sentencing Project to substantiate criticism of the “three strikes” approach to criminal justice (Benekos & Merlo, 1995). In addition to citing Project data as concrete proof of each claim the authors made, the authors also use data from The
Sentencing Project alongside data from other major data-gathering institutions such as the National Council on Crime and Delinquency to make a series of educated guesses about the future of the prison system.

A final observation needs to be made about the textual production of credibility and authority through the use of proximity and similarity. This production takes place not only on the pages of news stories and legal reports, but also in practice and in person, thus adding location and situation as key elements that articulate credibility. An example is a March 1994 House hearing, in which Marc Mauer, then-assistant director of The Sentencing Project, provided written testimony advocating against “tough on crime” approaches to criminal justice and the “three strikes” law. This testimony was associated with testimony from lawyers, judges, law enforcement professionals, and government officials on both sides of the issue by being cited in the same time, place and situation to members of a major U.S. governing body. A second example is testimony offered to a Senate subcommittee hearing in 2009 regarding the disparity between sentences for crack cocaine versus powder cocaine. As in the previous example, Mauer’s testimony appeared in conjunction with those of other government and opinion leaders, advocacy groups and professionals to create the discourse around which lawmakers would change and/or create laws. In addition, research from The Sentencing Project was cited by several other individuals and organizations contributing testimonies for the hearing, indicating that even other credible, authoritative sources rely on The Sentencing Project data to substantiate their claims and arguments in official, high-stakes contexts.
Conclusion

This chapter analyzed the ways in which The Sentencing Project produces credibility and expertise as a professionalized reform organization. The discussion of the emergence of professionalized social reform organizations established the historical basis for a reliance on claims to scientific method used to substantiate conclusions and policies. The discussion of the emergence of The Sentencing Project establishes its indebtedness to the traditions and tenets of professionalized prison reform, thus supporting the argument that the organization's adherence to scientific research constitutes its professionalized approach. The presentation of key examples of politicians', lawyers' and reporters' use of data generated by The Sentencing Project establishes the degree to which The Sentencing Project has indeed become a leading, authoritative source of sentencing information due to working assiduously within the tradition of professionalized social-reform organizations. The final section concluded that the credibility and authority of The Sentencing Project was established not only historically, but also narratively, identifying the key narrative means of its production as proximity and similarity, which associated The Sentencing Project with established, authoritative organizations and institutions.

This institutional and narrative articulation of professionalism and expertise enacts an ethics of objectivity and reliability, effectively reifying the credibility of The Sentencing Project and cementing its role in dominant discourse on incarceration and penal policy. The Sentencing Project plays an important role in this process. Its fact-based, expert-driven research informs public discourse on
crime and punishment, which in turn informs policy decisions regarding a dysfunctional penal system that disproportionately targets and incarcerates members of poor, black and brown communities.

However, it removes via abstract representation the subjects of these reform efforts, which are prisoners themselves. The professionalization of social reform in this case requires that subjects be excluded from the data-generation and reporting process, in order to preserve the claims to scientific method and authority it establishes with dominant institutions. Prisoners participate, but as statistical aggregates, the implications of which are considered more fully in Chapter 4.

The following chapter will discuss Prison Radio in a similar fashion. It recounts the articulation of an organization dramatically different from The Sentencing Project in form, structure and output, and discusses the implications of the organization’s work for the production of its authority.
CHAPTER 3

HYBRIDIZED SOCIAL REFORM IN PRISON RADIO

The social and cultural production of agency is a difficult, uncertain historical process. Due to severe conditions of incarceration, the specific case of prisoners underscores this difficulty and uncertainty. As one organization that seeks to improve the conditions of prisoners, the San Francisco-based media-reform organization Prison Radio airs and publishes the narratives and social commentaries of American political prisoners. It serves as an authoritative source for independent, alternative and dissident media organizations that seek to offer marginalized voices a platform from which to speak and be heard.

The purpose of this chapter is to explain and analyze the relationship between the purpose, form, structure and use of Prison Radio’s work and its implications for producing the agency of prisoners. What makes Prison Radio worth considering is not only its longevity as an independent media organization, but also its constitution as a community-based reform organization. Like The Sentencing Project, it also seeks to establish itself as an authoritative source in order to effect change. However, the way in which Prison Radio seeks to do this differs, because the space in which it operates differs. Instead of fitting within dominant journalistic, legal, and political institutions, Prison Radio fits within a loose network of dissident and alternative media organizations. Furthermore, to do this, Prison Radio allows prisoners (albeit a restricted group) to author their own narratives and
commentaries for publication on Prison Radio’s website(s). The key resulting issue for this dissertation is what kinds of subjectivities and agencies are produced by a community-based organization like Prison Radio and what the implications of these forms of agency are for, in this case, prisoners.

Similar to the previous chapter that addressed The Sentencing Project, this chapter too will rely on a combination of historical analysis and textual analysis to make its case. The chapter begins by tracing the emergence of the tradition of social movement media, in order account for the key institutional and historical articulations that made and continue to make Prison Radio possible. It then discusses the emergence of Prison Radio itself to document the ways in which the organization functions as a community-based, social movement medium. The chapter then considers key ways other alternative and social movement media use Prison Radio’s content, in order to provide evidence of the extent of its credibility and authority as a provider of dissident media content. The final section seeks to account for the place of Prison Radio in social movement media through an analysis of the form of Prison Radio’s content and of how it produces textually its own authority and credibility within the space it operates. The chapter concludes by reflecting more generally on the implications of community-based reform organizations for constituting subaltern agency.

**Hybridized Social Movement Media, 1831-1999**

Unlike The Sentencing Project, which exhibits a consistent and uniform organization and textual practice as a producer of scientific, statistical research
about incarceration, Prison Radio is less consistent and thus more complex if not contradictory. On one hand, it also aspires to journalistic credibility as a self-described project of investigative journalism. On the other hand, its textual practice is wholly different, consisting not of scientific, statistical studies in which prisoners are anonymous aggregates, but in significant part, of prisoner-authored commentaries and narratives.

The complex structure of Prison Radio links it in turn to a larger argument about media organization and operation, and democratic participation (Carpentier, Dahlgren & Pasquali, 2013). Indeed, how media are organized serves in many cases to establish a key definitional difference between mainstream and social-movement media. Where mainstream media are commonly viewed as more rigidly hierarchical and routinely dissociated from the events reported on, alternative media are typically regarded as more egalitarian and more socially engaged (Downing, 2001, pp. 8-10). Furthermore, as this common formulation would have it, an implicit correspondence exists between organizational structure and oppositional, democratic potential. Where hierarchical organization is viewed as a means of restricting participation while enforcing a narrower editorial line, egalitarian organization is seen as a means of increasing the range and diversity of involvement while enabling a greater freedom and range of views.

However, even a brief historical view suggests a more complicated picture, one in which erstwhile characteristics of mainstream media are part of social movement media, and vice versa (Hamilton 2008; Kenix 2011). For example, restrictions to participation—something supposedly only characteristic of
mainstream commercial media—existed and continue to exist for many categories of social-movement media. And, instead of simply supporting the status quo and promoting consumer society, professionalized media organizations have assisted if not engaged in social change (Howley, 2013).

Recounting this complexity lays a key groundwork for the argument of this chapter about Prison Radio. This particular section’s primary claim is that mainstream, depoliticized media and social-movement, activist media have used many of the same structures of organization and modes of practice, ones that are identifiable only as ideal types rather than empirical facts while consistently hybridized in practice. This hybridization can be seen in Prison Radio, which addresses a social issue, but by combining features from mainstream and social movement media. This hybridity is not unique to Prison Radio, but instead draws upon and continues to be relevant and active due to a deep historical tradition.

The first key observation about this complex historical tradition is that both mainstream and social-movement media have restricted participation in one form or another and at one time or another. Where access as writers in early reformist journals was restricted by combinations of education and ownership, additional justifications emerged by the later 19th century. In so-called mainstream media, restrictions to participation came to be typically justified by professionalization (Høyer and Lauk 2003). Restrictions in social movement media existed as well, but were justified more typically by vanguard theories of political organization (Boggs, 1993).
But vertical organization did not necessarily mean that media organized in this way neglected to press for social change. Evidence of this can be seen in commercial, mainstream media. In addition to investigative journalism more recently, yellow journalism in the late 19th century and muckraking journalism in the early 20th century provide clear examples. Joseph Pulitzer’s *New York World* represents a paramount early example of what Bruns (2011, p. 133) has more recently called “industrial journalism” by exemplifying vertical, hierarchical forms of organization. However, the newspaper made its mark politically and economically by engaging in investigative journalism and dealt significantly with social issues and injustices (Juergens, 1966; Tichi, 2004). Reporters at the paper embedded themselves in various situations and used the material they gathered to write the exposés (Aucoin, 2005; Juergens, 1966; Marshall, 2011). Similarly, while also restricting access to professional writers, the muckraking magazines of the early 1900’s provided information and criticism that sought to move the public to action against institutionalized corruption and lawlessness (Wilson, 1970). Their social-reform work was factual and meticulously researched, requiring intensive involvement with literature on the subjects the stories covered, and ultimately professional training to write the stories (Weinberg, 1961; Tichi 2004). For instance, Ida Tarbell’s series of exposés on the Standard Oil Company, published in muckraking forerunner *McClure’s Magazine*, took several years of research and writing to complete (Weinberg, 1961; Weinberg 2008; Tarbell, 1905).

However, just as in so-called mainstream media, hierarchical organization and restricted participation also characterized social-movement media that worked
for social change. An early 19th-Century example is the abolitionist paper *The Liberator*, edited and supported largely by William Lloyd Garrison. Using incendiary and divisive editorial content, Garrison’s paper condemned racial prejudice as strongly as it criticized slavery itself, while also lobbying aggressively for the betterment of blacks in all aspects of American life (Risley, 2008; Kytle 2014). Although widely despised by powerful pro-slavery advocates, northern apologists and moderate abolitionists alike, Garrison intended his journal to circulate among those in society who had the social and political capital to effect change and abolish slavery, and therefore chose to utilize prose that spoke to those segments of society. Due to limitations of literacy, Garrison’s paper never featured the work of black slaves in the American South, even while lobbying for their emancipation.

Women’s suffrage publications have also restricted participation in order to agitate for social change. An early example is *The Revolution* founded by Susan B. Anthony and Elizabeth Cady Stanton, which spoke to issues of suffrage but also to larger issues of gender equity (Kessler, 1984; Ginzberg 2009). For early suffrage activists, securing the right to vote was but the first step in the campaign for equality, which also included issues of divorce laws, equal pay, equal employment, reproductive rights and sexual harassment, among others (Kessler, 1984; Solomon, 1991). The paper employed a professional, scholarly approach to the issue of gender equity, relying on high-minded, fact-based appeals to reason. Despite its radical edge and its restrictions and setbacks as a dissident newspaper, *The Revolution* used the sophisticated prose style accessible largely to the most educated Americans and similar to that of the mainstream, male-dominated newspapers of
In a January 1868 article entitled “The Degradation of Women,” Stanton wrote:

> By the laws of many of the States, women are helpless victims of force and fraud. Stripped of their earnings, children, property; crimes made for women that are not crimes for me; dragged into the courts, tried, condemned, imprisoned, hung. Judges, jurors, lawyers—all men. Woman has never yet enjoyed the right of trial, by a jury of her own peers; taxed without representation, governed without her consent, is not her political degradation the same as the peasant serf and slave endure?...This political degradation is not a mere idea, as some suppose, having no practical results, but the very keystone of all the wrongs and oppressions of women in every department of life (p. 25).

In this excerpt, Stanton relied entirely on fact and logical reasoning to discuss the many injustices and “oppressions” that stemmed from the denial of women’s suffrage. Her statements here required not only sophisticated writing abilities, but also an intimate knowledge of any and all progress—or the lack thereof—in the campaign for women’s suffrage and equity. As Stanton’s work reflects the general tone and tenor of *The Revolution*, it indicates the necessity of restricting authorship in the publication to those who were both politically engaged and formally educated, like Stanton and many of the paper’s other contributors.

A more explicit justification of the necessity for vertically organized political movements as well as newspapers emerged in the writings of Lenin in the years leading up to the Russian Revolution (Lenin, 1961; Lenin, 1965; Lenoe, 2004). Lenin (1961) argued that the absence of a cadre of trained, professional revolutionaries would hinder the success of a movement, as untrained amateurs do not possess the knowledge or skill to direct a movement for social change. Rather, the presence of a group of trained leaders at the forefront of a social movement elevates and enhances the impact of the movement itself, as an educated leadership provides a
focused epicenter around which the movement can organize (Lenin, 1961, 1965).

Refuting arguments that vertical organization would create a space where leaders wielded exclusive ideological and creative control, Lenin suggests that the use of a vertical structure—where trained movement leaders are responsible for developing strategies and organizing principles, and educating the masses—increases active participation of the masses in social movements and elevates the status of amateurs to that of revolutionaries, essentially changing the complexion of the movement as a whole (Lenin, 1961, 1965; Lenoe, 2004).

As these and many other examples suggest, both mainstream and social-movement media use a vertical structure that restricts organization, and in some cases also to work for social change. The structure does not uniformly determine the political orientation. The same can be said for horizontal structure with looser controls on who can participate. Just as with vertical structure, media work organized more horizontally and that encourages broader participation has also been a feature of mainstream as well as social movement media.

Much of the impetus for horizontal organization of social movement media comes from generally defined anarchist social theories, which emphasize the value of self-determination and organic organization (Downing, 2003). By embodying an ethos of nonhierarchical inclusion, the Italian communist publication L’Ordine Nuovo serves as an early example of inclusive, horizontal organizational structures (Fogarasi 1921). Communists, like those who contributed to L’Ordine Nuovo, believed that journalists in the classic sense were a feature of the capitalist press, and therefore had no place in the communist movement (1921). To those within
the movement, the journalist as conventionally defined by the capitalist press
occupied an autonomous position Party members strongly opposed (1921). Rather,
they suggested that journalists—and therefore the press—should be integrated
with all the other means of class struggle the Party engaged in (1921). Instead of
using journalists who happened to belong to the movement to drive communist
media, Party members endorsed the notion that the communist press should be
driven by communists who happened to posses writing ability (1921). Therefore
*L'Ordine Nuovo* worked for the inclusion of all Party members who had the capacity
to write in the production of its news content.

While other early, scattered examples can be cited, a significant
mainstreaming of horizontally structured media organizations in the U.S. emerged
with the underground youth presses of the 1960s. In the wake of large-scale
concentration within the mainstream press, the underground presses of the era
developed out of a need to recapture the fervor of and proximity to the many,
growing social movements of the decade (McMillian, 2011). The mainstream press,
and its responsibility to advertisers, as well as its preoccupation with objectivity,
distance and professionalism, had lost the ability to capture the movement from the
perspective of an insider (2011). Underground papers that developed during the
era relied on movement participants themselves to represent the movement (2011).
By allowing participation of movement members at all levels of production and
refusing, at least in principle, to rely on a core group of professional editors and
journalists, underground presses operated from the assumption that participants
possessed an “epistemic privilege” that made their subjective, often incendiary,
reports on the movements more poignant than those created by trained outsiders in the mainstream press (2011, p. 8).

This mainstreaming of horizontal organization in social-movement media continued with the rise of Independent Media Centers in the late 1990's, in response to the Seattle anti-World Trade Organization riots of 1999. They serve as decentralized, global federations of community media organizations that together engage in grassroots open publishing in the interests of progressive social change. In the case of IndyMedia, there are no established leaders or editors who serve as gatekeepers for content. Rather, any individual or group with access to the internet-based user interface can submit or receive any content of their choosing for publication on the website (Kidd, 2003; Meikle, 2002). Independent Media Centers allow for the real-time distribution and redistribution of all types of media content. Through their open publishing policies, they create a space for user interactivity that Kidd (2003, p. 50) calls a “new communications commons.” By assuming a nonhierarchical relationship between users and content and enabling each user to provide their own accounts of social events, open publishing invites the public into social discourse, effectively widening the scope of newsmaking and storytelling to include new, often marginalized voices (Platon & Deuze, 2003).

Yet, at the same time, horizontal organization is increasingly a feature of the so-called mainstream, which requires many forms of broad participation. Mainstream user interfaces like blogs, as well as sites like YouTube and Wikipedia, allow the user to take a deeper and more central role in the creation and consumption of media content, effectively blurring the distinction "between expert
and amateur, author and audience” (Ekstrom, Julich, Lundgren & Wisselgren, 2011, p. 33). Though the trend has intensified in the last decade with the advent of social media and viewer-driven television, the use of consumer participation and user-generated content in mainstream media has served as a method of inclusion for centuries (Griffen-Foley, 2004). For example, the inclusion of user-generated content in late 19th-century periodicals, confessional and mass-market women’s magazines of the early 20th century, and talkback radio programs of the late 1900s served as the precursors for contemporary participatory media like reality television programming and user-driven media sharing sites (2004). Though, in the case of horizontally organized mainstream media, producers and editors do serve as content gatekeepers, to varying extents, the ultimate goal is to allow users and audience members to feel engaged, and in some way, empowered to determine the nature of the text, and therefore the narrative (2004).

The key point to be emphasized here is that vertical organization and horizontal organization, restriction and accessibility, depoliticization and activism do not comprise two consistent poles that describe media work, but a set of conditions in which varieties of media work have always taken place. Furthermore, such conditions exist in a wide variety of combinations and extents, with an equally wide variety of implications. It is this complex set of conditions that informs the structure, organization and work of Prison Radio.
The Emergence of Prison Radio

Prison Radio emerged from and draws upon this hybridized tradition of social movement media that has exhibited at various times vertical and horizontal organization, restricted and more open participation, and commercial or movement support. How its efforts articulate to other reform efforts thus becomes an important question. One can address this question by explaining the structure, organization and intention of Prison Radio while at the same time examining the extent to which its material is cited and by whom.

Since its beginning in the early 1990’s, Prison Radio has produced more than 1,500 social commentaries on a range of social issues and injustices, including racism, domestic and international human rights violations, the criminal justice system, and political and economic corruption (www.prisonradio.org). Importantly, these commentaries are written by prisoners themselves.

What distinguishes Prison Radio from other sources of syndicated reporting is that it operates in a liminal space between social movement media and the mainstream, exemplifying characteristics of both. On one hand, Prison Radio seeks to increase awareness of inequities in the prison system in order to help change them, a goal consistent with social movement media. According the organization's website, Prison Radio’s mission is to “challenge unjust police and prosecutorial practices which result in mass incarceration, racism and gender discrimination... by bringing the voices of men, women and kids into the public debate and dialogue on crime and punishment” (www.prisonradio.org/about). However, Prison Radio also sees itself as an organization that does investigative journalism, not advocacy.
Despite publishing commentaries written by prisoners who are living through these inequities, Prison Radio’s founder and director, Noelle Hanrahan, stated that, while advocacy is implicit in the organization’s mission, she envisions it as primarily an outlet for investigative journalism, albeit with political prisoners taking the role of reporters (Hanrahan, 2014a).

It is the use of prisoners as authors that places Prison Radio commentaries into a particular social location. Based on research into its publishing history—as gathered through a link search of the organization’s URL (www.prisonradio.org) and a comprehensive search, using the Factiva database, of all news articles that mention the organization by name—Prison Radio commentaries have appeared in many alternative media outlets, advocacy groups and blogs, but virtually none have appeared in mainstream news publications. This lack is not due to the subject matter (issues with the prison system appear regularly), but to the ill fit of the practice of Prison Radio to the professional requirements of journalism. These requirements include among others the routine use of neutral reporters as authors who mediate personal testimony, rather than nonprofessional, non-staff writers as authors whose personal testimony is unmediated.

The use of prisoner-authored commentaries instead of conventionally reported stories can be seen from the beginning. In the early 1990’s Noelle Hanrahan, a San Francisco radio reporter and the organization’s current director, founded Prison Radio after covering California’ first execution since the reinstatement of the death penalty in the U.S. in the 1970’s (Bunch, 2006). While preparing her coverage, Hanrahan noted that the voices of death row inmates
themselves were missing from the discourse on capital punishment (2006). Following her observation, she discovered an article written by activist, radio journalist and (then) death row inmate Mumia Abu-Jamal. She began working with him to record his social commentary (2006). Through her work and association with Abu-Jamal, Hanrahan created Prison Radio to provide a means to distribute his essays worldwide (2006). Today, and in addition to continuing to distribute Abu-Jamal’s work, Prison Radio also collects and distributes the writings from 31 other political prisoners housed in U.S. prisons.

Despite its name, Prison Radio is not an independent radio station. Rather, the nonprofit organization produces media content, including podcasts, video clips and documentaries for distribution and broadcast on media outlets throughout the world. Prior to the advent of the internet and digital media, Hanrahan recorded inmates’ commentaries during their allotted time for telephone calls and visitors, then distributed them primarily to independent radio stations for broadcast. Now, however, Hanrahan records content digitally for airplay on both traditional and digital media outlets and posts content directly to the organization’s website. Prison Radio material has appeared and/or been heard or seen on radio stations, record companies, blogs, and new media like YouTube and iTunes.

Despite its openness to publishing non-professional writers, Prison Radio does not use an unmoderated list. Instead, much like a professionalized, commercial news organization, its editors vet contributors prior to recording and posting their material, although refraining from substantive editing. Instead of clearing submissions like many of its peer organizations, Prison Radio filters content by
selecting who will contribute content to its various platforms. For instance, Hanrahan read Mumia Abu-Jamal’s prior journalistic works and researched his case extensively before inviting him to contribute to the project (Bunch, 2006). As the organization only solicits commentary from political prisoners like Abu-Jamal, Prison Radio conducts a similar clearance process prior to engaging with each incarcerated contributor. Though few of Prison Radio contributors are trained journalists, Hanrahan (2014a) states that all its contributors are “writers,” meaning they possess a relatively high level of writing, argumentation and critical thinking ability. In other words, contributors have enough skill to create pieces that Hanrahan can publish without significant or changes to the content.

Prison Radio also uses multiple media in order to address different organizational needs and objectives. Prison Radio’s website includes commentaries from several other prisoners, but focuses almost exclusively on being a resource for writings and commentaries by and about Abu-Jamal and his case. By contrast, the organization’s blog consists primarily of reposted news stories, videos, written commentaries and other types of media, mostly from non-prisoners.

To date, Prison Radio has published the work of 32 prisoner-journalists. As the organization’s founder and director also works out of Philadelphia (in addition to Prison Radio’s headquarters in San Francisco), it features the commentaries of prisoners incarcerated in prisons around the country. For instance, Mumia Abu-Jamal and Mike Africa are both serving time in eastern Pennsylvania prisons, whereas Jaan Laaman and Dortell Williams are incarcerated in prisons in Tucson, Ariz. and Lancaster, Calif., respectively. Furthermore, Prison Radio aims to include
the work of prisoners serving time at every level of the prison system. Abu-Jamal and Delbert Africa inhabit state institutions, while Lynne Stewart, Bill Dunne and Dr. Mutulu Shakur are being held at federal institutions, and Ayyub Abdul-Alim completes his sentence in a county correctional facility. The list of contributors also includes two inmates (Kevin Cooper and Siddique Abdullah Hasan) currently on death row. According to Hanrahan (2014a), the organization seeks to publish work that reflects the range of prison experiences and therefore looks to expand its list of contributors to include more female inmate-journalists, as well as those incarcerated in juvenile institutions.

The material Prison Radio contributors produce covers a range of issues. Mumia Abu-Jamal’s commentaries are comprised exclusively of abstract social criticism and discussions of current events as they pertain to larger social justice issues, as he refuses to speak in any way about his own circumstances. Other contributors’ commentaries, like that of Bomani Shakur and Herman Wallace, include a mix of personal anecdotes, social criticism, and in some cases, tributes to historical/political figures and other political prisoners and Prison Radio contributors. Abu-Jamal, for instance, has recorded several profiles of prominent figures in black history to commemorate Black History Month, as well as tributes to Troy Davis and Herman Wallace. Likewise, Bill Dunne, Bomani Shakur and David Gilbert, among others, have produced material about or dedicated to Mumia Abu-Jamal.

The writing by Abu-Jamal illustrates well the complexity of the space in which Prison Radio operates. His writing addresses larger political issues (similar
to conventional journalistic commentary) instead of his own case and day-to-day life. Commentaries published as responses to the Iraq War of the early 2000s, the economic crisis of 2008, and recent incidents of police brutality against young, black men serve as examples. Responding to the invasion of Iraq, a January 2003 radio essay by Abu-Jamal, entitled “The War Behind the War,” refuted the notion that the United States had waged war against Iraq because the country had used chemical weapons against its own people (Abu-Jamal, 2003). Rather, he argued, the US waged the war due to its desire to exploit the region’s oil supplies (2003). Prison Radio also produced content by Mumia Abu-Jamal that responded to the financial meltdown of 2008. In “More Money for Masters None for You,” Abu-Jamal (2008) discussed the devastating impact of executive compensation on U.S. wealth distribution. And in the wake of a string of well-publicized police brutality incidents across the United States, Prison Radio published several of commentaries by Mumia Abu-Jamal that sought to simultaneously report on news events and advocate for social change, a hallmark of hybridized media organizations. “Ferguson & The Failure of Black Politics” discusses the failure of black politics and politicians to adequately address the continued oppression of black people, as evidenced by incidents like those that occurred in Ferguson, Missouri (Mumia Abu-Jamal, 2014). In the essay, Abu-Jamal calls for the return to a more radical politics, led by young people, as a means of redress for the plight of black Americans (2014).

Prison Radio’s other contributors also discuss a range of issues in their commentaries, choosing to discuss personal experiences as well as engaging in social criticism. For instance, in her 2012 commentary “Women in Prions”, Lynne
Stewart uses a personal anecdote about her early encounters with activism to launch a discussion about the nuanced oppressions women experience as prisoners (Stewart, 2012). A 2014 commentary by Herman Wallace similarly relies on personal experiences to provide commentary on the larger issue of prisoner repression. In “A Defined Voice,” Wallace (2014) discusses how his decision to continually challenge the institution resulted in increasingly repressive means of imprisonment, as Wallace began his sentence living among the general population and finished his sentence in solitary confinement. Mike Africa, a former member of revolutionary group MOVE, recorded a commentary entitled “The Move 9: The Women,” to discuss the wrongful imprisonment of several female members of MOVE, arguing that the police brutality of today harkens back to the unchecked brutality of 1985, when Philadelphia police bombed the MOVE compound, killing 11 people (including 5 children).

In addition to a variety of contributors and media, the volume and variety of commentary hosted on Prison Radio also indicates its hybrid alternative-professional organization. By 1994, Hanrahan had produced over 35 commentaries with Mumia Abu-Jamal, 10 of which were solicited by National Public Radio (NPR) for monthly airplay on their afternoon radio show “All Things Considered” (Carter, 1994). Though NPR cancelled the broadcast shortly before the first segment aired, due to public pressure, the controversy and national attention generated by the incident and resulting lawsuit against the news organization prompted Addison-Wesley Publishing Company to publish Abu-Jamal’s commentaries in the 1995 book, Live from Death Row. Hanrahan also co-produced 2012’s "Mumia: Long Distance
Revolutionary” to document Abu-Jamal’s prolific career as a journalist, writer and activist while on death row in a Pennsylvania state prison (M.O.I. JR, 2012). Though Prison Radio started as a smaller project, recording and broadcasting commentaries only from Mumia Abu-Jamal, the organization now produces over 200 recordings each year and distributes content from several contributors. To date, the organization has produced thousands of commentaries from prisoners, actors and activists and is endorsed by prominent social intellectuals like Angela Davis, Cornel West and Alice Walker. While Abu-Jamal remains its largest contributor and the only prisoner to receive such focused attention and publicity, Prison Radio continues to expand its list of contributors in an effort to represent the full range of prison experiences.

Prison Radio as a Source of/for Alternative Media

Items authored directly by prisoners themselves help establish the authority and credibility of Prison Radio within circuits of alternative and social movement media and the broader social movements in which they fit. The extensive use of Prison Radio media content by grassroots advocacy organizations and independent media clearinghouses, such as Free Speech Radio News (FSRN), Redwood Curtain Copwatch and several Independent Media Centers, provides evidence of its authority. Indeed, the use of Prison Radio material mutually constitutes and reconstitutes the credibility of them all, in an effort to provide a platform for marginalized voices. Because such organizations must demonstrate their groundedness in the traditions of community-produced media, they draw upon
source material from individuals and organizations whose information reflects the same ethics. A handful of examples (many more could have been cited) provide a sense of the extent to which news organizations rely on Prison Radio as an important source of media content.

<table>
<thead>
<tr>
<th>Category</th>
<th>Website (n=)</th>
<th>Blog (n=)</th>
<th>TOTAL (N=)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grassroots Advocacy Organizations</td>
<td>21</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Independent Media Clearinghouses</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>TOTAL (N=)</td>
<td>28</td>
<td>4</td>
<td>32</td>
</tr>
</tbody>
</table>

**Source:** This data was collected by conducting a Bing link search for each of Prison Radio’s URLs and categorizing the top 100 search results. Duplicate results were removed from the count.

To date, several grassroots advocacy organizations have published or republished material produced by Prison Radio (Table 3.1). These organizations include general advocacy, social justice groups and independent media organizations that produce their own content, publish user-generated and submitted content, and republish content from other websites. For instance, independent radio stations like Oregon’s KBOO and Northbay Uprising Radio, and news organizations like *Voices of Detroit* rely on Prison Radio for media content.

In 2014, KBOO Community Radio, a full service, volunteer-driven radio station with a goal of “filling needs that other media do not,” produced four segments featuring Prison Radio founder and director Noelle Hanrahan (www.kboo.org). The segments discussed issues of prisoner censorship, specifically
that of Mumia Abu-Jamal, which Hanrahan and her organization have fought against since the early 1990's. Similarly, *Voice of Detroit*, an independent online newspaper, published Prison Radio transcripts from Mumia’s 2012 radio essay entitled “What ‘Fiscal Cliff’?,” which asserted that debates over the fiscal cliff were, in fact, a diversion created to distract the American public from “economic warfare parading as a political conflict, between two capitalist parties” (Abu-Jamal, 2012). San Francisco Bay Area Independent Media Center, a collective of independent media makers and outlets, published a September 2006 article by Noelle Hanrahan entitled “Standing Policy by KPFA News Department Heads Against Playing Mumia Commentaries.” The piece discussed the refusal of KPFA, a local community radio station, to air Mumia’s commentaries due to a long-standing policy, despite sharing the same parent company as Prison Radio (Hanrahan, 2006).

Similarly, Redwood Curtain Copwatch, a California advocacy group that seeks to combat police brutality, militarization and surveillance, published a Prison Radio audio clip to provide news, updates and commentary on Mumia Abu-Jamal’s 2012 appeal to the Philadelphia criminal courts (redwoodcurtaincopwatch.net). In October 2014, Popular Resistance, an organization striving for social, political and economic equity for all peoples, published a call to action by Prison Radio’s Noelle Hanrahan. The article implored readers to petition, protest, and rally against the Pennsylvania legislature, which had recently proposed a bill making it illegal for prisoners to speak publicly and permitting the attorney general and district attorney to sue inmates, and those who assist them, for doing so (Hanrahan, 2014b). The legislature proposed the bill in response to Mumia Abu-Jamal’s commencement
speech at Goddard College to prevent inmates—and especially Mumia—from speaking publicly in the future.

Independent media clearinghouses also make use of Prison Radio’s media content. These organizations are those that provide links to material the organization does not itself produce. For instance, *Socialist Viewpoint* has published dozens of Prison Radio commentaries. The website, which republishes articles circulated on the internet that reflect their revolutionary Marxist viewpoints, published the Prison Radio content as part of the range of material it covers. Founded to promote the formation of “revolutionary Marxist working class political party”, *Socialist Viewpoint* circulates articles that cover capitalism and the problems it creates, namely racism, war, poverty, oppression and environmental degradation (www.socialistviewpoint.org). The organization published the Prison Radio pieces primarily for the purpose of providing readers news, information and calls to action on issues of prisoners’ rights, but also to expand the circulation of Prison Radio-produced media content.

The Prison Activist Resource Center (PARC) also republishes Prison Radio commentaries. As a prison abolition advocacy group dedicated to challenging the prison-industrial complex, PARC uses its website to disseminate news, exposés and calls to action by, for, about and on behalf of the U.S prison population and those who advocate for their liberation (www.prisonactivist.org). In December 2014, PARC published alert, originally produced by Prison Radio, urging readers to donate, mobilize and spread the word to prevent the passage of a Pennsylvania bill that would allow district attorneys and the state attorney general to file injunctions

**Form and Structure in Prison Radio Media Content**

As the preceding argument has established, by working within a 180-year tradition of hybridized social reform media, Prison Radio has established itself as a credible source of material for alternative and dissident media organizations, as well as social justice advocacy groups. Yet, this credibility is produced not only by its historical articulations with social movement media and so-called mainstream media, but also by the textual articulations. Judging from patterns of its use, the authority of Prison Radio derives from its articulation as a direct source of authentic individuals’ views. Textually speaking, this authority is generated by paradigmatic relationships that are coded through a decontextualized, liberal conception of the sovereign individual. Prison Radio material consists of individual testimonials and commentaries written directly by individual prisoners, as well as occasional commentaries by non-prisoners within the organization. When linked to by other organizations, no differentiation or organizing scheme is applied to the set of testimonials or commentaries. (The only exception is with Abu Jamal, but it still is articulated by the overall structure.) Textually, the testimonials are weighted equal in importance and equally independent from others’ testimonials. This set of relations produces each testimonial as self-sufficient and comprehensible in itself.
These relationships are also visual, produced by conventions of webpage design (derived in turn from conventions of printed-publication page design). A brief outline of webpage layout helps to identify key elements and thus to clarify these visual relationships. Conventionally, the most important feature of a text-heavy webpage is the article text itself, immediately above which are the article’s title and the author’s byline. This title/byline/article group starts near or at the top of the page and occupies the widest column on the page. While other features of a conventional text-heavy webpage (placed as they are at the margins and/or in smaller or contrasting text or colored sidebars) are visually less important than this group, they also position the title/byline/article in important ways. As one example, side, header or footer menus with navigation links and “breadcrumbs” (i.e. the increasingly narrow “trail” of links that allow the user to understand their location within the site) categorize the article by relating to it other topics, issues or articles.

This resulting strategy of analysis suggests that attention be paid not only to textual features (such as first-person pronouns that position the writer as an individual) but also to 1) the presence of title and byline adjacent to the article, 2) the article text as dominant visually by comparison to other page elements, 3) how links categorize the article, 4) how subheads or links that also signify individuality, such as “Commentary.”

What emerges from a textual and visual analysis of other organizations’ publication of Prison Radio material is the use of a set of elements and relationships that position prisoner writers as independent individuals. This is significant, because it constructs these organizations as credible and authoritative social-
movement media, which more commonly than the erstwhile mainstream extend the opportunity to speak on behalf of oneself to writers in underrepresented populations, such as prisoners. These elements and relationships create the structure in which Prison Radio media constructs its material as credible pieces of social movement commentary. Because the overwhelming majority of republished Prison Radio material is the work of Mumia Abu-Jamal, the analysis here focuses primarily on his work. However, what is exhibited in them is also used with writings of other authors.

The first example that illustrates how these relationships work is a Prison Radio essay republished by Free Speech Radio News (FSRN). As a decentralized, member-supported news organization dedicated to providing “factual reports on important international and domestic news stories neglected or suppressed by the corporate press,” FSRN republished the transcripts of a December 2014 Mumia Abu-Jamal commentary discussing the grand jury’s decision not to indict the NYPD officer accused of killing Eric Garner (www.fsrn.org; Abu-Jamal, 2014a). Noting in this example the general elements and relationships identified above provides evidence of the textual and visual production of credible social-movement commentary. A link for the essay, retitled “Death for a Cigarette: Mumia Abu Jamal on Eric Garner’s Case,” appears on the home page, embedded in a list of visually identical links, thus articulating the commentary as equal in credibility, importance and news value to the other articles on the page (Abu-Jamal, 2014a). The article itself is visually the largest element on the page. A list of navigation links in a sidebar labeled “You May Also Like...” on the same page recommend other, related content,
such as instances of police brutality, as well as links to stories that discuss Mumia and links to other Mumia commentaries, which categorizes paradigmatically the webpage’s article as authoritative, insider commentary on current issues. The article is unaccompanied by additional editorial or explanatory commentary, which also constructs it as self-evident. Furthermore, tags added to the article categorize it as authoritative, insider commentary on current issues through keywords “Eric Garner,” “grand jury,” “Mike Brown,” “Mumia Abu Jamal,” and “police brutality,” further contextualizing the piece as an important standalone document within a larger narrative of racism and police violence. Yet, the legitimacy of commentary as an authoritative account is produced through the article’s assignment to the index category “Commentary,” which is a category that almost exclusively (14 of 15 pieces) includes Abu-Jamal’s Prison Radio commentaries.

A Mumia Abu-Jamal piece republished by the San Francisco Bay Independent Media Center serves as another example. The organization republishes local, national and international news stories and media content on a wide range of social issues, including war, immigration, race, gender and labor (www.indybay.org). Generally, the site categorizes links to republished material as “Local News” and “Global News.” Other than chronology and topic, the site uses no other form of organization, thus constructing all the pieces on the site as of equal importance and credibility. In October 2011, San Francisco Bay IndyMedia republished Abu-Jamal’s essay, retitled “The Occupation.” The piece was originally published by Prison Radio, with the headline “Mumia Abu-Jamal on ‘The Occupation’” (Abu-Jamal, 2011). Links on the left side of the webpage featuring this article include “Topics,”
“Regions,” and “International,” the latter categories allowing the user to filter content geographically, and also constructing the article as a current news topic of regional and international importance. While the article itself is an audio clip rather than paragraphs of text, the link to the audio clip is positioned exactly like a textual article, on its own page, aligned top and center, immediately adjacent to its title and author byline. Aside from the top and side navigation menus, the link to the audio commentary is alone on the page. Furthermore, Prison Radio is constructed as a repository of additional credible commentaries by including the phrase “Check out the new Prison Radio Blog for news, commentary, video, music and more,” after the link, along with links to the Prison Radio blog, its website, and its general email address. Links that appear above the title construct it as credible and authoritative regarding current issues nationally (“U.S.”) and in terms of topics of central interest to social-justice movements (“Global Justice and Anti-Capitalism”). Furthermore, the story is part of a larger group in the “U.S” category, along with stories of other domestic issues, news stories and events, thus also constructing it not as one person’s idiosyncratic view, but a credible and authoritative account of important current problems and issues.

A third example of how Prison Radio commentaries are constructed by their use can be seen in a republished story in the Voice of Detroit, a movement-led online newspaper focusing on social injustices as perpetrated by the powerful in the Detroit area. In this case, the republished story articulates both with conventional journalism as well as with social-movement media. The paper republished a December 2012 commentary by Abu-Jamal titled “What ‘Fiscal Cliff’?” (Abu-Jamal,
2012). Although the organization identifies itself as a newspaper publisher, the newspaper layout itself displays the elements and textual/visual relationships of a personal blog. Articles and entries are organized chronologically, rendering date of publication as the key differentiating criterion of value, thus working through the code of traditional journalism as well as of online blogging. The article itself is the largest and visually most dominant element on the page, thus constructing its central importance. Navigation links on a side menu jump to dissident media and advocacy organizations such as WikiLeaks and Free Mumia Abu Jamal, thus constructing the article also as fitting in the work of such media and organizations. A political cartoon following the essay's title and preceding the article itself constructs the article as commentary instead of hard, conventional news.

Despite in a number of cases constructing prisoner authors as equal in stature and credibility to others, the reuse of Prison Radio material also suggests that the opposition prisoner/non-prisoner makes little difference. The writing of both prisoners and non-prisoners is constructed either as credible commentary or credible news. An example is an item republished on The People's View, a liberal Democratic activist blog, which republished transcripts of a February 2012 Prison Radio-produced interview with Prison Radio’s Hans Bennett (not a prisoner) and author J. Patrick O’Connor (also not a prisoner) discussing the recent release of O’Connor’s book Scapegoat: The Chino Hills Murders and The Framing of Kevin Cooper (O’Connor, 2012). Like Voices of Detroit, articles and entries are organized chronologically, thus also working through the code of traditional journalism as well as of online blogging. The interview transcript text appears on its own page, and
with title and byline, with the heading above the title “Criminal Injustice,” signifying its place in the series. Other than a brief description of the series that precedes the interview, a biography of Prison Radio that follows the interview, and links and brief synopses for other site content on the side bar, the interview has its own dedicated page on the site.

Like The People’s View, Popular Resistance, a daily online news source for those involved in the movement to fight corporate greed and redistribute wealth, published content created by a Prison Radio contributor other than Mumia Abu-Jamal (https://www.popularresistance.org/aboutus). Although this site appears to impose a hierarchy of importance on its content (similar to how mainstream newspapers place the most important stories on the front page, above the fold), each piece of content still occupies its own page on the site, indicating that each piece is of equal importance. In October 2014, Popular Resistance published a call to action written by Prison Radio founder and director Noelle Hanrahan (Hanrahan, 2014b). The piece, which urged people to protest Pennsylvania congressional bills prohibiting prisoners from speaking publicly and threatening those who assist them with lawsuits, was published in its entirety without modifications, and has its own dedicated page on the site. Furthermore, the article includes a title (“Breaking: PA Moves To Silence Prisoners, Act Now!”) and byline and is the most extensive block of content on the page, thus identifying it as the most important element. The article also appears under several headings (“Resist!,” “criminal justice and prisons,” “Mumia Abu-Jamal,” and “political prisoner”), signifying its belongingness to a group of articles that discuss such social issues and calls to action.
Conclusion

This chapter analyzed the ways in which Prison Radio produces its credibility and authority. The discussion of the emergence of social movement media established the necessity of understanding media work as a variable combination of both mainstream and non-mainstream, professionalized and deprofessionalized media organizations. The discussion of the emergence of Prison Radio established its indebtedness to the traditions and tenets of social movement media, thus supporting the argument that the organization’s structure, as both mainstream and non-mainstream, open and closed, paternalistic and as a publicist, constitutes its hybridized approach. The presentation of key examples of the republication of Prison Radio material by other social movement media organizations and advocacy groups established the degree to which the organization is constructed in a similarly hybridized way. The final section concluded that the authority of Prison Radio was established not only historically, but also narratively.

This institutional and narrative articulation of both professionalism and social movement agitation creates an ethics of objectivity and reliability, albeit differently than that of The Sentencing Project, effectively reifying the credibility of Prison Radio within often-marginalized discourses on incarceration and within circuits of independent and dissident media. Its dissemination of prisoner-authored narratives provides a platform from which silenced and marginalized voices may speak truth directly to power. However, in its inclusion of direct, though moderated, prisoner participation, Prison Radio lacks credibility within dominant discourses and circuits of power, as indicated by the absence of its material in
mainstream journalism. By choosing to share the commentaries of (political) prisoners, Prison Radio sacrifices much of the political capital necessary to disseminate its content and effect change on a broader scale and in more significant ways.
CHAPTER 4

THE CONSTITUTION OF PRISONER AGENCY

The previous chapter discussed the articulation of Prison Radio as an organization whose credibility is articulated historically, narratively and textually. This chapter extends conclusions about the articulation of Prison Radio, and that of The Sentencing Project, to discuss the ways in which the articulation of each organization constitutes the agency of prisoners and their ability to resist the institution.

Both organizations serve as a potential means of resistance to oppressive prison conditions, with a part of this resistance the constitution of prisoner agency. This chapter analyzes how each organization constitutes prisoner agency differently. This agency is not solely textually produced. It is also produced through the articulations of texts and the context that enables this production, often in counterintuitive ways. Although precluding direct participation of prisoners in their own representation, The Sentencing Project occupies a central position in deliberations about prison reform. By comparison, Prison Radio allows direct although moderated participation by prisoners themselves, but occupies a much more peripheral place in relevant power structures.
Theorizing Subaltern Agency

The theoretical framework of articulation as offered in Chapter 1 provides the general theoretical perspective for the dissertation as a whole. However, the comparative analysis, in this chapter, of articulations that constitute prisoner agency becomes clearer with its own, more specific theoretical rationale.

If agency is taken to be something that is produced rather than something that simply exists, then the discussion of agency requires a perspective that problematizes and historicizes it. What makes dominant approaches to mass communication research insufficient for grappling with this issue is that they take agency as a given and as unproblematic.

As one such deep underlying theoretical perspective that informs mass-communication research, utilitarianism refers to the idea that the freedom of rational thinkers to exchange ideas will produce inherently truthful communications. It assumes a definitional separation between individuals and society, with a resulting focus on issues of freedom of the individual versus society (Carey 1997). At the core of utilitarianism is an emphasis on the individual as the sole source of meaning in social interaction, and therefore on the notion that individuals simply express their own, authentic thoughts. As Peters (1989) argues, such a view emerges most notably from the work of John Locke, who positions the individual as the originator and sole source of meaning. According to Locke (1690), human communication is the process through which individuals transmit ideas through words whose meaning originates entirely in the human mind. Locke states that each individual has the right to “make Words stand for what Ideas he pleases.”
Therefore, as articulated by utilitarian perspectives, communication is inherently an individually active endeavor, because the speaker is enfranchised entirely by his or her freedom and ability to speak. Whether agency is a capability of individuals or media, these perspectives assume it as a given instead of problematizing it as a phenomenon to be theorized and investigated.

By contrast, a variety of critical and cultural theoretical perspectives diverge from this assumption concerning the unproblematic nature of agency. As one example, symbolic interactionism rejects the opposition of the individual and society by conceiving of selves as socially produced and maintained through processes of interaction. From the symbolic interactionist perspective, the individual is constituted in her/his intersubjective use and understanding of socially constructed symbols (Mead, 1934). Therefore, the mind of an individual cannot be the origin of meaning, because individuals themselves are not origins, but instead are socially produced. As Blumer (1969) notes more generally, communication of all kinds is defined as the constitution of the social via symbolic interaction, not the exchange of thoughts authored by freestanding individuals.

While symbolic interactionism addresses the production of agency as social selves, it neglects to fully acknowledge that this process is an historical one, intercut with the exercise and manifestation of power. By comparison, critical perspectives, such as those of Althusser and of Foucault, address more fully the power-laden implications of the production of agency. Unlike Locke, Althusser conceptualizes the work of ideology not as something created by the individual mind nor as a system of ideas, but as the constitution of subjectivity itself via interpellation, and thus the
production not only of a position from which to speak, but of the agency to speak as well (Althusser, 1971). Individuals work through ideology to create positions of identification (1971). Therefore, ideological work produces the agency through which people-as-individuals can be articulated, but only within the parameters of those selfsame ideologies.

Similarly, Foucault recognizes how agency is not a taken-for granted fact, but a discursively constituted potentiality and power. Unlike Locke, Foucault rejects the liberal equivalence of author and individual, noting instead that an author is a discursive function that is produced through its constant and overdetermined reference to larger social, political and cultural discourses (Foucault, 1984). Furthermore, the politics of attribution, he states, shift depending on the historical moment in which the text emerges and within which it is read (1984). "It is a matter of depriving the subject (or its substitute) of its role as originator, and of analyzing the subject as a variable and complex function of discourse" (p. 118). In other words, author and text are inherently unstable subjects, often polysemous in their own right, and subject to/reflective of any number of interlocking discourses at any given movement. (Foucault, 1984, p. 108). Therefore, the question of agency cannot be addressed by simply examining whether an individual-as-author did or did not speak or create a text. The question of agency must be approached with careful consideration of what constitutes an author and authorship in a particular historical moment.

The critical work of Althusser and Foucault recognizes the difficulties of theorizing agency as something intrinsic to people, whether prisoners or otherwise.
Theorizing agency as interpellated or as a discursive function and position captures agency as something that must be produced and maintained, as multiple and variable rather than singular and uniform, and whose production is a cultural and historical process. The discussion that follows thus focuses not on whether prisoners are allowed to speak, but on the production of discursive positions or formations that constitute subjectivities of prisoners. Furthermore, this production is regarded here as taking place through articulated textual and contextual relationships.

To address the textual dimension of the production of prisoner agency, the following strategy of analysis was used. After reviewing each organization’s content—as published on their respective websites and as cited or republished elsewhere—to uncover how the material situates prisoners, five key points for analysis emerged. The first is perspective, which refers to whether or not the prisoner is speaking (first-person) or being spoken about (third-person) as well as, in some cases, whether the prisoner narrates in first or third person. The second and third points address how texts represent prisoners. Whereas the second point assesses whether prisoners are represented as anonymous aggregates (via statistics or generalized statements about the population) or as individuals (i.e. mentioned by name in a narrative or byline), the third point assesses the extent to which the piece differentiates (based on gender, race, ethnicity, offense, etc.) or stratifies (based on circumstances of imprisonment, i.e. political prisoner or criminal convict) prisoners. The fourth and fifth points indicate how the material positions prisoners in the advocacy efforts, as subjects (taking action) or objects (of study), and as present (i.e.
participating directly) or absent (not participating at all). Each example was analyzed and discussed in terms of these points, which ultimately provide a framework from which to discuss the constitution of prisoner’s agency in each organization’s work.

To address the contextual dimension of the production of prisoners’ agency, much of which was explicated in chapters 2 and 3, I provided a simple discussion of the circulation of each organization’s material, as well as the impact of such circulation—or lack thereof—on the systems they seek to change.

The Constitution of Agency in The Sentencing Project

In the case of The Sentencing Project, the textual constitution of agency collides with the contextual evidence of the Project’s ability to improve the condition of prisoners. Textually speaking, The Sentencing Project appears to produce a relationship of paternalism between the organization and the prisoners it represents. This relationship is made relevant and available through the traditions of professionalized prison reform that were presented and analyzed in Chapter 2. Rather than allow direct and individual participation of prisoners, its research represents the plight of prisoners in the aggregate and on their behalf. However, contextually speaking, the organization nonetheless occupies a central place in prison reform efforts.

The Sentencing Project constitutes prisoners largely as objects, and thus their self-determination as minimal if even present. Prisoners as thinking and feeling individuals are virtually absent from the organization’s work. A variety of
textual evidence substantiates this claim. First, the Project’s work refers to prisoners in the third-person form of address. Second, the Project’s research does not name, describe or otherwise represent individual prisoners or allow individual prisoners to represent themselves, instead referring to them in the aggregate. Third, through its reliance on statistical portrayal, prisoners are not differentiated into categories of political prisoners, criminal convicts and the like, much less in finer categories. Fourth, since prisoners do not speak directly, they are constituted as objects that others act upon instead of as subjects taking action themselves.

The following analysis provides evidence of the presence of these dynamics in the work The Sentencing Project publishes, and ultimately of the paternalistic constitution of prisoners and their agency. The analysis includes Project reports and articles that cite Project reports published between 1990 and 2014, and that deal primarily with the disproportionate imprisonment of members of poor, black and brown communities. While many more examples exist, the high level of consistency—and thus redundancy—in the representation of prisoners throughout Project-authored materials suggests the sufficiency of two representative examples.

The first example is The Sentencing Project’s seminal report “Young Black Men and the Criminal Justice System: A Growing National Problem.” In it, the author speaks entirely on the behalf of prisoners and young black men, instead of allowing them to speak for themselves. In the study’s “Overview” section, Mauer (1990) states:

The extended reach of the criminal justice system has been far from uniform in its effects upon different segments of the population. Although the number of women prisoners has increased in recent years at a more rapid pace than men, the criminal justice system as a whole still remains
overwhelmingly male—approximately 87 percent. And, as has been true historically, but even more so now, the criminal justice system disproportionately engages minorities and the poor (p. 4).

In this report, Mauer (1990) positions prisoners in the third-person form of address, thus excluding their direct participation in the project. Prisoners are positioned as objects being acted upon by the professional advocates seeking redress on prisoners’ behalf for their issues. Furthermore, Mauer (1990) refers to prisoners and targeted groups largely as an undifferentiated population. While he does categorize them (“women prisoners,” “male,” “minorities and the poor”), he does not distinguish the plight of one type of prisoner over others. Finally, Mauer’s report does not acknowledge prisoners as individuals, but instead refers only them only the faceless aggregate.

Close to 25 years after this early report, a much more recent study positions prisoners in the same way. Entitled “Race and Punishment: Racial Perceptions of Crime and Support for Punitive Policies,” Sentencing Project research analyst Nazgol Ghandnoosh (2014) discussed how racialized understandings of crime are a major cause of the draconian nature of sentencing. She states in part:

By increasing support for punitive policies, racial perceptions of crime have made sentencing more severe for all Americans. The United States now has the world’s highest imprisonment rate, with one in nine prisoners serving life sentences. Racial perceptions of crime, combined with other factors, have led to the disparate punishment of people of color. Although blacks and Latinos together comprise just 30% of the general population, they account for 58% of the prison population (Ghandnoosh, 2014, p. 4).

In this excerpt, the author precludes the participation of prisoners, instead representing them as faceless aggregates and using racial categories and statistics (“blacks and Latinos...account for 58% of the prison population”). Here, too,
prisoners are constituted solely as objects rather than as subjects, rendered through
the third-person form of address and not differentiated or individualized in any real
way.

While many more examples could be offered, not only would they indicate
the same discursive process, a broader focus on the dominant discursive production
of prisoners and their agency can be gained by comparing Project representations
with that done by outside organizations that rely on the organization’s research.
Conceivably, a reporter could have blended Project statistics with individual
portraits of prisoners if not prisoners’ own direct testimony about their plight.
However, legal, political and media organizations that use Project research
reproduce the same paternalistic relationship with prisoners that is present in the
research itself, thus suggesting the much broader extent to which the dominant
discursive machinery produces prisoners as objects, thus producing the textual
rationale as well as the receptive “common sense” in which this mode of
representation makes easy sense. Again, a few examples suffice due to high levels of
consistency in the stories examined.

One example is a story published in the October 1995 issue of the Christian
Science Monitor. David Holstrom cites The Sentencing Project extensively in his
article about the mass incarceration of young black men. The article states:

While most blacks cheered and most whites were stunned by the O.J.
Simpson verdict report focusing on young black men and the American
justice system is cause for alarm for both races. Released today, the report
concludes that 1 in 3 young black men between the ages of 20 and 29 is now
under the supervision of the criminal-justice system, either in prison or jail,
or on probation or parole. On any given day, the findings say, an estimated
827,440 young men, or 32.2 percent of all blacks, are in trouble with the law.
(Holstrom, 1995, p. 12).
This excerpt is an example of how the organization’s statistics represent the prison population as an aggregate. The prisoners the article refers to do not represent themselves, but rather are represented using the third-person form of address. Assisting the aggregation of faceless prisoners is the use of statistics, such as in the phrase “1 in 3 young black men.” Furthermore, the story excludes direct contributions of any of the young, black men it discusses. The consistency of the textual constitution of prisoners in the news story and in the Project research it cites as a source suggests the widespread existence of paternalism as a dominant discursive position.

A second example is an article published in the *UN Chronicle*, which reflects similar dynamics. In a September 2007 article on the broader significance of a widely publicized racial incident in Jena, Louisiana, the publication cites the following Sentencing Project material:

> Jena, Louisiana, unfortunately, is not that unusual. The United States has over 2.2 million people in its prisons and jails. A recent report by the Sentencing Project shows that African Americans are jailed at nearly six times the rate of whites, and Hispanics are jailed at nearly twice the rate of whites. In some American States, blacks are jailed at more than 12 times the rates of whites. One in nine African American men between the ages of 25 and 29 is now in jail. If these rates of incarceration continue, one in three African Americans born in the United States today can expect to spend time in prison (Quigley, 2007, p. 56).

As in the previous excerpt, the author cites The Sentencing Project research in a way that similarly constitutes prisoners as a faceless and mute aggregate. The story uses The Sentencing Project statistics and third-person form of address to speak on behalf of prisoners, instead of including their direct participation in the research project. Although the population is differentiated by categories of race, gender and
age ("African Americans," "whites" and "Hispanics," and "African American men between the ages of 25 and 29"), it is not stratified more finely and does not emphasize one type of prisoner over another. The study effectively positions prisoners as objects of scientific study—as opposed to subjects with the capacity to challenge the institution on their own accord, with The Sentencing Project acting as their better qualified advocates.

Further evidence of the consistency of this textual constitution can be seen in a May 2008 example, in which then-sitting Sentencing Project director Ryan King used his position to act as a paternal figure on behalf of the largely silenced prison population in an interview on National Public Radio’s (NPR) “News & Notes.” In response to host Farai Chideya’s question ("Is this just because young black men commit more crime? Is this one of those things where, you know, it’s not a disparity?"), King responds:

We know that the war on drugs is defined by its discretion, and the fact of the matter is, African Americans were disproportionately arrested and incarcerated for drug offenses. Those numbers are not representative of their overall use. So 12 percent of the general population in the U.S. is African-American, about 12 percent of regular drug users, monthly drug users are African American. But about three times that rate are arrested, about four times that rate are incarcerated. We know that the primary means of drug sales are intra-racial so it tends to be African-American to African-American, white to white. So what’s going on with these arrests and conviction numbers has a lot more to do with the decisions and discretion of where we choose to pursue the war on drugs than in who’s using drugs and whose selling drugs (King, 2008).

In this news segment, King positions prisoners as third-person participants by representing their issues (and the issues of the heavily targeted black community) on their behalf. Furthermore, King’s statements here—and in the remainder of the
interview—do not include any descriptive and specific examples from the populations he represents, thus positioning him as the sole representative for the prison population. Unlike the previous cases, where The Sentencing Project had no control over the use of their research by outside authors, this interview (presumably) provided King the freedom to include whatever source material he so chose. However, throughout the interview, the dominant discursive machinery of paternalism constituted prisoners in characteristic and consistent ways. The commentary renders prisoners as an undifferentiated aggregate in the campaign for prison and penal system reform.

In a similar instance, a New York Times reporter Erica Goode cites a mix of quantitative and qualitative information from sources by The Sentencing Project that reproduces prisoners and their agency through the same dominant discursive machinery. Goode (2013) cites Project data extensively in her piece on declining incarceration rates in black communities. The most illustrative example is as follows:

Incarceration rates for black Americans dropped sharply from 2000 to 2009, especially for women, while the rate of imprisonment for whites and Hispanics rose over the same decade, according to a report released Wednesday by a prison research and advocacy group in Washington...“It certainly marks a shift from what we’ve seen for several decades now,” said Marc Mauer, the executive director of the Sentencing Project, whose report was based on data from the federal Bureau of Justice Statistics, part of the Justice Department. “Normally, these things don’t change very dramatically over a one-decade period.” (Goode, 2013).

As in previous examples, the Sentencing Project research cited here renders prisoners relatively absent, except as they are represented by the summarized statistics (“rates for black Americans dropped sharply”), constituting them as
objects rather than subjects. Furthermore, the discussion, based on Project research, categorizes prisoners according to race, ethnicity and gender (“black Americans, “women,” “whites,” and “Hispanics”), but does not stratify them in any other way, such as to differentiate between criminal convicts and political prisoners. This article includes direct quotations of a presentation by a member of the organization’s staff—in this case, sitting Executive Director Marc Mauer—that similarly did not include the distinct voices of individual prisoners. Mauer instead focused on his knowledge of the data he and his organization had produced in its nearly 30 years of operation.

The dominant discursive machinery extends as well beyond news media to more scholarly genres, such as law-review articles. An example is an article that appears in the Berkeley Journal of African-American Law & Policy (Newell, 2013), and that employs Sentencing Project research in a similar way. Regarding the impact of Nixon- and Reagan-era “tough on crime” policies, the article states:

As the Sentencing Project notes, “people of color are disproportionately subject to the penalties” with African-Americans representing “81.8 percent of crack cocaine defendants in 2006...” The disparity in the prosecution of these offenses has changed the composition of the federal penal population, as the average time African-American federal drug offenders spent in prison rose by 62% between 1994 and 2003 while white offenders’ time served only increased by 17% (Newell, 2013, p. 4).

In this example, the author cites data from The Sentencing Project in a way that constitutes prisoners as an aggregate (“African-American federal drug offenders” and “white offenders”), and with no direct participation in the making of the narrative. Rather, prisoners are represented through the third-person form of address and as objects of study rather than as subjects with agency taking action,
which is the same as how prisoners are constituted in the cited study by The Sentencing Project. The study relies on aggregated data on national conviction and incarceration trends to represent the dysfunctionality of the penal system. While coming to qualitative conclusions following the presentation of raw data typical of The Sentencing Project research reports, the report, as well as its use in this article, displays the dominant discourse’s exclusion of direct, individual voices of prisoners, even in their qualitative discussions of the trends, where presumably the Project has the opportunity to include individual prisoners’ voices.

And, yet, while textual evidence of constitution of prisoners and their agency indicates a paternalism that renders prisoners as faceless aggregates without the capability of acting on their own behalf, this textual evidence cannot be taken in isolation from its broader contextual relationships. Indeed, contextual evidence suggests that the dominant discursive machinery that constitutes prisoners as undifferentiated objects has in some ways significant implications in spheres of influence and authority, in which resides the power to change lives of prisoners and targeted communities.

The Sentencing Project’s research positions it as one of the few prison reform advocacy organizations reputable enough to gain mainstream media attention and garner the endorsement of major decision-making bodies. Its research has been cited by every major news organization in the United States, including CNN, NPR, The New York Times, The Huffington Post, and The Washington Post. In nearly every case, the Project’s research is cited in the context of a discussion of incarceration trends, the need to address racial disparities, or the desire to make large-scale
changes to—or do away with altogether—the penal system. Furthermore, the Project’s research and staff have played a significant role in new or revamped policies that attempt to address the system’s dysfunction. In 2014 alone, the Project provided testimony or data for consideration in five separate policy negotiations. In December 2014, for instance, The Sentencing Project submitted a statement to the Senate Judiciary subcommittee hearing on “The State of Civil and Human Rights in the United States” documenting the causes of mass incarceration and addressing issues of felony disenfranchisement (www.sentencingproject.org). In September 2014, director Marc Mauer provided testimony to the Nevada Advisory Commission on the Administration of Justice on recent sentencing and incarceration trends and provided recommendations on how to reform the penal system in a way that balances public safety and the rehabilitation of inmates (www.sentencingproject.org). The Sentencing Project’s presence in these spaces suggests that, despite—and perhaps due to—its representation of prisoners as faceless aggregates with no agency, it makes possible some changes in conditions of incarceration through the dominant discursive machinery and the textual and contextual articulations it produces.

**The Constitution of Agency in Prison Radio**

Prison Radio textually constitutes prisoners and their agency in ways both similar to and different from The Sentencing Project. While it operates through the same dominant discursive machinery, it diverges from it, too. On one hand, it breaks from the dominant by constituting prisoner individuality and agency, positioning
itself textually as a kind of publicist, meant here not in the commercial promotion sense of publicity, but in the sense of making something (in this case, individual prisoner experience) more generally known. Yet, it also operates through the dominant discursive machinery by professionally managing such expressions. While Prison Radio’s textual practice foregrounds individual involvement by (political) prisoners, this direct involvement is complicated by the fact that the site is moderated by Prison Radio staff instead of by prisoners themselves. Furthermore, when contextually placed, the prisoner agency thus constituted is largely ghettoed from spheres of power and influence where significant prison and sentencing reform occur. Prison Radio works on behalf of all prisoners while allowing only certain ones to voice themselves. In this sense, the organization constitutes prisoners’ agency in allowing them to speak for themselves but by removing them from the process of curation.

Based on the strategy of analysis outlined earlier in this chapter, I observed a number of dynamics that textually produce prisoner agency here. First, prisoners’ contributions most typically use a first-person form of address, with much of the writing consisting of individual prisoners’ own anecdotes and views. Second, every prisoner commentary includes the byline of a named, individual inmate-author. While these features constitute prisoners as unique individuals who express their views, complicating this view are features such as the organization’s mission statement, which implies that these commentaries—like all content on the site—advocate on behalf of the entire prison population, not just individuals. Third, as evidenced by the fact that every inmate contributor at Prison Radio is described as a
political prisoner, the organization does not treat the prison population as an undifferentiated mass. Rather, the narratives from political prisoners, like Mumia Abu-Jamal and Lynne Stewart, are emphasized over those from criminal convicts.

The following analysis provides more detailed evidence of these textual practices and ultimately of the complex, contradictory nature of the organization’s reform efforts. Examples selected for analysis here were chosen to reflect the range of contributors whose work Prison Radio circulates. The four inmate-journalists whose work is analyzed here are the organization’s most prolific contributors, and their work also represents a range of inmate experiences. Wallace was and Abu-Jamal is currently being held in a state institution, while Stewart was housed in a federal institution, and Cooper is on death row in a state institution. All but one of the examples analyzed were recorded and published since 2012, because only Abu-Jamal’s pre-2012 content is available on Prison Radio’s website. Thus, breadth of authors was prioritized over chronological range, in this instance. Finally, it is worth mentioning Prison Radio’s reliance on Mumia Abu-Jamal as a contributor.

The organization has published the contributions of 32 inmate contributors, to date, but Mumia Abu-Jamal has produced more than 90 percent (1,676 commentaries of 1,841) of Prison Radio’s media content. As with materials analyzed for The Sentencing Project, the degree of consistency in the sample regarding these textual features suggests the usefulness of in-depth examination of a few paradigmatic instances.

One of the earliest archived items exemplifies this textual practice. In a December 2002 recorded commentary entitled “Day of the Long Knives,” Mumia
Abu-Jamal discussed the widely publicized Trent Lott affair, in which then-Senator Lott expressed public support for former presidential candidate and known segregationist Strom Thurmond (Abu-Jamal, 2002). Unlike Prison Radio’s other contributors, Abu-Jamal does not write directly about his trial, conviction, incarceration, or his own personal experiences, and he will not until (or unless) he receives a new trial. However, his work still uses the first-person form of address, thus constituting him textually as its sole author. Its presence on the Prison Radio website as one of many commentaries that are listed on a webpage with the title “Mumia Abu-Jamal’s Radio Broadcasts” also interpellates him textually as a specific individual and as an active subject whose individual expression the organization curates and makes available (http://archive.prisonradio.org/). Finally, concluding the essay with the sign-off “From death row, this is Mumia Abu-Jamal” also underscores the individuality of the textually produced author (Abu-Jamal, 2002).

At the same time, through additional textual articulations external to the commentary, Abu-Jamal’s and others’ commentaries become more than individual accounts. By virtue of these and other commentaries being housed on and thus articulated with Prison Radio as an organization, separate commentaries operate as a synecdoche—as a specific item that stands for the whole. In this way, claims made in individual commentaries become transformed into claims that represent all prisoners. A key textual articulation that frames all commentaries and that helps accomplish this transformation is the organization’s mission statement, which reads as follows:

Prison Radio’s mission is to challenge unjust police and prosecutorial practices which result in mass incarceration, racism and gender
discrimination. We do this by bringing the voices of men, women and kids into the public debate and dialogue on crime and punishment. Our radio broadcasts help spur the public to examine core issues that create crime and heighten disenfranchisement. Our educational materials serve as a catalyst for public activism, strengthening movements for social change. Prison Radio’s productions illustrate the perspectives and the intrinsic human worth of the more than 7.1 million people under correctional control in the U.S and those not served by the justice system (http://www.prisonradio.org/about).

By noting the aim of “bringing the voices of men, women and kids into the public debate” and “illustrat[ing] the perspectives and intrinsic human worth of the more than 7.1 million people under correctional control,” the organization makes plain its objective of representing the entire prison population. Despite this mission, though, Prison Radio does not curate commentaries written by all 7.1 million imprisoned people. Rather, it only publishes the commentaries of a select group of political prisoners—with Abu-Jamal being one—which differentiates a small group of individual prisoners from the entire imprisoned population. While the organization operates under the guise of “bringing the voices of men, women and kids into the public debate,” in reality it moderates participation to those who appear most capable of social criticism. Thus, the organization is open in its publication of prisoners’ commentaries but closed in its strategic curation the pieces it publishes. Working as it does through synecdoche, the logic of the textual practice produces a handful of first-person commentaries written by political prisoners as representative of all prisoners.

A March 2012 item by contributor Lynne Stewart, a former inmate at the Federal Medical Center at Carswell, also displays this mix of paternalism and
publicizing. The essay, which discussed the issues faced by women in prison, states in part:

Back in the late sixties when I was part of a "consciousness raising" group, ours was mainly an issue of being able to assert oneself in a world that we had been taught was naturally and rightly male dominated. All of the women in this group were from the struggles for community control of schools on the Lower East Side and we were a seasoned, and we thought, tough crew (Stewart, 2012).

As indicated by the fact that the essay uses first-person address in conjunction with a personal anecdote, the essay positions her as an individual and active participant in these efforts. The piece identifies Stewart as a subject with the power to act of her own accord, not only in Prison Radio’s publication of her self-authored work, but also in Stewart’s direct reference to her participation in a “consciousness-raising” group. At the same time, however, the essay embodies a complex blend of paternalism and publicizing. While the essay is constituted as an individual narrative (her signature, including name, date, location and inmate number concludes the segment), articulated as one piece in the context of Prison Radio and its mission, the essay also places the author within a larger, more faceless aggregate. Furthermore, the fact that this essay was included underscores the emphasis on political prisoners rather than convicts. As a former attorney known for representing poor—and often controversial—defendants, Stewart is a political prisoner, not a criminal convict. She was sentenced to 28 months in prison in 2005 on charges of conspiracy and providing material support to suspected World Trade Center bomber Omar Abdel-Rahman, who she argued was being targeted for political and religious teachings. The publication of Stewart’s work provides further evidence, then, of the fact that the organization is not entirely open to prisoners.
Prisoners do not curate the publication of commentaries, nor are all prisoners—or even types of prisoners—invited to participation, which indicates Prison Radio’s editorial strategy of what might be called “curated participation.”

Prison Radio published a similar commentary by inmate Kevin Cooper (currently on death row in California’s San Quentin prison) in August 2012. In a piece entitled “Hope”, Cooper (2012) states:

There’s a cliché out there where you are that says, “As long as there’s life, there’s hope.” Back here where I am, behind these walls, it’s in reverse: “As long as there’s hope, there’s life.” When the people who brought together the SAFE California Act decided that they would take our lives and put it on the ballot for life without the possibility of parole, what they in fact have done is told us that if we get life without parole, that we will have no hope of ever getting out of here. And if we have no hope, then we have no life. Here on death row, as sick as this sounds, many of us have life, because we’ve got hope. I don’t know of any other way to say it, but as long as there is hope, there is life.

Like the others discussed earlier, this piece constitutes the author as a subject who uses his agency to speak against the institution and those who support it. The narrative also provides evidence of how Prison Radio emphasizes political prisoners’ writing over that of criminal convicts. Despite the violent nature of the crimes of which he was convicted, the issues surrounding Cooper’s trial position him as a political prisoner. Cooper has claimed innocence since his arrest for four California murders, and arguments supporting his innocence point to significant issues with the evidence presented at his trial. The inclusion of Cooper’s work—and the absence of writing by millions of other inmates—indicates an emphasis on writing by only a sliver of the prisoner population despite the intention of working on behalf of all prisoners.
An example that uses a different genre than expository prose nevertheless demonstrates, yet again, this complex constitution of prisoner agency in Prison Radio. In October 2013, Prison Radio aired a poem by Herman Wallace, a former inmate of Louisiana State Penitentiary, entitled “A Defined Voice.” The poem alludes to Wallace’s experience in increasingly repressive institutions throughout his prison stay. The poem reads as follows:

They removed my whisper from general population
To maximum security
I gained a voice
They removed my voice from maximum security
To administrative segregation
My voice gave hope
They removed my voice from administrative segregation
To solitary confinement
My voice became vibration for unity
They removed my voice from solitary confinement
To the Supermax of Camp J
And now they wish to destroy me
The louder my voice the deeper they bury me
I SAID, THE LOUDER MY VOICE THE DEEPER THEY BURY ME!
Free all political prisoners, prisoners of war, prisoner of consciousness.
Herman Wallace
Angola 3 (Wallace, 2013).

This poem provides another example of Prison Radio’s constituting prisoners as first-person participants. While his work deviates from the other examples in its use of poetry instead of conventional prose, this piece of writing also gives, like the others, a firsthand account of his experiences as an incarcerated citizen and of how he used his physical agency (i.e. his voice) to resist his oppression, thus constituting him as an active subject. Furthermore, the very publication of Wallace’s work, concluded by his signature (“Herman wallace [sic] Angola 3”) also constitutes this as the work of an individual prisoner. At the same time, this piece includes features
common to other items. Wallace is a political prisoner, rather than a convicted criminal. Along with fellow inmates Robert Hillary King and Albert Woodfox (known as the “Angola 3”), Wallace was convicted for the 1972 murder of a prison guard and given a protracted sentence in solitary confinement. As recently as 2013, the courts were still challenging the conviction, and in 2014 Woodfox’s conviction was overturned.

However, as with The Sentencing Project, the textual articulation of prisoner agency needs to itself be analyzed more broadly. Despite Prison Radio’s constitution as an organization that, within limits, allows prisoners to speak for themselves—something that many scholars argue is a significant mode of resistance—the organization is all but invisible in spheres of influence and authority. No clear evidence exists that the organization’s work has effected significant change in the lives of prisoners, aside from the value of helping build recognition of their plight among readers in activist circles. And, with few exceptions, Prison Radio’s media content is largely relegated to the margins of media institutions. To date, Independent Media Centers, like those in San Francisco and Seattle, and other independent online news media, like Democracy Now, are the most authoritative news sites on which Prison Radio’s materials have been republished, and these sites clearly exist on the margins of media institutions writ large. The remainder of media outlets that circulate Prison Radio content are small, local, independent radio stations and news organizations with no national presence, or small, amateur blogs and online newspapers that largely escape the attention of even IndyMedia sites.
With that said, the organization has received two mentions in a major, national newspapers. In 1994, *The New York Times* published an article about NPR’s decision to invite Mumia Abu-Jamal to air his commentaries on their program “All Things Considered” (*The New York Times*, 1994). The article mentioned Prison Radio in its discussion of how the program’s executive producer, Ellen Weiss, first encountered Abu-Jamal’s work (i.e. “Ms. Weiss said she first heard of Mr. Abu-Jamal through his work at the Prison Radio Project”) (*The New York Times*, 1994). In 1997, Prison Radio was mentioned in a *New York Times* article discussing the issue of censorship, following the abrupt cancellation of Abu-Jamal’s appearance on a Temple University radio station (*The New York Times*, 1997). However, the *Times* only mentioned Prison Radio to provide information on Noelle Hanrahan’s affiliation (i.e. “Noelle Hanrahan, producer of the Prison Radio Project”) (1997). The relative absence of Prison Radio in these spaces suggests that, despite the inclusion of prisoner participation in its work, the organization does not appear to garner the same level of attention from mainstream social institutions as does the work of The Sentencing Project.

**Conclusions**

This chapter analyzed the ways in which prisoner agency is constituted through the work of The Sentencing Project and Prison Radio. The discussion of the critical approaches to communication established the importance of understanding agency as contextually and material produced. The analysis of Sentencing Project reports, both as published on the organization’s website and as cited by outside
organizations and entities, demonstrates the paternalistic nature of the Project’s
work but also the ways in which it positions the organization in dominant circuits of
power. The analysis of Prison Radio’s work, as published on its website and
republished by others social movement media, demonstrates how the organization
works simultaneously through paternalism and as a publicist, but also how the
organization’s reliance on direct prisoner participation renders it all but invisible in
dominant circuits of power.

With findings such as these, the constitution of agency in both cases proves
to be a complex issue. In the case of The Sentencing Project, prisoners are all but
absent, but major government and news institutions consistently rely on its
materials in the deliberation of prison reform issues and policies. However, despite
its presence, the possibility exists that allowing its presence is as much a move to
incorporate and thus defuse reformist positions as it may be a clear challenge to the
dominant. At the same time, being present and participating at these levels still
indicates a potential of effect. In the case of Prison Radio, the organization includes
the direct participation of prisoners, a choice many scholars suggest is the most
necessary and productive answer to the question of subaltern resistance. However,
the circulation of its material is relatively limited, with very little influence in the
spaces where practical decisions on prison reform are made.

What, then, does this mean for prisoner agency, and more broadly, subaltern
resistance? Is one method necessarily better or more productive than the other? If
prisoners speak but no one hears, is it inherently an act of agency? If prisoners are
spoken for and everyone hears, do they automatically lose their agency? Is
prisoners’ agency an absolute necessity, if significant change can occur without it? Is it absolutely *unnecessary*, if change can occur without it? The following chapter will grapple with the implications of this study and the questions it both answers and creates, as well as the implications of this study for future research in the area.
CHAPTER 5

CONCLUSION: RETHEORIZING SUBALTERN RESISTANCE

The purpose of this chapter is to reflect generally on this study and its implications. To do so, it first evaluates the preceding chapters in light of the research questions stated at the outset. It then discusses the study’s primary scholarly contributions as well as its limitations. Following this, the chapter outlines a variety of ways that the research here might be extended in future studies.

Summary of the Study

This dissertation investigated the cultural and material constitution of subaltern agency and the forces that created the conjunctures within which this constitution can take place. In order to address this topic in the realm of mass communication and media studies, the dissertation focused on prisoners as a subaltern population and prisoner writing, a long-standing cultural form, as a mode of agency. Two organizations were identified as being particularly amenable for study in this regard. Although very different from each other, The Sentencing Project and Prison Radio focus on media work to challenge an institution that imprisons millions of Americans and disproportionately impacts poor communities of color.

The introduction reviewed relevant literatures, discussed the project’s theoretical framework, and resulting strategy of analysis. The literature review
discussed key studies on prisoner media production and prisoner agency and their important contributions to understanding prisoner resistance. These literatures, however, tended to discuss prisoners’ agency as natural and taken for granted, instead of produced and contextual. The review of literature also discussed literatures of alternative media, highlighting the usefulness of examinations of media in the context of social movements, but also drawing attention to the tendency of these studies to exclude prisoner-produced media in their analyses.

Due to these lacks in the existing literature, a theoretical perspective was needed that theorized subaltern agency and, furthermore, that regarded its constitution as a cultural and historical process. The prompt used to theorize subaltern agency came from Spivak’s work on whether the subaltern can speak. It served as a way of highlighting and thus critiquing the implicit essentialist view of much media scholarship on the issue, which regards collective agency as natural and assumed, and the resulting progressive task as simply enabling this agency by providing access to media infrastructure. By contrast, the critical conception of subaltern agency developed here suggests that collective agency is historical and must be produced, with the resulting progressive task being the production of subaltern agency in the first place.

To regard the constitution of subaltern agency as a fully historical process, the concept of articulation was used to provide both a theoretical account of this constitution as well as a strategy of analysis. Hall discusses articulation as a theory of cultural transformation, in which culture is transformed by the reorganization of forms and elements in and due to specific historical conditions. Hall extended his
work to develop a method of conjunctural analysis, which seeks to explore the circumstances that create these conjunctures, or moments of “arbitrary closure” around particular cultural elements, at a particular moment in history. Hall’s work thus provided an understanding of the ways in which agency operates as yet another articulation or conjuncture, where agency and resistance can only be understood by exploring the context within which it exists.

The subsequent chapters together addressed the primary research questions that guided this study.

The first research question for this study is “In what ways do historical traditions of prison reform and of noncommercial media advocacy organizations in the United States inform the practice of The Sentencing Project and Prison Radio?”

To answer this research question, Chapter 2 addressed the case of The Sentencing Project. It described and analyzed the forces that produced the conjuncture in which professionalized prison reform emerged. This kind of reform effort restricts participation to professionals whose training enables them to produce scientifically valid research taken by the dominant to include valid claims on social issues. The chapter described ways in which The Sentencing Project is a current exemplar of a professionalized prison reform organization whose main mode of activity is media work.

This first research question was also answered in Chapter 3, which addressed Prison Radio. The chapter described and analyzed the forces that produce the conjuncture in which hybridized social movement media emerged. The chapter described the ways in which Prison served as an important example of a
hybridized social movement medium whose main mode of activity is media work. This kind of reform effort includes the participation of some prisoners, while excluding majority, which enables Prison Radio to make claims of authenticity and direct authorship. However, its constitution as an organization that allows prisoners to speak invalidates its claims in the dominant.

The second research question is “What varieties of organizational intention, support, distribution and participation are embodied by The Sentencing Project and by Prison Radio?”.

To answer this research question, Chapter 2 analyzed the work of The Sentencing Project in terms of how its professional, scientific work locates it socially, concluding that it has become a leading, authoritative source that is routinely cited in mainstream journalistic, legal, political and scholarly circles. In particular, its authority in these circles is constituted textually through relations of proximity and similarity. Its authority is also constituted textually by rendering prisoners as an inanimate, anonymous aggregate.

Chapter 3 also answered this question by addressing the case of Prison Radio. The chapter analyzed the organization in terms of how its hybridized constitution locates it socially, concluding that it has become an important source that is often cited in alternative journalistic circles and within the sphere of grassroots advocacy organizations. In particular, its authority in these circles is constituted textually as a clearinghouse for the writings of individuals. It is also constituted textually by including the direct, though moderated, participation of prisoners, which renders
the population as a group of active, individual subjects, although working within editorial boundaries and practices defined by the organization.

The third research question expands upon the second question. It is “What, if any, relationships exist between organizational intention, means of support, media and narrative forms, and the kinds of subaltern agency thus produced?”

This question was addressed in Chapter 4, with an analysis of The Sentencing Project and Prison Radio based on how each organization’s work positions prisoners within its advocacy efforts. Using textual analysis, this chapter concluded that The Sentencing Project constitutes prisoners as an objectified, undifferentiated mass entirely absent except in how they are represented by the organization’s data. In the case of Prison Radio, prisoners are constituted as first-person participants and individuals. Though the organization privileges the narratives of political prisoners over those of criminal convicts, its contributors are active subjects who are very much present in the organization’s advocacy work.

The fourth and final research question was “What are the implications of these relationships and practices for understanding the constitution of subaltern agency?”

This question was addressed in Chapter 4, which juxtaposed the textual constitution of prisoners and their agency in each organization against the contextual relations within which it exists. It concluded that, although The Sentencing Project renders prisoners absent, its work places the organization and its prison reform efforts squarely within dominant spheres of power. Prison Radio's
work is, by comparison, invisible to the dominant, despite its decision to constitute prisoners as active subjectivities capable of challenging the institution themselves.

The primary conclusion of this study is that media-centered efforts to advocate on behalf of prisoners in the United States take a variety of forms and constitute the agency of prisoners in a variety of ways. In addition, a contradictory relationship exists, in the organizations studied here, between credibility and authority in dominant centers of decision making and the centrality of prisoners’ individual expression in organizations’ media work on behalf of prisoners.

This conclusion suggests more generally that no universal formula exists regarding how media-focused advocacy is conducted, nor does any guarantee in terms of its potential effectiveness. While effectiveness itself was not a focus in this study, it appears to necessitate credibility and authority in centers of power. It seems counterintuitive, if not dehumanizing, that this credibility, authority and potential improvement to the conditions is produced by a paternal relation to a mute, objectified subaltern.

Primary Contributions and Limitations of the Study

The primary contribution of this study to the field of subaltern studies in mass media is its reconsideration of the nature of agency in subaltern resistance. Most existing research on the issue of prisoner resistance through media discusses agency as a settled issue. In such cases, the assumption is that prisoners can speak, and therefore should speak, and that their doing so is the most productive way to challenge the institution. Presumably, if prisoners are allowed to speak, their voices
will be heard and the institution will (or should) change. This study problematizes such a notion.

Furthermore, this study destabilizes the assumption that because prisoners can speak, they will do so in a way that challenges the institution. While this study relied on only a limited set of examples, it stands to reason that not all organizations like Prison Radio restrict participation to political prisoners and that not all prisoners would use their voice to speak about and against the institution. Presumably, in an uncurated organization, prisoners would have the capacity to voice whatever thoughts, feelings, beliefs or anecdotes they so chose, and therefore could elect to speak about mundane facts of everyday life. In the case of many prison newspapers and newsletters, for instance, prisoners publish poetry, artwork, news updates and stories that exist entirely outside the realm of social commentary and criticism. Though these activities certainly constitute enactments of agency themselves and are quite important as such, they are not necessarily resistive. Some prisoners, given the opportunity to speak, may chose to talk about how the institution has positively impacted their lives, and some may elect not to speak at all. This study opens discussions of prisoner resistance to the idea that agency does not automatically equate to resistance.

This study also opens up the question of whether the result of prisoners speaking is automatically productive. In the case of The Sentencing Project, prisoners play no active role in the organization’s work, but it manages to receive consistent endorsements from individuals and entities in positions of real power and who ultimately make decisions that effect large-scale reforms in the penal
system. Prison Radio, on the other hand, receives no attention from mainstream, dominant institutions, and therefore does not have the same (relatively) clear path to effecting change at the societal level. With regard to these two organizations, The Sentencing Project has had and continues to have a much larger presence in dominant discourses on prison reform. Based on the results of this study, then, there is no one, correct means of engaging in reform activities. And considering existing politics of respectability and the tendency to invalidate the voices of prisoners, it may be fallacious to assume that allowing prisoners to speak themselves is the best or only way to challenge the institution and effect measurable change.

Finally, the results of the study have broader implications in the discussion of agency. As previously stated, allowing prisoners to speak does not necessarily mean they will use their voice(s) to challenge the institution. So in the context of prison reform and prisoner resistance, the choice to speak may not always be an enactment of agency. On the other hand, the results of this study suggest that prisoners may have agency in instances where they do not speak at all. In the case of The Sentencing Project, prisoners do not have the opportunity to voice their oppressions, but the organization uses its research to represent their collective oppression and that of targeted communities. While this mode of advocacy does not allow for the dissemination of individual narratives and experiences, it does provide a macro-level portrait of the damage the system causes and in such a way that it garners the attention of those with the power to effect change. In that sense, reliance on the collective power of prisoners’ lived experiences to drive social reform may
represent a form of agency for the prisoners themselves, even when the prisoners cannot speak.

This study would benefit from expansion in a number of ways. Interviewing staff members at The Sentencing Project would help more thoroughly ground the accounts already gathered about the establishment and operation of the organization. An extended research trip to Prison Radio would make available all of the commentaries and interviews it has produced over the years. Mumia Abu-Jamal is the only contributor for whom the organization has published content that predates 2012, and even Abu-Jamal’s content only dates back to 2002. As Prison Radio’s relationship with Abu-Jamal dates back to the early 1990’s and its relationship with other contributors, like Lynne Stewart, predates 2012, it is safe to assume that the organization has produced much more content than is currently available on its website, and therefore much more content than was included for analysis here.

**Future Directions and Opportunities**

The conclusions reached through this study suggest key benefits for the reconsideration of agency and subaltern resistance. It also alludes to additional studies that might extend and expand the insights developed here.

For example, this study might be extended to include organizations that advocate for prisoners’ rights in other ways, like for instance, The Innocence Project, which works to exonerate wrongly convicted inmates through the use of postconviction DNA testing. Such a study could offer new, more comprehensive
ways of understanding the constitution of prisoner agency and resistance by including yet another type of organization—with its own structure, form and traditions—seeking to reform the penal system and advocate on behalf of incarcerated peoples.

An extension of this study might also include an analysis of the constitution of prisoner agency in organizations and entities that do not curate prisoner participation, as such a study would address the ways in which prisoners’ ability to voice themselves directly may—or may not—constitute an act of agency.

**Conclusion**

In studying these two organizations, this research destabilizes the concepts of agency and resistance, describing them as instead complex, contingent and overdetermined. Unfortunately, to address Stuart Hall’s rhetorical questions regarding academic struggle, my academic interests were subsumed almost entirely by the need for academic rigor and belongingness to the field of mass communication. I am still, at this very moment, unsure of how I, or any other cultural studies scholar, can consistently balance their own needs and interests with those of field. Seemingly (and perhaps ironically), there are no clear, settled-for-all-time answers to Hall’s questions. However, much to my surprise, the work presented here has changed the way I view and understand revolutionary acts. While my inspiration for activism remains squarely with the revolutionary ethos of Black Power activists, for their incendiary, unapologetic approach to the fight for black equity and equality, I have deepened and broadened my understanding of all
fights against oppression. And for that, I am thankful for this journey through academic struggle.
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