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Gallery of the Doomed: An Exploration of Creative Endeavors by the Condemned

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Roberta M. Harding*

I. INTRODUCTION

In 1972 the United States Supreme Court pronounced that the death penalty, as administered, violated the Eighth Amendment’s prohibition against the infliction of cruel and unusual punishments.1 Four years later in Gregg v. Georgia2 the Court lifted this legal moratorium. Since that historic date, 751 individuals have been executed in the United States.3 The ranks of the executed include Roger Coleman, Harvey L. Green, and Sean Sellers.4 As of October 1, 2001, 3,709 people were confined to death rows across this nation.5 Steven King Ainsworth (California), Michael Fullwood (North Carolina), Kenneth Gay (California), Edward James (Florida), Kenneth T. Richey (Ohio), and Mitchell Willoughby (Kentucky) are included in this

* Roberta Harding is a Professor of Law at the University of Kentucky College of Law in Lexington, Kentucky. She received her J.D. from the Harvard Law School in 1986. I thank Prof. Robert Baley at the Stetson University College of Law for his helpful comments, Betsy Wolfenden for giving her permission, on behalf of the death row visual artists whose works are exhibited on Restitution Inc.’s virtual art gallery, to reproduce several paintings and drawings included in this Article as examples of work from the visual arts genre of prison art, Casey Ragiel, my Research Assistant, and Laura Frazer and Mary Ann Isaacs, Staff Assistants. The phrase “gallery of the doomed” in the title is borrowed from a book by Caryl Chessman, one of California’s most famous death row residents. Caryl Chessman, CELL 2455: DEATH ROW 16 (Prentice-Hall, Inc. 1954).

3. Death Penalty Information Center at http://www.deathpenaltyinfo.org/dpicexec.html (visited January 12, 2002). This figure represents the number of people executed between the issuance of the Court’s opinion in Gregg and January 12, 2002. Id.
4. Roger Coleman was the 175th person to be executed in the United States since 1976 when he was executed by the state of Virginia on May 20, 1992. Id. at 11. Harvey L. Green was the 576th person executed when the state of North Carolina executed him on September 24, 1999. Id. at 19. Sean Sellers, who was executed by the state of Oklahoma on February 4, 1999, was the first sixteen year old offender executed in the United States in forty years. Death Penalty Information Center at http://www.deathpenaltyinfo.org/juvexec.html (visited January 12, 2002).
5. Death Penalty Information Center at http://www.deathpenaltyinfo.org/DEATHROW USA/recent.pdf (visited January 14, 2002). This figure includes the death row populations of the forty jurisdictions that permit capital punishment: 38 states, the federal government, and the military. Id.
number. These named individuals share a singular bond: they lived, or are living under a sentence of death. They share another unique bond: despite the fact they await (or awaited) a state-ordered death, they turned to poetry and art to help give meaning to their situation and their lives.

The expression of creativity by the incarcerated is not a new phenomenon. Prisoners have produced prison newspapers and magazines, poetry, fiction, non-fiction, short stories, and screenplays. They paint and


8. See Engelbarts, supra note 7, at 72-78(describing and discussing several notable prison newspapers and magazines). Wilbert Rideau, a former death row inmate in Louisiana, is a renowned and award-winning prison journalist. In 1976 he became the editor of The Angolite, Louisiana’s Angola Prison’s prison magazine. Since Mr. Rideau’s tenure the magazine has won numerous awards, including the Robert F. Kennedy Journalism Award and the American Bar Association’s Silver Gavel Award. Janet McConnaughey, Court Overturns Jailhouse Writer’s Murder Conviction, LEXINGTON HERALD-LEADER, Dec. 23, 2000, at A6.

9. I could not begin to recount all the incarcerated individuals who over the years have selected this medium of expression. They run the gamut from the famous, see Oscar Wilde, THE BALLAD OF READING GAOL IN THE SOUL OF MAN AND PRISON WRITINGS (Oxford University Press 1990)(1896), to the equally talented but less well-known. There are also anthologies of works by prison poets. See e.g., Stephanie Roth, ed., BRIDGES (Bright Fires Creative Writing Program 1994)(poems written by female prisoners); ABOUT TIME III: INSIDE TEN YEARS(Prison Arts Project/William James Association 1987)(a collection of poems composed by male and female prisoners); Seth Morgan and Edward Posada, eds., ABOUT TIME: AN ANTHOLOGY OF CALIFORNIA PRISON WRITING (1980)(an anthology that includes poems composed by male and female prisoners incarcerated in California penal facilities); PRISON ZONE, Poetry From Prison at http://www.prisonzone.com/poetry/index.html (visited January 12, 2002)(a website that includes poems composed by prison poets).

10. Edward Bunker is a luminary among prison authors who pen fictional works. See e.g., Edward Bunker, THE ANIMAL FACTORY (St. Martin’s Minotaur 1977). This novel has been made into a film directed by Steve Buscemi and starring Willem Dafoe and Edward Furlong. The Animal Factory (Columbia Tristar 2000). Since Bunker’s work draws heavily from his own prison experiences his novels are akin to “fictionalized non-fiction.”

11. Autobiography and philosophical/political are the two prevalent categories of non-fiction literary products authored by prison writers. See Engelbarts, supra note 7, at 85-86(observing that prison writers “nearly always write about themselves, resulting in a large output of autobiographies”); See e.g., Fyodor Dostoyevsky, THE HOUSE OF THE DEAD (Penguin Books 1988)(1860)(Dostoyevsky writes about the years he spent in a Russian prison after the commutation of his death sentence); Jack Henry Abbott, IN THE BELLY OF THE BEAST: LETTERS FROM PRISON (Vintage Books 1991)(Abbott explores his lengthy experience with incarceration through a series of letters to author Norman Mailer). See Engelbarts,
Summer, 2002] CREATIVE ENDEAVORS BY THE CONDEMNED 197
draw,12 work on panos,13 do envelope art,14 and do tattooing.15 The visual representations of prison art have recently generated tremendous interest as a form of "outsider" or folk art.16 Prisoners on death row have also turned to the written word as a form of creative expression. They too write poems,17 short stories,18 screenplays,19 and non-fiction including autobiographies,20 and political philosophy.21 The visual arts continuum is equally

supra note 7, at 131-133(discussing Eldridge Cleaver's political writings, most notably Soul On Ice); Sanyika Shakur, MONSTER: THE AUTOBIOGRAPHY OF AN L.A. GANG MEMBER (Penguin 1998); See generally Engelbarts, supra note 7, at 85-136,138-141(listing and describing a variety of prison writings assigned to the non-fiction category).


13. CELLBLOCK VISIONS, supra note 7, at 29(panos, or handkerchief art, is a traditional Hispanic inmate art form); Pano: Art From the "Inside" Out at http://www.state.nm.us/ MOIFAOnline/past/Panos/index.html (visited January 20, 2001)(this website of the Museum of International Folk Art in Santa Fe, New Mexico includes a virtual gallery of panos).


15. CELLBLOCK VISIONS, supra note 7, at 27-29; Russian Prison Tattoos at http://www.word.com/place/russian_tattoos/ (visited January 12, 2002).

16. CELLBLOCK VISIONS, supra note 7, at xiii(Roger Cardinal, the author of the foreword to this seminal work on visual prison art, mentions this accurate categorization).


19. See Kenneth Earl Gay, A Children's Story(1994). This original screenplay was written by Mr. Gay, who recently returned to California's death row after having the penalty phase of his first trial retried. Letter from Kenny Gay to Roberta Harding (January 7, 2001)(on file with the author) Mr. Gay's screenplay won an award from the Writers Workshop in Los Angeles, California. However, due to public pressure, the Workshop abandoned its efforts to market the script. See Dennis McCarthy, Writers Workshop Stops Promoting Cop Killer's Script, Los Angeles Daily News, 1994 WLS131165, at N3 (Nov. 3, 1994).


varied; encompassing sculpture, comic book art, and drawings and paintings.

This Article examines creative expressions produced by the death row faction of the incarcerated population. Looking at these works provide insights about what it means to live as a condemned person in our society, and about the people who occupy the death rows across our nation. After reviewing and analyzing a substantial amount of the enormous body of work of this genre, it became apparent that the condemned’s creative endeavors reflect how they address and handle serious issues such as their executions and the ways spirituality influences their life. When the individual issues are examined, two general themes are evident: existence under the sentence of death and surviving the rigors of living under a sentence of death. These general themes found in creative endeavors by the condemned are explored in greater detail in Parts I and II of this Article where some of the specific issues encompassed in each theme are examined. The Conclusion in Part IV briefly summarizes what examining the creative endeavors by the condemned reveals.

II. EXISTENCE UNDER THE SENTENCE OF DEATH

A. Life Under Death

Given the uniqueness of their daily living environment — alive, though cognizant that the state has declared them unfit to remain in the company of fellow human beings — it is not surprising to find that a substantial number of works address this issue. Works exploring this topic did so on both a general level as well as in a more probing manner, with the latter facilitating the examination of specific consequences of existing under these circumstances.

Self Land: A Death Odyssey, the title of death row author G. Wilford Hathorn’s short story collection, captures the more comprehensive aspects

22. Mitchell Willoughby, the author’s client who is confined on Kentucky’s death row, fashioned whimsical “Rock Critters,” sculptures made from rocks found on the death row yard (works in the author’s possession).


24. See Restitution Inc. at http://www.restitutioninc.org (visited January 15, 2002). This website houses The National Death Row Inmate Restitution Art Show, a virtual gallery exhibiting the paintings and drawings of seven condemned individuals, one—Harvey Green—was executed. See supra note 5. Some of the pieces have been made into prints available for sale. All proceeds benefit the victims of crime and charities designated by the artist. Betsy Wolfenden and Michael Fullwood, one of the condemned artists, co-founded Restitution Inc. in 1998. Ms. Wolfenden developed the idea for the organization when she was a second year law student. E-mail from Betsy Wolfenden to Roberta Harding (January 29, 2001)(on file with the author).
of life under a sentence of death. In his introduction to the short story "Suicide," Hathorn comments on this aspect of capital punishment by observing that "the death row inmate must contemplate death every day. He knows, because he has seen many of his acquaintances killed, that he is living on borrowed time." One of the most poignant passages describing what it must be like to exist under these circumstances was crafted by an unknown condemned poet, who concluded that "Death Row is like being trapped under ice." This single line conjures up images of the coldness and the suffocating despair inherent in this living arrangement.

This coldness that ensues from existing with the status of being condemned has been conveyed from a more micro perspective. Death row poet Scott Antworth's facilely accomplishes this through his poetic description of the impersonality of his death row cell. In the poem My House Antworth notes:

In my house
I have a sink and a commode
a steel bunk
a steel table
a shelf
photographs
smiles and memories of
other people's lives
taped and fading to a pale blue wall
growing dingy from tobacco smoke

In my house.

Here, the poem's references to the steel fixtures in the cell highlights the signature coldness and desolation on death row.

25. See Hathorn, supra note 18. G. Wilford Hathorn, the author of A DEATH ODYSSEY, is on death row in Texas. Id. at Note to the Reader; Death Penalty Information Center at http://www.deathpenaltyinfo.org/DeathRowUSArecent.pdf (visited January 15, 2002). The book contains fourteen short stories. The author states that "[w]hile certain tragic events in this book are factual, the characters are figments of the author's imagination." Hathorn, supra note 18, at Note to the Reader.

26. Id. at 18.

27. TRAPPED UNDER ICE, supra note 17, at 9(quoted by editor Julie Zimmerman in the introduction to this anthology of poems by condemned individuals).

28. Scott A. Antworth, My House in TRAPPED UNDER ICE, supra note 17, at 23(emphasis added). There are a multitude of references to the steel used in constructing fixtures in prison. This frequency reinforces the connection between the use of this metal in prison and the creation of death row's cold, isolating and lonely environment. See also Willie Pharaoh White, Lock and Key in TRAPPED UNDER ICE, supra note 17, at 30(referring to "Fences high and bunks of steel"); Rex A. Mires, My Home Is One Of Heart-Ache in TRAPPED UNDER ICE, supra note 17, at 41(describing his "home" on death row as "a place of steel and stone, A barren cell, a place from hell"); Cell 2455, supra note 20, at 14(describing Cell 2455's "steel-barred, steel-slatted' design).
Similarly, in *A Poem*, Louis Osei Cotton uses the general conditions of the death row living environment to represent the “suffocating” ambience which contributes to the extreme isolation experienced by these individuals. Cotton accomplishes this by comparing an existence on death row to “[s]tumbling through [a] steel and black coffin.”\(^{29}\) By opting to describe the immediate living environment as a coffin, Cotton generates a stark image of death, the ultimate form of isolation. Russell Scott Day uses this same imagery in his poem *Society's Forgotten* by including the phrase: “I lay within my tomb.”\(^{30}\) In all these poems, equating life on death row with living in a receptacle for the dead aptly produces powerful images of the psychologically suffocating and generally isolating surroundings that death row inmates endure daily.\(^{31}\) This general despair that characterizes the existence of those living under sentences of death has also generated creative exploits that identify and examine some of the specific consequences of this “life under death” situation.

B. Madness

The onset or aggravation of mental illness is another theme that is frequently explored in death row poems. In the poem “Lock and Key”, condemned poet Willie Pharaoh White observes how he is “[g]oing crazy slow today . . . /Inside these walls there is no peace at least not for the mind.”\(^{32}\) These words suggest that it is the death row surroundings and the condemned inmate’s mode of existence that lead to madness. The culmination of this environmentally induced madness is insanity. Death row poet Kenneth Richey explores this by-product of capital punishment in his poem *Silence Prevails* by observing that:

Silence prevails,
in this dark lonely world.
As my voice cries out,
alone and unheard.

. . .

How long must I suffer,
this torment and pain?


\(^{31}\) They also function as a means of foreshadowing the fate that awaits most death row inmates: death.

With each passing day,
I feel I'm going insane.33

Unlike Richey, who feels like he is going insane, but has not, some individuals do become insane. The horrific nature of the situation endured by those who teeter on the edge of, and ultimately descend into, madness is a critical theme in Hathorn's short story Amputation. Paul, the protagonist, was nineteen years old when he was convicted and sentenced to death.34 At thirty-eight, having spent half of his life on death row, Paul abandons all hope and self-respect and embarks on the final descent into madness by amputating his penis.35

33. Kenneth Richey Silence Prevails in THOUGHTS 2 (The Bannister Foundation)(a compilation of Richey’s poems)(on file with author). Mr. Richey is confined on Ohio’s death row. Mr. Richey has continued to profess his innocence. Richey’s poem Injustice reflects his view about his wrongful condemnation. Id. at 3-4. For more information about Mr. Richey’s situation see Campaign Updates, Kenneth Richey at http://www.ibf.brum.net/homepage.htm (visited January 15, 2002).
34. Hathorn, A DEATH ODYSSEY, supra note 18, at 88.
35. Id. at 92-93.
For some, madness does not lead to physical mutilation but to suicide. Harold Wayne Stapleton uses his poem Trapped Within These Concrete Walls to explore this alternative:

Hidden herein, the cruel brutality
will make a young boy scream, an old man cry,
For the mind's worst nightmarish dream becomes reality,
and your own life to take, you will soon try.

The inevitability of suicide suggested by Stapleton leads one to conclude that, at the minimum, insanity becomes the legacy of the condemned.

36. Death row inmates frequently commit suicide, even when one does not include among the number of suicides the 79 inmates who volunteered to have their lives ended by not opposing their executions. See Death Row Information Center, supra note 4. Alexander Bowling, a 30-year-old white male, is a perfect exemplar of how madness snakes its way through the death row experience. In 1980 Bowling pled guilty to the murder and rape of 20-year-old Donna Markwell and was sentenced to death. In the early 1980's, not long after being shipped to Kentucky's death row, Mr. Bowling hanged himself in his prison cell. By all accounts his mental condition, precarious by the time he arrived there, continued to erode. His suicide is an example of the ultimate fallout from the madness that pervades the death row experience. (All materials pertaining to Alexander Bowling are on file with the author).

However, not all the suicides that occur on death row are directly attributable to mental illness. For example, some suicides in the death penalty context occur because of the condemned's desire to "cheat the State." This was the point made by Jeb, the protagonist in G. Milford Hathorn's short "Suicide," when he ponders about whether "he wish[ed] to die on his terms or the State's?" HATHORN, supra note 18, at 20. In this situation, truth is not always stranger than fiction. In late July 2000, Juan Soria, a Texas executee, was transferred from a prison psychiatric facility, where he had been held since June 2000 after attempting to commit suicide, to death row where he was executed the next day, Wednesday, July 26, 2000. John Moritz, Forth Worth Man Executed for 1985 Killing, FORT WORTH STAR-TELEGRAM, July 27, 2000, at 1. In fact, Soria tried to kill himself as recently as the weekend before his execution. Associated Press, Soria Faces Execution Tonight for 1985 Fort Worth Stabbing, HOUSTON CHRONICLE, July 26, 2000, at 25, 2000 WL 24499876. During his last hours Soria was prohibited from consuming any foods that required eating utensils because "prison officials . . . feared he might use a knife and fork to injure himself again." Moritz, supra, at 1. Soria "went to his death . . . bearing slash wounds from suicide attempts" made in June. Id. However, Soria was not alone in his effort to "cheat the state." The year before David Martin Long was "hospitalized until just hours before he was executed," because he had attempted to kill himself by overdosing on medications he had hoarded. Once stabilized, he was "airlifted by helicopter from a prison hospital in Galveston to Huntsville for the lethal injection." Mike Ward, Psychiatric Deterioration May Delay Killer's Execution, Austin American-Statesman, July 25, 2000, at B2.

37. Harold Wayne Stapleton, Trapped Within These Concrete Walls in TRAPPED UNDER ICE, supra note 17, at 51.

38. Id.(emphasis added).

39. See also Joseph A. Provost, Legacy in TRAPPED UNDER ICE, supra note 17, at 65.

The confidences shared in Provost's poem support this conclusion:

But I leave them behind
As a legacy of pain,
The words I last penned
Before I finally went insane.
C. The Execution

Since these prison artists are on death row and await execution, their poetry often anticipates what lies ahead.\textsuperscript{40} Some of the works in this category probe the issue by examining how those living under sentences of death anticipate or prepare for the execution, which could be accomplished by electrocution, lethal gas, lethal injection, hanging, or the firing squad.\textsuperscript{41} One poem, scribed by a death row inmate, confronts this fate by recounting the slowdown in one's life blood that occurs, possibly in order to psychologically prepare for the imminent execution:

\begin{quote}
Why does the sun grow so cold \\
\textit{as the blood in my body starts to slow} \\
What is this feeling in the air \\
that was once life at high noon \\
b ut now feels like death at midnight.\textsuperscript{42}
\end{quote}

What is being addressed could simply be a normal human defense mechanism. In order to protect the psyche from the enormity of what awaits, some death row prisoners simply shut down. Consequently, only the physical component of the former human being — the shell — remains to be destroyed. Louis Osei Cotton's work \textit{A Poem} captures this concept by noting that only the zombie self remains to be destroyed:

\begin{quote}
\textit{Zombies can march} and the footsteps \\
When directed by the living, the hopes, \\
can tremble and shake and shatter, even \\
crumble the scaffold that hold the rope.\textsuperscript{43}
\end{quote}

\textit{Id.}\textsuperscript{40} Initially I was surprised at the relative paucity of works exploring the execution. Now after perusing the materials and thinking about the contents of this Article, I can understand how someone might prefer not to directly confront one's ultimate fate.\textsuperscript{41} See Death Penalty Information Center, at http://deathpenaltyinfo.org/methods.html (visited February 2, 2002). Lethal injection is the most prevalent method of execution. See \textit{id.}\textsuperscript{41}

\textsuperscript{42} Michael Wayne McClure, \textit{Why in TRAPPED UNDER ICE, supra note 17, at 13} (emphasis added). Executions were traditionally held at midnight. See John D. Bessler, \textit{DEATH IN THE DARK: MIDNIGHT EXECUTIONS IN AMERICA} (Northeastern University Press 1997); Donald A. Cabana, \textit{DEATH AT MIDNIGHT: THE CONFESSION OF AN EXECUTIONER} (Northeastern University Press 1996).

\textsuperscript{43} Louis Osei Cotton, \textit{A Poem} in \textit{TRAPPED UNDER ICE, supra note 17, at 53} (emphasis added). Comparing their existence to that of a "zombie" is reminiscent of the phrase "dead man walking," which was coined to describe the outcome of the process that the condemned engage in to surrender themselves — psychologically and emotionally — prior to the execution so that all that remains to extinguish is the person's physical shell. See Sister Helen Prejean, \textit{DEAD MAN WALKING: AN EYEWITNESS ACCOUNT OF THE DEATH PENALTY IN THE UNITED STATES} (Vintage Books 1993). Poet Louis Osei Cotton also uses this "dead man walking"
This interrelationship between preparing for death by abandoning the battles (psychological and emotional), or by what might be deemed resignation, and psychological and emotional self-preservation is also evident in passages of Samuel Molina’s poem, “The Beginning of my End”:

The minutes went slowly, only tears do I shed,
for I know what awaits me and I dread what’s ahead.

... I struggled along, for no end was in sight,
I can’t win this war, with my heart I can’t fight.

Please show me the way I can face all my sorrows,
for I know they will come with my every tomorrow.44

Other authors directly confront what awaits those suffering their plight by scrutinizing the execution protocols. One poet begins this journey to extinction by noting how:

Deafened, we cannot hear
the repeated screams
of humanity being led
into the chambers of death,
or the electric chairs
extinguishing life.45

The sojourn continues in Epilogue: Into God’s Hands where poet John Yarbrough movingly relates the desperation felt when a condemned person arrives at the “end of the line:”

(Hail Mary, full of grace)
There are no courts left to go to, that was the last place.
(The Lord is with thee)
The Governor didn’t call, I waited to see
(Blessed art thou among women)
There are five in the waiting room, I believe all kin,
(And blessed is the fruit of they womb, Jesus)
Show them you're a brave man, don't make a fuss
(Holy Mary, mother of God)
As they roll out the gurney, look at your folks and nod
(Pray for us sinners)
We may have lost, but your family are winners
(Now and at the hour of our death, Amen)
It will only hurt a little, when they stick the needle in.46

Additional guidance for this lethal trek is found in death row poet Steven Ainsworth's composition that poignantly relates – through the astute selection of words that invoke a disturbing and unsettling image – what lies ahead for those whose existence will be terminated by lethal injection:

At the end of the fight,
horizontally crucified,
tightly bound with glaring light.
Sodium pentathol sent with a sigh,
minutes after midnight.

People watch and stare
at a chest heaving,
sucking, sucking for air.
The bellows relaxing,
pan bromide from death's lair.

The last ride,
society's solution, body pollution.
Potassium chloride,
a killer injection,
the final solution.47

46. John Yarbrough, Epilogue: Into God's Hands in Trapped Under Ice, supra note 17, at 72. Poet Kenneth Richey also comments on this aspect of capital punishment by describing how he perceives what witnesses to an execution experience:

To them it's a sporting event,
and they're just eager sports fans.

Their excitement will mount,
at the appointed time of my death.

As "Old Spark" the chair,
steals my last breath.

Kenneth Richey, Injustice in Thoughts 4, supra note 33, at 4.

47. Steven K. Ainsworth, Final Solution in Trapped Under Ice, supra note 17, at 71. See also Gene Hathorn, Death and Light in Trapped Under Ice, supra note 17, at 67. (this death row poet succinctly and vividly describes lethal injection as: "[l]ying still, your laconic sting I await").
Physical restraints provide strong imagery of the execution, whether the method employed is lethal injection, electrocution, lethal gas, hanging, or firing squad. This imagery is present in Ainsworth's poem when he refers to the "chest heaving, sucking, sucking for air." The chemically induced respiratory failure causes the executee to have a shortage of oxygen, making the person "suck for air." In all likelihood, the person would, if physically able, disengage him or herself from the situation creating this inability to breathe. It is the restraints, that feature of the death apparatus to which Ainsworth implicitly acknowledges, that prevent the executee from extricating him or herself.

Some visual artists also use the restraint imagery in an effort to demonstrate what it represents about this dimension of capital punishment. For example, Gaylen Walbey latches onto the brutal power of this imagery by incorporating a restraint used in lethal injection executions into his photo-realistic painting of a 2000 Rolls Royce Silver Seraph. Since the restraint in this painting represents the death penalty and the Rolls Royce, which occupies the elder respected statesman position in the automobile world, represents the sovereign, one interpretation can be that Walbey is conveying a message about the state's role as executioner.

III. SURVIVING THE RIGORS OF LIVING UNDER A SENTENCE OF DEATH

In spite of the dismal living environment, the particular dangers and problems ensuing from this situation, and of course, the inevitability of death for most death row occupants, many manage to transcend their despair by devising a fantasy world, developing a spiritual connection, or tenaciously focusing on the presence of hope and beauty in their lives.

A. Fantasy

Many in the free world have created a fantasy life, whether it manifests itself in flitting day dreams or more substantially. Our fantasy lives are where we go to escape the stress experienced in our everyday lives. It is a place that provides solace. The condemned also create fantasy worlds, in all likelihood to leave, no matter how briefly, the oppressive ambience that characterizes their daily existence.

48. Steven K. Ainsworth, Final Solution in TRAPPED UNDER ICE, supra, note 17, at 71.
The photorealistic paintings of visual artist Gaylen Walbey\(^{50}\) are one manifestation of the role fantasy plays in the death row experience. As a photorealistic artist Walbey’s work is realistic, yet it also displays a rich and subtle imaginative dimension. This is evidenced by the technique he employs in the renditions of his “Billy Badass” automobiles. Walbey designed these “super cars” with their trademark five chrome rings,\(^{51}\) which bestows them with a “larger than life” quality, rendering them omnipotent. It is through this mechanism that Walbey is able to transform them into superheroes, which infuses them with an element of fantasy.

Sean Sellers, in his Christian comic book \textit{Donjonhoefen},\(^{52}\) a work both ambitious and entertaining, also uses superheroes to facilitate the development of a fantasy. The action in this comic is set in the mythical city of Donjonhoefen, where Rhys Beretold and the members of his superhero group Lightforce confront The Council, a group of immortals manipulating world events, in the battle of good and evil.

\section*{B. Spirituality}

The Christian theme in Sellers comic book \textit{Donjonhoefen} is also found in the work of other death row prison authors and visual artists. In addition to his comic book, Sean Sellers wrote poems that explore spirituality. His poem \textit{A Psalmist’s Prayer} demonstrates how he found solace through his spiritual life. In the poem Sellers observes how:

\begin{quote}
Like a spark under faggots
Brings warmth all throughout the night
To the Eremite,
So too does the spark in me
Ignite desultorily
My spirit embers aflame
When I call upon Thy name.\(^{53}\)
\end{quote}

Sellers further expounds on the comfort provided by spirituality in these lines:

\begin{itemize}
\item \textit{See Restitution Inc., Gaylen Walbey at http://www.restitutioninc.org/walbey/walbey.htm (visited February 2, 2002) for more examples of Walbey’s art work.}
\item \textit{See Email from Betsy Wolfenden to Roberta Harding (January 29, 2001) (on file with the author).}
\item \textit{Sean Sellers, \textit{Donjonhoefen} (Mood Comics 1998). The comic book can be ordered from Mood Comics at P.O. Box 55283, Tulsa, Oklahoma, 74155-1283. This entry qualifies as both visual and written expressions of the role fantasy plays in the life of a condemned person as Sean illustrated the comic book and authored its text.}
\item \textit{Sean Sellers, “A Psalmist’s Prayer” at http://seansellers.hypermart.net/poem5.html (visited February 2, 2002).}
\end{itemize}
Sellers uses his poem *Atheist* to emphasize the comforting role of spirituality as he notes that to be an atheist is to be “[i]n a world, [f]ull of hate, [n]o comfort, [f]rom above.”

In addition to providing important emotional and psychological comfort, spirituality also provides many condemned individuals with a source for the strength they will need while engaged in the battles to save their lives. This function of spirituality is acknowledged by Sellers in *A Psalmist's Prayer* when he shares how:

By the blood stains on the Cross
Power is met to the lost
And salvation is attained
By Thy name, *my strength is gained*
To defeat the enemy
And promulgate his disgrace
Throughout all the human race.

Lord, teach me to use my faith,
*And strengthen me*, and, as saith
Thy Word, stay with me always
Even to the end of days.

Lastly, spirituality plays a critical role in preparing some individuals for their executions. In the poem *Condemned to Die* the poet uses the existence of an afterlife as an avenue for alleviating the ever present tension and stress in the life of a condemned person. Portions of the poem convey a sense of jubilation about one consequence of the execution, the executee joining God:

*Is it I, O Father, that must reach out and help them?*
*Bring them through this walk of Death we must all take?*
*To comfort them along the way so they will know*
*Our Lord and Savior, Jesus Christ, is waiting?*

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54. *Id.*
57. Richard E. Shere Jr., *Condemned to Die* in *TRAPPED UNDER ICE*, *supra* note 17, at 62(emphasis in original). Another death row poet adeptly expresses this same theme by deftly alternating between a description of an execution by lethal injection and the executee's prayers to God as he lays strapped to the gurney. *See John Yarborough, supra* text accompanying note 46.
Thus, spirituality becomes the ultimate comforter during the imposition of the ultimate penalty.

C. Hope

Hope is another facet of surviving the rigors of living under a sentence of death that is evident in the artistic endeavors of the condemned. Hope embodies a formidable form of optimism and its presence in this context is understandable. Imagine waiting for your life to be extinguished, yet despite the strong odds that the penalty will be implemented, you remain fixated on that beacon of light, the proverbial "light at the end of the tunnel," whether it arrives as a reversal, with the possibility of receiving a sentence less than death, a commutation or even an acquittal. Kenneth Richey’s poem *I Live in Hope* movingly recounts this "light at the end of the tunnel" aspect of hope:

I live in hope,
for what else can I do?
For to give up hope,
is to give up too.
And I will never give up,
I’ll keep home in sight.\(^{58}\)

Kenneth Earl Gay’s award winning play *A Children’s Story*\(^ {59}\) is a simple, yet touching story which demonstrates the critical role that hope plays in the lives of those who share Mr. Gay’s predicament.\(^ {60}\) The central characters in his screenplay are children with a variety of physical and mental challenges, including missing limbs, visual impairments, and mental retardation.\(^ {61}\) By bestowing the children with these attributes, Mr. Gay is able to make them proxies for those sentenced to death, because death row inmates, like his impaired children, are considered “defective” by society. This identification process is cemented when Mr. Gay demonstrates how the chil-

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60. Mr. Gay is living under a sentence of death despite his claims of innocence. Letter from Kenny Gay to Roberta Harding (January 7, 2001) (on file with the author); Irene Garcia and Caitlin Liu, *Actor Gives Thumbs-Up to Cop Killer’s Screenplay*, LOS ANGELES TIMES, 2000 WL 25903679, at B6(October 4, 2000).
61. Steven has Downs Syndrome and Billy has sickle cell anemia and epilepsy. Kenneth Earl Gay, *A Children’s Story*, at 1 (1994)(on file with the author). Benjamin Rodriguez is mentally retarded. *Id.* at 3. April is blind. *Id.* at 5. Sarah has Downs Syndrome. *Id.* at 6. Nora is mentally retarded. *Id.* at 10. Eric is missing part of his left leg. *Id.* at 12.
Children, like those on death row, must endure the public's adverse reactions. For example, when Sarah, who is mentally retarded, saunters past the guests at her mother's luncheon, "[a] few of the women stare oddly at the youngster." And, when five year old Ben Rodriquez, who like Sarah is mentally retarded, is outside in the front yard a group of boys ride by on their bicycles and taunt him with such jeers as: "Hey look! It's the little retard," and "He's tied up so he can't chase cars!"

Once the representational status is established, the screenplay's subtext emerges: how hope can energize the downtrodden who face a dauntingly adverse situation. The bulk of the story relates the journey taken by this group of social outcasts when they survive a terrible bus crash in the mountains on their way to a special summer camp for children with disabilities. Thus the children's arduous expedition mirrors the journey taken by the condemned, also a seemingly unendurable voyage. Yet despite the adversity encountered by the children, including attacks by bears and wolves, the children never lose hope that they will be rescued or will safely find their way out of the mountains. The condemned too hope for a safe passage: release or a sentence less than death. The children's sojourn ends positively as they are rescued, which enables them to return to the "civilized world." One interpretation of the message in the finale is that if those in Mr. Gay's situation retain hope, then they could also find that "the end" deposits them in another world, a world where life reigns.

Hope also provides a way to eclipse the omnipresent horror of "life under death," providing a positive directing force. Just as the final fate, death, can be inevitable, hope for the condemned can be an inevitable consequence of life under a sentence of death. These lines from Kenneth Richey's *I Live in Hope* address this aspect of hope:

I live in hope,
for what else can I do?  

62. *Id.* at 8. Mr. Gay emphasizes this common attribute by noting how Mildred Huntley, Sarah's mother, has neglected to inform her socialite friends of her daughter's existence and is aghast when Sarah calls her "mother" in front of the guests. *Id.* at 8-9.

63. *Id.* at 4. Later when the children and their chaperones stop at Denny's Restaurant for dinner several of the restaurant's guests stare at the children as they enter the restaurant. *Id.* at 22.

64. *Id.* at 27-29.

65. *Id.* at 45-48 (attack by bears); *id.* at 74-77 (attack by wolves).

66. *Id.* at 109-13.

67. Kenneth Earl Gay, A Children's Story(1994)(on file with the author). Mr. Gay alludes to this conclusion in the screenplay's postscript where he notes that: "This work is dedicated to all of those little people who are forever reminding us just how far a little courage can go." *Id.* at 114.

The tenacity of this hope is also evident in Roger Coleman’s simple yet powerful poem *I Am*.

In fact, the poem broadens the scope of hope by extending it to encompass the refusal to succumb to the dehumanization efforts directed at the condemned:

I am a prisoner.
I am not a number.
I am a convict.
I am not an animal.
I am locked up.
I am not without hope.
I am a man.

As constructed in these creative endeavors, hope for the condemned is an expression of humanity; it also begins to resemble a thing of beauty.

D. Beauty

Given that these individuals have generated so much ugliness, it might be surprising or incongruous to discover the beauty prevalent in many of the creative expressions by death row inmates. They have committed ugly acts: capital crimes. They have caused ugliness in the form of grief and unhappiness in the lives of the victim’s family and in their own families’ lives. Yet stunning images of loveliness have sprung from these seeds of ugliness. It is as if in order to fertilize these works of beauty, to cause them to germinate and flourish, their creators had to wallow in wretchedness.

Michael Fullwood’s artwork is an excellent example of this enigma. Mr. Fullwood was convicted and sentenced to death for killing Deidre Waters, his long-term girlfriend, in 1985. His act left his infant daughter virtually an orphan because her mother was deceased and her father joined the ranks of the “walking dead.” His art, primarily in the colored pencil medium, is quite beautiful. His drawing the *White Hummingbird* is representative of

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70. Id. (emphasis added).
71. At one level, this beauty can be deemed a natural corollary of hope. As hope becomes optimism, optimism takes on positive or beautiful attributes. But beauty also can exist on its own terms.
the loveliness that is a signature feature of his work.\textsuperscript{75} The radiance of this piece is embodied in its composition, a white hummingbird resting in a multitude of green leaves; its execution, a delicately rendered hummingbird and textured leaves; the colors, a resonating white for the bird and deep greens for the leaves.

Steven King Ainsworth, who is confined on California’s death row,\textsuperscript{76} captures the concept of beauty in his painting \textit{Bee Eater}.\textsuperscript{77} The composition consists of a bird perched on a blooming dogwood tree branch. Ainsworth uses a palette of brilliant colors like magenta, lavender, purple, and pink to highlight the loveliness contained in this relatively simple scene.

Nature, this time in the form of flowers, provides the setting for other death row visual artists to enshrine and share their understanding of beauty.\textsuperscript{78} One example is Edward James’s painting \textit{Lilies}.\textsuperscript{79} James’s mastery of color through his use of fuchsia, deep magenta, and lavender to depict the lilies, subtly reinforces the theme of beauty embodied in the painting.\textsuperscript{80} In James V. Aldridge III’s painting \textit{Salmon Rose}, flowers once again surface as the vehicle for conceptualizing beauty.\textsuperscript{81} The centerpiece of this painting is a large rose. Aldridge draws the petals in a manner that impresses upon the viewer their delicacy, their peach-fuzz like softness, and their tactility. Like the other visual artists, Aldridge’s use of color, in this case accomplished by interweaving muted and deep shades of salmon, and

\textsuperscript{75} Id. Prints of this drawing can be purchased from Restitution Inc. See http://www.restitutioninc.org.


\textsuperscript{77} Id.


\textsuperscript{79} Edward James, Lilies at http://www.restitutioninc.org/james/james.htm (visited Feb. 2, 2002). The artist, Mr. James, is on death row in Florida. Id. at 1.

\textsuperscript{80} In a discussion about paintings by non-condemned prison artists prison art expert Julie Zimmerman observed how “[p]rison is the opposite of colorful yet some artists have been able to travel so far from the realities of their ugly world that they fairly explode with vivid imaginings.” \textit{Cellblock Visions, supra} note 7, at 44.

\textsuperscript{81} James V. Aldridge, III, Salmon Rose at http://www.restitutioninc.org/allridge/allridge.htm (visited Feb. 2, 2002). Mr. Aldridge is confined to death row in Texas. Id. at 1.
his delicate technical execution of the large rose, significantly contribute to this manifestation of beauty.

IV. CONCLUSION

This survey of creative endeavors by the condemned members of our society reveals the extensive range of formats and mediums they use and themes explored in their work. It also establishes that two general themes emerge from this appraisal. The first, the reality of living under a sentence of death, includes issues such as insanity and execution. The second theme, how these individuals survive or cope with living in this reality reveals how positive factors occupy an important place in the lives of the condemned. The presence of these themes is not particularly surprising. However, what is unusual is that the latter theme, surviving and coping with life on death row, has generated the majority of creative endeavors. This outcome is unexpected because it is contrary to what would be anticipated given the bleak circumstances that are the pervasive features of these artists' existence. Consequently, it is important to ponder the significance of this result.

One possible explanation is that the condemned's need for an abundance of positive factors reflects their efforts to ease the burden of living under dismal physical and psychological conditions. It is likely that this is a valid rationale. But there might be another reason for this outcome – a reason that is linked to their personal character rather than to their status as condemned persons. Expressions of creativity embody the producers' personal characteristics. The creative endeavors assigned to the "surviving category" embrace positive qualities such as optimism, spirituality and beauty. Thus, if the artist is a reflection of his or her work, then these condemned artists would possess favorable traits. This conclusion is seemingly incongruous with society's declaration that they are so unworthy that their lives should be extinguished. Therefore, perhaps the existence of these positive characteristics should cause us to reconsider whether the death penalty can, or does, remove "the worst of the worst" from our society.