

Beneath the Pretty Wrapping

Concealing and Revealing the Grim Reality of Incarceration

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Some have said the difference between art and life is that art, unlike life, must make sense. For those who suffer wrongful conviction, art becomes an avenue for exposing and exploring the incongruity of an injustice imposed by a system charged with meting out justice.

Consideration of wrongful convictions in the United States is more than an academic inquiry. Once rare, reports of wrongful convictions in a land that extolls “freedom and justice for all” have become remarkably common. The Innocence Project at the Cardozo School of Law has secured exonerations for 297 people. Of that number, seventeen had spent time on death row (Innocence Project 2012). The National Registry of Wrongful Convictions, a joint project sponsored by the law schools at the University of Michigan and Northwestern University documents 927 exonerations in a database that continues to grow (National Registry of Wrongful Convictions 2012). Extrapolations to the huge prison population in the United States—over 2.3 million inmates—indicate that 20,000 to 100,000 innocent people languish in U.S. prisons (Innocence Project 2012). One is Todd Newmiller, who, despite strong claims of innocence, is serving a thirty-one year prison sentence in Colorado.

Todd passes his time in the dull environment of the Arkansas Valley Correctional Facility on the plains of southeast Colorado where he reads, exercises, and listens to stories of other prisoners. Appear-

ances, however, can deceive; he has become a serious activist in his cause to pursue justice. In “I am Ahab,” a column for *Newspeak*, a monthly Colorado Springs periodical, he writes about a variety of justice issues related to his own experience. He reflects on the routine mishandling of evidence, the pressure on persecutors to broker quick deals, and ever-ubiquitous false witness and mistaken eyewitness identifications. And he creates art: stained glass sculpture.

His whimsical bees, tulips, masks and other imagery may seem far removed from justice issues that inform his writing, but they also appear in Pam Aloisa’s series of acrylic paintings that explore themes of injustice specific to his story. Aloisa posits her work firmly within the social realist style of modernist painting. Traditionally, this means the art is about or has subjects dealing with social issues, functioning primarily “as a resource with which to solve social and political problems; it is evaluated and justified in terms of utility” (Yúdice 2006, 151). Aloisa’s greatest challenge becomes how to create beautiful and important paintings that expose ugly truths; a common criticism is that social realist works become didactic and heavy-handed with the subject and the art suffers. Stylistically Aloisa’s works were inspired by those of Ben Shahn and Jacob Lawrence. Jacob Lawrence’s series, *The Migration of the Negro*, from the 1940s, inspired compositions that include stark geometric shapes and patterns and distorted abstract figures and subjects. Bright exuberant coloration belies the more serious undertones and sardonic wit of the works. Another source of inspiration for Aloisa is the strong figurative work of Ben Shahn, especially his painting, *The Passion of Sacco and Vanzetti*, which exposed corruption in the justice system in the early 1930s.

In content, the paintings are bound to the stained glass sculpture produced behind prison walls and to the circumstances of wrongful incarceration. Both the painting and sculpture challenge us to reconcile depiction and reality, to distinguish between container and content, packaging and package.

“All Wrapped Up” seems pleasant at first, showing pairs of hands gathered toward a central package wrapped in bright green-striped paper. They are hands of various types—female, male, black, brown, white—taping the package and tying a red ribbon around it. A closer look reveals a gift tag with the number of Todd Newmiller’s case on it. The tabletop has a checkerboard pattern and bright yellow dom-

inates the color scheme; on the table are shears that seem somewhat ominous in this setting. The roll of wrapping paper is readily positioned to wrap yet another present; it handily cuts a strong diagonal through the painting, leading eyes easily around the composition.



All Wrapped Up, Pam Aloisa, Acrylic, 2010

One might think that the sheer number of people involved in a conviction—judge, lawyers, jury, witnesses, police, forensic specialists—would improve the reliability of a verdict, but with an increased number of people comes a diffusion of responsibility. Social scientists have long known about “group think,” and the “risky shift” phenomenon. The packaging conceals the contents, making it all appear “nice and legal-like.” Subsequent to conviction, courts of appeal are loath to “disturb the verdict” and really look at what’s beneath the pretty wrapping.



Scales of Justice, Pam Aloisa, Acrylic, 2010

“Scales of Justice” reminds us that when one is wrongly convicted, the image of blind justice is especially disturbing. In 2009, the United States Supreme Court ruled in a five to four decision that prisoners don’t have a constitutional right to demand post-conviction testing of DNA evidence in police files, even if they are willing to pay for the tests. In Texas, Hank Skinner, on death row since his 1995 conviction for murder, argued for the testing of potentially exculpatory DNA evidence that had not been previously tested. The state of Texas, acting on the recommendation of Governor Rick Perry rejected Skinner’s request for DNA testing in 2010. In 2012, however, the state relented and has approved testing, which is yet to be done (Grissom 2012).

Todd Newmiller makes an appearance in this work, but we don’t see his face. He wears prison-issue clothing and sits shackled to a long bench. Justitia, the roman Goddess of justice, holds scales above him, but one scale is more heavily weighted and pours a

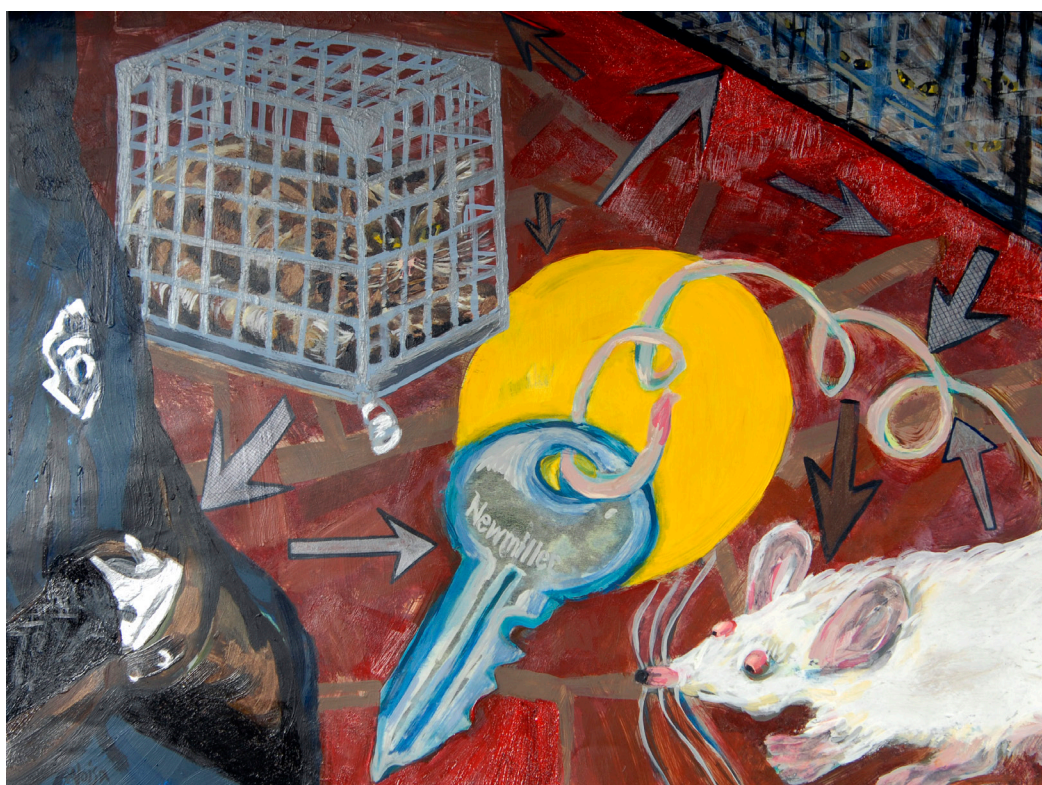
stream of blood down onto Todd; her spiked heel pierces his thigh. On the right side of the canvas a large STOP is depicted near a pencil with paper and a small tab that says "Sign Here." Negotiating justice often involves a misreading of the signs and evidence, deceitful interrogations, and unfair deals brokered via questionable procedures.



Clanging Gongs, Pam Aloisa, Acrylic, 2010

In "Clanging Gongs" cacophony begets cacophony as tongues resonate to confusing and puzzling legal proclamations. Legal precedent permits authorities to destroy potentially exculpatory evidence prior to trial. In 2009, the Supreme Court denied post-conviction DNA testing to an Alaskan convict, William Osborne, who sought testing to prove his innocence. In the words of the Innocence Project, "the Supreme Court ultimately decided that the finality of a conviction is more important than making sure the right person was convicted" (Innocence Project 2012).

The scene in “Clanging Gongs” could take place at any location in the U.S.. Dominating the upper right corner of the painting is a rendition of the Liberty Bell with its characteristic crack. Each figure, drawn with dark contour lines, has his or her mouth wide open and the gong of a bell clanging inside, imagery evoked in chapter thirteen of Paul’s First Epistle to the Corinthians in the New Testament. In that letter, Paul describes how useless works are without love. A justice system fraught with corruption cannot faithfully fulfill the noble intentions of a democratic people. The neoclassical architecture was based partly on Ben Shahn’s depictions in his trial series. A mass of red intersecting marks and lines crisscross repeatedly, creating a matrix over the image. The sound of clanging gongs cracks the picture’s landscape, making it impossible to hear Paul’s words resonate.



Cat in a Trap, Pam Aloisa, Acrylic, 2010

In “Cat in a Trap,” the left edge depicts a uniformed policeman with badge and gun; no head is included. The image alludes to police

activities: chasing and catching criminals, interrogating and obtaining information from those they take into custody, securing them away from the public, and otherwise enforcing the peace. Near the center of the painting is a cage with a gray-mottled cat, the focal point of the artwork. The cat's greenish-yellow eyes make direct contact with the viewer. The composition plays with the concepts of entrapment, lack of privacy, and the illusion of public safety fabricated in the seemingly organized and standardized structure of "law enforcement." The public always demands more cages, locks, and laws to protect them. Small arrows lead eyes around the "cage" of the painting as well, but the arrows make no sense and lead to nowhere and everywhere. In this system, a nice, white, pink-nosed rat is loose.

Prison cages more than the convicted. Todd has written about his niece's response after a troubling visit:

Since finding my way into this system that breaks every promise and principle of the American premise, the only thing that hasn't been successfully stripped away from me is the strength and support of my family, who have visited me often.

The last time they visited, the facility was staging 100% vehicle searches. This kind of authoritarian intimidation scares many families away from their visit, but not my family. After braving the indignities of the "security" process, my niece was unusually quiet except to say, "I love seeing Uncle Todd, but when we go there, I feel like a cat in a cage."

That incarceration punishes more than the prisoner and in ways that go beyond restriction of movement has been noted by many, among them Puerto Rican independence activist Elizam Escobar. He painted and created masks in prison until receiving clemency from President Bill Clinton in 1999. His incarceration led him to observe that prison "services are treated like 'privileges' that can be retained or lost.... Crime and punishment doesn't end with the conviction and sentence; they continue...." The consequence is what he calls "the 'aesthetics of wax': if the surface looks shiny...everything is beautiful, true, and good" (Escobar 1994, 42).



Justice Served, Pam Aloisa, Acrylic, 2010

“Justice Served” questions the character and motives of those expected to seek justice rather than simply win in the adversarial system that powers court proceedings. In 2009 a filing before the U.S. Supreme Court in the case of *Pottawattamie County v. McGhee*, attorneys representing Iowa prosecutors who had withheld exculpatory evidence asserted that there is “no freestanding constitutional right not to be framed.” Those suing the errant prosecutors were Terry Harrington and Curtis McGhee, who had served 25 years of a life sentence before the Iowa Supreme overturned their murder convictions. The prosecutors had withheld evidence that pointed to a suspect who happened to be the brother-in-law of the local fire chief. The case was settled out of court before the Supreme Court justices had a chance to rule on it (Washington Post 2009).

The sneer of the server in “Justice Served” belies his motives. He makes direct eye contact offering up a pot engraved “I.U.S.,” Latin for “justice.” His mouth is open, revealing large, menacing teeth.

Torn family photographs swirl around the pot in a greenish slime. Paint is applied directly, not modulated with additional layers of pigment, adding to the effect that the work was an immediate reaction, quickly painted, and close to raw emotion. Aesthetically, it serves as an example of expressionist art that provides catharsis, both for the maker and the viewer.



Only a Shadow, Pam Aloisa, Acrylic, 2010



Tulips, Todd Newmiller, Stained glass, 2010



Daisies, Todd Newmiller, Stained glass, 2010

Plato's Cave inspired the concept for Aloisa's "Only a Shadow," which depicts flower imagery drawn from the stained glass sculptures shown below the painting. The stained glass was created by Todd Newmiller in prison and directly influenced the subjects Aloisa painted. The stained glass sculpture "Tulips" is an early effort showing an interest in stained glass that is freestanding and more sculptural. The addition of honey bees in both "Tulips" and "Daisies" introduces a narrative quality that moves the work beyond ornamentation. The cartoonish quality of the freestanding daisies gains whimsy from the bee that joins the flowers. The cheerfulness of the daisies and the bee bring welcome relief from the dreariness of prison but also obscures the grim reality of living in prison.

In "Only a Shadow," two tulips stand upright on the floor in front of an open door that is outside the painting space; a heavily textured daisy fills the yellow bright light on the floor. Likewise, the thick, gray shadows of the flowers are the primary dynamic in this work, becoming more important than their sources. A bee painted on a scrap of paper hovers above a shadow on the floor. The shadows bridge distances from dark to light and inside to outside. The floor area is filled with a mottled greenish pattern like camouflage that makes it difficult to discern the "real" subjects depicted in the work.

Working with stained glass or other artistic endeavors offers therapeutic distraction for prisoners, a way to bring some color to otherwise colorless days. Under the terms of incarceration, what would normally be an artful hobby becomes a coping mechanism, a phenomenon noted by Elizam Escobar, who believes "art becomes a space of liberty that cannot be taken away" (Escobar 1994, 47). In his stained glass work, Todd engaged many experiments in three-dimensionality that provided engineering as well as aesthetic challenges. The appeal of working in three dimensions reflects the preference anyone would have for a full life outside the wire over the two-dimensional and shadowy world contained within the wire.

Aloisa's painting "Azzageddi" features artifacts of Todd's life—books, a sketch, a torn photo, a calendar page—marking places and time. The stained glass masks appearing below the painting arise from the pursuit of three dimensionality in stained glass design and inspiration from various literary sources, including the works of Herman Melville and Joseph Conrad, providing relief from the boredom of incarceration. In Melville's *Mardi*, the prophetic god-



Azzageddi, Pam Aloisa, Acrylic, 2010



Azzageddi,
Todd Newmiller,
stained glass, 2010



Seppuku,
Todd Newmiller,
stained glass, 2010



Demiurgus,
Todd Newmiller, stained glass, 2010

devil Azzageddi declares, “Many things I know, not good to tell; whence they call me Azzageddi” (Melville 2008) . Between them, Melville and Conrad published forty some books. Prison rules permit Todd to have no more than fourteen books. Those he has, he reads with an intensity that can be seen in his stained glass sculpture “Azzageddi.” In *Mardi*, Azzageddi is told to “wag your tongue without fear,” a statement that also becomes an imperative for an artist with concerns for human rights. Many of the details in this work come from common depiction of gods that share the traits of the dead – pronounced eyes, dangling tongues, and discoloration of the skin. The blue piece in the forehead is meant to imply the third eye.

“Seppuku” shares with the other three-dimensional masks a subtle facial asymmetry. With each of the masks, the right and left halves were designed separately, rather than creating a mirror-image. The intent was to give the impression of symmetry but to have a degree of asymmetry, as most faces do. The term “seppuku” refers to ritualistic Japanese suicide originally reserved for samurai, but the piece is inspired ironically by a passage from Joseph Conrad’s work *An Outpost of Progress*: “had they been of any other tribe they would have made up their minds to die--for nothing is easier to certain savages than suicide--and so have escaped from the puzzling difficulties of existence. But belonging, as they did, to a war-like tribe with filed teeth, they had more grit, and went on stupidly living through disease and sorrow” (Conrad 1897).

“Demiurgus” was inspired by “Gnostic Mythos in Moby-Dick” by Thomas Vargish (1966). In order to explain the existence of evil, the Gnostics taught that the creator, or Demiurge, was an inferior and imperfect being, and that evil was inherent in matter. Production of this piece was also motivated by the engineering challenge of making a curled ram’s horn. The features of the face are based loosely on those of the Hadza, one of the last remaining hunter-gatherer peoples featured in a December, 2009, National Geographic article. Each of the masks rests on a stand specially designed for the purpose. Each is unique.

“Choose Your Weapon” reveals the harshest weapon to which the incarcerated must submit: the lock. Many who have submitted to the lock are imprisoned wrongly. The Innocence Project (2009) at the Cardozo Law School has exonerated 297 individuals using



Choose Your Weapon, Pam Aloisa, Acrylic, 2010

DNA evidence. Henry David Thoreau once wrote, “under a government which imprisons any unjustly, the true place for a just man is also a prison” (Thoreau 2012). More appropriate for defending against the lock than the other weapons depicted in this painting, is the pen. But perhaps this series of paintings suggests that equally or more effective may be the brush.

While the form and style of Aloisa’s paintings clearly are indebted to early American modernist traditions, they also break free of the historic and aesthetic trappings of their sources and reflect the time and culture of the artist. Donald Kuspit, in *The End of Art*, describes the development and end to modern movements: “...an avant-garde enfant terrible becomes an academic elder statesman... socially assimilated and institutionally categorized almost as soon as it happens.” Modernism’s reliance on criteria of beauty based on autonomy and elitist, intensely private expression gave way to art

that meets the street. "The Street" is defined as a "space of social or public compliance." (Kuspit 2004, 182) B. Ruby Rich lauds post-modern art today as being "syncretic" work. "Work that marshals differing vernaculars under a sign of mutuality, work that can move beyond hybridity as an aesthetic to hybridity as a process...offering a model for strength and accommodation without assimilation." (Rich 1994, 239) The viewpoints expressed by William and Todd Newmiller and Pam Aloisa meet in the gallery but reflect the Street; the project is thoroughly a postmodern collaboration.

Human rights issues are increasingly common subjects for artists, translated in a variety of media and hybrid forms. Art is action; activism and social research are two terms that define the political field that has gained prominent status in the contemporary art scene. Can art effect change in our world? Do beauty and truth matter? Priscilla Coit Murphy, in 2007, wrote a book that renews hope: *What a Book Can Do: The Publication and Reception of "Silent Spring."* In this book, Murphy asserts that Carson's small, quiet book woke up the universe. Contemporary art follows this tradition by revealing contemporary issues such as the ugliness of human trafficking, child pornography, genocide, child soldiering, wrongful conviction, and inhumane incarceration. Artists around the globe are indeed spurring social change by movingly expressing these contemporary issues.

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