

MOTHERHOOD ON THE INSIDE: EXPLORING THE CHALLENGES
FACING INCARCERATED WOMEN AT JULIA
TUTWILER PRISON FOR WOMEN

by

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A THESIS

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ABSTRACT

In this thesis, I argue that the criminal justice system is deeply entrenched in racist and classist perceptions that make incarcerated women especially vulnerable to policies and ideologies that regularly involve the denial of their reproductive and parental rights. With shifting public policies and sentencing reform in reaction to the “war on drugs,” women, the poor, and people of color have disproportionately become caught in the net of the criminal justice system. The subtle fusion of the war on drugs with the fetal protection movement has furthermore positioned pregnant women and mothers quite precariously within the criminal justice system, and Alabama’s own chemical endangerment law provides a useful case study for exploring this topic. This thesis highlights the unique challenges facing women in correctional institutions, focusing on women’s reproductive rights and claims to motherhood in particular. An elaboration of the history of Alabama’s Julia Tutwiler Prison for Women helps to reveal these broader issues. In this thesis, I argue that motherhood can provide a means for incarcerated women to strategize resistance and claim agency from the space of the prison, suggesting that programs such as the Montgomery-based organization Aid to Inmate Mothers help meet the specific needs of incarcerated women that are otherwise neglected by the prison system. I use data that I collected from fifteen interviews conducted with inmate mothers at Tutwiler Prison, drawing on the experiences of these women to make an argument about the nature of incarceration for women and the potential for motherhood to be an empowering identity.

DEDICATION

This thesis is dedicated to my parents, without whose love and support I would not be where I am today. As I was reminded time and again by the women I interviewed for this project, I am so blessed to have both a mother and a father who love me. Thank you for encouraging me to do my best, for building me up when I break down, and for always believing in me. You have both been so influential in making me the person I am today.

ACKNOWLEDGMENTS

This thesis highlights the life stories of incarcerated mothers and their children, and I owe a deep debt of gratitude to the women who chose to share their experiences with me. These fifteen women allowed me to explore the intimate details of their lives, openly discussing painful topics that they may not usually want to think about, let alone share with a stranger. Their stories reveal incredible levels of hardship and resilience, and they have moved me deeply. While they may not agree with everything I have to say, I hope that our shared efforts can help foster solidarity to bring about greater justice.

I am very grateful to the staff of Aid to Inmate Mothers, including Executive Director Carol Potok, Program Coordinator Larnetta Moncrief, and Rehabilitation Specialist Karen Carr. The work you do is amazing. Thank you for taking time out of your busy schedules to meet with me and assist in my study. I am also indebted to Catherine Roden-Jones, the director of the Alabama Women's Resource Network, for introducing me to the issues surrounding the chemical endangerment law and nurturing the beginnings of my activism. Dr. Ron Cavanaugh with the Alabama Department of Corrections helped facilitate my study, and Wardens Albright and Jones accommodated my visits to the prison. My professors are deserving of the sincerest gratitude: Dr. Ellen Spears, for introducing me to the concept of the case study and putting me in contact with prison activists; Dr. Ida Johnson for guiding me through the IRB process and always providing insightful commentary and needed timeframes; and Dr. Brittney Cooper, for your continued confidence, calming words, and truly inspiring teaching. I am eternally grateful to the members of my thesis committee for their ongoing patience, encouragement, and advice.

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Chapter 1

INTRODUCTION: MOTHERS AT THE MARGINS

“To be in prison is like you been thrown away, and the guards do not treat you like a person. To them you are just another number. But [the people with Aid to Inmate Mothers] treat us with compassion, respect, love.”

--Tashia, an inmate at Julia Tutwiler Prison for Women

When I first entered Julia Tutwiler Prison for Women as a researcher, I became implicated in larger issues concerning the prison’s hyper-regulation of bodies and the complex interplays of power and resistance that are endemic to the prison experience. How could I—a young, white, middle-class, woman and feminist researcher—be read in this context? In what ways did my very presence disrupt the rigid organization of power and assumed fixity of identity of inmates and officers, visitors and administrators? Not surprisingly, my exchanges with security officers and other prison officials were somewhat strained during my visits: it was apparent that they did not know how to react to my presence. I am not a government official or a lawyer, neither an inmate nor a standard visitor. As a researcher, I was able move freely from the attorney’s room in which I conducted interviews to the dining hall where inmates were waiting—not to mention in and out of the prison itself. I was there to learn about women’s

The interviews with inmates that are quoted throughout this document, unless otherwise specified, were conducted by the author as part of a study concerning women who were actively participating in the visitation program facilitated by Aid to Inmate Mothers at Julia Tutwiler Prison from Women at the time of the interview. All names have been changed to protect the identities of study participants.

experiences as inmates and mothers, to tell their stories, and to share those narratives in a larger context.

Thinking about my opportunity to undertake this project, I am constantly reflecting on my own privileges, and I am fully aware of the implications of my ability to command a certain level of attention through my writing, while the women about whom I write are so often silenced. Furthermore, as I delved deeply into the history of women's involvement with the American criminal justice system for this project, I came to understand that so many women in prison are there for crimes that are, in fact, symptoms of prevailing social problems: substance disorders, reactions to childhood abuse and trauma, lack of educational and work opportunities, relationships defined by violence, and unrelenting poverty. Therefore, in taking on the task of interviewing incarcerated women about their experiences as mothers, I first had to understand the complex legal, political, and social histories shaping their experiences as inmates.

Setting the Stage: Prior Research on the Incarceration of Women

Many people are by now familiar with the explosion of incarceration rates in America and the effects of the prison-industrial complex,¹ but the numbers are still compelling: the United States, which comprises less than five percent of the global population, now incarcerates twenty-

1. As coined by prison activist and scholar Angela Davis, the prison-industrial complex refers to the ways in which privately owned prison companies and businesses exert influence on government-run correctional institutions, leading to the contemporary explosion of inmate populations in the United States. As argued by Davis, the U.S. government now has a vested interest in the expansion of the prison system. For a thorough exploration of this concept, see Davis, *Are Prisons Obsolete?* (New York: Seven Stories Press, 2003); and Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture (Interviews with Angela Y. Davis)* (New York: Seven Stories Press, 2005).

five percent of the world's prisoners.² As activist Angela Davis reveals in her recent prison abolitionist writings, it is perhaps even more alarming that “among the more than two million people currently in prison [in the United States], over seventy percent are people of color.”³ While men unquestionably make up the majority of these incarcerated persons, women nevertheless represent a significant and rapidly growing figure.⁴ The number of women in jails and prisons has skyrocketed even over the past twenty-five years, and such explosive growth in incarceration has taken the greatest toll on minorities—and poor urban communities of color in particular. Furthermore, because the sexual division of labor means that women still do the majority of care work, children are very much implicated in this process as well. The country's “war on drugs” and its insidious fusion with the fetal rights movement has been responsible for putting increasing numbers of women behind bars, where they regularly face dangerous levels of overcrowding, lack of access to adequate medical care, and the active denial of their reproductive and parental rights. On these matters, Tutwiler Prison for Women is an excellent case study.

Shifting criminal justice policies and the growth of incarceration as the primary method of punishment have affected men and women in gender-specific ways, but because many of the existing studies concerning prisoners focus on men, an in-depth analysis of the impact of such environments on women is critical. While women's experiences of incarceration are notably different than those of men, society also tends to view female criminals as inherently different

2. “Fear-Based Politics: Mass Incarceration,” Southern Center for Human Rights, accessed March 16, 2011, http://www.schr.org/safety/mass_incarceration.

3. Davis, *Abolition Democracy*, 100.

4. Researchers with the Women's Prison Association cite that women made up roughly seven percent of the prison population in 2004, although the rate of women's incarceration has increased at nearly twice the rate for men over the last thirty years. Natasha A. Frost, Judith Greene, and Kevin Pranis, “The Punitiveness Report—HARD HIT: The Growth in the Imprisonment of Women, 1977-2004,” *Women's Prison Association* (2006): 8-9.

from their male counterparts. Davis argues, “Masculine criminality has always been deemed more ‘normal’ than feminine criminality. There has always been a tendency to regard those women who have been publicly punished by the state for their misbehaviors as significantly more aberrant and far more threatening to society than their numerous male counterparts.”⁵ This fact becomes especially clear when one takes into account prevailing media representations of female criminals—especially those women who commit violent crimes, and even more so when such crimes involve harm to children or a woman’s perceived failure to embrace her maternal duties. Such women are treated as monstrous social oddities, somehow less than human, and extremely fascinating case studies. Moreover, a mother’s very presence in the context of the prison suggests that she has offensively acted outside of authorized gender norms: the female prisoner of popular imagination is insubordinate, she does not know her place, and she disregards those social and legal authorities that have sought to control her behavior. Her subjectivity is perceived as fundamentally dangerous to the dominant discourses seeking to define, control, and punish her deviance. Thus, female criminals are often seen as having violated the basic principles guiding what it means to be a woman in society. Taking into account the fact that racial difference has always already constituted a breach of “true womanhood,”⁶ this fact, again, proves particularly significant for women of color.

National anxiety over the state of the American family is nothing new, and motherhood is frequently at the center of debates concerning the weakening of the nuclear family and otherwise

5. Davis, *Are Prisons Obsolete?*, 66.

6. The “cult of domesticity” or “cult of true womanhood,” which came out of the Victorian Era, defined the “true woman” as pious, pure, submissive, and domestic. The construction of the “true woman” was fundamentally tied to hierarchies of race and class, and those women who could attain “true womanhood” were upper and middle class white women. For more on the subject, see Barbara Welter, “The Cult of True Womanhood: 1820–1860,” *American Quarterly* 18, no.2, part 1 (1966): 151–174.

destabilizing challenges to traditional “family values.” Such apprehensions have shaped a history of public policy responses addressing the needs of families in the ever-changing social landscape of the United States; however, those policies have largely sought to reinforce the desirability of one particular image of the family—that which supports hegemonic notions of productive citizenship and social worth. Significantly, in light of the growing anxieties surrounding the perceived deterioration of family units, there has been relatively little concern from policy makers or the general public for addressing the impact of increasingly punitive criminal justice policies on the mothers, fathers, and children who are most affected by them.⁷

When exploring the particular effects of incarceration on women, it is important to note that of the nearly quarter of a million women in U.S. jails and prisons today, the overwhelming majority are mothers. Correspondingly, of the approximately twenty-four hundred female inmates currently incarcerated in Alabama, about eighty percent are mothers.⁸ Prison activists cite some alarming statistics that indicate the exceptionally vulnerable nature of this population of women. According to the 2008 documentary film based on Renny Golden’s *War on the Family: Mothers in Prison and the Families They Leave Behind*,⁹ seventy-five percent of the mothers in prison have lived below the poverty line, and twenty-five percent have been homeless. In Tutwiler Prison in particular, about half of the inmates have completed less than a

7. Sandra Enos, *Mothering from the Inside: Parenting in a Women’s Prison* (Albany: State University of New York Press, 2001), 1.

8. Tim Dodge, “Good Intentions, Disappointing Results: A History of the Julia Tutwiler Prison for Women,” *Alabama Review* 61, no. 4 (2008): 265.

9. *War on the Family: Mothers in Prison and the Children They Leave Behind*, directed by John Lyons and Jackie Rivet-River (2008; Chicago: Peace Productions, 2010), DVD.

ninth-grade education, and an estimated forty percent have reportedly experienced physical or sexual abuse in their lifetime.¹⁰

The war on drugs and the increased targeting of low-level street criminals has clearly produced a disproportionate impact on women, the poor, and people of color, and it is oftentimes those families that are already struggling that are forced to bear the burdens of harsh sentencing policies. The various shifts in punitive practices have been shaped by gender-specific concerns relating to understandings of what constitutes “normal” and “appropriate” masculine and feminine behavior, a fact that has resulted in distinctive effects on those men and women who become caught up in the criminal justice system. Corresponding to other statistics of the rapidly increasing rate of incarceration of women in recent years, the number of mothers in prison increased by one hundred twenty-two percent between 1991 and 2008, in comparison to a seventy-seven percent increase in the incarceration of fathers during the same period.¹¹ Moreover, because of the gendered nature of childcare that persists in the United States, the incarceration of mothers has a unique impact on the children they leave behind. Researchers with the Women’s Prison Association document that in 2007, approximately 65,600 women in state and federal facilities reported being mothers to 147,400 minor children.¹² Unlike their male counterparts, who often play tangential roles in terms of childcare and everyday family management, a majority of incarcerated women “lead lives that are embedded in complex arrangements of shared child care, pooled resources, and other strategies to enhance family

10. Aid to Inmate Mothers, *Aid to Inmate Mothers: Volunteer Manual* (Montgomery, AL: AIM, Inc., 2010).

11. WPA: Institute on Women and Criminal Justice, “Incarcerated Mothers and their Children” (Women’s Prison Association 2008), accessed February 10, 2010, http://www.wpaonline.org/pdf/2008_BJS_parents_Final.pdf.

12. Ibid.

survival.”¹³ More than seventy-five percent of inmate mothers in state and federal detention centers nationwide reported providing most of the daily care for their children prior to their arrest and incarceration.¹⁴ This fact is also significant for recognizing that children often face tremendous disruption in their daily lives when their mothers are sentenced to prison, and it is perhaps not surprising that eleven percent of inmate mothers in a WPA study reported that their children were placed in foster care, in comparison to just two percent of men.¹⁵ Furthermore, while eighty-eight percent of men in prison reported their children living with mothers,¹⁶ children of incarcerated women often face much more uncertain options for care. Forty-two percent of these children are reportedly placed with grandparents,¹⁷ who may be elderly, suffer health problems, and face economic insecurities even before they are asked to take on responsibility for the care of their grandchildren. Thus, when a mother goes to prison, her absence frequently has significant and disruptive consequences for the security and cohesion of the family itself.

While much of the research concerning the incarceration of women emphasizes the significant costs faced by their children and families, there remains a profound lack of scholarship exploring the impact of imprisonment and familial separation on incarcerated women themselves, as well as a dearth of information on how these women continue to identify with and perform their roles as mothers. Of the many challenges facing mothers who become incarcerated, separation from their children often proves to be particularly devastating. In their

13. Enos, *Mothering from the Inside*, 3.

14. WPA, “Incarcerated Mothers and their Children.”

15. *Ibid.*

16. *Ibid.*

17. *Ibid.*

essay on “Mothers in Prison: Coping with the Separation from Children,” Emma Stanley and Stuart Byrne begin to explore the effects of incarceration on mothers, noting that “mothers in prison have reported feeling anger, anxiety, sadness, depression, shame, guilt, decreased self-esteem and a sense of loss when separated from their children.”¹⁸ Such feelings must be contextualized within the prevailing discourses that seek to define motherhood as a privilege afforded to only certain groups—the young (but not too young), predominantly white, financially stable, adequately educated, heterosexual, married, able-bodied, non-substance abusing woman. However, in spite of the numerous controlling images that seek to label women who are involved in the criminal justice system as fundamentally bad mothers, many incarcerated mothers nevertheless continue to think of themselves as mothers and aim to perform the functions of motherhood from the space of the prison. Stanley and Byrne emphasize that regardless of the constrictions of the prison environment, “studies have found that whilst the ability of the incarcerated mother to fulfil [*sic*] parental tasks is reduced, these mothers perceived that it was important for them to provide for the interpersonal, physical, emotional and spiritual needs of their children.”¹⁹ The authors go on to note that “[these] perceptions [of incarcerated mothers] were the same as mothers of equivalent socio-economic background, age and marital status, but who were non-offenders,” suggesting that many incarcerated women do not simply abandon their parental roles because of their incarceration, nor did they necessarily deviate from mainstream ideologies of motherhood prior to being caught up in the criminal justice system.²⁰

18. Emma Stanley and Stuart Byrne, “Mothers in Prison: Coping with the Separation from Children” (paper presentation, University of South Australia, Adelaide, Australia, October 31-November 1, 2000), 3.

19. *Ibid.*

20. *Ibid.*

Research Focus: Aid to Inmate Mothers

Recognizing the latent potential in maintaining maternal-child relationships for supporting families, reducing recidivism, and empowering marginalized women and children, Aid to Inmate Mothers (AIM) is an organization that provides services for Alabama's incarcerated women and their children, offering a means of maintaining the connections between mother and child from the space of the prison. AIM's mission statement is, "To provide services to Alabama's incarcerated women with emphasis on enhancing personal growth and strengthening the bonds between inmate mothers and their children."²¹ When AIM started out in 1987, it was a part of the Alabama Prison Project in cooperation with the Alabama Department of Corrections. Based in Montgomery, Alabama, the program was modeled after an initiative in Boston, Massachusetts. From its beginnings, the purpose of the organization has been to help maintain the connections between inmate mothers and their children, primarily through facilitating visitation for low-income mothers and their children. When AIM became an independent non-profit agency in 1990, their mission continued to be strengthening the bond between incarcerated mothers and their children through visitation. However, their services have since expanded to include programs such as educational classes including ones on parenting, domestic violence, and surviving sexual assault; family outreach; the Storybook Program, which offers women a chance to create audio-recordings of children's books for their children; and programs focused on reentry planning. AIM offers services to women at Tutwiler Prison, Tutwiler Annex, the Birmingham Work Release, and the LIFE Tech Transitional Facility.

In my study concerning Aid to Inmate Mothers, I emphasize the words of incarcerated women themselves as they tell the stories of the many challenges they face as mothers behind

21. Aid to Inmate Mothers, *Volunteer Manual* (Montgomery, 2010).

bars. In particular, my research explores the ways in which the programs developed and implemented by AIM aid mothers in their decisions to continue parenting from the distance of the prison. In this manner, the primary goal of my study has been to draw attention to the specific challenges facing incarcerated women as well as to elucidate the benefits of supporting inmate mothers in their efforts to claim their often embattled motherhood identities from the hostile space of the prison. In order to effectively shed light on the lived experiences of this particular population of women, however, I first need to frame the study with an analysis of the socio-historical, legal, and political issues surrounding maternal incarceration.

The criminal justice system is deeply entrenched in racist and classist perceptions that make incarcerated women especially vulnerable to policies and ideologies that regularly involve the denial of their reproductive and parental rights. In this thesis, I argue that motherhood can provide a means for incarcerated women to strategize resistance and claim agency from the space of the prison, suggesting that programs such as Aid to Inmate Mothers help meet the specific needs of incarcerated women that are otherwise neglected by the prison system. Providing a measure of freedom and continued opportunity for inmates to direct the outcome of their own lives and the lives of their children, a woman's decision to embrace her motherhood identity has the potential to serve as a means of empowerment in spite of the material circumstances of incarceration.

It is my hope that the findings from my study on this topic will help better explain the needs and concerns of incarcerated mothers and their children. I believe that the study will prove useful to Aid to Inmate Mothers as an outside evaluation of the program's influence on the bonding experiences and relationships between incarcerated mothers and their children.

Epistemological Framework and Methodology

Rather than limiting myself to one method or source of knowledge, I have engaged with several different ways of learning about the many challenges facing incarcerated women. At times I take a broad historical perspective in order to contextualize my argument, while other times I focus very specifically on contemporary issues facing women in Alabama's criminal justice system today. I employ a variety of methods and sources, including genealogies and case studies, popular media and legal documents, scholarly journals and face-to-face interviews. The project strains against fitting neatly into any one conventional methodological framework. However, I firmly believe that a certain level of methodological dissonance can be extremely productive, especially for analyzing the lived experiences of marginalized groups that have historically fallen outside of the traditional scope of scholarly research. I am confident that my blending of text-based and qualitative, human-centered methods will create a richer analysis that will do justice to the lived experiences of the women about and for whom I write.

While predominantly appearing in chapter 4 of this document, the interviews that I conducted with inmates at Tutwiler Prison make up one of the most crucial sources of information that I drew upon for writing this thesis. Through this method, I have sought to allow the voices of inmate mothers to be heard. Although I would like to use my privileges as a free citizen and scholarly researcher to provide these women with a platform to speak, I do not want to give the impression that I am merely providing them with a disinterested location to deposit their thoughts and experiences. I am deliberately using their words to present a specific argument about the nature of incarceration for women and the potential for motherhood to be an empowering identity. Thus, as I worked through interpreting and coding the interviews that I conducted with fifteen incarcerated women about their experiences as inmates and mothers, I

was faced with the (frequently overwhelming) question of how I could adequately represent these women and their thoughts on motherhood—a task made especially difficult, perhaps, by my identity as a feminist, an activist, and a scholar (not to mention a white, middle class, young, childless, free citizen). How can I refrain from speaking *for* these women, especially when I came to the project with a very real set of interpretations of the ways in which gender, race, and class play an integral part in contemporary sentencing and punishment practices? How do I document my research in a way that does not minimize, generalize, or overstate these women’s experiences? It would be all too easy to slip into a well-meaning though ultimately harmful and misleading representation. I therefore approached this study with a healthy sense of caution. Moreover, I recognize that all research is partial, and that like any scholar, my own positionality situates and shapes my research.

My methodology is heavily based in feminist standpoint epistemology, which maintains that as members of a marginalized and frequently stigmatized population, the primary subjects of my research—incarcerated mothers—are experts on their own experiences. My choice to ground the research in this way is significant, for as Patricia Hill Collins explains in *Black Feminist Thought*, epistemologies refer to ways of knowing as well as the relations of power that influence whose knowledge is considered credible and valuable.²² When conducting feminist research, questions of epistemology are particularly important for determining which questions are worthy of exploration, whose knowledge claims will be given credence, and how research findings should be presented and applied. Explaining the significance of recognizing which epistemologies are considered valuable, Collins writes about how Black and poor women’s narratives concerning their experiences of motherhood have often been marginalized because

22. Patricia Hill Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*, 2nd ed. (New York: Routledge, 2009): 270.

these women are not seen as “credible witnesses” to their own realities.²³ With this in mind, I hope that my research will ultimately provide a validating and safe place for the women in my study to come to voice and share their particular experiences and ways of knowing.

While some criticize standpoint theory as essentializing, I align myself with those scholars who “emphasize the need to begin with women’s lives, *as they themselves experience them*, in order to achieve an accurate and authentic understanding of what life is like for women today.”²⁴ I do not pretend that my research will create or reveal some overarching, universal truth about women’s lives, but I believe that there is nonetheless great value in representing individual and group experiences in order to work toward developing partial truths that can become the sturdy basis for the promotion of social justice, action, and change. As Marjorie DeVault writes in *Liberating Method: Feminism and Social Research*, “Knowledge that is admittedly partial is more trustworthy than partial knowledge presented as generally true.”²⁵ Moreover, giving voice to the experiences and “partial truths” of one group of women encourages others to share their unique voice and also supports respectful, productive dialogues across difference. Collins expounds upon the value of standpoint epistemology, writing:

Each group speaks from its own standpoint and shares its own partial, situated knowledge. But because each group perceives its own truth as partial, its knowledge is unfinished. Each group becomes better able to consider other groups’ standpoints without relinquishing the uniqueness of its own standpoint or suppressing other groups’ partial perspectives.²⁶

23. Ibid., 273.

24. Sharlene Nagy Hesse-Biber and Patricia Lina Leavy, *Feminist Research Practice: A Primer* (Thousand Oaks, CA: Sage Publications, 2007), 56 (emphasis in the original).

25. Margorie L. DeVault, *Liberating Method: Feminism and Social Research* (Philadelphia: Temple University Press, 1999), 40.

26. Collins, *Black Feminist Thought*, 290.

Far from promoting an essentializing view of “women’s experiences,” standpoint theory can be a useful theoretical framework from which to explore the uniquely situated position of individuals while also recognizing the material effects of socially constructed categorizations of identity on those individuals’ lived experiences.

The decision to ground my research in standpoint theory also stems from the fact that this approach lends itself to activist projects: “Feminist standpoint epistemology requires the fusion of knowledge and practice. It is both a theory of knowledge building and a method of doing research—an approach to knowledge construction and a call to political action.”²⁷ Because I view my thesis project as unabashedly political in nature and I hope that the results of the study will create positive change for the women involved, I am framing my research within the tenets of social and participatory action research. When defining the particular goals of participatory action research, there are three main focus points: “shared ownership of research projects, community-based analysis of social problems, and an orientation toward community action.”²⁸ In my thesis, I collaborate with participants and staff of Aid to Inmate Mothers in order to identify the specific concerns of inmate mothers at Tutwiler Prison and to theorize ways to better address the needs of this particular population.

In addition to grounding my work in standpoint theory and a social action approach, I draw on a specifically Black feminist intersectional framework to examine how society constructs the relationship between race, class and mothering at this particular moment and how these discourses shape incarcerated mothers’ parenting experiences. Taking into account the

27. Hesse-Biber and Leavy, *Feminist Research Practice*, 55.

28. Stephen Kemmis and Robin McTaggart. “Participatory Action Research: Communicative Action and the Public Sphere,” in *The SAGE Handbook of Qualitative Research*, ed. Norman K. Denzin and Yvonna S. Lincoln, 3rd ed. (Thousand Oaks, CA: Sage Publications, 2005), 560.

significance of the fact that certain women have always been positioned outside of the accepted realms of “true womanhood” by virtue of their race, class, sexuality, or other axes of identity, the concept of intersectionality, as first articulated by Black feminist scholars such as Kimberlé Williams Crenshaw, proves especially useful for theorizing the experiences of incarcerated mothers. In “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” Crenshaw argues that rather than merely representing a static meeting point of different categories of identity, “intersectional experience is greater than the sum of racism and sexism.”²⁹ Rather than being shaped by a unilateral model that sees various forms of oppression as mutually exclusive, Crenshaw’s concept of intersectionality allows for an understanding of the ways in which women experience very specific kinds of oppression that involve, but also exceed, racial, gendered, or class discrimination. This kind of intersectional analysis is invaluable for understanding incarcerated women’s lived experiences and revealing the complex ways in which their gender, race, and class position them within the criminal justice system.

It is significant to note that Crenshaw’s articulation of intersectionality also leaves room for identity politics to be considered a useful mode of resistance. In spite of the fact that such categories as “woman,” “Black,” or “working class” are limiting, such groupings are nonetheless salient for theorizing lived experiences and working towards political and social empowerment of certain marginalized groups—including, I would argue, incarcerated women. “At this point in history,” writes Crenshaw, “a strong case can be made that the most critical resistance strategy for disempowered groups is to occupy and defend a politics of social location rather than vacate

29. Kimberlé Williams Crenshaw, “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics,” in *Critical Race Feminism: A Reader*, ed. Adrienne Katherine Wing (New York: New York University Press, 2003), 24.

and destroy it.”³⁰ Rather than wholly rejecting all categories and socially constructed boxes of identity, Crenshaw recognizes the value of working at least partially within preexisting social structures in order to seek positive change in the lives of historically marginalized groups.

Research Description

The qualitative data used in this thesis come from semi-structured, in-depth interviews conducted by the author during January and February 2011. Over the course of four intensive weeks, I interviewed fifteen incarcerated mothers who were participating in the visitation program facilitated by Aid to Inmate Mothers at Tutwiler Prison. In addition, during this time I interviewed the three staff members working for Aid to Inmate Mothers: Carol Potok, the executive director, Larnetta Moncrief, the program coordinator, and Karen Carr, the rehabilitation specialist. The University of Alabama’s Institutional Review Board approved the protocol for this study. Each participant read and signed a consent form in order to participate. No compensation was provided, and full privacy and confidentiality were maintained. Women were aware that their participation would have no influence on their sentence, their parole, or their ability to participate in Aid to Inmate Mothers or any other program offered at the prison.

All of the incarcerated women recruited for the study were actively participating in Aid to Inmate Mothers at the time of their interview, and all were mothers to at least one child under the age of eighteen. Larnetta Moncrief of Aid to Inmate Mothers provided a brief description of the study to active participants of the visitation program and asked women if they would be willing

30. Kimberlé Williams Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color,” in *Critical Race Theory: The Key Writings that Formed the Movement*, ed. Kimberlé Crenshaw, Neil Gotanda, Gary Peller, and Kendall Thomas (New York: The New Press, 1995), 375.

to speak with me individually. Of the sixteen women who expressed interest, fifteen chose to complete the interview after meeting with me and reading the informed consent document.

The women I interviewed included eleven African American women and four white women. The average age of participants was thirty years, and women had between one and eight children. Nine of the women whom I interviewed had two children. Children were placed with family members or the Adullam House, a charitable home near the prison, and most of the children were reported to be residing with grandmothers. Only one woman reported that her children were currently receiving primary care from their father. Most of the women had custody or shared custody of their children, and all expressed a desire to take over as their children's primary caretaker when they are released from prison. Women's sentences ranged from one year to life without parole.

The questions asked during the interviews allowed women to share their life stories and talk at length about relationships with their own parents or primary childhood caregivers, their children, romantic partners, and other family members. A few women also discussed their relationships with women in the prison (romantic or otherwise). As a feminist researcher, I wanted the interviews to be conversational in nature, and thus each interview was unique. In addition to asking basic demographic questions and questions about how many children women had and who was currently caring for their children, a few of the questions that I asked women included: Have you ever had a history of drug use? What was your childhood like? How would you describe your previous romantic relationships? Were you prepared to become a mother when you did? What was your relationship like with your children before and after your incarceration? Has your relationship with your children changed since you began participating in AIM? Has your view of yourself as a mother changed since participating in AIM? What do you like/dislike

about AIM? And, what do you hope to get out of your participation with AIM? Not all of the women wanted to discuss their criminal histories, drug use, or the abuse and trauma that they might have experienced in their lifetime. While most of women spoke freely on these topics, others asked to skip such questions, and I chose to omit certain questions if I sensed that addressing these difficult topics would compromise the interview or my ability to gain the trust of my interviewee. Therefore, the data presented on addiction, drug and alcohol abuse, criminal history, and victimization came from the women themselves, are incomplete, and were not compared to any records of “official” data.

All of the interviews took place in one of two private attorney’s offices within Tutwiler Prison. Interviews lasted from under thirty minutes to nearly two hours, with most spanning about one hour. There were no security officers in the room or immediately outside of the door during the interviews. Fourteen of the interviews with inmates were audio-recorded, and one was recorded by hand at the request of the interviewee. The three interviews with staff members were recorded by hand. I transcribed the handwritten interviews myself and hired an experienced transcriptionist to type the audio-recorded interviews. I personally coded each interview for common themes. The results of these interviews, along with limited ethnographic analysis, are discussed at length in chapter 4 of this document.

Chapter Overview

In chapter 2, “Drugs Addicts, Pathological Liars, and ‘Bad Black Mothers’³¹: A Genealogy of Incarcerated Motherhood and the Impact of Racialized Politics in Alabama’s

31. This terminology is borrowed from Patricia Hill Collins’s chapter on “Mammies, Matriarchs, and Other Controlling Images” in *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. See page 83 specifically.

Criminal Justice System,” I situate the contemporary women’s prison in time and place and build a foundation for exploring the ways in which women’s incarceration is fundamentally related to issues of reproductive freedom. I provide a brief overview of the history of women in correctional institutions, grounding this discussion in the deeply gendered history of the prison reform movement in America. I explore the history of women’s imprisonment in Alabama and frame the establishment of Tutwiler Prison within the contentious debates concerning eugenics and criminal anthropology that were ongoing throughout the nineteenth and early twentieth century. I trace this history through the conservative policy changes of the 1970s through the 1990s that resulted in the dismantling of public support services and a shift from thinking about prisons as potential spaces of rehabilitation to the embracing of a more repressive politics of punishment. Along these lines, I analyze the prison as a space that is fundamentally designed with the violent male criminal in mind and suggest that women’s corporeal bodies and lived experiences reveal the inadequacies of this system. In addition, I comprehensively analyze the ways in which women’s imprisonment is linked to classism, racism, and ideas surrounding who should and should not be allowed to be a mother.

In chapter 3, “Expendable Lives: Dangerous Assumptions Underlying the (Mis)Application of Alabama’s Chemical Endangerment Law to Pregnant Women and New Mothers,” I conduct a case study of the application of Alabama’s 2005 chemical endangerment law to pregnant women and new mothers. Because the debates surrounding the use and abuse of this law are ongoing, I refer directly to the language surrounding the arrests and prosecutions of women under this law in order to reveal the underlying sexist, racist, and classist assumptions of these prosecutions. I hearken back to the “crack baby epidemic” of the 1980s and early 1990s in order to trace the development of the modern-day construction and punishment of drug-abusing

mothers. Though my research, I work to debunk the media's sensationalized view of the effects of drug use on fetal outcomes, shifting the focus to the real problems of poverty, violence against women, and widespread intolerance for difference. I engage with the writings of legal scholars and organizations for social justice in order to discuss the racist and classist implications of this law and to reveal the ways in which its application to pregnant women and new mothers represents a denial of reproductive justice.

In chapter 4, "Aid to Inmate Mothers: Motherhood as a Strategy of Resistance," I draw from my analysis of the fifteen in-depth interviews that I conducted with women who were actively participating in the visitation program with Aid to Inmate Mothers at the time of my study, along with the interviews and interactions with the three staff members who make up this organization. I specifically address how being a mother shapes incarcerated women's conceptions of self and in what ways the women in my study see themselves as taking on the responsibilities of motherhood from prison. In addition, I ask how incarcerated women personally define what it means to be a "good" or "bad" mother and how they position themselves within this discourse. Furthermore, I draw from my analysis in chapters 2 and 3 of how society constructs the relationship between race, class and mothering at this particular moment in order to theorize how these discourses shape incarcerated mothers' parenting experiences and self-perceptions. In addition to addressing the research questions outlined above, this chapter specifically highlights women's experiences with parenting in relation to their participation in Aid to Inmate Mothers, emphasizing the ways in which the programs developed by Aid to Inmate Mothers support mothers in their decisions to continue parenting from the distance of the prison. In this manner, I analyze motherhood as a means for incarcerated women to strategize resistance and claim agency from the space of the prison,

suggesting that programs such as Aid to Inmate Mothers help to meet those specific needs of incarcerated women that are otherwise neglected by the criminal justice system.

Chapter 2

DRUG ADDICTS, PATHOLOGICAL LIARS, AND “BAD BLACK MOTHERS”: A GENEALOGY OF INCARCERATED MOTHERHOOD AND THE HISTORY OF RACIALIZED POLITICS IN ALABAMA’S CRIMINAL JUSTICE SYSTEM

“When we define criminal bodies, we also define ourselves. . . . Criminalized bodies are inevitably politicized bodies, surfaces on which theorists project hopes and fears, ideologies and ideals.”

--Nicole Hahn Rafter, *Creating Born Criminals*

The first thing I noticed about Julia Tutwiler Prison for Women was that it was loud and old. On the inside, no less than four sets of heavy metal bars separate inmates from the main entrance and exit, from freedom. These bars are constantly opening and closing for the prison staff, attorneys, and teachers who are going in and out, and they clang loudly in the entrance corridor adjacent to the room in which I conducted interviews. It took me several minutes to adjust and tune out the sounds of the bars, the seemingly constant yelling of the guards, and the chatter of the inmates, all of which were amplified by the concrete structure of the interior.

On my first visit to Tutwiler, I perceived quite readily that the building is dilapidated. The warden who gave me a tour openly discussed how difficult it is to maintain such an old facility. In the largest dorm, which regularly houses more than one hundred and fifty women, inmates sat on a sea of white beds, separated only by inches, a few looking up to observe what was going on. My overall experience at Tutwiler, unsettling as it was, necessitated further study. Was this a typical women’s prison? Who were these women, dressed in all-white pants and button-down shirts with black-printed numbers adorning the pockets? Why were they here? My

questions prompted me to delve deeply into the history of Tutwiler Prison, seeking answers from amidst the history of women in American penal institutions, a task that became the focus of this chapter.

Increasing Rates in the Incarceration of Women

Women increasingly represent the hidden casualties of the prison-industrial complex, and female inmates now make up the fastest growing sector of the prison population in the United States.¹ Researchers with the Women’s Prison Association (WPA) have observed that the number of women in U.S. prisons grew by more than eight hundred percent between 1977 and 2007, compared to just over four hundred percent growth for male populations during the same time period.² Women of color continue to be overrepresented in prisons, with African American women constituting about a third of all incarcerated women in 2008, and Hispanic women an additional sixteen percent.³ In spite of the rapidly growing number of women in American correctional institutions, few prisons are equipped to address their gender-specific needs, and many continue to be designed and function like smaller versions of men’s facilities. Women’s paths to prison often differ significantly from those of their male counterparts, however, and the WPA’s groundbreaking 2006 report analyzing state-by-state growth of women’s incarceration suggests that women are “especially sensitive to the shifting trends in imprisonment,” particularly as represented in the move to impose harsher sentences for non-violent crimes such

1. Frost, Greene, and Pranis, “Punitiveness Report,” 7.

2. WPA: Institute on Women and Criminal Justice, “Quick Facts: Women and Criminal Justice – 2009” (Women’s Prison Association 2009), accessed February 10, 2010, <http://www.wpaonline.org/pdf/Quick%20Facts%20Women%20and%20CJ%202009.pdf>.

3. Ibid.

as drug and economic offenses.⁴ It is also significant to note that the overwhelming majority of women entering U.S. prisons come from some of the most marginalized segments of society: many live in impoverished communities with limited social support,⁵ most did not graduate from high school,⁶ a majority are survivors of physical and/or sexual abuse,⁷ and studies indicate that as many as seventy-two percent of female inmates struggle with substance disorders.⁸ Such factors make women markedly vulnerable to the stark conditions that characterize American prisons. In particular, while official sources for criminal justice information often do not differentiate between men and women in their analyses, prisons prove to be especially harsh environments for women, who regularly experience dangerous levels of overcrowding,⁹ denial of their reproductive and parental rights,¹⁰ high risk of sexual assault,¹¹ habitual lack of access to adequate medical care,¹² and numerous other infringements of their basic human rights.

4. Frost, Greene, and Pranis, “Punitiveness Report,” 8.

5. Nicole Hahn Rafter, *Partial Justice: Women, Prisons, and Social Control*, 2nd ed. (New Brunswick: Transaction Publishers, 1990), 178. Rafter argues that a leading factor in the explosive increase of the female prisoner population is the feminization of poverty.

6. Jenni Vainik, “The Reproductive and Parental Rights of Incarcerated Mothers,” *Family Court Review* 46, no. 4 (2008): 676.

7. Frost, Greene, and Pranis, “Punitiveness Report,” 21-22; Martin A. Geer, “Human Rights and Wrongs in Our Own Backyard: Incorporating International Human Rights Protections Under Domestic Civil Rights Law—A Case Study of Women in United States Prisons,” *Harvard Human Rights Journal* 13 (2000): 86; Rafter, *Partial Justice*, 179.

8. Vainik, “Reproductive and Parental Rights,” 676.

9. Geer, “Human Rights and Wrongs,” 88-89.

10. Vainik, “Reproductive and Parental Rights,” 675-680.

11. For studies on this topic, see the Human Rights Watch report, “All Too Familiar: Sexual Abuse of Women in U.S. State Prisons” (1996), as well as Amnesty International’s reports on female inmates in the U.S., including: “United States of America: Rights for All” (1998), “‘Not a Part of My Sentence’: Violation of the Human Rights of Women in Custody”

The explosive increase in the incarceration of women has had devastating effects on these women's immediate families as well as on their communities at large. Although the feminist movement has led to a loosening of traditional gender roles in recent decades, women nevertheless continue to be the primary caretakers of children, and this fact is particularly salient when considering the gender-specific needs of incarcerated women. Eighty percent of women in prison are mothers, and nearly two-thirds are mothers of dependant children.¹³ Moreover, recent studies show that seventy-seven percent of women report being the primary caretakers of their children prior to their incarceration.¹⁴ For mothers in prison, the challenges of continuing to care for their children and maintaining a sense of maternal identity prove especially difficult. In her recent article entitled "The Reproductive and Parental Rights of Incarcerated Mothers," Jenni Vainik argues that "unlike men, the punishment of women has typically implicated women's reproductive and parental rights."¹⁵ As spaces that regularly position women through a lens that portrays them solely as criminals, prisons often fall short in responding to women's unique needs as mothers. In light of this fact, a feminist analysis of the ways that prisons address and regulate women's reproductive and parental lives is necessary. Contextualized within the wake of criminal anthropology and the American eugenics movement, the history of Alabama's own Julia Tutwiler Prison for Women exemplifies the complex interplay of gender, race, and class in the criminal justice system, notably revealing the connections between the criminalization of

(1999), "Abuse of Women in Custody: Sexual Misconduct and the Shackling of Pregnant Women" (2001).

12. Ibid.

13. Vainik, "Reproductive and Parental Rights," 676; WPA, "Quick Facts."

14. WPA, "Quick Facts."

15. Vainik, "Reproductive and Parental Rights," 672.

certain bodies and the safeguarding of reproductive liberties for those groups that have historically been deemed worthy.

The Treatment of Women in Early U.S. Correctional Institutions

Since the development of state prison systems in the United States in the late 1700s and the move to establish incarceration as the major form of social punishment, the treatment of women in correctional institutions has been problematic.¹⁶ Although women were originally housed alongside men, as the number of women convicted of felony offenses began to increase, separate facilities were constructed, often either within or near men's facilities.¹⁷ Separate housing may have provided more privacy and a level of safety from sexual assault by male prisoners, but historians suggest that this transition also led to increased neglect of female offenders, a legacy that continues into today.¹⁸ Tim Dodge suggests that this neglect stemmed from traditionally sexist views that considered women fundamentally incapable of moral infractions, writing, "At first, female offenders were regarded as monstrous beings and not female—real women were assumed to be morally superior to men and hence incapable of crime."¹⁹ Such notions notably worked to construct female convicts as unredeemable, limiting their access to the types of rehabilitative programming that were available to men at the time.²⁰

16. Dodge, "Good Intentions, Disappointing Results," 245; Geer, "Human Rights and Wrongs," 87-88; Vainik, "Reproductive and Parental Rights," 672.

17. Geer, "Human Rights and Wrongs," 87.

18. Ibid., 87-88.

19. Dodge, "Good Intentions, Disappointing Results," 245.

20. Ibid.

Even as reform efforts beginning in the 1870s established that female inmates ought to be housed separately from men and should have the right to a certain level of gender-responsive rehabilitative programs in the form of reformatories, women's access to such spaces was heavily restricted by race. Vainik writes that "typically, black women were either incarcerated in the same institutions as men or were kept in female-only penal institutions which were nonreformatory in nature."²¹ Methods of punishment—whether custodial or reformatory—were unquestionably shaped by contemporary sexist and racist ideologies. For white women, reformatories sought to instill domesticity, emphasizing the tenets of true womanhood²² and middle-class conceptions of motherhood. For women of color on the other hand, incarceration was primarily concerned with punishment and deterring their supposedly deviant sexuality.²³

Prisons, Motherhood, and the Politics of Race

When women's reformatories first appeared in the 1870s, most employed what Vainik terms "the maternal rehabilitative approach."²⁴ Hiring matrons and all-female staff to serve as supervisors and role models, reformatories of the time strongly emphasized white, middle-class maternal values with the underlying goal of transforming inmates into "proper" wives and mothers.²⁵ Throughout the reformatory movement, which lasted into the 1930s, there were radical changes in the architectural spaces of women's confinement. Northeastern states

21. Vainik, "Reproductive and Parental Rights," 672.

22. See chap. 1, note 6.

23. Ibid.

24. Ibid.

25. Rafter, *Partial Justice*, 26; Vainik, "Reproductive and Parental Rights," 672.

introduced the “cottage plan,” a revolutionary model in which women were housed in domestic arrangements intended to simulate simple middle-class living.²⁶ Matrons of these institutions served as maternal role models, treating inmates much like wayward children.²⁷ Reform efforts in these quasi-homes centered on encouraging women to conform to predetermined domestic roles. Vocational programs taught inmates to cook, clean, and serve, and some women, upon being paroled, were even leased out as domestic servants in middle-class homes.²⁸ Significantly, women were also allowed and even encouraged to keep their children with them in these early reformatories, a practice that served to exaggerate the domestic atmosphere and further encourage the values associated with true womanhood.²⁹

While the reformatory movement might be read as almost benign in contrast to harsh custodial prison practices of the time, this type of rehabilitation also subjected women to longer sentences for moral crimes that were seen as irreverently defying hegemonic gender norms. “The criminal justice system became a mechanism for punishing women who did not conform to bourgeois definitions of femininity,”³⁰ writes Rafter, noting in particular the development and implementation of indeterminate sentencing laws that allowed for women to be incarcerated for longer periods as the result of their perceived moral deficiencies.³¹ Being primarily concerned with restoring fallen women’s sense of chastity and morality, reformatories were very much

26. Rafter, *Partial Justice*, 33-34.

27. *Ibid.*, 34.

28. *Ibid.*, xxviii

29. Rafter, *Partial Justice*, 37; Vainik, “Reproductive and Parental Rights,” 673.

30. Rafter, *Partial Justice*, xxxii.

31. Rafter, *Partial Justice*, 37-38.

involved in a campaign to limit and control the sexuality of working-class and poor white women whose behavior challenged dominant notions of femininity and standards of “true womanhood.”³² Important in this respect is the fact that reformatories were also characterized by their exclusion of African American women, whose precarious location at the intersections of gender and race made them seemingly unworthy or incapable of reform.³³

While poor white women served indeterminate sentences in the confines of reformatories where they learned how to perform the domestic roles expected of them, women of color were often subject to brutal forms of neglect in custodial prisons. Vainik argues that “prison policies actively penalized black motherhood,” citing as evidence the oftentimes decrepit conditions of living quarters, the hiring of predominantly white male guards, and the dearth of gender-responsive programming designed to encourage domestic skills.³⁴ Few records document whether Black women were allowed to keep their children with them throughout their terms of incarceration, but Vainik notes that many prisons actively sought to limit Black women’s reproductive and parental rights through policies of forced sterilization and mandatory birth control.³⁵ “During this time period, the Eugenics Movement promoted sterilization as a solution for ‘antisocial’ behavior,” writes Vainik, continuing, “Black female inmates were easily deemed antisocial, because they not only suffered the double oppression of being black and female, but were also considered to be criminals.”³⁶ As evidenced by their (mis)treatment in custodial

32. Ibid., 23-24.

33. Ibid., 37.

34. Vainik, “Reproductive and Parental Rights,” 673-74.

35. Ibid., 674.

36. Ibid.

prisons of the time, Black women's positionalities subjected them to racist and sexist policies that sought to deter and punish their supposedly deviant sexuality, a fact that is especially significant for analyzing America's always ongoing and problematic construction of Black motherhood.

The Establishment of Julia Tutwiler Prison for Women

The establishment of Alabama's own Julia Tutwiler Prison for Women should not be read outside of an awareness of its contextualization within the anthropological understanding of criminology and eugenics that was so popular, though contentious, at the time of its construction.³⁷ Completed in 1942, Tutwiler Prison replaced the old Wetumpka Prison in Alabama, which was the first prison in the state. In his historical overview of Tutwiler, Tim Dodge writes that "although the Julia Tutwiler Prison for Women opened in December 1942 to very little fanfare, its establishment represented the culmination of reform efforts by several professional women's groups."³⁸ The establishment of Alabama's women's prison was the result of proto-Progressive and Progressive campaigns led primarily by middle-class white women who were interested in reifying traditional gender roles and increasing their control over working-class and poor women's bodies. While women's organizations in the state were

37. While it is useful to contextualize the establishment of Tutwiler Prison within contemporary debates concerning eugenics, I am not making a claim that the prison actively engaged in eugenics or was founded with a specifically eugenic purpose in mind. Rather, I am trying to draw out some similarities in language between the American Eugenics Movement and the various discussions surrounding the establishment of a separate correctional facility for women in Alabama. The topic of the relationship between the Eugenics Movement and the establishment Tutwiler Prison requires further research that is beyond the scope of this thesis.

38. Dodge, "Good Intentions, Disappointing Results," 246.

lobbying for a more rehabilitative model, however, the outcome of their campaign was somewhat different than their original intentions.

Interestingly, the Wetumpka Prison had essentially become a prison for women long before it was replaced by Tutwiler. In her essay concerning Black women in Alabama's prisons in the late nineteenth century, Mary Ellen Curtin describes the process by which the Wetumpka Prison came to house all of the state's female inmates by 1888. Before this point, women and men worked side-by-side in the convict leasing system, which hired out prisoners to private farms and mining camps throughout the state. "From 1866 through 1928 state convicts in Alabama were leased out to private enterprises such as the Tennessee Coal, Iron, and Railroad Company to work in the mines, as well as to other railroad companies and plantations," writes historian Tim Dodge.³⁹ "Not surprisingly," he adds, "this practice lead to abuses as private entrepreneurs sought to exploit convict laborers in the pursuit of profits."⁴⁰ The convict leasing system in the postbellum South was heavily influenced by racism and the need to repay post-war debts, and Curtin notes that "between 1869 and 1883, approximately 111 women were incarcerated at state prisons, and of these, only 4 were white."⁴¹ Women frequently worked as domestic servants at mining camps and farms, often serving white supervisors as the sole female in the camp.⁴² While they suffered under hard labor, isolation, and generally harsh conditions, women in prison camps were allotted a certain level of freedom in terms of maintaining

39. Ibid., 248.

40. Ibid.

41. Mary Ellen Curtin, "The 'Human World' of Black Women in Alabama Prisons, 1870-1900," in *Hidden Histories of Women in the New South*, ed. Virginia Bernhard et. al. (Columbia: University of Missouri Press, 1994), 13.

42. Ibid., 20.

relationships and families.⁴³ However, Alabama's attorney general ordered that all female prisoners be sent to the Wetumpka Prison in 1888, after which point the prison largely came to house only female inmates (sometimes with young children), young male offenders, and prisoners with some type of disability that prevented them from gaining a contract through the convict leasing system.⁴⁴

The reformatory movement did not, for the most part, reach the South, and the custodialism of southern prison systems was predictably plagued with neglect and outright brutality. Rafter writes:

When southern female prisoners were not left in total idleness, they were assigned to hard labor, mainly in laundries or clothing factories. At Wetumpka, for example, women manufactured garments for all of Alabama's prisoners in a factory equipped with eighty-one sewing machines; they had demanding production quotas, so high that women collapsed from the severe pace. Southern prison buildings were usually unsanitary, lacking adequate toilet and bathing facilities. Medical attention was available only in the most serious cases, if then, and women with mental disorders were locked in solitary confinement and ignored. The institutions were frequently overcrowded; there was little room for sleeping, much less for recreation. Dormitory design made privacy impossible and fostered both violence and epidemics.⁴⁵

Such an inhospitable environment could in no way have been conducive to the health of inmates, let alone if they were pregnant or had young children with them. Unfortunately, much of Rafter's description of the Wetumpka Prison could very well be that of Tutwiler today. Tim Dodge argues that the history of Tutwiler Prison is one of "good intentions and disappointing results": while reformists sought to reach the ideal of rehabilitation, an overall lack of funding,

43. Ibid.

44. Ibid., 21. Curtin discusses the presence of children in the prison, both youthful offenders and those who stayed with their mothers throughout their incarceration.

45. Rafter, *Partial Justice*, 97.

continued neglect, and the preservation of sexist and racist ideologies stymied their efforts.⁴⁶ With women such as Dorah H. Sterne—a well-known citizen of Birmingham who was very active in various women’s groups such as the American Association of University Women (AAUW)—heading the effort to establish a separate prison for women in the state, intentions were primarily to improve conditions for female prisoners and make rehabilitation (rather than punishment) the focus of the institution.⁴⁷ The very fact that the prison was named after Julia Strudwick Tutwiler, a prominent Alabama educator and social reformer known as “the angel of the stockades” for her promotion of prison reform, seems to imply that rehabilitation was recognized as a fundamental part of the prison’s mission.⁴⁸

Alabama’s establishment of a separate facility for incarcerated women is regularly presented as a laudable accomplishment of prison reform for the state, and this move did in many ways represent a significant improvement in the treatment of female inmates. However, the development of an exclusively female facility during this time period also had real implications for the institutional control of women’s sexual behavior and for the enforcement of dominant notions of reproductive value. Curtin describes the atmosphere surrounding the decision to construct a facility in which female inmates could reside separately, writing:

It was concern over their sexual relationship with the male prisoners, and not concern over the hardship of their daily lives, that led the state to establish a separate prison facility for women. Recommending a separate state prison for women, the inspectors wrote to the governor that ‘where they [men and women] are at the same place, no matter how much care is taken to prevent it, they will sometimes get together; and they are on

46. Dodge, “Good Intentions, Disappointing Results,” 244.

47. *Ibid.*, 249-50.

48. *Ibid.*, 253.

the look out for opportunities of the sort all the time, which makes it difficult to preserve discipline.’⁴⁹

Curtin goes on to describe prison officials’ exasperation with female inmates specifically, who were considered untamable and inherently sexually promiscuous. Such rhetoric highlights the underlying desire to limit the sexual freedoms of female criminals in an attempt to reinscribe dominant notions of subjectivity and reproductive worth. In addition, the preoccupation with wanting to control inmates’ sexuality cannot be taken out of the context of ongoing constructions of race and motherhood. The fact that working class and poor African American women made up the majority of Tutwiler’s inmates through the early twenty-first century undoubtedly played a role in the failure of reformists to employ rehabilitation programs that were fundamentally designed to teach women how to be respectable, middle-class, *white* wives and mothers.⁵⁰

The Prison and Free Society as Mutually Constructing Binaries

While prisons (and by extension, prisoners) are regularly thought of as wholly outside of mainstream society, it is in fact through the social construction of the prison and the criminalized body that society defines what it means to be considered a full citizen. Investigating the relative social invisibility of prisons and those populations most directly involved with them, Angela Davis asserts that “democratic rights and liberties are defined in relation to what is denied to people in prison.”⁵¹ By stripping a growing number of people of their rights as citizens, the prison system allows dominant society to comfortably define their own civil liberties in relation

49. Curtin, “Black Women in Alabama Prisons,” 23-24. The remarks of the inspectors were quoted from the *First Biennial Report of the Inspectors of Convicts to the Governor, from October 1, 1884, to October 1, 1886*, 17.

50. Dodge, “Good Intentions, Disappointing Results,” 266.

51. Davis, *Abolition Democracy*, 46.

to the ways in which prisoners are systematically disenfranchised. This fact suggests that prisons represent an “other” to a norm, occupying the place of a constitutive outside to what is commonly understood as the good, proper, or lawful society.

In a 2008 documentary film entitled *War on the Family: Mothers in Prison and the Children They Leave Behind*, one interviewed inmate, named only as Pamela, describes her own feelings of invisibility and dehumanization as the result of her perceived loss of social worth, poignantly stating, “[Imprisonment] robs me of my hope, my faith, my very right to exist.”⁵² As incarcerated people experience such a denial of their basic right to be seen as human, dominant society is simultaneously able to construct hegemonic notions of “normality” and “worth.” Even the presumed naturalness or inevitability of the prison today belies the long history of different systems of punishment and the relatively recent creation of the penitentiary and the “supermax,” institutions which have become such household names that there are entire television programs devoted to voyeuristically detailing inmates’ lives behind bars. Consequently, one of the results of the imbedded nature of the prison within our culture is the fact that most people have relatively superficial notions of those presumably “dangerous” and “socially unfit” criminals who fill our penitentiaries. Angela Davis argues:

On the whole, people tend to take prisons for granted. It is difficult to imagine life without them. At the same time, there is reluctance to face the realities hidden within them, a fear of thinking about what happens inside them. Thus, the prison is present in our lives and, at the same time, it is absent from our lives. . . . We take prisons for granted but are often afraid to face the realities they produce.⁵³

Interestingly, prisons are in this sense hyper-visible in terms of mainstream society’s visual intake of them, and yet the realities of those who are most affected by the prison system itself

52. *War on the Family*, directed by Lyons and Rivet-River.

53. Davis, *Are Prisons Obsolete?*, 15.

frequently remain unremarked and misinterpreted. Moreover, this fact is also representational of the historical devaluation of those people deemed more corporeal and hence more tied to the private or non-political realm. Prisoners are located at the margins of hegemonic power structures that nevertheless shape our notions of rights, citizenship, and subjectivity.

Nicole Hahn Rafter elaborates on this idea of the prison serving as a constitutive binary to free society, writing, “When we define criminal bodies, we also define ourselves. . . . Criminalized bodies are inevitably politicized bodies, surfaces on which theorists project hopes and fears, ideologies and ideals.”⁵⁴ Significantly, the “othering” of the criminal body has real implications for mechanisms of reproductive control, a fact that has historically had particular significance for women. Rafter meticulously traces the connections between the criminalization of certain bodies and the protection of sexual and reproductive freedom for chosen groups, writing, “I tell the tale of the ‘pathologification’ of crime and of the criminal body, the momentous shift from the eighteenth-century preoccupation with illegal actions to the twentieth-century obsession with individuals whose biological conditions seem to disease society.”⁵⁵ According to Rafter, the development of the idea of the “defective delinquent” or the “born criminal”—one whose very biology marks her as inferior, dangerous, and criminal—has historically served to justify the incarceration of those deemed unworthy of either political or reproductive freedoms.

In the late nineteenth century, with the ongoing development of American criminal anthropology and its ties to eugenics, the move to allow the criminal justice system to serve as a

54. Nicole Hahn Rafter, *Creating Born Criminals* (Urbana: University of Illinois Press, 1997), 238.

55. *Ibid.*, 5.

mechanism of reproductive control had important implications for female inmates. Those who did not fit the ideal of “true womanhood” due to their positionalities within structures of racism, classism, heterosexism, and ableism were increasingly labeled biologically unnatural and unfit in terms of their sexuality and morality. Furthermore, while the eugenics movement certainly had significant consequences for male populations, the leap to criminalizing the supposedly degenerate female body was easily facilitated by dominant notions of women as inherently inferior. Rafter addresses this point, writing, “Eugenic imagery of degenerate women was congruent with and actually closer to familiar beliefs about the nature of all women.”⁵⁶ Interestingly, in the context of criminology, American eugenicists seemed most concerned with the supposed degeneracy and penchant for crime of poor whites.⁵⁷ While this overarching fear obviously cannot be taken out of a context in which the threat of the racial Other was always already underlying debates, Rafter argues that the implications of socio-economic class were especially important, for “the possibility that poor women might use their bodies unconventionally threatened the biological understanding of gender [and, I might add, race] as fixed and immutable.”⁵⁸

Modern-Day Conditions at Tutwiler

Dodge argues that “while overcrowding, understaffing, and underfunding are not unique to Tutwiler or the male prisons of Alabama, they are problems and issues that have helped

56. Ibid., 48.

57. Ibid., 50.

58. Ibid., 49.

determine the history of the Julia Tutwiler Prison.”⁵⁹ Overcrowding in Alabama’s prison system has had a tremendous impact on female inmates in particular. Tutwiler Prison is currently the receiving space for all in-coming female inmates in the state of Alabama. At the time of its completion, the correctional facility was designed to house four hundred inmates. Today, in spite of expansions and at least two major rounds of litigation concerning the facility’s conditions, the prison is habitually overcrowded, a fact that puts undue strain on both prisoners and staff. According to information provided by the Alabama Department of Corrections website, the architectural organization of the prison includes nine dormitories, special units for the isolation of prisoners, and particular units built to house inmates who are pregnant, HIV positive, elderly, or somehow disabled.⁶⁰ In addition to the dormitories, Tutwiler is also equipped with a medical infirmary, an auditorium, a chapel, a substance-abuse treatment program, and a textile factory, from which prisoners labor to manufacture clothing for the Department of Corrections and Alabama county jails.

The most recent legal action against the prison occurred in 2002, when the Southern Center for Human Rights filed a lawsuit against the Alabama Department of Corrections in order to address issues of severe overcrowding, inhumane living conditions, and inadequate medical and mental health care for the women housed at Tutwiler Prison, the Edwina Mitchell Work Release Center, and the Birmingham Work Release Center. Tutwiler, which was intended to house no more than 718 prisoners at the time, was holding more than 1,500 inmates when the

59. Dodge, “Good Intentions, Disappointing Results,” 243.

60. “Tutwiler Prison for Women,” Alabama Department of Corrections: A Proud Past, A Bright Future, accessed March 16, 2011, <http://www.doc.state.al.us/facility.asp?id=18>.

lawsuit was served.⁶¹ These shockingly overcrowded conditions were exacerbated by the lack of air conditioning, the poorly ventilated dormitories in which women were packed like sardines, the overall dilapidated conditions of the building itself, and the understaffed and potentially violent conditions in which the inmates were expected to live and work.⁶² The first amended complaint to the lawsuit, filed on September 13, 2002, details a number of truly horrifying concerns, including the presence of raw sewage and possible water contamination. In just one of such appalling descriptions of the intolerable conditions at the prison, the prosecuting attorneys describe:

The “intake” or “receiving” area at Tutwiler Prison is a small dormitory designed to handle approximately 20 women at a time. Due to overcrowding, the intake area consistently holds more than three times that number. Mold grows unabated on the walls. Pipes are corroded, and sinks and shower drains are encrusted with sludge. Showerheads and toilets are inadequate and often nonfunctional. Outside exercise and other activities are not available to the women in intake, who spend all day locked down and idle. Women are regularly held in the intake area from 4 weeks or more, waiting for a space to open up in the prison or work release centers.⁶³

Based on such well-documented accounts of the remarkably intolerable and inhumane conditions, Federal District Court Judge Myron Thompson found Tutwiler to be unconstitutionally unsafe on December 2, 2002, ordering that the state of Alabama offer a plan for radical improvement of the conditions, particularly those related to medical care. In 2003, the state began transferring female convicts to a private prison in Louisiana.⁶⁴ Across state lines, many women were virtually unable to see their children, other family members and friends, or

61. *Laube v. Haley*, no. CV-02-T-957-N (Middle District of Alabama, 2002), Southern Center for Human Rights, http://www.schr.org/files/tutwiler_complaint.pdf, 6.

62. *Id.* at 6-7.

63. *Id.* at 7.

64. Dodge, “Good Intentions, Disappointing Results,” 243.

their attorneys. Four years later, thanks in large part to the petitioning of prisoner advocacy groups such as the Alabama Women's Resource Network (AWRN) along with the renovation of a second prison, the Montgomery Women's Facility, inmates returned to Alabama.

The Prison as Text: The Significance of Architectural Design

The fact that Tutwiler is designated as a prison for women is not arbitrary. As spaces that are specifically designed with the intent to control—to literally contain—bodies, prisons prove to be particularly interesting environments for understanding notions of subjectivity and the complex interplay of gender, race, and class in mainstream society. As both real, lived environments and spaces onto which people posit considerable metaphorical meaning, prisons serve as the logical conclusion to dominant society's efforts to order space in ways that reflect notions of subjectivity, worth, and power. As Angela Davis and Cassandra Shaylor indicate in their essay concerning the prison-industrial complex in California, the space of the prison is itself inherently organized to reflect the body and subjectivity of the *male* prisoner—from architectural designs that primarily function to contain violent offenders, to the overall lack of programs designed to maintain family and maternal bonds, the substandard medical and mental health treatment and neglect of female inmates, and the hiring of predominantly male staff which fosters ongoing sexual abuse within prison walls.⁶⁵

In her landmark work, *Are Prisons Obsolete?*, Angela Davis highlights the disturbing fact that “studies on female prisons throughout the world indicate that sexual abuse is an abiding, though unacknowledged, form of punishment to which women, who have the misfortune of

65. Angela Davis and Cassandra Shaylor, “Race, Gender, and the Prison Industrial Complex: California and Beyond,” *Meridians* 2, no. 1 (2001): 204.

being sent to prison, are subjected.”⁶⁶ Prison sexual abuse is not accidental or the result of bored prison guards, but represents a deeply misogynistic abuse of power that is fundamentally supported by the design of the prison itself. By encouraging architectural plans that promote isolation of prisons from mainstream society and allowing for overcrowded and unmanageable conditions, it might be argued that “the government authorize[s] prison conditions that [enable] sexual harassment and assault, thus implying that the state itself [is] an agent of sexual violence.”⁶⁷ For incarcerated African American women, such forms of sexualized violence are historically founded in the exploitation, commodification, and overall subordination of the Black female body. For example, Davis writes that “sexual abuse by prison guards is translated into hypersexuality of women prisoners. This notion that female ‘deviance’ always has a sexual dimension persists in the contemporary era, and this intersection of criminality and sexuality continues to be racialized.”⁶⁸ As insinuated by Davis, African American women are always already positioned in a society that has historically viewed them as sexually deviant and essentially unable to be raped, a fact that locates them at the precarious intersection of gender and race in the space of the prison.

International non-governmental organizations such as Human Rights Watch and Amnesty International have extensively documented the prevalence of sexual abuse of female inmates in American correctional institutions.⁶⁹ Such abuse cannot be fully understood outside of the

66. Davis, *Are Prisons Obsolete?*, 80.

67. Davis, *Abolition Democracy*, 114-15.

68. Davis, *Are Prisons Obsolete?*, 68.

69. See note 11 above.

history of limiting and controlling women's sexuality and reproductive rights through incarceration. Tutwiler Prison is by no means exempt from the legacy of sexual abuse in women's prisons. In a recent interview with me at Tutwiler, Cheryl, a twenty-nine year old mother of four, argued that controlling inmate's sexuality is *the number one concern* of the correctional officers and other prison officials. After revealing the fact that an inmate had recently become pregnant by one of the officers (who had, according to her, been fired but was not facing any criminal sanctions), Cheryl suggested that women faced discrimination and unfair disciplinary measures if they refused to humor male correctional officers or, at times, grant them sexual favors. Herself in a long-term relationship with another woman at the prison, Cheryl feels that women-identified women are routinely punished for their perceived deviance from dominant scripts of femininity, heterocentrism, and chaste motherhood. Even women whose intimate relationships never involve sex, Cheryl argues, are punished. At one point in our interview, Cheryl movingly stated: "Something like eighty-five percent of the women in here have been hurt by men their whole lives; why should they be discriminated against for preferring to be in the company of women?" As Cheryl's story indicates, the legacy of sexual control is still very much alive and well in prisons today.

Welfare Reform and the Punishment of Poor Mothers

Conservative policy changes from the 1970s through the 1990s resulted in the dismantling of public support services as well as a shift from thinking about prisons as potential spaces of rehabilitation to the embracing of a more repressive politics of punishment. The 1970s were overwhelmingly a time of ongoing debate and cynicism about the potential for rehabilitation in prisons, and backlash against the feminist movement led some to claim that

women's new freedoms were encouraging them to become increasingly involved in crime.⁷⁰ Conversely, statistics show that the overall proportion of women convicted of violent offenses has declined since 1979, when about half of all female inmates were serving time for violent crimes, and in 2005 nearly two thirds of women in prison were serving time for non-violent offenses.⁷¹ Researchers with the Women's Prison Association reveal that "prosecutorial and judicial decision-making have . . . played a major role" in the soaring rates of incarcerated women, noting that while arrests of women were up by thirteen percent between 1995 and 2004, the number of women in prison actually rose by an astounding fifty-three percent in the same period.⁷²

One of the main factors influencing the rapidly expanding incarceration of women has been the advent of the "war on drugs."⁷³ As Dodge explains, "Starting in the 1970s, the list of drug-related incarcerations became much longer and more complex, and doubtless reflected national trends as federal and state governments engaged in aggressive prosecutions in an attempt to wage the 'war on drugs.'"⁷⁴ Corresponding to this historical trend is the fact that drug offenses accounted for nearly a third of the female state prison population in 2005.⁷⁵ While the

70. Frost, Greene, and Pranis, "Punitiveness Report," 21. One of the most influential studies concerning rehabilitation was criminologist Robert Martinson's "What Works? – Questions and Answers About Prison Reform," which concluded that rehabilitation does not succeed in preventing recidivism. Martinson, "What Works?," *The Public Interest*, 35 (1974): 22-54.

71. Frost, Greene, and Pranis, "Punitiveness Report," 10; WPA, "Quick Facts."

72. Frost, Greene, and Pranis, "Punitiveness Report," 9-10.

73. *Ibid.*, 21-25.

74. Dodge, "Good Intentions, Disappointing Results," 287.

75. WPA, "Quick Facts."

“war on drugs” was originally marketed to the American public as a way of getting dangerous male criminals off of the streets, women have disproportionately suffered the casualties.⁷⁶ Significantly, the popular media has frequently used images of drug-involved women to encourage the “war on drugs” by tapping into anxieties concerning the state of femininity, gender roles, and motherhood.⁷⁷

Facing strict public policy, unending poverty, and institutionalized racism, many women have become increasingly vulnerable to the expansion of the criminal justice system. Debates over restructuring welfare in the 1970s and 1980s often positioned women—and more often than not, women of color—as the heart of the problem of the so-called “culture of poverty.” Sandra Morgen and Jeff Maskovsky describe how much of the research on welfare reform reinforces the idea of a permanent and self-propagating “underclass.”⁷⁸ Directed primarily at poor and working class single-mothers, welfare “reform” also undermines care work, such as the domestic labor done by single mothers. Rather than recognizing the hardships these women often face in order to survive, shifts in welfare policy have created explanatory narratives about female-headed households filled with children born out of wedlock and people who choose to make money dishonestly through participation in informal and illegal economies.⁷⁹ The dismantling of social support systems both creates and maintains the so-called underclass while promoting a narrative of the deviant sexuality and depraved mothering practices of poor, usually non-white women in

76. Frost, Greene, and Pranis, “Punitiveness Report,” 23-25.

77. *Ibid.*, 25.

78. Sandra Morgan and Jeff Maskovsky, “The Anthropology of Welfare ‘Reform’: New Perspectives on U.S. Urban Poverty in the Post-Welfare Era,” *Annual Review of Anthropology* 32 (2003): 318.

79. *Ibid.*

order to mobilize support. Following such logic, controlling the sexuality and reproductive rights of working class and poor women is seen as necessary for maintaining the social order. Hence, the modern-day criminal justice system continues to be very much entrenched in racist and sexist projects of social and sexual control, which have great significance for determining who should and should not be granted reproductive and parental rights.

Incarcerated Mothers: Undermining Hegemonic Scripts of Motherhood

Of the approximately twenty-four hundred female inmates currently incarcerated in Alabama, an estimated eighty percent are mothers.⁸⁰ Prison activists reveal some alarming statistics that indicate the exceptionally vulnerable nature of this population of women. In addition to their marginalization in terms of poverty, lack of education, and history of abuse,⁸¹ mothers in prison face particular challenges when considering their positionality in the mainstream discourse on motherhood. Notions of “good” motherhood continue to be based on predominantly white, middle-class, heterosexual standards.⁸² Phyllis Baker and Amy Carson argue that “contemporary ideology of mothering dictates that mothers follow the principles of ‘intensive mother,’ a process that is ‘child centered, expert guided, emotionally absorbing, labor intensive, and financially expensive.’”⁸³ These underlying scripts of motherhood are undeniably intended to center and promote white, financially secure women’s motherhood careers, largely

80. Aid to Inmate Mothers, *Volunteer Manual*.

81. *War on the Family*, directed by Lyons and Rivet-River.

82. Phyllis Baker and Amy Carson, “‘I Take Care of My Kids’: Mothering Practices of Substance-Abusing Women,” *Gender and Society* 13, no. 3 (1999): 348.

83. *Ibid.*

failing to recognize or validate other ways of mothering that are practiced alongside the dominant model.⁸⁴

While society tends to hold to the belief that incarcerated women are unfit mothers by definition, historical and racist portrayals of Black women as sexually promiscuous, irresponsible, and conniving have always aimed to position them as “Bad Black Mothers.”⁸⁵ In her body of scholarship, Patricia Hill Collins discusses at length the impact of a multitude of controlling images of Black women, many of which focus on this idea of African American women performing a kind of perverse or improper motherhood. Exploring the implications of the mammy, jezebel, matriarch, “superstrong” Black mother, welfare mother/queen, and baby mama, Collins suggests that such stereotypes have played an important role in justifying the economic and social empowerment of the historically elite at the expense of Black women and their families. “Analyzing the particular images applied to African-American women reveals the specific contours of Black women’s objectification as well as the ways in which oppressions of race, gender, sexuality, and class intersect,” argues Collins.⁸⁶ “Moreover,” she continues, “since the images themselves are dynamic and changing, each provides a starting point for examining new forms of control that emerge in a transnational context, one where selling images has increased in importance in the global marketplace.”⁸⁷ As fictive though materially damaging representations of Black women are marketed on an increasingly broader scale with the expansion of global capitalism and neoliberalism, Black women suffer the consequences of

84. Ibid.

85. Collins, *Black Feminist Thought*, 83.

86. Collins, *Black Feminist Thought*, 79.

87. Ibid.

continued economic and political disenfranchisement, perhaps most notably with their increasingly high levels of incarceration.

Many of the controlling images about which Collins writes in her body of work have important implications for imprisoned Black mothers especially. The welfare mother or “welfare queen,” for example, has been stigmatized “as the cause of her own poverty and that of African-American communities,” positioning her as a fundamentally criminal individual.⁸⁸ Disregarding structural causes of poverty such as lack of educational opportunity, highly inequitable distributions of wealth and inheritance, ghettoization, and unequal employment opportunities, the controlling image of the welfare queen instead seeks to position African American women as the very root of their own problems. Consequently, Black women who commit economically related crimes—such as low-scale drug crimes and property offenses—might receive little sympathy from judges and/or juries who are predisposed to see Black women as conniving and dishonest “golddiggers.”

Along similar lines, Collins describes the dangers of the image of the superstrong Black mother, writing that while this identity might be thought of as more affirmative because it “praises Black women’s resiliency in a society that routinely paints us as bad mothers[,] . . . in order to remain on their pedestal, these same superstrong Black mothers must continue to place their needs behind those of everyone else, especially their sons.”⁸⁹ By holding Black women to an unrealistic standard of strength and independence, the controlling image of the superstrong Black mother risks pushing Black women to the limits of their sanity and potentially their lives. Superstrong Black mothers, for example, might be expected to be able to stay in abusive

88. *Ibid.*, 87.

89. *Ibid.*, 188.

relationships or to single-handedly provide for their children at all times, regardless of the legality of their means. Moreover, Collins suggests that “families headed by women alone routinely are seen as ‘broken homes’ that somehow need fixing,” hinting at the potential for the legal system to abuse its power by attempting to “fix” Black families by way of the incarceration of superstrong Black mothers, who are thought to be the cause of many of the perceived and genuine problems within Black communities.⁹⁰ Incarcerated mothers therefore appear to be caught in a perilous cycle of logic maintaining that they deserve to be incarcerated because they are fundamentally bad mothers, and they are fundamentally bad mothers because they are incarcerated.

Systems of Social Inequality

While there have been changes in the conceptualization of the purpose of incarceration throughout American history—shifting between notions of rehabilitation and punishment, in particular—the real challenge is to shift the focus from individual criminalized bodies to those social spaces and institutional oppressions that shape their lives. Renny Golden suggests that bipartisan efforts to reform the criminal justice system have been limited by their refusal to look beyond the individual.⁹¹ Of particular importance for this paper, the pathologizing of female inmates as drug addicts, pathological liars, or bad mothers does nothing to address the social situations that shape those women’s lived experiences. Golden argues, “Conservatives want to

90. Patricia Hill Collins, *Black Sexual Politics: African Americans, Gender, and the New Racism* (New York: Routledge, 2005), 108. One of the most notorious examples of this type of logic that incriminates African American women and blames them for the challenges facing Black families and communities is the 1965 Moynihan Report.

91. Renny Golden, *War on the Family: Mothers in Prison and the Families They Leave Behind* (New York: Routledge, 2005), 4.

punish unfit mothers, and well-meaning liberals seek to rehabilitate them, but either policy response diverts attention from the social inequities at the heart of the problem. Thus, the social gaze remains obsessively fixed on unfit mothers, successfully diverting notice from the lack of social opportunity that narrows life choices.”⁹² In this manner, it might be argued that the criminal justice system is set to reproduce the cycle of crime that it purportedly seeks to prevent.

Mass imprisonment should not be society’s answer to the problems of poverty, addiction, and the widespread trauma of abuse that so many women face in their daily lives. However, rather than merely seeking to tear down the system that is in place, prison reform activists must aim to create new and effective ways of addressing the issues that lead to the hyper-incarceration to begin with. In addition to working at the level of discourse, it is imperative that programs be developed that are active in both recognizing and reaffirming the humanity and worth of incarcerated populations. For women in particular, community-based correctional programs and prison-based programs designed to maintain family bonds are especially promising. In chapter 4, I argue that for inmates at Tutwiler Prison, Aid to Inmate Mothers takes on this task, helping to validate and safeguard motherhood at the margins.

92. Ibid.

Chapter 3

EXPENDABLE LIVES: DANGEROUS ASSUMPTIONS UNDERLYING THE (MIS)APPLICATION OF ALABAMA'S CHEMICAL ENDANGERMENT LAW TO PREGNANT WOMEN AND NEW MOTHERS

“The prison . . . functions ideologically as an abstract site into which undesirables are deposited, relieving us of the responsibility of thinking about the real issues afflicting those communities from which prisoners are drawn in such disproportionate numbers.”

--Angela Davis, *Are Prisons Obsolete?*

In the spring of 2008, Amanda Kimbrough, a young mother from Franklin County, Alabama, went into preterm labor with a prolapsed umbilical cord. Just twenty-five weeks pregnant at the time, Ms. Kimbrough underwent an emergency cesarean surgery to deliver her son, who tragically died only nineteen minutes after his birth.¹ In this moment of loss and suffering, emotions running high, hospital staff decided to drug test the grieving mother. The positive result was subsequently used to justify Ms. Kimbrough's arrest for the crime of “chemical endangerment” of a child.² During her trial, Ms. Kimbrough was denied the funding

1. Mary Bauer, Tamar Todd, Lynn M. Paltrow, and Kathrine Jack, “In the Court of Appeals of Alabama, Kimbrough vs. The State of Alabama, CR-09-0485: Amicus Brief,” Southern Poverty Law Center, Drug Policy Alliance, and National Advocates for Pregnant Women (Montgomery, 2010), 2, http://advocatesforpregnantwomen.org/main/publications/brief_bank/in_the_court_of_criminal_appeals_of_alabama_kimbrough_vs_the_state_of_alabama_amicus_brief.php.

2. Cassandra Burrows, “Responding to the Arrests of Pregnant Women in Alabama,” *National Advocates for Pregnant Women* (blog), October 13, 2010, http://advocatesforpregnantwomen.org/blog/2010/10/responding_to_the_arrests_of_p.php.

needed to call on expert witnesses who could challenge the claim that her child died as the result of her drug use while pregnant.³ Potentially facing life in prison for “causing the death of her son” and contending with the vitriolic onslaught of the local press, Ms. Kimbrough entered a guilty plea and was sentenced to ten years in prison.⁴ Her case is currently in the appeals process, and Ms. Kimbrough is trying to continue her life and raise her three children—two older children and an infant—while she challenges the law that was used to criminalize her for choosing to carry her pregnancy to term in spite of having a substance disorder.⁵

Amanda Kimbrough is one of at least forty women in Alabama who have been prosecuted under the state’s 2006 chemical endangerment law.⁶ Hers is one of four cases currently under appeal in Alabama in which the chemical endangerment statute has been (mis)used by district attorneys to prosecute women who chose to carry their pregnancies to term in spite of a drug problem.⁷ The pregnant women and new mothers who have been indicted under this law were between the ages of eighteen and thirty at the time of arrest, and most are economically disadvantaged and lack access to social supports.⁸ The substances these women and/or their newborns have tested positive for are marijuana, cocaine, opiates, and

3. Bower, Todd, Paltrow, and Jack, “Amicus Brief,” 2.

4. Dennis Sherer, “Mom Pleads Guilty in Son’s Death,” *TimesDaily.com (AL)*, December 10, 2009, <http://www.timesdaily.com/apps/pbcs.dll/article?AID=2009912105034> (accessed March 1, 2011).

5. Burrows, “Responding to the Arrests.”

6. Alabama Women’s Resource Network (AWRN), Excel spreadsheet of arrests and prosecutions of pregnant women and new mothers under the chemical endangerment statute (Birmingham, AL, last updated February 2011). In the author’s possession.

7. Bower, Todd, Paltrow, and Jack, “Amicus Brief,” 3.

8. AWRN, Excel spreadsheet, in the author’s possession.

methamphetamine,⁹ all of which are widely used throughout Alabama and the abuse of which can be appropriately addressed through various forms of treatment. Interestingly, virtually all of the prosecutions of substance abusing pregnant women have been limited to two areas of the state: the Shoals region, which is located in the northwest part of Alabama, and the Wiregrass region, which is in the southeast.¹⁰ Although it is impossible to fully determine why these particular areas of the state have such disproportionately high levels of prosecutions, it is significant to note that the district attorneys in these regions have made it a public goal and political rallying point to prosecute drug-addicted mothers.

Prosecutors are attempting to redefine Alabama's chemical endangerment law, which is expressly intended to protect a "child" from "an environment in which controlled substances are produced or distributed,"¹¹ in order to criminalize maternal substance abuse and radically redefine the relationship of a pregnant woman to her fetus. Far from being an anomaly of the state, the prosecution of pregnant women and new mothers under this law is representative of much broader issues relating to the convergence of the war on drugs and the fetal protection movement in the United States. Consequently, an analysis of these arrests and prosecutions is useful for understanding how women are precariously positioned within the American criminal justice system. Such an analysis furthermore reveals the fact that the way we define crime and criminality has real implications for determining what constitutes appropriate punishment for female criminals.

9. Ibid.

10. Ibid.

11. Alabama Code § 26-15-3.2 (Act 2006-204, p. 302 § 2), "Chemical Endangerment of Exposing a Child to an Environment in Which Controlled Substances are Produced or Distributed," *FindLaw: For Legal Professionals* (2011), <http://codes.lp.findlaw.com/alcode/26/15/26-15-3.2>.

In this chapter, I conduct a case study of the application of the chemical endangerment law to pregnant women and new mothers in the state of Alabama in order to reveal the larger issue of incarceration serving as a mechanism for the denial of reproductive freedom for certain women whose locations at the intersections of gender, race, and class prohibit them from embodying dominant notions of “good” motherhood. Because the debates surrounding the use and abuse of the chemical endangerment law are ongoing, I will refer extensively to the language regarding the arrests and prosecutions of women under this law in order to reveal the underlying sexist, racist, and classist assumptions driving these prosecutions. Through my analysis of this law and its contextualization within America’s ongoing “war on drugs,” I will work to debunk the media’s sensationalized view of maternal substance abuse and its effects on fetal outcomes, shifting the focus to the real problems of the feminization of poverty, inadequate social support networks, institutionalized violence against women, and widespread intolerance for difference.

The War on Drugs

President Richard Nixon first declared America’s “war on drugs” in 1971,¹² coining a phrase that was used to suggest the goal of taking dangerous, predominantly male, high-level drug manufacturers and dealers off of the streets. However, Renny Golden argues that when Ronald Reagan signed the Anti-Drug Abuse Act of 1986, the war on drugs effectively “became a war on poor women of color.”¹³ The Anti-Drug Abuse Act notably instituted mandatory minimum sentences for drug offenses, a move that has been especially contentious in terms of its

12. “Timeline: America’s War on Drugs,” *National Public Radio (NPR.org)*, April 2, 2007, paragraph 2, <http://www.npr.org/templates/story/story.php?storyId=9252490>.

13. Golden, *War on the Family*, 45.

advancement of racial disparities within incarcerated populations because of the different standards of sentencing applied to crack and powder cocaine.¹⁴ Mandatory minimum sentencing laws have also effectively overridden judicial discretion in the case of drug-related crimes, and this change has had significant consequences for drug-involved women and their families, particularly because mandatory minimum drug laws do not take into account women's roles as mothers and primary caregivers. Moreover, while women are usually only minor players in the drug trade—selling to support their own addiction(s) or living with dealers for financial support—they are frequently prosecuted to the full extent of the law as co-conspirators and/or accessories to major drug-related crimes usually committed by intimate male relatives.¹⁵ Statistics from state correctional facilities substantiate this explanation, and while the percentage of women convicted of drug offenses was only eleven percent in 1979, it had risen to a full thirty-two percent by the end of 2002—a startling contrast to the twenty-one percent of men incarcerated in state institutions because of drug crimes in the same year.¹⁶ Furthermore, researchers with the Women's Prison Association have found that between 1999 and 2008, arrests of women for drug offenses increased nineteen percent, compared to just ten percent for men.¹⁷ Because women are typically arrested for less serious offenses—with eighty-two percent of women's arrests categorized as “non-index,” lower-level crimes¹⁸—it appears that women have become the unintended casualties of the war on drugs.

14. “Timeline,” *NPR*, paragraph 13.

15. Vainik, “Reproductive and Parental Rights,” 671.

16. Frost, Greene, and Pranis, “Punitiveness Report,” 24.

17. WPA, “Quick Facts.”

18. Frost, Greene, and Pranis, “Punitiveness Report,” 25.

Prison activist Renny Golden argues that the disproportionate impact of the drug wars on women is by no means accidental, nor does it discriminate equally across race. Golden cites the fact that in the five-year period between 1986 and 1991, white women's incarceration in state prisons for drug offenses increased by 241 percent, while African American women's incarceration for the same crimes rose by an unbelievable 828 percent.¹⁹ "If law and policy makers were interested in a reduction in drug use, they aimed at the wrong targets," writes Golden. "But if surveillance and punishment were spectacles intended to enforce gender and race standards, they had deadly aim. . . . The majority of these women were single mothers punished for their failure to represent maternal integrity and family values."²⁰ As Golden suggests, the use, production, and trafficking of drugs are not regarded as morally neutral offenses, and female offenders face unique challenges when considering their positionality in the mainstream discourse on proper feminine behavior and motherhood in particular.

Many post-incarceration constraints imposed on those who have been convicted of felony drug crimes create gender-specific burdens for formerly incarcerated mothers and their families. Upon their release from prison, women frequently receive little to no support at the individual, family, or community levels. Inmates who reach their end-of-sentence date in Alabama, for example, are released with ten dollars and a bus ticket, and since 2008 women at Tutwiler Prison have sometimes had access to a reentry planning workshop through the Department of Corrections when they approach thirty to ninety days from their anticipated release.²¹ However,

19. Golden, *War on the Family*, 46.

20. *Ibid.* 45-46.

21. Elana M. Parker, "Institutional Pre Release / Re-entry Program, and Transitional Services," Alabama Department of Corrections, <http://www.doc.state.al.us/reentryoverview.asp> (accessed March 2, 2011).

for women who have served longer sentences or those who are mothers, such a short transitional period may not adequately prepare a woman or her family for reunification. Fewer than half of mothers in prison receive a single visit from their children, yet more than eighty percent of incarcerated mothers plan to reunite with their families and take over their previously held childcare responsibilities, a task that is made especially difficult because of the exacerbated challenges they face upon their re-entry into society.²²

Having a drug-related felony record restricts a woman's access to any number of social welfare programs and benefits, including food stamps, subsidized housing, educational loans, and oftentimes basic employment. One provision of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for example, specifically mandated that anyone with a felony charge for the possession, use, or distribution of illegal drugs be permanently denied the cash assistance and food stamp benefits allotted under Title IV-A, Aid and Services to Needy Families with Children.²³ Federal restrictions also prevent people who violate the terms of probation or parole from receiving Temporary Aid to Needy Families and Supplemental Social Security Income.²⁴ Such realities are particularly poignant in light of the fact that a majority of families survived on incomes of less than five hundred dollars per month prior to a mother's arrest and incarceration.²⁵ Many women who have been to prison do not have the training required for jobs involving skilled labor, and most have sketchy job histories at best.²⁶ These

22. Frost, Greene, and Pranis, "Punitiveness Report," 26.

23. Judy Harden and Marcia Hill, eds., *Breaking the Rules: Women in Prison and Feminist Therapy* (New York: Harrington Park Press, 1998), 6.

24. Frost, Greene, and Pranis, "Punitiveness Report," 28.

25. Ibid. 26.

26. Ibid.

factors make it incredibly difficult for formerly incarcerated mothers to provide for themselves, let alone their children. Post-incarceration constraints such as these constitute an additional layer of punishment for a population that is already at risk for recidivism and hint at the unspoken limitations concerning whose lives are deemed valuable or worthy of support in American society. Furthermore, while some people view such measures as part and parcel of being an ex-convict, the truth is that denying economic assistance to a mother has no justifiable purpose; indeed, studies show that poverty is linked to parents' high stress levels as well as an increased risk for virtually every type of trauma that their children might endure.²⁷

Chemical Endangerment

In addition to policy shifts that have increasingly promoted the unrelenting punishment of women who have served time in correctional institutions, the past thirty years have seen a dangerous convergence of the war on drugs and the fetal protection movement that has led to the creation of new laws that punitively target pregnant women and mothers. Significantly, the popular media have frequently employed images of drug-involved mothers as drug war propaganda, a technique that works by tapping into national anxieties concerning the state of femininity, gender roles, and motherhood. Although the medical community is widely in agreement that addiction is a public health issue and that criminalizing maternal substance abuse is ultimately harmful for women and children,²⁸ advocates for fetal rights have played on sexist,

27. Harden and Hill, *Breaking the Rules*, 7.

28. "Position Statement of Medical Associations Opposing Criminal Sanctions for Pregnant Women With Substance Abuse Problems," American Civil Liberties Union (New York, 2010), <http://www.aclu.org/reproductive-freedom/position-statements-medical-associations-opposing-criminal-sanctions-pregnant-w>.

racist, and classist ideologies to increasingly convinced police, prosecutors, judges, and juries that when it comes to pregnant women and mothers, addiction warrants criminal punishment. Such prosecutions furthermore seek to radically redefine the relationship of a pregnant woman to her fetus, as a pregnant woman's drug addiction can now be treated as a form of child neglect or abuse—or, in cases like Amanda Kimbrough's, as recklessly causing the death of one's child.

Alabama's 2006 chemical endangerment law was created with the explicit intention of protecting a "child" from exposure to "an environment in which controlled substances are produced or distributed."²⁹ According to the statute, a person commits the crime of chemical endangerment of a "child" if s/he "knowingly, recklessly, or intentionally causes or permits a child to be exposed to, to ingest or inhale, or to have contact with a controlled substance, chemical substance, or drug paraphernalia."³⁰ According to the law, such an offense constitutes a class C felony. The crime becomes a class B felony if the "child suffers serious physical injury" due to his or her drug exposure, and it amounts to a class A felony—punishable by up to life in prison—if "the exposure, ingestion, inhalation, or contact results in the death of the child."³¹ When it was passed by Alabama's state legislature, the chemical endangerment statute was intended to enhance the possible penalties against those caught manufacturing drugs where children are present, and its drafting was a reaction to the rapid expansion of the methamphetamine business in particular.³² However, since the statute was instated, some

29. Alabama Code § 26-15-3.2, "Chemical Endangerment."

30. Ibid.

31. Ibid.

32. Alexa Kolbi-Molinas and Allison Neal. "In the Court of Appeals of Alabama, Kimbrough vs. The State of Alabama, CR-09-0485: Amicus Curiae Brief in Support of Appellant," American Civil Liberties Union (New York and Montgomery, 2010), 2. http://www.aclu.org/files/assets/2010-7-6-KimbroughvAlabama-AmicusBrief_0.pdf.

prosecutors have been attempting to re-write the law to criminalize maternal substance abuse, asking judges and juries to take on what are essentially medical and social problems and address them through the criminal justice system. Furthermore, like other expansions of the war on drugs, these prosecutions are disproportionately targeting those people who have the least access to medical, legal, and other social resources.

Prosecutors' exploitation of the chemical endangerment law in Alabama provides a prime example of the dangers involved in joining the war on drugs with the fetal protection movement. Although such prosecutions are not exclusive to Alabama, Linda Fentiman writes that "while other nations also have populations of poor women whose lives are highly dysfunctional or who are addicted to alcohol and other drugs, only in the United States are these women treated as criminals or civilly committed based on their conduct while pregnant. Only in the United States do prosecutors take the position that embryos and fetuses should be protected as full human beings while in utero."³³ America's campaign for fetal personhood regularly pits the interests of a pregnant woman against those of her fetus, notably resulting in a legal atmosphere that puts sole responsibility for fetal outcomes on pregnant women themselves. Laws that specifically seek to regulate pregnant women's behavior systematically overlook other factors that are involved in fetal outcomes, including scientific evidence that documents how men's exposure to toxic substances can harm the male reproductive system, thus presenting a risk to those children who are born to them.³⁴ Such prosecutions also ignore factors such as a woman's unrelenting poverty, experience of domestic violence, dangerous work or housing situations, physical and/or

33. Linda C. Fentiman, "Pursuing the Perfect Mother: Why America's Criminalization of Maternal Substance Abuse is Not the Answer," *Pace Law Faculty Publications*, paper 488 (2008), 4.

34. *Ibid.*, 28.

mental disabilities, environmental and genetic factors, and lack of access to adequate prenatal care, all of which are widely known to have significant effects on pregnancy outcomes.

Punitive measures that are expressly targeted at pregnant women furthermore rely on underlying notions of who should and should not be allowed to become a mother. Prosecutors' use of the chemical endangerment law to address maternal substance abuse, for example, provides a very real disincentive for addicted women to carry their pregnancies to term, because if a substance-abusing woman realizes that she may be imprisoned for her inability to overcome her addiction(s) while pregnant, she may choose to terminate the pregnancy rather than take such a risk. In the case of Amanda Kimbrough, *amicus curiae* from the American Civil Liberties Union argue that "the State seeks . . . to inflict extraordinary penalties on Ms. Kimbrough solely because she continued her pregnancy despite an underlying health problem: drug dependency. Had Ms. Kimbrough not been pregnant, or had she ended her pregnancy, she would not have been charged under the chemical endangerment statute."³⁵ Indeed, like most every state in the nation, Alabama does not consider drug use alone to be a crime, and no man or non-pregnant woman could possibly face the same sort of criminal liability for his or her alleged use of illegal drugs.³⁶ In this sense, Ms. Kimbrough is literally being prosecuted for having two simultaneous medical conditions: pregnancy and drug addiction. Prosecutions such as the one leveled against Ms. Kimbrough clearly seek to limit women's reproductive freedoms and are fundamentally based in classist assumptions that *all* women, upon becoming pregnant, have access to the resources needed to overcome substance disorders.

35. Kolbi-Molinas and Neal, "Amicus Curiae Brief," 2.

36. *Ibid.* 20.

While the United States is unique in its fixation on protecting the rights of “unborn children” over those of the women who carry them, it is also exceptional among developed nations in terms of the relative insufficiency of social support systems that guarantee access to healthcare and other social services that promote the welfare of women and their children.³⁷ The ongoing prosecutions of drug-addicted mothers in America often take place in a context in which there is very limited access to substance abuse programs, much less programs that provide financial assistance or accept pregnant patients. In Alabama, for example, only three drug treatment centers in the entire state accept pregnant women—Aletheia House in Birmingham, Second Choice in Mobile, and Freedom House, which is located northwest of Huntsville.³⁸ It is particularly significant to note that the Wiregrass region, which has one of the most prolific records for the prosecution of pregnant women and new mothers in the state, has extremely limited treatment options for drug-addicted women. However, turning to the criminal justice system to compensate for insufficient healthcare and drug treatment options is not a productive answer to the problem of maternal substance abuse. Punitive measures inflicted on women with substance disorders not only incentivize abortion, but they also discourage women from sharing vital information with health care providers for fear of facing criminal sanctions for their medical problems. Furthermore, Fentiman argues that “such prosecutions do not deter pregnant women from abusing substances, either illegal or legal, because the nature of addiction is such that a drug user cannot readily stop her drug use.”³⁹ As a recognized medical condition, drug addiction

37. Fentiman, “Pursuing the Perfect Mother,” 4.

38. Robert Wynn, working group meeting for chemical endangerment from Alabama Department of Mental Health. February 3, 2011.

39. Fentiman, “Pursuing the Perfect Mother,” 68.

is not merely the result of a woman's lack of willpower or incentive to quit, but is deeply rooted in psychological and physiological conditions that respond to medical treatment.

The plain language of the chemical endangerment statute does not mention pregnancy, drug use by pregnant women, fetuses, or "unborn children." Moreover, the Alabama State Legislature has on two separate occasions refused to amend the law to expressly include reference to maternal substance abuse during pregnancy or to expand the definition of "child" to include a fetus.⁴⁰ The very fact that attempts have been made to amend the 2006 statute in this way indicates that the law is not intended to apply to pregnant women, and representatives have actually expressed concern that expanding the law to apply to pregnancy could result in dangerous outcomes for mothers and their fetuses.⁴¹ Not surprisingly, much of the concern expressed by legislators and the public has been for the pregnant woman's "unborn baby," and the fear that the expansion of this law would incentivize abortion has been influential in its failure come into fruition. The heavy focus on the rights of the fetus, rather than on the health and well being of pregnant women, suggests that greater concern lies with fetal rights than with women's reproductive and parental rights. However, the expansion of the chemical endangerment statute to include provisions for prosecuting pregnant women would be a slippery slope to virtually unlimited government control over pregnant women's bodies. As the *amicus curiae* for Amanda Kimbrough's case suggest, "because nearly every act, omission or medical condition experienced by the pregnant woman affect embryonic or fetal health, to allow Ms. Kimbrough's conviction to stand would subject women's liberty to unprecedented and

40. Bower, Todd, Paltrow, and Jack, "Amicus Brief," 6.

41. *Ibid.* 6-7.

potentially limitless control by the government.”⁴² Allowing the criminal justice system to intrude on women’s lives to this extent could ultimately result in the prosecution of pregnant women who use legal substances such as alcohol, tobacco, or prescription medications, or even women who engage in acts that are commonly accepted as potentially harmful for a pregnancy, such as improper diet, excessive exercise, or even cleaning a cat’s litter box. Such legislative prudence has not deterred some state representatives from continuing to seek expansion of the chemical endangerment statute to incorporate a definition of “child” that includes an “unborn fetus regardless of viability,” however, and the “Baby Bill” will once again be proposed in Alabama’s House of Representatives and Senate this year.⁴³

Mothers on Drugs

While the zealous prosecution of drug-addicted pregnant women and new mothers in Alabama is alarming, it is not a new phenomenon. Since the late 1980s, America has become increasingly concerned with women’s potential to harm their “unborn children” through their use of legal and illegal drugs.⁴⁴ In *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty*, Dorothy Roberts reveals that “between 1985 and 1995, at least two hundred women in thirty states were charged with maternal drug use.”⁴⁵ Studies indicate that around five percent of

42. Kolbi-Molinas and Neal, “Amicus Curiae Brief,” 24.

43. Elizabeth Summers, “‘Baby Bill’ Could Expand Ability to Prosecute Mothers Who Do Drugs While Pregnant,” *Sand Mountain Reporter (AL)*, January 28, 2011, http://www.sandmountainreporter.com/news/local/article_491dac1a-2b20-11e0-b5bf-001cc4c002e0.html (accessed March 10, 2011).

44. Fentiman, “Pursuing the Perfect Mother,” 6-7.

45. Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (New York: Pantheon Books, 1997), 153.

American women use illegal drugs during their pregnancies, and up to twenty-five percent use alcohol.⁴⁶ However, while the use of drugs during pregnancy is widespread across race and class differences, the fact remains that “Black women are ten times more likely to have their drug use reported to prosecutors or child welfare authorities.”⁴⁷ Roberts traces the racist and classist assumptions surrounding the prosecutions of pregnant women who used crack during the “epidemic” of the late 1980s and early 1990s, writing: “The pregnant crack addict was portrayed as an irresponsible and selfish woman who put her love for crack above her love for her children. In news stories she was often represented by a prostitute, who sometimes traded sex for crack, in violation of every conceivable quality of a good mother.”⁴⁸ In addition to falling outside of the bounds of “proper” motherhood for her failure to meet cultural standards of mothering in terms of her drug use, the pregnant crack addict was also a racialized and class-specific character. Because of pervasive representations of Black and poor women as always already bad mothers, prosecutors, judges, and juries have been predisposed to see these women as deserving of punishment and limitations of their reproductive rights. In their essay on “Maternal Incarceration and the Criminalization of Female Poverty,” authors Suzanne Allen, Chris Flaherty, and Gretchen Ely write:

Poor and marginalized women . . . do not fit the idealized portrayal of motherhood. Consequently, they may be perceived as not only inadequate mothers but as inadequate women. They are also, by virtue of their poverty status and marginalization, the most likely to become involved in the criminal justice system and, therefore, more susceptible to having their maternal rights impinged upon. Within this long-established and widely

46. Fentiman, “Pursuing the Perfect Mother,” 7.

47. Ibid.

48. Roberts, *Killing the Black Body*, 156.

accepted paradigm, motherhood becomes a privilege for certain women as opposed to a right for all women.⁴⁹

Policy makers, popular media, and law enforcement stigmatize drug-involved mothers as monstrous oddities, radically different from “normal” women whose supposedly natural maternal instincts would never allow them to fall into the selfish, negligent behavior that supposedly characterizes all drug addiction. Within a punitive social and political climate that refuses to take into account the contexts in which women become addicted to drugs, all substance-abusing women are invariably considered “bad” mothers.

Damaging Media Representations and Enduring Myths

The popular media have enthusiastically latched onto images of pregnant drug addicts, creating a kind of propaganda that feeds on sexist, racist, and classist ideologies. During the moral panic of the “crack epidemic” of the 1980s and 90s, the media was inundated with stories about maternal drug use and its seemingly limitless consequences. “Crack babies,” who were assigned such an injurious epithet by virtue of being born to crack-addicted mothers, were essentially written off as a generation of children who had suffered irreversible damage due to their exposure to crack cocaine while in utero. In 1989, conservative columnist Charles Krauthammer wrote, “The inner-city crack epidemic is now giving birth to the newest horror: a bio-underclass, a generation of physically damaged cocaine babies whose biological inferiority is stamped at birth.”⁵⁰ This imagery of a “bio-underclass” is clearly reminiscent of the racist and

49. Suzanne Allen, Christ Flaherty, and Gretchen Ely, “Throwaway Moms: Maternal Incarceration and the Criminalization of Female Poverty,” *Affilia: Journal of Women and Social Work* 25, no. 2 (2010): 162.

50. Charles Krauthammer, “Children of Cocaine,” *The Washington Post*, July 30, 1989, sec. C7.

classist rhetoric driving the American Eugenics Movement of the early twentieth century, and Krauthammer's fears were not surprisingly based in much larger social concerns regarding the state of femininity and motherhood.⁵¹ "Cocaine may be the most effective destroyer of the maternal instinct ever found," wrote Krauthammer, going on to declare, "A cohort of babies is now being born whose future is closed to them from day one. Theirs will be a life of certain suffering, of probable deviance, of permanent inferiority."⁵² From reading Krauthammer and other prevailing media representations of the time, one might assume that the overwhelmingly selfish and reckless negligence of a generation of poor, urban women of color would be wholly responsible for the plight of the next generation of underprivileged children—children who would inevitably repeat the cycle of deviance and perpetuate their own suffering. Such a claim seems outlandish in light of enduring social inequalities that limit peoples' access to safe housing, affordable healthcare, steady work, and equal educational opportunities. However, the truly terrifying part of this argument is the fact that, to a large extent, the American public embraced it uncritically.

While no responsible person would advocate for the use of illegal drugs during pregnancy, the fact of the matter is that the effects of maternal drug use on fetal outcomes are not clear-cut. In spite of the terrifying predictions of the media, children exposed to crack cocaine in utero have no readily identifiable medical problems that can be linked directly to their mothers'

51. Although I am not making the argument that the war on drugs and the invention of the "crack baby" were inherently part of a larger campaign for eugenics, I am attempting to draw out some of the startling similarities in the language. While eugenics campaigns are fundamentally concerned with population control and preventing undesirable genetic lines from reproducing, the discourses that have historically supported arguments for eugenics have also been concerned with constructing "appropriate" and "deviant" families and mothering practices in particular. See Roberts, *Killing the Black Body* for further elaboration on this issue.

52. Ibid.

cocaine use during pregnancy. The media's "crack baby" does not, in fact, exist. In 2004, thirty of the nation's top doctors and researchers studying the effects of prenatal exposure to illegal drugs added their names to an open letter, writing:

Throughout almost 20 years of research, none of us has identified a recognizable condition, syndrome or disorder that should be termed "crack baby." Some of our published research finds subtle effects of prenatal cocaine exposure in selected developmental domains, while other of our research publications do not. This is in contrast to Fetal Alcohol Syndrome, which has a narrow and specific set of criteria for diagnosis.

The term "crack-addicted baby" is no less defensible. Addiction is a technical term that refers to compulsive behavior that continues in spite of adverse consequences. By definition, babies cannot be "addicted" to crack or anything else. In utero physiologic dependence on opiates (not addiction), known as Neonatal Narcotic Abstinence Syndrome, is readily diagnosed, but no such symptoms have been found to occur following prenatal cocaine exposure.⁵³

In addition to countering the media's exaggerated claims in reference to the effects of cocaine use during pregnancy, researchers have also expressed concern that the discursive construction of the "crack baby" as irreversibly disabled, deviant, and set for a life of suffering has done more damage to these children than their prenatal exposure ever could. Their "inferior" existence predetermined from birth, some children of crack-using mothers were never given the chance to excel because their lives were already viewed as a waste of time and resources.

Although many scientists and medical experts have attempted to set the record straight on the real dangers involved in creating a causal link between maternal substance abuse and negative fetal outcomes—and even the media have recanted some of their vitriolic propaganda as exaggerated and unfounded in scientific evidence⁵⁴—the image of the no-good "crack whore"

53. Quoted in Lynn Paltrow and Kathrine Jack, "Pregnant Women, Junk Science, and Zealous Defense," *National Association of Criminal Defense Lawyers: The Champion* 34 (2010): 31.

54. See, for example, Theresa Vargas's recent article in the *Washington Post*: "Once Written Off, 'Crack Babies' Have Grown into Success Stories," *The Washington Post*, April 18,

and her sad and supposedly worthless “crack baby” are burned into the collective consciousness of American society. This fact is perhaps most salient in terms of the modern-day campaigns against the use of methamphetamines. In analyzing the prosecutions of pregnant women and new mothers under the chemical endangerment law, for example, it is clear that “many prosecutors, public defenders, judges, and even some health care providers still believe that a pregnant woman who uses any amount of an illegal drug will inevitably harm or even kill her fetus.”⁵⁵ However, as with the research done on cocaine, studies on the effects of prenatal exposure to methamphetamines—the drug of choice for many today—are largely inconclusive and stress the importance of treatment over punishment. In 2005, a national panel of experts on fetal drug exposure reported that, “the data regarding illicit methamphetamine are insufficient to draw conclusions concerning developmental toxicity in humans.”⁵⁶ Similarly, the American College of Obstetrics and Gynecology wrote in their 2006 fact sheet concerning maternal methamphetamine use that, “there is no syndrome or disorder that can specifically be identified for babies who were exposed in utero to methamphetamine. The term ‘meth baby’ or ‘ice baby’ is stigmatizing and should not be used.”⁵⁷ This report also stresses the fact that women’s drug use while pregnant cannot be taken out of the context in which numerous other factors are

2010. http://www.washingtonpost.com/wp-dyn/content/article/2010/04/15/AR2010041502434_4.html?sid=ST2010041503229

55. Paltrow and Jack, “Pregnant Women,” 31.

56. Quoted in Paltrow and Jack, “Pregnant Women,” 31. Reported from the Center for the Evaluation of Risks to Human Reproduction, Report of the NTP-DEHR Expert Panel on The Reproductive and Development Toxicity of Amphetamine and Methamphetamine, 163 (2005), 174.

57 American College of Obstetrics and Gynecology, “Information about Methamphetamine Use in Pregnancy,” (March 3, 2006), <http://www.rhrealitycheck.org/emailphotos/ACOGmethalkingpoints.pdf>.

always already influencing her pregnancy, and research indicates that maternal poverty, domestic violence, poor nutrition, lack of prenatal care, and the use of legal substances such as tobacco, alcohol, and prescription drugs all carry significant risks for poor birth outcomes. While the overall message stemming from the existing research is not that drug use during pregnancy is “safe” or that there are no effects of maternal drug use on fetal health or early childhood development, it is to warn about the near impossibility of making a causal connection between maternal substance abuse and negative fetal outcomes, as well as to emphasize the fact that pregnant women are exposed to a number of conditions that affect the health of her pregnancy.

The prosecution of pregnant drug users and the media coverage of these women’s arrests and trials elicit particularly troubling responses from the general public. Not only are almost all of the women who are targeted by this law poor and/or racial minorities who already face social marginalization,⁵⁸ but the public reactions to their arrests are regularly characterized by outright hostility and intolerance for difference. In one recent story on Alabama’s statewide news website, *al.com*, concerning a young woman who was arrested and charged with chemical endangerment of a child for cooking meth with an older man while her young son played nearby, comments reveal a disturbing level of antipathy for both the defendants and the child. While the allegations against the woman in question do fall under the intended application of the chemical endangerment law, many of the comments have expressed a level of bigotry that is unbelievable. WillGill writes, “I just love these White Trash stories . . . it’s just this one involves a four year old!” followed by a response from comet55, “I love the black trash stories the most!”⁵⁹ Such

58. AWRN, Excel spreadsheet, in the author’s possession.

59. Mark R. Kent, “Mobile County Deputies: 4-Year-Old Boy Plays Inside Care While Mom and Companion Cook Meth Inside Trailer,” *al.com*, February 3, 2011, http://blog.al.com/live/2011/02/deputies_4-year-old_boy_plays.html.

comments suggest that these cases are consumed as a certain pornography of poverty in which readers literally reaffirm their own worth by systematically dehumanizing those whose fall outside of the bounds of hegemonic race and class structures.

Responses to Amanda Kimbrough's case in local media have been no less harsh, and underlying anxieties concerning appropriate gender performances and the state of motherhood come out in these informal discussions. In response to one article, for example, Sb4962 writes, "I'd like to point out that a 'good mother' does not drink, smoke or ingest illicit drugs while pregnant. A 'good mother' would sacrifice her own wants, needs, or comforts in order to ensure the health and well being of their child, born or unborn."⁶⁰ In this case, the commenter's words hearken to conservative ideals that essentialize women and attempt to fix them in their maternal roles, a subtly disturbing argument for its assumption that being a "good mother" necessitates a woman's pitting her own interests against those of her child. In other responses to Ms. Kimbrough's case, the ugly traces of eugenic thinking become more explicit. Lwballjr writes, "The baby is in a better place and doesn't have to grow up with a loser drug addict. Too bad they couldn't prevent this woman from having more children."⁶¹ Sburks agrees, going a step further to argue, "She should include voluntary sterilization in her appeal offer, she might win if she does. This is one who should never reproduce!"⁶² Such recommendations for sterilization hint at broader designs to control working class, drug-addicted women's reproductive capacities,

60. "Northwest Alabama Woman Pleads Guilty in Death of Her Baby by Using Meth Before His Birth," *al.com*, December 10, 2009, http://blog.al.com/spotnews/2009/12/northwest_alabama_woman_pleads.html.

61. *Ibid.*

62. *Ibid.*

desires that are clearly tied to notions of who should be allowed to embody the ideologies of “good motherhood” in the first place.

Although it would be impossible (and highly absurd) to suggest that the narrow-minded blog comments of a few Alabamians are representative of the larger public consciousness surrounding these issues, it is important to note that the use of such ignorant and hateful language has not been limited to everyday citizens who happened to comment on al.com. District attorneys in some of the counties with the highest prosecution rates of substance-abusing pregnant women and new mothers have also made extremely problematic statements to the press that bear witness to the pervasive nature of the sexist, racist, and classist ideologies that seek to limit the reproductive freedoms of those women who defy hegemonic gender norms. District Attorney Gregory Gambрил, from Covington County in the Wiregrass region, apparently prides himself on being in the forefront of these prosecutions, and he has even won the state’s 2008-2009 District Attorney of the Year Award for his “efforts in seeking to protect unborn children from the harmful effects of drug-abusing mothers.”⁶³ In a 2005 *New York Times* article, Gambрил is reported to claim that his duty as a public servant is to protect Alabama’s children, and he is quoted as having said, “In my jurisdiction, a baby being born dead because of drug abuse is a huge deal.”⁶⁴ In spite of the plain language of the law and the purposeful exclusion of references to pregnancy and fetuses, Gambрил nonetheless asserts, “No one is to say whether that environment is inside or outside the womb.”⁶⁵ Houston Country District Attorney Doug Valeska

63. “Office of the District Attorney, 22nd Judicial Circuit, Covington County, Alabama: Greg L. Gambрил, District Attorney,” <http://www.covingtoncoda.net/da.htm>.

64. Adam Nossiter, “In Alabama, a Crackdown on Pregnant Drug Users,” *New York Times*, March 15, 2008, <http://www.nytimes.com/2008/03/15/us/15mothers.html>.

65. *Ibid.*

has made similar comments, clearly invoking the language of the fetal protection movement in claiming, "If they're on drugs and not using proper prevention to not get pregnant, it's sure not the baby's fault. . . . As a prosecutor, my job is to look out for that child."⁶⁶ Valeska notably verges on suggesting eugenic solutions to the problem of bad, drug-addicted mothers, stating, "It's a real preventable crime in that when these individuals are hooked on drugs there's ways to prevent themselves from getting pregnant."⁶⁷

Addicted Mothers in Prison

Although some district attorneys claim to base their zeal for prosecuting drug-addicted pregnant women on the notion that they are protecting their “unborn babies” and helping those women find treatment in the process, the incarceration of pregnant women is fundamentally counterproductive to the goals of promoting maternal and fetal health. Correctional facilities at the county and state levels are simply not designed to provide adequate care for pregnant women. In Alabama, the history of prison medical care is especially dismal. Alabama ranks dead last in the nation in terms of per-inmate medical spending,⁶⁸ a fact that has had particular significance for female inmates. As discussed in Chapter 1, Julia Tutwiler Prison for Women has an embattled history of failing to provide adequate medical care, hygienic living quarters, beds, and acceptable nutrition to inmates. Although it is common knowledge at this point that pregnant women require adequate prenatal care, women in Alabama’s correctional institutions do not

66. Matt Elofson, “Chemical Endangerment Charge Questioned,” *Dothan Eagle (AL)*, October 23, 2010, <http://www2.dothanegle.com/news/2010/oct/23/chemical-endangerment-charge-questioned-ar-1002465/>

67. *Ibid.*

68. Equal Justice Initiative, “Prisons and Sentencing Reform,” <http://eji.org/eji/prisons>.

always receive pre-natal vitamins, and pregnant women in county jails are regularly neglected in terms receiving necessary medical attention throughout their pregnancies.⁶⁹ The Alabama Women’s Resource Network (AWRN), which advocates for the rights of women imprisoned in Alabama, suggests that “pregnant women who may be receiving medication to deal with on-going medical problems, including substance abuse, will likely have their treatment cut off upon entering a county jail, potentially endangering the health of their unborn child.”⁷⁰ In Tutwiler Prison, inmates receive limited nutritional supplements, and a typical lunch for a pregnant woman can be as little as two peanut butter sandwiches and two cookies.⁷¹ In addition to receiving inadequate prenatal care, a woman’s ability to safely bear children is put in jeopardy by the contentious practice of shackling pregnant inmates during labor and delivery.⁷² In Alabama, measures for the shackling of women during labor are still permitted, and women can be restrained at two extremities.⁷³ Such factors are among the reasons why incarceration can dangerously complicate a woman’s pregnancy and her ability to have healthy birth outcomes. In spite of the fact that the right to bear and raise children is recognized as a fundamental civil liberty in the United States, women in prison are regularly denied the necessary support to achieve healthy pregnancies.

69. Alabama Women’s Resource Network (AWRN), “Concern Over Care of Pregnant Women in Alabama’s Criminal Justice System,” available for download at http://www.awrn.org/Preg_NewMothers.html.

70. Ibid.

71. Ibid.

72. Vainik, “Reproductive and Parental Rights,” 678.

73. Rachel Roth, “Pregnant, In Prison, and Denied Care,” *The Nation*, December 21, 2009, <http://www.thenation.com/article/pregnant-prison-and-denied-care>.

The Reality

When faced with the ugly realities underlying the prosecutions of drug-addicted mothers, it becomes difficult to avoid the question of whether prosecutors might better serve the interests of pregnant women and their fetuses by tackling the real problems driving their substance abuse—namely poverty, histories of domestic abuse and trauma, and lack of access to adequate health care—rather than merely punishing women for their addictions. As it stands, district attorneys’ continued campaigns to prosecute pregnant women for their substance disorders work to perpetuate a discursive framework that constructs drug-abusing women *and* their children—born or unborn—as expendable lives. In a recent response to the chemical endangerment prosecutions in Alabama, Catherine Roden-Jones, the director of the Alabama Women’s Resource Network, poignantly argues:

Women, upon becoming pregnant, do not suddenly have greater access to health care, better housing, safer environments or enhanced capacity to overcome behavioral health problems such as addiction. Any woman in Alabama looking to overcome substance use can attest to the difficulty in finding a treatment center they can afford, that will provide child care, and that is local to their place of residence and job. How can we prosecute those whom we have only just begun to help by way of services and outreach?⁷⁴

Faced with the facts, Roden-Jones argues that the public must act to end these prosecutions. Drug-addicted mothers need treatment, not punishment, and institutions and programs that recognize the potential for strengthening women’s bonds with their children offer a means of empowerment and resistance to damaging narratives that seek to position drug-addicted mothers as fundamentally deviant and unworthy of assistance.

74. Catherine Roden-Jones, “Viewpoints: State Must Stop Treating Pregnant Women Like They’re Drug Labs,” *The Birmingham News*, October 3, 2010, http://blog.al.com/birmingham-news-commentary/2010/10/viewpoints_state_must_stop_tre.html

Chapter 4

AID TO INMATE MOTHERS: MOTHERHOOD AS A STRATEGY OF RESISTANCE

“We cannot move theory into action unless we can find it in the eccentric and wandering ways of our daily life. . . . [Stories] give theory flesh and breath.”

--Minnie Bruce Pratt, *S/HE*

“All that the court system sees me as is a criminal. And that’s ok, that’s fine, because I am. You know, I broke the law; I’m considered a criminal. But that does not make me not a good mother to my kids. And that does not make my kids not love me. That does not make my kids not want to be with their mother.”

--Jasmine, inmate at Julia Tutwiler Prison for Women

In this chapter, I explore how inmate mothers construct and manage motherhood from the space of the prison. How do they think about and actively theorize what it means to be a mother? In what ways have their own personal histories shaped their motherhood experiences? How have they been affected by the separation from their children? In what ways do they continue to take on the responsibilities of motherhood from the distance of the prison? Investigating these questions, this chapter focuses on the fifteen interviews and limited ethnographic observations that I conducted with women involved in the visitation program facilitated by Aid to Inmate Mothers (AIM) at Julia Tutwiler Prison for Women. In addition to highlighting these women’s experiences, I also draw on those in-depth interviews and interactions that I had with the three staff members of AIM: Carol Potok, the executive director, Larnetta Moncrief, the program coordinator, and Karen Carr, the rehabilitation specialist. I am predominantly interested in providing a qualitative analysis, centering on the words and

experiences of the inmate mothers themselves, rather than offering statistical information gathered from these interviews. Because all of the research participants were self-selected and are unique in their decisions to apply for and participate in Aid to Inmate Mothers, the interviewees do not necessarily provide a representative sample of the prison population as a whole. However, the experiences that they share are truly valuable in terms of their candid presentation of the lived realities of these women and their families, and the exploration of these women's own processes of meaning-making fosters a better understanding of the particular challenges facing incarcerated women as well as the complexities of the concept of motherhood more broadly.

Although the research on the topic is both limited and at times contradictory, studies suggest that offering inmate mothers the opportunities to maintain a bond with their children through visitation and other supportive programs helps facilitate reunification and, in some cases, may reduce the risk of recidivism.¹ Additionally, from the space of the prison, motherhood can provide a means for incarcerated women to strategize resistance to mainstream discourses that regularly seek to dehumanize and stigmatize them. Because many well-regarded theoretical and clinical perspectives indicate that much of women's psychological growth occurs within the context of relationships,² the question becomes: "How can women build an empowering

1. Enos, *Mothering from the Inside*, 14. Other recent studies on this topic include: Julie Poehlmann et. al, "Children's Contact With Their Incarcerated Parents: Research Findings and Recommendations," *American Psychologist* 65, no. 6 (2010): 575-598; and Vainik, "Reproductive and Parental Rights," 670-694.

2. Relational theory maintains that the "psychological well-being, growth and development of women is the product of mutual empathic relationships." Harden and Hill, *Breaking the Rules*, 14. For other studies on this topic, see: Harden and Hill, *In a Different Voice: Psychological Theory and Women's Development* (Cambridge: Harvard University Press, 1982); and Jordan, Kaplan, Miller, Stiver, and Surrey, *Women's Growth in Connection* (New York: Guilford Press, 1991).

relational context within a prison system that tends to discourage connections among inmates and staff and places serious limitations on accessibility to other relationships outside the prison?”³ In this chapter, I suggest that programs such as Aid to Inmate Mothers help to meet the specific relational needs of incarcerated women that are otherwise neglected by the prison system. In addition, I argue that for those women who choose to embrace and develop their motherhood roles, the practice of mothering from prison allows them to claim a sense of agency and maintain an alternative identity to the one most often focused upon—that is, their identity as a criminal.

Aid to Inmate Mothers: “AIM is my only hope, the only thing that keeps me going in here”

Recognizing the potential in maintaining maternal-child connections for strengthening families, reducing recidivism, and empowering women and children, Aid to Inmate Mothers (AIM) promotes the building and preservation of relationships between mothers and their children in Alabama’s state-level detention facilities. My research highlights the experiences of inmates at Alabama’s Julia Tutwiler Prison for Women specifically. The topic of this research has particular significance for this population, since at least eighty percent of the women at Tutwiler Prison are mothers.⁴ The services that AIM offers to this population of women are truly invaluable and exceptional within Alabama’s criminal justice facilities. Without the services provided by AIM, many women imprisoned in Alabama would be unable to see their children, and some would not have any contact with family at all.

3. Harden and Hill, *Breaking the Rules*, 15.

4. Dodge, “Good Intentions, Disappointing Results,” 265.

AIM empowers women by addressing their gender-specific needs in ways that the prison is simply unable to because of overcrowding, lack of funding, and the very nature of penal institutions in America. Because research indicates that women's psychological growth occurs primarily within the context of building and maintaining relationships,⁵ AIM's emphasis on strengthening and nurturing familial bonds is absolutely crucial for promoting women's health and healing, as well as preventing women from falling back into the same patterns that led them to prison. Through their programs and classes, AIM empowers women and their children to improve their lives, often in spite of their circumstances.

Women in prison are by and large a forgotten population. As one inmate expressed it, "To be in prison is like you are thrown away." However, anyone who has the opportunity to talk with these women or watch them interact with their children will realize that mothers in prison are just like mothers on the outside: the women involved with AIM obviously love and deeply care about their children, and they regularly verbalize a desire to be able to provide a better life for their children than they have had. Observing the interactions between mothers and their children during one of AIM's monthly visitations, I experienced a real joy in witnessing the children's anticipation and excitement upon seeing their mothers after a month of separation, and I observed as mothers had the opportunity to engage in relationships that allow them to be defined as someone other than merely a "criminal"—an all-encompassing identity that is daily fixed onto them by the prison system. Although many people think of prisons as virtual dumping grounds for depositing those who most embody the social problems that continue to plague us, the fact remains that most of the women at Tutwiler will return to society, and the majority plan to reunite with their children as primary caretakers. By treating these women as

5. Harden and Hill, *Breaking the Rules*, 13. See note 2 above.

people with a past, a present, and a future, AIM promotes their ability to re-enter society as productive citizens and mothers.

In my analysis of the conversations I had with inmate mothers at Tutwiler over the course of an intensive month of interviewing, four major themes emerged. These included dealing with the lasting effects of past trauma and abuse; feelings of guilt, shame, and loss due to the drug use and criminal behavior that had led to their incarceration and hence their separation from their children; the ongoing struggles involved in their decisions to continue parenting from prison, along with a mixture of trepidation and hope for their continued relationship with their children when they are released; and genuine appreciation and enthusiasm for the support that AIM provides. It is important to note that while many of the women addressed similar topics, each woman had her own unique story to tell, and each had a distinctive reaction to and understanding of the topics we discussed. The women generally avoided directly referencing terminologies of “good” and “bad” mothering practices, even when prompted to engage with these labels, and on the whole, they did not offer critiques of how gender, race, or class differences have affected their experiences as mothers or inmates. The women whom I interviewed for this study walked a fine line between accepting dominant discourses on mothering and resisting ideas concerning who should be allowed to embody the identity of the “ideal” mother. Our conversations drew out the ways in which motherhood is the result of concerted effort, repetitive practice, and deliberate actions on the part of the women who choose to embrace this identity. In addition, it is important to approach these interviews with an understanding that concept of motherhood is socially constructed, and the presumed naturalness of the dominant images we are so familiar with belies the fact that ideologies of motherhood are always located in specific social-historical contexts that are shaped by race, class, age, ability, and any number of other dynamic factors.

Trauma: “I was dwellin’ on the past, and I really couldn’t get nowhere with the future”

Many of the women with whom I spoke recalled traumatic experiences as children or young adults that they perceived as having had an effect on their ability to be the kind of mothers that they wanted to be for their children. Alyse, a twenty-nine year old African American woman serving a short sentence for drug trafficking, explained how she developed a sense of bitterness toward the world as the result of the conditions of her childhood:

I went through a lot growin’ up, you know, parents kinda like in and out, not having a father and bein’ beat and molested by my younger brother’s father and . . . it was kinda like I had growed up on my own. I had, you know, I growed up a little bitter and mean. And it was hard, you know. I can say, like sometimes, I feel like I raised myself.

Alyse’s story is not unique in its depiction of a childhood defined by ongoing neglect, sexual abuse, and domestic violence. One woman who revealed that she had been raped by her older brother when she was eleven years old expressed her ongoing feelings of hurt and anger over this event more than twenty years later: “I still have a hard time dealing with it,” she confided. Another woman became teary-eyed when she told me that she had never before spoken with anyone about the abuse she suffered as a child—no one had ever asked her.

In addition to detailing physical and sexual abuse during childhood, some women described how they had been introduced to drugs and alcohol at a young age by parents, siblings, or other relatives or family friends. Summer, a mother of two who had an extensive history of mental illness, described:

Well, it took me years to realize this was wrong, but I’d say by age ten, I was introduced to alcohol by my mom. I was introduced to marijuana by her, too, so by the time I was like thirteen or fourteen, I was drinkin’ every weekend, partyin’ with everybody in the house, smokin’ marijuana. You know, I thought my life was fine up until she ended up divorcing my stepdad and everything went bad. She got up with somebody new, and he was—oh my God—very abusive to my mom, and I was always fightin’ with him and I couldn’t never get no sleep and it was just rough.

Like many of the women whom I interviewed, Summer's life has been characterized by multiple victimizations, from her mother's introduction of drugs and alcohol to her at such a young age, to the physical and sexual abuse that she endured for years, to her consistently violent intimate relationships with men throughout her early adulthood. Stories such as Summer's help explain how some women develop substance disorders before they have even entered middle or high school. Significantly, some of the women described their substance use as helping them deal with the stresses that characterized their daily lives "on the outside." Many women are literally self-medicating, attempting to treat conditions such as depression, post-traumatic stress disorder, and feelings of worthlessness that have been beaten into them by years of abuse and neglect.

While numerous women outlined how violence had affected their own lives, a few of the women whom I interviewed described how their abusive relationships with intimate male partners had had an impact on their ability to mother their children. Most of the women who were victims of some sort of abuse during their childhood or early adulthood discussed how they believe these experiences shaped their own ways of approaching motherhood; however, there was a noticeable difference of opinion between those women who believed that their histories had negatively affected their ability to parent and those who maintained that they learned what it means to be a good mother from personally witnessing and surviving such trauma and abuse. Some women who had been involved in violent intimate relationships throughout their adult life recognized how this had had a direct influence on their children as well. Ashley, a young, educated Black woman who is serving life without the possibility of parole for murdering her abusive partner, recalled how the extreme abuse she experienced at the hands of her child's father affected her son:

He was having suicidal thoughts at ten years old because of the domestic violence in the house, and he felt the burden to protect me from his dad. And it was really just too much

for him, and he had witnessed a lot of awful things. But, it's like [now that I'm in prison] he's more focused, he doesn't have to worry about me, he knows that I'm home, I'm safe. I mean, I'm not home—I'm here—but I'm alive and he doesn't have to worry about it.

While Ashley was the only mother who explicitly stated that she believed her child's quality of life had somewhat improved since her incarceration, other women similarly resisted the dominant ideology that their children would be invariably damaged due to their status as absentee mothers. A few of the women did not have primary custody of their children prior to their incarceration, and others were involved in complex childcare arrangements with grandmothers, aunts, or other family members before they came to prison. For these women, the confidence that their children were well cared for and not experiencing an undue level of disruption due to their mother's incarceration was reassuring, and they were therefore able to focus on themselves while in prison without constantly worrying about their children's welfare.

For those women who plan to reunite with their children as primary caretakers when they are released, negotiating how they will manage their intimate relationships is very important. Tia, a twenty-four year old African American mother of an infant son, explained how she will need to be very cautious when she decides to pursue another relationship, and she hopes to escape a history of violent relationships in order to move on with her life and better care for her son when she gets out of prison. Recalling abuse during her teenage years at the hands of an older male partner who would randomly attack her in her sleep, she stated:

I mean, it affects me, I can say a lot, because every time I get in another relationship, I'm really thinkin' 'bout how my past boyfriend did me and thinkin' that the person that I'm with is gonna do me the same way, you know what I'm sayin'? So I was dwellin' on the past, and I really couldn't get nowhere with the future.

Tia's words speak to the ongoing concerns of many of the women who had experienced domestic violence from intimate partners throughout their teenage and early adult years.

Although all of the women I spoke with who had experienced domestic abuse and relational

violence conveyed how deeply this affected them, it is important to note that none of them blamed their criminal behavior on their traumatic pasts. Jasmine, a twenty-eight year old African American woman, expressed this point insightfully, stating, “I want to say, maybe that’s the reason I rebelled—because I felt like that, you know, I wasn’t loved. I was an abandoned child. But, you know, I still made the choices that I made. I knew right from wrong, but I rebelled.”

Although they do not attribute their choices to their embattled histories, for these women, the will to work through their own traumatic pasts is truly important for them to gain self-confidence and healing. Kathy Boudin, an American radical who has a history of involvement with the Weather Underground and the Black Liberation Army, has written about her experience developing and implementing a prisoner-led support group for mothers during her twenty years as a prisoner at the Bedford Hills Correctional Facility for Women in New York for her conviction of felony murder and robbery in 1984. In her article, “Lessons from a Mother’s Program in Prison,” Boudin argues that “when a mother works on her own emotional needs, this process can also improve her ability to parent her children, if her children’s needs are kept in the forefront.”⁶ Many of the women I interviewed similarly recognized that they needed to first address their own problems in order to become better mothers to their children. Tia’s comments encapsulate this point, as she explained, “I’m tryin’ to distance myself, you know what I’m sayin’? I’m tryin’ to find *me* now, and when I get back out there, I know if I still be stuck on what [my abusive ex-boyfriend] got goin’ on and what he doin’, it’ll lead me back in prison and away from my son again.”

6. Kathy Boudin, “Lessons from a Mother’s Program in Prison: A Psychosocial Approach Supports Women and Their Children,” in Harden and Hill, *Breaking the Rules*, 105.

Guilt, Shame, Loss: “I just feel like I’m not a mother that my children will be proud of”

Some of the most poignant emotions these women expressed concerned their profound sense of guilt and shame at having participated in a lifestyle that led them to prison and away from their children. The majority of the women I interviewed expressed some level of remorse for the crimes they had committed, and many were overcome with emotion when talking about their feelings relating to the loss of and/or separation from their children because of their incarceration. One of the most moving examples came from my interview with a young mother of three who had only recently come to Tutwiler to serve a ten-year sentence for her conviction of chemical endangerment of a child after having a stillbirth. Jessica appeared to be worn out and depressed, and she explained, “I don’t feel like a good mother since I’ve been in prison.” When prompted to elaborate on why she felt this way, Jessica flatly stated, “I just feel like I’m not a mother that my children will be proud of.” Jessica’s dejection clearly speaks to the ongoing stigmatization of substance disorders and imprisonment, and her efforts to continue to be a mother to her young children are caught up with the struggle to forgive herself for abusing drugs and neglecting those motherhood duties that she perceives as fundamental to what it means to be a “good” mother.

Other women who are in prison because of substance abuse problems expressed similar sentiments to Jessica. One woman worried that her children would be reluctant to trust her again, since she had relapsed before and they were intimately aware of her struggles with addiction. Jessica explained how she thought of herself as a mother and an addict, stating, “I mean, I don’t consider myself as a bad mother, but I wasn’t as good a mother as I could have been. I’m a lot better mother when I’m off of drugs. Just the addiction takes over, you know, it just takes over.” In contrast to Jessica’s palpable guilt and shame, other women managed to

reconcile addiction and motherhood simultaneously, viewing their substance disorders as something personal that did not necessarily interfere with their ability to provide basic needs to their children. Ashley, who used marijuana daily and cocaine recreationally, argued that one could still be a good mother and have a substance disorder. While she does not classify herself as an addict, Ashley nonetheless claimed, “I’ve seen some addicts that are great moms, that really love their children, they’re just caught in addiction.” Still other women seem to take a middle ground, suggesting that they are actively working through what it might mean to be both an addict and a mother. Alyse describes how she never tried to hide her daily marijuana use from her two young children, believing that honesty and open communication were fundamental to good mothering practices and trumped any concerns about concealing her substance abuse. She explained her ongoing deliberation of this issue, suggesting that incarceration has forced her to reconsider some of her ideas about what it means to be a good mother: “If I wouldn’ta came to prison, a lot of stuff that I have learned and a lot of stuff that I know now, I wouldn’ta looked at it like that. I woulda went on thinking’ I was doin’ the right thing.”

Many of the women I interviewed expressed a considerable amount of anger that they held for themselves in light of their failures to live up to dominant ideologies concerning proper motherhood. Jenny stated:

I’m angry at myself. I was irresponsible, I was, I should have been smarter and more aware of what was goin’ on. But of course, Satan sets traps for us all the time, and course, if we’re not livin’ right, we don’t know when those traps are bein’ set. It’s took me comin’ here to learn these things and to try to not be angry at myself, but how can you keep from it?

After serving more than four years at Tutwiler on her twenty-year sentence, Tashia’s sentiments corresponded with those of Jenny, as she explained, “It took me a long time to get over that, to forgive myself for doing what I did, ending up here.” Another woman in her early forties,

Sabrina, who has been in and out of jail for years but is serving her first prison term, described her persistent anxiety over not being able to contact her two youngest children, who are living in a charitable group home. Although she is upset with the organizers of the home for failing to give her children the many cards and letters she sends them and for sometimes missing visitations with no apparent reason, Sabrina also blames herself: “Maybe I shouldn’ta been disappointed, maybe if I was the right kinda mother, I would have been at home, I wouldn’t have to go through this.” Sabrina’s words hint at the ways in which an inmate mother’s ability to claim a motherhood identity is fundamentally challenged by virtue of her incarceration. Her absentee status, along with the very particular stigma of being a convicted felon and a current inmate, threatens her ability to be understood through the dominant ideologies as performing motherhood.

Imprisoned mothers’ compromised position in dominant discourses on mothering often has real consequences for their ability to continue to claim ownership of their children along with the responsibilities of motherhood. Sandra Enos argues, “Moving away voluntarily or involuntarily from the mother role and position is not a neutral act like a leaving a job or changing a career. Because motherhood is equated with the moral worth of women, women assume or take on a position of moral excellence by being a good mother.”⁷ Thus, women who abandon their motherhood roles (due to addiction, criminal lifestyle, or incarceration) might not just be seen as bad mothers, but as fundamentally flawed or inadequate women. Especially if she has internalized the dominant ideologies of motherhood that impress the requirement for a mother to be the sole provider and caretaker of a child’s daily needs, an inmate mother’s entire identity comes into question upon her incarceration. Furthermore, inmate mothers’

7. Enos, *Mothering from the Inside*, 40.

compromised position can lead to state interventions that seek to (re)define and regulate her relationship to her children. Enos points out that because incarcerated mothers might easily be labeled as unfit parents, “in many jurisdictions, the mere fact of imprisonment may constitute abandonment as a ground for legal intervention and the loss of child custody.”⁸

Perhaps one of the most fundamental challenges to claiming an identity as a mother comes to those women who give birth while incarcerated. Jessica, who had only recently given birth to her son,⁹ recalled of her experience:

Well, I had a C-section and only got to spend 48 hours with my baby, and you know, when you're released from the hospital, they call your family, and the family comes and gets the baby. It was real hard, I cried and cried and cried. I had to go to mental health, and they put me on antidepressants. It's still hard.

Unfortunately, because prison mental health and treatment programs frequently do not receive adequate funding from the state, it is uncertain whether Jessica will be able to benefit from these services and receive the personalized mental health treatment or grief counseling that she needs to deal with the painful and sudden loss of her child. Stacey, an African American woman in her early thirties, similarly talked about her experience of giving birth to both of her sons while incarcerated. She recalls the births and the subsequent forced separations as traumatic, remembering them with a pained look on her face:

God, it is indescribable. It is the most hurtful feeling. Thinking about it now makes me want to cry. It's like, especially with my first child, it was like, I didn't want them to take him away from my arms. [I'm thinking] this is my first baby, and I'm in a situation like this! But with my second child, it was hard as well, but I kinda, I knew what to expect then when I became pregnant with my second child, and I came here. It was still painful, but I knew, you know, my child was gonna go to a lovin' family. So my mom has my two kids. But, I can't even explain the pain, I really can't. Just watching them takin' my, *literally* takin' my baby outta my arms.

8. Ibid., 35.

9. Jessica became pregnant shortly after her miscarriage, and she gave birth to a healthy baby boy since she has been incarcerated.

When the women I interviewed had given birth in prison or were incarcerated while their children were very young, they worried about whether their children would know them, if they would be afraid of them, and how they would be able to form a lasting bond with their child. Allowing women the opportunity to develop relationships with their children—to build and maintain a connection in spite of their separation and physical distance—can be an empowering experience for a mother, regardless of her material circumstances behind bars. In addition, because many of these women hope and plan to take on primary responsibility for their children upon release, offering them the resources and continued practice necessary to assume this role is important for the wellbeing of their children as well.

Parenting from Prison: “I’m not dead, so I still have my part to play in [my child’s] life”

In her discussion of the mother’s program that she helped develop as an inmate at Bedford Hills Correctional Facility, Kathy Boudin describes how many of the mothers struggled to deal with the anger of their children in relation to their current incarceration and past criminal behavior. Boudin writes, “The more the mother has accepted herself, the more she is able to accept the anger of the children in a manner that supports them. These issues are particularly relevant for dealing with children’s desires to understand where the mother is and why she is there.”¹⁰ In my own study, I found that the women whom I interviewed were similarly very concerned about their own children’s anger and frustration. How can inmate mothers address and respond to their children’s emotions in order to productively move toward developing and maintaining a lasting relationship? In what ways can incarcerated women continue to take on the responsibilities of motherhood in spite of their circumstances? These are two of the most

10. Boudin, “Lessons from a Mother’s Program,” in Harden and Hill, *Breaking the Rules*, 117.

challenging questions facing the women whom I interviewed, who had already expressed their agency and desire to continue parenting through their decisions to sign up for classes and programs with Aid to Inmate Mothers.

Having already served seven and a half years on her twenty-year sentence, Tri worried that her children—an eleven-year-old daughter and seventeen-year-old son—would harbor a lot of anger toward her for leaving them while they were young. She very earnestly spoke about this fear, explaining:

I can tell you that I love my kids. You don't know if I do or not, you know, but I truly love my kids and it's the fact of just bein' away from them. They know I love them, you know, they know I made a mistake. But I just wonder sometime, you know, I think to myself, I say "Lord," I say, "I wonder when they get older, will they hold this against me, leavin' them?" I mean, *leavin'* them. I left them.

Although she subsequently described how her children have told her again and again that they love her and forgive her, and although she actively works to maintain an active part in their lives, Tri continues to worry that her status as an absentee mother will create emotional problems for her children later in life. Likewise, Ashley, who had been in county jail for five years before being transferred to Tutwiler to serve a life sentence, spoke about how her young daughter had begun to suffer from bouts with depression after her arrests and incarceration. In a truly powerful response to the seemingly hopeless finality of her sentence, Ashley explained:

The system says I will grow old and die in prison. So, it's like just two years and then [my daughter is] growing up without her mother, which is tough, which is really tough, but you know, I do what I can. . . . Still, I'm not dead, so I still have my part to play in her life.

In addition to visiting with her daughter and teenage son once a month with AIM, Ashley also described how she frequently writes to her daughter and tries to speak with both of her children on the phone at least once per week (which is not always possible because of financial constraints). She keeps up with how they are doing in school and learns about behavioral

problems and other issues her children are facing by way of regularly communicating with her mother, who is now her children's primary caretaker.

Many of the women I interviewed had similar methods of maintaining their relationships and sense of responsibility for their children. Stacey, whose mother has temporary custody of her children, began to cry when she thought about how much her own mother had sacrificed to care for her children. She stated, "I want to help her as much as I can. Even though I'm incarcerated, I still feel like I have a responsibility, a role, and I want to take some of the burden off of [my mother], because sometime she'll come in [for a visit] and she'll be like, she'll be weighed down." Like Stacey, many of the women I interviewed recognized that the responsibility of providing daily care for their children could weigh caretakers down, particularly if they were elderly or suffered from health problems. In response, women explained how they developed alternative methods of trying to help manage their children's lives: one described how she would mail to-do lists to her children, others made a point to discuss children's medical and psychological needs with caretakers, and a few discussed how they tried to maximize the limited phone time they could afford by thinking about and strategizing solutions to the problems their children were facing before even picking up a phone.

While the separation from their children produced a variety of emotional hardships, some women described how they believed their relationships with their children had in fact improved since their incarceration. Ashley elaborated on how the change in her relationship with her children had a positive side, stating:

You know, in a way, I can see, [our relationship has changed] in a positive way, because I'm no longer under the influence of any drugs or alcohol. You know, I'm more focused on them; it's all about them, you know, now. When I was out, I was you know, running with my son's dad, you know, I just had other stuff going on. I had work, I had friends, I had family I was taking care of, and you know, had a lot going on. But now, it's just me and my kids. So you know, it's changed, but we're very close.

Free from the distractions of everyday life “on the outside,” Ashley is now able to focus her full attention on her children. While the separation is not easy, Ashley maintains that because she has escaped her previous life of drug abuse and domestic violence, her ability to be a mother to her children has actually improved. Stacey, who gave birth to both of her children while she was in custody and has never had the opportunity to be their primary caretaker, suggested that while the distance between herself and her children had been difficult to bear, she nonetheless was thankful for the ability to take on some of those aspects of motherhood from prison:

It’s so hard, it’s hard. And, I think about the years I been incarcerated, and I’ve watched my children grow up without me. And like I said before, it’s also a blessin’ too. I think about all the people that don’t have that chance to communicate with they kids, don’t know where they kids are, and I’m thankful for this chance to even be able to see them and to hear them call me “Mama,” and to sit down and wanna tell me things that’s goin’ on wit’ them.

Perhaps because so many of the women I interviewed have pasts characterized by poverty, violence, trauma, and hardship, they do not take their ability to know and love their children for granted. For some women, their children are the only thing keeping them going and motivating them to change. Sabrina’s words exemplify this point, as she stated, “I just really miss them sometimes. I be sayin’, ‘Lord, if something happen to them, I probably just die, ‘cause that’s all I got.’ And I know they love me.”

For most of the women whom I interviewed, the knowledge that their children knew and loved them was of the utmost importance. When describing what it was like to become a mother for the first time, a few of the women remembered longing for someone to love them unconditionally. Many of the women had gotten pregnant as teenagers. One mother recalled:

I got pregnant with my oldest child, and I was about 16, but I can say that havin’ him changed my whole outlook of lotta things. . . . I mean, he came in and it kinda made me feel like I got somebody I know that love me, you know, so that’s how that was.

Although they clearly loved and cared for their children, some women spoke about their children in ways that suggested a role reversal—a parent depending on her children for love and support. A few women described their children as very “mature,” suggesting that they could rely on their children for support and understanding. Michelle, a young woman who had been serving time on a twenty-five year sentence from the time she was seventeen, described how she valued openness of communication with her young son because she felt like her own parents had not been direct or honest with her. She explained, “Ever since that he been at a age where he could understand my situation, I always have told him the truth. He’s eight. He’s like a li’l man, so I tell him truth.” Although honesty and communication were common themes characterizing “good” motherhood among these women, the danger lies in treating children like miniature adults or expecting them to be able to handle situations that could potentially be overwhelming or even dangerous. A couple of women, for example, described how easily their children had recovered from situations of extreme abuse or trauma, suggesting that they did not realize—or had not fully accepted—how such events could leave lasting scars.

While some mothers described their children as mature for their age, others were adamant about protecting their children’s ability to enjoy the carefree days of their youth. Jenny described how she encouraged her children to jump on the bed (“as long as they don’t hurt themselves”), and other mothers articulated a desire for their children to make lasting, positive memories while they were young. Ashley explained how she hoped that her children could enjoy the childhood she never had, saying:

I want my kids to be kids for as long as they can be, because being an adult is just . . . I was an adult—I was a mom—at fifteen. I was a mother . . . at [my son’s] age, I was pregnant with him, [my mom] had kicked me out, I was already selling myself for money; you know, robbing and stealing, smoking weed every day and layin’ up with different guys.

While she hoped her children would be able to have the benefit of a childhood unhindered by adult-sized responsibilities, Ashley also recognized that her children's positions at the intersections of gender, race, and class would greatly affect the way they would be perceived and the challenges they would face. In an emotional dialogue about her ongoing discussions with her fifteen-year-old son, Ashley described:

I always tell [my children], the world looks at you, and you've been counted out already. My son—one, you're young, you're black, you're male. The odds are already stacked: your father's deceased, your mother's never getting out of prison, . . . you witnessed abuse in the household, you witnessed drug abuse. I mean, statistics show that you will not make it. So, that is what I [say to my son], not to get him down and stuff, but [to say] this is all the more reason to motivate you.

Recognizing that her children will face particular challenges due to their positionalities within complex matrices of oppression, Ashley seeks to instill motivation while nonetheless teaching her children about those social inequalities that will inevitably shape their lives.

In describing what it means to be a good mother, most of the women mentioned love and communication, as well as the necessity of providing the basic needs of food, clothing, shelter, and some level of stability. Some women primarily described good mothering practices as being able to provide their children with whatever they need—as one woman put it, never letting her children go without. Alyse explained her view of what is required to be a good mother, saying:

No matter how hard things may seem, keep a job, you know, do, just try to do whatever you can for yourself, don't let it get so bad to where you gotta go and sell drugs to pay a bill or to make sure your children got what they want and need. I grew up without, so I always had in my mind that I'm gone make sure they don't have to grow up like I did or grow up without.

Alyse's conception of good mothering practices speaks to those dominant ideologies that seek to construct motherhood as a privilege that is only available to those whose socio-economic position enables them to have a certain level of security. However, especially during trying times such as our current ongoing recession, economic security for many mothers is simply not

possible. In contrast to Alye's view, many women argued that being a good mother not only requires providing for children's basic physical needs, but also involves knowing one's children in terms of their unique likes, dislikes, needs, and personalities. Some suggested that being a good mother necessarily entails forming and maintaining a close, irreplaceable connection with their children. Although most of the women believed that their children were well cared for by guardians, many embraced the prevailing ideology that nothing compares to a mother's love. Furthermore, while all of the women I interviewed were extremely hesitant about using the terminology of "good" and "bad" motherhood, many suggested that for mothers in prison, talking about their children and actively making an effort to see them was a requirement for engaging in good mothering practices. Many described their surprise and at times outright disdain for women who did not speak about their children or who made no apparent effort to maintain a relationship from prison. Discussing what it means to be a "bad" mother, Ashley stated:

A bad mother—I'm in no position to call anybody a bad mother. I'm in prison, you know? But yet, still I've seen mothers here that still show no interest in the kids. To me, they could be a bad mother, which I can't lay no judgment on. I just think a good mom is interested in their children. I wasn't an absentee mom. I think that's a bad mother. Now, I'm counted absentee, but it's not by choice, not immediate choice.

While her very words hint to her recognition of the dominant discourses that attempt to construct all incarcerated women as inherently "bad" mothers, Ashley also indicates that she is actively resisting mainstream ideologies and attempting to construct her own view of what constitutes "good" and "bad" mothering practices. In addition, her ability to continue to mother—and to think of herself as a mother—from the distance of the prison provides her with a sense of agency that she might not otherwise have access to.

Supporting Inmate Mothers: “Just because we’re in prison, doesn’t make us bad mothers”

When asked why they believed that some women continue to come back to prison repeatedly in spite of their professed love for and desire to be with their children, women discussed the inability to overcome addictions, enduring financial hardships, and an overwhelming sense of social abandonment. Sabrina, who has an extensive criminal history for economic-related offenses, explained, “There’s some people just get that in their mind, that don’t nobody care, don’t nobody reach out and try to help nobody.” Here, Sabrina’s words allude to incarcerated women’s internalization of dominant discourses that seek to render them invisible, powerless, and unworthy of social support. Suzanne Allen, Chris Flaherty, and Gretchen Ely argue that women in prison “have been locked away with little or no contact with the outside world. They are convicted criminals, viewed by society as social outcasts. Their multiple marginality, combined with the stigma and shame of incarceration, renders this powerless population essentially disposable in the eyes of society.”¹¹ Such a sense of expendability, of feeling “thrown away,” as Tashia expressed it, can have a real effect on a woman’s ability to overcome the trauma of her past and feel empowered to change. For inmate mothers in particular, the separation and potential loss of children can lead to a sense of powerlessness and indifference toward their own future. Vainik argues that “current prison policies simultaneously place mothers and children at risk of physical or psychological injury and actively debilitate the mother-child relationship.”¹² Correspondingly, a national study of female inmates throughout the United States found that fifty-four percent of inmate mothers never receive a visit from their

11. Allen, Flaherty, and Ely, “Throwaway Moms,” 162.

12. *Ibid.*, 680.

children during their incarceration.¹³ Such factors make it extremely difficult for mothers to resume (or take up) their responsibilities as primary caretakers upon being released from prison, even if they are fully committed to this role.

Although inmate mothers face a variety of challenges to their subjectivity, I disagree with Allen, Flaherty, and Ely in their assertion that inmate mothers are rendered wholly powerless by a society that is so hostile to recognizing their humanity and worth. Inmate mothers may have few opportunities to take advantage of resources designed to help them reintegrate into society, but that does not mean that they do not have a voice, nor does it imply that they do not assert their own needs. In my interview with Sabrina, she reiterated:

I'm not tryin' to put the blame on nobody else because of my bad choices. But just sometimes in life, I hear people say, 'I don't need nobody,' but I be *needin'* somebody. I just want a little help, just guide me.

Women in prison are frequently trapped at intersections of oppression due to their positionality within gender, race, and class hierarchies, and this fact might lead them to appear powerless, in spite of their ability to voice their unique concerns. Boudin argues, "Prison, by its nature, is authoritarian and controlling. Women cannot even make the most basic decisions of life such as when to go to sleep or get up, what to eat and wear, who or when to visit, not to mention building normal relationships. The concept of rehabilitation and treatment still paces women in a passive role, either as 'victims' who need to be helped or people who need to be 'rehabilitated.'"¹⁴

Because women frequently come to prison having already developed a sense of powerlessness because of their histories of abuse, trauma, and/or drug dependency, it is particularly important

13. Vainik, "Reproductive and Parental Rights," 679.

14. Boudin, "Lessons from a Mother's Program," in Harden and Hill, *Breaking the Rules*, 107.

for them to be able to develop their own decision-making skills, sense of autonomy, and ability to be self-supporting.¹⁵

Organizations such as Aid to Inmate Mothers help compensate for the overwhelming powerlessness that inmate mothers might otherwise experience in the context of the prison. All of the women whom I had the opportunity to interview expressed a deep sense of appreciation for the services provided by AIM. The programs facilitated by AIM disrupt the traditional rehabilitation model by allowing women to play an active role in the process of their own growth and encouraging them to help bring about change in their own lives as well as the lives of their children and their children's caregivers. AIM offers a wide variety of classes, including basic women's health, job readiness, domestic violence, relationships, anger management, AIDS reentry planning, overall reentry planning, and parenting. One of the primary services offered by AIM (and the program in which all of the women I interviewed participated) is a monthly visitation program for families who are independently unable to provide transportation for children to visit their mothers in prison. Because of financial instability and/or the age and health of guardians, a small but significant percentage of women incarcerated in Alabama would not get to see their children without AIM's visitation program, which staff members estimate serves around one hundred women.

While the prison does offer classes through the Alabama Department of Corrections, some of which women spoke about quite glowingly, many of the women I interviewed described how it is often difficult to get into these programs. Tutwiler Prison simply does not have the funding, staff, or space to provide all of the programs needed in order to support women's growth and efforts to gain self-sufficiency. In addition, while there are many individuals who

15. Ibid., 106-107.

volunteer at the prison by teaching classes or leading workshops, AIM is unique in its dedication to working with women both inside the prison and after their reentry into society. Furthermore, rather than treating the women as individuals with no social ties, AIM offers services to the family members of the incarcerated women they work with, sending children to camp, providing donated gifts to children on holidays and birthdays, and offering much needed support to caregivers. The staff members and volunteers of AIM are exceptional in their dedication to developing relationships with the women they serve. As one staff member described the organization, AIM provides personalized service, and having built a relationship with the women, their clients are not treated like just another number to be saved.

Keeping women connected to their children is the foremost goal of Aid to Inmate Mothers. Because most of the women who choose to participate in AIM are planning to take over primary care for their child(ren) upon their release, reentry planning is fundamentally important for these women to prepare to manage the many challenges of reunification and the responsibilities of motherhood. While the Department of Corrections only offers a reentry-planning workshop ninety days out from a woman's expected release, AIM tries to begin this process two years before a woman's anticipated parole date. Furthermore, AIM's classes focus on helping women manage the complexities of their daily lives, both in and out of prison, and they deliberately address individual challenges facing their clients. For example, rather than just asking women where they are planning to live when they get out, AIM makes a point of helping a woman determine if her reentry plan is best suited for her. Is she going back to a home where she experience abuse or where she was introduced to drugs and alcohol? Will she have the necessary childcare provisions and other resources if she chooses to live in a very rural area? Stacey described how empowering her own experience with AIM has been, explaining:

They've helped me to know that I am capable of bein' a mother to my kids, bein' able to care for them, because of the classes AIM provides with job readiness and helpin' you learn how to budget and all this. And so, with the classes that came along with AIM, it helps me know that, ok, I will be able to go out there and survive, bein' a single mother and takin' care of my two kids. I will be able to do that because they provided these programs, so we'll be able to go out there and do this.

While AIM makes an effort to address the individual needs and concerns of women through their prison classes, they also endeavor to maintain contact with women who have re-entered society, providing a valuable resource to these women during the oftentimes unstable transitional period. Besides locating donated clothes and hygiene products for the women when they are first released, AIM also helps women find transitional housing, apply for jobs, and locate those community resources necessary to support themselves and their children.

In their parenting classes, AIM acknowledges the reality that women frequently need to address the source of their own problems before being able to be the kind of mother they would like to be for their children. Tia explained how she believes her primary focus needs to be on learning to care more about herself in order to better care for her son, saying:

I mean, as far as [being] a parent, I think I did everything right when it came down to my child; I never have stepped on him. Just far as me, I *have* stepped on me, but I can't have stepped on me neither, 'cause I got him. So it's just time to do right and be the mother that I am, because I know how to raise my son.

Rather than adopting the dominant ideology that all incarcerated women are inevitably bad mothers who need to be rehabilitated (or permanently separated from their children), AIM works with women to address their individual challenges and helps them grow as mothers and as people. Ashley expressed gratitude for AIM's empowering and uplifting atmosphere, describing what she liked about AIM's visitation program in comparison to a regular prison visit:

I just like the whole environment of the visit [with AIM]; it's not like dry, they actually give things for the children to do, and I really like the crafts. Even though my son is fifteen, it's still something we can sit down and do together and talk. You know how we talk, it's just like we would do at home. You know, we'll make t-shirts or something and

just say, 'Hey, what's going on,' 'What's going on with you?' You know, that kind of thing. So [the people with AIM], to me, support my own ideas about being a good mom. So that's what counts to me, just sharing the world with my kids.

Ashley's assertion that AIM supports her own ideas about being a good mom was shared by many of the women whom I interviewed, as well as by the staff members themselves. One staff member argued that there is no one way to be a good mother, but there are some broad guidelines that generally apply and that they try to focus on in their programs. These guiding qualities include being attentive and caring, engaging in open communication, being nurturing (while recognizing that different children have different needs), and getting to know what your child or children need in order to be both healthy and happy. Another staff member explained how in one of her teaching modules, she works to broaden women's conceptions of family in order to counter the dominant discourses that support only one manifestation of the family: the nuclear model. In contrast, AIM encourages women's recognition of their various extended family structures, giving legitimacy to those connections that women build with people who may not be blood relatives, but whom they consider family nonetheless. This fact is particularly relevant for African American women, who often engage in complex family structures in which relatives and non-relatives can serve as "othermothers" to children, participating in an extended family structure that acknowledges the role of many people in fostering a child's development.¹⁶

The women I interviewed expressed overall satisfaction with their experiences in AIM's visitation program, outlining how the program supported their efforts to maintain a relationship with their children. Women expressed gratitude for the friendly atmosphere that AIM created during their monthly visits, and they appreciated the games, genuine meals (as opposed to

16. Patricia Hill Collins discusses "othermothers" and extended family structures in African American communities in her body of scholarship. See, for example, Collins, "Black Women and Motherhood," in *Black Feminist Thought*.

vending machine meals), and crafting opportunities available to their children. Stacey explained how her primary concern is being able to maintain open communication with her children, stating, “We’re able now to sit down and talk more, and that’s what I love about AIM. I appreciate AIM because without that program, I wouldn’t be able to have that bond.” Most of the women whom I interviewed similarly described how AIM had helped them build and/or maintain a bond with their children, and several suggested that the program had directly helped their children cope with the stress of having an incarcerated mother. Ashley described how her son met another boy around his own age during one of the visits, forming a friendship. She elaborated on her gratitude for AIM’s visitation program, stating:

I think it helps in more ways than just a parent and child, but it gives the child more confidence in themselves that I’m not just some throw away deadbeat just because my mother [is in prison]. It’s a lot of other normal-looking, regular kids that are going through the same thing.

For women with younger children, AIM offers a chance to build a relationship with their children, whom they might not otherwise know. Ryonna, who was convicted of credit card fraud, described how grateful she was that AIM had allowed her to build a relationship with her young son, explaining:

I been lock up two and a half years and my baby was just, he was just a newborn baby when I got lock up, and I thought that he wouldn’t never know me, he wouldn’t never know me, he’d be scared of me, he wouldn’t want me to have nothin’ to do with him. But when I got here and signed up for AIM, it seemed like he started to know me, he wanna be around me, he just loves me, you know, I love him. And it just helps that the people just take out their weekend and bring the kids down here, take out all their time just to do something for us inmates in prison to make sure that we can still have that relationship with our kids.

Without AIM, Ryonna would not have the opportunity to bond with her child, and while this would be a tragedy for the young mother, it would also be an injustice to the boy, deprived of a loving parent and whose mother plans to take over primary care of her son when she gets out of prison.

The many programs and services that AIM provides are truly invaluable to the women and children whom they serve. Without AIM, many children of incarcerated mothers in Alabama would not be able to form a relationship with their parents, and many mothers would face exacerbated challenges upon getting out of prison and reuniting with their families. While supporting women in their decisions to continue to parent from the space of the prison, AIM also allows women to engage in a space where they will be treated like human beings, to foster and develop relationships, and to address those underlying problems that have shaped their lives up until the point when they were incarcerated. For those women who have internalized dominant ideologies that regard all incarcerated women as inherently “bad” mothers (and potentially “bad” or inadequate women), AIM’s support for their decisions to embrace and develop their motherhood roles significantly allows them to claim a sense of agency. Moreover, AIM empowers women to take an active role in their own growth and in changing their lives and the lives of their children for the better.

Chapter 5

CONCLUSIONS

“I am not free while any woman is unfree, even when her shackles are very different from my own.”

--Audre Lorde, *Sister Outsider*

This project has in large part been about crossing borders and trespassing through territories where I do not belong. I came to Tutwiler Prison as a researcher, ready to learn about women’s experiences as inmates and mothers. I left with the task of sharing their stories in a larger context—of taking a part of them with me into the “outside”—an objective that is political by its very nature. Prisons are undeniably hyper-regulated spaces, constantly seeking to reinforce those boundaries differentiating insider and outsider. However, while prisons and, by extension, prisoners are largely rendered invisible as part of the larger social landscape, their realities are intimately linked with our own. As Nicole Hahn Rafter and Angela Davis have eloquently argued, it is in fact through the construction of the prisoner that we are able to define the respectable, productive citizen—that person whom we like to think of as the embodiment of the collective “us.”

In an interview with me, Tashia reflected, “To be in prison is like you been thrown away.” Her words hint at the unpleasant reality of the way society tends to view prisoners as trash, ex-citizens, and fundamentally inadequate people. However, at the same time as I was

reminded of the many factors distancing inmates from myself, this project has also brought me closer to the women, reminding me of their existence and their humanity.

Like my own ability to traverse borders, the methodology and epistemological frameworks that undergird this thesis similarly denote a fluidity of approach that is perhaps uncharacteristic of most research on this topic. In this thesis, I have engaged with a variety of ways of learning about the unique challenges facing women who are caught up in the criminal justice system. Significantly, I have endeavored to use standpoint epistemology and frame the study with a Black feminist intersectional analysis, approaches that I believe complement each other nicely. Patricia Hill Collins maintains that in order to truly embrace a Black feminist politics, “Knowledge for knowledge’s sake is not enough—Black feminist thought must both be tied to Black women’s lived experiences and aim to better those experiences in some fashion.”¹ Furthermore, while Collins writes that “Black women must be in charge of Black feminist thought,” she argues that this “does not mean that others are excluded.”² This contention has encouraged me to work within a Black feminist theoretical framework in my own activist work seeking the structural changes that I view as wholly necessary in order to promote a more equitable society.

In this thesis, I have argued that women are uniquely positioned within a criminal justice system that is deeply entrenched in racist and classist perceptions that make female inmates especially vulnerable to policies and ideologies that jeopardize their reproductive rights. I have endeavored to show how motherhood might provide a means for incarcerated women to strategize resistance and claim agency from the space of the prison, suggesting that programs

1. Collins, *Black Feminist Thought*, 35.

2. *Ibid.*, 21.

such as Aid to Inmate Mothers address the specific needs of incarcerated women that are otherwise neglected by the penal system. Providing a measure of freedom and opportunity for inmates to direct the outcome of their own lives and the lives of their children, a woman's decision to embrace her motherhood identity has the potential to empower her in spite of her material circumstances behind bars.

In my study of inmate mothers and mothering practices, I have emphasized the words and experiences of incarcerated women themselves as they explained the many challenges they face as mothers behind bars. In particular, my research has explored the ways in which the programs developed and implemented by Aid to Inmate Mothers support women in their decisions to continue parenting from the distance of Tutwiler Prison. Along these lines, the primary goal of my study has been to highlight the specific challenges facing incarcerated women as well as to illuminate the benefits of supporting inmate mothers in their efforts to claim their motherhood identities from the harsh environment of the prison. In order to effectively shed light on the lived experiences of this particular population of women, however, I first had to frame the study with an analysis of the socio-historical, legal, and political issues surrounding maternal incarceration.

The narratives that I have presented in this thesis are not romanticized, and the women whose stories I recount do not necessarily attempt to present themselves as “good” mothers. These women have admittedly broken the law, they may have abused substances while pregnant or caring for their children, and not all of the women about whom I write will ultimately choose to embrace their motherhood identity as first and foremost among their priorities. However, the women whom I had the opportunity to interview candidly discussed their experiences, exposing the ways in which their oftentimes traumatic pasts have shaped the way they think about themselves and how they mother their children. Like anyone on the “outside,” women in prison

are clearly imperfect. They discussed the problems that they have faced as mothers along with the joys. Each woman had her own unique story to tell, and every one had her own ideas about what it means to be a mother. Because they were fully aware that the interview would not affect their status as inmates or their standing with child services, I believe that the women I spoke with were open and honest about the realities of their lives.

Through my ongoing research of the incarceration of women and mothers in particular, I wish to stand in solidarity with those women who care about and are affected by this issue in order to work for real changes in the lived realities of this particular population of oppressed women. I hope that my privileged position to speak will open up space for those whose voices have historically been marginalized and silenced. As Audre Lorde writes in promotion of feminist solidarity, “I am not free while any woman is unfree, even when her shackles are very different from my own.”³

The problems faced by these women are ongoing, and it would feel contrived to offer any resolute “conclusion” to this thesis. Instead, I would like to offer some emergent ideas for further study that have become apparent in my research. One way that this project has been limited is in its focus on women who evidently choose to embrace their motherhood identity. However, it is important to note that not every woman is as attached to her maternal role. What about those incarcerated women who are not mothers, who have lost custody of their children, or who choose to not identify with this role? What would empowering feminist interventions in these women’s lives entail? Another area of much-needed research concerns the unique experiences of guardians. As I have discussed in this thesis, children are usually placed with

3. Audre Lorde, *Sister Outsider: Essays and Speeches by Audre Lorde* (Berkeley: Crossing Press, 2007), 132-133.

female relatives of their incarcerated mothers. How do these women understand their role as “othermothers” to the children for whom they provide daily care? What are the unique challenges facing these women, whose important role is so rarely acknowledged? In a more abstract sense, I believe that an analysis of the ways in which the fluidity of women’s bodies undermines the corrupt flows of power in certain institutions, namely the criminal justice system, may offer new ways of dismantling the binaries of mind/body, public/private, and interior/exterior. Although the confines of this thesis project have prevented me from delving into the topic of pregnant embodiment in a prison context, further research into this area could offer a more thorough analysis of the ways in which women’s bodies reveal the shortfalls of the prison as an institution.

America cannot continue to ask the criminal justice system to take on the problems of poverty, addiction, and untreated mental illness that are so widespread among prison populations, both male and female. For women in particular, criminality is so often symptomatic of larger social problems—inadequate education, diminishing job opportunities, lack of access to adequate healthcare (including drug treatment and mental health), and a prevailing patriarchal system that expects women to embrace a maternal role, all while vehemently denying the validity of care work as productive and valuable work. However, rather than merely seeking to tear down the system that is in place, responsible social justice activists must aim to create new and effective ways of addressing the issues that lead to hyper-incarceration to begin with. These are the challenges before us, and while they are overwhelming, addressing them is certainly imperative.

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