

The Jury Is Out

Programming at Eastern State Penitentiary

Sean Kelley

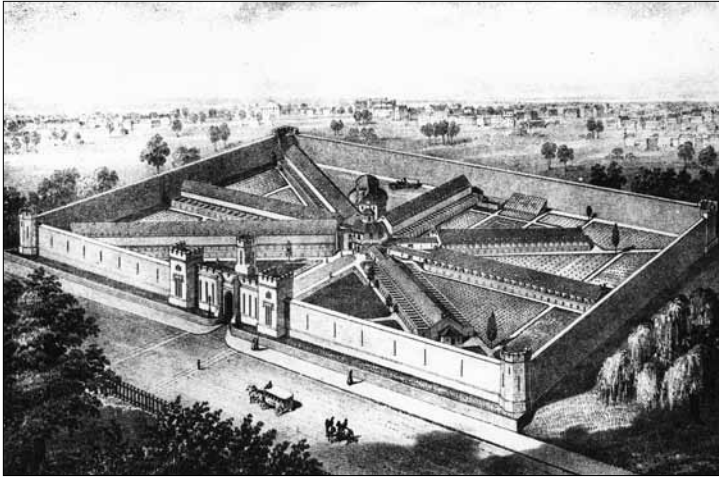
Abstract

Traditional exhibit and tour programming at Eastern State Penitentiary Historic Site has rarely made successful connections between the building's substantial historic and architectural legacy and current trends and debates surrounding the American criminal justice system. Artists working at the site have encouraged reflection on broader questions of justice, due process and the role of race and poverty in patterns of incarceration. An interpretive planning process has renewed the organization's commitment to make these connections throughout the site's programming. But the goal remains challenging, and work on a small prototype exhibit triggered a series of professional and ethical dilemmas that continue to play out. While the exhibit was intended to encourage visitors to question their assumptions about prisons and correctional policies, the staff and board now find their own assumptions tested.

About the author

Sean Kelley is Senior Vice President, Director of Public Programming, at Eastern State Penitentiary Historic Site in Philadelphia. He has overseen all exhibits, tours and events at Eastern State Penitentiary Historic Site since 1995, when he was hired as the site's first full-time employee. He teaches Museum Studies in the graduate in Public History program at Rutgers University.

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Eastern State Penitentiary's hub and spoke design was the model for more than 300 prisons worldwide. *The State Penitentiary, for the Eastern District of Pennsylvania, 1855*. Lithograph by P.S. Duval and Co., Collection of Eastern State Penitentiary Historic Site.

Eastern State Penitentiary has struggled and continues to struggle to make thought-provoking connections between Eastern State Penitentiary's complex and troubling history and the ethical, moral, or political choices that affect the lives of visitors to the historic site, primarily through site-specific art installations developed by individual artists. In developing programming that encourages reflection on complex and troubling subjects, the museum's staff and board have reexamined their own assumptions and deeply-held beliefs.

Eastern State Penitentiary

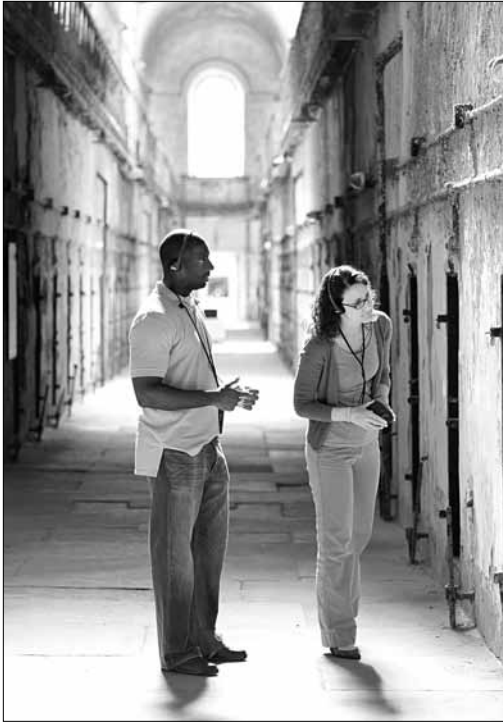
Eastern State Penitentiary, which opened in 1829, is arguably the most influential prison ever built. An estimated 300 prisons on five continents are modeled on Eastern State's distinctive radial, or wagon-wheel, floor plan. Its original seven cellblocks were an engineering marvel, with central heat and flush toilets before the White House. Eastern State embodied the Pennsylvania System of Separate Confinement, a penal

philosophy rooted in the belief that humans are inherently good and can be rehabilitated through separation from a corrupt society. Proponents believed that, left alone for months, or even years at a time, inmates would become penitent, truly remorseful for their actions—thus the new word, *penitentiary*.

Even as governments from around the world sent representatives to Philadelphia to study the new system, debate grew about the effectiveness and morality of prolonged isolation. That system was officially abandoned at Eastern State in 1913, and the penitentiary ran throughout most of the 20th Century as a congregate prison. It closed in 1971 and re-opened as a public site in 1994.

Interpretative Programming at Eastern State Penitentiary

More than 700,000 visitors have toured Eastern State since its re-opening. The building is in a profound state of architectural decay, and this quality, the sensation of discovering a lost or abandoned space, infuses virtually all aspects of our public programming. The crumbling stone walls and columns of sun light are surprisingly, eerily beautiful. Visitors routinely warn us against “fixing” Eastern State too much. Most visitors explore the site with an audio tour narrated by actor Steve Buscemi. A handful of restored architectural spaces, such as the penitentiary’s tiny synagogue, stand in contrast to the massive, crumbling cellblocks. Several small workshops have been repurposed as modest exhibit spaces which are nuanced enough to cite contradictory perspectives, substantial enough to address subjects including the history of racial violence and sexual assaults in this building, and popular enough that the site has seen double-digit cumulative growth in visitation for 14 consecutive years. The guide staff is informed about current issues in corrections with a monthly book club and weekly discussions of current events in corrections. New tour guides visit a working prison as part of their training. A nine-month summative evaluation by the Center for Learning Innovation in 2007 reported highly-engaged visitors across a broad range of age groups (Stein and Koepfler, 2008).



More than 100,000 visitors explore Eastern State Penitentiary each year. Programming includes an audio tour, interactive experiences with tour staff, and site specific art installations.
Photo by Jeff Fusco.

And yet, something is still missing. Our mission statement includes the phrase, “...to create of forum where [issues related to current corrections] can be discussed.” It would be hard to argue that we’ve created that forum to date. Several attempts have fallen flat. We wrote a 2005 drop-in tour on the subject of escapes that concluded by addressing the development of Guantanamo Bay as a truly escape-proof facility. The conclusion felt forced, and most of our tour staff simply dropped it over time. A lecture series called “Searchlight” brought experts on sociology and criminal justice into the cellblocks for free presentations during public hours. It drew almost no audience.

Artist Installations

One form of experimental programming seems to have encouraged reflection and debate on current issues in corrections:

artist-created installations. Although there has not been a formal evaluation of the impact, anecdotal observations suggest that the installations, six of which are described below, have been especially provocative and memorable to visitors. These projects were all designed to be temporary, although they typically stay on view for several years. Ten artist installations are currently on view. Discussed below are some of the more provocative and successful of the sixty installations we have overseen since 1995.

Virgil Marti's *For Oscar Wilde* (1995)

In 1995, two independent curators, Julie Courtney and Todd Gilens, raised about \$350,000 to commission 13 site-specific installations. They titled the show *Prison Sentences: The Prison as Site/The Prison as Subject*. The work ranged from highly-conceptual and metaphoric installations to reflections on personal experiences with the modern prison system in the United States. Poet and playwright Oscar Wilde had begun serving his sentence in London's Pentonville prison exactly one century earlier, in 1895, and Pentonville is modeled on Eastern State Penitentiary. Artist Virgil Marti designed the installation *For Oscar Wilde* in an attempt to create an aesthetically pleasing contrast to the cell where Wilde was imprisoned for his homosexuality, a crime in 19th century England.

As visitors approached Cellblock 9, they first encountered real sunflowers and a ceramic recreation of the calling card the Marquess of Queensberry left for Wilde—"posing as a sodomite"—that began the legal fight that would end with Wilde's conviction for "gross indecency." Wilde was conducting a semi-public affair with the Marquess's son Alfred "Bosie" Douglas at the time. Inside the cellblock visitors encountered silk lilies, a signature flower of Wilde's, and finally a pristine cell with sunflower and lily silk-screened wallpaper, and a border of Wilde witticisms on the nature of sin and crime. One read, "Wickedness is a myth invented by good people to account for the curious attractiveness of others."

Virgil's crisp, elegant, and highly decorative space communicated some deeper truth about the nature of legal systems, and



Artist Virgil Marti addressed both the changing values of societies as expressed in the use of their prison systems, and the architectural legacy of Eastern State Penitentiary in his 1995 installation, *For Oscar Wilde*. Photo by Jack Ramsdale.

the people who work on both sides of their benches. Eastern State visitors might know of Oscar Wilde as a charming poet and playwright. His reported last words, referring to the shabby

wallpaper of his Paris boardinghouse where he lay dying, were “one of us has to go.” His fate—two years of imprisonment with hard labor in cells nearly identical to those in Eastern State’s cell-blocks—raised troubling questions. *Is it always wrong to break the law? If based on universal truths, why do laws change? Are we imprisoning people today with sentences that will someday strike us as immoral?*

Ilan Sandler’s *Arrest* (2001)

By 1999, an exhibit process was developed which included proposal guidelines, a jury comprised of artists and curators, and a dedicated funding source for the installation program. Each season one or two new pieces were installed alongside the tour and exhibit programs. Ilan Sandler’s *Arrest* opened in 2001. Ilan’s sister Simone had been strangled in Toronto six years earlier. Her murderer has never been identified and presumably remains free. Ilan began his work by posing a series of painful, direct questions

to his parents and recording their answers. He also recorded their heartbeats while they spoke. He collected sound from the riverbank where police recovered Simone's body, and from the nearly silent grounds of Eastern State itself.

Ilan worked in Cellblock 10, an 1877 wing of Eastern State Penitentiary whose iron cell doors were removed and sold for scrap metal after the penitentiary's abandonment. Sound equipment in the cells played his parents' heartbeats mixed with the sounds from the two sites. He created new cell doors out of wire, winding and twisting his parents' words from that painful conversation into gates of text:

We want people who did not meet Simone to know of her kindness and good nature.

We want to know that the person who did this is dead.

We want to know why she was singled out. Was she simply in the wrong place at the wrong time?



The cells had doors again; his parents had a voice. Ilan's installation didn't claim to offer answers, but it cast the fate of the inmates who inhabited the cells in a completely different light. Ilan left a visitor comment book, which filled with condolences, commiseration from visitors with similar family histories, angry expressions of the

Ilan Sandler's 2001 installation, *Arrest*, drew on conversations with his parents about the murder of his sister. *Photo by Ilan Sandler.*

need for harsher court sentences, even the occasional comment on a previous comment in the book. Ilan stirred something in visitors that went beyond responses to more traditional interpretation.

Nick Cassway's *Portraits of Inmates in the Death Row Population Sentenced as Juveniles* (2003–2005)

Nick Cassway began working on his installation to explore his own feelings toward *Roper v. Simmons*, set to be argued before the U.S. Supreme Court to decide the United States Government's tolerance for state laws allowing execution of inmates for crimes committed when they were under the age of 18. Eighty-two inmates convicted for crimes committed when they were legally children waited on death rows around the country for the court's verdict.

Nick stenciled a portrait of each inmate (he chose to depict about half the total number for practical reasons, using the formula that determines the number of congressional representatives for each state) with a clear rust inhibitor on a thick sheet of 24" by 36" plate steel. He lined the plates against the 30-foot east wall of the prison in a presentation that evoked, for some visitors, a police lineup. Others saw a firing squad. The portraits faced the modern, squat Cellblock 15, Eastern State's own Death Row.

Initially the portraits were hard to see. Viewers had to catch a reflection on the surface of the steel to see the portrait clearly. But as time passed the steel aged, rusting to a deep, rough orange. The portraits stood out more clearly. If a state executed one of its inmates, Nick would coat the entire plate with clear rust inhibitor, effectively stopping it from aging.

In the end, Nick only coated one plate: Oklahoma executed Scott Hain in April 2003. Hain's portrait stood out, with its eerie sheen, among the 40 other darkening plates for over a year. Then, in October 2004, the Supreme Court ruled that in cases where a capital crime was committed by a minor, "the State can exact forfeiture of some of the most basic liberties, but the State cannot extinguish his life and his potential to attain a mature understanding of his own humanity."

Nick's installation was taken off view in early 2005 since it was a comment on a policy that no longer existed. Tour guides

missed the piece immediately. Cellblock 15, the last cellblock to be added to the Eastern State complex, is a natural end point for a guided tour. Nick's installation provided a dramatic and memorable starting point to introduce larger questions about capital punishment and changing policies in corrections. As visitors concluded their visit to this penitentiary built on the premise that all humans are capable of rehabilitation, the piece invited them not just to examine how those attitudes changed over time, but how they continue to change.

**Michelle Handelman, *Beware the Lily Law*
(2011–Present)**

Video installation artist Michelle Handelman invokes the 1969 Stonewall Riots to address issues facing gay, lesbian and transgendered inmates. Today virtually all American prison systems house transgendered female prisoners (male to female) in male facilities and transgendered male prisoners (female to male) in women's facilities. These inmates are often placed in "administrative" or "protective" custody. The resulting confinement, while protecting the inmate from sexual assault and other victimization, is effectively a form of solitary confinement.

Michelle started with a binder of oral history transcript excerpts on the subject of homosexuality, gender roles and sexual assaults at Eastern State Penitentiary. She then interviewed former and current transgendered inmates. She wrote three monologues as composite stories and hired performers to embody her characters. The performers also had their own direct experience with the criminal justice system. In the exhibit the performers stare directly at the viewer, in front of a black background. When projected onto the back wall of an Eastern State Penitentiary cell, the performer's image alone appears, at normal human scale, in the space with the visitors. One character, played by Becca Blackwell, does pushups and shadow boxes at the back of the cell, and charms visitors into laughter with his self-effacing clowning around.

Beware the Lily Law stands out, not just for its innovative use of technology and powerful theatrical performances, but because it tackles a current issue. The oral histories reflect that

prisons have been struggling with gender issues among their population for decades. Court cases and changes in policy are finally bringing these struggles to the attention of the general public. Just months after Michelle's piece went on view, Virginia inmate Ophelia De'lonta sued in Federal court for gender reassignment surgery following several self-mutilations. In spring 2011 Cook County Prison in Chicago established a Gender Identity Committee to assign inmates to facilities based on the gender with which they identify.

Troy Richards's *The Criminal Us* (2000)

Troy Richards's interactive installation encouraged reflection on some of the most troubling questions surrounding our modern correctional system: *Who goes to prison? Who doesn't? Is there a clear line between the "criminal" and the innocent? How does that line get drawn? And perhaps most troubling: do factors beyond our control—race, economics, geographic location— influence the side of the line on which we fall?* At the end of a long, dark corridor visitors found a table and a chair lit by a single spotlight. On the table was a clipboard with a confession form. The form asked visitors to confess to something illegal they had done, something they knew was illegal at the time they did it. (Who doesn't have an immediate answer to this question?) The forms were collected in a box.

The walls of the corridor were lined with simple frames, each filled with completed confession forms. Troy explained in the exhibit text that roughly half of these forms were left by previous visitors to the exhibit. The other half were written by men and women incarcerated for the crime confessed. This would have been jarring enough, but Troy *didn't identify which was which*. Among the routine drinking and shoplifting confessions there were several that were truly troubling; a somewhat remorseful confession to date rape stands out in my memory.

Troy called his piece *The Criminal Us*. It functioned on a playful, non-threatening level (visitors seemed to really enjoy writing their confessions, and there was an unmistakable tone of bragging to many), but also at a quietly provocative level. If the best of our exhibits and tours strive to leave visitors thinking that *prisoners*

are complex human beings like the rest of us, Troy's left them thinking I could be a prisoner now, had circumstances been different.

Ethical and Professional Dilemmas in Developing an Exhibit Prototype

But why haven't our tours, history exhibits and special events, for all their commitment to telling a complex historical narrative, made these connections as effectively as the artists working on the site? The question loomed with increasing urgency as we developed the site's first formal interpretive plan. Were we just not trying hard enough?

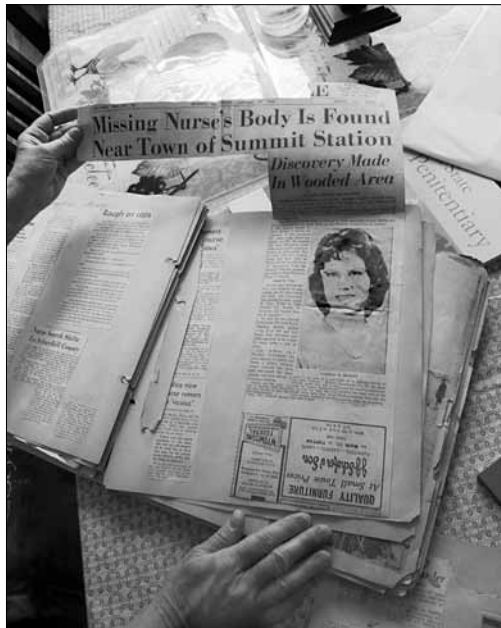
The exhibit *The Lives of Two Inmates*, developed in 2010, provided an opportunity to experiment with designing a small exhibit that would encourage our visitors to question their assumptions about life without parole policies. But ultimately, the nuanced and more direct complexity of Terry's case led the exhibit team to question our assumptions about presentation, representation and voice.

The exhibit was originally conceived to compare the life of a real 19th century inmate with a real inmate held at ESP in the 1960s. The 19th century prisoner, Sidney Ware, shot and killed two men in a tavern in 1889. Ware was originally sentenced to hang, then to life in prison. After serving 21 years at Eastern State, Ware was paroled. Terry (not his real name), the inmate held at Eastern State in the 1960s, was also sentenced to life in prison. The hook for the exhibit, as originally conceived, would be the surprise that Terry is still alive, relatively healthy, and still incarcerated. The exhibit could compare life in a modern maximum-security prison to the two historic periods at Eastern State. Terry has met occasionally with our tour guides for about ten years, and served on an advisory committee of inmates practicing Judaism for an exhibit accompanying our restored synagogue. He gave permission to use his story in planning this exhibit. Sidney Ware, the 19th century prisoner, was eventually pardoned and seems to have led a productive life as a free man. Terry will never be paroled. There is no longer parole for lifers in Pennsylvania, and, starting in the 1980s, pardons and commutations effectively ended as well.

Terry will almost certainly die in prison. Pennsylvania's policy of making all life sentences life without parole is a contributing factor to the staggering 800 percent increase in the state's prison population in the four decades since Eastern State Penitentiary closed.

Sidney Ware's story has a relatively happy ending. He was a painter and his art received wide-spread acclaim. There are records of his marriage, his purchase of a house, and the adoption of his wife's daughter following his pardon. But Terry's story has proven to be far more complicated. We had known very little about his crime until this time. We discovered that he had abducted, raped and beaten to death a young woman while on parole for a previous rape. It was well covered in the local newspapers at the time. We located his victim's sister, who was 16 years old at the time of the murder. She answered our inquiry with a phone call within 24 hours. She had never heard of Eastern State Penitentiary Historic Site, and was shocked to hear that we were considering including Terry in an exhibit. She

Meeting with Terry's victim's sister, who was 16 years old at the time of her sister's murder and kept a scrapbook of newspaper clippings.
Photo by Sean Kelley, used with permission of the subject.



was cautiously supportive, however, and asked me to ask Terry, on her behalf, to meet with her.

A three-hour meeting with Terry and the victim's sister was emotional and confusing. We learned the details of his case. Were we supposed to decide if we believed his version of the murder? It didn't seem to match the trial testimony. It had never occurred to me that he didn't deserve a chance to prove he had changed. But had he? I was having the experience I had once thought we'd be creating for our visitors: I was having my assumptions tested, *and it was upsetting*.

How could we possibly begin to tell this story in a 300 square-foot exhibit? Is an exhibit even the right format for this material? We postponed the opening and spent considerable time with our advisors considering the next steps for this exhibit. We've come to realize, however, that we were putting too much pressure on these two individual stories to represent groups of people and changes in prison policies over time. Instead we're going to go back to the original idea, using the two men to illustrate how much daily routines changed at Eastern State throughout the 20th century. Terry's story will let us also describe daily routines in a Pennsylvania prison today. Both men's crimes will be named and briefly described. They will not be the focus of the exhibit. In a space nearby we're going to build a companion exhibit about life sentencing policies today. It will ask broader questions, place the current policies into a historical context, and illustrate the impact of these changing policies on prison populations today. We are considering a simple interactive with faces of men and women currently serving life sentences in Pennsylvania, each hinged at the top so it can be lifted to reveal details of the person's crime. The question will be *Who Gets Life?* In Pennsylvania, people convicted of a surprisingly broad spectrum of crimes might be sentenced to life. In among the others will be Terry, with details of his crime starkly but briefly outlined, one of nearly 5,000 men and women serving life sentences in Pennsylvania today.

Conclusions and Reflections

We look to the artists' installations for lessons that can be applied to the institutional historic site programming. The artists are able to communicate directly with visitors, free of the institutional voice that often challenges powerful storytelling in museum programming. They can speak in the first person, literally and figuratively. I've grown to think that they sometimes have an additional advantage. The artists I cite here were deeply engaged in the subjects they addressed. They arrived at their perspectives after extensive reflection and personal growth.

Even as we've struggled to design exhibit and tour programs that make connections to current correctional policies, we continue to be drawn to artists who find memorable ways of making these connections with their work. We continue our commitment to design exhibits and tours that will make these connections. In Fall 2011, we began a front-end evaluation to test a series of open-ended questions around contemporary issues in corrections. The results of the study will inform our interpretive plan and guide exhibit and tour prototypes in the coming years.

If fostering a lively civic debate around current correctional policy were easy, we would have met with greater success years ago. Our collaborations with artists have proven that it can be done in surprising and memorable ways. We're committed to creating a forum where these discussions will take place. But in order to create programming that really challenges our visitors' deeply held opinions and assumptions, we must honestly and openly continue to grapple with our own.

Reference

- Stein, J. and Koepfler, J. (2008). *Eastern State Penitentiary Visitor Evaluation Study* (Institute for Learning Innovation, unpublished document).