

## IN-VERSE: POETRY AND LAW BEHIND PRISON WALLS

Ace Boggess

### I.

When I arrived at the medium-security correctional center in Welch, West Virginia, the prison library consisted of a roving book cart pushed by a blind man. There was a room full of books somewhere, but the inmates were not allowed access. As such, the inmate librarian pushed his cart from floor to floor and pod to pod a couple times each week. Because he was legally blind, he couldn't see to trade out the books on the cart for others from the secret room. He brought the same books every time, and they were terrible.

This was my first experience with literature in the penitentiary. Luckily, over time, prison staff permitted the actual library to be opened and, thanks to donations from various sources, it grew. Yet these were not literary books. They consisted mostly of James Patterson clones and heavily dog-eared westerns—the types of books the average con liked to read. Before experiencing this pop-fiction culture, I never imagined myself saying—as I did one day after sifting through a collection donated by a local youth-center library—“Thank God! A copy of *Moby Dick!*”

As for poetry, the library contained two volumes: a 1950s text book from a high school English class, and—to my amazement—a beat-up copy of *Velocities* by Stephen Dobyns. I had not read the Dobyns book, so it brought me much joy and inspiration as I consumed its contents half a dozen times. Even so, a poet needs more poetry than that to get his belly full and his mind working. So, I began to fill the shelves. Friends and family sent me books which I devoured and then donated as other books arrived. The growth and expansion of the prison library poetry shelves coincided greatly with the growth and expansion of my own writing.

q q q

Inmates rarely read poetry. For most of them, their lives have been filled with drugs, booze and troubled childhoods. A few might recall a line from Frost they picked up against their will in high school, but almost none have read Charles Simic or seen a copy of, say, *The Missouri Review*. Their understanding of poetry is different from mine.

They expect rhymes, and they expect love and God in every verse, not realizing that such things can be there without needing to be conjured by a name.

To someone with such a mindset, how do you explain how an ambling narrative that talks about blood and says “fuck” can still be poetry? They understand “fuck” and they understand “blood,” but not in verse. Perhaps it would be better if the two words rhymed.

h h h

The average inmate poet has done some bad things, gone to prison and then, perhaps, discovered that writing poems helps ease the spirit during hard times. I was the opposite: a poet who did bad things and went to prison. This caused more hard times than it helped—at least, before I was locked up. A poet’s ego gets in the way, and also his self-doubt. For me, going to prison erased those things and helped me see my writing from different angles. Ego gets crushed when you fall hard enough to land in the clink, and what good is self-doubt when you can go no lower and still be alive? It was from this new perspective that I began to write.

One thing about being a writer in prison is that you have not lost *everything*. You still have that driving need to speak whatever truth you know in whatever way you can. No one can take that away from you, not even the State. You might lose your freedom to do most things, but your right to speech stays with you. It might be limited by the code of regulations an inmate has to live by, ones similar to those soldiers must follow. That is, you have no right to be insubordinate or to threaten anyone with violence. Otherwise, say what you will . . . or what you must.

So, I wrote. And I wrote. I set out to tell the truth about what I saw and what had led me there. I no longer cared if the things I said were any good or would ever see print. Now I described my life and the closed world around me. It was therapy, and it was enough.

Let me rephrase that. It was enough . . . at first. About two years into my bid, I decided to start sending work out to journals. It was an experiment of sorts, just to see what would happen. The first poem I wrote in prison, a piece titled “Prison View,” I sent with a batch of others to *Atlanta Review* and, to my amazement and—honestly—relief, it was accepted. That gave me the motivation to push on. I sent out hundreds of submissions over the next three years, and I soon found my poems in many wonderful magazines.

Of course, submitting work is a lot more complicated in prison. The officers cannot legally stop you from mailing it out (although they might open and examine anything you send). Nor can they stop editors from responding, accepting and publishing your work. However, they can make things difficult by limiting the amount of postage an inmate possesses or access to the typewriter. There is no internet access for inmates, so the switch by many journals to online submission managers makes choosing the right magazines even more important, but also more difficult. Also, inmates are limited to a certain number of books in their possession and, we might as well face it, the average person cannot tell the difference between a literary journal and a book. In fact, journals look much more like books than magazines. When my contributor's copies began arriving regularly, often in pairs, it caused a bit of confusion which resulted in many of these journals being donated straightaway to the library.

Another issue is the release form. Inmates, under the prison regulations, are not permitted to enter into contracts (this is meant mostly to keep the cons from trading with one another or, worse, the guards). I spent a lot of time thinking about this problem, but signed every release form just the same. As a law-school graduate, I knew I could make a reasonable argument that release forms were not contracts. Still, if any of the staff were out to get me, that argument would not have carried much weight. I could have received up to thirty days in the hole. Thirty days for poetry? Now that would have been a story to tell the grandchildren.

The issue never came up. Still, the real problem would have presented itself if I received a book contract in the mail. As I compiled these poems into a manuscript, I knew this was a possibility, unlikely as it seemed at the time. Nonetheless, I sent the manuscript for my book, *The Prisoners*, off to a publisher for the first time in February of 2012. As luck would have it, I received my acceptance letter on the day I made parole.

q q q

From time to time, after seeing a poem of mine in one of the journals I had donated to the library, other inmates came to me with their poems. They asked for advice, which really meant they wanted to know if their poems were any good. A few showed promise, but most were the usual moon-spoon-June imageless drivel so many new writers start out composing (I was one of them once, before I learned to drink). I never discouraged them, however. I explained to them that if all they wanted

was to see their poems in *Dear Abby* or make their girlfriends smile, then those poems were perfect. I also told them that if they wanted to go beyond that, I would be happy to help.

A few inmates took me up on my offer, which led to the inevitable discussions of similes and metaphors, voice and description, rhythm and enjambment (a word which, now that I think about it, sounds like it should have been a prison term). I gave them experiments to try, including the one I most often give to new writers which is this: count the number of words in your poem and cut out exactly one third of those. There were many confused looks and sometimes an angry stare my way. Needless to say, after I served them that meal, few came back for seconds. Still, I hope all of them continued to write.

q q q

By the time I made parole (the hearing occurred in the library of all places, which was sacred ground to me), the poetry section covered three full shelves. There were collections from voices as diverse as Billy Collins, David Lehman and James Tate. I had managed to acquire and accumulate a complete run of *The Best American Poetry* starting with 1994 and going all the way up to 2011. Then, of course, there were my contributor's copies from the many journals that had used my work. Editors of journals such as *Mid-American Review*, *River Styx*, *Rattle* and *Rhino* probably would be amused to think of their magazines in a prison cell passed around by the cons. Then again, when we first see Hannibal Lector in the film *The Silence of the Lambs*, what is he reading? A copy of *Poetry* magazine. Maybe somebody donated it. I have no way of knowing, just as I have no way of knowing which issue it is that Hannibal devours so greedily. I imagine the words of some old convict printed there, describing as well as possible the beauty and the horror of a life lived or endured behind bars.

## II.

My first year in prison, I lived with an overwhelming lethargy. I wrote only half a dozen poems. I slept most of the day and read brain-numbing popular fiction at night. I felt defeated and broken. My mind sought its own escape where my body could not. If this had continued, eventually I would have been lost inside myself, unable to find my way back. I was well on my way as that first year ended.

Two things happened that brought me back and reset my brain: my

wife left me, and the Director of Education at the prison offered me a job as inmate legal representative. When I learned about my wife, I felt battered with a new hopelessness that made me feel worse than the hopelessness of being a prisoner. The new job saved me. I was forced to think and reason, and apply knowledge that had gathered dust in my head. I had a chance to wake up.

To be honest, I didn't apply for the job and didn't really want it. It was outside of my comfort area in that I would have to deal with people. I've spent my whole life paralyzed by social anxiety so severe that simply saying "Hello" to someone I don't know terrifies me. Being in a nest of spiders on a dark and moonless night sounds more appealing to me than being with people I don't know. Now, I would have to learn to control that anxiety, and I would do it without the drugs I took for years to shield myself from the terror.

Even so, the Director of Education wanted me for the job because, as he put it, "You're the only person in prison with a law degree." I couldn't fault his logic. While it had been nearly a decade since I left law school with a diploma and a drug habit, I possessed knowledge the average inmate doesn't. So, I accepted the job. I couldn't help but think how happy my old law professors would be to know I finally found a use for my law degree.

h h h

The law library was separate from the regular library. In a way, the two were opposites. Whereas the main library when I arrived consisted of a secret room no one could enter, the law library was a room anyone could visit but no one could use. It was just a room full of casebooks. The prison had the same Reporters as in any law library, but they weren't shelved in any particular order. The tiny room went floor to ceiling with law books stacked in haphazard columns as if they had grown there naturally over centuries and weathered into awkward megaliths that defied the laws of gravity. Maybe one in five hundred inmates knew how to use those Reporters, and even he would have had nightmares trying to find the right volume. God help him if he needed to Shepardize.

Luckily, a couple months before I took the job, the Director of Education upgraded to a self-contained LexisNexis system that required no internet access (prohibited to prisoners). It came in the form of a hard disk that needed an update every three months—assuming someone paid the bill, which was not something we could always bet on.

For me, the prison law library was an ancient computer with LexisNexis on it. But what was to be done with all the books? The

Director of Education contacted law firms and libraries, local colleges and other prisons, to offer to donate the law books, but could find no takers. Ten thousand dollars' worth of law books, and nobody wanted them. Eventually, they were taken in laundry carts out to the dumpster. I had heard the phrase "throwing money down a rat hole," but this was the first time I'd ever seen the phrase put into effect. Ten thousand dollars' worth of books buried somewhere in a landfill; it makes me shiver just to think about it.

§ § §

The rules that govern West Virginia inmates are set out in Division of Corrections Policy Directive 325. The Directive contains a litany of things a prisoner is not allowed to do, along with the procedures for hearings when the rules are inevitably broken. We were always dealing with hearings before an Institutional Magistrate, and then, appeals of the rulings. Directive 325 was the Constitution as far as I was concerned. Rule violations were organized into three classes. Class I rules were the most serious, providing for punishments up to sixty days in segregation and up to two years' loss of "good time" (in West Virginia this is the fifty percent of an inmate's sentence immediately taken off the top after a judge's decision). These rules included escape, assault, rape, compromising an officer, and failing a drug screen test. Class II violations involving insubordination, fighting or possession of contraband could be punished with up to one month in segregation and up to six months' loss of good time. Class III rules were so minor that most officers didn't bother to write them up. They carried no loss of good time and were not made part of an inmate's record, which meant the Parole Board would not see them when reviewing an inmate's case.

Ninety percent of the cons that came to me for help had received notice of a rule violation (commonly called a "write-up"). At that point, I had to figure out the law and the facts and what kind of chance of success we would have once the hearing before the Institutional Magistrate began. I was dealing not with law, but with procedural rules. For all practical purposes, these procedural rules were *the law*. In most of the cases it would have been a waste of time to seek judicial review. To complicate matters, the standard of review at a hearing was so low as to be a caricature of itself. While a criminal case requires, for conviction, proof beyond a reasonable doubt (let's say ninety-nine percent likely the person is guilty) and a civil case requires a preponderance of evidence (let's say fifty-one percent likely the person was responsible), in a prison rules violation case, the standard is "some evidence" (one percent likely

the rule was violated). Likelihood of success was further dampened by the admissibility of secret evidence from other inmates whose identities were not revealed and who could not be cross-examined. Presenting evidence in favor of the defendant in the form of fellow inmate testimony almost always proved useless to the point where calling witnesses was never a good idea unless the witness happened to be an officer or a member of the prison staff. Facing these odds, it wasn't long before I came up with a jail house law firm motto: "You're screwed, but we'll see what we can do."

What I set out to do was find an approach that helped me cope with my anxiety, and actually did something to provide my fellow inmates with the sense that we had done all that was possible *under the circumstances*. I relied on technicalities as often as possible, getting cases dismissed when we could show that the rules had been disregarded. Success was infrequent. So, I developed a strategy that was equal parts prophecy and comedy. For the most part, what I did was study the Institutional Magistrate. An inmate would come to me with a write-up, and—after telling him he was screwed—I would explain to him exactly what was going to happen to him if he fought or if he chose to plead guilty. The Magistrate was consistent in his approach to certain types of cases and inmates. Once I figured that out, I could tell a man with near certainty what was going to happen to him. Sometimes it was good news, because the magistrate often reduced violations to Class III's with a month's probation. But there was frequent bad news. For example, if someone came in with a write-up for a new tattoo, I could say with certainty "You'll get sixty days in segregation and lose ninety days of good time." It wasn't much, but it helped. Whether the news was good or bad, removing the uncertainty left most of the cons I dealt with feeling better.

Once the hearing began, however, I slipped into a different character. Rather than fight every battle with the courtroom fierceness of a lawyer on TV, I joked around, resorted to one-liners and right and generally tried to get everybody laughing. Of course, that had been my primary defense mechanism for dealing with my own anxiety. With the Magistrate, I knew from my dealings with him that the more he laughed, the more lenient he tended to be. I learned to be as fun as I could be. This may not be a workable strategy for a lawyer in the outside world.

q q q

Most of the inmates at this facility were short-timers awaiting

discharge or with a scheduled hearing before the Parole Board. There were instances when inmates sought to file legal proceedings. These cases usually involved a federal Sec. 1983 claim for police brutality, poor living conditions in the prison, lousy medical care, or in a personal civil action. My first reaction was still the same: "You're screwed, but . . ."

With 1983 actions, a few had merit, but most didn't. Many of my fellow inmates just wanted to throw darts to see if they would miraculously hit the bullseye. Even the legitimate claims, however, were not likely to make it far in the federal courts. The facts must be both extreme and provable to have a chance of being reviewed. So, I explained what was required, how long it would take, and what information would be required to complete the forms and make the arguments. Nine out of ten inmates decided not to pursue their claim.

For the domestic issues, I can't begin to count the number of child-support-modification papers I filled out, or how many responses to divorce petitions we completed. The work on these papers was mind-numbing; it often involved writing 0 on every line of almost every page to show the inmate had no money, no bank account, no house, no car, no . . . anything. I understood why a con's spouse would want to move on with her life, but when it was the con filing the initial divorce petition, I felt a terrible sadness. I could never quite understand why anyone would want to be more alone in a place like prison?

There was simply no way to help many of the inmates with their domestic problems. How do you explain to someone whose child turned eighteen almost two decades ago that the fifty thousand dollars he owes to the Bureau of Child Support Enforcement is not child support but a debt, and that no judge will modify it for that reason?

There were also occasions where a panicked inmate rushed to see me, waving a letter from the [some court or some agency or other] stating that a judge had ordered deputies to seize all of the man's assets in a particular county:

"Do you have a house there?" I asked.

"No," the con would tell me.

"How about a car?"

"No."

"Bank account?"

"No."

"How about a pair of boxers in a drawer?"

"Uhh . . ."

In these situations, I was able to give these men good news: "Throw this letter away and forget about it. You can deal with this when you get out."

q q q

One of the existential absurdities of my life is that I have tried to think of myself as a novelist. Yet, most of my published writing has been poetry. My friends introduce me as “the poet.” So, during my time in prison, I began to think of myself as a poet. Oddly enough, once I began calling myself a poet, everyone introduced me as “the lawyer.” By the time I left prison, everyone called me “the lawyer,” or “Johnny Cochran,” or “Matlock,” or some TV lawyer they happen to know. I used my time in prison to become a better poet. I guess we should be careful with our disguises, because I left prison with a more active mind than when I entered. Writing poems and defending cons who cussed out correctional officers or made hooch from leftover apples were my everyday challenges. More focused, I awoke from the sleep of doing time. Some cons call it “getting your head right.” I don’t know that my head ever will be quite right, but my time in prison reminded me I had a head to use. I see the world more vividly now that I have finally walked out through the gates.