of what Weston La Barre termed the "failed prophet" (*The Ghost Dance*, 1972), that is, one whose message and redemptive plan failed to correspond to widely shared wish conveyed in symbolically acceptable guise or form. Far from sparking a new American Revolution, McVeigh succeeded in marshalling unforgiving retaliation -- official and popular -- upon a person who wrongly presumed to speak for his national group. Sgt. Timothy McVeigh gave his life for a country that could not recognize him as its devoted soldier.

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## The Prison Band

**H. John Rogers**
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In 1963, 1 worked as a guard at the old West Virginia Penitentiary in Moundsville for about nine months. I learned that to deter homosexual conduct, the administration required prisoners caught *flagrante delicto* to wear pants with a yellow stripe sewed down the outside of their pants legs.

One interesting nuance of prison sex life is that it is the passive male ("punk") who is considered to be homosexual and not the person who initiates the contact. This is true even though the "punk" may be an involuntary participant, while the aggressor ("jocker") has been surveying the new arrivals for months looking for a sex partner.

An inmate at Moundsville told me, "It may come down to whether you want to be gang-raped everyday or whether you get yourself a 'daddy'," and conditions do not appear to have changed much over the intervening decades. In the large prisons with a high proportion of the inmates doing long sentences, predators stalk the new arrivals in much the same fashion that wolves or hyenas do their prey, i.e., they wait for someone who is separated from the herd and then attack. A sanitized version of this scenario was presented in *The Shawshank Redemption*.

E. Michael McCann, the Milwaukee County (Wisconsin) District Attorney, points out in the *ABA Journal* that "death-before-dishonor thinking may literally lead to that result. He tells about a recent case where a young inmate fought to the death rather than submit to rape. There were four men in the cell and "Everyone slept through it,"' McCann said. "It is extremely difficult to prove," tacitly acknowledging that no serious prosecution followed this brutal murder.

A complaint to prison authorities -- if it's not shrugged off or ignored -- can well provoke a "broken-bones" assault from the pack. Private retaliation is a chancy proposition against a band of hardcase "jockers," so a new inmate's options in dealing with persistent suitors are rather limited.

Although there are few, if any, people involved with prisons who deny the fact of prison rape, the decided tendency is to dismiss it as "voluntary," minimize it, or look upon sexual assault as just part of incarceration, like bad food or inadequate medical care. The mother of a prison rape victim in Illinois who formed Mothers Against Prison Rape says in a recent article in *National Review* that rape serves as a prison management tool: "They [the administrators] know they'll [the inmates] be in an uproar if they don't get something to release their sex drive, and usually it's young, nonviolent inmates of a different race [who are their victims]." In the same article, the author cites a study using extrapolated figures (there are *no* accurate statistics on the subject) to the effect that "over 240,000 men get raped in prison every year." This is in contrast to U.S. Department of Justice figures in 1999 that state that 141,000 women were victims of rape. (None of the women were raped continuously over the course of the year as some of the males may have been.)

Donna Brorbythe, lead counsel in a Texas prison reform case, explained in a *New York Times* story how prison rape complaints are viewed in the Lone Star state: "In the Texas prison system, where I spent months interviewing prisoners, the policy, of course not written, is to leave it up to each prisoner to defend himself, and to consider people who don't fight off their attackers to be consenting." In the same story, Willis Sargeant, a prison warden in Arkansas, is quoted as testifying that prisoners bear the responsibility for resisting sexual advances by letting others know that they are "not going to put

up with that."

Sargeant is a defendant in a suit brought by an Arkansas prisoner who was serving time on a fraudulent check conviction. The prisoner claimed that he was raped by more than 20 different inmates in one year and contracted AIDS as a result of the assaults. "Safe sex" is not very high on the list of priorities of prison rapists. A guard at the old Moundsville penitentiary whom I knew socially told me shortly before the prison closed in 1995 of a highly promiscuous inmate ("slut") who was HIV-positive but who was daily available for anal intercourse in the New Wall section of the prison. According to the guard, even though this man's medical status was common knowledge, he had no lack of suitors. Consequently, a young inmate serving a short sentence could easily become infected, receiving at the hands of the legal system an extra-legal death sentence.

A federal civil rights suit filed by former inmate Eddie Dillard is set for trial in January in Fresno, California. He alleges that prison officials put him in a cell with the "Booty Bandit," a 6'3", 230-pound convicted murderer, as punishment for kicking a female correctional officer. Dillard, a 120-pound first offender, says that he was repeatedly beaten and raped over the next two days by the "Booty Bandit." (The "Booty Bandit" and a former prison guard are among Dillard's witnesses.) *The New York Times* quotes a Human Rights Watch spokesperson as saying, "This is about as strong a case as there is. If Dillard loses this one, it will be hard to avoid the conclusion that there's no point taking these cases to court." In the *ABA Journal*, Dillard's lawyer is even more blunt: "If Eddie Dillard can't get justice for what he's been through, then we need to ask ourselves, 'Is the system just?'"

Recently, I conducted an informal survey of inmates that I knew at several West Virginia state prisons and regional jails. Inmate rape does seem to be a major problem. The "classic" victim of the sexual predators, one inmate says, is the new "fish," someone who's "22 going on 15. He looks so very young and tender. Sometimes he is." Another inmate sets out the basic scenario:

> When "Joey" enters the prison he will immediately become the object of much attention. Some will literally be willing to kill each other for the rights to control this young flesh. Joey is more than a little intimidated by his surroundings, having heard all the horror stories of prison prior to coming. He knows that there is a big soul brother waiting for him to become his new wife. Joey will be visited by suitors of all shapes and colors. He'll be assured that he will be given complete protection from all others and never have to spend a dime at the prison store. In West Virginia, if an [inmate] adamantly refuses to submit and fights every attempt to become ensnared, he'll soon be left alone. But if he shows any weakness, the next line of predators, and these are much tougher than the first, will pounce on him. And from them there, will be no escape. Joey will be beaten into submission.

Incarceration seems to work for a psychological regression back to the level of the grade school playground. However, the bully who for some reason (or no reason) is out to get someone else, is now larger, stronger, and much more lethal than his youthful counterpart. Further, the adults on this playground afford little or no protection from the bully. There's always some comer that's out of sight -- the showers are legendary -- where the bully can confront his intended alone.

Many of the early feminists argued that heterosexual rape is a violent act and not a sexual one. Violence and intentional humiliation definitely are major elements in prison rape, too, especially with the predators. "When Bubba comes after you, it's not because he likes you," an inmate said. "He just wants to see the look on your face." We send people to prison to punish them for their crimes. We should not convert them into involuntary "boy-toys" to help hard-core "jockers" pass the time. The West Virginia Code does not say that the punishment for, say, manslaughter, includes involuntary sodomy or fellatio.

Some inmates develop monogamous relationships, which for the "punk" almost becomes a caricature of a heterosexual marriage. The "punk" may remove his body hair and otherwise feminize himself. His domestic duties may include keeping the cell clean, doing laundry, and occasionally providing sexual services for his "daddy's" friends and associates. The "daddy's" life isn't all bliss, however. He has to be prepared to fight for his "punk" and must be continually on guard against rivals. For the most part, this is what sociologists refer to as "situational homosexuality," i.e., people who because of the absence of heterosexual opportunity become same-sex oriented. Of course, in prison life, as is suggested above, the decision to become a "punk" may be more predicated on *vi et armis*

[literally, by force and arms] than one's wish to come out of the closet. It is hard to quantify the psychological damage resulting from being forced into several years of "situational homosexuality." Some may be scathed, some may suffer no lasting damage.

On an afternoon in the old North Hall at Moundsville, I had a conversation with a young inmate about the yellow stripes on his pantlegs. "Nah, it doesn't bother me," he said. "Everybody knows that I'm so-and-so's 'punk'." But what about when his family comes to visit? "Oh, I just tell 'em that I'm in the prison band."

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## Comments in Response to "The Prison Band"

**Kevin J. McCamant**
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I would like to respond to two specific issues raised in "The Prison Band." The first has to do with the phenomenon of rape in relation to "normative" prison sexuality. The second has to do with administrative and societal attitudes about prison rape. Specifically, that denial of the very existence of rape in prison, or its acceptance and rationalization as part of prison's harshness, may be acting out of unconscious (or perhaps even conscious) sadism on the part of administrators and society.

Sex is a powerful human desire that is hardly extinguished by incarceration. In prison it surfaces in complex and various forms. These run the gamut from homemade *faux* vaginas called "fi fi's" used for masturbation by male inmates, through contact between opposite-sex staff and inmates, contact between opposite-sex inmates (when they are housed in the same compound), and contact between same-sex inmates that is either incidental or occurs in the context of some sort of longer term relationship.

Attachment and power appear to be ubiquitous forces in relationships. For most people it appears that attachment is the fundamental force that connects them to others and power is at play within that fundamental context. However, for others, including some prison staff and inmates who have significant antisocial components in their personality structures, the power gradient or place in the hierarchy appears to be the fundamental force that drives their mode of relating, attachment being a secondary consideration, and sometimes not a consideration at all.

Sex for most people tends to occur within the context of an attachment relationship. However, the picture may be different for people involved in the "street life" and in prison. A woman in the "street life," devalued as property and as a sex object, has a lower position in the power hierarchy. A man in prison who is relegated to the role of "bitch" or "punk" is feminized and thus devalued within the framework of the prison worldview. It makes no difference if he arrived at this state as a consensual homosexual or by the more common route of caving into intimidation or to coercion.

Rape in prison, like rape outside of prison, may in some cases serve the purpose of gratifying sexual desire, but certainly involves issues of power, control, and aggression. Significantly, typologies of rapists developed by clinicians working with sexual assailants commonly differentiate meanings of aggression and of sexuality within the greater phenomenon of rape.

For some rapists the aim of aggression is primarily to obtain compliance of a partner (victim) for the purpose of sexual gratification, and only so much force as is necessary to achieve compliance will be employed. The sexual behavior may often be an expression of a romanticized sexual fantasy, or it may be an impulsive, situationally determined predatory act. For other rapists, sex appears to be the exquisite vehicle for hurting and humiliating the victim, for expressing anger or rage or sexually sadistic fantasies. In "The Prison Band," there is allusion to some if not all of these categories of rapists.

With regard to societal and administrative attitudes toward rape in prison, people in society view homosexual rape as a particularly terrifying and humiliating aspect of the "mythology" of the prison experience at large. Yet, as the author of "The Prison Band" points out, prison rape is statistically underrepresented, and to the extent that it is acknowledged, it seems to be accepted and rationalized as part of the harshness of prison life.

I would interpret this as acting out toward inmates, and as having meaning analogous to that which is the case when the rape by one inmate