Wisconsin Academy review. Volume 47, Number 4 Fall 2001

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wisconsin academy review

THE MAGAZINE OF WISCONSIN THOUGHT AND CULTURE

Black Holocaust: The Story of Lynch Survivor James Cameron

Punishing Inequalities: Walter Dickey, Joel Rogers, and Michael Smith on Race and Criminal Justice

Wisconsin's Innocence Project: Truth through DNA

Rock Art Wisconsin

Enter Our Poetry *and* Short Story Contests

James Cameron, founder of America's Black Holocaust Museum in Milwaukee

Portrait by Zane Williams

Wisconsin Academy of Sciences, Arts and Letters

Fall 2001 Volume 47, Number 4

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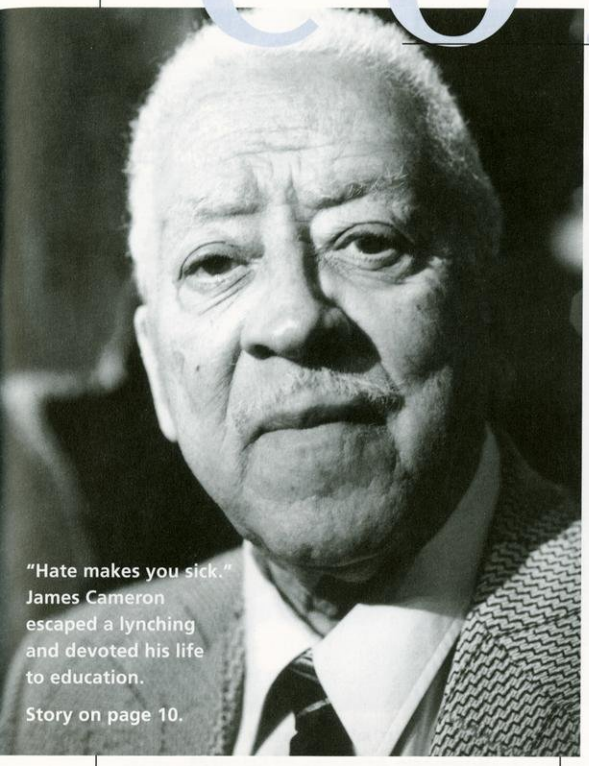


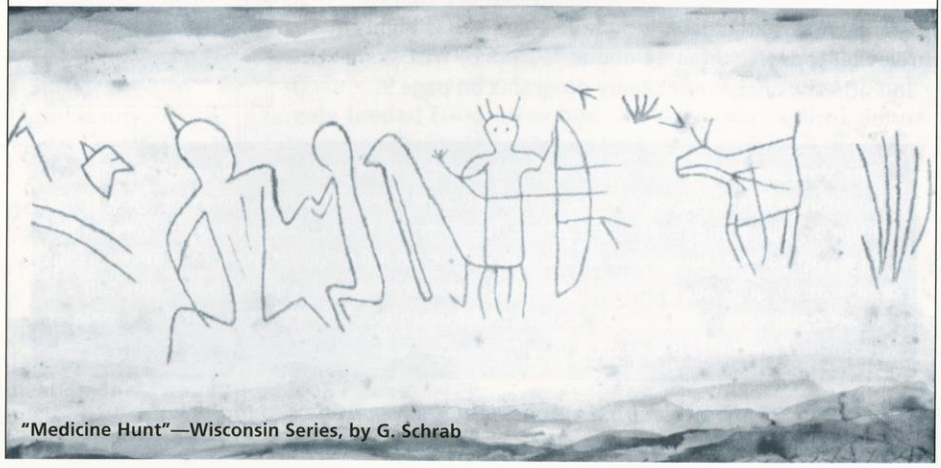
"Hate makes you sick." James Cameron escaped a lynching and devoted his life to education.

Story on page 10.

features

The *Wisconsin Academy Review* (ISSN 0512-1175) is published quarterly by the Wisconsin Academy of Sciences, Arts and Letters, 1922 University Avenue, Madison, WI 53705. All correspondence, orders, manuscripts, and change-of-address information should be sent to this address. The *Wisconsin Academy Review* is distributed free of charge to Academy members (annual fee: $50/regular, $40/seniors/students/K–12 educators, with reduced fees for longer membership periods). For information call 608/263-1692, or visit the Academy website: www.wisconsinacademy.org

Wisconsin is rich in rock art. An artist and an archeologist team up to write about the lure and lore of petroglyphs. Story on page 25.



"Medicine Hunt"—Wisconsin Series, by G. Schrab

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departments

"Strange visions" at American Players Theatre. More on page 49.

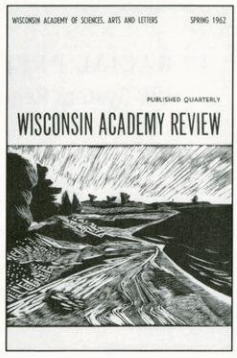
Photo by Zane Williams

Past and Present

"Many of today's questions and problems concerning Wisconsin's waters would not exist if we knew more about their availability and particularly the interrelations between surface and ground waters."

—K. B. Young of the U.S. Geological Survey in the *Wisconsin Academy Review*, Spring 1962.

This observation from nearly 40 years ago is highly relevant today. Read more about "Waters of Wisconsin" and other Wisconsin Academy programs on page 9.



The Wisconsin Academy of Sciences, Arts and Letters provides a place where people who enjoy reflecting upon culture, nature, and the problems of our times can gather for fruitful discourse and meaningful action. Together, we help create a thinking community.

The Wisconsin Academy was founded in 1870 as an independent, nonprofit membership organization, quite separate from the state and university. Our mission is to gather, share, and act upon knowledge in the sciences and humanities for the benefit of the people of Wisconsin. *Everybody is welcome to join.*

*The **Wisconsin Academy Review** wishes to thank Bruce Jacobs for his generous support.*

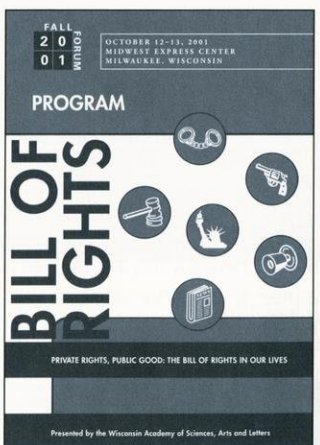
We're Number Two

We've come a long way from lynching, but we still have so far to go.

That's the sobering and disturbing conclusion I expect many readers will reach after reflecting upon this issue of the *Review*. As several of our authors note, we are prosecuting and punishing people of color with disproportionate frequency and harshness. This well-documented phenomenon is not only a national disgrace; Wisconsin has the second most racially tilted criminal justice system in the country, our authors say.

Equal justice in America remains an elusive goal. Some four decades after the civil rights movement, the social and economic inequities surrounding race continue to pose our greatest dilemma and our greatest shame.

We are honored to feature a man on the cover who has experienced race relations in America up close and personal for much of the past century. James Cameron narrowly escaped a lynching in 1930 that took the lives of his two friends. As writer Tim Kelley notes, Cameron's lack of anger and bitterness is nearly as miraculous as his survival. Instead Cameron, now 87, has devoted his life to education—the slow, difficult, yet profound process of changing people's minds about race. America's Black Holocaust Museum, located in one of America's most racially segregated cities (another shameful ranking), bears witness to the African American experience. We are lucky to have Cameron and his enlightening institution in our state.



Get thee to our forum about the Bill of Rights in your life, October 12-13 at the Midwest Express Center in Milwaukee.

You'll find a number of other stories about race and rights in this issue. UW-Madison law school professors Walter Dickey, Joel Rogers, and Michael Smith deliver a story about the racist nature of our criminal justice system—and, most important, how to change it. Another set of UW-Madison law school professors, Keith Findley and John Pray, tell us about Wisconsin's Innocence Project, which recently freed a man from a life sentence in Texas. Finally, we have a piece by UW System Regent Fred Mohs, who opposes affirmative action in college admissions. We thank him for his courage in taking a politically "incorrect" position and stating it well.

This isn't an easy edition to read. It's hard to look at the lynching scene of Cameron's friends; hard to read about one Latino man telling another, with some justification, that "white guys always walk, and the Hispanics always get the needle." Sometimes we need disturbance, discomfort, or even outright provocation to get us thinking and talking. If this edition helps move us toward livelier and better informed public discourse about these important questions, we're off to a good start.

JOIN THE FORUM

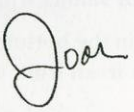
Want more on race and rights? Come to our public forum, **"Private Rights, Public Good: The Bill of Rights in Our Lives,"** on October 12–13 at the Midwest Express Center in Milwaukee. Race is a strong theme in sessions on the War on Drugs and on criminal justice and civil liberties. Speakers and presenters include state Supreme Court Chief Justice Shirley Abrahamson; U.S. Senator Russ Feingold; U.S. Rep. James Sensenbrenner; Milwaukee District Attorney E. Michael McCann; and John Fund of *The Wall Street Journal*. Professional credit is available for educators and attorneys who attend. Go to www.wisconsinacademy.org for more information and a printable registration form, or call us at 608/263-1692.

Forum-related activities include a Bill of Rights illustration competition for middle- and high-school students presented by Newspapers in Education and Design Madison. *The Capital Times* daily newspaper in Madison is also running a special section for students the week of October 8 highlighting Bill of Rights content and themes.

See, too, the Wisconsin Public Television show "Independent Lens Confederacy Theory," on October 10 at 10 p.m., which examines the Confederate flag controversy in South Carolina. And on October 23 at 10 p.m., "P.O.V." takes on school prayer. Finally, the *Wisconsin Magazine of History* in its fall edition has an article by Chief Justice Shirley Abrahamson on "Wisconsin's top 20 law cases."

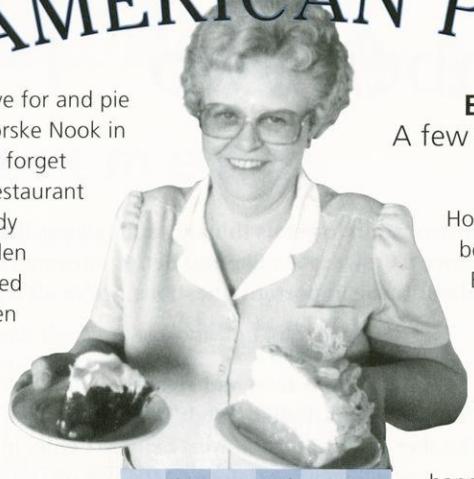
CONTESTS R US

We love a contest! Or preferably two. See pages 7 and 8 for more on our short story contest—much the same as last year's—and a new poetry contest, which was masterminded and largely funded (God bless him) by our poetry editor, John Lehman. And in the meantime, to kick off the school year, enjoy Sara Swanson's prize-winning story on page 44, bearing the cautionary title, "When You Don't Go to College."



Joan Fischer
joanfischer@facstaff.wisc.edu

AMERICAN PIE



Always room for pie: Helen Myhre wields her weapons.

Photo courtesy of Helen Myhre

There's pie to drive for and pie to die for. The Norske Nook in Osseo makes you forget the difference. Restaurant owner and pie lady extraordinaire Helen Myhre (pronounced "Meyer") has been celebrated on *Letterman* and *NBC Nightly News,* in the *New York Times* and in *Esquire* magazine. But she's still down-home enough to dedicate her new book, *Farm Recipes & Food Secrets from the Norske Nook* (University of Wisconsin Press) "to those farm women who still know how to serve up a good roast dinner on Sunday."

For those of us who don't, the book helps. Wisconsin cheese soup is here, as are double-baked potatoes, Community Club Chicken Hot Dish, Cherished Old-Time Baked Ham, and breaded pork chops.

But hell, let's skip to the pies. While her Sour Cream Raisin Pie catches the most attention, many are slaves to the banana cream ("unsurpassed," declares radio host Michael Feldman), the mincemeat pie with rum sauce, the country mud pie, and the rhubarb cream.

EASY AS PIE
A few tips from Myhre:

1. Home-rendered lard is best for crusts, but Butter Flavor Crisco (used at Norske Nook!) will do.
2. Tasting prevents disaster. Use your hands and fingers in every stage of pie making and taste everything as you go.
3. Fat is good. "I've always believed in fat pies. Heap the filling into the crust. I've never believed in skinny pies."
4. "Meringues are the one thing you need to be fussy about." The meringue must part "like the Red Sea" and stay parted when you drag a spatula through it.
5. If you're strapped for time, use Cool Whip.

Meanwhile, here's a tiny recipe—easier than a pie—that Myhre shares from her godmother Emma.

EMMA'S FLOATING CLOUD PUDDING Serves 3

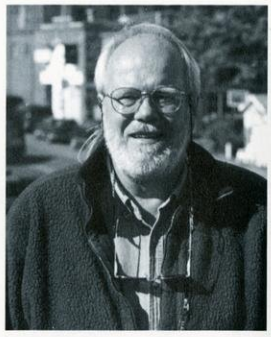
- 2 egg whites
- 2 Tablespoons sugar
- 1 teaspoon vanilla extract
- 3/4 cup milk

In small bowl, beat egg whites until stiff.

Add sugar and continue beating. Slowly add vanilla while beating.

Take three custard cups, put 1/4 cup of milk in the bottom of each, and spoon the pudding onto the top. Serve. (Top with fresh fruit, if desired.)

who's who
Larry MacDonald



Occupation: Mayor of Bayfield. My wife Julie and I own the Apostle Islands Outfitters and General Store and the Cooper Hill House Bed and Breakfast so that I can afford to be mayor.

Years in Wisconsin: In 1989, Julie and I stayed in Bayfield after forgetting to go home to Minnesota. I had relatives in Bayfield from the 1870s to the Depression, and my parents retired here in 1980. It has been the best move we ever could have made.

Claims to fame: I am mayor of the smallest city in the state (pop. 611). Also, I spearheaded a community-based renovation of the Bayfield Lakeside Pavilion, a wonderful 1920s dance hall along the lake, into a year-round community center. Except for one short six-month period in the 1970s, I have successfully avoided having a real job. Teaching skiing and sailing, managing a golf course and a ski area, and doing research for a frog farming operation in Acapulco are a few of the activities that have kept me busy for the last 30 years.

Currently working on: Forming a Community Land Trust to permanently provide affordable housing in Bayfield. Working on the Bayfield County Land Use Plan. Developing plans to make Highway 13 throughout Bayfield County into a scenic byway and serving on the state scenic byway committee.

My mission is: To keep Bayfield the delightful small town that it has been since 1856.

What this state really needs is: The courage to get rid of all billboards and to recognize the need for mandatory time off during Packer games.

What's it like to live at the top of Wisconsin? We are a long way from anywhere, which is both our biggest asset and our biggest liability.

by Molly Schmidt

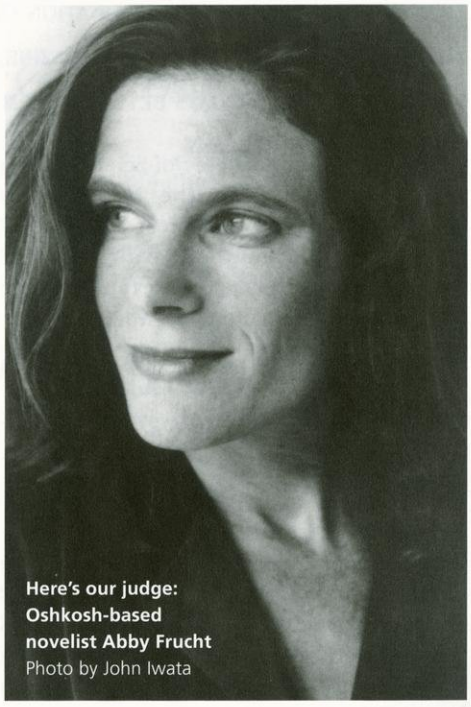
ALL ABOUT ABBY

She may not be as commonly known as Jane, Jackie, Manette, or Lorrie, but Oshkosh's Abby Frucht, the lead judge of our Short Story Contest 2002, has garnered much critical and literary acclaim since her first collection of short stories, *Fruit of the Month,* won the prestigious Iowa Short Fiction Prize for 1987.

Since then, Frucht has written five novels, three of which were *New York Times* Notable Books of the Year. *Licorice* won the Quality Paperback Book Club's New Voices Award and *Are You Mine?* won the Ohiana Library Award for 1994. Her most recent book, *Polly's Ghost,* was set in a Wisconsin town very reminiscent of Oshkosh. She is currently working on her sixth novel.

Frucht hails from New York and serves on the faculty of the M.F.A. program at Vermont College, but for the past nine years she has made Wisconsin her home.

"The thing I love about Wisconsin is the accessibility of public land, the constant proximity to bodies of water, the northern wilderness areas," says Frucht. "My nostalgia for being outdoors hasn't been tapped by other places I've lived as much as in Wisconsin."



Here's our judge: Oshkosh-based novelist Abby Frucht
Photo by John Iwata

Frucht's evocative use of language helps readers savor otherwise ordinary moments of a place or character. In *Polly's Ghost,* notes a *New York Times* critic, "A haircut's not a haircut, it's a 'clamorous mutiny of shorn tufts.'"

Frucht's mastery of words may stem from the fact that she has been writing since age 8.

"I think I realized early on that the nearness, the intimacy that a reader might feel with a fictional character's mind might be magnified somehow in the act of writing," Frucht says. "That's not always the case. Sometimes the character I'm trying to invent is far more elusive and obtuse than the ones I find in books by other people. But the pursuit of understanding is always gratifying, anyway."

Frucht decided to judge the *Review* short story contest in order to grow closer to the Wisconsin writing community, she says.

Frucht has one key word of wisdom to share with new writers who are considering entering the contest: Patience.

"Write it sentence by sentence. Keep the whole picture in the back of your mind, but don't try to embrace it at every turn," she advises. "Concentrate on the smallest parts and glance, now and then, at the looming, evolving shape of the story."

Frucht is an astute critic as well as an author. Her essays and book reviews appear regularly in the *Village Voice Literary Supplement,* the *Philadelphia Inquirer,* the *Boston Globe, Redbook,* and other papers and magazines.

by Molly Schmidt

This Time with Whoopers

Remember the crane migration we reported on in the spring issue of the *Wisconsin Academy Review*? That feature described the longest human-led bird migration in history: the 1,250-mile flight last fall of 11 sandhill cranes from the Necedah National Wildlife Refuge in Wisconsin to a marsh refuge in Florida behind ultralight aircraft piloted by men in crane suits. Nearly

George Archibald and Gee Whiz the crane.
Photo by David H. Thompson courtesy of ICF

all the sandhills returned to Necedah on their own last spring, demonstrating that humans can indeed teach birds to migrate and laying the groundwork for establishing migratory flocks of cranes in the wild.

It seems likely that the same thing will work for the whooping crane, one of our continent's most glorious and endangered species. You can hear all about this fall's takeoff from Necedah to Florida from George Archibald, co-founder of the International Crane Foundation in Baraboo and a Wisconsin Academy Fellow, in an event brought to you by the Wisconsin Academy and hosted by Edgewood College.

No one knows cranes like Archibald. Come hear him speak on Monday, October 22, at 7 p.m. in the Predolin Humanities Center at Edgewood College, 1000 Edgewood College Drive. Admission is free. Please call us at 608/263-1692 for more information.

Great Cuts

Ray Gloeckler's *The Regent* (1979), commissioned by Professor Edwin Young, who went on to become a UW-Madison chancellor and UW System president.

"The woodcut is an up-front medium. Straight forward. Every cut, stipple, nick and scratch, every slip of the tool; it all shows. What you do is what you get," writes wood engraver Raymond Gloeckler in a new book of his works.

Gloeckler should know. The UW-Madison art department professor emeritus is one of the world's great masters of the medium, as evidenced by his inclusion in the Engraver's Cut Series—the only American to be so honored—with a limited-edition book (135 copies) published by the Primrose Academy in Bicester, England. The 31 engravings show Gloeckler at his wittiest and most wicked as he skewers Vietnam War-era America and beyond. Spiro Agnew, Lyndon Johnson, Richard Nixon, political correctness, male chauvinism, and countless other "-isms" are fair game for Gloeckler's cuttings.

"Amidst our culture of excess, media hype and relative values the woodblock provides a refreshing clarity too often abandoned for showy, highly technical and more seductive media," Gloeckler writes in an entertaining and enlightening foreword.

The book is available for purchase ($200) at the Elvehjem Museum of Art gift shop in Madison, 608/263-2240. You can look for a show of Gloeckler's work at the Elvehjem in 2003.

Spinning on Race

IN REBECCCA GILMAN'S PLAY *SPINNING INTO BUTTER*, A BLACK STUDENT IS THE TARGET OF RACIST NOTES IN A COLLEGE DORM. BUT THE TRUE STORY BEHIND THIS DISTURBING EVENT AND ITS CONSEQUENCES IS FAR FROM BLACK AND WHITE. RATHER THAN SERVE UP AN EASY CONDEMNATION OF RACISM OR POLITICAL CORRECTNESS, THE PLAY IS, ACCORDING TO *TIME* MAGAZINE, "A COMPLEX, UNNERVING LOOK AT THE WAY REAL PEOPLE NAVIGATE BETWEEN THEM BOTH."

The Wisconsin Academy of Sciences, Arts and Letters and the Madison Repertory Theatre are presenting a public forum during the Rep's run of *Butter,* offering people an opportunity to hear a cross-section of community members speak about how we think and talk about race, and offer views of their own. The forum is free to the public and takes place in the Isthmus Playhouse of the Madison Civic Center, 122 State Street, on Tuesday, November 13, 7:30–9 p.m.

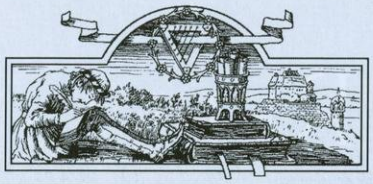
SPINNING INTO BUTTER
BY REBECCA GILMAN

Steven Levine, executive director of the Centers for Prevention and Intervention, will moderate the forum, which is called "Round and Round: Can We Talk Honestly about Race?" Levine heads a community-based agency that includes 27 comprehensive programs in Dane County serving youth and adults. Among them are a wide variety of alcohol and other drug prevention programs, the Lussier Teen Center/New Loft, and the Multicultural Youth Leadership Program. In addition, he is an instructor and the founder of Building Bridges, a nationally known race relations leadership training program. During the past year, he co-facilitated the widely praised Study Circles on Race for the city of Madison. Levine has received numerous awards for his community service.

The play's title is taken from the tale of Little Black Sambo, in which a group of tigers, after threatening Sambo and stealing his new clothes, chase themselves in a frenzied circle, each claiming to be the grandest tiger in the jungle. Ignoring their victim, they become so discombobulated that they chase their own tails, going around and around in circles until they eventually transform themselves into a pool of butter.

Spinning into Butter, directed by the Rep's associate artistic director Anne-Marie Cammarato, runs October 26–November 18 in the Isthmus Playhouse. Tickets are available at the Madison Civic Center box office, 608/266-9055. For more information about the play or the forum, call Norma Sober at the Rep, 608/256-0029.

TELL US A STORY



The Wisconsin Academy, the Wisconsin Center for the Book, and Wisconsin members of Book Sense, a league of "independent bookstores for independent minds," are pleased to present the *Wisconsin Academy Review*

SHORT STORY CONTEST 2002

May our call for gifted writers ring throughout the state. Come out of your woods, your fields, your prairies, your coffeehouses and deliver your best short story. We will declare three winning stories; each will be published in the *Wisconsin Academy Review,* starting with next summer's issue. Excited? So are we!

DEADLINE: DECEMBER 1, 2001

THE PRIZES

First place $500
Second place $250
Third place $100

SEND MANUSCRIPTS TO:

Wisconsin Academy Review
Short Story Contest
Wisconsin Academy of Sciences,
Arts and Letters
1922 University Avenue
Madison, WI 53705

QUESTIONS?

Please contact the Wisconsin Academy at 608/263-1692 ext. 16, or e-mail: joanfischer@facstaff.wisc.edu (e-mail preferred).

THE JUDGES

Abby Frucht, novelist

Dean Bakopoulos, writer and contest coordinator

Gordon Weaver, author and creative writing instructor

Laurel Yourke, author and creative writing instructor

C. J. Hribal, novelist and top winner of last year's *Wisconsin Academy Review* Short Story Contest

Rosemary Zurlo-Cuva, writer

Photo by John Iwata

Lead judge Abby Frucht.

THE RULES

1. Authors must reside in Wisconsin.
2. Stories must be between 2,500 and 5,000 words in length.
3. Each story must be accompanied by a $12 entry fee payable to Wisconsin Academy Short Story Contest.
4. Writers may submit more than one entry, but each manuscript must be mailed in separately with its own cover letter (see Rule 8) and $12 entry fee.
5. Entries must be postmarked on or before **December 1.** Entries may be hand-delivered to the Wisconsin Academy (1922 University Avenue, Madison) by 4 p.m. on December 1.
6. Previously published stories (electronically or in print) are not eligible.
7. Each manuscript must be typed, double-spaced, in standard 10- or 12-point type. Each page must include the title of the story as a header. All pages must be numbered with both an individual page number and the total number of pages (e.g., The Smoker, page 1/15, The Smoker, page 2/15, The Smoker, page 3/15, etc.).
8. **The author's name may not appear anywhere on the manuscript itself.** The manuscript must be accompanied by a letter bearing the story title; the author's name, address, telephone number, and e-mail address (if available); and the story word count. Every contestant must be able to provide an electronic version of the story if needed, either on disk or via e-mail.
9. Keep a copy of your manuscript. Manuscripts will be recycled, not returned. Do not send an SASE.
10. Contest winners will be announced by the end of March.

SPECIAL THANKS

to our Wisconsin BOOK SENSE sponsors:

A Room of One's Own Feminist Bookstore & Coffeehouse, Madison

Books & Company, Oconomowoc

Passtimes Books, Sister Bay

Canterbury Booksellers, Madison

Conkey's Book Store, Appleton

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www.wisconsinacademy.org

Release your inner poet!

We are pleased to announce the *Wisconsin Academy Review* Poetry Contest, featuring the first annual John Lehman Award for Poetry. All winners will be published in the *Wisconsin Academy Review.*

John Lehman and Kafka (left). Art by Spencer Walts

The Judges

Final Judge: Ellen Kort, Wisconsin's first Poet Laureate
Other judges to include Andrea Musher, Richard Roe, and Robin Chapman

The Prizes

FIRST PLACE
- the John Lehman Poetry Award, $500
- a three-hour recording/editing session at Abella Studio in Madison to produce a CD of the winner's poetry

SECOND PLACE
- a $100 prize
- an overnight stay at the Canterbury Inn of Madison, Wisconsin

THIRD PLACE
- a $50 prize
- a $75 gift certificate to the restaurant of your choice

Submit Entries To

Wisconsin Academy Review
Poetry Contest
Wisconsin Academy of
Sciences, Arts and Letters
1922 University Avenue
Madison, WI 53705

If you have any questions, please e-mail or call *Wisconsin Academy Review* editor Joan Fischer at joanfischer@facstaff.wisc.edu or 608/263-1692 ext. 16 *(e-mail preferred).*

The Rules

1. Poets must reside or attend school in Wisconsin.
2. Poets may submit up to three poems per entry. No poem may be longer than one page.
3. Each entry must be accompanied by a $6 entry fee payable to the *Wisconsin Academy Review* Poetry Contest. A check for $12 covers the entry fee and a copy of the award issue, which we will mail to you.
4. A poet may enter more than one submission of up to three poems each, but additional submissions must be covered by a separate entry fee and cover letter.
5. **Contest deadline is December 1.** Entries may be hand-delivered to the Wisconsin Academy (1922 University Avenue, Madison) by 4 p.m. on December 1. Entries postmarked after the deadline will not be considered and the entry fee will be retained to cover handling.
6. Previously published poems (in print or electronically) are not eligible. All work must be original. Any style or theme is welcome.
7. The poet's name or address may not appear anywhere on the poems. Poems must be accompanied by a cover letter bearing the poem title/s, the poet's name, address, telephone number, and e-mail address (if available).
8. Keep a copy of your poems. Entries will be recycled, not returned. Do not send an SASE.
9. Contest winners will be announced on our website (www.wisconsinacademy.org) and notified by the end of February 2002. Winning poetry will be published in the Spring 2002 issue of the *Wisconsin Academy Review,* which appears at the end of March.

Calling All Thinkers

THE ACADEMY WANTS YOU

The Wisconsin Academy of Sciences, Arts and Letters provides a place where people who enjoy reflecting upon culture, nature, and the problems of our times can gather for fruitful discourse and meaningful action. Through our many programs and projects, we help create what Aldo Leopold called a "thinking community."

Since 1870, the Wisconsin Academy's mission has been to gather, share, and act upon knowledge in the sciences and humanities for the benefit of the people of Wisconsin. The Wisconsin Academy is an independent, nonprofit membership organization, quite separate from state government and the university. We are funded by grants, private endowments, and by our members. ***Everybody is welcome to join.***

Christine McDermott

WHAT YOU'LL SUPPORT

Here are a few Academy projects
(for more, see www.wisconsinacademy.org):

- **Waters of Wisconsin,** a statewide investigation of water use, policy, and conservation. Our study will provide independent, reliable information and recommendations to legislators and the general public about how to best manage one of our most precious—and threatened—resources.
- **The Wisconsin Academy Gallery,** the only noncommercial gallery in the state to feature different Wisconsin artists every month. We reach far beyond established art circles to find them.
- **"The Bill of Rights in Our Lives,"** a public forum on how a centuries-old document affects us daily. Speakers at the October 12–13 forum include U.S. Senator Russ Feingold and Wisconsin Supreme Court Chief Justice Shirley Abrahamson.
- **The Intelligent Consumption Project** bridges the gap between conservation and consumption, taking forest resource use as a model. A wide range of people in forestry nationwide—from loggers and environmentalists to representatives from business, agriculture, and academia—are working to formulate a viable consumption ethic.
- **The Wisconsin Center for the Book,** affiliated with the Library of Congress, conducts many programs in support of literature and the book arts. Example: "Wisconsin Authors Speak" brings writers to communities throughout the state.

WHAT YOU'LL GET

- The *Wisconsin Academy Review,* the quarterly magazine of Wisconsin thought and culture, is a free membership benefit. You'll also receive a newsletter about Academy events and activities.
- Discounts on Wisconsin Academy events.
- Invitations to gallery receptions, special events, and conferences.
- *Transactions,* an annual scholarly journal published by the Wisconsin Academy since 1870.

HOW MUCH DOES IT COST?

$50 for a one-year membership
($40 for full-time students/seniors/K–12 educators)
$90 for a two-year membership
($72 for full-time students/seniors/K–12 educators)
$120 for a three-year membership
($96 for full-time students/seniors/K–12 educators)

To join, send in one of
the enclosed membership cards or contact:

The Wisconsin Academy of Sciences, Arts and Letters
1922 University Avenue
Madison, WI 53705
608/263-1692

website: www.wisconsinacademy.org
e-mail: contact@wisconsinacademy.org

Since 1870

WISCONSIN ACADEMY
OF SCIENCES, ARTS AND LETTERS

Cameron's Quest

James Cameron narrowly escaped death by lynching at age 16. The museum he founded in the heart of Milwaukee illuminates what he calls "America's Black Holocaust."

TWO MUSEUM VISITORS SPEAK IN WHISPERS as they wend slowly around a darkened exhibit room, examining black-and-white images caught in stark pools of light.

The photos and illustrations depict the Middle Passage, the forced migration of free Africans to American slavery. The two women visiting America's Black Holocaust Museum in Milwaukee will see many jarring images during their tour, but they won't find the picture that launched this museum—a 71-year-old photograph that captures an inhumane ordeal survived by the museum's founder in his own passage from reckless youth to committed activist.

That picture, enlarged to about three feet square, today rests against a wall in museum founder James Cameron's office. The picture shows Cameron's two boyhood friends, Thomas Shipp, 18, and Abram Smith, 19, hanging dead from a tree on the courthouse square in Marion, Indiana.

"It's a lynching," Cameron says simply, without turning to look at the photo, without a trace of anger. "I was supposed to be the third."

On Aug. 7, 1930, Cameron watched from a jailhouse window as a mob of thousands laughed and shouted while ringleaders lynched his teenage buddies. Cameron barely escaped the noose, and more than a half-century later, he opened his museum to memorialize the killings and other horrors encapsulated in Cameron's controversial phrase, "black holocaust."

"Some thought it was terrible I would bring up things like lynching," Cameron says. "But blacks and whites have been miseducated. Now is their time to be reeducated."

The recently renovated exhibit area seems to shush its visitors to whispers with the gravity of its subject matter, but Cameron's windowless office a few steps away is a loud clatter of a room. Behind a disorderly desk piled with his papers, Cameron, 87, holds forth on African American history with the easy authority of one who reads the 19th-century *Congressional Globe* for pleasure. Because he does.

Two museum employees listen with awe and amusement as Cameron rattles off historical challenges to a visitor: Did you know that free blacks helped ratify the U.S. Constitution? Do you know which American founding fathers owned slaves? Or why slaves counted as three-fifths of a person in some states? Of course, the visitor doesn't—thereby reinforcing Cameron's zeal for his subject and for his museum.

So Cameron launches off to trace other injustices done to African Americans from the time that the first Africans arrived as servants in the 1600s

BY TIM KELLEY
PORTRAITS BY ZANE WILLIAMS

to well after Reconstruction and into the 20th century.

"And then, voting—well, that was a whole new box of arguments!" Cameron declares with more enthusiasm than outrage. "This all needs to be taught in the school system!"

Cameron is doing his part. Nowadays, history classes make field trips to his small museum in the heart of Milwaukee. Spruced up with a $1 million renovation, a one-time storefront repository of an old man's unsettling collection of lynching memorabilia has been transformed into one of America's leading halls of history by and about African Americans.

In the process, Cameron has emerged as a national figure dedicated to educating Americans, black and white, about the historical events that helped create the wide divide between those races today.

"The reason I admire Cameron more than anyone else in town," writes *Milwaukee Journal Sentinel* columnist Eugene Kane, "is that despite the evil he has seen in his life, he remains one of the most gentle and loving people I've ever met."

A TIME OF TERROR

One poisonous chapter in "black holocaust" history nearly killed Cameron. The Marion lynching followed the arrest of Cameron and his two friends after a white man and his female companion were accosted in a botched robbery. The man was shot, and when he later died, an inflamed mob quickly overwhelmed the tepid resistance of local authorities.

Cameron, who described the experience in a book he wrote entitled *A Time of Terror* (Black Classic Press), says he went along with the robbery plan at first. Cameron, Shipp, and Smith drove down to the local lovers' lane, where they tried to hold up a young couple at gunpoint. Cameron, the youngest of the trio, held the gun at first but handed it to a companion and ran when he recognized the man, 23-year-old Claude Deeter, a customer at Cameron's shoeshine stand.

A short distance away, Cameron heard gunshots. He ran all the way home, but later that night, police showed up. With his two friends already in custody, the police dragged Cameron from his bed and took him to jail.

Facing likely murder and rape charges was bad enough, Cameron recalled, as a conviction could get him the death penalty. But then a group of whites broke into the jail and dragged his friends to the nearby courthouse lawn, where they were lynched in view of terrified jail inmates, including Cameron. The mob then came back for Cameron, beat him, and dragged him to the tree. Someone looped a noose around his neck.

And then, he was spared. Some say police convinced the mob that it was about to execute the wrong man. Cameron says he heard a woman's voice rise out above the crowd and call for his release. Whatever happened, the mob parted, and as he tells it, he staggered back to jail. Cameron says he recognized faces in the mob.

At some point after Shipp and Smith were strung from the tree, a white man, eyes bulging above his manicured mustache, looked into a camera and pointed at the dead teenagers. The photographer took the shot as other whites milled around, as if at a fair or picnic.

The photo has been printed in history books and magazines. It was used on a Public Enemy rap music album cover in the 1980s. It is on the cover of Cameron's book, *A Time of Terror.* And it's the photo in Cameron's office today, the one that shows a gap between the young men that Cameron says was meant for him.

Cameron never made excuses or blamed anyone else for the four years he spent in prison, convicted as an accessory before the fact to voluntary manslaughter of Deeter. No one was tried for lynching Cameron's friends.

"A lynching is when two or more people take the law into their own hands," Cameron explains without a trace of the bitterness one might expect of someone whose life was almost snuffed by a vengeful mob of whites. "It's always been a hate crime."

HATE MAKES YOU SICK

Released from prison, Cameron says he shed any bitterness over his treatment and instead dedicated his life to "promoting civil rights, racial peace, unity and equality." He explains his outlook simply: "Hate makes you sick."

Instead of hating whites for how they'd treated him, he says he channeled his energy into founding NAACP chapters in Indiana during the 1940s. Cameron also served as Indiana state director of civil liberties from 1942 to 1950, investigating claims of civil rights infractions and reporting violations of equal accommodations laws meant to end segregation.

Cameron continued his civil rights activism after he and his family moved back to Wisconsin (he was born in La Crosse on February 25, 1914).

In the 1950s, he joined growing protests to end segregated housing in Milwaukee, and during the 1960s, Cameron participated in civil rights marches on Washington, D.C. Through the 1970s, he published articles and booklets detailing civil rights and occurrences of racial injustices, based on his own growing body of research.

Then, nearly a half-century after the lynching attempt, Cameron took a trip to Israel to tour some Christian sites. He and his wife, Virginia, also visited Israel's Jewish Holocaust museum, a memorial to Jews who suffered or died under Nazi oppression in Europe. "I couldn't hold back the tears," Cameron

Cameron and his wife visited Israel's Jewish Holocaust museum, a memorial to Jews who suffered or died under Nazi oppression in Europe. "I couldn't hold back the tears," Cameron recalls. "I had to go with my emotions, and they came in torrents."

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Combined with the memories jarred by visiting the holy sites, Cameron knew what he wanted to do. He told his wife: "We need a place like this in America to show what happened to the black people and the freedom-loving white people."

Cameron, a self-taught historian, had already spent years compiling information on violent acts of racism directed toward blacks. His home was packed with photocopied documents and other items, everything from newspaper ads for slaves to newspaper accounts of his friends' lynching.

With that material in hand, he founded America's Black Holocaust Museum in Milwaukee in 1988. The museum opened at Third and Wright streets with little more than a collection of gruesome lynching photos, some Ku Klux Klan artifacts, and Cameron's papers.

He drew 10 people on the first day. But others disavowed his enterprise. He sums up their attitude: "I'm not going down to see some damn niggers hanging from trees."

Aware of that anger but characteristically unbowed by it, Cameron soon magnified the shock of his museum concept with an exhibit called the "Chamber of Horrors," which came complete with black mannequins strung up by ropes.

"God is using this man," a newspaper quoted one minister after the graphic exhibit opened. But others, including a few Jewish leaders and state lawmakers, recoiled at the phrase "black holocaust." They argued that Jews, not blacks, had a lock on the term "holocaust" in describing their history and experience.

Eventually, though, many of the critics came around to Cameron's view, especially when Cameron's life took another unexpected turn. He became a national figure.

Within a few years, national civil rights advocates also began referring to the "black holocaust" as a shorthand phrase to refer to slavery, racism, and other injustices toward African Americans throughout U.S. history. This black holocaust refers to claims that 50 million to 100 million blacks died over several hundred years as they were captured in Africa, herded to ports, sold, and warehoused aboard sailing ships making the Middle Passage to North America.

Beyond slavery, vigilante justice posed a continuing threat to African Americans and, as Cameron calls them, freedom-loving whites. Lynchings in the United States are believed to have killed

It could have been Cameron: Marion, Indiana, 1930.
Photo courtesy of James Cameron

about 4,750 people since 1882, peaking at 230 killed in 1892. Cameron says his research of the *Congressional Record* and other sources indicates a much larger toll.

Regardless of the true number, throughout the 1990s only one museum in America dedicated itself to telling this story. And its founder, with an indisputable account of his narrow escape from the Indiana lynch mob, put a face on the grim historical realities of the African American experience.

Cameron gained more national prominence in 1993 when Indiana Gov. Evan Bayh pardoned Cameron for his 1930s conviction during an emotional ceremony. Officials in Marion gave Cameron a key to the city. In 1995, Cameron again returned to Marion to protest a Ku Klux Klan rally held on the lawn outside the county courthouse where his friends were lynched.

Accolades rained down on Cameron, now fully transformed from pariah to personage. Public television filmed a documentary about him. UW-Milwaukee bestowed him with an honorary degree, and everyone started calling him "Dr. Cameron," which he allowed. He dined with then-President Bill Clinton. Nobel laureate and author Toni Morrison stopped by the museum last year to deliver a speech at an exhibit opening.

This past February, Milwaukee threw an 87th birthday party for Cameron at the Midwest Express Center, the big convention center downtown. And when Cameron went out to buy a car, even a suburban dealership salesman recognized him as the black holocaust museum founder. He drove home that day in a Cadillac, an emerald green 1994 DeVille. Soon he had a speeding ticket as well.

Cameron never really figured on all the recognition, though he appreciates it. The museum was a mission. "There was nobody to tell it. I had to tell it," Cameron says.

TELLING HIS STORY

Yet the early years of the museum were trying, not only for the criticism it brought on Cameron, but also for the financial and operational burdens it imposed. After opening his museum in 1988, he operated it for several years largely on his own. Then he shut it down to move to a new site, a former boxing and fitness club left vacant and blighted.

"We struggled with the name," Marissa Weaver acknowledges. "White people originally were intimidated, and thought that our objective was to cause guilt and blame."

He bought the building from the city for $1 in 1993, agreeing to bring it up to code within five years. It was a gamble, and he needed money and help.

In 1996, a new volunteer, Marissa Weaver, joined Cameron's growing number of helpers. She remembers showing up for work at a dilapidated building that needed a good cleaning. "He was in here with his stuff, just telling his story," she recalls.

Several Dumpsters later, and after drawing 200 people to an initial fundraiser, Weaver had become captivated by Cameron and his mission. She quit her job to promote the museum full time.

Weaver today is executive director, overseeing 11 employees. She has charted the museum's evolution from an unpolished, stark memorial to violent death to an educational institution that regularly draws middle-school history field trips. America's Black Holocaust Museum today is organized as a nonprofit corporation with a long list of prestigious Milwaukeeans on its board.

Weaver acknowledges that as the museum expands, it is subtly moving away from its founder's focus on one ugly chapter of American history. Among its attractions have been traveling exhibits, including wreckage and artifacts from a slave ship and photographs from the Smithsonian Institution. Volunteer griots guide visitors who enter the exhibits by passing through a reproduction of the crowded hold of a slave ship.

The expanded museum not only memorializes Cameron's experience but also help visitors more broadly rethink their assumptions about race and racism, Weaver says. For example, "John and Sarah," opening in October, is aimed at children. The mixed-media exhibit will highlight the lives of two slaves whose love transcended their bondage.

The institution's current budget exceeds $1 million a year, and annual museum attendance tops 50,000. A sign on I-43 marks the exit to America's Black Holocaust Museum, just as other signs point the way to other major visitor magnets like Miller Park and the Milwaukee County Zoo.

Such mainstream success has brought new scrutiny to the museum, this time from those who worry that museum staff, or their benefactors, are layering too much gloss over Cameron's original, unvarnished portrayals of injustice and inhumanity. For example, last year's Smithsonian exhibit of photography, a celebration of African American culture such as the Harlem Renaissance, had little to do with documenting racial injustices.

"When we started expanding our programming, there were those who assumed it would be impossible to collaborate with the white community and maintain our own identity," Weaver explains.

White-run organizations provide significant support to the museum, but Weaver denies that these influences are diluting museum fare. Rather, she says, the museum today tries to reach out to all races without compromising its mission. And by keeping Cameron's original name, the museum stubbornly clings to its biggest obstacle to mainstream acceptance.

"We struggled with the name. It gave us an interesting launch pad," Weaver acknowledges. "White people originally were intimidated, and thought that our objective was to cause guilt and blame. For African Americans, the term involves difficult memories and, possibly, exploitation of their experiences. What we've learned to do is to educate people in a nonthreatening way."

Weaver bristles at the notion that Milwaukee, one of the most segregated cities in America according to census data, is an unlikely place to find a successful, nationally prominent African American history museum.

"Don't necessarily make that leap," says Weaver, a Milwaukee native who attended Alverno College. "The success of this museum is a complete contradiction of what people say about our community being racially divided. This is a safe place for people—both black and white—to ask and discuss the question of racism."

The museum's continued growth tends to back Weaver's view. With donations flowing in, the museum now has 12,000 square feet of space equipped with professional lighting and movable walls.

And as more companies see improved community race relations as a way to help manage a diverse workplace, local CEOs and business leaders have started frequenting the museum. Marquette University, Harley-Davidson Inc., and the Greater Milwaukee Committee are among employers and organizations that have used the museum's presentations as educational tools.

What's next? Weaver hedges: "I don't know where we'll be in three years. We didn't know that companies would want us to come in and give presentations. We'll be responsive, but it's difficult to say where we'll be in three years. We've already outgrown the space we have."

HIS HEART IS HERE

The octogenarian founder and guiding spirit of America's Black Holocaust Museum comes to work most weekdays driving his emerald Cadillac, but he's been diagnosed with bone cancer. Mindful that his final passage approaches, he brightly acknowledges that thanks to Weaver and community supporters, the museum is now assured to outlive him.

Cameron doesn't mention his own years of relentless toil, building his own exhibits with plaster and paint, then spending long days waiting to retell his harrowing story to any visitor who would stay long enough to listen.

Leaving the founder in his office with his papers, Weaver pauses in the entryway to the museum, with fresh carpet and a new mural painted by a local artist. "His heart is here," she says. "It's so much a part of him."

Cameron will leave a legacy that provides visitors a stark way of reckoning with the past. But can the museum exorcise lingering spirits of hatred that still foul race relations today? How can it overcome the shock and anger and shame brought into sharp focus by Cameron's snapshot, his two black friends dangling dead in the background, excited white gawkers in the foreground?

Cameron, again, is unbowed by the prospect. If he, once nearly lynched by a racist mob, can hope for "one sacred and unified nation," who cannot join in sharing that vision? Cameron views his expanding museum as a tool to cement that unity, and maintain the bond, even as successive generations gradually come to terms with the nation's history of slavery and brutality to African Americans.

"It'll go on and on," Cameron says. "This museum should be here as long as time exists."

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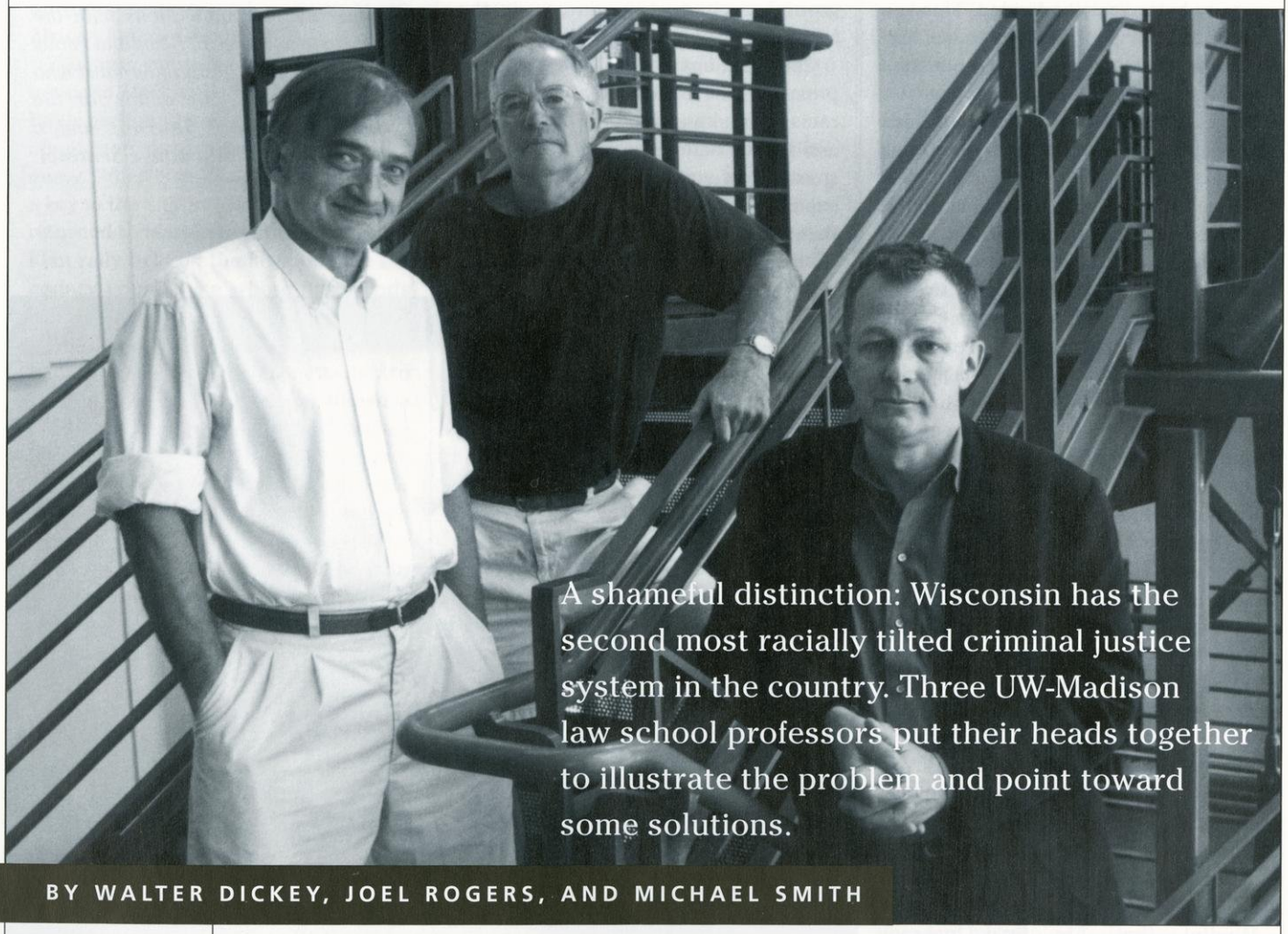
Punishing Inequalities: Race and Criminal Justice in Wisconsin



A shameful distinction: Wisconsin has the second most racially tilted criminal justice system in the country. Three UW-Madison law school professors put their heads together to illustrate the problem and point toward some solutions.

BY WALTER DICKEY, JOEL ROGERS, AND MICHAEL SMITH

From left: Professors Michael Smith, Walter Dickey, and Joel Rogers. Photo by Bill Blankenburg

RACIAL INEQUALITY[1] AND THE CRIMINAL JUSTICE SYSTEM are pathologically intertwined in the United States—and nowhere more so than in Wisconsin. Today the first cannot be relieved without reform of the second. The second cannot even be understood without appreciation of the first, and the mass politics it engenders—politics that are helping produce what amounts to a social disaster while blocking rational consideration of ways we might avoid it.

TWO SERPENTS ENTWINED

To appreciate the racialized character of our criminal justice system, consider first its different treatment of blacks and whites in nearly every aspect of administration. Blacks are arrested at twice the rate of whites; once arrested, they are more likely to be convicted of some crime and are twice as likely to be sentenced to jail or prison; they are given longer sentences than whites convicted of identical crimes, and serve more time in prison even for identical sentences. The net of all these differences is that the black rate of imprisonment is far greater than the white rate—among men (90 percent of those in prisons and jails), more than eight times greater. Finally, at the system's deadly terminus, blacks are more likely than whites to receive capital sentencing and are much more likely to be executed.

In Wisconsin, despite our progressive tradition, racial disparities are even worse. Like many states with relatively small minority populations, Wisconsin has long imprisoned blacks at greater than their national rate, and whites at less than theirs. But in recent years the black/white disparity has risen dramatically. For example, the black incarceration rate here is now 21 times the white rate—more than two and a half times the national difference. On this measure, indeed, Wisconsin has the second most racially tilted criminal justice system in the country.

Racial disparities in criminal justice are by no means unique to the U.S. In France, Algerians and other North African Arabs are disproportionately the victims of crime and inmates of prisons; in the Netherlands, Moroccans suffer more than their share of the crime and imprisonment; in Australia and Canada, aboriginal peoples are similarly burdened; in Israel, Palestinian Arabs. What sets the U.S. apart, however, is that the disparities here are amplified and exacerbated by our distinctive national commitment to imprisonment as our favored public safety policy.

It is no mystery that crime everywhere is driven by poor background economic conditions and opportunities; by alcohol abuse and illegal drug use or dependency; and by weakened family, community, and social norms against "deviant" behaviors. On the most recent data available in the U.S., we know that about two-thirds of prisoners have not completed high school; about two-thirds were under the influence of alcohol or drugs at the time they committed their offense; and about a third were unemployed at the time, with most of the rest reporting extremely low earnings in the prior year. More difficult to measure, but known with near certainty, is that most current prisoners also grew up in broken families, economically distressed neighborhoods, or both. This, too, is true of prisoners elsewhere.

Child poverty rates in other rich nations are a fraction of those in the U.S., and both child and adult poverty are less geographically concentrated—important because crime, though associated with poverty everywhere, rises exponentially with its concentration.

But other countries have fewer of these underlying problems than we do, or do more about them short of incarceration. Child poverty rates in other rich nations, for example, are a fraction of those in the U.S., and both child and adult poverty are less geographically concentrated—this is important because crime, though associated with poverty everywhere, rises exponentially with its concentration. Pretax worker earnings are much more equally distributed, because of both more government regulation and more extensive collective bargaining between employers and unions, and the "extension" of the outcomes of that bargaining to nonunion workers. The "citizen wage" of general benefits (e.g., health insurance, job training, day care) is set much higher, and special assistance for those in trouble—distressed families, those with drug problems, etc.—is more generous and available. As a result, the problems of the poor are less pronounced, and the burdens of living with them are more equally distributed.

Here in the U.S., by contrast, we do less to reduce poverty or repair dysfunction in the family, labor market, and neighborhood institutions that are the natural suppressants of crime, preferring instead to imprison people after impoverishment and institutional breakdown have run their predictable course. This longstanding choice has been sharpened in recent years, just at the time that American labor markets were also changing in fundamental ways—generating far more poverty, inequality, and "dead end" jobs than in the past, and thus more natural candidates for criminal behavior. More punitive policies also helped define a national "War on Drugs" declared by Ronald Reagan in the early 1980s. National drug use had already started to decline by the time of that War's declaration. It had peaked in late 1970s, when 14 percent of the population had reported monthly use, but dropped throughout the 1980s and by the early 1990s was running at less than half those levels, a point it has remained near ever since.

By that time, however, the War on Drugs had become a staple of American policy and political culture—and a steady feature of family entertainment on nightly TV—with huge police and military resources dedicated to its fighting and further justification. By the end of the 1990s, annual drug arrests were running at three times their level in the early 1980s. This despite the enormous decrease in drug use since that time, and the concentration of most remaining use on marijuana—for 60 percent of the user population, the only drug—a drug never associated with increased violence, but now the subject of 40 percent of drug arrests.

The net of all this—longstanding policy, recent toughening, a changing economy, and the imperfectly targeted but amply funded War on Drugs—has been an enormous increase in the U.S. prison population over the past generation. It more than sextupled over 1970–2000, growing from .2 to 1.3 million, and a national incarceration rate of .69 per-

sons per 100. An even larger pool of 5 million Americans are now serving long periods of probation or parole, at risk of entering prison upon their discretionary revocation. No other rich country comes close to this. Our national incarceration rate is about eight times that of France and Germany, 11 times the rate in Sweden, 17 times the rate in Japan. It now exceeds that of poor countries and former dictatorships as well. Recently, in fact, the U.S. rate rose above that of Russia, making this "land of the free" the No. 1 jailer in the world.

Moreover, the prisons to which the U.S. sends a growing share of its population are not benign places. They are rife with violence and disease and have minimal, if not negative, rehabilitative impact. Drug treatment, education and training, family counseling, and other rehabilitative programs have in fact been cut in recent years as part of the more general "get tough" turn of policy. Over the last decade (1991–97), for example, the share of state prisoners receiving some sort of drug treatment dropped from a quarter to less than a tenth, even as the number of prisoners with drug problems, or those who were sentenced for recreational use of soft drugs, dramatically increased.

Returning now to race, the sheer magnitude of U.S. incarceration, when combined with its racially disparate distribution, means that it claims a huge share of the black population. Nearly 30 percent of black men can now expect to spend some part of their lives in state or federal prisons—a rate of imprisonment equivalent to or worse than that found among militarily occupied peoples. And in the typical American city, Milwaukee being no exception, the criminal justice system has grown to be the leading public institution shaping the life of black communities—a lethal state of affairs that is difficult for middle class whites even to imagine.

But let's try for a moment. For those of us Wisconsinites who are white and middle class, raising a couple of kids in neighborhoods where public safety is in pretty good repair, our chief concerns about public goods typically center around such things as snow removal, recreational opportunity, and the quality of our children's education. In everyday life, the police are experienced as a distant protective force—threatening, if at all, only as a potential source of traffic tickets. Most of us have never even been detained by a cop for a nontraffic offense, much less patted down in public, arrested, strip-searched, or sentenced to jail or prison. In fact, most of us have never even seen the inside of a prison, or had the unnerving experience of trying to sleep there. And if we have ever been accused of a crime, we probably paid whatever was needed to get the best possible legal representation.

The experience is almost completely different for a working class black male in Milwaukee, or his child, wife, girlfriend, or mother. The numbers tell us so. A child growing up poor and black is much more likely to live in dilapidated housing, in a violent neighborhood, and attend (or stay truant from) dysfunctional schools. Good jobs are less available, and the leading locally owned businesses are check-cashing services, funeral homes, and cheap restaurants and bars. As likely as not, the child's father is in or just out of jail or prison, or on parole, or unemployed. If employed, he is almost certain to be working for wages insufficient to keep his family in basics.

The child's mother is likely to be a "single mom" raising the child alone. She generally has a poor education and little career opportunity. In the past, she might have been on welfare. This made her a favored object of public scorn, derided as a social parasite because the state supported her in part to spend time with her children, even if it would not provide the day care that might permit her to go back to school. Now, with the implementation of W2 (or similar welfare abolition programs elsewhere), the state has withdrawn that income support. And so she has probably entered the ranks of the working poor (or has simply dropped off the system's radar completely). She is employed now as a day care worker, home health care worker, nursing home aide, or chambermaid in a downtown hotel—all jobs averaging about $7 an hour, without benefits. Even if pursued full-time and year-round, these jobs leave a family of three below the federal government's "poverty line"—a measure calculated in the early 1960s and since adjusted only for inflation[2]—which declares the income needed to secure such minimal basics as "a diet fit only for temporary and emergency use."

As the child grows—and let us assume now it is a boy we're talking about—he is much more likely than his middle class white counterpart to suffer from health problems, learning disabilities, and soon enough, disciplinary problems in school. Frustrated there and falling behind, without much adult guidance or support, or a constructive recreational outlet for his energies, he is more likely to develop habits of violence. He is also marginally more likely to develop recreational drug habits. For these habits, given the openness of their practice compared to middle-class suburbia, and the greater concentration of drug enforcement in the central city, he is far more likely to be arrested. And once arrested, he is also more likely to be imprisoned, even if that runs against the instincts of those judges and prosecutors in Milwaukee—and there are some—who notice that the price of drugs keeps

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going down even as the War on Drugs grinds on, and who now believe that the lives of thousands of black kids in Milwaukee are being sacrificed to barrenly political objectives.

Once behind bars, of course, the kid learns next to nothing of value—certainly not a skill marketable in the legitimate economy. And now he has a record, and so upon release a harder time finding an employer willing to hire him, even if he has the requisite skill. He is also not likely to be actively supervised (or assisted) by the probation and parole agent to whose caseload he's assigned, but he will be sent back to prison if he gets in trouble. And it is more likely than not that he will get in trouble again. Each year in Wisconsin, about half of prison admissions are of people who at arrest were on probation or parole.

And so it goes. But note finally that the bottom line—the goal of public safety that justifies this system—is not achieved by it, especially in those nonwhite neighborhoods that are the system's disproportionate focus, and where the disproportionate share of crime's victims currently reside. On the contrary, the current operation of the system actually contributes to crime in those neighborhoods, first by decimating economic and family life there by locking up hordes of their young men, then by returning those men—largely unsupervised but hardened by prison, and no better equipped to find and keep legitimate employment or to form and keep a family—to those very same neighborhoods.[3]

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But the intertwining of race and criminal justice finally goes even beyond the disparate impact and failure of present criminal justice policies. Because it is our heavily racialized politics that most directly explain the persistence of these policies despite their failure, and the lack of public discussion of alternatives.

In our white-majority nation (and state), for example, it is difficult to understand popular support for imprisonment but for the fact that its burdens fall disproportionately on nonwhites. Difficult, too, to understand popular acquiescence in the destruction of the inner cores of American cities—the key source from which our prison population flows—were they not, after generations of "white flight" to restricted suburbs, increasingly populated by blacks and other racial minorities. Difficult to understand the more recent failure of white working class suburbs, even as those suburbs fell prey to the economic rot that first claimed their metropolitan cores, to join with the city against the outward sprawl that is now harming them as well. Difficult to explain the broadly right turn in American national politics over the past generation, and in particular its more punitive turn on criminal justice, without crediting white frustration with much of the civil rights apparatus that has grown up since the 1960s, or at least the part that bears on racial minorities. Almost anywhere one touches the American body politic, one finds the scars and glistening new welts of race.

Which is not in the least to deny that over the past generation America has made great progress in its racial attitudes, because it clearly has. But just as it is wrong not to admit our centuries-long racist past, it is dishonest or plainly foolish not to recognize how we continue today to tolerate and even promote racial inequality—with the present workings of our public safety system a prime example of how that happens.

But how might we do better, even with this one example? In such a large and complicated policy field, where might we even start?

Superslammer Supermax: The U.S. is the world's No. 1 jailer.

Photo by David Krier
The Boscobel Dial

UNTANGLING THE SERPENTS

The problem of correcting the racial disparities and ineffectiveness of our criminal justice system is undeniably large and complex. But that is no argument for inaction. The question is how to act in ways that are informed and have some real prospect of succeeding.

To be informed means, in the first instance, to recognize both the pervasiveness of the racial disparities in the system's administration and the fact that they interact with a whole host of other factors and institutions—the educational system, the labor market, etc.—in producing their final result. So stated, it should be obvious that there is no "silver bullet" solution to the problem,

not even one that aims directly at equalizing treatment of the races. And yet, of course, this is precisely where well-meaning reform has typically inclined.

HOW *NOT* TO THINK ABOUT REFORM

Take the issue of racial disparities in sentencing—an issue "discovered" in the early 1970s that has since prompted remedial efforts in the federal court system and in most states. The typical fix for the problem has been to strip judges of sentencing discretion and instead mandate use of a set formula. In the current Federal Sentencing Guidelines, for example, sentencing is determined by just two factors: the offender's current crime and prior record. Judges find the "correct" sentence simply by looking for it on a factor grid resembling a tax table, and off to prison the offender goes.

But does formula sentencing actually relieve racial bias in outcomes? Perhaps it does where judges themselves are biased. But note that it does nothing to alter the mix of rich or poor or white or black offenders coming before those judges, or the greater ability of the generally better-off white ones, with aid of counsel, to secure more favorable charge and plea agreements from prosecutors. Notice, too, that while sentencing formulas limit the discretion of judges, they do nothing to limit the less visible discretion of prosecutors to decide whom to charge and what to charge them with—decisions which largely determine the sentences judges ultimately impose by guideline formulas. Sentencing formulas also do nothing to equalize across races the power of police to target whatever conduct and whichever individuals they please. And they do nothing to curb legislator discretion to increase penalties for crimes more frequently detected in black communities than in white.

Looked at this way, guidelines for uniform sentencing are a distinctly mixed bag. They do nothing to alter the racially cast surroundings of sentencing while stripping judges of the power to correct, via sentencing, the effects of those surroundings.

If mechanically uniform sentencing is no particular solution, neither would be the equal distribution of policing or arrests. Here in Wisconsin, it would not be politically possible, and certainly not beneficial to public safety, to de-police black neighborhoods in Milwaukee. Nor, in an effort to equalize incarceration rates between white and black Wisconsinites, would it help much to increase the white prison rate 21 times over.

Not that the latter couldn't be achieved, however, with changed administration of our War on Drugs, the most obvious line of attack. At present, the War's victims are disproportionately black. Comprising 13 percent of the nation's drug users, blacks are 35 percent of those arrested for drug possession, 55 percent of those convicted for it, and 74 percent of those sentenced to prison. But whites use illegal drugs at almost the same rate as blacks, and, being the majority, actually account for the overwhelming share of national use. So if we ever decided to extend our War to the white suburbs—where use of marijuana, powder cocaine, Ecstasy, and other illegal drugs is rampant (as any teenager there, perhaps your own, can tell you)—we could rather quickly equalize the racially disparate arrest, conviction, and imprisonment rates.

If we extended our War on Drugs to the white suburbs—where use of marijuana, powder cocaine, Ecstasy, and other illegal drugs is rampant—we could rather quickly equalize the racially disparate arrest, conviction, and imprisonment rates.

Such a shift in policy might improve the quality of our public discussion about drugs. With enough legislators' kids (or legislators) behind bars, Wisconsin's political and racial majorities would likely come to *Traffic*'s Academy Award-winning conclusion—that the War on Drugs is being lost, that it can't be won the way we're waging it, and that the cost in lives (suddenly, "lives like ours") is far too great to be justified by meager, temporary, and largely symbolic gains. At that point, perhaps, they might even be open to considering alternatives. But in the meantime, and returning to present realities, we can ask: How would destroying the lives of some white teenagers for getting high, as we now routinely do to black teenagers, do anything for racial justice? If a poison is now found largely in black neighborhoods, does it help to start dropping it on white ones as well?

SOME STEPS WE MIGHT TAKE

But if formulaic procedural reform is not the answer to racial injustice and inutility in criminal justice administration—what is?

One answer is to treat offenders differently, aiming at not just their punishment but their active reintegration into society. That means expanding rather than contracting literacy, training, drug remediation, and other treatment programs in prison. And once prisoners are paroled (or, under Wisconsin's "Truth-in-Sentencing" law, which abolished the old parole system, released to "extended supervision"), it means devoting more resources to their active supervision, job placement, or further treatment or training rather than merely watching for opportunities to revoke and recycle them back behind bars. With so many prison admissions now coming from revocation of probation and parole, it's not rocket science to see that if prison were more rehabilitative and parole or probation more constructive, our prison population would quickly begin to shrink, and the neighborhoods that our offenders now disproportionately come from and return to would become safer.

There are also broader changes in state policy that might be considered, with drug policy perhaps the most obvious place to start. We know now

that unless something is done about the demand for illegal drugs, anything done to limit their supply will be temporary at best. But we know, too, that no politician can afford to be cast as "soft" on drugs. What is really needed, then, is a broader and more explicit public conversation about what sorts of drug use we are prepared to live with and which not, followed by greater concentration of public effort on reducing demand, with incarceration generally reserved for those guilty of crimes beyond mere use.

Just where we should draw the new lines of permissible drug use, education and treatment, and punishment is a matter on which reasonable people can reasonably disagree. But we owe it to ourselves at least to be clear on the ends sought by drug policy, and open to evidence on alternative ways to achieve them. At present, state and national drug policy permit free adult purchase of alcohol and tobacco—even though the first is implicated in violent conduct more than any other drug, and the wildly addictive second causes far more death—while use of the relatively innocuous marijuana is heavily restricted where not banned, and stiff penalties await those caught using other drugs that do not induce violence. If punitive drug laws are defended on grounds of health or public safety, these choices seem difficult to defend. At present, we also widely favor mandatory sentencing, rather than treatment, to reduce the demand for drugs. But all evidence suggests that treatment is more effective in curbing demand, as well as cheaper. In cases like these, where the costs and effects of different policies are known, we should let reason and evidence carry the day, not ignorance and myth.

THE REAL DEAL: FROM BAND-AIDS TO STOPPING THE BLEEDING

Steps such as these are overdue in Wisconsin, and we should take them. They would improve the workings of our system and reduce its costs, which are already crowding out needed public investment in more constructive purposes than prisons. We should also continue to resist—as Wisconsin has thus far—the false temptation of formulaic sentencing as a cure for racial disparities.

The most important barrier to achieving racial balance in criminal justice and the positive good of public safety is not that our judges, prosecutors, or cops are bigoted—but that our most populous black neighborhoods now face high levels of poverty without a basic infrastructure of opportunity and support.

But to get to the heart of racial disparities in our treatment of crime, we should best pay more attention to the sources of its opposite: public safety.

What is this thing, and what do we know about how it is produced? It is not in the first instance more arrests, more imprisonment, or more cops and guards to produce the arrests and confine the convicted. These are all measures of the breakdown in public safety, not its achievement. Public safety instead refers to the state of affairs in which those living somewhere feel free of threat of harm to their persons and property, and are justified in that belief. In such places we find occasional police or other state intervention to maintain or restore order. But far more pervasively and importantly we find: 1) willing obedience to a certain set of commonly agreed-upon rules; 2) a shared appreciation that violating those rules will meet with punishment proportionate to the harm done; and 3) a further shared appreciation that playing by the rules will be rewarded.

BLACKS BEHIND BARS

- Blacks 18 and older make up 39 percent of Wisconsin's jail and prison population but only 5.7 percent of the state's total population.
- Whites 18 and older make up 55 percent of Wisconsin's jail and prison population and 89 percent of the total state population.

Source: 2000 Census, U.S. Census Bureau

Increasing public safety in places where it is now lacking—a state, a city, a neighborhood, a nation—means everything as simple and as complex as restoring those conditions within that space. Cops are essential to this restoration. But a much larger role is to be played by parents, relatives, neighbors, employers, churches, service organizations, and other natural guardians of public safety—those individuals or institutions that teach kids what it means to behave, what consequences follow from misbehavior, and what rewards await those who play by the rules. Where those guardians are no longer able to do their work—work that the criminal justice system can never hope to do—it is never because they do not want to. It is because their ability to do so has been undermined by collapse of the institutional infrastructure upon which their own capacity and authority depend. This infrastructure, taken for granted in middle class neighborhoods, includes adult access to good jobs and career advancement; functioning schools; adequate health care and other social services; attractive public libraries, senior centers, and other public community spaces; wholesome and supervised recreational opportunities, especially for teenagers after school; and a medley of clubs and volunteer associations reflecting diverse interests and talents.

In Wisconsin, the most important barrier to achieving racial balance in criminal justice and the positive good of public safety is not that our judges, prosecutors, or cops are bigoted, but that our most populous black neighborhoods, in Milwaukee, now face high levels of poverty without this basic infrastructure of opportunity and support.

On poverty, we know—from the last national decennial census for which we have relevant data (1990)—that black child poverty in Milwaukee is spectacularly high, high enough indeed to bring the statewide black child poverty rate to second in the nation. We know, too, that overall Milwaukee poverty is increasingly concentrated in "ghetto" census tracts in which 40 percent or more of the residents live below the poverty line. In 1970, less than one-tenth of Milwaukee blacks lived in such ghetto conditions; by 1990 nearly half did; today, the share is almost certainly higher still.

Such severe concentrations of poverty almost guarantee social disorder and starve even the most stalwart "public safety guardians" of much authority. These and other poor black neighborhoods have much poorer health than middle class white neighborhoods—among children, ailments include much more asthma and such exotica as lead poisoning and tuberculosis; among adults, worse scores on virtually any measure of health—and also the worst access to medical care. Their housing is dilapidated or worse; their streets are punctuated by abandoned buildings. Their elementary schools are troubled and overtaxed by a largely poor student population, and their high schools are increasingly dysfunctional. Well over half of black kids in Milwaukee now drop out before graduating high school, or read at little above a fourth grade level when they do. Not surprisingly, good employment opportunities in these poor neighborhoods are scarce, and unemployment is always well above Milwaukee metro levels. And even if their residents could find and qualify for a good job elsewhere, nearly half of them don't have cars and would have a very hard time commuting to those jobs via the region's dismal public transit system.

In brief, these neighborhoods are increasingly isolated from the surrounding society—in racial composition, housing, income status, job opportunity, education, and more—and they are gradually imploding. In such a context, even the positive efforts at crime prevention and rehabilitation suggested here will be fragile and have sharply diminishing returns. Some offenders will be better treated, some will find opportunity after jail or prison, and more will find it before. But in their achievement of public safety, stand-alone programs for "at risk" youth, felons, or ex-felons amount to pouring cool water on an overheated skillet. It would be much better to turn down the flame—through policies and programs that reintegrate Milwaukee's central city into the labor and housing markets, transportation systems, social services, and education available to the white majority.

That, of course, is a very large task. Not impossible, but large, and whether Wisconsin ever finds the political resolve to take it on is at least an open question. But however that question is answered, we should be clear on what is at stake. The real remedy for racial inequity in our criminal justice system is the same as the remedy for racial inequity elsewhere. If we want to avoid it at the back end, we need to reduce it drastically up front. This means according black children and their parents, no less than white ones, the full benefits and protections of our common citizenship, genuine equality of opportunity, and the education and other support needed to grab it. Anything less and we shall forever have a race problem in America, and never a truly democratic society.

Walter Dickey, Joel Rogers, and Michael Smith all teach at the University of Wisconsin Law School. Dickey has served as Wisconsin's Secretary of Corrections (1983–87), and was chair of the 1995–96 Governor's Task Force on Sentencing and Corrections. Smith was research director of that task force and before coming to Wisconsin served for many years (1978–95) as president of the New York City-based Vera Institute of Justice. Along with teaching law, Rogers is a member of the departments of political science and sociology, and is director of the Center on Wisconsin Strategy (COWS), a research and experimental policy center on improving Wisconsin living standards.

Notes

[1] We concentrate here on African American (or "black") versus European American (or "white") comparisons. Other nonwhite populations in the U.S. also show significant disparities, though not as pronounced as those registered by our oldest and, in Wisconsin (historically and today), largest minority population.

[2] About 32 million Americans (more than 12 million of them children) live below this line. If nonpartisan Census Bureau recommendations for a modest increase in the threshold level were accepted and applied today, that number would rise to 47 million.

[3] These are not impressionistic observations. We know that the two most powerful forces for bringing delinquent careers to an end are labor market participation and family formation, and we know that, for a very large portion of young black males, incarceration actually decreases the subsequent chances of either.

Shirley Says: Let's Celebrate!

Wisconsin's Legal History

BY SHIRLEY ABRAHAMSON
WISCONSIN SUPREME COURT CHIEF JUSTICE AND WISCONSIN ACADEMY FELLOW

Nineteen ninety-eight was a statewide, yearlong party. It was a year for historic hoopla and serious discussion as communities celebrated Wisconsin's 150 years of statehood. We explored our heritage in song, dance, theater, books, food, and seminars, with events as diverse as the people who built this state.

In 2003, another sesquicentennial will occur: the 150th anniversary of the first meeting of the Wisconsin Supreme Court as a separate body. Should we have special license plates designed for the occasion? Probably not. Should we set aside a "Courthood Day," like Statehood Day, to celebrate the anniversary? Not a bad idea. Should we use the Wisconsin Supreme Court's sesquicentennial as an opportunity to encourage study about Wisconsin legal history and promote public understanding of the courts and the legal system? Absolutely!

Wisconsin has a rich legal history. During the state sesquicentennial we documented and celebrated this history and spoke around the state about our past. A play and an Emmy-nominated television documentary brought to life the story of the battle between the state and federal courts over the 1850 Fugitive Slave Law; a book presented portraits and biographies of Wisconsin Supreme Court Justices from 1848 to 1998; and an oral history project preserved the recollections of senior Wisconsin judges.

The time is right, I believe, to start working toward establishing a Wisconsin legal history project. Here's why:

- The Supreme Court is returning to its newly restored historic space on the second floor in the State Capitol's East Wing after being away for two years. The East Wing is the only wing of the Capitol in which members of all three branches of government—the executive, legislative, and judicial branches—reside. A public "open house" this fall could serve as a kickoff for a Wisconsin legal history project.
- The Wisconsin Academy of Sciences, Arts and Letters is sponsoring an October forum in Milwaukee entitled "Private Rights, Public Good: The Bill of Rights in Our Lives." This forum promises to generate statewide interest in the legal system.
- The 2003 Supreme Court sesquicentennial is a milestone that can serve as a focal point for a Wisconsin legal history program.

A Wisconsin legal history project could take any number of forms. One thing is certain, however—a great many organizations (and their members) can and will, I hope, play a role: the Wisconsin Academy of Sciences, Arts and Letters; the Wisconsin Historical Society; county historical societies; the University of Wisconsin Law School; Marquette University Law School; the Wisconsin Humanities Council; the Wisconsin Bar Foundation; and lawyers, judges, court staff, and history buffs across the state.

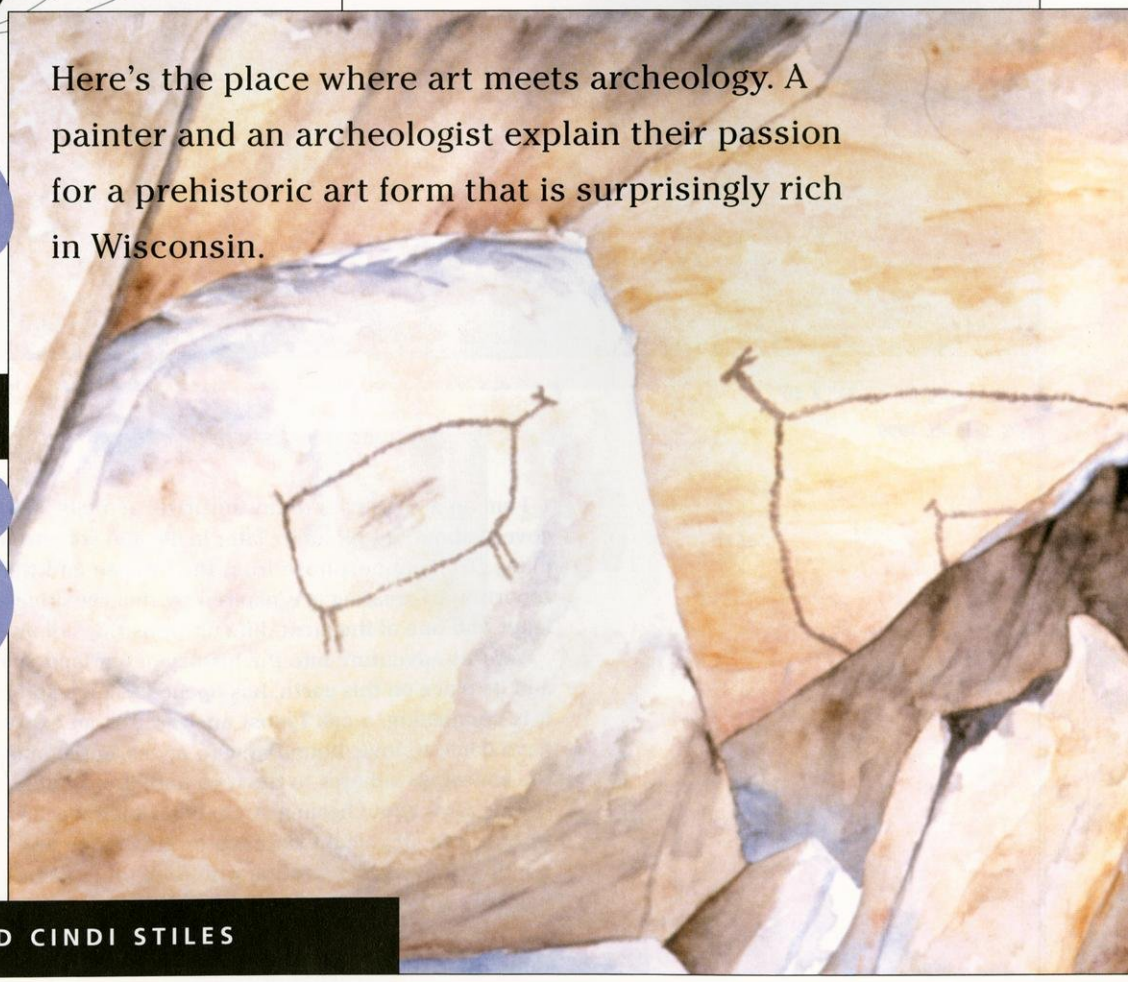
United States Supreme Court Chief Justice William H. Rehnquist, a Wisconsin native son, reminds us that "the enduring nature of an institution lies in the story of its past."

Together we can tell the story of the past, present, and future of the Wisconsin legal system. Several people have joined me this past summer to start working on the Wisconsin legal history project. Are you interested? If so, please write John Voelker, Executive Assistant to the Chief Justice, P.O. Box 1688, Madison, WI 53701.

art of the rock

PETROGLYPHS AND PICTOGRAPHS: carvings and paintings on rock that date back to the dawn of humans. These ancient treasures abound in Wisconsin and fascinate people from all walks of life, often for different reasons.

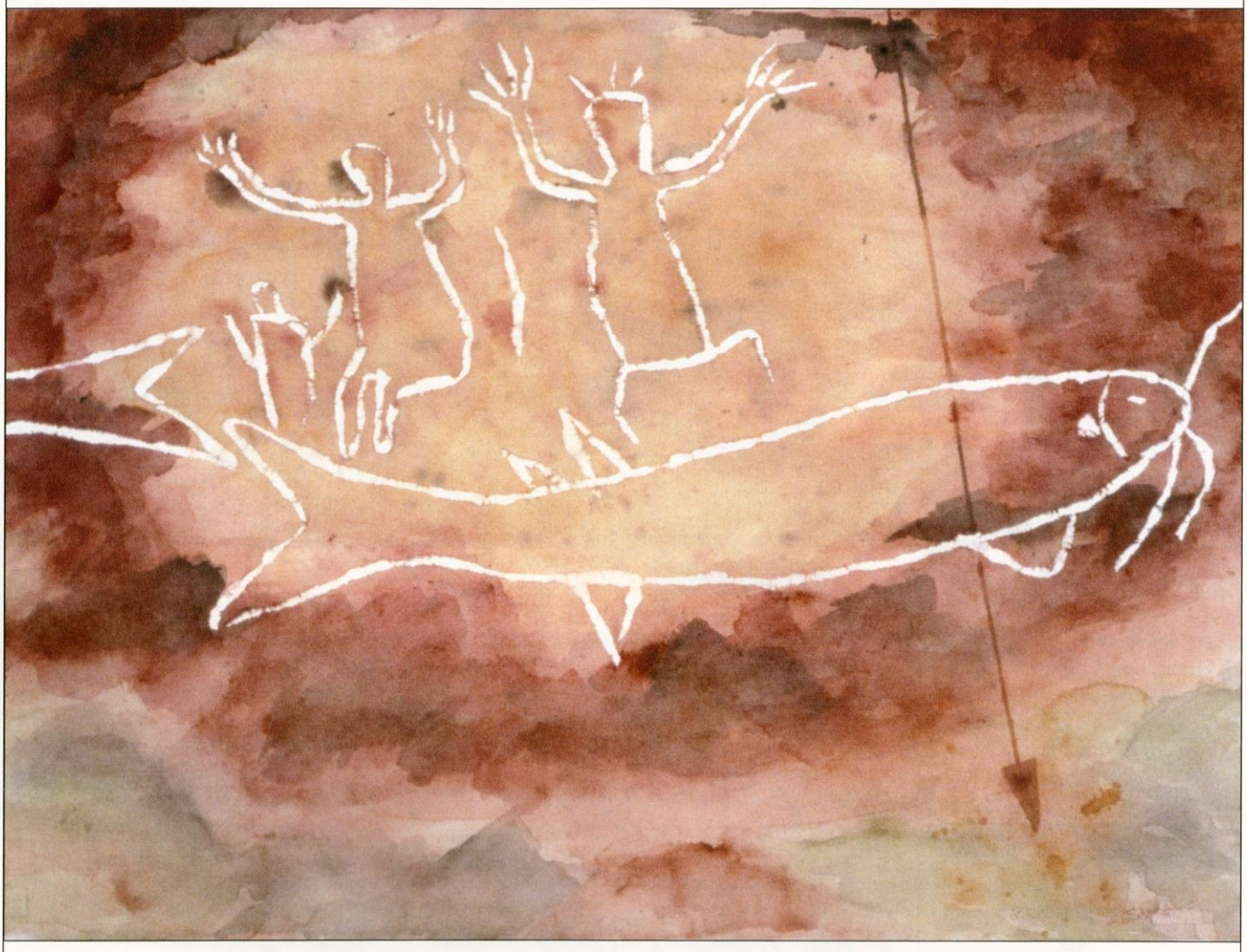
Artist Geri Schrab and archeologist Cindi Stiles have devoted much of their lives to rock art and have agreed to tell us why. Stiles, a tribal archeologist for the Lac du Flambeau Band of Lake Superior Chippewa Indians and president of the Wisconsin Rock Art Association, will illuminate the state of rock art research in Wisconsin. Schrab will explain what draws her to various rock art sites in Wisconsin and how she came to create the paintings we view in this story.



"Inside the Cave," 23" x 24", G. Schrab, 2001

Here's the place where art meets archeology. A painter and an archeologist explain their passion for a prehistoric art form that is surprisingly rich in Wisconsin.

BY GERI SCHRAB AND CINDI STILES



"Spearing Time," 22" X 30"
G. Schrab, 1999

AN ARTIST'S PERSPECTIVE, by Geri Schrab

I am an artist much to my surprise, actually. Rock art brought that startling discovery about myself, quite later in life and somewhat inconveniently to my neat life plans. To metamorphose from the intense and tightly structured career of court reporting to creating art inspired by this sensitive subject matter has been a challenge and one of the most difficult transitions of my life.

Yet this adventure into the history of our land, and at the same time my own soul and its place on this earth, has opened a much softer and finer side of my character. It is compelling, a call I must answer. It is an expression of human journeys that I have come to love, bound now to my essential makeup as surely as the pigment of the ancestors adheres to the rock until it crumbles.

This art is about healing. Archetypal images echo back to the beginning of humans, to both our physical existence on this earth and our subconscious bottom line: hunting, praying, celebration with each other and the earth. Birth. Death. The things one does to survive, to carry on and perpetuate the human race.

These are the things that move me: simplicity in such raw form that one feels it rather than thinks it. That's what caresses my overstimulated modern soul as I paint.

That is what I hope to convey to others through this work, detaching oneself from the confusing, ever-quickening pace of our daily existence and releasing for a moment into bedrock truths of mankind.

We must eat. Carved on soft, friable sandstone in a moist, hidden valley among a diverse panel of glyphs, "Spearing Time" whispers to the rock of our need. It is an image of the power of the beings that provide for us our food and a celebration of the successful hunt. It is good to be thankful for what we receive.

"Transitions" brings to mind the natural life cycle. For one to eat, the other must sacrifice his earthly existence and be born into the spirit world. That is basic; that is truth; that is the way the Creator made us to be. It is not cruel, but a process that allows life to proceed.

"Wisconsin Turkey" is found on the same panel, the only turkey glyph that I've seen. One of the first comments, without exception, is "Why four legs?" As if I would know. The question is consistent. The answers are varied. "Well, he's drumming," says my dad, the turkey hunter. "He's running really fast" is the joint opinion of my 20-year-old athletic nephews. "It's his tail feathers spread in courtship." That's my mom with a woman's perspective.

But my favorite response is that of Larry Garvin, board member of the Wisconsin Rock Art Association. "Are

"Wisconsin Turkey," 23" X 24"
G. Schrab, 2000

"Transitions," 22" X 30"
G. Schrab, 2000

"Captured in Stone," 22" X 22"

G. Schrab, 1999

you sure it's a turkey? Maybe it's a dinosaur." Laughter, another basic need of our kind. Maybe it is a dinosaur. Who knows? Though I chuckle, his query reminds me that we all have different perspectives and things are not always as they appear, especially when it comes to rock art.

Towering over all of these, deeply and majestically carved, is the glyph I've rendered as "Captured in Stone." In this image I felt a struggle, the basic fear of immobilization. The deer is tethered physically in some way, longing to be free. How many of us have felt tied up, rendered powerless by forces beyond our control? We long for a way out and fight for it, as surely as an ensnared deer.

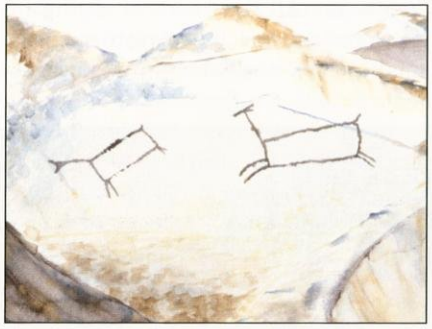
Cindi suggests this is not the correct reading of this site. She believes there is a deer carved behind the prominent head, back-to-back with the one that we see. That interpretation may in fact be more accurate to what the ancients carved. Although we disagree, it makes for lively discussion. Which interpretation is right may not really matter. We do agree completely that the glyph is outstanding in its beauty. Beauty, underestimated in its benefit to humankind.

Photo of Gullickson's Glen site depicted in "Captured in Stone."

Photo by Cindi Stiles

"Woman Carrying Petroglyphs" is located on a gorgeous multicolored sandstone outcrop. Uniquely executed, she is a painting of black pigment carrying what appears to be a heavy load represented by a slash of carvings. Typically these two styles do not intermix. The marvel of this glyph is equaled only by the lush Wisconsin setting in which it is found.

Roughly 100 miles of our unique Wisconsin Driftless Area separate these sites from a deep, protected cave. Within its darkened chambers, illuminated only by the roving beam of a flashlight, are galleries of charcoal drawings. "Passing Time" reflects one of those thousand-year-old renderings, reminding me of simple, joyful play.

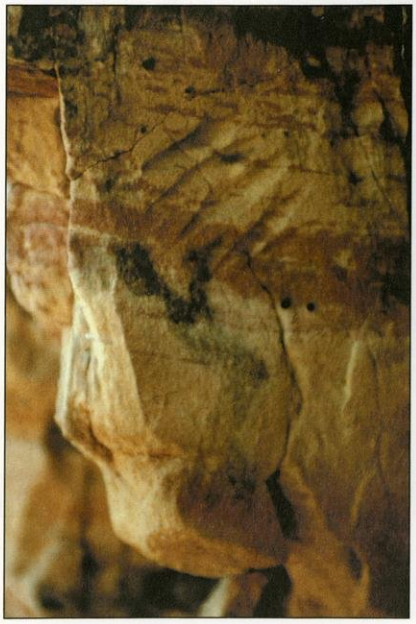


"Passing Time," 16" x 20"

G. Schrab, 2001

Stories mingle with the rock across our Wisconsin landscape. Where they are found and how they should best be cared for are issues that prompt me to seek the guidance of those with knowledge. Although I have the joy and honor of interpreting them on paper, I must proceed with caution. There are great concerns with this subject matter. These sites are fragile, vulnerable to ravages of man and time. Many sites are sacred to the indigenous people, and I must take care to do no further damage to the modern cultures whose ancestors created them.

My heart has been teased into action by these images. Although they are not exact renditions, I pray as I paint that they are true in spirit and to the natural wisdom of those who created the original carvings and paintings. I have had to learn patience, as both an individual and



"Woman Carrying Petroglyphs," 15" x 11"

G. Schrab, 1999

Left, photo of Rainbow Cave site depicted in "Woman Carrying Petroglyphs."

Photo by David Lowe

an artist. Rock, as cultural awareness, cannot be rushed. Nor can watercolor. It takes time to dry as it was intended. It takes time to unlock the silent code of millennia of formation. It takes time to bridge cultural differences, heal wounds, and grow the healthy new skin that binds our shared lives together.

When I am forced indoors by the demands of day-to-day living, the paintings return me to the forest and the trees, to the rocks and silent snow floating down around them, the patter of rain on surfaces both natural and manmade. These are the basic connections of humans to this earth and of our spirit to our dreams. We need those connections, both as individuals and as people sharing common ground.

Perhaps that's what my years in court brought to this work: seeing firsthand the ills of our societal soul. Ever so fast and frantic, it is good to slow down and feel the earth.

AN ARCHEOLOGIST'S PERSPECTIVE
by Cindi Stiles

When I became an archeologist many years ago, I was as energetic as a young graduate student always is, collecting the books, the facts, and the theories I needed to be able to interpret the data I was collecting. Many years and a jumble of projects later, I felt well on the road to understanding the meaning of life, or so I thought. Data was all-important, and little pieces of broken debris were my life. I was fascinated with being the first person in 100 years or 5,000 years to touch the discarded pieces, and I felt a connection with the past in this way.

In 1985, I saw my first rock art site. There were rumors of a cave with ancient carvings about a mile or so from the Mississippi Valley Archaeology Center in La Crosse, where I worked at the time. The cave was in poor condition. More than 100 years of recreation had badly damaged the cave, and the rock art figures had suffered by being there.

With flashlights in hand and noses to the rock, Ernie Boszhardt and I searched the graffiti-scrawled walls for any remains of the original two dozen figures reported to be found there. We found one, then two, then three and more. We were unprepared to fully record what we found but vowed to return the next day with cameras and drawing materials. To our horror, nature claimed two of the few remaining figures over the night, reducing them to piles of sand at our feet. It was at that moment that I began the race against time.

I searched a century of newspapers and journals, talked to landowners and others whenever I could break away. I began to roam the coulees of western Wisconsin. All the years of sitting in measured squares, troweling to uncover small pieces of debris whose owners

Larson's Cave
Photo by Cindi Stiles

had moved away centuries ago, all the years of wonderment at the technical expertise of these ancient ones, none of this could connect myself, or any archaeologist, with the individuality of the people who lived in the coulees so long ago.

The next rock art site I visited, Larson's Cave, opened that connection. Through my roaming, I had begun to really appreciate the beauty of the majestic bluffs and tree-lined river valleys of the region. One day, following a clue, I looked up and saw a rainbow of colors at the entrance of a small shelter. A straight climb up the bluff and I was standing in the company of more than a dozen people depicted as stick carvings on the multicolored sandstone. From this vantage point, one could see the whole valley. No words can describe the first sight of ancient rock art figures in their natural setting. For the first time, as an archeologist, I saw the people, not just the technology, of the ancient inhabitants of the region.

Over the next three years I was able to rediscover more than two dozen sites and relive that experience again and again: a wall of thunderbirds overlooking the lakebed of glacial Lake Wisconsin; a story panel in a dark narrow cave; a deer walking out of a crack in the rock; an abundance of humans, animals, birds, and fish blanketing the back wall and sides of a shelter. Each site was unique, a document of cultural heritage, and an expression of the individuality of the original artisan. Who knows how many of these sites had once existed, many of the oldest lost to us now?

As I began documenting and reporting the sites, I came to find out that other archeologists were running the same race. David Lowe has been systematically walking all the bluff sides in Dane and Iowa counties. To date, he has recorded more than 100 new rock art sites in that area. Through his research, Dave has determined the type of sandstone most favored by the ancient artists. From our conversations, and later communications with others, I know that the beauty and individuality of the figures overwhelm all visitors to these sites. The search for sites is addictive, and Dave and I have spent many spare moments chasing leads and stopping at likely spots, much to the consternation of loved ones.

In 1986, I heard of an excavation started two years earlier in Gottschall Rockshelter. Robert Salzer, a professor at Beloit College, had received a tip that a cave containing more than 40 ancient rock art figures was located on a farm in the lower Wisconsin River valley. Every year for the past 17 years, Bob has led volunteers in the excavations at this rock shelter. Not only have the excavations revealed use of the cave perhaps exclusively as a special or sacred place over the past 3,500 years, but the most striking rock art figures depict the epic of Red Horn, a prominent figure in Ho-Chunk teachings.

Ernie Boszhardt has expanded the research in the La Crosse and Vernon County areas, recently recording a spectacular find in the Kickapoo River Valley. The site is a deep cave with three contiguous chambers and contains more than 100 ancient rock art figures. Through negotiations with the landowner, this cave has been sealed so recreational use will not contribute to its demise.

The efforts to locate and document Wisconsin rock art sites have enriched the knowledge that archeologists have collected on past inhabitants of the state. While the beauty and uniqueness of the figures have been appreciated by all who see them, crossing the ages to understand the meaning of the figures is difficult. The native people of Wisconsin have always known of the existence of rock art images, but not always their location. Through ethnographic research and collaboration with native people, archeologists have begun to catch a glimmer of the cognitive aspect of ancient culture. It is a slow but fulfilling process.

Mostly all the rock art research done in Wisconsin has been completed through volunteer efforts: the summer excavations at Gottschall Rockshelter are peopled by volunteers; Dave's search for sites in the lower Wisconsin River coulees and most of my roamings could not have been completed without help from volunteers. Bob Birmingham, the Wisconsin state archeologist, has enthusiastically supported several projects through State Historical Society grants. But funding for all archaeological projects is slim, and sites of all types are disappearing through development

"Medicine Hunt"—Wisconsin Series, 22" x 40"
G. Schrab, 1999

as well as natural causes. Lack of funds is the biggest problem to those of us dedicated to rock art discovery and documentation.

In 1994, the discovery of irreparable damage to Gottshall Rockshelter caused an outcry from archeologists, artists, legislators, and others interested in preserving rock art sites. A task force was formed to review the state of rock art in Wisconsin. As a result, legislation was passed to strengthen the fines for those who damage archaeological sites. In addition, the Wisconsin Rock Art Association was formed to gather together all those interested in the discovery and preservation of this unique and special site type.

Before the 1980s, only 18 rock art sites were thought to exist in Wisconsin. Now we have more than 200, mostly located in southwestern Wisconsin. Wherever bedrock is exposed, there is a chance for carved or painted figures. Having examined less than 1 percent of the state, we have a long way to go to find them all, or what is left. Should anyone know of places where this art exists, we would love to hear from you.

Geri Schrab is a self-taught artist. She travels extensively to visit and photograph rock art sites. Her work has been exhibited in Madison, Ripon, and La Crosse, and is scheduled for Nicolet College in Rhinelander and the Seippel Homestead in Beaver Dam. Schrab lives in DeForest with her husband and two children. To learn more about her work, see www.artglyphs.com

Cindi Stiles is a tribal archeologist for the Lac du Flambeau Band of Lake Superior Chippewa Indians and president of the Wisconsin Rock Art Association.

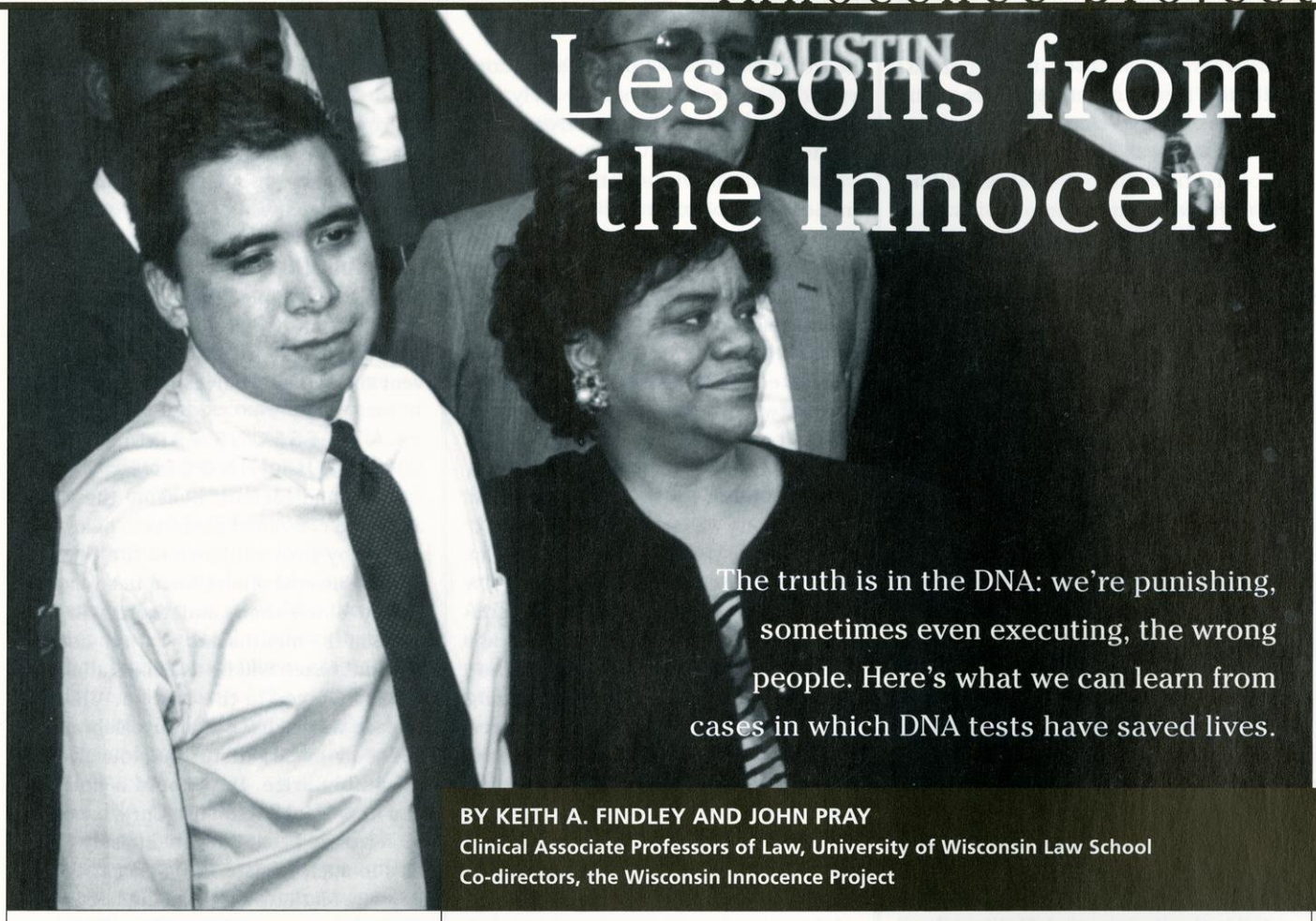
Wanna Rock?

Bob Salzer, an anthropology professor at Beloit College, welcomes volunteers to help with the excavations at **Gottschall Rockshelter.** The field season runs for 13 weeks each summer, from May through July. No experience is necessary. You will learn archeological techniques and have a chance to work on one of the most spectacular sites in the Midwest. For more information, write to Salzer at the Department of Anthropology, Beloit College, 70 College St., Beloit WI 53511 or e-mail salzerrj@beloit.edu

The **Wisconsin Rock Art Association,** too, welcomes your participation and interest. If you have any tips for possible sites or would like to know more about this volunteer organization, contact Cindi Stiles, Wisconsin Rock Art Association, 126 South Oneida, Rhinelander, WI 54501, e-mail cydstil@newnorth.net; or Geri Schrab, 608-837-5250, e-mail gschrab@mhtc.net.

"Return to Stone"
G. Schrab, 1999

Lessons from the Innocent



The truth is in the DNA: we're punishing, sometimes even executing, the wrong people. Here's what we can learn from cases in which DNA tests have saved lives.

BY KEITH A. FINDLEY AND JOHN PRAY
Clinical Associate Professors of Law, University of Wisconsin Law School
Co-directors, the Wisconsin Innocence Project

Sprung by DNA: Chris Ochoa and other exonerated individuals at the Texas state capitol shortly after release.

Photo courtesy of John Pray

CHRISTOPHER OCHOA SPENT 12 YEARS IN PRISON for a rape and murder he did not commit. As co-directors of the University of Wisconsin Law School's Innocence Project, we were fortunate to be part of the team of lawyers and law students who helped to secure his freedom. His release was powerfully rewarding and moving to those of us involved. More than that, his release provided poignant reminders of the value of freedom and lessons about our system and our society. His case is important not only because finally we got it right, but also because we had it so wrong.

His case, like many cases of wrongful conviction, is also a story about race in America. As a young 22-year-old Mexican American man in 1988, with absolutely no criminal record, Chris was picked up by police for questioning following the rape and murder of Nancy DePriest, a 20-year-old Pizza Hut manager who was attacked as she prepared to open the restaurant. There were no witnesses to the crime and few leads for police to pursue. But several weeks later, Chris and his friend, Richard Danziger, happened to go to the restau-

rant where the murder had occurred. Skittish Pizza Hut employees thought they looked suspicious and called the police. Chris was picked up at his workplace and brought to the police station. His nightmare had begun.

Chris was subjected to prolonged, intensive interrogation by police officers bent on obtaining a confession at any cost—even the cost of ruining an innocent life. Over two 12-hour interrogations, interspersed by a weekend of confinement in a hotel room, police lied to Chris and threatened him.

Although there was no evidence linking Chris to the crime, they told him they knew he was guilty. They told him that he would be placed in a cell where he would be "fresh meat" for other inmates. When he didn't provide the information they wanted, they yelled, pounded the table, and threw a chair at him, narrowly missing his head.

They made him believe that he would certainly get the death penalty unless he confessed. They tapped him on the arm to show him where the needle would be inserted and they showed him pictures of death row. They told him, falsely, that Richard was being interrogated in the next room and was ready to implicate Chris.

Over time, Chris wore down and became convinced that he was doomed and that his only choice was whether that doom would be death or prison. He chose to live, and accordingly signed confessions concocted by the police. As part of his plea bargain with the state to avoid the death penalty, he also agreed to testify against Richard at his trial. Both men were convicted and sentenced to life in prison.

THE PATH TO VINDICATION

In 1996 the real killer, Achim Josef Marino, found religion in prison and confessed that he alone had assaulted and killed Nancy DePriest. He sent letters to authorities in Austin admitting his guilt and insisting that he had never heard of the men who had been convicted of the crime. Unfortunately, the letters generated little interest from Texas authorities.

In 1999 Chris wrote to the Wisconsin Innocence Project at the University of Wisconsin Law School, asking us and our law students to help him prove his innocence. The law students investigated, discovered that the physical evidence from the case still existed, and requested DNA tests. Finally, late in 2000, new DNA tests and other corroborating evidence proved beyond any doubt that both Chris and Richard had nothing to do with the crime, and that Marino alone was responsible.

On January 16, 2001, the district attorney's office and the defense filed a joint application to set aside Chris's conviction and free him on the ground that he is innocent. He walked out of court that day into the arms of his sobbing mother and into a world he hadn't seen firsthand in more than a decade. Richard's release was delayed until March because while in prison he was severely beaten by another inmate and suffered brain damage. He could not be released until adequate arrangements could be made for his care.

When Chris walked out of that courtroom a free man, not one but two mothers shed bittersweet tears. The other mother was Jeanette Popp, the mother of the victim. The wrongful conviction meant that she had to revisit the pain of losing her daughter. And she came to realize that police had perpetrated a lie against her for 12 years, including making her believe that her daughter had suffered in ways she had not. The confession the police concocted wrongly included unnecessary brutality, including false claims that her daughter had been repeatedly sodomized and had been forced to beg for her life before she was killed.

Jeanette Popp rose above her own sorrow to connect with Chris Ochoa. The two became friends even before he was released, and in the first hour of his freedom the two asked for time alone to share private words. She gave him his first gift upon his release—a watch, because, she thought, time matters again to him now.

For his part, Chris was forgiving and thoughtful. He eschewed bitterness and anger, but also pleaded for reforms. He asked for an end to the death penalty and for greater checks on police to prevent such coercive investigative tactics.

LESSONS FROM THE INNOCENT

Chris and Richard became the 81st and 82nd convicted persons to be exonerated by DNA evidence in the United States. Several others have been exonerated since then, and there will be more in the months and years to come. No doubt each will be as exhilarating to those involved in the effort as Chris's release was to us. But after celebrating such an event, disturbing questions inevitably arise. How could a normal and intelligent person like Chris become so terrorized that he would falsely confess to such a horrendous crime? What if Achim Marino's DNA had not been preserved in a police locker for all those years? What if Marino had murdered but not raped Nancy, thereby leaving behind no DNA—would Chris and Richard ever have been able to prove their innocence? How many other innocent people are in prison who will never be able to prove their innocence because no biological evidence was left at the crime scene by the perpetrator, or if it was, it was destroyed before it could be DNA tested? What can we learn from this and the other cases?

We can learn much. DNA has opened a window to our criminal justice system. Because of new DNA tests, we know that we convict and—since some of the exonerated have been on death row—almost certainly execute innocent men and women. Through this open window we can study the causes of the system's failures. For the first time in the history of the criminal justice system, we have a body of cases in which we know the system malfunctioned. These cases can offer insights into our errors and suggest reforms.

But DNA is no panacea, and this window will not always remain open.

Chris was subjected to prolonged, intensive interrogation by police officers bent on obtaining a confession at any cost.

Unfortunately, DNA evidence exists in only a small minority of criminal cases; the run-of-the mill robbery, shooting, or burglary involves no exchange of genetic material. Moreover, where biological evidence exists, DNA is increasingly tested early in the investigative stage, which means that people like Chris and Richard can quickly be eliminated as suspects. The body of wrongful convictions exposed through postconviction testing is destined to decline.

We should not become complacent in believing that, now that we have DNA, we have fixed the system. More DNA testing does not mean we will stop convicting the innocent. It just means we will often prevent mistakes in the few cases that have DNA evidence. Instead of becoming complacent, we must analyze the exonerations and isolate the factors that lead to the convictions of innocent people. Unfortunately, many of the contributing factors remain firmly entrenched in the system and will continue to cause errors that DNA can't correct.

The DNA cases highlight a number of frequent causes of wrongful convictions and necessary reforms. They confirm that the single most common cause of wrongful convictions is mistaken eyewitness identifications. The criminal justice system relies too heavily on eyewitness identifications obtained without sufficient safeguards, often under highly suggestive circumstances. Too often, the criminal justice system ignores what a growing body of scientific literature teaches about the need and methods for obtaining greater protections against tainted and unreliable identifications.

Cases like Chris Ochoa's also demonstrate that people do indeed confess to crimes they did not commit, and that we should not view confessions as indisputable proof of guilt. They also point to remedies, such as the simple solution of requiring police to videotape their interrogations, so as to prevent or at least expose the types of coercive tactics that can produce false confessions.

The DNA cases also point to the need to guard against fraudulent or sloppy forensic science and police and prosecutorial misconduct, as well as the need to limit the reliance on always-suspect testimony of jailhouse informants (or "snitches"), who offer their testimony in return for favorable consideration in their own cases. And they highlight the importance of competent defense counsel and underscore the importance of improving the quality of defense representation for the indigent.

THE OVERLAY OF RACE

The DNA exonerations also give us new insights about the role of race. They show that race often works in combination with or exacerbates each of these other factors that lead to wrongful convictions.

It is, of course, no great revelation that race matters in the criminal justice system. We have long known that minorities in prison far outnumber their proportion of the society at large. Although African Americans make up about 13 percent of the population nationwide, they constitute half the prison population. About 9 percent of the adult African American population is currently incarcerated or under supervision. The lifetime chance of imprisonment for African American males is greater than one in four.

In Wisconsin the numbers are even starker. Although African Americans make up less than 6 percent of the state population, they constitute 51 percent of new prison admissions. According to UW-Madison sociology professor Pamela Oliver, African Americans in the United States are imprisoned at 6.6 times the rate of whites, and Wisconsin has the second largest racial disparity of this kind in the nation.

In capital cases, the record is as unbalanced. Until recently, in many states rape was a capital offense. Rarely was the death penalty invoked against white men; when invoked, it was almost always against black men convicted of raping white women. In 1987, lawyers for black defendants collected sophisticated racial data in Georgia and presented it to the Supreme Court to establish that the death penalty was imposed in a racially discriminatory manner. The data showed that those who killed white victims were 4.3 times more likely to get the death penalty than those who killed black victims. The data also showed that blacks who kill whites were sentenced to death at nearly 22 times the rate of blacks who kill blacks, and more than seven times the rate of whites who kill blacks.

In McCleskey v. Kemp in 1987, the Supreme Court accepted this and other data of racial disparity. But by a 5-4 vote, the Court held that this was insufficient evidence upon which to conclude that the Constitution requires the cessation of executions. In large part, the Court concluded that a certain amount of dis-

Plenty to celebrate: (From left) Keith Findley, John Pray, Chris Ochoa, Cory Tennison, and Wendy Seffrood of the Wisconsin Innocence Project. Photo courtesy of John Pray

parity is simply inevitable in the administration of criminal justice.

Not only does such disparity indeed exist, but at each stage of the criminal justice system the disparity increases. For example, although blacks make up approximately 13 percent of the population, and although social scientists tell us that blacks and whites use illegal drugs at approximately the same rate, blacks in 1999 made up some 35 percent of the drug arrests nationwide. After arrest, the disparity increased—blacks made up 55 percent of those convicted of drug offenses. And at sentencing the disparity again increased—blacks made up an enormous 74 percent of those sentenced to prison for drug offenses. Of all people in prison for drug possession, 90 percent are black or Latino.

In Wisconsin, again, the disparity is even greater than the national norm. Although African Americans comprise less than 6 percent of the state's population, they constituted 71 percent of those admitted to prison in 1996 for drug offenses. In Wisconsin, the imprisonment rate for drugs is 13 per 100,000 for white males, but 689 per 100,000 for African American males.

Southern capital defense attorney Bryan Stephenson argues that the legacy of the Supreme Court's decision in McCleskey v. Kemp is judicial acceptance of the inevitability of racial bias in the criminal justice system. This, in turn, permits the disproportionate representation of minorities in the criminal justice system and creates a presumption of criminality that attaches to black and Latino men. Given the high arrest, conviction, and imprisonment rates for minorities, it becomes rational to assume that blacks and other minorities are more likely to be criminals. Such a presumption of criminality rationally then leads to racial profiling.

The results are apparent. In New Jersey, black motorists who speed on the New Jersey Turnpike are five times more likely to be stopped than white drivers. New York Police Department statistics show that in 1998, of 175,000 reported stop-and-frisk encounters, 84 percent of those stopped were African Americans or Hispanics. Yet such encounters produced grounds for an arrest in only one in 16 of the cases involving an African American, and one in 14 involving Hispanics, but one in 10 of the cases in which whites were stopped. Illinois State Police statistics show that, while Hispanics make up 8 percent of the Illinois population, they comprise 30 percent of the individuals stopped by police in drug interdiction attempts. In Philadelphia during one week, police made 500 stops and recorded racial information in 262 of the cases. Of those, 79 percent were African American. In Volusia County, Florida, police produced 148 hours of videotape of more than 1,000 traffic stops. The videos showed that 5 percent of the drivers on the highway were dark-skinned. But 70 percent of those stopped were African American or Hispanic, and 80 percent of the cars searched were driven by African Americans or Hispanics. Only nine of the 1,000-plus stops resulted in a ticket. Racial profiling is both a product of racial bias in the system and a cause of the bias.

The wrongful conviction cases give us more confirming evidence of these biases. More than half (56 percent) of those who were wrongly convicted and then exonerated by DNA are African American, 12 percent are Hispanic, and 32 percent are white. Barry Scheck, Peter Neufeld, and Jim Dwyer, in their book *Actual Innocence*, report that in their study of DNA exonerations they found that 40 percent of the sexual assaults or murders involved black men and white victims. The rate at which such crimes actually take place is much lower, they note: "The Justice Department reports that 15 percent of sex murders involve black assailants and white victims."

But more than just confirming the existence of racial bias in the system, the wrongful conviction cases give us a glimpse of the processes that produce these racial disparities. They give us cases in which we know the system has failed, and in which we can often identify racial factors that contributed to the system failure. In some, all-white juries have wrongly convicted black men of committing crimes against white victims. In others, the already thorny problem of eyewitness identifications has been complicated by the difficulties of asking eyewitnesses to make cross-racial identifications (the psychological literature confirms that people have greater difficulty identifying strangers of other races than of their own). In others, the poverty that disproportionately affects minorities makes it more difficult to obtain competent counsel.

Rarely is the racism overt. Often it is not based on even hidden racial animus. In Chris Ochoa's case, for example, it was his special vulnerability, his life experiences as a minority, that contributed to his susceptibility to coercive interrogation techniques.

Chris's status as a Mexican American was used as part of the pressure to induce him to confess to a crime he did not commit. The interrogating officer was likely not motivated by racial animus; he too was Mexican American. Rather, during the interrogation he told Chris that his friend Richard Danziger, a white man, was in the next room preparing to confess and that Richard would get the deal if he did so first. He told Chris that the "white guys always walk, and the Hispanics always get the needle." He urged Chris to confess quickly so that he could get the deal instead this time. As a man whose whole life gave those words the ring of truth, Chris felt a special pressure to make a deal.

The officer told Chris that the "white guys always walk, and the Hispanics always get the needle." He urged Chris to confess quickly so that he could get the deal instead this time.

THE NEXT STEP

The criminal justice system will never be perfect. But it certainly can be better. Most of the problems that contribute to wrongful convictions are at least to some extent remediable. Race is perhaps the most difficult to address, because no police or judicial procedure

is likely to be effective at eliminating such a deep-rooted social problem.

Despite the intransigence of such problems, the innocence cases also give cause for hope. The wrongful conviction cases have created a climate of reflection and a new measure of apparent receptiveness to reforms. They have identified measures that can reduce the risks of errors. And because race so often works in combination with other factors, such as coercive police interrogation tactics or faulty eyewitness identification procedures, addressing those problems will in turn minimize at least to some extent the pernicious effects of race. In Chris's case, if police had been required to videotape his interrogation, the false confession could have been prevented, and the racial bias that infected the interrogation would not have been expressed with such tragic consequences.

At a very fundamental level, cases like Chris Ochoa's not only highlight the flaws in the system, but also reveal how innately we value justice. On Chris's second day of freedom he flew home from Austin to El Paso with his mother, part of his legal defense team, and a media crew. One of the irrepressible Wisconsin law students who worked on the case convinced the flight crew to let him announce over the loudspeaker that Chris was on the flight, on his way home after 12 years of wrongful imprisonment. The passengers erupted in applause and cheers. A man from the back approached, congratulated Chris, and handed him a $20 bill. This man then took up a collection on the plane and presented Chris with more than $500 in an airline sickness bag to help him get started again.

It was hard to imagine that it was these same good citizens in whose name the State of Texas had threatened to kill Chris, and then wrongly imprisoned him for so many years. They and the other Chris Ochoas of the world deserve better, and can have better. We only need to listen and learn.

Keith Findley and John Pray are Clinical Associate Professors at the University of Wisconsin Law School's Frank J. Remington Center. In 1998, they created the Wisconsin Innocence Project and have served as co-directors since that time. The project's 20 law students investigate innocence claims for prisoners from Wisconsin and throughout the country. In addition to their duties at the Innocence Project, Professors Findley and Pray co-direct the Remington Center's Criminal Appeals Project. Keith Findley is a 1985 graduate of the Yale Law School, and previously served as an appellate and trial level assistant state public defender in Madison. John Pray is a 1986 graduate of the University of Wisconsin Law School and has taught law at the Remington Center since 1986.

poetry

Casing

I haven't felt safe
since my fingers started to peel, since I
discovered my mother's belly
in place of my own, the curl of her tongue
in my voice. Each day I stare at the mirror,
press fingers into puckered patches, pull
jowls back into place, massage worry
lines until they soften. I twist my wrist
in the sun, looking for old woman skin
that hangs like mucilage, the leather
of withered peaches. Skin so sheer
meat shows inside the casing.
I consider all the old women who were
once young, how they teased boys
with their softness, seduced men to suckle
sweet breasts, held everyone so close.
Now their arms are empty and aching,
husbands and lovers dead or distant.
These old women betrayed by their own
skin, left with only their own arms
to hold them.
I touch my face and grow afraid.

by Karla Huston

Flight Pattern

Four mourning doves huddle atop Hemingway,
a five by five litho hung high in the commons.
Someone let them in, a senior prank,
a tradition, kids said. There are birds captive
and afraid, birds trapped in the building,
sitting on old Ernesto's head to roost and reconnoiter.
They gather in feathered clumps, coo and bobble,
do indecent dove things. Sometimes they
fly down the hall, helter skelter, so close
to the talking heads below. Sometimes
they search for light through the huge windows,
find only the trick of glass. The kids below
hurl shoes, empty soda bottles, anything
to scare up some action. The birds oblige,
flying down and into the glass, screaming
mercy mercy have mercy.
Hemingway stares, his cap cocked
measures every word. He knows about farewells
to arms, how hills are filled with white elephants,
the sky a cacophony of bells.
This place is filled with killers and
later, when the kids leave, the birds will be shot,
feathers and blood and plaster all falling
like the last day on earth.

by Karla Huston

Karla Huston has published poetry, fiction, and non-fiction in several state and national publications. She has poems forthcoming in ***Pearl, The Cream City Review,*** *and* ***The Cimarron Review,*** *and one of her poems was nominated for a Pushcart Prize. She is author of a chapbook,* ***A Halo of Watchful Eyes*** *(Wolf Angel Press, 1997), and is a recipient of the Douglas Flaherty, Sr. Memorial Poetry Contest. She has won the University of Wisconsin Foundation Short Story award twice, and holds the Wisconsin Regional Writer's Association Jade Ring award for fiction and poetry. She is seeking her master's degree in English at the University of Wisconsin-Oshkosh.*

One September Morning

On the apple-day of my memory two old men
in an orchard one on a rickety ladder the other
calling up do ya need any help Christ no

not from you mirth in their voices and
scratchy bravado I remember thinking
they may have been boys together they

may have played ball together or rolled
with their girls in the hay in the apple-day
of my memory those apple-cheeked

men their sad baggy trousers and you
having just made love to me my apple-
breasts the apple-sun the apple-wind

which by now has blown their voices
away but you sir I remember your name
was William William or John.

by Eve Robillard

Window Seat, 30,000 Feet

Somewhere over the Atlantic, halfway through
my glass of burgundy, I notice Claude Monet
sitting with me in my seat, occupying somehow

the same space as I am. His beard, his gnarled hands,
his rumpled, musty clothes. He blinks himself awake
and glances fuzzily about, and then he sees the clouds.

His eyes go wide, go wild. *Le bleu, le bleu! Le rose,*
le violet! And I know that what he sees is more wonderful
to him than any field of flowers, than any pond of lilies.

Then he is stumbling into the aisle, in search of
the one attendant who can *parle francais*:
Mes huiles! My oils! *Mes pinceaus!* My brushes!

Together they fling open the overheads while coats
and carry-ons tumble about our unhappy heads. *Desolée,*
M'sieur, says the girl. They must be with your baggage.

Down there, she points, and then one
of his shoes is in his hands and he is pounding,
pounding against my window. I finish my wine

just in time to see him fall, float, fly
through the ocean of clouds, the ocean of sky
si bleue si rose si violette, si bleue si rose si violette.

by Eve Robillard

Eve Robillard writes for both children and adults. She has taught writing at the University of Wisconsin-Green Bay and to gifted and talented children. She is seeking a publisher for her chapbook, ***Everything Happens Twice.***

Photo by Bill Blankenburg

Dorothea

Somehow your inexhaustible name
Contains all the other names I need
It's an alphabet in itself,
A xylophone I play both loud and soft,
Both jamming with the band
And in silence, by myself, to myself.
Your name is yellow, red, and green.
Your name is both round and lean.
There's a doorway in it, and I see you
Standing there—black hair, white robe—
Waving me goodbye. Goodbye, Dorothea,
And hello, what's this? These consonants
And vowels have all the salt and savor of your skin!
Your name is deep and great as the greatest
Of all the Great Lakes, and I have set sail
Among its many syllables, I have drowned
In the unfathomable nonsense of your name.
Your name contains entire words—
Ah, the O!—shimmering with meaning
And senseless as the sighs and groans
I utter when making love with you,
Dorothea. What a language!
It's all Greek to me, and Hebrew, too.
It's Indo-European and Chinese.
It's all Swahili and Icelandic, Dorothea,
And as Irish as you are. You are
What your parents named you, Gift of God,
And indeed you have saved me
From the drought of wordlessness,
The gnashing insomniac babble of my loneliness,
And therefore I have made a new religion
In your name, and I practice and pronounce it daily.
I adore thee, Dorothea. And therefore I proclaim
The delicious and exquisite language of your name.

by Barton Sutter

Sunflowers

All my life I was lonely
As the peat bogs of Beltrami County—
Depressions, dark water, a black spruce or two—
But then I saw you in that blazing yellow dress
And discovered the sin of covetousness.
How come you were another man's wife?
Why had I lived someone else's life?
How could Fate make such a monstrous mistake?

The first time I entered you,
You said "Welcome home." I've carried you
Inside me ever since. The first time
You took me to your lonesome place
Up on Lake of the Woods, I stood
Gazing at the jackpines, the cattails in the creek,
Dazed and amazed, a traveler
Back from a disastrous expedition.

That night brush wolves howled round the house,
But you were warm and naked in my arms,
And since then I have witnessed
Many wonders in that cold, hard land:
How sandhill cranes float through fog,
How pelicans turn at the top of the sky,
How the sunflowers, somehow, seem to agree
And bow down by the thousands to the east.

by Barton Sutter

Barton Sutter has published three collections of poetry— ***Cedarhome, Pine Creek Parish Hall and Other Poems,*** *and* ***The Book of Names.*** *The recipient of a Bush Foundation Individual Artist Fellowship, a Jerome Foundation Travel Grant, and the Bassine Citation from the Academy of American Poets, Sutter teaches at the University of Wisconsin-Superior.*

Invitation to the Labyrinth

When the heart weeps for what it's lost, the soul rejoices for what it's found.
—Sufi saying

Let the heartsick, let the empty,
let the searching come. Let the hopeless,

let the blissful, let the forsaken come.
When the days unspool one dark reel after

another, come. When sorrow haunts
the corners of the house, when the hours stack

like dirty plates, when solitude
becomes loneliness, come to the labyrinth.

Do not wait, in joy or in misery for God
to descend. Do not wait to be found.

Bring the heavy freight of your life here
and set it down. Lay aside your regret.

Step to the gate, beloved, place your feet
on the path. In the kaleidoscope,

inside the mandala, on the trails that lead
to the heart of the Rose, all are welcome.

Brother, sister, grandmother, friend,
all ages, all faiths and all people can

walk the path together, all can
allow the noise of the world to recede.

There is no right way or wrong.
Walk in prayer, walk in silence, dance,

skip or sing. Walk inside yourself.
Come into the Mystery, come to the Holy

Spirit, *the greening power of God*
where the soul blossoms and dreams

burst into full flower. Let the fearful,
let the angry, let the abandoned come.

Let the fulfilled, let the faithless,
let the merciful come. When good fortune

tastes of bitterness, when self-hatred erupts,
when there is no comfort, come

to the labyrinth. Come to remember yourself.
Come and move toward the Light.

Come in pain, in confusion,
come in reverence and celebration.

Be welcomed and be healed.

by Katharine Whitcomb

Wedding Song

Here at the solstice the whole world tilts towards summer,
And I can almost hear curled hearts of spring leaves quivering,
In the middle of the year's longest night I come to you
With a promise to give and my dearest, most secret wishes.

Curled hearts of spring leaves quiver in December,
Under the moon and snow the sap loosens and wakes up.
I have a promise to make you my dearest, a secret wish
That I bring now proudly before those who love us.

Under the snowy moon, sap loosens and wakes,
And Orion the hunter begins his long journey south.
Oh I am so proud to stand with you before everyone!
It's like we're silhouetted in a big beautiful window

Watching Orion and the winter stars begin their journey home,
And behind us, the lit-up lamps are streaming gold.
In a beautiful window our two silhouettes look like one
Person looking out, gazing down to the sleeping garden.

Behind us, the lamp light streams gold
And I remember a coin I tossed into the deep fountain
When I was dreaming in the garden all alone.
My penny hit the full basin and caused a waterfall.

And I remember the coin splashing in the fountain,
So heavy with all my hopes, overflowing love,
The weight of it causing a waterfall from the full basin.
Is it possible, beloved, to feel so complete

To be so heavy with hope and overflowing love?
In the middle of the year's longest night I come to you,
Beloved, and I know it is possible for us to be completely new
Here at the solstice when the world tilts towards summer.

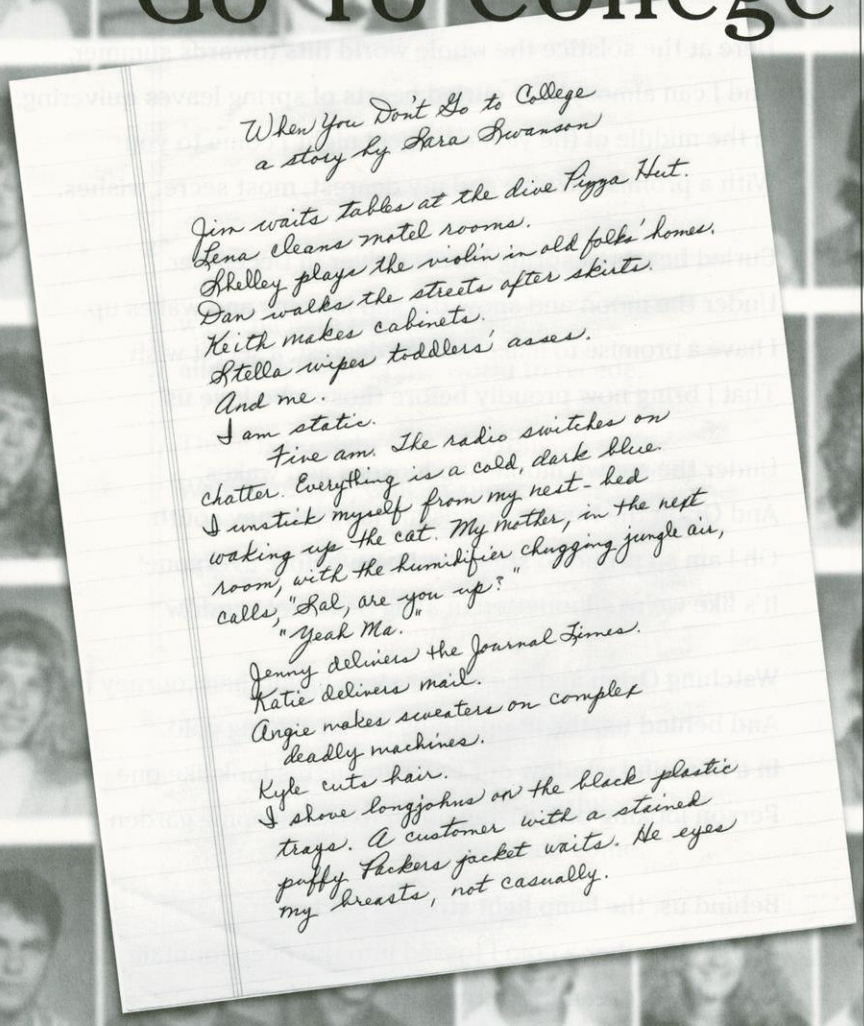
by Katharine Whitcomb

Katharine Whitcomb is the winner of the 2000 Bluestem Poetry Award for her collection, ***Saints of South Dakota and Other Poems****, published in 2001 by Bluestem Press. Her poetry awards include a Stegner Fellowship at Stanford University, a Loft-McKnight Award, a Writing Fellowship at the Fine Arts Work Center in Provincetown, and Halls Fellowship at the Wisconsin Institute for Creative Writing. Her poems, nominated twice for a Pushcart Prize, have appeared in* ***The Kenyon Review, The Missouri Review, The Paris Review*** *and other journals.*

WISCONSIN ACADEMY REVIEW SHORT STORY CONTEST 2001 WINNER

SECOND PLACE

When You Don't Go To College


When You Don't Go to College
a story by Sara Swanson

Jim waits tables at the dive Pizza Hut.
Lena cleans motel rooms.
Shelley plays the violin in old folks' homes.
Dan walks the streets after skirts.
Keith makes cabinets.
Stella wipes toddlers' asses.
And me.
I am static.

Five am. The radio switches on chatter. Everything is a cold, dark blue. I unstick myself from my nest-bed waking up the cat. My mother, in the next room, with the humidifier chugging jungle air, calls, "Sal, are you up?"

"Yeah Ma."

Jenny delivers the Journal Times.
Katie delivers mail.
Angie makes sweaters on complex deadly machines.
Kyle cuts hair.
I shove longjohns on the black plastic trays. A customer with a stained puffy Packers jacket waits. He eyes my breasts, not casually.

BY SARA SWANSON

ART BY BILL BLANKENBURG

JIM WAITS TABLES AT THE DIVE PIZZA HUT.

Lena cleans motel rooms.

Shelly plays the violin in old folk's homes.

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Keith makes cabinets.

Gary shovels snow.

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Jenny delivers the *Journal Times.*
Katie delivers mail.
Angie makes sweaters on complex deadly machines.
Kyle cuts hair.

I shove longjohns on the black plastic trays. A customer with a stained, puffy Packers jacket waits. He eyes my breasts, not casually.

"You need any help back there?" His voice is tar-tinged. He would be beautiful if he were Prince William.

"No, doing fine."

"You sure? I know a cruller from a butterhorn." He laughs and coughs and I wish he would just step on by down into produce.

My co-worker arrives. Cheryl has the pink eyes of inbreeding and small scalded hands with tough yellow nails. She is not smart; she makes me yearn for Keats.

"Hi," she squeaks. I sigh. Five more hours until I can drive home. "You put out the sale cakes?"

"Yeah."

"Where?"

"On the sale table." I am short with her. I know it. I know I should be kind. My six-month review is nearing. And Cheryl talks.

"Where?" She ties on her apron. Everything about her reminds me of my grandmother. Her stubbiness, her pickled skin, her horsy teeth, her gurgly voice. She always smells of fabric softener. A pink smell, a linty sort.

"On the sale table!" I wave my hand. "Please shut up," I whisper, knowing Cheryl hears me. I enjoy how good it feels to hurt someone else.

I had friends who went to college, state schools, or even, one, to Northwestern to study journalism. I had friends who were smart enough to earn scholarships, or active enough. I am neither brilliant nor moving. In high school I liked to stay in one place. I never wanted to leave home.

Now I slit my wrists with butter knives. I shove bedroom pillows down my throat. I ache for a plane ticket over the Atlantic. But I must wait out my limbo life.

I saw Charissa down at KMart. She had gained weight around the stomach. So have I. We talked about the old times, of druggy sleepovers and music recitals. We gossiped like mothers about our classmates. I heard Stacey is pregnant and she doesn't know who the father is. And did you hear about Josh? Caught stealing his neighbor's stereo equipment and five hundred dollars worth of jewelry. Always was a stupid kid.

We hung around the cosmetics department, dodging old ladies with runaway carts and haggard mommies with colicky babies, laughing about lost virginities and vomiting-fun parties. I never felt so old and alone and tired and ugly and fat and dumb and worthless.

I am supposed to get more hours starting January first. The bakery's finally getting an oven so no more waiting by the back door for the shipment of goodies. We'll be proofing our own bread. Squirting in our own vanilla custard. I'll have the responsibility to sprinkle on sesame and poppy seeds, frosting bismarcks, washing out the big silver mixing bowls, sweeping up the crumbs.

Heidi serves cocktails at Big Johns.
Lyndsay shelves library books.
Mark greases other peoples' engines.
Scott steam-cleans carpeting.

My grandmother is dying. She doesn't know how bad she smells. Nor does she know how badly I want her to just get on with her death so my father doesn't have to take care of her anymore.

I scrub out her refrigerator with a box and a half of baking soda. How old is too old for cottage cheese? Lettuce? Pepto Bismol? Slimy celery is trash, so are blue English muffins, but is this bottle of Ranch dressing still edible? It's three months past due but smells only of onions and pepper.

Mom is at the sink washing crusty dishes. She laughs at me. She is happy the coin flipped heads. Dad won the chore of disinfecting a black rimmed toilet and a mildewy tub.

Grandma sits at the kitchen table reading an old issue of *Reader's Digest.* Sometimes she reads us the "Humor in Uniform" stories, always pausing for our chuckles. I catch myself laughing, breathing in the dank refrigerated air, thinking this task isn't too bad. Then I think of my escaped sister and how far away from all of this she is, how very lucky she was to be able to get away and be a woman alone.

I was once locked in the freezer at work. After my veins dripped free from adrenaline, I thought about that Brady Bunch episode where Bobby and Greg get trapped inside the meat locker. Bobby, who for the length of the show had been feeling sorry for himself for being small, could now crawl through the window and phone for help. Just because he was little.

I whistled the theme song until someone heard me pounding.

Lexi makes silk flowers and sells them at flea markets.
Mike drives a truck.
Jill is a lifeguard.
Tina has babies with dirty men.
Kelly cleans dog cages and answers the phone.

On the back of dime store prints and on the bottom of chipped and greasy statuettes, my grandmother has taped names. My name is taped on the yellow-brown paper backing of a picture of a snowy hill with scraggly pine trees. My sister has

rights to an actual painting, the only one in the whole trailer, of Jesus. She is a Lutheran pastor now so it is only fitting.

My boss tells me to make sure I wipe down the bread slicer at the end of my shift. I nod and say sure, yeah. Then she leaves for a ski weekend somewhere near the Dells.

I pull my vest over my big hips and start stacking trays. Peanuts scramble like rats and raisins stick like scabs.

The high-voiced boy over the store intercom: "Bakery telephone line two, bakery phone line two."

My hands are sweaty and the gloves leave a plasticky powder.

"Hello. Bakery. This is Sally."

A cake order for a 21st birthday. Make sure the tiny beer cans are Millers. Make sure the name is spelled T-r-i-c-i-a, not T-r-i-s-h-a. Make sure it's buttercream and not supreme creme.

I turned 21 eleven months ago. I cannot remember if I celebrated.

Lou is lucky, he doesn't have to work.
Hal punches metal.
Greg fries burgers.
Steffi counts money.
Liz cries.

My sister arrives to silently weep and receive her painting.

We gather around the coffin like appraisers.

"Looks so happy."

"Nice digs."

"May she rest in peace."

"When can we go?" I nudge my sister Amy. We are nothings alone, bandits together.

"I have to talk to the cousins."

The cousins. Those beautiful things. One married with two snot-bubble nosed kids. One engaged to a rather nice man, if only he weren't in training to become a preacher for their wild, charismatic church.

My sister and I approach them cautiously. We cannot decide if the cousins are severely distraught over the death of our grandmother, or just altogether tired. They look the same as always: hunched and breathing rapidly, smiling at no one in particular.

They are nice girls. Or they would be if I wasn't related to them.

To know I am related to such people makes my skin peel. To know my father squirted out of his mother's dirty thighs and into such an ugly world, a world where mothers are eighteen and fathers are fifty-one, where uncles are younger than you, where great-grandmothers sit in vinegar because their uteruses are too stretched, where siblings steal money from you when you finally (miraculously) become successful, makes me bleed, makes me pull out my ratty hair, makes me want to become famous.

"How are you doing?" my sister asks Jackie, the eldest cousin.

"OK." They hug and it's tender and lovely and I look at Larrissa, only two years older than me and I wonder if I should do the same but just then, one of her children tugs at her skirt, she picks it up, and walks away, leaving me to watch my sister pretend with Jackie.

Later, in the car on the way to the Holiday Inn, I whisper. "Will you even miss her?"

Amy stares at me in the semi-dark. "Of course I will."

Chad, the boy I had a crush on for two and a half years, is in graduate school studying chemical engineering.

Steve, a crush for seven years, sells marijuana and ecstasy in Kenosha.

Craig, a boyfriend for two days, stuffs deer with his father in their basement.

It is March now, chapping and numbing, and I look at the picture on my wall. It is of blue-white snow, the coldest kind. And I wonder why my grandmother would choose such a thing for me. I neither like nor dislike it. It is oatmeal. It is filling and good but unremarkable. I feel ill.

I attempt to call my neighbor-boy. He shovels our driveway. Dad has a bad back, Mom a bad heart, and I am too lazy. But my fingers hesitate. He is nineteen and on spring break. He is good-looking, a little like my favorite Chicago Bear, Jim Harbaugh, with dark hair and broad shoulders. Strong hands. I noticed last time when we shared a plate of leftover Christmas cookies and slurped mugs of Earl Grey.

I am obsessive with men. I keep them, collect them like stamps or leaves or spoons lined up on the wall. I can never let them go.

"It's Sally. Could you come over?"

"To shovel?" He sounds annoyed. He sounds like he just woke up but it's noon. "Right now? I'm busy."

"OK." I hang up. "Piss." It's my day off and it will be spent heaving snow instead of watching *The Sound of Music* for the twelfth time.

Nina makes lace.
Justin DJ's.
Fred works in scrap metal.

Some of the girls from the deli have tickets to the Admirals game and do I want to go?

Cheryl is excited. She's never been to a hockey game. She's never even been to the Bradley Center. I pull the twist-tie around the bag of hamburger buns. I wonder if the seats are any good and would I be able to be splattered with blood or don't they really fight in the semi-pros? Don't they really get into the game?

My sister turns twenty-seven today. She is restless. She is unmarried, unloved, unhappy. Her depression triggers mine and we spend the day eating fudge and melted Brie and drinking Leinenkugel's.

We watch *Masterpiece Theater*—the tragic Madame Bovary makes me want a lover. The unfulfilled Monsieur Bovary makes Amy vow she will never marry. We are a good stew.

Our parents are out doing volunteer work. Dad at the church balancing the budget. Mom ringing up candy bars and plush toys at the hospital gift shop. They are happy we get to spend the day together. We will tell them we went shopping at Southridge. We will bury the wooden Brie boxes deep beneath newspapers. We will try not to belch from the beer.

I am sitting between Cheryl and a sweaty stranger. I have to explain the game to Cheryl and I have to make sure I don't jab the stranger with my elbow. It's a taxing job. I leave the game feeling worn, as if I had skated around the ice and slammed into the boards. As if I were the one to lose a tooth and a handful of blood.

The sale of the trailer is slow because first the trailer needs to be cleaned and no one wants to do it.

My father tells me to ask off for the next weekend so we can finally get things in order. He is anxious to get rid of his mother's things. He has spent his whole life trying to please her. It is time she be thrown out.

We do not talk. It's four hours in the car. It would be a good time to say something to my father, something like "so it's finally over" or "look at that silo" but I read a trashy paperback instead. We are not angry, just weary.

The cousins were supposed to meet us, but neither has arrived. We are alone in a slurry of Grandma-things. I am ankle deep in yarn and unpleasant memories.

My sister joins us on Saturday morning. She is looking thin and happy. An invigorated girl, thanks to daily Tae Bo sessions and a new bouncy haircut. I am lumpy as ever, sweaty from lugging boxes, pimply from PMS.

"You take the kitchen. I've started the bedroom."

We work until Dad brings us bowls of canned soup and applesauce.

"How goes it?"

"I don't know how many pairs of pantyhose I've found. I never saw her in pantyhose."

"Sure, when she worked at Penney's."

"Yeah." The soup is salty and the tap water tastes of lead.

"Hope you like the soup, about twenty more cans in the pantry," Dad says.

In the evening, I find a photo album. There are the usual grade school photos of my cousins, the propped Christmas shots, the flurry of birthday candle-blows, but none of my family. Of course we were present? Of course our pictures were taken? I fall asleep angry, on a heap of old talcum-powdered polyester clothes.

In the morning I no longer care if anything has value. If it is somewhat clean and usable, I chuck it into boxes for St. Vincent's. If dirty, disgusting, or dysfunctional, into the trash. I throw away seventeen years of *The Workbasket*, yards and yards of homemade lace, hundreds of pairs of sticky clip-on earrings.

I am now just a worker. I do not have to pretend these things mean something to me. I am guiltless.

But Amy catches me. She finds a folder of photos of us. From every age, every season. But a folder I say. Not a nice album. Just some old thing.

"But at least she kept them," she tells me.

And then I feel bad and have to dig out all the earrings. I too do not have pierced ears.

I saw the beautiful, tall Chad at the bank this morning. He had parked a nice red sports car across the street from me and walked into the little building while I was waiting at the drive-through. He made me check the mirror to see how my face was looking. He made me feel five hundred pounds and scarred.

Pat plays bass in a band.
John checks people's IDs.
Melissa ran away to Texas.
Chuck is in prison.

I try to pawn my snowy picture, but the greasy man laughs. I pour out the Ziplock baggy filled with earrings.

"Now these I can work with."

He gives me five dollars for the lot. I buy myself an ice cream at Dairy Queen and the latest copy of *Martha Stewart Living* at the drugstore. I don't want anything that lasts. I want all of my grandmother's things gone. I want to be done with her already.

My sister is talking about a trip to Europe. Maybe a cruise on the Mediterranean. Or fifteen days in Scandinavia. But I think only Scotland would please me with its blowing hills and rough men.

The oven spews hotness on my already red face. Cheryl stands too close, watching me pull out the pan of steak buns.

"Burnt," she says.

To spite her I shove the pan back in the oven. I would like enough smoke for the store's alarms to go off. I want the sprinklers to allow me to escape to my car and drive home. My feet are swollen with blood and my head is dusty.

I do drive home. No fire, but I feign a severe headache and leave my shift to Cheryl. It is nearing summer now and the wild roses stick out at odd angles along the roadside. My father's garden is sprouting dangerously. My mother is already complaining of her future canning work. And I complain about the heat. Too hot. This uniform clings to me. My baseball cap col-

lects all my heat, cooking my scalp. My hair turns greasy hours after I wash it.

I play the piano in the evenings. Worn old pieces learnt in the seventh grade. But anything to keep me going. I think about the beautiful Liszt or of the brooding Chopin. I cling myself to dead men so I do not have to think about my present life.

Rick sells whiskey and pornography.
Larry digs ditches.
Jerry cuts meat.
I plod on, waiting.

Sara Swanson, 22, grew up in Burlington and graduated magna cum laude from the University of Wisconsin-Green Bay. This fall she began an M.F.A. program in creative writing at the University of Notre Dame. She plans to concentrate on fiction, although her poetry has been published in ***Writer's Cramp*** *and* ***Byline****. Whichever form she chooses to write in, she tries to "expand small or subtle situations or moods in order to develop and illuminate the various underexplored areas of life and the world," she says.*

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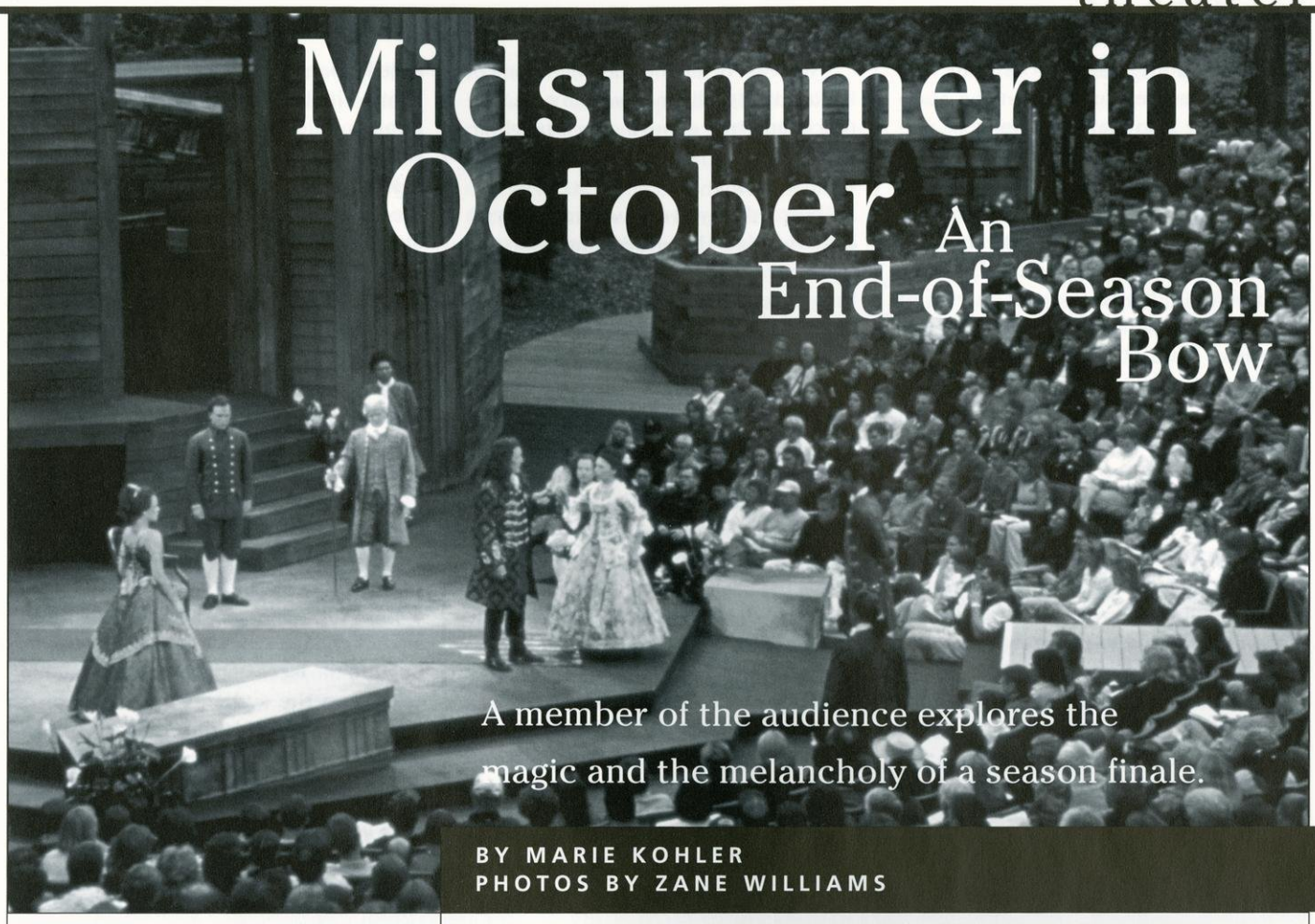
Look for our third-place story, "Whiteout Conditions," by Miranda Casey Fuller, in the winter edition of the *Wisconsin Academy Review.*

Midsummer in October An End-of-Season Bow



A member of the audience explores the magic and the melancholy of a season finale.

BY MARIE KOHLER
PHOTOS BY ZANE WILLIAMS

Outdoor magic: A full amphitheater at American Players Theatre.
Photo by Zane Williams

ALL GOOD ENDINGS ARE BEGINNINGS. And all good beginnings are also ends. As we round the seasonal clock from the fulsome days of summer toward the dying days of fall, my thoughts return to one evening last year, one closing night, when Shakespeare—and a theater's end-of-season ritual—moved me, like "hot ice and wondrous strange snow," to startled contemplation and to tears.

It was October. We were freezing—watching theater performed outside at night in Spring Green, Wisconsin. It was madness. Shakespeare would have loved it.

A Midsummer Night's Dream had been running for four months. What had begun in the open-air theater in June was closing in the open air in October. Only there were hints of snow that night and there had been frost several days in a row. It must have been taxing, even for those traditionally stalwart actors—particularly for gossamer-clad Titania and for Puck, who, aside from an insect-like harness and beribboned capris, had almost nothing on.

At 9 o'clock, despite the hour and freezing temperature, we in the audience were also stalwart. We were witnessing the last few moments of the last production of the season at American Players Theatre (APT). Wife to that production's Peter Quince (most earnest of the play's "rude mechanicals"), I was bundled in blankets over layers of clothes; I had vowed to endure and bear witness. As a Milwaukee theater producer, actor, and playwright, I had seen and been a part of many final curtain calls. But I had never seen—and had been warned not to miss—the final moments of the season in Spring Green.

Many Shakespeare festivals, I had heard, have traditions marking the endings of seasons. Sometimes there are candle-lighting rituals; sometimes actors are asked to recite their favorite passages from the canon. I had been told there was some ritual at APT, but exactly what I didn't know. If only, only it would be quick so we could all get home. The production was excellent (I had seen it before), but if the audience and players were like me, people would be very, very cold.

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Ah. The play was nearly over; Puck, completing his final benediction, began his magical exit off into the blackness of the night. A short curtain call, whatever brief ritual was planned, and soon, I guessed, it would be done. Cars would be warmed. Snug bedrooms would soon bring closure to that night's bracing theater on the hill. The audience was expectant.

Just before the applause died down and before the crowds started surging out the aisles, a man leaped up onto the stage.

"I am the artistic director of APT," he began, his head emerging from the swaddling of a parka. He spoke briskly, energetically—a good sign, for sure. I could feel the audience strain like a communal body trying to figure it out. What was he doing? Would he ask for money? Didn't that usually happen before a show?

"I would like to take this opportunity at the end of our season to acknowledge some people." What was this?

"Not least of all, the audience—one of the hardiest audiences we know." A nice touch, and true enough; much laughter. Be quick, be quick—we're cold; just let us all get home ...

"Now before you exit, we would like to acknowledge those seen and unseen workers who brought the season at our theater to life. I would ask all those individuals to come on stage."

A moment of awkward silence. No movement to be seen.

Then, slowly a few people began to trickle onstage. There was the young woman in a headset who ran the backstage crew. Dressed in jeans (black, the color of all backstage workers), still rigged in earphones, she walked shyly on from offstage left. For the first time that evening—or that summer—the audience saw her at her work. Then the dresser emerged slowly from stage right—baggy sweatshirt, cuffs gripped around fingers that must have been bone-cold. (She laced up bodices and fastened cuffs and waistbands for quick costume changes—and often with magician's speed.) Two light booth operators approached the sacred space with reservation—like shy fairies forced into the light. An administrator (and wife to a leading actor) ascended the stage with her family, carrying a sleeping baby, unafraid to claim their space. Their other child, a 4-year-old boy recently awakened, sat atop his actor father's shoulders. The family members regarded each other, half-embarrassed, half-amused, then hazarded a look out beyond the blinding lights. The boy stared at the thousand-strong audience, blinked, and began a slow, enchanted smile.

More and more people approached the stage, beginning to walk more quickly. Administrative staff, backstage hands, box-office workers, spouses, actors from the other shows, children, they emerged from the crisp blackness of the Spring Green hillside into the pool of blazing light. Illumination reigned. Directors, back from other productions since their APT openings of months before, mounted the stage like returning heroes. Interns in mittens, wives in parkas, lovers visiting from New York ... they gathered together like small waters to a swelling river, streaming on to form a cheerful, milling crowd. Smiling and seemingly self-conscious, they looked out into the faces of the monolithic audience, and the audience, no less confused and charmed, looked back.

There we all were together—one night in October, in a circle of illumination, in a theater on a hill.

For some baffling reason, for me the moment was enormously moving. I overflowed with joyful tears.

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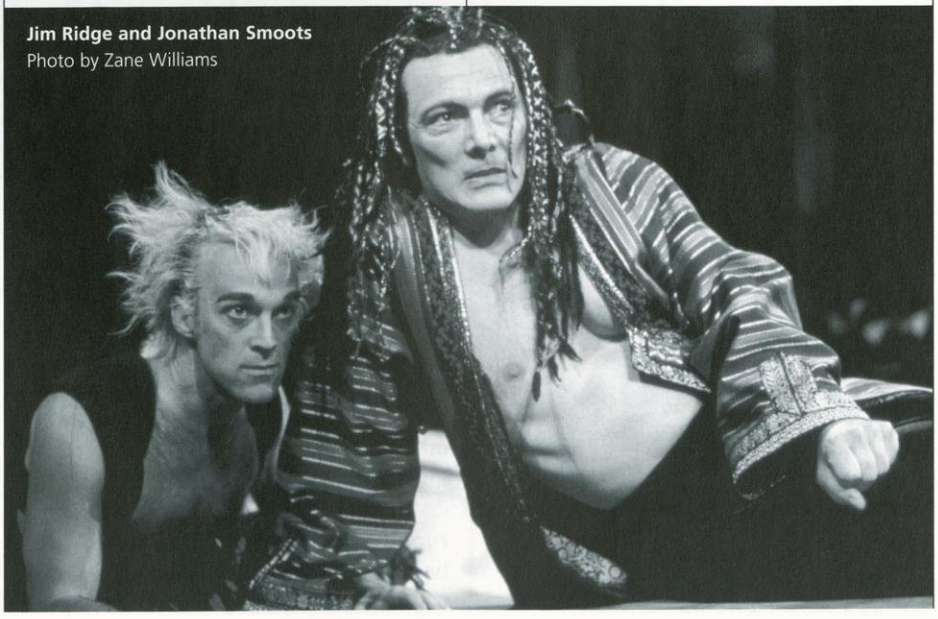
Why this emotional response? My husband's part in the play? Though his work in the small role of Peter Quince was good, his participation was not commensurate with what was spilling



Jim Ridge and Jonathan Smoots
Photo by Zane Williams

over in my heart. Well then, was it the joy of knowing that now that the season was over, he would soon be coming home? Yes, but there had to be more at work. Was it the beauty of witnessing a play about the woods on a lovely Wisconsin hillside? Yes, again—but again, there had to be more. Was it Shakespeare's text? I guessed that much of the ritual's magic must go back to him. All I knew for certain was that a powerful chemistry had wrapped itself around my soul and was squeezing hard.

After the prolonged applause subsided, I stumbled up to join those lingering on stage. APT actors, many of them friends, looked at me with some curiosity (I must have had the look of someone shaken). I offered, by way of explanation, "I found it so ... I don't know, so ... "

"So ... what?" asked an actor.

"So ... I don't know ... So—just—moving."

"Did you?"

"Yeah." Awkward pause. "Both ... both the play and the curtain call."

I tried to gather my thoughts. It was not, after all, some bloody tragedy. Half excusing, half reaching out for someone to understand, I said, "I think it has to do with all of you—" gesturing to a nearby clutch of performers, "and all of them," gesturing out to the now nearly empty house.

"Really?"

Then he and several others turned away to embrace fellow actors. I didn't blame them. After so long a stint together (five months), they all needed to say goodbye. Besides, they, after all, had been on stage; and I had been in the audience. I, not they, had had the benefit of seeing Shakespeare made manifest on that hill.

Then Puck approached and nodded. (He must have been so cold, still nearly naked in the early winter air.) "Yes," he said with understanding. "I know what you mean."

I was grateful.

But what did I mean? As the night wore on, I wondered; I could not throw the question off. What was it that moved and haunted me? I went home still full of bittersweet confusion. I didn't understand the next day, or the next. Not the next week, or the next one. What was it about that closing? What was it about the play?

"I have had a most rare vision. I have had a dream, past the wit of man to say what dream it was," Bottom laments on his awaking, confused, enraptured. I felt a bit the same.

☼

Time passed. Through the rest of the fall and into the winter, the evening worked on me, and, bit by bit, a little light began to dawn.

Jonathan Smoots and Tracy Michelle Arnold
Photo by Zane Williams

This is not the place and I am not the one to undertake a full exposition of the themes of *Midsummer.* But two thoughts came to me over the course of my wintry cogitations, helping me understand my experience on the hill.

One was the realization that there are strong democratic themes in *Midsummer.* As the play unfolds, we watch Queen Titania fall in love with a homely weaver; Hermia, despite her tyrant father's will, marries whom she loves; with great grace, Theseus, Prince of Athens, welcomes the rude mechanicals to his royal court. (There they were, the simple, "hard-handed," well-intentioned souls who had never before "labored in their mind." When one of his attendants comments snidely, Theseus gently chides him, "never anything can be amiss,/When simpleness and duty tender it.")

And that democracy was paralleled on closing night on that hillside in Wisconsin. Offstage met with onstage, actor met with audience, patron with stagehand—all encircled in the same pool of blazing light.

Midsummer also asks us to explore the question of who is rational and who is deluded—who is dreaming and who is awake. After his magical adventures have ended, Bottom "wakes" and remembers, foggily, his "dream." (Was it real, was it imagined?) After their adventures in the woods, the four lovers awake from their illusions and from their communal sleep. Realizing truths about themselves and each other, they are ready to engage in a more mature experience of love.

Like the play's characters, we in the audience are also clouded by illusion, confused by fantasy and dream. ("Lord what fools these mortals be.") For the brief period of the play, we are allowed to see from an elevated position (that of Theseus, Hippolyta, and Shakespeare); we can see the follies of behavior, the delusions of romantic love. But when the play ends, we must go back to being ordinary mortals. Puck blesses the house, says his final lines, and as the play's characters go off to bed to sleep or consummate their love, we in the audience must "awake." We find our cars, go home, sleep, and resume our daily lives—entertained, and perhaps a bit enlightened about humanity and about ourselves.

And I, in reflection, guess that the power of that final evening was synergistic—a play, a final bow, a ritual of the season, and the cold beauty of an autumn night. All worked together. And in one dramatic moment, both sides of the footlights were made to see each other—each realizing that the other was a necessary half of an integrated whole. And suffusing all—like an autumn moon—was the cool, gracious light of illuminating genius: Shakespeare, offering up, fresh and surprising, the insights of his heart and mind.

All good endings are beginnings. And all good beginnings are also ends. As we steel ourselves for the coming winter, another closing of outside theaters and the first gusts of swirling snow, we may also cultivate some small hope of renewal. For we know that with winter and the cycle of the seasons, the ancient, moving drama simply continues on. Next March, beneath the underbrush on Wisconsin hillsides, shoots will begin to green again; soon after, ferns will uncurl and secret clutches of umbrella plants and sweet woodruff will begin to blossom. In an outside amphitheater, winter's leavings will be swept aside, seats will be uncovered, and repair work will be done. Come a nice day next spring, I will make a pilgrimage to Spring Green, walk up the hill, and imagine what next season will body forth. There will be no one calling "Where are these lads, where are these hearts," wholeheartedly, plaintively, as Bottom streaks through the woods and aisles in search of his friends. Those voices live in memory now. But Shakespeare's greatness lives on, in his words and in almost any place there is a theater—Sheboygan, Chicago, London, Spring Green—ready at the most unexpected moments to tease the mind, awake the spirit, and dramatically open up the heart.

Why not love an ass? Drew Brhel (left) and Tracy Michelle Arnold. Photo by Zane Williams

Marie Kohler is a Milwaukee-based theater producer, actor, playwright, and a member of the ***Wisconsin Academy Review****'s editorial advisory committee.*

Race and Admissions at the UW

Recent court decisions in Michigan and Georgia have ruled against weighing race too heavily as an admissions factor. An opponent of affirmative action in Wisconsin states his case.

BY FREDERIC E. MOHS, UW SYSTEM REGENT

THE SUBJECT OF RACIAL PREFERENCES IN COLLEGE admissions is in play. It is a complicated topic that brings forth deep emotional responses rooted in our racial history, producing classes of victims and seekers of redemption as well as camp followers wanting financial advantage and political power. There is something in this for everyone.

Preference in admission is granted to targeted racial and ethnic minorities at the University of Wisconsin. Particularly at the Madison campus, admission is limited. Students who would not have been admitted without race being considered inevitably take the place of students whose race was not an admissions advantage. This one fact, and the natural anxiety of families whose students are applying for college generally, will keep the subject of race in admissions at center stage.

The modern history of race preferences emerged out of the civil rights movement of the '50s and '60s that sought equality of treatment by our institutions. In arguing Brown v. Board of Education, Thurgood Marshall said: "Distinctions by race are so evil, so arbitrary and invidious the State, bound to defend the co-protection of the laws, must not invoke them in any public sphere."

For the last 35 years, affirmative action and race preferences in admissions have been justified as being a temporary boost that would be abandoned after a generation or two. The civil rights movement that developed into the temporary race preference movement has redefined itself once more into the "diversity" movement. Inherent in this latest incarnation is the concept that racial and ethnic diversity is in itself a compelling interest. Consequently, it justifies permanent race and ethnic privilege in order to reach quotas producing ideal "diversity."

Our Wisconsin citizens probably do not yet understand where this is going, but intuitively the subject of race and ethnic preferences bothers them. In October 2000, a Wisconsin Trends poll sampling 600 Wisconsin residents contained the following question: "In addition to class rank and test scores, do you favor or oppose the use of race and ethnic preferences in determining who should be admitted to the University of Wisconsin?"

Ten percent favored, 84 percent opposed, and 5.5 percent did not know (margin of error rate of +/- .397 percent). This tracked closely with national polls on the subject. Clearly, the overwhelming majority of Wisconsin citizens do not want the university to discriminate on the basis of race.

This is codified in 36.12 Wisconsin Statutes, Student Discrimination Prohibited: "(1) No student may be denied admission to, participation in or the benefits of, or be discriminated against in any service, program, course or facility of the system or its institutions because of the student's race, color, creed, religion, sex, natural origin, disability, ancestry, age, sexual orientation, pregnancy, marital status or parental status."

Beyond the university's failure to comply with 36.12 is a grand array of federal precedent and current litigation on the subject of admissions. The U.S. Supreme Court in its landmark 1978 decision in Regents of University of California v. Bakke rejected the use of

race in admissions as a remedy for past discrimination. Only one judge, Justice Powell, in a concurring opinion in the 5 to 4 decision, opined that race could be used as a "plus" factor in college admissions because of the benefits of diversity. No other Supreme Court judge since has joined in that opinion.

In the years that followed, admissions officers brought forth aggressive racial preference programs that poured through Justice Powell's "narrowly tailored" seam. They have produced a result far beyond anything Powell could have contemplated and developed an ardently loyal constituency for race preferences in admissions that has become the centerpiece for political correctness at many universities. This is the case at Madison, where the ideology and practice are firmly entrenched.

For 30 years, positions of authority at the university have been filled by people who are virtually uniform in their enthusiasm and support for affirmative action. Advertisements for chancellors and other officials point out that a commitment to affirmative action is required. The search process screens out applicants with divergent ideas, and by the time candidates reach the Regents for approval, their dossiers are stuffed with papers, articles, speeches, and research supporting affirmative action.

There is no tolerance for diversity of thought in this area. In my opinion, these officials are dedicated to pushing or ignoring the legal envelope to preferentially admit students of preferred backgrounds. I am not suggesting that there is no place for constancy and uniformity of purpose in an organization, especially in terms of such enduring concepts as integrity or fearless searching for the truth. Affirmative action is neither eternal nor enduring, it is temporary—but by treating it as sacrosanct, there is no internal machinery to debate what is happening and what the necessary conditions will be for it to end. If this policy is worth continuing, its champions should defend it with open and free internal debate and candid disclosure of the process and its results.

UW System President Katharine Lyall has written to the Regents referring to the design of the racial makeup of the class in terms of "a chef preparing a tasty stew." UW-Madison Chancellor Wiley has written: "I just don't believe that race is irrelevant in putting together a balanced entering class." Even though the university's diversity plan (Plan 2008) specifically rejected the use of "quotas," it is obvious that racial "proportions" are involved in determining who should be admitted. Campuses are required to set racial goals for admissions which further require that "proportions," "recipes," or "designs" be established.

As far as I know, there is no official racial proportion, but the staff administering admissions seem to have one in mind. To date, a clear and candid description of how students are admitted to the university is not available, even to Regents who recently on a split vote resolved to permit the university to continue doing what it is doing, whatever that is. The disparate impact of undergraduate admissions is demonstrated powerfully by the table below, which offers a clue as to why the minority dropout rate remains unacceptably high.

Percent of UW Applicants Admitted by High School Percentile Rank, 2000
For Targeted Minorities and For Nonminorities

High School Class Rank Of Enrolled Freshman	Rank in Class Percentile Range Nonminority	Minority
Top Ten Percent 90–99	49	26
Second Ten Percent 80–89	34	21
Third Ten Percent 70–79	12	19
Fourth Ten Percent 60–69	3	12
Fifth Ten Percent 50–59	1	11
Bottom Half 1–49	1	11
All	100	100

Madison undergraduate admissions, while openly using race as one of the factors for admission, does so with a markedly opaque process. For instance, there is no manual or written system of procedures used in the undergraduate admissions process. There is absolutely nothing in writing. Recently we learned that applicants from targeted racial groups who have been placed in the "postpone" or "deny" category will receive additional consideration in the review process, with the surprising result that, based on race, a minority candidate can be lifted from the deny category to the admit category over applicants patiently waiting in the postpone category. Everything is oral. Director of Admissions Robert Seltzer stated at a meeting that "if we were all killed in an airplane, the university would have to go to some other university to find out how all of this is done and would have to re-create the whole thing. We have nothing in writing."

The law and medical schools claim that race is not a factor in admissions. However, there are factors that serve as proxies for race, such as assumptions that applicants of certain races will practice in underserved areas. This rationale is definitively prohibited by Bakke. Interviews with faculty involved in the decision process reveal actual numerical advantages. For instance, at one school, a 9 percent to 18 percent advantage is given solely on the basis of race. The question must be asked: How can a university administered in a generally precise and straightforward way be the setting for a cat-and-mouse game on the subject of race and admissions?

It appears that there are almost two species of players involved. The steadfast supporters of affirmative action in admissions conceive of themselves as civil rights "heroes" fighting for their vision of equality. In the murky legal environment that now exists, the heroes feel justified in covering evidence of

their activities that could be used in a legal challenge. These individuals have candidly explained their motivations to me. Many of them want to right the wrongs of slavery and Jim Crow. They become teary describing the challenges facing minority applicants. They are proud to be part of an "underground railroad" bringing oppressed people to equality. This testimony from uncoached sources convinces me that the main motivation behind race preferences in admissions goes back to the desire to compensate for past wrongs, which is clearly prohibited by Bakke, the only Supreme Court case on the subject. Anticipating a loss in the Supreme Court, some heroes have redirected their efforts to challenging the use of the ACT, the SAT, and class rank as criteria for admission. The depth of their need to atone can truly be appreciated by their willingness to abandon those measures of intellectual preparedness.

But there is more going on here than merely being sympathetic and trying to make things right. Heroes feel deeply about the nation's racist past and the injury done to blacks. They desperately want to separate themselves from that history. Vocal support for affirmative action is the symbol of choice that demonstrates to the world that one has achieved separation. It feels good, but at the same time it is selfish and indulgent, because granting of privilege on the basis of race is not the solution, it is part of the problem. Just doing more of it or doing it differently is not the answer.

The part of the public opposed to preferences in admissions sees it differently. Because I have been vocal on this subject, I have received hundreds of letters and phone calls from people opposed to preferences in admissions. I will call these people "pioneers" because often they want to tell me about the hardships that they or their ancestors suffered many times as illiterate, non-English-speaking immigrants. This group truly believes that any individual can raise themselves with industry and effort. They want to tell me about black immigrants from the Caribbean or Africa who are succeeding in the same schools in which American blacks are failing. They feel no personal guilt connected with the tragic history of American blacks and see Hispanics or Southeast Asians as just another group of immigrants. To them, lower standards and minority underachievement are linked, and are a disincentive for black students to pursue excellence. The pioneers believe that targeted minorities are innately equal to other races in ability, whereas, paradoxically, some heroes do not seem so sure about that.

> If this policy is worth continuing, its champions should defend it with open and free internal debate and candid disclosure of the process and its results.

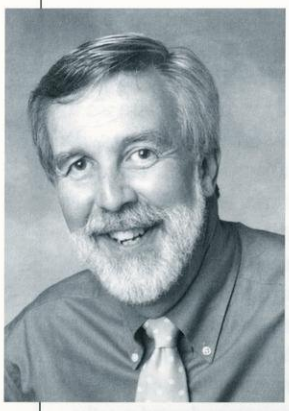
More thoughtful pioneers see forced or quota diversity as an attack on American cultural ideals that focus on individual as opposed to group rights and advancement by merit as opposed to position bestowed on the basis of race or ethnic background. They fear that the United States could become a Yugoslavia with competing races and castes each demanding their quota or share on the basis of group rights. They are unwilling to turn their backs on 200 years of immigration and assimilation. They know that every race, nationality, and ethnic group that reached our shores is part of what America is. Pizza and tacos did not come over with the pilgrims. They are disgusted by the jockeying of various groups for inclusion as a preferred class. Recently, Portuguese talked their way into the Hispanic group and Italians in New York lobbied their way into a protected class for admission to City University of New York.

Happily, against the backdrop of all of this legal and philosophic strife, real progress is being made at eliminating barriers that confront any student without generalizing on the basis of race. Great strides have been made, such as seamless credit transfer between technical colleges, two-year colleges, and four-year institutions. Students can begin their education at campuses where they are prepared to compete and succeed and can transfer without credit loss if their performance warrants it. I am hopeful that the University of Wisconsin will give up using race as a proxy for need or disadvantage but will never give up on anyone who is truly striving.

As one who has thoughtfully become comfortable in the role of a pioneer, I would like to speak to those heroes who continue to support the use of race as a factor in admission. At the start, you or your predecessors brought forth a policy that was to have produced a solution to minority underachievement that would also be temporary. It is obvious that the policy fell short of being a solution, but more troubling is the transformation of the policy from temporary to permanent under the rationale of "diversity." Skeptical pioneers have waited more or less patiently for either the solution to appear or for the temporary program to be abandoned. We ask you to cooperate in putting race preferences in admissions aside and to have confidence that there are other and better solutions to improve minority academic participation and accomplishment. The university spends $22 million annually on diversity initiatives. These programs are bearing fruit and should be our new focus. Join with us in the effort to attract and educate students from a broad array of backgrounds with an accompanying commitment to the principles that neither race nor ethnicity should ever be used as a factor—positively or negatively—in the admissions process.

Frederic E. Mohs is a University of Wisconsin System Regent and an attorney with the firm Mohs, MacDonald, Widder & Paradise in Madison.

Visiting the Academy with Lincoln and Edelman



Thanks to both the generous hospitality of Jim Hopson, publisher of the *Wisconsin State Journal,* and to my daughter Morgan, who recently graduated from Sophie Newcomb College of Tulane University, the words and vision of America's greatest president, Abraham Lincoln, and his intellectual and spiritual kindred spirit, Marian Wright Edelman, leader of the Childrens' Defense Fund, were forcefully brought to my attention.

As Jim's guests at the Fourth of July Concerts on the Square of the Wisconsin Chamber Orchestra, my wife Mary and I sat transfixed as we heard Scott Glasser of the Madison Repertory Theatre eloquently read Lincoln's words in Aaron Copeland's "Lincoln Portrait." Copeland's piece reminded me again that the untimely and evil assassination of Lincoln surely must rank as one of the most unfortunate tragedies in American history. Where would America be today had Lincoln lived to oversee the magnificent promise of his second inaugural address: "... with malice toward none and charity for all"?

And as thrilled as we were that Morgan was graduating from college, her mother and I were at best resigned to sitting through another Speech of Inspiration to college undergraduates. Oh, ye of little faith! Marian Wright Edelman's commencement address was so powerful, so truthful, and, yes, so inspirational that I was ready to enlist in her campaign for "... justice and hope for all, and a commitment to see that no child is left behind in the richest and most powerful nation on earth."

Although 136 years separate Lincoln's second inaugural address and Edelman's commencement remarks at Tulane, I think the intent of their words is identical, even obvious. And that intent is to ensure that the promise of America is made accessible to all. And that, of course, leads directly and inevitably to the overriding issue of the day for us as Americans, which I assert is the question and challenge of race.

Even as Lincoln called for the playing of "Dixie" at the conclusion of his second inauguration, and even as Edelman accurately states that the vast majority of children born into poverty in America are white, it is clear to me that they both are telling us that it is time—in fact, way past time—for America to affirm without reservation its citizens of color as American citizens without any qualification. It is time to put the American strength of character, determination, and resources to work to finally realize Lincoln's call and Edelman's powerful reminder.

America's Black Holocaust Museum, the cover subject of this *Review,* is, ironically enough, located in Wisconsin's Milwaukee, one America's most segregated cities. The museum is a national treasure as it seeks to demythologize our perception of our own racial history. What further irony that current news reports also show that Wisconsin (and Rhode Island, for some odd reason) lead the nation in the rate at which their public schools are becoming resegregated, so that more than 70 percent of Wisconsin's schoolchildren never attend school with an African American student. Even Mississippi, which still flies the flag of the defeated Confederacy, does better than that!

Edelman quotes from President George W. Bush's admirable first inaugural address: "America, at its best, is compassionate. In the quiet of America's conscience, we know that deep, persistent poverty is unworthy of our nation's promise." I think President Bush, of Abraham Lincoln's party, is exactly right.

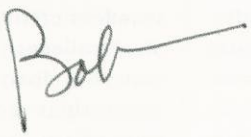
Edelman, however, then goes on to say the following about how to respond to President Bush's very clear insight into the dark side of modern America: "It's time! An era of stunning American intellectual, technological, and scientific achievement: 168 Nobel prizewinners in science this past century. We've sent humans to the moon, spaceships to Mars, cracked the genetic code, amassed tens of billions of dollars from a tiny microchip, and discovered cures for diseases which give hope to millions if they can access treatment. Wouldn't you think we could figure out how to teach all our children to read by fourth grade?"

"Reading" as a code word for "educating" says what we as a society must do. We must educate our young—all of our young. Just think where we could be today had Lincoln's promise been even fractionally recognized and implemented! Mississippi wouldn't even be an issue anymore. Lincoln's offer, of course, is long gone. Let us, then, pick up the challenge from Marian Wright Edelman.

I believe Lincoln and Edelman would say to the Wisconsin Academy that we have a moral and intellectual obligation to consider what we as a society have come to because of our unwillingness to confront the reality of our racial history. Further, I believe they would call upon us to do what we must do to make the promise of America accessible to all. It is my hope that some of these articles on race in this *Review,* written from a variety of perspectives, will provoke both thought and action.

I welcome your comments and observations about this column as well as the overall mission and purpose of the Wisconsin Academy.

All the best,



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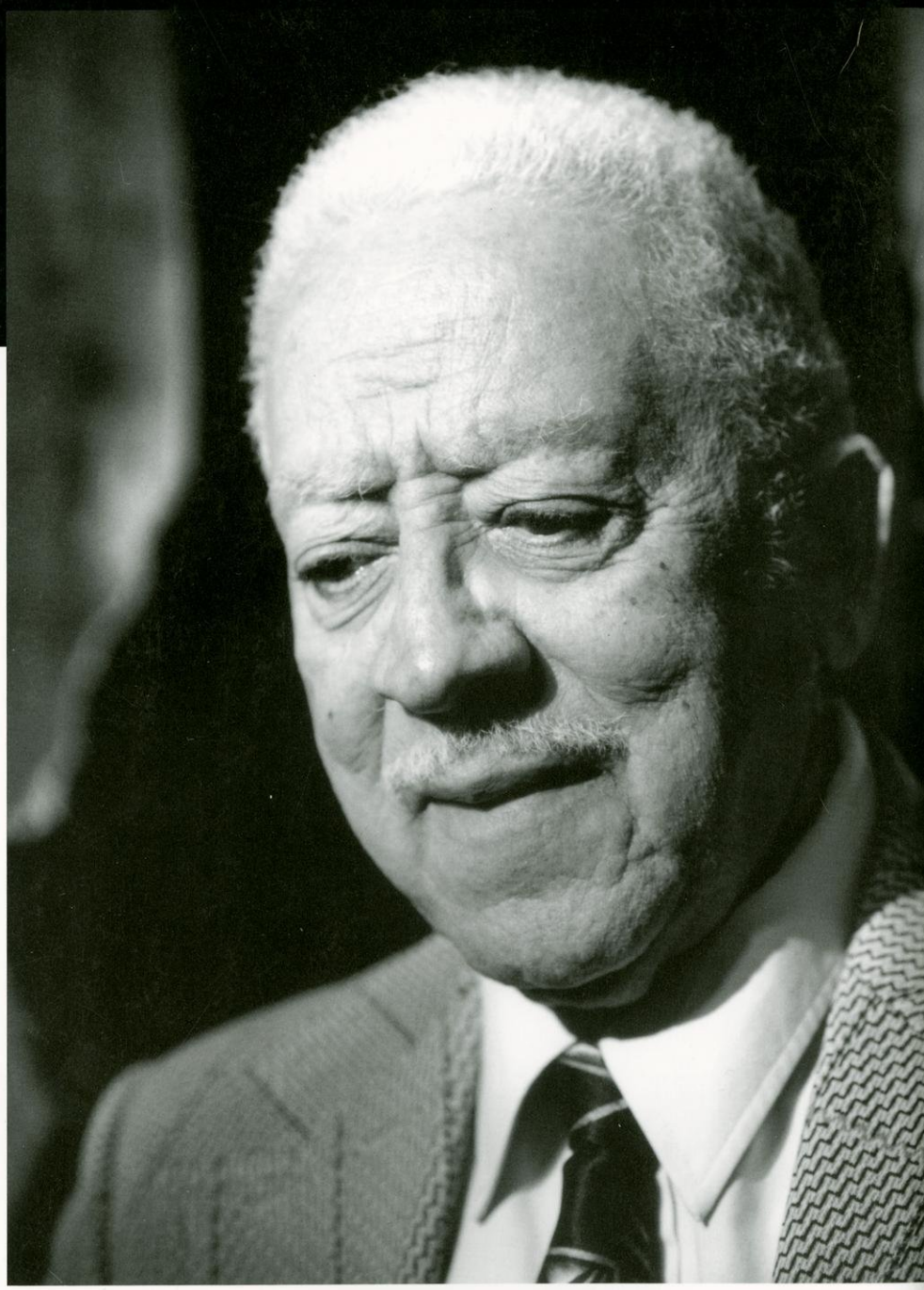

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