

## **Pit Bull: The Battle over an American Icon**

**By Bronwen Dickey**

Alfred A. Knopf, New York, NY, 2016. 334 pages, \$26.95 (cloth), \$16.00 (paper).

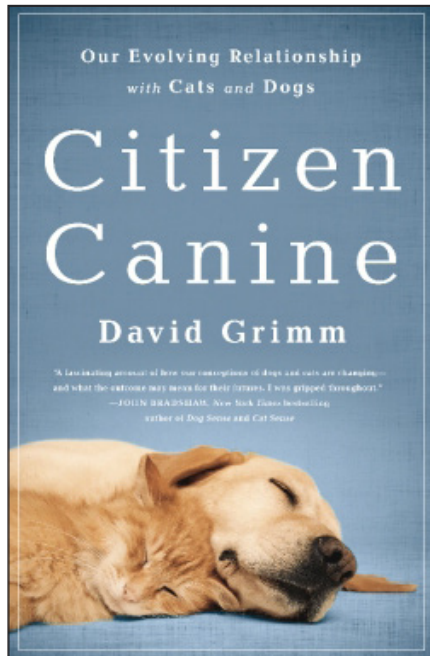
## **Citizen Canine: Our Evolving Relationship with Cats and Dogs**

**By David Grimm**

PublicAffairs, New York, NY, 2014. 337 pages, \$26.99 (cloth), \$16.99 (paper).

**Reviewed by Jon M. Sands**

It began in the '70s. This breed of dog seemed to be everywhere in the bad areas of cities. They were dangerous, wilder than other dogs, sometimes rabid, and in packs they were killers. Experts said that they were naturally vicious and aggressive. Their owners were viewed as criminals and degenerates. Editorials thundered against the dogs, advocating that they be killed. Bans were proposed. This was the 1870s, and the dog was the German spitz, or Pomeranian. German and Eastern European immigrants brought them to the United States, and soon



stories of attack spitzes, and their reprobate owners, exploded. Thousands of spitzes were killed by the authorities as public health threats. And, then, after a few years and the turn of the century, other breeds replaced them as threats: German police dogs in the 1920s, Dobermans and Rottweilers in the 1960s and 1970s, and even Saint Bernards for a while. But, for the past 40-plus years, it has been pit bulls.

In *Pit Bull*, Bronwen Dickey sets out to explore the panic and hysteria over the pit bull. She covers a lot of territory. She examines dogs in general and breeds in particular, including their evolution, physiology, and genetics. She addresses the “war on crime,” poverty, and racism. She meets with pit bull advocates, trainers, and breeders, as well as those who want to ban the breed. She delves into dog fighting and its history, animal cruelty and its relationship to class, and the rise of the animal welfare movement. She traces pit bulls in popular culture, which tagged them the “Yankee dog” before demonizing them. And she deals with the “Establishment,” including the American Kennel Club, as well as all sorts of advocacy groups. Her study includes the bans of the breed, the legal chal-

lenges, and the court cases. It is a wide field to cover, but her investigation is exhaustive. One finishes *Pit Bull* knowing a lot about all the above topics and with an admiration for dogs in general and for the pit bull in particular. One is also saddened by the prejudice and ignorance that vilify the dog instead of the owners who abuse them.

The term “pit bull” is elastic and imprecise. The American pit bull terrier arrived from England as a fighting dog in Massachusetts in 1889. Its breeds include the American Staffordshire terrier, the Staffordshire bull terrier, and the American bully. Also called “pit bulls,” Dickey writes, are “mixed-breed dogs that possess supposed ‘pit bull characteristics,’ such as blocky heads, white chest markings, or brindle coats.” Even dogs that are not “pit mixes” but that have these characteristics are seen as pit bulls. Pit bulls are loyal, strong, and, well, dogged.

Pit bulls were known as America’s dogs and were owned by celebrities such as “Buffalo Bill” Cody, Helen Keller, Fatty Arbuckle, Douglas Fairbanks, Gary Cooper, and Theodor Geisel (“Dr. Seuss”). Presidents from both parties had one: Teddy Roosevelt and Jimmy Carter. American fighting men have taken them into battle, and pit bulls have been veterans of conflicts from Gettysburg to Château-Thierry to Normandy to Afghanistan.

Throughout history, human attitudes toward pit bulls have been a function of social class. In England, across the centuries, one’s social class influenced whether one viewed dogs as loyal companions on the hunt or as “bait dogs.” Bait dogs would “worry” a tethered bull. As the bull exerted itself, it would produce lactic acid, which would soften its muscles, making its meat tender enough to sell. Bullbaiting developed into a popular type of gambling, in which spectators bet on which animals would last longer. This practice led to the name “bull dogs,” and then the pitting of dog against dog for entertainment. Urban laborers spent evenings at canine gladiator fights, while upper class gentlemen read classical authors such as Livy in their libraries with a retriever at their feet. In the 19th century, explains Dickey, upper class people started organizations opposing cruelty to an-

imals, and philosophers argued that animals are conscious beings rather than automatons without feelings. The upper class also began to distinguish between breeds: classifying dogs, charting lineages, and deeming some breeds more refined than others. The pit bull was celebrated not as a fancy breed, but as a hardy working man's dog. When pit bulls were brought to the United States, they became known more democratically as the average Joe's dog or the Yankee dog.

Yet, today, pit bulls are either banned or heavily regulated in more than 850 U.S. jurisdictions, including Miami and Denver, as well as the Canadian province of Ontario and the entire United Kingdom. Many public-housing projects, apartment complexes, and homeowners' associations refuse to allow pit bulls to reside on the premises. Despite their service with our military, pit bulls are banned from privatized housing in all major military bases. The bans do not seem to be abating. Montreal recently enacted a ban on the breed; on Dec. 1, 2016, the Quebec Court of Appeal upheld the ban.

The prejudice that led to the bans came, as Dickey shows, from media sensationalism, class prejudice, panic over crime and drugs, bad science, political brinkmanship, and racial venom. The bans were enacted despite the lack of any proof that they actually protected people or led to a decline in dog bites. Veterinarians, animal behaviorists, the Center for Disease Control and Prevention, and the Obama administration all opposed the bans as lacking scientific and public health justification. Yet the prejudice remains.

Courts also have been brought into the dogfight. In suits against owners, insurers, and housing authorities, victims have argued that the pit bull breed, as a whole, must be regarded as dangerous because it has been bred to be aggressive. In one recent case, a Maryland appellate court held that the weight of the evidence abrogated the assumption that dogs do not bite (unfortunately known as the "one free bite" rule), and that an owner of a pit bull and even a landlord or home association must be held strictly liable. The decision was so controversial and filled with such bald assumptions (as the dissent pointed out) that in 2014 it was abrogated by statute.<sup>1</sup>

The first stories of pit bulls behaving aggressively appeared in the 1970s. Media markets, especially in Miami and Los Angeles, sensationalized stories of pit bull attacks. Dickey is informative as to how the media

would pick up a stray story or two and generate other stories on pit bulls, despite the fact that dog incidents involving other breeds, such as Saint Bernards, were just as numerous and sometimes as gruesome. Dickey also finds that supposed facts and so-called experts were anything but. A good illustration is the case of pounds of pressure per square inch in a dog bite. In 1969, two authors wrote that German shepherd military working dogs had a bite power of 400 to 450 pounds per square inch. This figure then, in Dickey's word, became "mutant," rising to 740 pounds for guard dogs. Soon, speculation from unsourced dog "experts" put pit bull bite pressure even higher, with the *Los Angeles Times* reporting that a "German shepherd or a Doberman can exert 800 to 900 pounds of pressure in his bite," and "an American pit bull terrier, 2,000 to 2,600 pounds." A San Jose paper topped them by reporting that "some trainers estimate ... as much as 3,500 pounds of pressure per square inch." The stories, of course, reported vivid examples of dogs chewing through chain link fence and even concrete, and keeping a grip even when bashed with a baseball bat. Of course, none of this had real scientific foundation. The "experts" tended to be medical doctors or hold degrees in other fields unrelated to canine behavior or physiology. When veterinarians and other qualified scientists tried to talk sense and counter such fallacies, their voices were lost amid the sensationalism, buried in the small print of the story on a jump page.

Escalating drug use, the crack epidemic, and the "war on crime" also played a role. Bias led some to associate pit bulls with "those type of people." Dickey reports a popular prejudicial correlation between race, drugs, and owning pit bulls. It does not make for pretty reading.

Dickey spends time talking to partisans in the pit bull wars. Some swear by the breed, and others swear at them. She tries to be fair. She interviews the disabled for whom the dogs are wonderful assisting companions. She meets with trainers, whose dogs excel in competition. She visits victims of pit bulls. Some families, who have had loved ones mauled or even killed by rogue pit bulls, pour their pain into advocating a complete ban. Tell that to a military vet, whose pit bull served with her throughout tours in war zones in the Middle East and who is told that the dog has to be banished from the base or any public housing.

Pit bulls have attacked people. They

have bitten, mauled, and killed them. Yet, many other dogs have as well. Pit bulls are not even responsible for most of the 35 or so annual deaths caused by dogs. As for the deaths attributed to pit bulls, how many were attributed correctly? After all, a dog's breed is impossible to identify with complete accuracy. The American Kennel Club has registration, but that is notoriously inaccurate as well.

Dickey's research reveals that most victims of dog bites are children, and that, when they are bitten, they typically are visiting or trespassing on the property where the dog lives. The attack tends to occur when no able bodied adult is present to intervene. The dog itself is usually a male who has not been neutered or, if a female, spayed; the dog weighs between 50 and 100 pounds, has not been socialized, and is usually isolated, chained, or crated. The dog is not regarded as a pet or member of the family. Sadly, and expectedly, the owners themselves have abused the dog.

A significant turning point in the lives of American pit bulls occurred, argues Dickey, with the Michael Vick dog fighting conviction in 2007. Vick, a professional football player, served 21 months in federal prison for his role in an illegal interstate dog fighting ring that operated on his property for five years. Dickey reports the furor over the Vick's role in the abuse and killing of the dogs, and the concern from some in the African-American community who saw his sentence as an overreaction. Forty-nine dogs were seized from Vick's property and, fortunately, they were placed and rehabilitated, rather than euthanized (as even some animal welfare groups recommended).

Yet, the prejudice remains pervasive. I even recognize it in myself. After finishing this book, I took my golden retrievers to a dog park, where I saw two pit bulls. I had to check myself; they were just dogs, playing with a ball, in the sun, tails wagging, nothing to be afraid of, right? I went out of my way to pet them. "Good dogs."

A good companion book to *Pit Bull* is David Grimm's *Citizen Canine*. Whereas Dickey examines one breed and our relationship to dogs as a whole, Grimm starts with the relationship and then charts how it is evolving. Dogs and cats were once worthless in the eyes of the law, but it now accords them value and protection. Legislatures have passed tough anticruelty statutes. Courts have been awarding damages for loss of companionship and mental anguish for the

owners of slain pets. In the wake of Katrina, the federal government now mandates rescue agencies to save pets as well as people during disasters.

Grimm journeys across the country to chronicle the increasingly vital relationship between dogs and cats and us. He rides with police as they investigate animal cruelty, finds the pet survivors of Katrina, and meets attorneys representing pets in custody battles or seeking to prevent their euthanasia. He visits prominent legal scholars and philosophers discussing animal rights and animal “personhood.” Opposition to such personhood charges that it would treat animals and people as equivalent. A legal scholar writes: “A powerful argument may be made that assigning rights to animals that do not possess moral responsibility represents a rejection of the foundation of human civilization.” This seems a bit extreme. Still, we have come a long way since Jeremy Bentham, in the late 18th century, advocated making cruelty to animals punishable by law. Bentham wrote, “The question is not, *Can they reason?* Nor, *Can they talk?* But, *can they suffer?*”

Grimm is at his best with stories illustrating the value of pets and the foibles of their owners. Really, a bat mitzvah for Fifi Katz? Writing in broad strokes, Grimm provides a background on the domestication of dogs and cats, and discusses famous pets in history. *Citizen Canine* will be interesting for a general reader, but has no new tricks for any old dog who has followed the recent news stories about canine DNA or read more specialized books. Grimm is an engaging writer, and the people and pets he describes hold our interest. How dogs play, how they communicate, and what they understand enthralled me. The chapter, “Canine Einsteins,” made me “Sit! Stay! Read!” Other chapters were not as commanding. I was less enthralled by Grimm’s discussions of the philosophical arguments for and against animal rights. One would be better served by reading Peter Singer’s seminal *Animal Liberation*.

As its subtitle indicates, *Citizen Canine* is about both dogs and cats. I found the chapters on dogs more interesting. Before I am accused of being a canine-o-phile, and dog-eating only the pages dealing with dogs, Grimm does seem to give them precedence (just look at the title of the book). Cats get several chapters, one purrfectly titled “The Meowist Revolution,” and Grimm’s discussion of pet property rights applies to both

species equally. But one feels that the courts will recognize personhood in dogs before they do in cats.

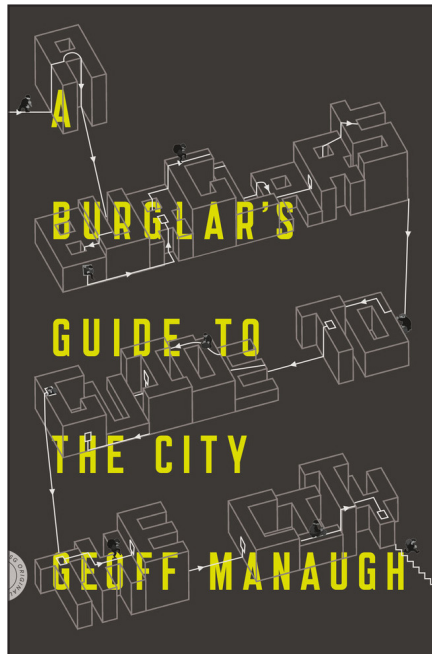
Grimm includes a history of medieval trials of animals, and he touches on the pit bull controversy as well, discussing *Tracey v. Solesky*, mentioned above. His conclusion, that the pit bull has been unjustifiably demonized, tracks Dickey’s.

Will these books interest those who are not particularly concerned about dogs or cats? I hope so. Those of us who don’t have pets know people who do. Not only lawyers will be interested in how our statutes and cases, biases and prejudices, class and wealth, play out, and how sometimes our fears are projected and how our failings injure those for whom we are responsible. Animal rights reflect our morals and the extent to which we value and protect those with paws and tails and hearts who share our homes, lives, and love. ☺

#### Endnote

<sup>1</sup>*Tracey v. Solesky*, 50 A.3d 1075 (Md. 2012).

*Jon M. Sands is the federal public defender for the District of Arizona.*



## **A Burglar's Guide to the City**

**By Geoff Manaugh**

Farrar, Straus and Giroux, New York, NY, 2016.

296 pages, \$16.00.

**Reviewed by Jon M. Sands**

In 1869, George Leonidas Leslie shut his

Cincinnati architecture office and came to New York. The Gilded Age with its riches beckoned. Trained as an architect at the University of Cincinnati and having graduated with honors, well connected and ambitious, talented and charismatic, he could easily have worked for New York industrialists, bankers, or financiers who were putting up massive mansions, or for the banking and merchant houses that were erecting castles to capitalism, with vaulted ceilings and ironclad vaults for cash reserves. But Leslie’s first thoughts upon arriving, writes Geoff Manaugh in *A Burglar’s Guide to the City*, were not about how he could use his remarkable talents to help design buildings. “His first thoughts were that he could use his architectural skills to rob the place blind.” And he did.

Leslie cited his architectural training to persuade businessmen to allow him to examine blueprints of targeted buildings. He arranged to take special tours. He observed the comings and goings of employees. He built scale models, recruited underworld associates, and practiced breaking in and getting away. In his heyday, he and his gang accounted for most of the significant bank robberies in the United States, stealing between \$7 million and \$12 million. In 1878, he was murdered, shot not during a burglary, but in a lover’s quarrel. It was only upon his death that his real profession as a criminal mastermind was revealed. Leslie’s legacy was the architecture of deconstruction: studying a building’s steel structures to more easily steal from it.

So begins this scattered and repetitious, but nevertheless entertaining, “guide” to a city from the vantage point of a burglar. Manaugh shows how a burglar drops down elevator shafts, slithers through ducts, scales fire escapes, scampers along roofs, and disappears into tunnels. Studying burglaries from ancient to modern times, listening to the lore of the heists, and visiting scenes of the crimes with locals, Manaugh becomes an informant—a raconteur of crime. He befriends practitioners of the trade, along with the police committed to catching them, security experts, architects, legal scholars, and even the military, to delve into how burglaries occur. Although the burglaries that Manaugh describes tend to be big and ingenious showpieces of crime (such as tunneling into bank vaults), he also spends time with more mundane suburban house burglaries, as well as with bank robberies,

big and ingenious and otherwise. His stories are engaging, if at times confusing, and his writing style is breezy.

The word “burglary” is a variant of the Latin *burgus*, for castle or fortified home (burgher and borough are also derivatives). At common law, the “breaking in” had to be of a dwelling, and it had to be at night. One could not be a true burglar with the sun shining.

Burglary has come a long way from its common law antecedents and is now a creature of statute. (Interestingly, though, the federal criminal code does not define the offense.) In the hands of legislatures, burglary has been stretched to apply to every sort of structure and even to non-structures. Nebraska’s statutes have it covering, Manaugh writes, “smokehouses, slaughterhouses, schoolhouses, storehouses, chicken houses, malt houses, meetinghouses, barns, mills, potteries, railroad-car factories, railroad cars themselves, ‘private telephone pay stations,’ and public telephone booths.” One can imagine each structure being added by a legislator acting at the behest of a local prosecutor or an aggrieved citizen-victim. Do phone booths even still exist? New York adds motor trucks and trailers and watercraft. In California, a burglar can be anyone “who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, outhouse or other building, tent, vessel ... floating home ... sealed cargo container ... or mine or any underground portion thereof.” As Manaugh notes, the mine or hole is a negative space. More than half a century ago, in a 1951 law review article that Manaugh discusses, the mutation of burglary was decried as becoming a “go to” statute for every offense in a structure.<sup>1</sup> The expansion of the definition of “burglary” has become even more significant as prior burglary convictions often trigger harsh recidivist sentencing enhancements.

Courts have acted as imaginary architects. They draw lines to enclose spaces that can be violated. To illustrate, Manaugh cites *People v. Beauchamp*.<sup>2</sup> The Illinois Supreme Court had to decide where the inside of a car began when the car’s rear window had been completely smashed. With no physical threshold separating the outside from inside, could one “enter” the car to commit a burglary, or was removing property from the car a theft? The court held that it was a burglary. The fictional plane will not keep out rain, but it serves to legally punish anyone who crosses it.

Thus, burglary, explains Manaugh, re-

mains an explicitly spatial crime: It requires a perpetrator to enter an architectural structure illegally. “[T]o commit burglary you must cross some imaginary border, or invisible plane, and enter another clearly defined architectural space—a volume of air, an enclosure—with the intention of committing a crime there. Without walls and thresholds—without doorways, floors, and window frames, or even roofs, awnings, and screened-in porches—burglary would not be legally possible. It is a spatial crime, one whose parameters are baked into the very elements of the built environment. To put this another way, *burglary requires architecture*.” Frequently, burglary is possible only because of some flawed or compromised aspect of a building’s design. “A blind spot, a vulnerability, a badly placed window, a shadowy alcove, an unlocked skylight, a useful proximity between one structure and the next—the burglar sees this opportunity and pounces.”

Manaugh provides a guided tour of such opportunities. Along the way, as any good tour guide does, he provides historical information, such as that, in ancient Rome, most burglaries took place on race days, when 75 percent of the population would be cheering in a stadium. He introduces us to ingenious characters, both flamboyant and shadowy, identifiable or using aliases, dressed to be inconspicuous or in a police or military uniform, walking the old haunts, plotting in dive bars or in high-rise offices, burrowing in sewer tunnels (a heist that netted 8 million euros occurred in 1976 in Nice, where the burglars followed an ancient underground river bed), or flying high above the city.

Let’s take a flight. Manaugh accompanies a Los Angeles Police Department helicopter high above the city of angels to track the path of devils. It is, in many aspects, a nostalgic trip. In the 1990s, Los Angeles was the bank robbery capital of the world. A bank robbery was occurring every 45 minutes of every workday. These robberies, known as stop-and-rob, predominated at banks located near highway ramps. The sprawling nest of freeways offered mobility and convenient locations to thousands of banks. Thus, the need for eyes in the sky. Bank robberies are not as successful in dense urban metropolises. I know firsthand—one of my clients was arrested when he emerged from a bank after a robbery, only to find a police officer writing a ticket for his getaway car parked in no-parking zone. Today, though, because of

surveillance cameras, traffic congestion, the closure of banks because of online banking, and the predominance of ATMs, robberies have declined. An interesting tidbit from one older bank robber: The best getaway was not to speed away—which security guards expected, looking right and left. Rather, stroll to the drugstore or grocery store parking lot next door, sit still in a car, and after the sirens go past, drive away slowly. Flying above the city, Manaugh joins police looking for criminals fleeing from crimes other than bank robberies. He notices addresses that homeowners have painted on their roof tops at the request of the police—the better to get one’s bearings quickly while skimming overhead.

Manaugh goes off on some interesting tangents, including how classical authors often used burglary as a plot device. Even utopias must have crime prevention. Manaugh mentions St. Augustine (was *The City of God* a gated community?) and Thomas More, a man for all crimes, who described in *Utopia* what a city should look like and how it should work. More had served a stint as an undersheriff of London; to use modern parlance, he was a cop, walking the beat, looking for neighborhood broken windows. *Utopia* might be an ideal place, but it is not crime-free. As such, it has passages that reflect not just the prevention of crime, but how to prosecute theft and robbery.

Modern cities have a surfeit of cameras. One could feel under constant surveillance. Yet, Manaugh shows, cameras have blind spots and are only as good as the watcher. One security guard positions his camera to capture not the bank’s entrance, but the parking lot and the guard’s car in it—the better to ensure that it won’t be vandalized. Museums and other public buildings tend to funnel people out one way, which makes it easier to capture all their patrons on camera. A smart burglar, therefore, looks for back channels, staff-only access, or increasingly, tunnels and shafts. Just make sure that one is thin enough to crawl in the shafts. Manaugh has a number of amusing stories of ingenious plans going awry because of a few pounds or few inches. For a burglar, the best way in is usually through “spaces on the outer margins of architectural consciousness,” which “are like the dark matter of the built environment. Laundry rooms, fire escapes, employee staircases, emergency exits, rooftop boiler rooms ... secondary passageways

and points of entry over few which people feel they have responsibility” are advantageous. Building codes reveal how units are spaced, where exits must be, and even which floors are locked in a stairwell.

Looking for some practical protective tips? Manaugh provides them, courtesy of “experts.” Living on a cul de sac? Good, as burglars avoid homes where they can be boxed in. Living on a corner? Bad, as corners are more likely to be broken into because they offer multiple escape routes and clear lines of sight. Set further back? You are a more likely target. Lush landscaping? Time to trim. In an urban environment, the closer you are to an on-ramp, a subway station, or a train depot, the more likely you are to become a target. Living near a school is helpful, because police and paranoid parents will be keeping a watchful eye on the location. Near a park or golf course? Bad news, for the darkness and expanse is trouble. Manaugh also goes through the home itself. Most of the tips, to be sure, are common sense (sliding doors can be easily popped). In any event, reading this book causes one to see architecture from a different vantage point. Manaugh does not discuss crimes where architecture is not in the picture, such as the snatch and grab or the break in by desperate addicts.

*A Burglar’s Guide to the City* has some problems. Manaugh tends to conflate burglaries and robberies. He repeats some of his examples almost verbatim, and the same statistics appear multiple times. Cultural examples and references, fresh at the time of writing, age fast. Movies such as the “*Ocean’s Eleven*” burglary series may not resonate. The book also lacks an index.

But *A Burglar’s Guide to the City* is a quick read, written in a conversational style. The notes are especially informative and fun. The chapter titles are clever; examples include “Space Invaders” and “A Crime Is Nothing If You Can’t Get Away.” Manaugh gives you an appreciation of architecture as both an obstacle to and an opportunity for crime. You will not replace a Fodor’s guide to a city with this guide to felonies. Still, this guide will cause you, the next time you are in a bank, a fancy store, or a museum, to stop for a few moments and ponder: “How would I?” ☺

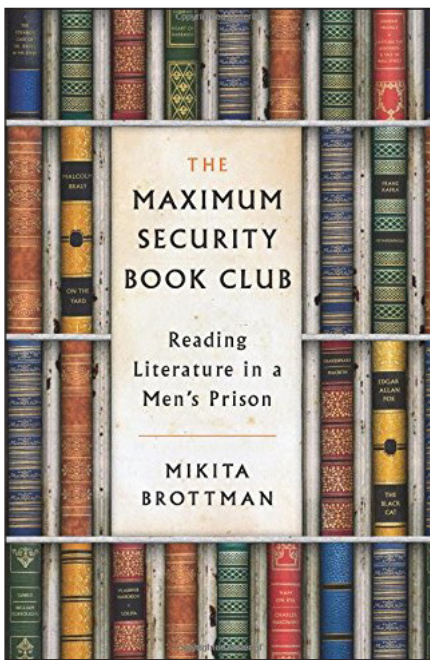
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## Endnotes

<sup>1</sup>Minturn T. Wright III, *Statutory Burglary—the Magic of Four Walls and a Roof*, 100 U. PA. L. REV. 411 (1951). For an interesting overview of the expansion of burglary, see Helen A. Anderson, *From the Thief in the Night to the Guest Who Stayed Too Long: The Evolution of Burglary in the Shadow of the Common Law*, 45 IND. L. REV. 241 (2012).

<sup>2</sup>People v. Beauchamp, 241 Ill. 2d 1, 944 N.E.2d 319 (2011).



## The Maximum Security Book Club: Reading Literature in a Men’s Prison

By Mikita Brottman

HarperCollins Publishers, New York, NY, 2016.

233 pages, \$26.99.

Reviewed by Jon M. Sands

Undoubtedly many readers of *The Federal Lawyer* belong to book clubs, meeting monthly or so, to discuss a selected reading. The meetings are a respite from their regular routines. Maybe much thought is given to the books to be read; maybe little. But what if the book club is in a prison: What books would be read? What would be discussed? Who would attend, and why?

Mikita Brottman undertakes to lead a book club in Maryland’s Jessup Correctional Institution, a maximum security prison. A literature professor at the Maryland Institute

College of Art in Baltimore, she commutes from an ivory tower to correctional towers. She does so pro bono (to apply a legal phrase). *The Maximum Security Book Club* is an engaging account of a year (2014) that she did this; it discusses the books read, the lessons learned, and the insights gained. It is honest. The inmates as participants do not have epiphanies; the books both bore and excite them. They have all sorts of meaning for them or they don’t, but the inmates engage with them, and their opinions about them challenge and even change Brottman’s interpretations of them. You will get “good time” credit for reading her book.

What books would you choose? Brottman has her syllabus of 19th- and 20th-century canonical texts, which she feels will speak to the men. She buys the books herself, cheap versions, many without annotations, introductions, or glosses—just the texts. (There are no funds for books, just as there are no opportunities for education or real rehab.) The participants volunteer: Sig, Donald, Day-Day, Turk, Steven, J.D., Nick, Charles, Doug, Shaka, Ren, Vincent, Kevin, Alfie, and Guy (all of to whom Brottman dedicates the book). In a max unit, some are serving life, some long sentences, others just a few years. They join the book club because they want to; in the boredom of their day-to-day existence, it is something interesting and different and a place where their opinions can be heard. The participants change as inmates are transferred to other institutions, punished for infractions, paroled, or even given post-conviction relief. No one makes them come to the monthly meetings.

The first book they read is Joseph Conrad’s *Heart of Darkness*. Brottman believes that this masterpiece will speak to the journey of the men. It does, but not as she hopes: “Conrad is awfully wordy,” is one comment; “he doesn’t get to the point,” is another. The men seem inordinately interested in the manner of deaths. And, yet, they are insightful as to Conrad’s ignoring of the natives, whom they see in the novel as mere instruments for the whites, which is the attitude of many of the inmates to themselves. The men struggle through Conrad. Brottman, ever the academic, believes that “Bartleby the Scrivener: A Story of Wall Street,” Melville’s enigmatic short story of a clerk in a law office who stops work and is imprisoned, will resonate. Thud.

To Brottman’s credit, she changes course

and has them read accounts of prison (Malcolm Braly's classic novel about San Quentin, *On the Yard*), of alcoholism (Charles Bukowski's unsparing *Ham on Rye*), and of drug addiction (William Burroughs' *Junky*). At the book club meetings, the participants comment, sometimes hilariously, on how they would score the drugs or deal with withdrawals. They may make negative comments about a character's sexual orientation, but the readings speak to them.

Brottman does not give up on classics. She decides on Shakespeare, but no indecisive *Hamlet*; she goes with *Macbeth*, which turns out to be an inspired choice. Using a modern text (from the *No Fear Shakespeare* series) the participants respond to the lure of the witches, the goading by Lady Macbeth, the backstabbing by Macbeth—"The man has no code. I have no respect for a man without a code," says Sig. Kafka's "Metamorphosis" was surprisingly successful. "It wasn't till after I'd been in prison for a year or so," said one inmate, "that I woke up one day, looked around my cell, and I realized, 'I'm not a person anymore. I'm a parasite.'" Kafka would have understood.

The last text they read is Nabokov's *Lolita*. The choice surprised me; Brottman chose it thinking that the readers would sympathize with Humbert Humbert and appreciate the art of Nabokov's writing. The reaction was not what she expected. "He is a creepy pedo who lies to himself," offers one inmate. The readers balk at Humbert's self-deceptions and self-justifications. Instead, they ask Brottman about *Lolita* as a victim. Their questioning forces Brottman herself to look at the novel anew, to confront, for example, the damage done to the 12-year-old victim of Humbert's obsession. Brottman leaves the sessions shaken and doubting. She, and you, will never regard *Lolita* the same way.

Brottman intermixes the readings with profiles of the prisoners, accounts of the prison, and flashbacks to her own life. The latter is the least interesting—upbringing in an impoverished English Midlands city, escape through literature of the university, and then academe.

Her description of the Jessup Correctional Institution reminds one of Kafka's "In the Penal Colony" and is depressing. The life of the institution is sadly what one expects: coarse, deadening, heavy-handed discipline and petty punishments. One of the inmates has puppies to raise and train as service dogs. The responsibilities and

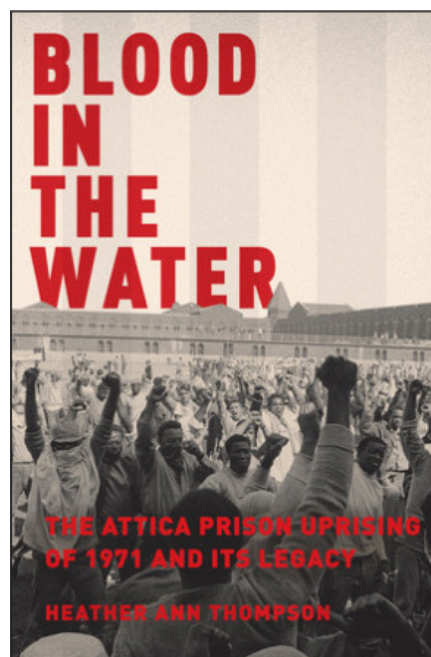
the affection he develops for the dogs give him a sense of meaning. It is heartbreaking when the privilege is taken away because he goes for seconds at dinner (shades of *Oliver Twist*, as Brottman comments). Such cruelty. Brottman herself is subjected to guards' petty whims; some guards are accommodating and helpful, but others chastise her and interrupt her to enforce ever-changing rules. Anyone who has visited a prison knows what I am talking about—the dress codes for women are an example. Brottman recounts the sadistic glee with which one guard enforces regulations and the manner in which the guard dehumanizes and degrades the inmates.

Inmates disappoint Brottman too. Paroled inmates contact her for recommendations on what to read or for other advice. Dream on. When she encounters one who is out on parole and she asks him what he is reading, he says he does not have time or interest anymore. Another inmate, the organizer, appears lost now that he is out in the world. A long-timer, he had risen to be a consigliere in the institution, selected by the guards to run the library. In prison, he was important. On the streets, looking for work, he is nobody.

*The Maximum Security Book Club* is a welcome addition to the literature on prisons and the subcategory of prison libraries and journalism (see my review of *Running the Books: The Adventures of an Accidental Prison Librarian* in the October 2011 issue of *The Federal Lawyer*). It is not a masterpiece of the genre, but it is worthwhile. As in a good book club session, you'll meet interesting people and learn a little about books. You, though, will get to go home. ©

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## **Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy**

**By Heather Ann Thompson**

Pantheon Books, New York, NY, 2016.

726 pages, \$35.00.

**Reviewed by Elizabeth Kelley**

At 572 pages, excluding the endnotes and index, *Blood in the Water: The Attica Prison Uprising of 1971 and Its Legacy* is a doorstop of a book. But do not be deterred: Despite its length and often gruesome content, *Blood in the Water* is highly readable and engrossing.

Heather Ann Thompson is a professor of history at the University of Michigan. She first became interested in Attica from the standpoint of civil rights history. She devoted more than a decade to researching and writing this book.

The Attica Prison uprising was the bloodiest prison riot in U.S. history. Attica is a maximum security prison in upstate New York and was built during the Great Depression. The uprising by prisoners and the subsequent retaking of the prison by law enforcement personnel lasted several days. Twenty-nine prisoners were killed and countless others injured. Additionally, the prisoners took hostages, of whom nine were killed.

*Blood in the Water* can be divided into two major sections: first, the conditions that led to the uprising, the uprising itself, and

the breakdown in negotiations that led to the storming of the prison by troopers; and second, the decades of litigation that followed.

Thompson meticulously describes the conditions that led to the uprising: medical experiments on inmates, virtual slave labor, abuse by guards, and lack of any type of services such as education or job training.

As part of the uprising, the inmates took 42 officers and civilians as hostages. Just as Thompson describes the abuse suffered by inmates at Attica, so, too, she describes the anguish experienced by the families of the personnel who worked at Attica. Attica was a major employer in upstate New York, much as today prisons are the major employers in rural areas of the country. The families of the Attica hostages did not know what was happening to their loved ones and friends, and their fear was every bit as genuine as the fear of the families of the inmates.

Inmates demanded that certain individuals, including civil rights lawyer William Kunstler and *New York Times* writer Tom Wicker, be brought in as part of the hostage-release negotiation team. The inmates submitted a list of 27 conditions, including demands for improved medical care, food, and visitation rights. Thompson is unsparing in her description of the calculations and strategies employed by New York state officials, including then-Gov. Nelson Rockefeller, which led to the eventual breakdown of negotiations and the subsequent order by

state officials to state police to retake the facility by force.

The decades of litigation that followed the uprising is reminiscent of the interminable *Jarndyce and Jarndyce* case in Charles Dickens' *Bleak House*. Various leaders of the uprising were prosecuted, but virtually none of the guards who assaulted and, indeed, tortured prisoners, were. State officials either promised the families of the injured and murdered hostages compensation that never arrived or tricked them into accepting minimal settlements. The injured inmates and families of murdered inmates waited decades for their compensation. This part of *Blood in the Water* is particularly revealing, as it describes the barbarity to which the inmates were exposed during the retaking of the prison. The photos are raw and unedited, one showing inmates being marched naked and one of a man forced to lie naked for hours, balancing a football on his chest while cigarette butts were dropped on him. He was threatened that, if the football fell, he would be shot.

*Blood in the Water* is more than a history book. Lawyers will appreciate the stories of Malcom Bell, the prosecutor-turned-whistleblower who charged that the shots fired by troopers were unjustified and that officials had engaged in a cover-up; Elizabeth Fink, the lawyer who filed suit on behalf of the inmates in 1974 and saw it through to its settlement in 2000; and the chronicle of the

criminal trials of several Attica inmates—trials that included wiretapping of the defense team's telephones.

It would be easy and comfortable to dismiss the Attica uprising as history. However, in this era of mass incarceration, even if we do not acknowledge the humanity of the imprisoned, it is vital for the sake of public safety to remember that, at some point, most will be released. If those inmates who need education and job training are not given it, if meaningful mental health treatment is denied them, if conditions are oppressive and facilities overcrowded, and if they are given no incentive for good behavior, then we as a society are being penny wise and pound foolish. ☺

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