

**The Innocents: At the Intersection of Music  
and Social Justice Advocacy**

**by**

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*The Innocents* was inspired by and takes its name from the title of an exhibition at the Cincinnati Contemporary Arts Center (CAC) in 2006 of large-scale color photographs by the conceptual artist and photographer Taryn Simon. Simon's photographs documented the wrongful convictions and imprisonment of innocent individuals who had been accused of violent crimes but were subsequently—all too often many years later—exonerated and released. The photographs are portraits of these individuals at the locations of their alleged crimes or at the sites of their valid alibis. Along with theater director Michael Burnham, we were asked to create a live performance event for the opening of Simon's exhibit. We agreed and composed an early iteration of *The Innocents*. At the time we had no clue that we were embarking on a project that would span the next fifteen years and that we expect will continue for the foreseeable future. While the issue of wrongful imprisonment was not wholly unknown to us, until then it had never been more than another item in the long list of injustices that surface in the news only to recede below the horizon of awareness.

Our piece is more performance art and experimental theater than it is traditional music performance. Even so, the medium is perhaps an unexpected catalyst for meaningful engagement with the issue of wrongful imprisonment and exoneration. In truth, we stumbled into this issue, but an understanding of the impact of this work and our roles as advocates has become clearer over these years of our engagement. This work now counts among the most powerful and meaningful of our careers.

Before discussing the work, it is worth taking a moment to address the epidemic of wrongful imprisonment in the American criminal justice system. Some of the statistics produced by the Innocence Project help paint a picture. There have been exonerations

using DNA evidence in 37 states. The average number of years served is 14, with the average age at time of wrongful conviction at 26.6 and the average year of exoneration at 43. Many have served time on death row. The demographic of the 375 individuals who have been exonerated by DNA evidence is overwhelmingly African American (60%). Caucasians represent 31%, while Latinx, Asian American, Native American, and self-identified “other” round out the remaining 9%. Perhaps the most disturbing number is the total number of years served for those who have been exonerated by DNA evidence: 5,284 years. Even more horrific is the number tallied by the National Registry of Exonerations, which includes DNA exonerations, but also counts all other forms of exoneration: 2,755 exonerations since 1989 with 24,960 years lost.

Though this music began in collaboration with Michael Burnham and the CAC, it is important to be clear that we have no official connection to Taryn Simon or her work. We were introduced to and inspired by the work of the Innocence Project through this opportunity. In this way, the issue fell into our laps. It wasn't until we performed at the gallery and saw her work that the enormity of it all came into focus. Amongst the wall-sized portraits in the gallery was a video interview with an exoneree. It was one of the most heartbreaking things either of us had ever encountered, speaking to the true desperation and deep injustices these individuals have faced. It was emotionally raw and powerful. This was a moment when we both wondered what we, two classically trained percussionists, were even doing there. It took years of revisiting and revising the work, performing in a number of disparate contexts, until we found our footing and role as advocates.

The journey of discovery to finding that role would not have been possible without the encouragement and support of music colleagues, lawyers and volunteers, and exonerees themselves. One of our biggest musical supporters over the years has been Stuart Gerber, Professor of Percussion at Georgia State University in Atlanta, who invited us on a number of occasions to perform with his group, *Bent Frequency*. We partnered with them on a program combining Frederic Rzewski's *Coming Together* and *Attica* with *The Innocents*. In 2017 we were invited to join them in a residency at The University of Georgia which was a truly unique interdisciplinary event organized by the University of Georgia's Schools of Art, of Law and of Music, supported by a Wilson Center for Humanities and Arts Public Impact Grant.

It was during these performances and residencies with *Bent Frequency*, in Georgia and later in Texas, that we had our initial interactions with and performances for exonerees, their families, and the lawyers and volunteers who work for the Georgia Innocence Project and the Innocence Project of Texas. During our residency at the University of Georgia, there is a moment that stands out as the dawning of our realization of our role as artist-advocates.

We were on a panel discussion with Claire Gilbert, Executive Director of the Georgia Innocence Project, Clarence Harrison, the first person exonerated through the work of the Georgia Innocence Project, and Russel Gabriel, Clinical Professor and Criminal Defence Practicum Director at the University of Georgia School of Law. First, Claire spoke about the work of the Georgia Innocence Project. Russel Gabriel spoke at some length about the role of lawyers in exonerating individuals, and about other salient aspects of prosecution and defence work in exoneration cases. Clarence Harrison then

told his powerfully emotional story of being swept away from his family and finding himself convicted and sentenced for a crime he did not commit. When it came our turn to speak we spontaneously made a self-deprecating joke as to why two drummers were even allowed up on the lecture stand. The honesty of that moment was this: we still did not understand our role in all of it. At best we felt our work was ephemeral art that touched on something and clearly moved people, but had no identifiable or measurable impact on the issue we had become so passionate about.

At this point Russel spoke up saying that what we were doing was absolutely vital. The work of lawyers or volunteers is essential, he said, but what we were doing was speaking to the emotional heart of this issue, something that art does better than any other kind of advocacy. It was at that moment that we understood our role.

Russel later wrote to us:

“Language is a tremendous gift, but language does not deliver experience, it only describes experience. It mediates between us and reality. And while music and performance cannot be equated with the actual experience of prison or arrest, it avoids the symbolic. It creates experience. What [you] managed to do was create an experience that brought the listener directly to the horror of what [you] wanted us to know. From where I sat, this was absolutely ingenious.”<sup>1</sup>

On the car ride back to the airport after the conference, having had lots of discussions about the then current political climate and recent elections, Stuart planted the seed that we should think about expanding *The Innocents* into a concert-length work

that just the two of us could more easily tour. In late 2017 and throughout 2018 we began the process of expanding the work to its current version.

Using a variety of found-object and home-made instruments, electronic soundscapes, and spoken texts, *The Innocents* grew from its original 12 minute concert recital piece consisting of the short interstitial music pieces we made for Burnham's movement-based theater sketches at the Simon opening, through the years of the *Bent Frequency* collaborations when we had expanded it to about 30 minutes, to the current iteration of a continuous one-hour dramatic soundscape. It is a piece which derives from our experience in the history of avant garde music performance, comprising seventeen individual tableaux which explore various aspects of the issues surrounding wrongful imprisonment and exoneration in the American criminal justice system: mistaken identity, incarceration, injustice, politics, psychology, and resilience.

The texts spoken in the work are culled from a variety of sources: various historic prison diaries/poetry, interrogation transcripts, Google autocomplete, Thomas Jefferson, Jax (a female inmate in the Oklahoma State Prison system), Mark Godsey (former NY prosecutor, author of *Blind Injustice*), captured Chicago police scan chatter, among many other sources. In an effort to make the work immediately relevant, many major performances have had originally crafted tableaux (texts and/or music) that directly resonated with the local communities in which we were performing.

Some of the pieces are meant to be uncomfortable—a bit too long, momentarily chaotic and confusing, difficult to understand, provocative. Others are simple and direct: melodic and in familiar genres, lyrics recited to percussive accompaniment. Working on

an emotional level, our idea is to deeply explore and reflect upon the subject—shining light on it as if through a prism—in hopes that various aspects surrounding it may briefly come into focus for each of us.

The creation of this piece has truly been a collaborative effort, which is unusual for the world of erudite music. This aspect of our work is worth noting: there is a social construct to it that we can recommend to other composers/creators. By now we don't even remember (or remember differently) how a few of the things came about, but mostly our collaborative process is based on trust and respect: lots of “yes, and...” and a little of “well, what that actually makes me think of is...”. It's been quite common for one of us to have a strong idea: we need a piece that addresses a certain topic, or maybe to have a particular text in mind, or a certain instrument or sound. The idea is halfway there, but it really needs the other's perspective to flesh out the concept. It's then a nice challenge for the other of us to complete the assignment in some complementary way. At various stages we worked it out together—the pieces, sequence and connections—developing moments and larger ideas as we workshoped through, wanting to be completely open to constructive criticism, even momentary rejection. Ultimately we come to realize that an idea, a piece, a tableau, which is primarily the creation of one of us, is being brought to life by the performance of the other. Of course we each have different strengths and sensibilities. Even our research on the subject leads us to different books or resources, and we've enjoyed the fact that the whole has grown from our individual perspectives.

We have performed this work in a version specially made for educational settings: a public charter school with a range of ages, public high schools, universities

and community colleges. Our experience in these environments is that a non-partisan socio-political issue presented not as didactic instruction but rather as creative art, delivered with the highest level of expertise and commitment, elicits from these younger audiences stimulating, thought-provoking comments and questions. These younger audiences consistently demonstrate a palpable engagement with the issue. Our growing contact with exonerees, lawyers, volunteers and criminal justice experts has led to a number of opportunities to perform in places where contemporary music normally would not be found including a recent performance at the Innocence Network Conference, the largest international gathering of exonerees and criminal/social justice experts. We've recently partnered on panel discussions at universities and conferences with the The Innocence Project of Texas, specifically with Anna Vasquez, an exoneree and Director of Educational Outreach; the Georgia Innocence Project, the Dan Allen Center for Social Justice in Tulsa, and many more. Without exception, members of these organizations and the exonerees themselves have been among our most vocal supporters.

One aspect of this project's engagement with underserved individuals, and one of our strongest personal interactions to date, has been setting a poem by Jax, a woman incarcerated in one of Oklahoma's maximum security prisons for women. She is a participant in the Poetic Justice organization, a restorative writing and creative arts program for individuals who are incarcerated in women's prisons and jails in Oklahoma. Some of her poetry has been published through the organization. We asked her, through the organization, for permission to use her poetry. The response we got was



poignant: "Perchance some construct of mine will fall upon the right ear—in the right way—and change things a bit. That is my hope. My words are all I have left."<sup>2</sup>

As two white tenured university professors who have had comfortable salaries, job security and support (we're both writing this on university-supplied Apple computers) and in light of the subject matter of *The Innocents*, we feel it is critical to acknowledge our privilege. Based solely on being white hetero males, we're unlikely to be found suspicious or stopped by police while driving a car or out walking in the community. While it is theoretically possible that wrongful conviction could happen to anyone at any time, cutting across race/gender/class boundaries—and this is indeed a primary reason our presentation of the subject matter has resonated so strongly with audiences—our stations in American society and in our local communities make it improbable that either of us would be swept up into the criminal justice system for a crime we did not commit, ending in our imprisonment.

To have stumbled into advocacy for individuals who have lived this experience—a large percentage of whom are African American, some of whom have served upwards of 30 years in prison—is not an obvious path for highly skilled classical musicians. We have been careful not to "talk over" the experiences of exonerees, but rather strive to serve as allies in an attempt to amplify their message, while at the same time shining a light on a variety of issues surrounding wrongful imprisonment. This is possible because of what art can do, which is to connect to our shared humanity and reveal the emotional core of these issues.

One of our most memorable experiences was at The College of St. Scholastica in Duluth, Minnesota. St. Scholastica is, first, a monastery of Benedictine sisters. We

met Sr. Lois Eckes there, a senior member of the community and Hospitality Director, who showed us to our rooms and often greeted us for breakfast during the stay. She was curious about our project and what we were doing and attended our featured concert. The next morning we saw her for breakfast and she said the most remarkable thing to us. She took us by the hand and quietly said, "You are vessels of light." That moment has really stuck with us.

All of our workshops for students make the point that, as important as this particular issue is, this one won't be everyone's issue. As musicians—percussionists—we are making music that not only needs the skills we have developed, but is great fun for us to play. As creative performing artists who recognize we are part of a larger community, we wish to invite young people to follow this example: to find issues that they are passionate about and to use their art and talents to those ends. Emerging now from the pandemic and America's most recent racial reckoning, it is clear that the whole idea of performing arts in our society is experiencing a reset; the new normal cannot be returning to what was the old normal. We hope that the potential of more socio-politically engaged work is a real attraction to creative people.

In his book *How Art Can Be Thought, A Handbook for Change*, Allan deSouza examines the premise that all art is political, that "art, in all its manifestations has intrinsic political implications... even art that chooses to not engage politically needs to recognize that it too is discourse and site-specific within *its* political spaces."<sup>3</sup> The statement we're intending to make with this piece is as much about the choice to do such work at all as it is about the specific issue we have addressed. Part of our acknowledged privilege is the ability to focus artistic performance energies in whatever

way we like. How we function as contributive members of a larger community, what it is we wish to engage with, the material with which we connect to listeners, especially younger ones, is clearly intentional, and about something beyond the enjoyment or promotion of our own musical careers.

While it is never guaranteed, the potential for real world impact has been proven to us time and again, and has provided us the motivation to do the hard work of arranging performances, tours, residencies, and the continued examination of how the work itself can stay relevant. Maybe one of the high school students that we've encountered will be motivated to study law or become an activist for social justice in their community; the percussion student in search of recital material will be inspired by witnessing these creative possibilities; the composer in the masterclass at a university who has been musing about the idea of writing a work on some other issue about which they are passionate will take this as the spark; the lawyer who has spent countless hours working on a case perhaps could be energized anew to keep up their efforts; the concert-goer makes a donation to an organization fighting for social justice; and so on.

Simply reflecting on our history with this project it is possible to follow the ripple effects that occur when artists engage with an issue in their work. In advance of our residency at the University of Washington, Bonnie Whiting assigned her entire studio to each create their own speaking-percussionist piece on a subject of their choice—some current issue about which they felt passionate. Part of our time on campus was to work with each of these students on their own new pieces. *The Innocents* itself is, of course, a ripple effect of Taryn Simon's photography exhibit, and another tangible ripple effect from one medium to another is happening right now. Wojciech Lorenc, filmmaker and

colleague from Sam Houston State University, traveled with us over the course of two concert seasons and is currently finishing a feature-length documentary film based on our work.

The recent passing of Frederic Rzewski has occasioned many of us to reflect upon our engagement with him and the history of his work. He once pointed out that it's only in the last hundred years or so that we've had the idea that music is a self-contained experience. In many cultures throughout history, throughout the world, music has served a higher purpose than "art for art's sake".<sup>4</sup> There's no reason that we have to separate from our art the important issues surrounding our daily lives. We know that with thoughtful work such integration can be done in a way that maintains artistic integrity. That last bit is critical. It has to be thought-provoking, not didactic or pedantic. Something about it must be inviting, compelling. Likely, the work has to be at least somewhat abstract to be artistically successful. The role we have to play is a different one than was played by Woody Guthrie or Pete Seeger. From Herbert Brün, another composer who has been a role model to us, comes an encouragement, a challenge, so apropos for the online culture of the 21st Century: "to raise your voice in the name of something other than yourself."<sup>5</sup>

Our post-truth-alternative-fact-fake-news era is something we fear is going to be difficult to fix. The problem has now sometimes been referred to as epistemic chaos, or epistemic terrorism: the battles over knowledge and its verifiability, specifically regarding written information—read and spread on-line—and how it can be used and abused.

We've made an often abstract artwork which draws upon the history of sophisticated music composition, advanced performance techniques, full of fun and

satisfying professional challenges to us, but it is artwork that is nevertheless filled with, even driven by, information. Our experience with this engagement is that facts, convincingly presented, are believable—people are opened to reflecting upon the experience and its connections. Rather than feeling they are being confronted with some avant garde high-art work, people seem to be grateful for the respect implied in what is clearly an invitation for them to simply think. They are eager to engage with our having fashioned this journey of sophisticated sound and time art focused on a world most have never actually experienced.

What we are offering is our having made something—in this case our not-so-easily-described-seventeen-tableau-percussive-performance-art story-suggesting piece, *The Innocents*—which intends to actively participate in an ever changing process of cultural discourse. We have assigned a meaning to what we've done, what it is we as percussionists, as composers, as teachers, as members of our community, wish to contribute. The recipients of this experience will also assign a meaning to it in their lives at the moment of that interaction. Our artistic input is part of a process of history, which of course also makes it output, reflecting current conditions in the society in which we are functioning.

We have experienced that the work is, in fact, prismatic in yet another way. Through this rippling out, the light flows into and shapes the subjectivities of each and every one of us, giving rise to new—imaginable, even palpable—realities.

We choose to believe that art, art as advocacy, can and does make a difference.

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<sup>1</sup> Russel Gabriel, e-mail message to authors, September 28, 2018.

<sup>2</sup> Hanna Al-Jibouri, e-mail message to authors, March 21, 2019.

<sup>3</sup> Allan DeSouza, *How Art Can Be Thought: A Handbook for Change*, (Durham: Duke University Press, 2018), p. 220–2.

<sup>4</sup> Frederic Rzewski, *Nonsequitors: Writings & Lectures on Improvisation, Composition, and Interpretation* (Köln: Edition Musik Texte, 2007), 212.

<sup>5</sup> Herbert Brün, “Seminar in Experimental Composition” (lecture series, University of Illinois, Champaign, IL, 1973).