

My name is Harold Wayne Nichols. I am 54 years old and have been sitting on Tennessee's death row since 1989.

If anyone is interested in why I am on death row they can find all that information on-line, but I am not here to talk about that. Should art be about the artist, or about the idea, either intended by the artist or garnered by the viewer?

Ralph Waldo Emerson once wrote; "The picture waits or my verdict, it is not to command me, but I am to settle its claims to praise." If after looking at my works, all one sees is a death row inmate, or judges me solely on one act, one moment out of my life, would it be me that failed or the viewer?

I do want to say that after years of soul searching and looking at my self I realized that I was not the man I wanted to be and thus sat about making the changes necessary to become the man I am today. I hope that you, the viewer, will accept me, the artist, based on the work I do, not on the mistakes I regret.

I have spent the last several years trying to make this world a better place. I am part of an organization called R.E.A.C.H., which stands for Reciprocal Education and Community Healing. We are a coalition formed from Outsiders (free-world people) and Insiders (those on death row). I wont go in depth about us, attending this exhibit you will hear about R.E.A.C.H. I just want to say that I focus my work on a Cradle to Prison Pipeline subcommittee which works to prevent children from growing up and following the same paths that those of us on death row have traveled and this is why I am involved in this exhibit.

My first painting titled: Windows in Chaos is intended to let the viewer see themselves in their own childhood environment. Some children grow up in poverty, crime ridden neighborhoods, drug infested streets and they know nothing else but crime. In this environment many find themselves walking down the path to prison's revolving door. We need to all step back and look at the world around us and see the other "windows" that are in our world and realize that we are all part of the

same community and that it is up to us, either as individuals or groups, to help those who need a helping hand.

If we want to keep our children from going to prison, we must act **before** they ever turn to crime.

My second painting is Viewpoint. My intention is to draw focus on how prison not only locks an individual inside its walls but that it also locks them away from society and the world around them. The background is what this area would look like without the prison sitting here. To the right is the view outside my prison cell, all I see are more cages. Again quoting Emerson; "To go into solitude, a man needs to retire as much from his chamber as from society. I am not solitary whilst I read and write, though nobody is with me, but if a man would be alone, let him look at the stars." Prison should not be a place just set up to punish those who commit a crime, but it should be a place of reformation in which the whole community becomes involved. Without exhibits like this, most people tend to never think about prison or those condemned behind prison walls, but we are still a part of this community. Prisons have become an industry. This industry takes an individual when they make their first mistake when they are young and locks them away for a time to "train" them, not to be better members of society, or to make amends for their wrong, but they are trained to be model inmates and then released back into society without the skills they were lacking which led them to prison. Then when they re-offend the prison industrial complex welcomes the trained inmate back into its system. It is time we stop destroying lives for the sake of a dollar.

The third painting I have done is Random Choices and is intended to bring focus on the death penalty itself. The State would like you to believe that those of us on death row are the "worst of the worst" and deserve to die for our crimes. This is not the case. The men here on death row, even if guilty, do not deserve to die. No one does. Life is precious. How can we teach our young children that lesson if we allow the State to kill? Tell them "killing is wrong and we are going to kill

to prove it?" It does not make sense. The black circles meant to represent the people sentenced to death row. The red circles are those who have been or will be executed. The majority of cases involving those on death row are cases which will be overturned because the State sought the death sentence in a case which never warranted such a penalty. A D.A. can seek the death penalty on any case of his choosing. Many of us here on death row are not here because a murder was committed, but because the case went to trial during an election year and the D.A. was running for re-election or to be elected Judge and he had to look "tough on crime." The random nature of the death penalty is but one of the major flaws in the system.

My fourth and final painting in this series is titled Perspective. The title comes not only from the perspective in which the subject is viewed, but from my perspective on the death penalty. I have wasted a life away here on death row and every day is just another reminder that death is at my door. I can try to shake it. I can keep myself busy for a while doing things like painting or working with R.E.A.C.H. I can keep my mind occupied by reading but the specter of death is always there, its unavoidable. This is one of the reasons I want to change the way society looks at prison. No one, should ever have to live like this.

My final piece, a drawing, is my actual memorial. The paintings are intended to show what has led me to want this memorial. Titled: A World Without Prisons it is my hope that one day we, as a society, will come to understand that there is a better way to fight crime than just to feed our young men and women to the prison industrial complex.

A world without prisons is not a world without punishment or is it a world without accountability. It is instead, a world of mercy and true justice - justice of the people.

Anyone charged with a crime (or any wrong) could seek mercy. Anyone seeking mercy should understand that mercy is not a way out of punishment but it is self-accountability where one stands and confesses their wrongs before a Community Council, the court,

the wronged individual/victims and other members of the community. Anyone seeking mercy shall be offered the opportunity.

The Community Council, comprised of members of the community chosen through a process similar to Grand Jury selection, shall be required to serve on the Council for a set period of time. All members shall be chosen from outside the judicial and political arena, i.e. no police, judges, district attorneys, lawyers, or politicians.

Once a confession has been heard and recorded, the Council shall be tasked and empowered to work with the supplicant/offender and those wronged/victims to seek a just solution. In the present system, victims have little say because the State takes over the roll as the one who has been wronged and pushes the true victim(s) into the background. But in a world without prisons, the victim will work with the Community Council to determine what is just for them. They will have a true voice.

Once a just solution has been agreed upon, the individual shall stand before the court for adjudication.

The court shall recognize the recommendation drafted by the Community Council and shall not consider punishment for any crime confessed or which community justice has been found. The court's duty shall be to sentence the individual to be held at a facility (not a prison as we know it today) for a period of time required to meet the requirements of the agreed community justice which may include any or all of the following: psychological treatment, drug/alcohol rehabilitation, criminal-victim arbitration, community and family counseling, education, medical treatment, etc....

It is important that the individual seeking justice know that community justice first requires that the criminal face his/her wrongs and therefore if a criminal fails to confess everything, mercy shall be forfeited and the court shall declare punishment. the court shall also adjudicate and prosecute an criminal act(s) for which no community justice can be found.

Note: The present system is not capable of handling a system

which involves justice for the people, therefore the present system must change to a system which recognizes that true justice is Community Justice directed by the people.

The individual, once his/her "time" is up must once again stand before the Council, the court, and all interested parties to face a determination whether or not the individual is found ready to return to the community. If the individual has failed to meet the requirements, the council will investigate the cause and then make further recommendations.

Once an individual is found ready to take a proper role in the community, the Council and all community members present must welcome the individual back into the community with all rights restored and the wrongs forgiven. Forgiveness from individuals such as the victim(s) is not required but all must acknowledge that the individual has admitted his/her wrongs and has worked to become a better member of society. It is also important to note that forgiveness is not forgetting and that previous wrongs can be used against the individual in the case of any future crimes/wrongs.

I would like to leave behind as my memorial a world in which prisons have been torn down because there's no longer a need for a long term incarceration, nor for mass incarceration which is the sole objective of State controlled justice. The drawing before you represents a construction made possible because prisons have been torn down due to lack of need. The large stones stacked around the edges represent a demolished prison and each stone and even the shrubbery used in the construction have all been recycled from demolished prisons.

It is to be constructed in or as a public park.

The square stone in the center of the amphitheater is to remind anyone standing there that like the lines formed by the stones, their actions, everything they do radiates outward into the community and effects more than simply the world immediately around them. The amphitheater is to be used for public events such as performance art, public lectures, poetry readings, etc....

The larger stones stacked around the edges of the arena are about 4' x 6' and although they represent the massive stones out of a prison wall these should be constructed of a stone facade and weigh between 4 to 6 hundred pounds, heavy enough to stay in place, but can still be moved about by 4 or 5 individuals. The reason for this is so the stones can be reconfigured in such a way, i.e. stacked two deep and three end to end to create a wall 8 feet high by 18 feet long, to create a wall suitable for an outdoor art exhibit or to display banners for a celebration. The stones could also be stacked in a way to create surfaces to set art or other things on including people sitting on them.

The space is to be used only for cultural events which are free to the public and should never be used for political advancement/purposes.

WINDOWS  
IN  
CHAOS

VIEWPOINT

RANDOM  
CHOICES

PERSPECTIVE

A WORLD  
WITHOUT  
PRISONS