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Life in the Penit: Framing and Performing Miami's Graffiti Subculture

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

LIFE IN THE PENIT:
FRAMING AND PERFORMING MIAMI'S GRAFFITI SUBCULTURE

A thesis submitted in partial fulfillment of

the requirements for the degree of

MASTER OF ARTS

in

ENGLISH

by

Victor M. Merida

2014

To: Dean Kenneth Furton
College of Arts and Sciences

This thesis, written by Victor M. Merida, and entitled Life in the Penit: Framing and Performing Miami's Graffiti Subculture, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read this thesis and recommend that it be approved.

Heather D. Russell

Alpesh K. Patel

Steven R. Blevins, Major Professor

Date of Defense: March 28, 2014

The thesis of Victor M. Merida is approved.

Dean Kenneth Furton
College of Arts and Sciences

Dean Lakshmi N. Reddi
University Graduate School

Florida International University, 2014

DEDICATION

I dedicate this thesis to my family for their love and support, particularly my wife for being the fire that pushes me forward when I can't find the strength, and our son for being the motivation for all future goals. I thank them for instilling in me a love for my surroundings—from the immediacy of my home to the reaches of my city.

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Finally I thank the personnel at Florida International University’s English Department. They have provided a welcoming space that has unequivocally nurtured my love for academics and culture.

ABSTRACT OF THE THESIS

LIFE IN THE PENIT:

FRAMING AND PERFORMING MIAMI'S GRAFFITI SUBCULTURE

by

Victor M. Merida

Florida International University, 2014

Professor Steven R. Blevins, Major Professor

In the tradition of the Birmingham School of cultural studies, this thesis focuses on Miami's graffiti subculture and the conflicts between market economies and economies of social meaning. As a reference point, I consider Miami's Penits: the name given to the seemingly abandoned buildings where graffiti is performed. Short for penitentiary, the term derives from the 1980s after a large building rumored to be a prison was defunded midway through its construction. After this first reclamation, every other graffiti heterotopia in Miami has been similarly recoded as spaces that mock structures of discipline and industry.

Through Michel Foucault's biopolitical framework I argue that the sovereign state and marketplace conspire to dually criminalize and commoditize the subculture's performative defiance. I conclude by illustrating how the market itself reinforces the carceral archipelago by framing the subculture's vandal aesthetic through the normalized, self-interested boundaries of conduct that the market itself deems il/legal.

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I. INTRODUCTION

Miami's Penitentiaries of Defiance

Nothing is True / Everything is Permitted

—Graffiti on sidewalk leading to the
Miami Marine Stadium (Figures 1-2)

Seeing Miami from the grandstand of the Marine Stadium makes you feel significant. Surrounded by trees, concrete, and the Biscayne Bay, the fifty-year-old Modernist landmark that has been abandoned for the last twenty years by Miami's transient marketplace churns with the sounds of trespassing: echoes of laughter, the crashing of skateboards, and the rattle of spray paint cans. Graffiti blankets all of its surfaces the way dust coated Walter Benjamin's Parisian arcades—a kitschy type of decay layered by time, dis/interest, and a seeming disorder. Unlike most other stadium grandstands, which enclose the field of play, the Marine Stadium presents Miami's skyline as Other to the spectator. Perhaps instead of naming it a stadium they should have called it the Marine Theater. Having been decades since its last speed boat races, floating-stage concerts, and Easter church services were carried out in the field of play that is the enclosed bay, the performances have been acted out by the spectators (in the grandstand, throughout the two-tiered concession, in the precariously suspended commentator booth, even on top of its massive concrete roof). (Figs. 3-6) Covered in graffiti, what was once the grandstand of this theater has become the stage. From elaborate murals to quick tags, all forms of graffiti here are performed throughout the hazy boundaries of illegality and disinterest,

defiance and appropriation. As a Miami native I wish to analyze these hazed boundaries: a haze that marks the boundaries as inviting and ominous as the inscription on the path to the Marine Stadium, a haze that is manifested in similar spaces throughout Miami. Spaces that are peculiar to Miami. Spaces called Penits.

Miami's particular, highly speculative and fluctuating real-estate market enables these abandoned buildings to become "canvasses" for the area's graffiti subculture. And although many cities have their own abandoned buildings that become reclaimed by graffiti, Miami's abandoned canvasses are called "Penits" because of the influence of the carceral system over the relationship of the graffiti artist population to the state, private industry, and property. A shortening of the word penitentiary, the local term Penit derives from the early 1980s after a large building rumored to be a new prison was defunded midway through its construction. After this first abandoned space was found and reclaimed, all other such spaces were similarly recoded. In these reclaimed spaces throughout the city, Miami's first wave of graffiti writers performed their defiance by mocking the institutions of discipline and power. To understand the current state of graffiti in Miami—from its popularity to its policing—it is pivotal to understand the history of Penits in this city. Against this local background we can come to terms with the way in which graffiti is performed, and has evolved, in Miami and how this subcultural performance differs from graffiti in other cities. Within the context of the city's thirty-year graffiti history, I will analyze the defiance of graffiti artists against the biopolitics that is the normalizing mission through discipline and control by two sovereign institutions—the state and the marketplace—in penitentiaries and in urban communities alike.

Compared with cities like New York or Los Angeles, Miami's graffiti subculture remains relatively young and less known. In order to read Miami's graffiti scene as a "text," I have brought together an archive consisting partly of ethnographic photo books that work to lay out the history of graffiti in Miami (like *Miami Graffiti* by James and Karla Murray and *The History of American Graffiti* by Roger Gastman) but also consisting of other, more unofficial sources required to localize this underrepresented history/setting. Given the need to question the epistemology of this subculture, to access this archive I have relied upon websites (like the invaluable *MiamiGraffiti.com*),¹ artist interviews, local blogs, newspaper articles, social media, law enforcement guidelines, as well as my own documentation of local Penits. Borrowing from José Esteban Muñoz's "Ephemera as Evidence"—a methodology that analyzes the materiality of outcast groups by indexing their traces, anecdotes, and invisible interactions—Miami's graffiti subculture is composed of an alternative epistemology that requires its own unofficial archive. This alterity works by staking its claim against the "institutional ideology" that considers the subculture's history and agency, like its graffiti, as nothing more than ephemera (Muñoz 7). There is a need to access this type of unofficial, and "unauthorized" archive in order to organize the confluence of local voices, knowledge, and attitudes that both developed the current state of the subculture and will ultimately help guide its evolution. These voices often vary from one another—be it from graffiti legends to newcomers, politicians to police, property developers to common citizens. But there is also my voice. As a critic my goal is to analyze the history and ideas that contribute both to the current subcultural landscape and the "mainstreaming" of said landscape. But as a

¹ From here on referred to as *MG.com*. Additional note: all URLs will be listed as endnotes.

Miami native who has explored several of these spaces, spoken to different graffiti artists, and yet has never written the graffiti that defines the subculture, my goal is to make the experience of the subculture's boundaries palpable to the reader.

Graffiti as a cultural form of representation first hit Miami in the early 1980s. The scene was influenced in large part by New York's graffiti movement by way of documentaries like *Wild Style* (Charlie Ahearn, 1983), books like *Subway Art* (Martha Cooper, 1984), and by teenagers who had recently migrated down from the Northeastern city (Gastman 168). As the hip hop aesthetic spread across Miami—from urban communities to sprawling suburban neighborhoods—highly visible tags and quick “throw-ups” quickly evolved into more elaborate murals, referred to as “productions” or “bombs,” hidden within Penits. While the first Penit building was believed to be the start of a new penitentiary, other intimidating industrial structures were similarly mythologized as spaces where illegal activity could be performed without police or citizen intervention. As rumors of the graffiti being nurtured in Penits spread throughout the city, the allure of the art form was further romanticized (Gastman 171). Aside from being a refuge from the perils of visibility, these spaces afforded this first wave of graffiti writers the opportunity to develop their own local aesthetics that helped distinguish them from their New Yorker counterparts. While the graffiti produced on highly visible and valued walls throughout Miami was regarded as an illegal affront to the laws of property ownership—and therefore valuable in the currency of subcultural capital—the legally porous boundaries of the Penits were sites that both enabled and represented the reclamation project initiated and executed in the streets. Penits offered these young outlaw artists a borderland for their stylized coming-of-age. Through the fertile space

provided by these appropriated “penitentiaries,” the evolution of graffiti in Miami was established in a more conscious method of staged defiance.

The term “penit” is an ambiguous marker of both policing and defiance. These ambiguities allow for significant variations as these sites designated “Penits” gain almost mythologized status. For instance, the spelling of the nickname often varies given the rumored way in which word of their existence travelled: for example, penit, pennet, pennant, et cetera. Because the local term was spread throughout the dominantly Latin American base via word of mouth, homonymic interpretations took root in the sound and space of the subcultural landscape. The anonymous administrator of *MG.com* explains that the website uses “penit” in the hopes of unifying the spelling to ensure a more efficient way of building an online archive of photos (it being up to website visitors to upload and categorize their graffiti pictures on the site). But let us consider one of the other common spellings. “Pennant,” in one of its more contemporary uses, refers to both the division championship game that a baseball team must win in order to enter the World Series as well as the tri-cornered flag that is the trophy for said victory. In a 1994 article in the *Miami Herald* explaining the existence of these graffiti epicenters, the writer explains, “They’re called ‘pennants.’ As in the symbol for victory.”ⁱ While “pennant” may seem to be a mistaken term as it deviates from the original “penitentiary” etymology, it is still an appropriate moniker. Pennant connotes achievement and representation, which, again, is a defining characteristic of the performative. Just as the pennant game and pennant flag denote victory, in Miami’s graffiti subculture the “pennant” designates sites of continuous, defiant celebration. Similarly, if we follow the etymology of the term further, the Oxford English Dictionary explains that “pennant” is

related to “pendant,” which, among other uses, is both a heraldic ornament worn on a uniform and the flag displayed by military warships, both representing a coat of arms. Pennant, as such, is a symbol of identity and belonging as well as pride and achievement, power and control. The use of “pennant” to describe Miami’s graffiti centers recodes these spaces not only as sites of defiance but as scenes of victory.

While “pennant” seems like a deviation from “penitentiary,” both terms are linked through the etymological slippages spanning from notions of performance and control. For instance penitence or penance (the etymological root of penitentiary) is a religious ritual that at once describes a performative act (a type of bended-knee prayer or confession) as well as a continuous state of consciousness (as in perpetual adoration). But “penance”—from the Latin root “paene,” meaning, “nearly, almost,” and implying coming up short of a greater ideal—represents both the sinner’s self-willingness to atone as well as a punishment enforced on a person by an outside authority. According to the OED, “penitentiary,” in the secular form used to describe a prison (first occurring early in the 19th century after extensive prison reform), evolved from the church’s sacramental rituals of penance-penitence (14th century). In the earlier sacred sense, the only acceptable way for a sinner to atone for their sin is through spiritual sorrow and shame as well as the sustained performance of ecclesiastical judgment: repetition of Hail Maries, Our Fathers, and the “performance of... self-mortification.” There were also church-run penitentiaries that gave “asylum” to “fallen women” such as prostitutes or unwed mothers. These “reformed” women were typically on the path to becoming a sort of nun, in a sense married to the church but initiated through shame on a public level. Asylum is thus linked to the need for social reform. However, marked by its subversive irony, the

term “Penit,” coupled with the defiance housed within these buildings, purposely undermines this seemingly normal requirement for societal atonement.

In the later carceral sense, public atonement is achieved through the state via the prison system. Borrowing from the discursive principles of the church, as explained by Michel Foucault in *Discipline and Punish*, the sovereign state’s notions of control moved from physical punishments publically enacted on individuals who committed crimes to the regularization of individuals/populations through the surveillance and imprisonment of people deemed “criminal.” In order for the state to ensure control over its subjects there emerged a need to segment and categorize the entire population based on pseudo-biological structures. Foucault called this discursive form of knowledge-power “biopolitics.” Through the reach of biopolitics, individual bodies are understood in terms of mass population in an effort to make subjects docile before the state. In the regulating of individuals and categorizing of the body politic into socio-biological subsets, the hegemonic state creates primary distinctions: the norm and its other. Through the “scientific” pathologizing of individuals who are deemed different to the greater normalized population, the groups composed of othered bodies become structured in terms of race. The creation of the “criminal,” as Foucault explains, justified the need to create a system of panoptic asylums where the state could surveil the criminal class that essentially hurt its former community of normalized subjects, thereby reinforcing the “good” and “natural” designations of the norm.

Through the evolution of the state’s penitentiaries, the “criminal’s” secular penance grew in many ways from the church’s sacred notions of penance. As theorized by Benjamin Rush, one of 19th century America’s most influential prison reformers who

theorized the practice of solitary confinement, his idea of the penitentiary was as a “house of repentance” meant to house people who harmed their community by committing criminal acts (Sullivan 339). As punishment, the citizen-turned-criminal was to be removed from the boundaries of the community he wronged in order to serve penance. The practice of solitary confinement, with its tactical sensory deprivation, meant to terrify the prisoner’s mind, not the physical body, thereby reeducating the prisoner as docile and, in effect, community-worthy. While the prison system is no longer tied to the church as explicitly as before, the religious significations implemented in the turn of 19th century remain today just as the torture that is solitary confinement. In “Legal Terrors,” Colin Dayan equates Rush’s insistence to discipline by punishing the individual’s mind and body through religious and material abstractions to the current legal/philosophical identity that is “personhood.” At question is the role of the religious codifications—or justifications—implemented into the techniques of punishment and the state’s knowledge-power. The telos behind solitary confinement was the performed mental-spiritual death of the prisoner that would lead to his causal rebirth—via penance, redemption, and conversion. It is only through this conversion in the penitentiary, be it religious or secular, that the criminal is supposedly allowed to re-enter the normalized community, a performance mocked by Miami’s graffiti artists in their Penits.

In Miami’s urban communities, Penits become sites that circumvent these notions of penitentiary control. In the secular penitentiary, the state’s biopolitical techniques of surveilling, a practice that studies and accounts for everything there is to know about racialized others, were perfected. These penitentiary techniques were then applied to the entire normalized society—particularly in urban communities, where class distinctions

are commonly based on racial difference and a lack of economic access to property ownership. In the formation of the carceral city that is Miami, however, the religious significations that are at play in the church penitentiary and in our modern prison system are also at play in the urban reclamation project realized through the Penit. As explained by the administrator on *MG.com*, “Penit” came from the legend that the first “building [was] intended to be a Penitentiary, but *was never completed*” (my emphasis). This sense of incompleteness works as a metaphor for, not only the failure of institutions of modernity and transient market economies, but for the notion of a carceral system that comes up short with its intent of disciplining behaviors socially deemed illegal. It is no wonder why the name insisted to last by *MG.com* is the one that harkens to the initial recognition of subcultural pride through perpetual defiance. For Miami’s graffiti artists, the “Penit” signifies a perpetual state of victory and celebration that recodes sacred notions of penitence as rituals that reject the biopolitics of normalized society.

Miami’s type of re-signified penance that undercuts hegemonic authority has its roots in pre-existing notions of graffiti as performance. The sacred ritual imbued within the subcultures that create graffiti is a line of thinking that Norman Mailer borrowed from his graffiti writer interview subject, CAY, to title his 1974 mainstream introduction of graffiti into pop cultural consciousness. “The Faith of Graffiti” is one in which art is produced via performances of criminality: graffiti writers are “living through the stages of the crime in order to commit an artistic act” (Mailer 79). But for Miami’s graffiti artists, the committing of artistic crimes performs a more focused socio-cultural work: a form of penance that at once rejects the authority of the state and instead serves a subcultural code of ethics. Particularly for this Latin American, and therefore

predominantly Catholic subculture, there is an attitude of religious dedication to notions of secular illegality that are not only present in the construct of Miami's Penits but intensified into something that seems more like an organized religion. While the original Penit, called the "Fontainebleau Penit" after the neighborhood in which it stood, looked like a secular, monstrous prison, the graffiti artists who reclaimed the space adorned it with their own religious iconography. Painted high up on the front in ten-foot-tall letters were the words "Christ Jesus" with a fifteen-foot cross in-between, the four inside corners of the cross had the words "Lord King Over Miami" (*MG.com*). (Figs. 7-8) Here we see a redemptive crossover of religious iconography in spaces where the secular moral code of illegality is consciously broken. Although this signification links sovereign *religious* morality to sovereign *state* morality, Miami's first wave of graffiti artists broke the chain but did not lose the leftover etymological links.

As described by HEC1, an original Miami graffiti artist who was among the first to perform in this original Penit, Miami's young graffiti scene was structured with a sort of religious zeal as hip hop culture trickled in. By 1984, HEC1 explains, "We had our blueprint (*Style Wars*), our bible (*Subway Art*), our club (The Beat) and *our church (The Penit)*. ... [It] was truly Hip Hop Heaven" (*MG.com*, final emphasis mine). The Penit, as construed in a spatiotemporal mode, is a sectarian theater where the re-appropriation of socio-religious demands are staged in the margins of the normalized communal whole—a reclamation project that re-appropriates the redemptive codes of the socio-cultural hegemony it works to reject. In Penits, the local's graffiti is not simply a form of defiance but a proactive means of disciplinary penance.

As sites where activity deemed illegal is harbored, where illegalities are not committed but nurtured, and where a subcultural form of policing sets its own unwritten laws and boundaries, Penits are sites marked by their difference to the social hegemonic order. In “Of Other Spaces,” Michel Foucault called these types of spaces “heterotopias.” Foucault articulates heterotopias as sites “that have the curious property of being in relation with all other sites, but in such a way as to suspect, neutralize, or invert the set of relations that they happen to designate, mirror, or reflect” (24). Unlike the perfected and therefore untenable society represented by utopias, heterotopias are real spaces that are structured by their othered relationship to the boundaries of normalized, hegemonic society: a boundary zone that helps keep said social normalcy tenable. Foucault outlines a set of axioms that determine a space as heterotopic, several of which help describe Miami’s Penits as said spaces of difference. For instance, crisis heterotopias are “privileged or sacred or forbidden places” where individuals can work out their states of crisis (24-5). The motel room is a space where “illicit sex is both absolutely sheltered and absolutely hidden, kept isolated without however being allowed out in the open” (27). Sites where non-normal individuals—those subsets whose lives constitute a sustained state of crisis, or deviance—must be separated from the normal community’s bounds are called heterotopias of deviation. The mental asylum and penitentiary are examples of such sites that sustain the norm by removing the deviant threats to the population.

Implied in these types of heterotopias is a sort of ignorance by normalized society—how the inmates are treated, for instance, is secondary to their exclusion from the boundaries of the culture. Particularly as “nowhere” spaces of deviation, Penits are also spaces that are largely ignored by society’s official law enforcement where otherwise

illegal practices might be performed. Graffiti, at its root, is always in opposition to the boundaries of the social hegemony.² But because Penits provide a physical space where this performance can be enacted, these sites of illegality operate in relation to the other spaces of normal(ized) society.

As heterotopias of ritual or “purification,” the Penit is a harbor for defiance that responds to and subverts the biopolitical discourse of the penitentiary (*Spaces* 26). Unlike the prison where defiance of/deviation to normalized society is atoned, the Penit provides asylum to the graffiti artists who live the illegalities of the state. While all illegal graffiti and the artists who create it break the law, within a Penit, because laws are not typically enforced, the space becomes a refuge for otherness. The reason why laws are not typically enforced within Penits is because of the lack of market interest in these spaces. As I will elaborate through the course of this essay, Penits become available to the graffiti subculture first and foremost because of economic failure. Once buildings become abandoned of industry, a subcultural economy is allowed to operate within the confines. And as it turns out, the state’s interest in protecting society from the “stain” of graffiti is hinged on the marketplace’s interest in policing its former business centers.

This market interest in Miami’s “*penitentiaries*” is confounding given the market’s interest in actual state prisons. The penitentiary system had its roots in the religious practices of the church but the modern prison system is now largely influenced by the will of corporations. Many formerly state-run institutions are now corporate run—like hotels insisting their rooms be filled with bodies. Corporate prisons are beneficial to

² When I mention graffiti I am referring to illegal productions. When I am referring to graffiti or street art that is commissioned and therefore legal, I will specify it as such.

two interested parties: while the state is able to reduce their expenses in the running of prisons, corporations are able to profit off of incarceration rates because their penitentiaries are run like streamlined businesses (Whitehead). Any notions of repentance serving God or State or Community are here replaced by Profit. As such, the biopolitical sovereignty behind population control is driven here by market self-interest. While the discourse that Miami's graffiti subculture responds to stems from the church/state, the actual relationship between Penit defiance-ritual and society is communicated through the governance of the marketplace.

As structured in part by market interest and indifference, the harbor that is the heterotopic Penit nurtures defiance and protects the rituals of this subcultural community. As a sanctuary for these actors, Penits provide a space where the aesthetics and code of ethics entailed in graffiti as cultural production can be solidified before moving out into the wider social boundaries of Miami. Just as the criminal must go to prison to serve penance and be reborn before returning to their community, just as the religious practitioner must absorb the gospel in the church and proselytize/live it in the secular arena, so too must the graffiti artist perform their Penit-ritualized defiance in the streets of the city—streets where the marketplace is sovereign.

I would here like to return to my view from the Miami Marine Stadium, or what has during its “abandonment” years been known as the Marina Penit. While this Penit, like all the others, is a heterotopia for all of the reasons I have outlined, the final reason why it is heterotopic is precisely because it is not a utopia. At first glance this space feels utopic—a lawless but harmonious space where graffiti is only art and not crime, where “trespassing” is simply the only way to get in, and where the “abandonment” designation

is the disguise that grants subcultural access. But such designations, as it turns out, are not what they seem and even then are only temporary. Penits were often known for territorial violence—where the subculture’s discipline and control was enforced by rival crews and neighborhood gangs alike. And although temporarily abandoned by market interest, the potential for arrest is always a factor. For instance, days after I first visited the Marina Penit to explore the space and take in the sunset over the picturesque Miami skyline, a couple of young people were arrested for trespassing. Although these arrests feel uncommon given the deceptive “Nothing is True / Everything is Permitted” harmony, the risk is always there. A risk that is indicative in the balance between acceptance and exclusion. For instance, the “Everything is Permitted” welcome is negated by the “Nothing is True” barrier as immediately made evident by the sideways “FAG” written next to this declaration. Penits are boundary zones that are marked by their reworking of the larger society’s conventions. But while the historically male-dominated subculture may support cultural mores—like homophobia, for instance—the intertextuality of graffiti like “FAG” and “Nothing is True / Everything is Permitted” on the same surface of this Penit speaks to the blending and loosening of otherwise structured significations. As evident in these intertextual meanings, like in the “pennant”/“penit” linguistic slips and in the state or subcultural policing of trespassing, these boundary zones contain a hazed risk—a haze that I feel, especially for an outsider to the subculture like myself, must always be present in Penits. The risk comes in different forms, but they all manifest from the differential relationship between this space—as a boundaried offshoot, as an “other city”—to the greater normalized society.

However, this alluring and necessary otherness, as it relates to the Marina Penit, is quickly evaporating as the marketplace has officially re-gained ownership. Since my first visit to the Marina Penit at the end of 2012, a group called Friends of Miami Marine Stadium has been officially sanctioned by the city to resurrect the seemingly defunct venue.ⁱⁱ As it turns out, the illegal graffiti of this Penit has changed the space's economic prospective by filling the stadium with what has now, in the Wynwood era, been considered stylized, marketable "cool." As of the first quarter of 2014, the stadium contains sanctioned street art by local and international artists, guided tours and exhibitions are available at the discretion of the managing group, and trespassing is strictly prohibited. As this revival process takes root—the stadium's most promising revival plan in the last 20 years—the subculture's control that made the space a Penit is being replaced by the market's control that restructures the space as a profitable venue. As of now, the process has not yet reached its scheduled completion, but the change is underway: this heterotopia is transitioning into a utopia. But as will be made evident throughout the course of this thesis, change, like risk, is a condition that governs all Penits, for better or worse.

But although several of Miami's Penits have been destroyed, others reclaimed by private industry, the beauty is not in the fact that several Penits are currently "active." The beauty is that others are in a present state of becoming. Some of these spaces are already empty shells waiting to be discovered, others currently house thriving businesses. But they will become available. The time will come. The time will come when the subculture will find them. Will run them. Will make them significant.

II. CHAPTER ONE

Setting the Stage: Performing Delinquency within Miami's Carceral Landscape

Graffiti attracts more graffiti, as well as a criminal element.

—Miami.gov, regarding graffiti

The duo painted the town with help from a group called MSG, which can be translated as Miami Style Graffiti, or something more lofty: '... Miami Sign Gods – they believe that they are the Gods of graffiti.'

—Miami police detective elaborating to local media regarding the arrests of CROOK and CROME³

I LOVE GRAFFITI

—Graffiti spray-painted on Miami PD patrol car (fig. 9)

Unlike the graffiti of other American cities, defiance for Miami graffiti artists is not only performed as a re-appropriation of corporate space as communal space but as a re-appropriation of the hegemonic discourse of control. While graffiti artists often flock to abandoned buildings to perform their art, Miami's artists recoded their defunct industrial-centers-turned-graffiti-bastions as an affront to the institutions of discipline and power. Where the penitentiary houses the "criminal" as a mechanism of punishment, the Penit houses the celebration of graffiti "criminality." To say that the Penit recodification is no more than a form of juvenile mocking of official law enforcement would be insufficient.

³ Video of the original newscast was posted by CROOK on the social media site, *Instagram*.
<<http://instagram.com/p/lXKpfrQ4rR/>>

To borrow from the cultural studies methods of Houston Baker and the Birmingham School, my goal is not only to study the subculture's modes of representation but the "politics of representation" (12). As such, if we are to track the ingrained notions of control that led to this re-signification of discourse-power, the performative re-appropriation of the penitentiary becomes an affront to the sovereign church-state-corporate network of control. The Penit recodification pushes against the socially accepted way in which institutions of power aim to make bodies docile, a practice Michel Foucault termed "biopolitics."

In this chapter, I will argue that Miami's mythologizing project that defines these underground yet communal spaces as *penitentiaries*, speaks to the biopolitical movement of control: from sovereign discipline enforced within state penitentiaries to the normalizing social mission within urban populations. Based on the all-encompassing codification of "delinquency," as described by Michel Foucault, I will question the ontology of the "delinquent" as a means to localize the intersection of the subculture's reclamation project and the normalization of discipline. Through Michel Foucault's biopolitical framework, from *Discipline and Punish* to his lectures in the College de France, I will read Miami's graffiti subculture as a model that both upholds but also problematizes the conceptions of the carceral city. Following this analysis of the state's sovereignty, in Chapter Two I will analyze the ways in which sovereignty is adopted by the market as its own self-interests become responsible for structuring docility.

To understand the ways in which the discursive control of biopolitics is enacted throughout Miami as a carceral city, it is useful to begin by analyzing the most official way in which the penal-judicial system executes penitentiary control outside of the

physical borders of the penitentiary: laws. Just as New York City's graffiti culture influenced Miami's scene in the 1980s, Miami's proactive graffiti prevention and punishments of the 1990s were also influenced by NYC's graffiti "problem." Under the "Broken Window" theory popularized by New York City Mayor Rudy Giuliani, in that "unaddressed disorder is a sign that no one cares and actually invites further disorder," the Mayor's Anti-Graffiti Task Force was created in order to ramp up the criminalization of even the most minor cases of property defacement.ⁱⁱⁱ According to Miami Dade County's official website, the broken window theory can be seen in effect as it structures the city's official perception and reaction to graffiti: "Graffiti attracts more graffiti, as well as a criminal element."^{iv} The broken window theory here treats two allegedly interconnected problems. First, the "broken window" that is an act of graffiti must be punished swiftly and vehemently. Pouncing on this "broken window" will then help dissuade the threatening "criminal element" that is presumably attached to acts of graffiti.

In Miami, the penalties not only matched the severity of New York's system but they seemingly influenced New York's penal code. Proactively constituted in 1993, two years *before* the implementation of NYC's Anti-Graffiti Task Force, the very possession of aerosol paint cans or broad-tipped markers in Miami, "with the intent to make graffiti," carries the same exact penalties as if that person were to actually use them to create graffiti.^v For the third and every subsequent offence, perpetrators are required to pay a fine of \$1,000, may face imprisonment for up to 60 days, or both. Further penalties include the requirement to perform community service and repay damages incurred (damage exceeding \$1,000 is considered a third degree felony).^{vi} Aside from the laws imposed against actual and even potential graffiti artists, property owners who do not

address graffiti that has been painted on their walls without their approval within a fourteen-day warning period will be fined \$50; if the fine is not paid within 30 days, “the fine will increase daily up to a maximum of \$1,000,” the owner may then be subject to a lien held against their property, and the court may intervene and remove the graffiti from the property themselves at the expense of the property owner.^{vii} Further, as of August 2007, in a joint “anti-terrorism operation and anti-vandalism public awareness event,” Miami Dade Transit introduced an initiative in which a \$1,000 reward is offered “for information leading to the arrest of [graffiti] vandals.”^{viii} My reasoning for detailing as many of the official penalties surrounding graffiti as possible is to express the incessant reach of the law. These laws reflect the pressing need to control the “criminal element” in a community. The best method for fighting the communal infection that is this “criminal element” is not only by persecuting the criminal action, but also by stomping out anyone presumably thinking about committing a future crime or even any non-criminal in the community who allows a “broken window” to remain broken. All citizens of this carceral city, in effect, are framed as suspects. In Miami, the temporality of crime stretches beyond any lone criminal act or actor.

The overreaching method of modern discipline is one built first on a discursive framework. Foucault explains that this discursive turn dates back to 18th century prison reform and the all-encompassing, pervasive codification of “delinquency.” As the public spectacle of the gallows was phased out for a private, less publically visible form of punishment, the panoptic staging of discipline first practiced in prisons was institutionalized throughout society through the subtle techniques of discourse. The expanse of discourse created a “punitive city” where the delinquent citizen was judged by

all members of society who perceived “the criminal as enemy” (*D&P* 112). This new “delinquency” designation was intended for the social-industrial prison structure to judge “not so much his act but his life,” thereby breaking the one-to-one temporality of a single punishment for a single infraction (251).

As a measure to solidify the socio-cultural designation of criminality, a biological determination was needed. Delinquency is “articulated” through a “zoology of social subspecies... with their own rights and languages” (253). As such pathologized, the criminal does not simply break the laws or coded structures of his society but performs within the confines of his biological difference. Therefore, in order to justly discipline the criminal who affronts the “natural” order of their society, “delinquency must be specified in terms not so much of the law as of *the norm*” (*Ibid.*, my emphasis). The creation of the norm helps enforce the ontology of the delinquent as a criminal threat who does not simply commit crime but causes harm to the legitimate, communal whole. As an ever present and natural response to crime, punishment for the delinquent becomes a form of retribution owed to the community.

The biological “truths” of delinquency rematerialize the non-normal, delinquent populations of criminals as racialized other. In “Society Must be Defended,” Foucault explains that the pathologized othering of bodies/populations helps the sovereign state enforce the structures of control over the entire population—both “deviant” and “normal” groups alike. Control over individual bodies was executed by turning bodies into statistical units: a physical entity that could be lost within the minutia of the population but nonetheless understood as a disease-like threat to the organism that is the body politic. Delinquency, as a pathologized “truth,” required discipline as a measure of

regulating the entire normalized population. Foucault explains that, given the pathology of pseudo-scientific otherness, any body deemed outside of the norm is measured in terms of race. Race helps subdivide the biological population thus making the “inferior race” a subspecies that must be controlled; racism helps validate the state’s regulation of the other by ensuring the citizen’s sense of self-proliferation (255). Here we see the defining parameters of criminology: “Once the mechanism of biocriminal was called upon to make it possible to execute or banish criminals, criminality was conceptualized in racist terms” (258). Because delinquent individuals/populations are categorized by their racialized difference, the idea of redemption through time served in penitentiaries for crimes committed against society becomes an empty promise.

This ideology of racialized delinquency, while first promoted by the sovereign state, is reciprocated by the entire society to which this ontological subset belongs. Ideological frames such as these determine how society perceives and recognizes the ontology of its own members. In Miami we can point to multiple examples where the ontology of the graffiti artist is prescribed negatively by the society around them, particularly through the laws set in place. But I feel it is important to note that these frames may not always come off as cruel or over-the-top. Often the framing conventions are subtle. Take for instance the case of RAGE, a graffiti artist who tagged his name throughout Kendall, a then sprawling suburban area of Miami, in the early 1990s. So prolific was the spread of his tag throughout the neighborhood that there was a concerted effort made to capture and convict this single teenager—an effort that required, as it turns out, a specialized police task force. Once captured, the local *Kendall Gazette* interviewed the detectives: “He’s not a smart alec, just very prolific.... This kid had an extreme

compulsion to put his tag on every wall in Kendall.”^{ix} This “compulsion” has the effect of pathologizing a behavior that is characterized as an uncontrollable, biological constraint to act out. This line of reasoning, while seemingly well intentioned, is reminiscent of the way “delinquency,” as a discursive temporality, predates and consumes the teenager’s illegal actions.

Another more abrasive yet curiously subtle example of how the determining of the delinquent ontology is reinforced by normalized society is through the anonymous space of the Internet comment section. Whenever a graffiti artist’s actions make it to the news stream, the ideological frames of representation are in full, unobstructed force. While the framing of the “criminal” in the comments section is not particularly surprising when the story is concerning illegal activity, the framing is all the more troubling when the story has nothing to do with the illegal graffiti that the individual has created in the past. Consider the 2010 death of YNOT. This 21-year-old Miami graffiti artist was killed during an altercation in a strip club parking lot—an altercation having nothing to do with graffiti. Claiming that YNOT and his graffiti artist friends were trying to steal from him—a claim refuted by witnesses and, eventually, the police report—the suspect got in his truck and ran over YNOT twice. Feeling the delay in an arrest of the suspect was somehow due to YNOT’s criminal reputation, fellow artists from the infamous graffiti crew, MSG Cartel, speculated, “his graffiti rap sheet [had] cops feeling apathetic. Or worse, that the strip club—which has seen dozens of violent incidents over the past several years—somehow has influence in the police department.”^x But considering that the focus of the *Miami New Times*’ article is the fact that police have dragged their feet in the murder case, the anonymous webpage comments to the story predominantly entail

YNOT's death being merited given the fact that he was previously known for defacing property. Here is a succinct example of such a comment: "This character defaced property simple as that. ... He engaged in ILLEGAL activity each and every day he vandalized someone else's property. YNOT is a criminal and his illegal activities caught up with him [sic]." (Ibid.) On the other hand, the majority of the rebuttals to these notions are not arguing that the police should investigate the case properly on the grounds of it involving the death of a human being. Instead the rebuttals portray him as a beautiful artist, a type of inspiration: for example, "Ynot was a good man and a gifted artist. He was no drug addict or thief. His career was just getting started when his life was taken." While this rebuttal is generally more endearing, we are still witnessing the determining ideological framework. The conversation consists of the two dialectical ends of the same structure: one side argues YNOT deserved to die because he was a delinquent while the other side argues YNOT did not deserve to die because he was not really all that delinquent. Although the arguments pull from different ends, the ends are connected by the discourse of delinquency. The subtle framework is neither removed nor reworked but reinforced.

While the normalizing frames of delinquency are defined by the power structure of the hegemonic order, these frames are ideological and, as such, are subtly spread through, and reinforced by the working classes. Ideology, although defined by the dominant class, subconsciously structures the dominated classes who understand said framework as normal, common sense (Hall 49). These framing mechanisms structure the confines of Miami as a carceral city—from the official laws put in place to control the spread of graffiti to the racialized social determinations over graffiti artists' lives. "The mechanisms of power that frame the everyday lives of individuals," explains Foucault,

“assume responsibility for and places under surveillance their everyday behavior, their identity, their activity, their apparently unimportant gestures” (*D&P* 76-77). The perception of delinquency, which structures how Miami’s laws and citizens discipline its graffiti artists, is only plausible given the ideological staging reinforced by all members of the society. Foucault notes that all members of the community are encouraged to persecute any forms of delinquency, “to get all citizens to participate in the punishment of the social enemy” (129). In the carceral city, the penitentiary techniques of discourse are not only enforced by the police or courts but by all members of the already guilty society.

Because the non-prison spaces of the urban community are structured through the penitentiary techniques perfected in prison, the prisoner is never able to return to the normalcy promised after serving his penance. But this sense of return, it turns out, is not the actual intent behind the delinquent codification. Because delinquency creates a pervasive pathology, the prisoner is understood by the social body to be an outcast. As the stain of delinquency marks the individual as criminal in a range that spans from before any illegality was committed to well after the prison sentence has been served, it is up to all other facets of society to surveil this racialized, biological entity: examples range from rehabilitation, to parole, to the removal of voting rights, to the general difficulty of finding meaningful work. As “delinquency” follows the prisoner out of the prison, the carceral techniques of discipline, partitioning, and surveillance are also moved into the structures of the city in an attempt to control the population by overpowering any potential delinquent threats. The “carceral archipelago” is the expression Foucault uses to explain the uninterrupted grasp that the penitentiary imbues throughout the city via the

subtle constraint of normalization. “[The] prison transformed the punitive procedure into penitentiary technique; the carceral archipelago transported this technique from the penal institution to the entire social body.” (*D&P* 298) Like the prisoner who cannot be understood by his society as anything other than a prison inmate, Miami’s graffiti artist too is limited by this all-encompassing frame. But unlike the prisoner, Miami’s graffiti artist performs a type of penance that does not strive to serve the carceral city that will never welcome his return. Through the ritualized penitence celebrated in their Penits, Miami’s graffiti artists re-structure and thereby re-appropriate the delinquency framework that labels them as other.

By performing “delinquency,” Miami’s graffiti artists undercut the control imbued by this very codification. To understand how the subcultural re-appropriation of criminality works as a response to dominant social structures, I refer to *Subculture: The Meaning of Style*, Dick Hebdige’s guidebook to youth subversive performance. In looking towards Jean Genet’s stories as an example of how mundane objects become dialectic signifiers of dominant ridicule/suspicion and subcultural defiance/representation, Hebdige highlights his major themes of analysis: “the status and meaning of revolt, the idea of style as a form of Refusal, the elevation of crime into art (even though, in our case, the ‘crimes’ are only broken codes)” (2). The tension between subordinate groups and the hegemony, encapsulated through style, rides the line between legitimate and unnatural as indicators that push up against the norm. As the mundane objects Hebdige was referring to became encoded with symbolism—from the punks’ safety pins to Genet’s tube of Vaseline—we can consider the objects of Miami’s graffiti

scene in similar ways—from the tools used to create graffiti to the subculture’s subversive penitentiaries.

In the modern industrial landscape, abandoned buildings throughout the urban city are a common, if not mundane feature. Empty buildings become invisible to city dwellers who walk or drive past en route from one point to the next. On a larger scale, these dime-a-dozen abandoned buildings, Miami’s Penits, were, and still are, fertile ground for subcultural performance specifically because they become so forgotten or overlooked or ingrained as part of a cultural apathy by the dominant groups of society. The paint tools used to create graffiti themselves can also be seen as everyday objects used for subversive ends: after all, aerosol paint cans, shoe polish, broad-tipped markers, and the like are sold at hardware and home goods stores. Their usage by the subculture is what makes them subversive and therefore contraband. In my interview of REGISTERED ARTIST (or RA)—a Miami street artist who utilizes a wide array of tools to create his illegal art—he explains that police are more suspicious of young people with spray paint cans and markers as opposed to other tools not commonly associated to graffiti. For example, RA has been stopped by police, holding a bucket of industrial glue and brush, while putting up posters illegally throughout the city. But even though the posters were created earlier with spray-paint, because the police do not actually see RA with aerosol cans in his possession, they simply tell him to leave instead of arresting him. “For some reason society sees the person holding the paint can as the bad guy compared to the paint brush, but in reality they both do the same thing,” explains RA. The reason why society most commonly associates graffiti with aerosol paint cans is because of the subculture’s history with the otherwise perfectly acceptable tool.

But the tools used to create graffiti are not the only everyday objects that have become ingrained with the subculture. In Miami's Penits, from the 1980s to today, common religious symbols have also been re-appropriated. Consider the religious iconography in Miami's original Penit, the Fontainebleau Penit, compared to that in one of its current derivatives, the Marina Penit. The fifteen-foot-tall crucifix of the 1980's suburban Penit has been replaced today by the even bigger upside-down cross painted onto a whole section of the Marine Stadium's grandstand seats. (Fig. 10) The Marina Penit also boasts a large set of blue eyes, painted on a wall facing the water, with a sharp black upside-down cross etched between the eyes—eyes that glare at Miami's skyline. (Fig. 11) While the Marine Stadium's anti-Christian crosses can be seen as a marked difference from the right-side-up crucifix of the original Penit, both methods, whether sacred or sacrilegious, reject secularism. Both types of icons imply a belief system, a faith in a higher power.⁴ Their codes may conflict with each other on a doctrinal level, but they are joined in their difference to the secular hegemony. The Fontainebleau Penit's crucifix faced Miami sprawling suburbs, the Marina Penit's crucifixes face Miami's picturesque skyline. Both examples capture the subversive gospel of Miami's graffiti subculture—ritualized quasi-legally in Penits, evangelized illegally in the streets.

These everyday objects—the abandoned buildings, tools, and iconography—become re-appropriated by this particular insubordinate group as markers of their representation. They become symbols for the “broken codes” that Hebdige discusses (2). These are components, “reflected on surfaces of subculture,” that represent the

⁴ Even the upside-down cross traces back to the apostle Peter's insistence that he be crucified upside down because he was not worthy to be killed in the same manner as Christ.

“expressive forms and rituals of those... who are alternately dismissed, denounced and canonized; treated at times as threats to public order and as harmless buffoons” (ibid.). However, these otherwise mundane, everyday objects, when used or occupied by subversive groups become the props used to stage their defiance. They become valuable when contributing to an identity that affronts the norm, that “begins with a crime against the natural order” but seems like only a slight deviation, a physical but not quite visible marker that “signals a Refusal” (3). The subculture that creates graffiti, in particular, personifies a type of performance. As Hebdige introduces his book on subcultural style he refers to the act of graffiti, not the artists, as “they.” He says of graffiti, “They draw attention to themselves. They are an expression both of impotence and a kind of power – the power to disfigure” (ibid.). By doing so, the subversive action becomes the actor, the performance the performer. Referring to the subcultural product of graffiti as the subculture itself—“they”—is reminiscent of the transubstantiation process of the Eucharist traversing symbolism: the bread *is* the body of Christ *is* the salvation of the Catholic. The “they” of graffiti is reminiscent of the interpellation process Louis Althusser uses to explain the way a person becomes a citizen: the person is hailed by a police officer, stops, then turns to face the officer (1356). However, while Althusser’s performative gesture totalizes the individual as an ideal citizen, graffiti artists’ ritualized gestures totalize them through their embodied Refusal. This Refusal at once celebrates its “delinquency” while breaking with the hegemonic control of the ideological framework. Like the Catholic and citizen in their states of becoming, the everyday style and actions that symbolize defiance for delinquent graffiti artists too is a performance—whether in the streets or in the Penits.

Particularly as a form of performative defiance, subcultural style intentionally and necessarily attempts to rupture the hegemony's control over cultural/racialized otherness. Admittedly, the link between subcultural style and race may not be immediately clear. However, if we consider the pathologized difference that is the delinquent race of the criminal coupled with the defiant performance that is the graffiti artist's subversion, the notions of racialized style begin to take form. This coupling works to defy the normalizing power of the biopolitical. Dick Hebdige argues that subcultural style goes "against nature" thereby "interrupting the process of 'normalization'" and contradicting the "myth of consensus" (18). Because the delinquent subculture's racialized style reworks—by appropriating—society's ideological framework, there arises a need by the state to regain control. But if the framework used to discipline delinquency is no longer working as intended by the hegemony, then other methods must be found to instill discipline. An example can be seen in the actions of law enforcement. The police often respond by overstepping sanctioned law enforcement methods as a way to wrestle back carceral control. The lack of control signaled by the subculture's Refusal of the discursive framework requires police to reinforce the structures of disciplinary normalcy by any means.

In Miami, like elsewhere, these methods of policing are not necessarily mentioned in any state-sanctioned archive like the laws are, but they are in the unofficial archives belonging to those often subject to disciplinary restructuring: society's "disreputable" graffiti artists. *MG.com* interviewed thirty or so well-known Miami graffiti artists and asked for "good stories" about run-ins with police. HEC1 tells of a time when he was

painting a “production” on a highly visible wall on a busy street, Coral Way, and was spotted by a police officer in an unmarked car. After running he was eventually cornered.

[The cop] got out and tackled me to the ground.... He stood over me with his foot on my chest, pointing a gun at my face. His face was beet red and he was acting really erratic so I decided to start playing innocent or I might end up with a hole in my forehead. He said, ‘Have you ever been to NYC and seen how ugly the graffiti is there?’ I told him no (lie), that I was just doing this because my friends told me it was cool.^{xi}

The officer calmed down only after his wife, who was with him in the unmarked car, pleaded with her husband to let him go, saying, “he learned his lesson.” HEC1 says he was lucky because he figures the wife did not want their weekend ruined on dealing with him. Although the police officer was “off duty,” excessive force was required to deliver a message.

TYPOE tells of a time when he and a friend decided to bomb a public wall near US-1. When spotted by the police, they jumped in their car and were chased by two cruisers. After driving quite recklessly, by his own admission, they finally pulled over:

Before I know it I am face down in the concrete with like 20 pairs of boots on my face and mad shotguns on the back of my head. Yeah, they kicked my ass. Then they handcuffed me and called me a fag for like 4 hours cause I was driving a drop top [Volkswagen] bug. I just ended up going to jail for a little bit and that was that.^{xii}

Although TYPOE and his friend committed illegalities therefore meriting arrest, the beat-down and name-calling after being captured by the police constitutes excessive force that typically does not make it to the official archive that is the detailed police report.

It seems that even when police do capture their delinquent suspects, there is no real limit to what they will do to send a message. INFOE tells of a time when cops caught him painting: “They caught me and beat my ass so bad! I had 7 stitches on my face.... I beat that case too because the cops knew they fucked up by beating me, so they dropped it.”^{xiii} Although INFOE admits he was caught committing a crime, the actions by the police are sometimes so excessive that their law enforcement methods conflict with the laws meant to prosecute “delinquency.” The landmark case of Miami legends CROOK and CROME will help illustrate this point.

The most prolific case of Miami graffiti artists being caught after years of work throughout the city was the 1999 arrest of duo, CROOK and CROME. (Fig. 12) This case, given the size and scope of the artists’ body of work, is an example of, not only police brutality but of how unlawful methods of law enforcement can still lead to the state’s desired results. As part of a citywide crackdown on graffiti, CROME explains that then Mayor Alex Penelas assigned the gang unit, inexplicably, to capture the well-known duo whose work could be seen throughout South Florida. When police located their shared apartment, they forced their way in. CROME was not home, but CROOK was.

They had the maintenance man knocking on our door, trying to make it look like he wanted to talk to us. Instead, we had accidentally left the door open and they just came rushing through. ... They threw [CROOK’s] ass to the floor. They said he was wanted for murder and all of this stuff. They

didn't even know if he was Crook or Crome, *they just wanted a live body*.

My other roommate didn't even have anything to do with graffiti and they threw him to the floor as well and broke his glasses and stepped on his chest. They had these two hemmed up in the crib for hours and went through all of our work from our pictures, spray cans, thinking they got something big. They kept asking him to fess up to it and every time he said no they would slap him across the face.^{xiv} (my emphasis)

To make a point, the state attorney's office tried holding CROOK on bond for a million dollars. The state tried painting them as "maniacs who were going to terrorize the streets if... set loose." But the judge reduced the bond to fifty thousand dollars, claiming that the proposed bond was excessive. Interrupting the prosecutor, the judge scoffed, "A million dollars? We don't have that much for drug trafficking."⁵ Eventually, CROME turned himself in and was also held at fifty thousand dollars bond. The highly publicized, unprecedented case was finally dropped because, as it turns out, the search and seizure was conducted by police without a warrant and therefore illegally.

While the ends of the police officers in these stories are examples of abuses of power, the abuses rarely, if ever, are actually prosecuted by the laws that prohibit such unlawful police behavior. However, if the goal of the police was to curb the amount of graffiti being painted throughout town, then they succeeded, at least temporarily. CROOK, CROME, and INFOE each took hiatuses from illegal graffiti after their run-ins with police, even though these run-ins never led to convictions. TYPOE and HEC1 may

⁵ Video of original newscast footage was posted by CROOK on the social media site, Instagram. <<http://instagram.com/p/IX2xzOw4jM/>>

not have taken similar hiatuses after their run-ins, but they both have now primarily moved on to sanctioned street art and gallery work. WIES tells the story of how he begrudgingly stopped writing graffiti illegally in 1994. He was painting with a friend when stopped by gang unit cops and a reporter, who was not at first identified as a reporter. The police officers drew their guns, flashed their badges, searched them for weapons, checked their I.D., then gave them an ultimatum: “1. you and your friend get arrested and go to jail or 2. you and your friend answer some questions for this reporter. So they went and took all these pictures and published all my info in some newspaper. So I quit writing, WIES... R.I.P.”^{xv} While the outcomes of unlawful law enforcement do not necessarily lead to the end of graffiti, per se, the outcomes could be seen as a way of regaining control via the reinforcing of the normalizing mission. A hiatus from graffiti and graffiti-via-permission constitute the otherwise subversive art form’s normalization.

The role of police in the carceral city is to help control all community members by keeping them or making them docile. But how laws are formulated does not necessarily constitute how the control is enforced. Walter Benjamin insists that the state must rely on the controlled exposure of bodies once the police’s power to use law reaches its limits and “can no longer guarantee through the legal system the empirical ends that it desires at any price to attain” (287). Foucault’s construction of the carceral archipelago supports Benjamin’s notions regarding the police’s seemingly limitless control via a continuity that blurs the line between penitentiary techniques and society. Foucault writes: “the carceral system... succeeds in making the power to punish natural and legitimate. ... It tends to efface what may be exorbitant in the exercise of punishment” (*D&P* 301). The limits to law *enforcement* are, in effect, not as strict as the laws would

have one believe. “Carceral continuity and the fusion of the prison-form make it possible to legalize, or in any case to legitimate disciplinary power, which thus avoids any element of excess or abuse it may entail.” (302) As such, “legal punishment” can be inflicted in a way that “appears to be free of all excess and all violence” (Ibid.). The limitless range of law enforcement, although technically illegal but ultimately unpunished, blurs the boundaries of normalcy—assuming “normalcy” is meant to constitute “lawfulness.”

To highlight the hazed boundaries of discipline in the carceral city, consider one particular picture uploaded anonymously to *MG.com*. The image is of an unfinished “throw-up,” painted by ATOMIK and CROOK on a highway guardrail, that had been crossed over by spray paint—a clear sign of disrespect from graffiti artist rivals called “toying.” The caption on the picture reads: “Got chased painting it, cops grabbed leftover can and toyed it.” (Fig. 13) Presumably frustrated by not having captured the graffiti artists, the police resorted to disrespecting the “delinquents” through the same, illegal methods used by the subculture. While the police are in charge of normalizing the subculture by enforcing discipline, it seems the subculture too is capable of influencing the hegemony.

The influence of defiant, subcultural style over the hegemonic power structure, while off-putting at first glance, is a condition more common than it seems. The everyday appropriation project that is subcultural style is eclipsed only by the counter re-appropriation of this subcultural style by the state’s co-sovereign authority: the marketplace. Although state laws and their enforcement constitute a clearly direct link between the penal-judicial system and the normalcy/delinquency of the community outside of the penitentiary, this link is not the only relationship between the penitentiary

and its infusion within the city. The involvement of Miami's marketplace is the force that ensures the carceral continuity that structures this city.

III. CHAPTER TWO

Hate the Sinner, Love the Sin: The Role of the Transient Market in the Framing and Commodification of Vandalism

*While you were in Wynwood / trying to sell your art / I was here / giving
away my heart*

—MIG, graffiti on remaining perimeter wall
of the Hialeah Penit (Fig. 14)

*[Gallery owners] love the work, but they don't love the people. And by
that I mean the culture... if you profile us or whatever the politically
correct term is. ... [They ask] 'do I want the work? And do I want those
type of people hanging out?' And there you go. There you're picking what
you want. You want the work, but you don't want the artist and his friends
to show up at the event.*

—STYLE, an original Wynwood area graffiti artist, on the
relationship between galleries and graffiti artists⁶

What we want to be able to do is keep the cool factor in this place.

—Donald Worth, co-founder Friends of Miami Marine Stadium,
on marketing the stadium's illegal graffiti^{xvi}

The state is the official sovereign force in charge of carrying out the methods of governing the body politic. However, the seeming control of the state is in many ways structured by the powerful whims of the marketplace. We can refer to the market's posturing as “whims” specifically because of the pressure-filled scenarios that influence

⁶ As explained by STYLE during my interview.

the strategies required to turn profit. While economic pressures can come from many directions, once the marketplace becomes hip to the subcultural creation of “the cool,” the process where countercultural style becomes a marketable brand exposes the ironies in the biopolitical framing of “delinquency.” Stuck in the middle of this process, Miami’s graffiti culture can be analyzed as a transient space where structures of the biopolitical—via delinquency and the carceral archipelago—are both destabilized and yet reinforced by the stronger pressures of the marketplace. The question that I will address throughout this chapter is the following: how could it be that graffiti has come to be both despised and beloved by Miami’s market interests? In my effort to disentangle this question, I will begin by analyzing the conditions that allow for the marketplace to determine biopolitical control over individuals and populations. That framework will lead to an analysis of how the market attempts to control Miami’s graffiti “vandalism” through its in/direct role in the making available, destroying, and profiting off of Miami’s harbors of delinquency: the Penits. The creation of Wynwood—a meticulously planned neighborhood that has commercially thrived thanks in part to the aesthetics of the illegal graffiti nurtured in Penits—will conclude this chapter by helping question the irony in the criminalizing and capitalizing of graffiti in Miami.

The relationship between subcultural style and the marketplace can be an onerous web to disentangle. As I will attempt to highlight in Miami’s graffiti landscape, the performative difference, as enacted by subcultures, to the norm (as propagated by the marketplace) has the tendency of eventually garnering such a level of cultural cachet that the market, in turn, tries to commoditize said stylized difference; as such, this commodification signals the re-appropriation of the subculture’s stylized difference back

into the confines of the expanding norm. Whether this process of re-appropriating difference contains a positive or negative end result differs, arguably, depending on the specific issues or objects being normalized. Where I will be paying my attention to, however, is the residue left in the wake of the market's process of re-appropriating illegal style. But to get to the point where I can consider said residual outcomes, we must first identify the relationship between delinquent style and the marketplace through the biopolitical framework that is responsible for structuring normalized society. While the state is responsible for initializing the web that is the carceral archipelago from the physical and cultural structures of the penitentiary outwards, the market becomes responsible for re-enforcing the archipelago by privatizing the state's penitentiary techniques—techniques intended at controlling the mind and body of the criminal-citizen. Before creating the physical structures meant to discipline the population, the initial way that the market gains control over the confines of the society and its citizenry is, again, through the normalizing structures of discourse.

To understand the ways in which the discursive framing of “delinquency” is intensified by Miami's market forces, it is useful to review some local examples illustrating the role of local private industry in propagating the “broken window” theory. Just as the ideological framing of delinquency often comes off as subtle when at the hands of the state, the same can be said of the marketplace. For instance, there are numerous anti-graffiti coalitions that—although classified as non-profits—are actually funded by market interests. These market interests are often, unsurprisingly, those who have the most at stake when concerning the marketability of property: realtors. Take the group responsible for bringing official police attention to RAGE, the aforementioned

graffiti artist with a “compulsion” to delinquency. According to the same article from the *Kendall Gazette*, this group was made up of community activists with the intent to “keep communities graffiti-free by making sure those responsible face consequences.”^{xvii}

However, a simple Google search into the board of directors of the group called Residents Against Graffiti Everywhere (or R.A.G.E., cleverly named after their primary target) reveals that each had ties to realty corporations. For example, group president, Frank Cobo, was also the president of Cobo Mortgage, Inc.^{xviii} The same article also mentions R.A.G.E.’s partnering group, the Miami Board of Realtors Taskforce Against Graffiti (or “T.A.G.,” for a catchy, graffiti-themed nickname). One member of the group explains her reasoning for joining R.A.G.E. was to prevent the spread of gangs. But this fact, as explained by Roger Gastman and various local graffiti artists, is another common, Miami-graffiti-related misconception (168). If anything, Miami’s graffiti artists were tormented by actual gangs.

Then there is the Anti-Graffiti Project, a non-profit organization that branches from The National Council to Prevent Delinquency.^{xix} They have partnered with Miami-Dade County to provide businesses and the general community basic procedures for handling graffiti delinquency and its associated “criminal element.” Examples of their procedural and informational documents include their “Guide to Responsible Retailing” and “The Role of Local Lawmaking in Community Anti-Graffiti Planning.” These guidelines explain at length 1.) how to reduce shoplifting by meticulously planning the store’s layout to ensure proper surveillance, 2.) how to ensure citizen safety, thanks in part to the measures taken by retailers, and 3.) how to properly prevent the sale of spray paint to graffiti vandals. This last point is accomplished by upping security against

“young potential thieves” with minor disruption “to legitimate adult consumers.” This council, vaguely funded by “paint and other industries concerned with stopping such product misuse,” explains the intent is not to prevent theft or simply graffiti but the entire realm of dangerous possibilities these delinquents bring with them. Here are some of the supposed truths that they outline: graffiti vandals are “taggers”, which are part of a “growing gang-like subculture” and, although admittedly “*there have been no incidents in Miami-Dade County of violence towards citizens*,” the fact remains that these vandals must not be confronted because “gangsters are capable of anything” (my emphasis). The link between graffiti artists and gangster violence is made quickly and without many specifics, but this theory is treated as a given. The real question is how one is to spot and respond to a potential “tagger/gangster.” The council warns that, “A tagger may look like a typical 13-year old from down the street, but he may be carrying a weapon,” so one must learn to surveil potential suspects anywhere, anytime, and alert the authorities immediately.

Both of these anti-graffiti organizations, from the realtor-funded coalitions to The National Council to Prevent Delinquency, carry influence with state authorities—enough influence to force the police/county/society to regard graffiti artists not simply as “vandals” but violent gangsters. It seems there is a need to, for one, defend property at all means, and, second, to emphasize acts of property defacement on the same level as violent crime. And although there is no record of violence being committed against citizens by graffiti artists in Miami, as pointed out by the Anti-Graffiti Project, the county and the rest of society is willing to overlook that fact and regard graffiti artists as violent delinquents. But how could it be that the marketplace has garnered such an authoritative

voice in determining which subsets of the population are dangerous delinquents? In short, the market *can* be authoritative because the market *is* the authority.

To understand how the marketplace became a sovereign force it is necessary to consider how state and society became intertwined with the self-interested truths of the marketplace. In his lectures on the “Birth of Biopolitics,” Foucault outlines the switch that the market underwent from arbiter of justice to that of the norm. Up until the 17th century, the market could be seen as “a site of justice”: prices were fairly valued on consumer and worker performance and all levels of society, from rich to poor, could buy through an all-inclusive “distributive justice” that protected the buyer from fraud (30). As such, the market was understood as a protective authority with the best intentions for the consumer. But by the 18th century, however, there emerged the notion of a “natural” and therefore “normal” price. Dictating that a good government must not function according to what is just but according to the market’s abstract truths, the market assumed its sovereignty:

“In this... new art of government, political economy does not therefore owe its privileged role to the fact that it will dictate a good type of conduct to government. ... The market... is becoming what I will call a site of veridiction. The market must tell the truth; it must tell the truth in relation to governmental practice.” (32)

As Foucault traces this authoritarian relationship between natural market and increasingly liable state, he notes the similarities in their biopolitical concerns. The market—like the penitentiary, psychiatric institution, and “the confessional”—became obsessed with finding out the truth of the citizen-criminal (35). The methods of knowledge-power,

disguised as sovereign “truth-seeking,” are shared by all disciplines, from criminology to sexuality politics to the market’s economic theory. This notion of the market’s self-interested truths being an instrument for the structuring of state law and justice highlights the normalizing, and subsequent othering project of biopolitics.

In the market’s enforcing of the norm, pathologized difference between populations is enforced not only by biopolitical control—for example, the natural good majority versus its deviant delinquent subsets—but through divisions of economic class. As explained by Stuart Hall in “Race, Articulation, and Societies Structured in Dominance,” economic structures have the effect of determining social structures, particularly through racial divisions. Hall points to the “normalcy” of the dominant class over the difference of the working class—a class difference that reinforces racial difference. “The racial structure is given concrete conditions of existence” as economic structures/interests/veridictions articulate racialized divisions through the blurring of laws, notions of ownership, and dominant ideology (22). The “natural” distinctions built into the relationship between the normal owner and non-normative other contribute directly to the control assumed through the necessity to surveil and discipline individuals/populations that are marked by their class- and race-based difference. While Hall points to the socio-economic coupling of dominated race with dominated class, as it relates to the Miami graffiti subculture, we could consider the domination of pathologized “delinquents” as socio-economically coupled with the class of the property-less other.

As the role of property relations is one dominated by marketplace ownership and its self-interested truths, the division between lawmakers and those whom the law is

meant to control begin to take the dialectical relationship of property-owning subject and its delinquent other. While the market decides on what the state and its laws ought to police/control, market forces particularly interested in property value—like Miami’s realty and retailer protection “non-profits”—are allowed to determine the framing of the delinquent class through their moralized defense of property. The tangible yet subtle framing parameters that work towards justifying the carceral archipelago, particularly as it relates to graffiti, is impinged on the role of property *values*.

The codification of delinquency can be considered subtle when applied by the market because it has been institutionalized societally through the “natural” defense of property and property relations. According to Foucault, along with 18th century prison/punishment reform, the era’s rise in bourgeois power increased notions of criminality against property: “offences against property seem to take over from crimes of violence. ... A general movement shifted criminality from the attack of bodies to the more or less direct seizure of goods” (*D&P* 75). This shift in criminality—from the focus on violence to theft—signals the shifting demands of the powerful. For the property-owning bourgeoisie there “was a change in the operation of economic pressures, a general rise in the standard of living, ... an increase in wealth and property and ‘a consequent need for security’” (76). Those with power, as established through property ownership, influenced the biopolitical concerns of the sovereign hegemony. We see here the seeming necessity for the overreaching carceral archipelago,

[which is formed as] part of a whole complex mechanism, embracing...
the increase of wealth, *a higher juridical and moral value placed on
property relations*, stricter methods of surveillance, a tighter partitioning

of the population, more efficient techniques of locating and obtaining information. (77, my emphasis)

Through this new moral claim on property value made by those with legal rights to said property, a biopolitics is developed where it is not the state who controls the population and its classes but the bourgeois marketplace.

Along with the focus of criminality, the focus of illegality followed suit. “The new regime of landed property” became the target of the supposed “criminal” class (*D&P* 274). As is the case with Miami’s powerless/property-less graffiti artists, who perform their subversion against the hegemonic forces that frame them as delinquent other, “A whole series of illegalities was inscribed in struggles in which those struggling knew that they were confronting both the law and the class that had imposed it” (ibid.). The discourse of law became haunted by a “mythic” group of criminals made up of “working-class life, ... a certain social class” (275). As specifically related to Miami’s graffiti artists—who perform their defiance on the physical surfaces of idealized and moralized property itself—these mythic criminals are called “vandals.”

When analyzing the specific type of crime that is graffiti, we should specify the term Foucault points to as the codification that pathologized all sorts of illegal behavior/populations. While the *delinquent* is a person who hurts their community by acting against the laws written to protect said community, the *vandal* directs their criminality not to a violence against bodies but specifically against private property. The term we use today is directly linked to the “barbarian” race of Vandals, a group typography characterizing “a willful or ignorant destroyer of anything beautiful, venerable, or worthy or preservation” (OED). The Vandal is senseless, artless, has no

regard for culture (presumably a culture that is not their own) and is pathologized as a biological race that is different from, and enemy to the Western ideal. The original Vandals were known for destroying monuments of the classical cultural world, but in our current use of “vandal,” any piece of private property is comparable to a monument of high culture—even if modernity’s monuments are the walls of an abandoned Miami factory. The Vandal did not steal to make a profit, as did other world powers. Like the original Vandal, the modern graffiti vandal is different: they embody defiance, not simply against the dominant society that they target but against the norms of said society. And what is more opposing to the economic norm than stealing or destroying or writing your name on a physical object that is not your own, not with the intent to accrue cash value but to assert a territorial capital that is only valuable in the coded economy of urban, subcultural representation? Value for the vandal does not reside in a moralistic purchasing power but in a type of ownership that assumes territorial value while rejecting the “truths” of the marketplace. This is why the vandal is such a threat to the market.

Miami’s graffiti vandal—a group of others in relation to race, class, type of delinquency, and dominant economic ideals—is a threat to the normalizing marketplace because they represent a multi-leveled rupture of the hegemonic framework. And if the market perceives the vandal as a threat, then the rest of society must be made to feel similarly threatened. Although the vandal pointedly inflicts harm against private property and the dominant economic framework, the market must discursively frame them as a greater threat: hence, as violent criminals or gangsters. This is why the anti-graffiti realtors were able to get police to start up a specialized anti-gang police task force to catch RAGE, the teenager with a “compulsion,” why the privately funded Anti-Graffiti

Project is able to influence law by labeling graffiti vandals as violent threats to the community, and why Mayor Alex Penelas assigned Miami police department's gang unit to capture graffiti artists, CROOK and CROME. The reason why society and law-enforcement officials believe the market's self-interested truths is because the market is sovereign. The market creates ideological "facts" based on the moral defense of property. Once prescribed on moral grounds, anything in opposition is immediately marked as a-moral, unnatural, and not normal. Constituted as a means of controlling representations of the delinquent, I believe we can account for these types of discursive frames as the first necessary step in the implementation of the carceral city. More than being symbolic, these boundaries create a theoretical space upon which the physical structures of the carceral archipelago can be founded.

As penitentiary techniques were formed to ensure the multi-faceted structure of control throughout society, the actual prison becomes no more than the most formal pinnacle of the carceral archipelago. As Foucault notes, "The prison is merely the natural consequence, no more than a higher degree, of that hierarchy laid down step by step" (*D&P* 301). The reason for this configuration—aside from the role of the factory, the school system, the medical community, and others that carry out the normalizing discipline of the population—is that the physical confines that are used for the housing and segmenting of delinquent bodies have been implemented throughout the urban city. These incarcerating measures include surveillance systems, fences, guard gates, walls, barbed wire, private security, etc. While in prison, it is up to the state to set up these measures of control, but outside of the penitentiary, control is largely up to the discretion

of private industry.⁷ With the cooperation of the judicial system and law enforcement, the market decides how to enforce the carceral archipelago. But as the market lays out the carceral boundaries of normalized society, the market also plays a direct role in the availability and demise of Miami's graffiti bastions.

A key designation of each and every Penit in Miami is its abandonment. By abandonment, I am not referring to an absence of actual bodies—like graffiti artists and the homeless. By abandonment I am referring to the absence of private funding. This notion of hegemonic abandonment creates an idea that the defunct space is empty, home to nothing more than vagabonds. But this dominant idea of transience in actuality reigns hollow. For instance, consider the history of the Hialeah Penit. Known as “The Warehouse” before “earning” the cross-town name Penit, this abandoned space was discovered in 1989 by POEM of Hialeah's 7UP crew (7 Urban Poets) (*MG.com*).^{xx} Located in Hialeah (although technically just across the border into Miami), The Warehouse was just one of many warehouses in this city defined by its working-class Cuban-Caribbean exiles. Wedged between Miami's Metrorail—the above ground mass transit system connecting Hialeah's working class to other Miami neighborhoods—and FEC railways—connecting the region's mass freight with the rest of the East Coast—the Hialeah Penit was “definitely the largest (in terms of wallspace), and most active graffiti penit in Miami's history” (Ibid.). (Figs. 15-17) Before becoming a subcultural hub, the warehouse was owned by Bodin Apparel, a clothing manufacturer, up until the mid-1970s. Once that business failed, Ace-Parker Inc., a mass printing facility, bought the

⁷ In the case of corporately run private prisons, the market, clearly, is also responsible for determining the measures of control within the actual penitentiary.

space. While there, Ace-Parker was known for printing a wide array of materials, from Miami-Dade County's official code manuals to Hustler Magazine. After complaints that the 24/7 manufacturing plant's chemicals and fumes were endangering residents of the neighboring trailer parks, the plant was forced to cut operation hours, which led to downsizing and their eventual bankruptcy in 1986.^{xxi} In the ensuing years, after it started flourishing as a space for subcultural performance,⁸ the location was used as a dumping ground for used tires and eventually deemed a superfund site by the Florida Department of Environmental Protection (FDEP) thanks to the chemical waste left behind by its previous tenants. In 2003, five years after being deemed safe by the FDEP, The Warehouse was demolished—although I am not entirely sure who paid to have it destroyed. All that remains today are several precarious entryways and graffiti-lined mountains of concrete rubble and perimeter walls. (Figs. 19-20)

My point in emphasizing this history can be encapsulated by the FDEP's cleanup report—in effect, the state's official dehistoricizing of the site's subculture. After charting the property's market history until 1986, the report notes, "Since that time, the site has been vacant" (FDEP). When considering the stories that took place in the Hialeah Penit—from awe-inspiring graffiti artwork to run-ins with neighboring Nicaraguan gangs, from friendships with the homeless to the occasional graffiti artist losing his virginity^{xxii}—it is hard to imagine this space as being anything close to vacant. In a blog post on the MSG Cartel website commemorating the Hialeah Penit and its importance to the subculture, a commenter wrote: "The city may or may not know how big a part we as writers played in the environment as far as the history of Miami goes. The Hialeah penit

⁸ The loading dock in the back, facing the FEC rails, was fittingly called "the stage." (Fig. 18)

left all of us with some memories good and bad, I miss those days.”^{xxiii} It is hard to measure the role of this space in the development of Miami’s graffiti subculture, but, as expressed to the *Miami Herald* by NERVE, the legend of this “vacant” building cannot be ignored: “I never got influenced by a person, but by a whole warehouse.”^{xxiv} But from what the FDEP reports, the space was devoid of any intrinsic value. “A large empty building covers approximately four acres of the site. The building has been stripped of virtually all metals, glass and other removable materials and *appears to be used by a transient population*” (my emphasis). To the FDEP and, in effect, the state, in what appears to be the only available state-sanctioned documentation regarding the Hialeah Penit, the subculture that flourished within the warehouse is referred to as nothing more than a transient void in the non-history of the business center’s post-business years. But if we consider the subcultural influence produced within The Warehouse that was the Hialeah Penit, the only real transience associated to this warehouse’s history is that of its market-industrial past.

As with all Penits, market transience in one way or another influences the attention paid to these “private” properties. The failure of private industry means that control over surveillance, security, code enforcement, and so on, are no longer part of the governing schema of the buildings. When the building is no longer occupied by private industry, there is no longer any real interest in the actions performed within the confines of these structures—be it legal or illegal. This loss of market interest is also symbolic of the relationship between the state and the sovereign market, in that as soon as private industry fails and therefore loses interest in the actual building which housed their business, state law enforcement too becomes unconcerned with the happenings that go on

in these buildings—again, be it legal or illegal. Once these buildings are abandoned of funding, they are abandoned of official discipline.

For evidence of this lack of discipline in the Penits, it is best to turn to the graffiti artists who, thanks to their law-breaking subcultural performance, constantly try to dodge law enforcement. As part of *MG.com*'s artist interviews I referred to earlier, the artists were asked for interesting stories that took place within the Penits. Well-known Miami writer, ATOMIK, tells of a time he and a couple others were working on a large production at the Agripost Penit—their preferred Penit that was a failed recycling plant. All of a sudden, the Penit was swarmed by gun-drawn police. Fearing they were going to be arrested, their luck suddenly changed: “Turns out they were Carol City gang unit and they were looking for gangs, not writers. They really liked what we were painting and asked if we could take a picture of them in front of our wall.”^{xxv} TYPOE tells of a time at the Overtown Penit—a failed free-trade-zone warehouse—when he and two friends were cornered by police while painting. He explains that the cops made them get on the ground, and then proceeded to put on their “beat down” gloves. The police then apparently reconsidered. Instead, the graffiti artists were given citations, which required them to appear in court. Wanting to complete their work, TYPOE asked the cop if he could finish:

“The cop looked at me and said ‘I’m not saying you can finish this wall, but I will tell you that we are leaving the area and won’t be back for 2 days.’ ... So I quickly took my shit back out and we finished our pieces. I actually saw that cop a week later on a crosswalk in South Miami and he told me not to even go to court that he just threw the papers away.”^{xxvi}

During the highly publicized arrests of CROOK and CROME, the landmark case of the prolific Miami duo that prosecutors wanted to make examples of, CROME was not at the apartment when police conducted their warrantless search. Where was he during the arrest? While he “was getting locked up,” CROOK explains, CROME was painting illegally in the safety of the Bobby Maduro Penit—an abandoned baseball stadium.⁹ (Fig. 21) The *Miami Herald* article mentioned earlier corroborates law enforcement’s disinterest in the Penits, particularly the Hialeah Penit—the failed industrial warehouse. “Police don’t seem to care as much about pennants as they do about more visible places. In part, it’s because they are simply out-of-the-way buildings.”^{xxvii} The reason why these places are not-so-visible is precisely because the marketplace, at least temporarily, has no interest in paying attention to these spaces of failed industry. However, in the event that private industry becomes re-interested in the space, then the mechanisms of control quickly return. And the reason why the marketplace renews its interest with these spaces is entirely based on the potential for resurgent capital—a potential that is occasionally provided by the same illegalities performed within.

While it is true that several Penits have been torn down or refurbished to bring about new business ventures that have nothing to do with the graffiti housed within (like the Fontainebleau Penit being demolished in lieu of an apartment complex and the Malibu Penit being replaced by a parking garage for a different apartment complex), a few notable Penits have been kept intact specifically because of the marketable graffiti-vandalism performed within. As it turns out, the very delinquency that the marketplace so vehemently tries to combat also brings with it a subcultural cachet that can be re-

⁹ CROOK recently posted this information on Instagram. <<http://instagram.com/p/IYhkzUQ4i1>>

appropriated and commoditized if executed properly. Raymond Williams referred to this hegemonic process as incorporation (115). Once the vandal aesthetic is discovered to be marketable, private industry institutes a new-look carceral configuration that attempts to combine the ignored illegality of the Penits with the disciplined confines of the urban community. This blurred, problematic space has taken form as Miami's new burgeoning arts district, Wynwood.

Formally known as the Garment District, Wynwood is a Miami neighborhood that, while once under-the-radar, has in the last ten years become a mecca for hip street art culture.^{xxviii} Two of the primary reasons why this neighborhood has become as vibrant as it has are thanks to the redevelopment project instituted by realty magnates, like Tony Goldman and David Lombardi, and Miami's yearly international arts festival, Art Basel. But aside from the capital investment pumped into this neighborhood over the last decade, Wynwood gained its reputation as a seedy and dangerous part of town specifically because of the transient capital interest throughout the years leading up to its redevelopment. When I refer to this arts district as having been "seedy" and "dangerous," I do so to highlight the fact that features such as these make the neighborhood—with its once abandoned warehouses, general economic disparity, and graffiti—ironically marketable to a young population seeking the urban cool. But as it turns out, the notions of the predominantly vacant warehouse district, with its longstanding relationship with graffiti, presents an incomplete picture of the Miami neighborhood.

In Miami, the explosion of Wynwood has created a journalistic demand for the "Wynwood think piece" subgenre. But while most articles focus on the "dying" coolness of the now oversaturated arts district, few comment on the neighborhood's history of

transience quite as well as *The Miami Rail's* interview of Marcos Feldman, from Florida International University's Center for Labor Research and Studies. In "The New Wynwood," Feldman explains that the dominant narratives of gentrification and more superficial ones like artistic authenticity sidestep the actual transient-rich history of the neighborhood. Feldman notes, "The narrative burst on the scene in the last few years, but all these processes go back several decades." For instance, this neighborhood, like the rest of Miami, is commonly defined by its influx of Caribbean immigrant populations. As a sort of immigration gateway, Wynwood was "a place where constant immigration shaped the way that community organizations operated. This made neighborhood level politics porous and malleable and allowed collaborations with big outside organizations...." But even as there was and still remains a residential Puerto Rican base in the northern half of the neighborhood, the generations-old presence of local groceries, Roberto Clemente park, and communal interaction on the north side of NW 29th street was replaced by the post-2000 discourse focusing on the unoccupied warehouse district to the south of the 29th street boundary. "What the City of Miami used to call in its planning documents the Garment District, the Fashion District," this subsection of the neighborhood began to define the entirety of Wynwood and its 3,000 residents: a longstanding immigrant community's history defined by its now defunct manufacturing subsection. Feldman explains that this re-appropriation of history was led by developers like Goldman and Lombardi. "The exit of that [garment] industry set in process a plan: If you have empty warehouses, this naturally implies having to fill them. This sets the stage.... Nobody knew better than Goldman what you do to former manufacturing buildings." Having successfully transformed industrial vacancy into cultural cool in

NYC, Goldman and other developers banked on the district's transience to yield high capital earnings. And just as market transience affected the empty manufacturing space that became the Hialeah Penit before it—by creating a subcultural space through industry failure—market transience has affected Wynwood's own Penits as well. But unlike Miami's other Penits, Wynwood's have been the subject of, and precursor to, the development of the commoditized vandal aesthetic.

Two case studies here will help illustrate the role of Penits in the formation of this new cultural hub. Having been fiscally abandoned since the 1990s, the RC Cola Plant was re-appropriated by the neighborhood's local graffiti crews as their own Penit. Like the other Penits, for years this was a space where illegal graffiti was performed without much consequence from official law enforcement because of private industry disinterest. But shortly after the year 2000, with the redevelopment of the district in effect and the presence of Art Basel, the warehouse was re-re-appropriated by private investors.^{xxix} However, instead of having the graffiti painted over and the structure rebuilt, the chic, anti-establishment urban art was encouraged—not quite referred to as “graffiti” but “street art.” Only now the space was kept under surveillance, private security, and gates—the basic carceral confines. By 2008, the formerly defunct, expansive warehouse space was rented out by a well-respected local gallery firm, Primary Flights, as part of an exhibition that showcased the work of international and local graffiti/street artists.^{xxx} According to county records, during the decade-long redevelopment process—of which owner/realty magnate Tony Cho said, “We want to turn Wynwood into the cultural and art mecca of the U.S.”^{xxxi}—the sales price of the RC Cola Plant went from \$487,500 in the year 2000 to \$2,065,000 in 2010. Every year since, the RC Cola Penit has been rented

out to legally display different pieces of graffiti, film commercials, and host a variety of photo shoots. (Fig. 22-23)

If one is not granted permission inside, entrance to the Penit is considered illegal. And yet while illegal trespassing and graffiti still take place, the “illegalities” only add to the marketable vandal aesthetic supposedly discouraged by the large gate and security presence. (Figs. 24-27) The Overtown Penit, meanwhile, while having a shorter span as an unmonitored Penit, also became owned by a realty group and was only opened to businesses willing to rent the warehouse as a film set.^{xxxii} Now called Mana Wynwood, the space that sits diagonal to the RC Cola Penit has been fully converted into a soundstage with its own around-the-clock private security, surveillance, and gates. (Figs. 28-30)

The reason I highlight the evolution of these Penits into marketable pieces of real estate is because they serve as reminders of the diluted formation of the carceral city. The disciplinary measures that are now enforced as part of the governing schema of the former RC Cola and Overtown Penits are continued throughout the meticulously structured Wynwood neighborhood. As explained by Foucault in “Society Must be Defended,” the control of biopolitics is two-pronged: the sovereign must discipline the individual body while regulating the population. As an example of the overbearing yet subtle reach of biopolitics over physical bodies, Foucault points to the “rationally planned layout of the model town, the artificial town, the town of utopian reality” that was materialized in the 19th century (251). This structured town layout implicated one family per house, one individual per room, and a whole series of ingrained determinations. For these working-class neighborhoods, the point was to encode within the individual a

normalized, natural, disciplined performance. “The layout, the fact that *individuals were made visible*, and the normalization of behavior meant that a sort of spontaneous policing or control was carried out by the spatial town itself.” (251, my emphasis) Although Wynwood is not currently viewed as a working-class manufacturing district, the same theory applies to the spatial regularization implemented throughout the redevelopment of this art-driven, seemingly “non-normative” neighborhood.

Wynwood’s redevelopment project is one defined by control: a plan reinforced by both the spatial drawing of boundaries and the discourse of dehistoricization. As explained by Marcos Feldman to *The Miami Rail*, the collaboration of city leaders and developers devised several particular strategies for commodifying the neighborhood, one key example being through the “café district ordinance.” Adding to the art galleries taking up residence in several of the abandoned warehouse spaces, this ordinance sought to introduce the area south of 29th street with a variety of trendy cafes and bars. But because the residential neighborhood to the north of 29th street would not likely welcome this alcohol-fueled business venture, there was a need to segment the community. First, through the café ordinance, the redevelopers “create a compact geography—a district with boundaries—where they allow up to 25 liquor licenses.” Hence the South/North border of 29th street. Then, the Goldman-led lobbying effort created the historical erasure necessary to convince the city to allow for the redevelopment of the recently compartmentalized area. Feldman explains:

They got letters of support which all said the same things, especially one phrase that was exactly the same: ‘This cafe district is going to bring foot

traffic to desolate streets.’ The letters are in the record—it just keeps hitting you: desolate streets, desolate streets, desolate streets...

Through this discourse, Wynwood became synonymous with the near-dead warehouse section to the south, not the living, breathing residential community to the north. Through ordinances like these, dominant narratives in which the residential community is erased while vacant warehouses are rebranded as hip, commercial opportunity, Wynwood’s layout was meticulously restructured.

As with Foucault’s model town, the restructuring of Wynwood may not immediately relate the discipline built into the creation of boundaries. But if we look to the setting of boundaries over the graffiti subculture that predated and now seemingly dominates Wynwood’s warehouse/art district, we can understand the subtle controlling measures in affect. As outlined throughout the course of this chapter, graffiti is a direct affront to the market’s moralized stake on property relations as enforced by state law. And yet, today’s Wynwood, a space created by realty magnates, has seemingly reversed the market’s stance on graffiti. The area *seems* to have become a welcome home for graffiti defiance and vandalism, a sanctuary of sorts where the subculture can perform illegalities (mostly) free from annoying state police and private security, where the territory is run by a non-hegemonic set of economies and codes. A space, in fact, modeled not unlike Miami’s Penits. As explained by Feldman, by “unmaking spaces of economic production and remaking them into places of cultural consumption,” redevelopers like David Lombardi were able to turn urban Wynwood into what he called a “clean canvas.”^{xxxiii} This cleansing process thereby provided the otherwise disdained but commercially viable graffiti subculture with space to thrive. But, although market

transience is responsible for inadvertently creating spaces in Miami's Penits where the subculture could flourish hidden from sovereign control, the market transience in Wynwood created a utopia supported by the necessary disciplinary structuring that defines all utopic spaces: a utopia where the subculture does not support itself—like it does in the heterotopic Penit—but where defiant rebellion style is commoditized and repackaged for the normalized consumer base.

Throughout Wynwood, due to the overabundance of street art that has spilled onto every surface of the neighborhood, there is a misconception that graffiti has become decriminalized. When in fact, it is thanks to the meteoric rise in commissioned murals—with their graffiti aesthetics—that the perception of graffiti's decriminalization and acceptance has manifested. But although walls, sidewalks, lampposts, and virtually every surface owned by the city or private industry is quickly covered by "graffiti," all of these surfaces are painted over regularly. The city buffs graffiti on its property a couple of times per month while the private property owners erase the graffiti on their walls whenever they feel is most financially prudent (RA interview).¹⁰ The disciplinary control may seem inexistent but the control is always present. For instance, spray paint a stencil on the street without permission and you run the risk of arrest, but get permission for the stencil like the band Arcade Fire did for their street-art-themed guerilla marketing campaign and you will be fine.^{xxxiv} (Figs. 31-32) In Wynwood, the vandal performance is superimposed by the market's performance: a seeming lawless space that is heavily monitored, sanctioned, and controlled by both private means and city police. (Figs. 33-

¹⁰ RA explained to me that realtors, when trying to sell a property in Wynwood, will often have a street artist paint the building to help potential buyers visualize the possibilities. When the new owner buys the building, they can keep the artwork or paint over it as they please.

36) The carceral archipelago has a way of making its confines seem natural—the carceral ideology being that normalized society needs and welcomes the disciplinary and regulatory measures. In Wynwood, not simply the community but the vandal graffiti subculture has been regulated, segmented, and made docile.

Wynwood Walls, for instance, the brainchild of Tony Goldman, which boasts a free, inclusive gallery of open-air walls filled with internationally acclaimed street art, has a gate and security detail meant to control the amount of bodies allowed to enter—often in single file lines when busy—all for the ironic purposes of protecting its café and graffiti-inspired artwork from vandalism.^{xxxv} (Figs. 37-38) As it turns out, lucrative street art must be protected from graffiti. But the boom of funded street art is only a reality because of the illegal graffiti created throughout the same neighborhood—graffiti created before, during, and after the neighborhood’s sanctioned street art boom. Further, thanks to the rise in capital interest in the neighborhood, longstanding community businesses have been forced out of the area due to ever-increasing property values.^{xxxvi} The exodus of immigrant run cafeterias has paved the way for the city and marketplace’s preferred trendy cafés. Speaking to the coveted artsy-chic businesses and new type of resident base that property developers are targeting to keep Wynwood “cool,” Jessica Goldman Srebnick, Goldman Properties’ CEO and daughter of Tony Goldman, says, “It’s not just curating art, it’s curating tenants.”^{xxxvii} The once blighted urban canvas now has its own “mini urban drive-in” movie theater,^{xxxviii} its first private bank adorned with Warhols,^{xxxix} and a high-end indoor shooting range catering to wealthy out-of-towners who want to experience the power of *Scarface* and *Miami Vice*-like automatic weaponry.^{xl} And soon, Goldman Properties’ curated tenants will also have their new apartment complexes.^{xli}

While the gentrification affecting local business owners and urban citizens is an upsetting, yet all too common aspect of urban redevelopment initiatives, it is the commoditizing balance of chic il/legality surrounding the encouraged and yet criminalized vandal-delinquent aesthetic that I believe is symbolic of the challenges facing the community as well as Miami's graffiti subculture.

Because the graffiti artist-vandal mode of production is part of an active performance—as nourished in Miami's *penitentiaries* and spread throughout the city—it can be commoditized and marketed as a hip lifestyle. My intent is not to begrudge graffiti artists from claiming the capital value they have earned through their crafted artwork, be it in Wynwood or in any other arena. But the fact remains that the shift from the *criminalization* to *encouragement* of vandal aesthetics is an imbalanced one where the control is ultimately not in the hands of the subculture that performed and painstakingly created their counterhegemonic style. Once there are profits to be made, the configuration of the vandal codification is reworked: the vandal, in effect, no longer *destroys* culture but *creates* it, all the while remaining categorized and pathologized within the laws and social understanding as a delinquent threat to the community.

While this reconfiguration of the vandal at the hands of the market-state may only appear like a minor imbalance that is only really felt by the same people who claimed their stake in the market by willfully breaking laws and defacing the property of others, the actual affect of the city's carceral configuration carries a much graver set of residual consequences. The methods of control are subtle but the material affects are real. ATOMIK, local graffiti legend who now does both illegal and paid productions, said of graffiti's supposed acceptance in the area:

I feel like, yes, South Florida has played a big part in the decriminalization of [graffiti] but I can't say that it applies to the rest of the world. It's not every city that has a scene like we do and place that we have like Wynwood where you're able to just go and paint.^{xlii}

And, well, he's right. The decriminalized notions of graffiti taking place in Wynwood are not even shared throughout the rest of the greater Miami area. Take for instance the death of eighteen-year-old graffiti artist, REEFA.

IV. EPILOGUE

The Death of REEFA

Early on the morning of August 6, 2013, officers of the Miami Beach Police Department spotted REEFA illegally tagging his name on the exterior wall of an abandoned, graffiti and sign-covered McDonalds. REEFA, standing at five feet six inches tall and weighing roughly 150 pounds, ran from about six police officers and was cornered a few blocks away. After resisting arrest, he was knocked to the ground and stunned in the chest with a Taser by officer Jorge Mercado. Amid reported celebrations from the arresting officers, the suspect went into cardiac arrest. Then, as quickly as the Taser was fired, REEFA's cultural anonymity was ruptured. Once delivered to Mt. Sinai Hospital, as stated in the police report, Israel Hernandez "expired."^{xliii}

In the months since his death, Israel Hernandez's story has garnered international attention. There have been public vigils and rallies to bring attention to the claims of police brutality. The teenager has been eulogized by fellow artists and graffiti artists throughout the city—from legal murals to illegal tags. (Figs. 39-40) Meanwhile, allegations have been made that REEFA was on cocaine or synthetic drugs, thus prompting his cardiac arrest;^{xliv} the police department took months to initiate and release the autopsy;^{xlv} claims have been made for "excited delirium" playing a role in his death (a condition not recognized by the American Medical Association);^{xlvi} and his name and likeness has been used for a political attack ad by Commissioner Francis Suarez against the mayor's violent methods of governance (Francis himself having voted to buy Tasers for the police department).^{xlvii} (Fig. 41)

Seven months after Israel Hernandez's death, on March 6, 2014, the autopsy report was finally made public. The report confirmed what family, friends, and community activists believed. The cause of death was not drugs or excited delirium. According to local media, "The Medical Examiner... ruled the cause of death for Israel Hernandez Llach was 'severe cardiac arrest' brought on by the electrical current administered to him by a police Taser."^{xlvi} If this news felt at all like the first step towards just resolution, the very next sentence upends said progress: "The death has been ruled 'accidental.'"

As all of these reports have come up after Israel Hernandez's death—from the autopsy to the rampant allegations—it is thanks to the disciplinary structures implemented before this "accident" occurred that the possibility for his death became a reality. In the case of REEFA's death, lives not recognized as grievable are framed by two carceral formations: the social fear/hatred for the pathologized delinquent enemy (i.e., as displayed in the vicious comment sections for news stories reporting his death^{xlix}) and the involvement of the marketplace in the influence and enforcement of state law (i.e., TASER International's juridical involvement via "Liability and Litigation Risk" assessments,^l "If Death Occurred" procedure protocols,^{li} and TASER-funded "Medical and Technical Research" initiatives^{lii}).

Graffiti in Miami, as ritualized in Penits and performed on the streets, is neither simple crime nor art. Graffiti in Miami is the subcultural Refusal of normalized moral codes. It is due to the carceral city's disciplinary techniques—as defied by the graffiti subculture's Refusal—that the sovereign authority is able to *justify* the death of a "delinquent" teenage graffiti artist whose crime was defiantly writing his tag name on the

surface of a wall that he did not legally own. The death was *justified* in that the only repercussion to the police officer who Tasered Israel Hernandez has been paid administrative leave. *Justified* in that the death was no more than the residual outcome of the state's lawful protection of the self-interested marketplace: Miami's sovereign authority.

V. REFERENCES

- "Ace-Parker." *Waste Cleanup Program State Funded Sites Page*. Florida Department of Environmental Protection, 1998. Web. 1 May 2013.
- Althusser, Louis. "Ideology and Ideological State Apparatuses." *The Norton Anthology of Theory and Criticism*. Ed. Vincent B. Leitch. New York: Norton, 2001. 1335-1361. Print.
- ATOMIK. "The Atomik Bomb: an interview." *Miami Alive*, 17 May 2013. Web. 11 February 2014.
- Baker, Houston. "Introduction: Representing Blackness/Representing Britain: Cultural Studies and the Politics of Knowledge." *Black British Cultural Studies: a Reader*. Chicago: University of Chicago Press, 1996. 1-15. Print.
- Benjamin, Walter. "Critique of Violence." 1955. *Reflections: Essays, Aphorisms, Autobiographical Writings*. New York: Schocken, 1986. 277-300. Print.
- Brinkerhoff, Noel. "Miami Police Accused of Using 'Excited Delirium' to Cover Deaths in Custody." *AllGov.com*, 10 October 2013. Web. 3 December 2013.
- Butler, Judith. *Frames of War: When is Life Grievable?*. London: Verso, 2009. Print.
- Cordle, Ina Paiva. "Miami's First Wynwood-based C1 Bank branch puts artsy twist on banking." *Miami Herald*, 30 January 2014. Web. 18 February 2014.
- Dayan, Colin. "Legal Terrors." *Representations* 92.1 (Fall 2005): 42-80. Web. 1 April 2013.
- Feldman, Marcos. "Wynwood: Cleansing the Urban Canvas in Preparation for Redevelopment." *MUTT: Miami Urban Think Tank*, 29 August 2010. Web. 3 December 2013.
- . Interviewed by Gean Moreno. "The New Wynwood." *The Miami Rail*, Fall 2013. Web. 5 July 2013.
- Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. 1975. Trans. Alan Sheridan. New York: Vintage Books, 1995. Print.
- . "Of Other Spaces." *Diacritics* 16.1 (1986): 22-27. Web. 1 March 2013.
- . "*Society Must be Defended*": *Lectures at the College de France, 1975-76*. Ed. Mauro Bertani and Alessandro Fontana. Trans. David Macey. New York: Picador, 2003. Print.

- . *The Birth of Biopolitics: Lectures at the College de France, 1978-79*. Ed. Michel Senellart. Trans. Graham Burchell. New York: Palgrave MacMillan, 2008. Print.
- Garcia-Roberts, Gus. "Ynot's death: Davie Police drag feet in graffiti artist's case." *Miami New Times*, 21 October 2010. Web. 15 February 2014.
- Gastman, Roger, and Caleb Neelon. *The History of American Graffiti*. New York: Harper Design, 2011. Print.
- Goyanes, Ily. "What's the Story with that Graffiti-Covered Building next to I-95?" *Miami New Times*, 28 September 2010. Web. 21 November 2014.
- "Graffiti." *Miamidade.gov*. Miami-Dade County. Web. 20 January 2014.
- Hall, Stuart. "Race, Articulation, and Societies Structured in Dominance." *Black British Cultural Studies: a Reader*. Ed. Houston A. Baker. Chicago: University of Chicago Press, 1996. 16-60. Print.
- "Israel Hernandez – Miami Beach Police Report." *Scribd*, 8 August 2013. Web. 3 December 2013.
- Kearney, Bill. "How Wynwood Earned Its Street Cred." *Ocean Drive Magazine*, 6 March 2014. Web. 6 March 2014.
- Mailer, Norman. "The Faith of Graffiti." *Esquire*. May 1974: 77-88, 154-158. Print.
- "Mayor's Anti-Graffiti Task Force." *NYC.gov*. Web. November 2014.
- Miamigrffiti.com*. n.p., n.d. Web. 10 February 2014.
- "Miami-Dade County Guide to Responsible Retailing." *Anti-Graffiti Project*. The National Council to Prevent Delinquency, 2013. Web. 17 November 2013.
- "MDT kicks off anti-vandalism, anti-graffiti campaign on Wednesday August 8." *Miamidade.gov*. Miami-Dade Transit, 6 August 2007. Web. 20 November 2013.
- Miller, Michael. "Miami Police Arrest Man for Spray-Painting Sidewalk in Graffiti-Covered Wynwood During Art Walk." *Miami New Times*, 13 February 2013. Web. 14 February 2013.
- . "Occupy Miami Member Arrested for Defacing Francis 'Fraud' Suarez Campaign Sign." *Miami New Times*, 19 August 2013. Web. 19 August 2013.
- . "Reefa Taser Death: Cops Suggest he was on Cocaine." *Miami New Times*, 10 October 2013. Web. 3 December 2013.

- Muñoz, José Esteban. "Ephemera as Evidence: Introductory Notes to Queer Acts." *Women & Performance: a journal of feminist theory* 8.2 (1996): 5-16. Web. 23 March 2014.
- Murray, James and Karla. *Miami Graffiti*. New York: Prestel, 2009. Print.
- Musibay, Oscar Pedro. "Wynwood Land Plan is in the Works." *South Florida Business Journal*. American City Business Journals, 1 July 2011. Web. 10 January 2014.
- Pastrana, Lauren. "Cause of Death Determined for Teen Who Dies After Being 'Shocked' by Police." *CBS Miami*, 6 March 2014. Web. 6 March 2014.
- REGISTERED ARTIST (RA). Personal interview. 15 November 2013.
- Rivero, Daniel. "Why Miami's Abandoned National Treasure, the Marine Stadium, Might be Coming Back." *WLRN*, 10 July 2013. Web. 1 August 2013.
- Robinson, Chris. "Automatic Attraction: The Story Behind Crome, Miami's Infamous Graffiti Artist." *MSGCartel.blogspot.com*, 23 January 2009. Web. 15 November 2013.
- Self Defense Products & Personal Safety Equipment: TASER International*. TASER International, Inc. Web. 2 December 2013.
- STYLE. Personal interview. 12 November 2013.
- Sullivan, Robert. "Birth of the Prison: The Case of Benjamin Rush." *Eighteenth-Century Studies* 31.3, Americas (1998): 333-344. Web. 11 March 2013.
- "The Ghost of Hialeah Penit." *MSGCartel.blogspot.com*, 20 August 2009. Web. 15 February 2014.
- "The Wynwood Walls." *GoldmanProperties.com*. Web. 2 December 2013.
- Vazquez, Christina. "Miami Beach Graffiti Tribute Removed." *Local10.com*. WPLG, 14 August 2013. Web. 1 October 2013.
- Whitehead, John W. "Jailing Americans for Profit: The Rise of the Prison Industrial Complex." *Huffington Post*, 4 April 2012. Web. 1 February 2014.
- Williams, Raymond. *Marxism and Literature*. Oxford: Oxford University Press, 1977. Print.

VI. APPENDIX 1

FIGURES

Figure 1: Graffiti on sidewalk leading to the Miami Marine Stadium (Victor Merida, 2013)

Figure 2: Marine Stadium, view from bay (Rick Bravo, *designmiami.com*)

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Figure 21: Mural by CROME at Bobby Maduro Penit, painted while CROOK was being arrested (@crook_msg, *Instagram*)

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Figure 22: RC Cola Penit lease flyer (Metro1 Properties)

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Figure 40: REEFA memorialized through legal mural, Wynwood (Victor Merida, 2013)

Figure 41: REEFA used in a political attack ad (*Miami New Times*)

APPENDIX 2

CITED URL ADDRESSES

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- ⁱ <http://miamigraffiti.com/flick.php?id=699392332>
- ⁱⁱ <http://wlrn.org/post/why-miamis-abandoned-national-treasure-marine-stadium-might-be-coming-back>
- ⁱⁱⁱ <http://www.nyc.gov/html/nograffiti/html/aboutforce.html>
- ^{iv} <http://www.miamidade.gov/building/standards/residential-graffiti.asp>
- ^v http://library.municode.com/HTML/10620/level3/PTIICOOR_CH21OFMIPR_ARTIVMI.html#PTIICOOR_CH21OFMIPR_ARTIVMI_S21-30.01GR
- ^{vi} <http://www.local10.com/news/miami-beach-graffiti-tribute-removed/-/1717324/21464660/-/rmy9jyz/-/index.html>
- ^{vii} http://gisims2.co.miami-dade.fl.us/MyNeighborhood/Help_Code_Violations.asp
- ^{viii} http://www.miamidade.gov/transit/releases/07-08-06-anti_vandalism_graffiti.asp
- ^{ix} <http://www.miamigraffiti.com/flick.php?id=3854995572>
- ^x <http://www.miaminewtimes.com/2010-10-21/news/ynot-s-death-davie-police-drag-feet-in-graffiti-artist-s-case/>
- ^{xi} <http://www.miamigraffiti.com/10Q/Hec.php>
- ^{xii} <http://www.miamigraffiti.com/10Q/Typoe.php>
- ^{xiii} <http://www.miamigraffiti.com/10Q/Infoe.php>
- ^{xiv} http://msgcartel.blogspot.com/2009/01/automatic-attraction-story-behind-crome_23.html
- ^{xv} <http://www.miamigraffiti.com/10Q/Wies.php>
- ^{xvi} http://www.youtube.com/watch?v=UNOoh_9bDHY
- ^{xvii} <http://www.miamigraffiti.com/flick.php?id=3854995572>
- ^{xviii} <http://www.corporationwiki.com/Florida/Miami/residents-against-graffiti-everywhere-inc-2133316.aspx>
- ^{xix} <http://www.anti-graffiti.org/policy-how-to/miami-dade-county>
- ^{xx} <http://www.miamigraffiti.com/penit.php>
- ^{xxi} http://docs.newsbank.com/openurl?ctx_ver=z39.882004&rft_id=info:sid/iw.newsbank.com:AWNB:MIHB&rft_val_format=info:ofi/fmt:kev:mtx:ctx&rft_dat=0EB3630E4D1ADE7E&svc_dat=InfoWeb:aggregated5&req_dat=0D0CB4F6C367F64A
- ^{xxii} <http://www.miamigraffiti.com/10Q/Infoe.php>
- ^{xxiii} <http://msgcartel.blogspot.com/2009/08/ghost-of-hialeah-penit.html>
- ^{xxiv} http://infoweb.newsbank.com.ezproxy.fiu.edu/iwsearch/we/InfoWeb?p_product=AWNB&p_theme=aggregated5&p_action=doc&p_docid=0FCA361E2944C7DE&p_docnum=3&p_queryname=1
- ^{xxv} <http://www.miamigraffiti.com/10Q/Atomik.php>
- ^{xxvi} <http://www.miamigraffiti.com/10Q/Typoe.php>
- ^{xxvii} <http://miamigraffiti.com/flick.php?id=699392332>
- ^{xxviii} <http://miamirail.org/summer-2013/the-new-wynwood/>
- ^{xxix} <http://www.bizjournals.com/southflorida/print-edition/2011/07/01/wynwood-land-plan-is-in-the-works.html>
- ^{xxx} http://blogs.miaminewtimes.com/cultist/2010/09/whats_the_story_with_that_graf.php
- ^{xxxi} <http://www.bizjournals.com/southflorida/print-edition/2011/07/01/wynwood-land-plan-is-in-the-works.html>
- ^{xxxii} Ibid.
- ^{xxxiii} <http://www.miamiurbanthinktank.com/2010/08/wynwood-cleansing-urban-canvas-in.html?m=1>

-
- xxxiv http://blogs.miaminewtimes.com/riptide/2013/02/miami_police_arrest_man_for_sp.php
- xxxv <http://goldmanproperties.com/Art-and-Culture/The-Wynwood-Walls.asp>
- xxxvi <http://miamirail.org/summer-2013/the-new-wynwood/>
- xxxvii <http://oceandrive.com/living/articles/how-graffiti-transformed-miamis-wynwood-neighborhood#0K870qvkrDWZpTKz.99>
- xxxviii <http://www.miamiurbandrivein.com/>
- xxxix <http://www.miamiherald.com/2014/01/30/3903635/miamis-first-wynwood-based-branch.html>
- xl <http://www.lockandloadmiami.com/>
- xli <http://oceandrive.com/living/articles/how-graffiti-transformed-miamis-wynwood-neighborhood#0K870qvkrDWZpTKz.99>
- xl ii <http://miamialive.com/the-atomik-bomb-an-interview/>
- xl iii <http://www.scribd.com/doc/158861482/Israel-Hernandez-Miami-Beach-Police-Report>
- xl iv Ibid.
- xl v <http://www.miaminewtimes.com/2013-10-10/news/reefa-taser-death-cops-suggest-he-was-on-cocaine/>
- xl vi <http://www.allgov.com/news/controversies/miami-police-accused-of-using-excited-delirium-to-cover-deaths-in-custody-131004?news=851304>
- xl vii http://blogs.miaminewtimes.com/riptide/2013/08/occupy_miami_member_arrested_f.php
- xl viii <http://miami.cbslocal.com/2014/03/06/cause-of-death-released-for-teen-tasered-by-miami-beach-police/>
- xl ix http://blogs.miaminewtimes.com/riptide/2013/08/here_is_the_graffito_that_got.php
- ¹ <http://www.taser.com/images/resources-and-legal/legal-reference/downloads/taser-device-liability-and-litigation-risk.pdf>
- ^{li} <http://www.taser.com/images/support/critical-event-assistance-resources/evidence-collection/downloads/ecd-event-analysis-checklist.pdf>
- ^{lii} <http://www.taser.com/images/research-and-safety/research-library/downloads/dawes-d.-2007-nov.-pr.-15-second-conducted-electrical-weapon-exposure-does-not-cause-core-temperature-elevation-in-non-environmentally-stressed-resting-adults.-fsi.pdf>