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Robin Bernstein, *Freeman's Challenge: The Murder That Shook America's Original Prison for Profit*. Chicago: The University of Chicago Press, 2024. 288 pp.
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My initial research of the life and trial of William Freeman of Auburn, New York was mystifyingly unfruitful given the groundbreaking legal precedence and riveting biography that Robin Bernstein has uncovered. Only after wading through several other William Freemans including an MIT professor, a Nova Scotian politician who died in 1801, and a healing evangelist, did I finally encounter the William Freeman who is the focus of this new book. I discovered a short article, People v. William Freeman in the Historical Society of the New York Courts that documented the case against William Freeman of Auburn, New York.[1] Most other research on William Freeman yielded similar results; usually law journals studying the first insanity defense and its groundbreaking arguments.[2] Freeman did not get any in-depth personal attention until Andrew W. Arpey's 2003 scholarly monograph The William Freeman Murder Trial: Insanity, Politics, and Race which examined the trial.[3] Subsequently in 2021, Ted Freeman, a

descendant of the Freeman family, released the book God's Free-Man: An American Tale of Perseverance: A Life in Service.[4]

While Arpey focused on the trial, Ted Freeman focused on his own family history, their military service, contribution to the development of the city of Auburn and its evolution as a station for the Underground Railroad.[5] His relative William Freeman only received cursory attention. Hence Robin Bernstein's second single-authored book *Freeman's Challenge: The Murder that Shook America's Original Prison for Profit* has filled the lacunae of scholarship on this riveting character.

Bernstein's current offering is a fitting contribution from her career as a cultural historian of "U.S. racial formation from the nineteenth century to present."[6] Her scholarly works included several journal articles on "race, performance, childhood, and US cultural history." Notably her first monograph Racial Innocence: Performing American Childhood from Slavery to Civil Rights (2011) critiqued how the concept of innocence in childhood has been bestowed solely upon white children.[7] Bernstein analysis exposes how the cultural construct of childhood became an essential part of racial projects from the time of slavery to the Civil Rights Movement. Desegregating spaces allowed a cultural shift in the concept of childhood. General readers have been the target audience of Bernstein's most recent works, one of them being the 1897 narrative of Jane Clarke, an enslaved woman from Maryland who had set out to free herself and wound up in Auburn, New York.[8] Bernstein published the

entire narrative, penned in 1897, by Julia C. Ferris, a white teacher and local educational leader. The manuscript, accompanied by Bernstein's notations and introduction, was published in Commonplace, an online journal. She has also contributed opinion pieces to distinguished newspapers and magazines such as the New York Times and Harvard Magazine. Her second, single-authored book Freeman's Challenge: The Murder that Shook America's Original Prison for Profit, is also intended for general readers.[9] The book is arranged as a triptych - The Prison, The Challenge, and The Effects - spanning Freeman's life (1823-1847) and after his death. The book's temporal trajectory commenced in 1779 with the military operation Cayuga County that crushed the Iroquois indigenous communities, which allowed the genesis of the city of Auburn, to the present day. Bernstein exposes the still-reverberating ramifications of Freeman's challenge on the black community.

In New York State, slavery ended in 1817, with July 4th, 1827, being the year that all enslaved people were emancipated.[10] In the first section, The Prison, Bernstein painstakingly recalls William Freeman's ancestors who arrived in Auburn as enslaved people, and William, the first of the family born free, as an intrinsic part of Auburn's community. She carefully mapped Auburn's landscape, creating a vivid setting for the reader. (fig. 1) The white settlers having seized the land needed to monetize it, which convinced them to implement a strategy of creating a profit-driven prison that developed into the nucleus of the county, an "economic engine" that tied all industries together.[11]

(fig. 2) Bernstein investigates "penal capitalism"[12] through the lens of William Freeman as he is plunged into an environment of mistreatment and the complicit exploitation of prisoners. The prison had no interest in reformation or justice, only revenue. Bernstein shows the development of Freeman's interaction first with the legal and eventually the penal systems when he was unjustly accused of horse theft and sentenced to five years of hard labour. While incarcerated, Freeman was forced to work without pay. This financial abuse was the crux Freeman's unrelenting vexation against the state.

In section two, The Challenge, a newly released, mentally, and physically battered Freeman was still so enraged with the nonpayment for his five years of labour that he proceeded to seek remuneration, but without success. Although Freeman was depicted by white culture as deranged and delusional, he was justified in his quest for payment. Bernstein asserted that the practice of paying prisoners, called overstint, had already been established in the United States, but was not practiced in Auburn, New York.[13] Other prisoners in Auburn County also held similar beliefs; their claims were also dismissed to protect the other industries that were complicit with penal capitalism.[14]Anger festered in Freeman, eventually spurring him to commit four acts of murder.

The final segment, The Effect, examined Freeman's navigation of a racist judicial system defined by Bernstein as anti-Black, anti-Native, exploitative, and violent. Bernstein critiques how white America processed Freeman's crimes and their ensuing, seismic retaliation, causing long-term, devastating impact on

black society.[15] When the murders happened, the white population became anxious at a time when anxieties were already heightened because of the horrific violence perpetrated by Nat Turner fifteen years earlier in Virginia. The anxieties were exacerbated because the murders were inexplicably random.[16] Bernstein contended that the need to assuage the anxieties of Auburn's white population resulted in a litany of misinformation that offered a myriad of unfounded reasons until the facts were deeply distorted and buried.[17] On a quest to understand the multiple murders, white people linked the murders to mental defect and then to race.[18] If black people are more likely to be insane and moral insanity excuses murder, then Freeman could use the insanity plea because it gave black people the license to kill. Moreover, Freeman's seeming lack of motive was evidence of his mental deficiency.[19] Freeman and his case became the source of community spectatorship.[20] Was he a "humbug or a lunatic?"[21] With such arguments, racial superiority and control was safely ensconced in the dominant white culture when they asked "what" was Freeman, a question that sought to diminish his humanity. With the teaching of Universalism, a Christian doctrine that taught universal salvation, Freeman's image morphed from "villain to victim," as a person in need of "white moral leadership.[22]

Bernstein's treatment of the subject is impactful. She does not write from a detached bird's eye view, nor does she glorify whiteness by writing from the perspective of the dominant culture. Instead, she recounts Freeman's history

through the prism of the subaltern. This mode of writing was reminiscent of C. L. R James' treatment of the Haitian Revolution in The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution (1938). James depicted the enslaved as active, intelligent, and resilient agents, who made key, strategic decisions that led to their freedom. This historiographical shift of writing "history from below," a writing style that rejects western imperial discourses, influenced how history is interpreted and narrated. [23] It also allowed scholars to feel more confident in writing from an empathetic point of view. Previously, empathetic writing was perceived as unprofessional, lacking in objectivity, and unscholarly. Sensitive and polarizing topics such as systemic racism, oppression and injustices could now be expressed in a personal way. From this perspective, Bernstein manages to put issues of racial oppression and the ongoing economic and psychological exploitation of black people after slavery on trial through the story of William Freeman. Powerfully, she humanizes Freeman by creating a historical narrative around him that makes him the protagonist in his own biography, more than a simple pawn.

Bernstein's treatment of William Freeman's story was the result of years of interfacing with the subject matter. As a prelude to her 2024 monograph, Bernstein hosted a public event on 8 September 2016, at Cornell University featuring a lecture entitled "Performance Encounters: 'Black Childhood on Trial: The Tragedy of William Freeman," followed by a walking tour of Auburn on the following day.[24] Both events were free and open to the public, perhaps a

strategy to garner interest and to get the general public equally invested in Freeman's narrative. Her rich, archival research, while academic, did not alienate the non-academic reader; but to the contrary, spoke directly to the layperson.

Bernstein drew in the reader through her stylistic and inspired storytelling. Her poetic play on words and turns of phrase - Freeman did nothing and got nothing for his labour; he wanted his back pay and when that did not happen, he needed payback; he was not going to settle he would settle the score - rendered the text at times spunky and entertaining, which is much-needed when recounting such a disturbing story.[25] Bernstein aptly described these wordplays as "two meanings dancing through one word, tagging intertwined injustices."[26]

Although the subject of the book is ostensibly prison for profit, readers cannot help but be engulfed and riveted by Bernstein's elucidation of Freeman's challenge, that was the desire to get paid for his labour in prison, and the dire consequences he faced for his actions. As he entered the prison system, as a teenage boy, Bernstein meticulously described the crushing booking process that caused Freeman to weep.[27] Her comparison of the booking process to entering a "belly of a ship sailing into the unknown" is a cutting indictment of the prison for profit scheme as just another form of slavery.[28] More defeating to the soul was prison culture; the use of silence and solitary confinement, restricting movements - singing and dancing were prohibited,

heads had to be bowed and arms folded.[29] (fig. 3) Bernstein describes in detail the beatings and provided proof in the form of ledgers that document dates of the punisher, the prisoner punished, and the method of punishment.[30] Freeman received his fair share of punishment, because he did not want to work for nothing. (fig. 4) He was beaten and kicked frequently. One day, Freeman fought back and received a swift box with a "basswood board measuring four feet long, fourteen inches wide and half an inch thick" across his left temple rendering him deaf. [31] Bernstein thought it was important to disclose explicit details of the wooden weapon so that we could visualize and feel the blow and imagine the impact of the wood as it connected to Freeman's head. Freeman was also subjected to the shower-bath, water torture that simulated drowning, as much as eleven barrels of cold water thrown on his head while he sat restrained.[32] (fig. 5) The description of the beatings and the illustrations of the shower-bath revealed the cruelty that prisoners endured. Bernstein's explicit images engaged the senses; the reader can fully imagine the board, hear the thud, feel the impact, feel the cold, torrential water and hear the desperate gasps for air. Bernstein points out that the damage done to Freeman in prison persisted for the rest of his life. She lists all his infirmities as recounted by his contemporaries: Freeman staggered, spoke in a dull monotone, had difficulty understanding words, and hung his head low.[33] During the five years of imprisonment, Auburn experienced radical changes, especially the black community, making it an unfamiliar environment to Freeman when he finally

emerged from prison.[34] He was adrift in this unrecognizable city. Through Bernstein's portrayal, Freeman was imagined as a lost, wandering, damaged, and angry soul.

Another method Bernstein uses to develop a multi-dimensional appreciation of the subject was the inclusion of well-curated illustrations that solidified the reader's visualization and connection to Freeman. The illustrations consisted of 38 halftones, and 8 coloured plates. Auburn comes alive to the reader through the flat, rudimentary illustrations of maps and aerial views of the city, and its behemoth prison. The reader was inserted into Freeman's world as he experienced it. The engravings and frontispiece depicted the prisoners wearing a striped uniform, "robes of disgrace,"[35] (fig. 6) marching in lockstep, being whipped and the shower-bath torture. The quick black strokes on the prisoners' backs, signs of humiliating corporal punishment, were treated stylistically like the prison stripes on the uniforms. (fig. 7) The crude rendition of stark spaces and people mirrored the cruelty of the environment and its leaders. Bernstein included photographs which offered a seemingly more factual rendition of the individuals. Some portraits were also executed using the albumen print process, a method that generated sharper images.[36] She made the telling choice to include the image of Henry Highland Garnet, black activist who advocated the use of violence for redress or to exact justice for black people. (fig. 8) Garnet's rhetoric added a layer of understanding to Freeman's seemingly random, horrific violence when he had no other avenue for justice. In

this way, Bernstein may be postulating an ideological connection between Garnet and Freeman.

In the author notes, Bernstein clearly wrestled with her right to tell Freeman's story. She forthrightly situates herself as a white, female scholar, of a different class, culture and century, going to great pains to name herself and her interest in Freeman in our present racially-charged environment. Her research on prison for profit occurred during a particularly fractious period in recent history. She was writing with a backdrop of the murders of George Floyd and Breanna Taylor, the transformative societal response, the ascendance and then subsequent attacks on the Black Lives Matter movement, the era of Trumpism, alternative facts, "fake news," and the undermining of affirmative action, all of which created a seismic shift on how white scholars address racially-sensitive issues.

The author distanced herself from the use of critical fabulation, a writing technique that Saidiya Hartman developed and employed to recuperate the lives of the enslaved black people of the Black Diaspora that fail to be archived in a meaningful, respectful way.[37] Marisa J. Fuentes has similarly described the marginalization that enslaved black people have experienced as "archival violence" practiced through erasure, and the hierarchical construction of race and gender.[38] Scholars learned to look beyond the archive to reconstruct lives that were ignored. The in-depth analysis required a certain intimacy that made Bernstein uncomfortable. She asserted that she used Tiya Miles' method of

"reconstructing the textures of black individuals' lives through parallel figures."[39] Bernstein referenced Miles'work All That She Carried: The Journey of Ashley's Sack, a Black Family Keepsake (2021) as inspiration for her research process.[40] However, Tiya Miles admitted that she used critical fabulation in reconstructing her protagonists by first reading about enslaved women and their enslavers then using "imaginative restraint" to further flesh out the characters.[41] I believe that Bernstein used the preliminary stages of critical fabulation when she researched parallel black figures that were in central New York during that time. She does not venture into Freeman's psyche, but her vivid descriptions of his environment, third-party descriptions of his appearance and mental state, relations of his raw experiences as he struggled to interact with others, entice the reader to draw conclusions about his mental state.[42] Bernstein manages to coax sympathy from the reader while maintaining scholarly distance.

Robin Bernstein's monograph is a must-read for both academics and general readers and anyone interested in social justice. It is the first monograph written about William Freeman's life from "below". Other scholars could build on Bernstein's work by writing comparative studies between Auburn and other sites of prison for profit in the United States or even other nations. While Bernstein clearly wanted to expose penal capitalism at its origins in Auburn, New York, through Freeman's challenge, she took great pains to expose how negative constructs of blackness extended far beyond slavery and became entrenched in secular culture. Freeman challenged the ideology that some people, those

considered less than human or otherwise unworthy, did not deserve pay for their labour. To this he insisted, if you work and you must get paid. His blackness made his stance a racial issue and provided an opportunity to explore race relations. Perhaps, Bernstein did not want to present the book using race as the main theme because people would be less motivated to read it. But if she packaged it as being about unpaid labour, a relevant, relatable, and prevalent issue today (hello, quiet quitting), then non-academics would be more inclined to read it. Overall, this compelling book and its in-depth archival research is an exceptional point of reference for studying early race relations and its legacy in the United States.

[1] Anonymous, "People v. William Freeman, 1846," Historical Society of The New York Courts (date of last access 6 Jan 2024) https://history.nycourts.gov/case/people-v-freeman/
[2] See William Freeman, Benjamin F Hall, Amariah Brigham, New York (State). Court of Oyer and Terminer (Cayuga County)The Trial of William Freeman for the Murder of John G. Van Nest: Including the Evidence and the Arguments of Counsel, with the Decision of the Supreme Court Granting a New Trial, and an Account of the Death of the Prisoner, and of the Post-Mortem Examination of His Body by Amariah Brigham, M.d., and Others. Derby, Miller; 1848; William H, Seward, William Freeman, and New York (State). Court of Oyer and Terminer (Cayuga County). Argument of William H. Seward, in Defence of William Freeman, on His Trial for Murder, at Auburn, July 21st and 22d, 1846. Making of Modern Law: Trials, 1600-1926. Auburn, N.Y.: H. Oliphant, printer, 1846.
[3] Andrew W. Arpey, The William Freeman Murder Trial: Insanity, Politics, and Race (New York: Syracuse University Press, 2003).
[4] Ted Freeman, God's Free-Man: An American Tale of Perseverance: A Life in Service (Pittsburgh: Dorrance Publishing Company, 2021).

[5] Anonymous, "I Am Because We Are- UBNTU," Harriet Tubman 200 (date of last access 13 January 2024) https://www.harriettubman200.com/upcoming-events/ted-freeman-homecoming
[6] Robin Bernstein, "Robin Bernstein, Dillon Professor of American History and Professor of African and African American Studies and of Studies of Women, Gender, & Sexuality, Harvard University" (date of last access 9 Feb. 2025) https://scholar.harvard.edu/robinbernstein/home
[7] Bernstein, "Robin Bernstein," (date of last access 6 Jan. 2024).
[8] Bernstein, "Robin Bernstein," (date of last access 6 Jan. 2024).
[9] Bernstein, "Robin Bernstein," (date of last access 6 Jan. 2024).
[10] Bernstein, "Freeman's Challenge," p. 6
[11] Bernstein, "Freeman's Challenge," Preface p. vii.
[12] Bernstein, "Freeman's Challenge," Preface p. xiii.
[13] Bernstein, "Freeman's Challenge," p. 78
[14] Bernstein, "Freeman's Challenge," pp. 78, 79.
[15] Robin Bernstein, "Freeman's Challenge: The Murder That Shook America's Original Prison For Profit," Chicago Press (date last accessed 13 January 2024) https://press.uchicago.edu/ucp/books/book/chicago/F/bo213968137.html
[16] Nat Turner murdered fifty white Virginians, some who did not own enslaved people. Turner's act of rebellion terrorized the white population for its randomness, just like William Freeman's murder of the Van Nest family.
Bernstein, "Freeman's Challenge," p. 106
[17] Bernstein, "Freeman's Challenge," p. 118.
[18] Bernstein, "Freeman's Challenge," p. 119.
[19] Bernstein, "Freeman's Challenge," p. 122.
[20] Bernstein, "Freeman's Challenge," p. 123
[21] Bernstein, "Freeman's Challenge," p. 124.
[22] Bernstein, "Freeman's Challenge," pp. 125, 126.
[23] Rachel Douglas, "Unsilencing the Haitian Revolution: C. L. R. James and The Black Jacobins," Atlantic Studies, vol. 19, no. 2 (Nov. 2020), p. 1.
[24] Robin Bernstein, "Performance Encounters: 'Black Childhood on Trial: The Tragedy of William Freeman' lecture and walking tour by Robin Bernstein (Harvard)," Cornell University Department of Performing and Media Arts (date last accessed 13 January 2024) https://pma.cornell.edu/news/performance-encounters-black-childhood-trial-tragedy-william-freeman-lecture-and-walking-tour
[25] Bernstein. Freeman's Challenge pp. 69,80, 83 Bernstein emphasized did nothing and paid nothing; wanted back pay or payback; was not going to settle for underpayment, time to settle up.
[26] Berstein, "Freeman Challenge," p. 69.
[27] Bernstein, "Freeman Challenge," p. 29.
[28] Bernstein, "Freeman's Challenge," p. 42.
[29] The protruding wall of the prisoners' cells did not allow any form of interaction. The prisoners could not see each other and had to remain silent or face harsh punishment. Bernstein, "Freeman's Challenge," p.37, 38.
[30] Bernstein, "Freeman's Challenge," pp. 45-46.
[31] Bernstein, "Freeman's Challenge," p. 48.
[32] Bernstein, "Freeman's Challenge," p. 54.
[33] Bernstein, "Freeman's Challenge," p. 68
[34] Bernstein, "Freeman's Challenge," p. 73.
[35] Bernstein, "Freeman's Challenge," p. 29.
[36] Look at image of Henry Highland Garnet. Bernstein, "Freeman's Challenge," p. 177.
[37] See interview in which Saidiya Hartman discusses critical fabulation. Huey Copeland, Leah Dickerman, and Pamela M. Lee. "Between Visual Scenes and Beautiful Lives: A Conversation with Saidiya Hartman." *October* 180 (2022), pp. 100-104.

[38] Marisa J. Fuentes, Dispossessed Lives Enslaved Women, Violence, and The Archive (Philadelphia: University of Pennsylvania Press, 2016), p. 6.
[39] Bernstein, "Freeman's Challenge" p. 196.
[40] Bernstein, "Freeman's Challenge" p. 196.
[41] Theresa C. Dintino, "Tiya Miles and Saidya Hartman: Critical Fabulation – Claiming The Narrative and Overriding The Supremacist Archive," Nasty Women Writers (date last accessed 13 January 2024) https://www.nastywomenwriters.com/tiya-miles-and-saidiya-hartman-critical-fabulations-claiming-the-narrative-and-overriding-the-supremacist-archive/
Greg Kelly, "How a cotton sack and a mother's love outlasted slavery," CBC Radio (date last accessed 13 January 2024) https://www.cbc.ca/radio/tiya-miles-all-that-she-carried-1.6754979
[42] Bernstein, "Freeman's Challenge," p. 196.

PLATES

Auburn State Prison

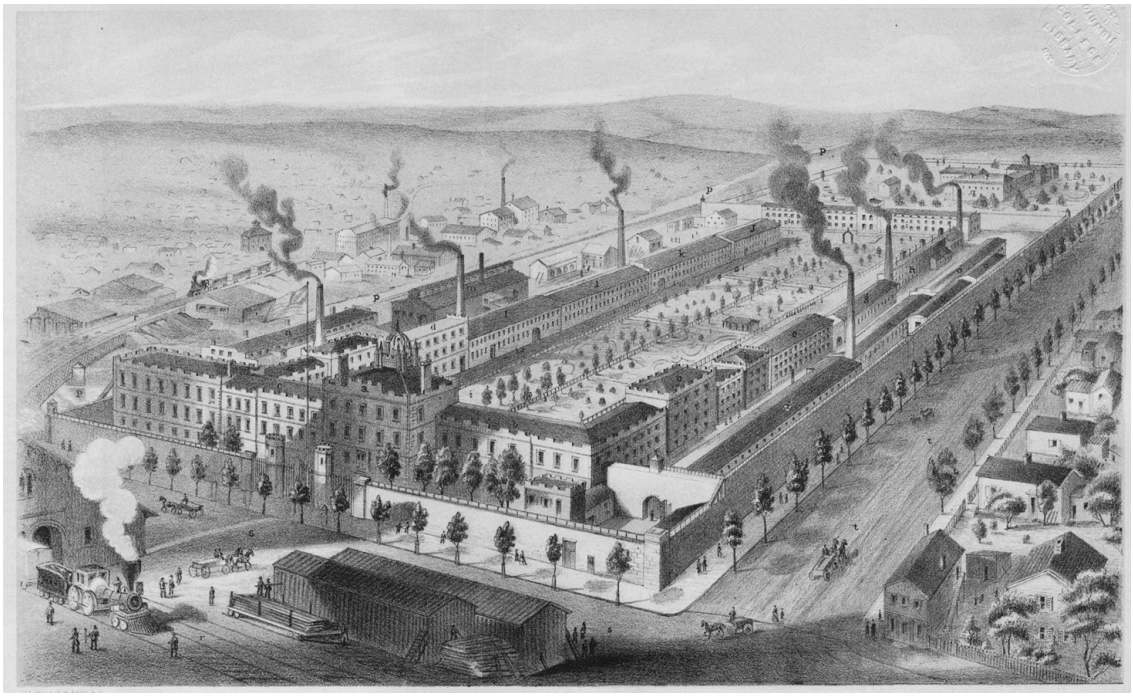

Figure 1. Auburn State Prison as seen from the northeast corner, facing southwest. Smokestacks mark the locations of factories. The taller corridor along the north side (lower right) without smokestacks is the cellblock. The railroad is visible, bottom left, across the street from the prison's main entrance. Documents of the Senate of the State of New York, 93rd sess., vol. 3, no. 71, 1870, between 92 and 93.[42]

Advertisement for Barber's Prison Carpets

Figure 2. Respectably dressed men (center) observe the prison factory while prisoners in striped uniforms (left and right) labor, eyes averted from the visitors. Detail, advertisement for Barber's Prison Carpets. *William H. Boyd's Auburn Directory, Containing the Names of the Citizens, a Business Directory of Cayuga County, and an Appendix Containing Much Useful Information. 1859–1860* (New York: William H. Boyd, Directory Publisher, Appletons' Building, 346 Broadway, 1859).[42]

Exterior of a Convict's Cell

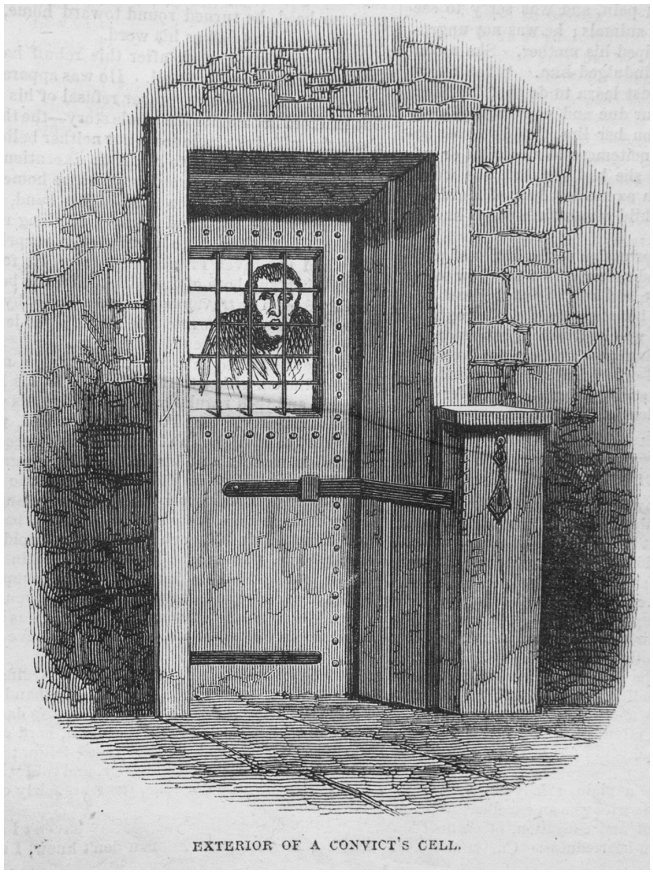

Figure 3. Agent and keeper Gershom Powers explained the cell's exterior design: "The recess, in front of each door, increases the difficulty of conversation between the prisoners; prevents them from making signs to each other, or from seeing far to the right or left on the galleries; and furnishes a convenient place for an officer of the prison to converse with the prisoner, without being seen or heard by those in the adjoining cells. The fastening of the door is by a strong latch, connected by a hook, with a bar of iron placed over it. The bar extends from a latch two feet horizontally to the outer edge of the wall; thence at a right angle eighteen inches horizontally to the lock." Powers, *Report of Gershom Powers, Agent and Keeper of the State Prison, At Auburn* (Albany: Croswell and Van Benthuysen, 1828), 113. The box to the right of the recess is not described in any prison documents; it seems to be the invention of the illustrator. *Harper's Weekly*, 18 December 1858, 809.[42]

"T[homas] H. Toan reports the punishment of Freeman six strip[e]s with the cat for laughing & making motions to make others laugh"

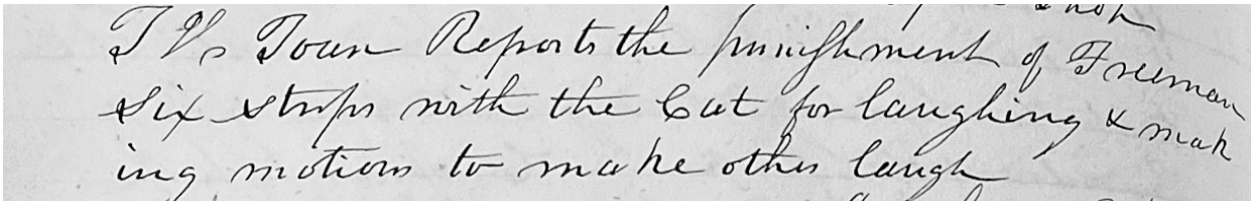

Figure 4. *Daily Punishment Reports of the Auburn State Prison*, 1 November 1840. New York State Archives, New York State Education Department, Albany. Photograph courtesy of Joni Christel.[42]

The Negro Convict, Mo[o]re, Showered to Death

Figure 5. *Harper's Weekly*, 18 December 1858, 808.

Prisoners at the State Prison at Auburn

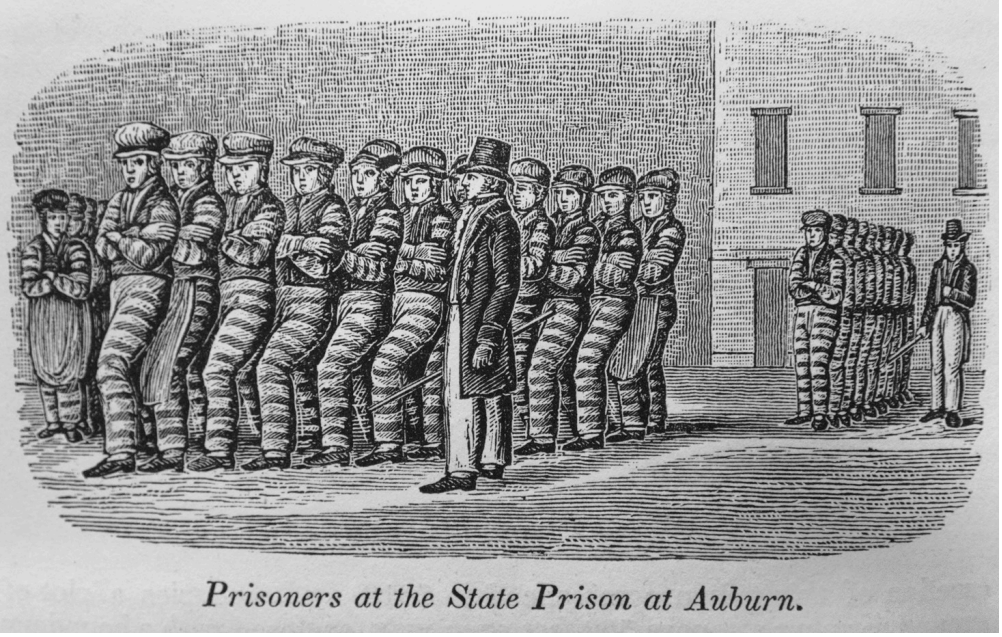

Figure 6. Prisoners at Auburn wore humiliating stripes and moved in "lockstep." All the prisoners depicted here appear white, but about 9 percent of the prisoners were African American. John W. Barber and Henry Howe, *Historical Collections of the State of New York* (New York: pub. for the authors by S. Tuttle, 1845), 78.[42]

Figure 7. The chin-heavy, wavy-haired man with the heavy eyebrows wielding the whip clearly resembles Elam Lynds (see figure 1.5). The prisoner wears Auburn's iconic striped uniform. The image's caption, "CHRISTIAN REFORMATION!!," refers sarcastically to Lynds's disinterest in redeeming prisoners. Frontispiece by unidentified artist, *A Peep into the State Prison at Auburn, N.Y.*, *By One Who Knows* (published for the author, 1839; n.p.: copyrighted, 1838), 10–12. Main Collection, Y1839.[42]

Henry Highland Garnet

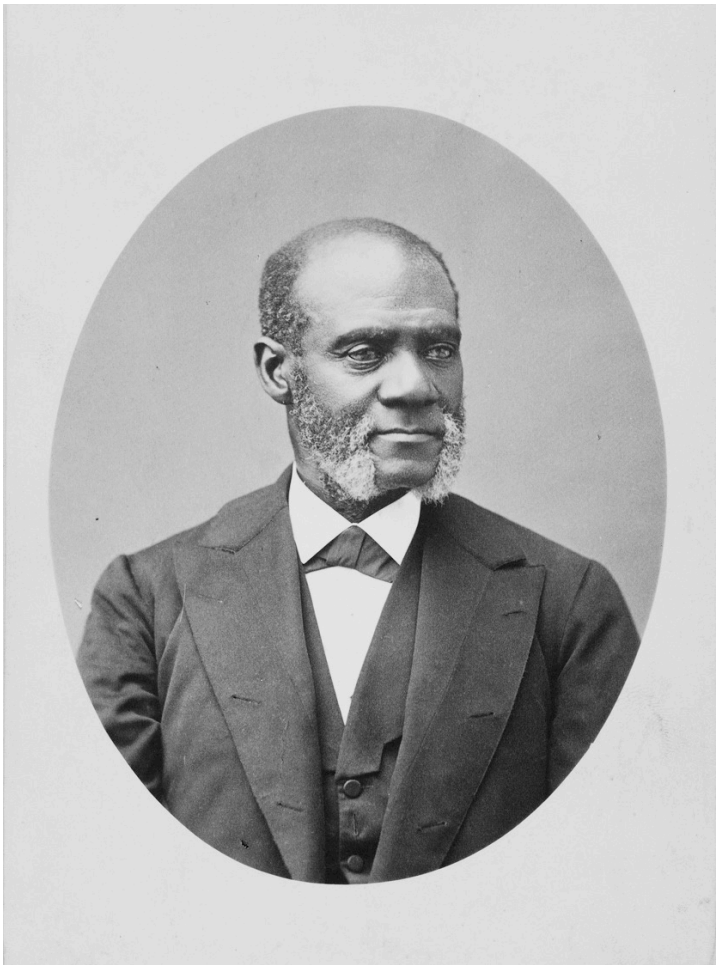

Figure 8. Albumen silver print by James U. Stead, ca. 1881. Object number NPG.89.189, National Portrait Gallery, Smithsonian Institution. Creative Commons.[42]