

Africana Criminal Justice: A Working Annotated Bibliography

Compiled by the Africana Criminal Justice Project
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Introduction

A major initiative of the Africana Criminal Justice Project has been to collect, examine and popularize black intellectual perspectives on the intersection of race, crime, and justice. Particular attention has been given to the long tradition of resistance to criminal injustice in black intellectual history. We have thus far completed nearly 300 annotated citations, reflecting an array of substantive concerns, interpretive styles, and political perspectives among close to 200 different authors. This effort is intended to increase attention to these important works, and to inspire a new generation of thinkers to carry on and extend these critical inquiries, especially in the fields of African-American and Africana Studies. In time, we hope this collection will become a valued resource for researchers, educators, and civic leaders seeking to understand and ultimately uproot the deep color lines of criminal injustice in the United States and beyond.

We are not the first to recognize the need to research and popularize black intellectual engagement with the intersection of race, crime, and justice (see Woodson, 1977; Greene, 1979; Ross, 1998; Greene and Gabbidon, 2000; and Gabbidon, Greene and Young, 2002 in this collection). These works primarily focus on recognizing the contributions of professional African-American scholars to the fields of criminology and criminal justice administration, where their scholarship and positions in the discipline generally have historically been marginalized. Our collection casts a wider net, viewing the intersection of race, crime and justice as fundamental to civil society, and thus attracting a larger crowd of interlocutors. Given the available resources on works by black criminologists and other scholars, our collection focuses on other streams of intellectual engagement, especially among the currently and formerly incarcerated, including black political prisoners, along with black literary figures, artists, activists, and justice workers.

We recognize that the quest to identify, organize, and popularize published works by African-Americans on race, crime and justice is never complete. This must therefore be seen as a living document, and we make no claim to it being either a comprehensive collection or authoritative interpretation of relevant works. We welcome feedback on the initiative generally, including suggestions for works to reference. In addition to updating the content of the bibliography periodically, we will continually work to improve the presentation of information, so as to maximize its accessibility and utility for users.

References are Listed Alphabetically, by Last Name of Primary Author

A

Ralph Abernathy, civil rights leader, the Southern Christian Leadership Conference. *And The Walls Came Tumbling Down*. New York: Harper, 1989.

Jailed and put into a solitary confinement for a week during the Birmingham campaign. Describes his confinement as, “terrible experience [where] living with yourself for such a long time was humbling.” Solitary confinement denies “the existence of others to give meaning and color to your lives” (261).

Mumia Abu-Jamal, reporter, Black Panther Party, on death row. *Live from Death Row*. Reading, Mass.: Addison-Wesley, 1995.

Composed of writings and commentaries made at Huntington County Prison while on death row. Addresses the fundamental injustice of capital punishment and “Teetering on the Brink between Life and Death” (3-21, originally *Yale Law Journal*, January, 1991). Commenting on *McCleskey v. Kemp* (1987), in which the Supreme Court denied that racism plays a role in the disproportionate number of black death-row inmates, Abu-Jamal argues that the Court did not challenge statistics because it knew they were correct; they rejected racism’s role because admitting it would overturn the entire criminal justice system. Meanwhile death-row inmates experience the denial of “fundamental expressions of humanity” such as family ties and visitors: “By state action, they become ‘dead’ to those who know and love them, and therefore dead to themselves” (12).

Death Blossoms: Reflections from a Prison of Conscience. Farmington, PA.: Plough Publishing House, 1997.

Forward by Cornel West. Preface by Julia Wright. Short writings and meditations by Abu-Jamal. Argues that to say race plays no role in criminal justice system is ridiculous: “The criminal court system calls itself a justice system, but it means privilege, wealth, power, social status, and --- last but not least --- a race to determine who goes to death row.” Capital punishment does not deter crime, only the “rational thinking.” needed to see racism at work in the court.

All Things Censored. Noelle Hanrahan, ed. New York: Seven Stories Press, 2000.

Forward by Alice Walker, declaring she will no longer talk about the innocence of Abu-Jamal, since evidence is too plain. Some overlap with *Live from Death Row*. The title

refers to the fact that he was fired as a commentator for National Public Radio's "All Things Considered." Criticizes the advocates of "tough on crime" positions as both utterly ridiculous and ultimately ineffective. Prison does not teach prisoners respect for laws and rights of others and themselves. What prisoners learn in prison is "there is no law, there is no right" (57). For prisoners who were poor, the so-called legal rights just do not exist in substance; they are like chimeras that vanish once grabbed. Those with resources and wealth enjoy access to the excellent defense lawyers needed to get a so-called fair trial, those without means do not. Observes that financing for prison construction is cutting funds for public education (171-172). Argues for the redefinition of justice: "The time is ripe for a new, brighter, life-affirming vision that liberates, not repress, the poor" (206). Neither "serpentine politics, nor sterile economic theory" is the source of hope. It lies in "a rebellion of the spirit that reaffirms their intrinsic human worth based upon who they are, rather than what they possess" (206).

"Interview." In Jim Fletcher, et al., eds. *Still Black, Still Strong: Survivors of the U.S. War against Black Revolutionaries: Dhoruba Bin Wahad, Mumia Abu-Jamal, Assata Shakur*. New York: Semiotext(e), 1993.

Discusses the "prisonization of America," linking the booming prison industry with the decline in employment opportunities for the working class because of the NAFTA and movement of industries out of the US. Prison industry then serves as the alternative employment and "safety net" by providing "security field" to those without skills and education (165-167). Also includes a transcript from the July 3rd, 1982 hearing in Philadelphia where Abu-Jamal denounces Judge Sabo as the "hangman" (169-186).

"Intellectuals and the Gallows." In Joy James, ed. *Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion*. Lanham, MD.: Rowan & Littlefield, 2003.

Originally in *Radical Philosophy Newsletter*, Vol. 49 (September 1994), 1, 3-5. Discusses role of radical intellectuals in fighting America's "fatal addiction to death." Argues that examples of Angela Davis and Noam Chomsky show the heightened difficulties for such intellectuals to spread their ideas and educate "the public" while confined in the Ivory Tower. Radical intellectuals must make "external contacts" with outside organizations and communities to function and survive. Must learn from organic intellectuals such as Marcus Garvey, Malcolm X, to John Africa.

"Schooling Our Generations: Conversation with Mumia Abu-Jamal." In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 6-17.

1994 interview with Chinosole. Looks critically at the history of the Black Panther Party. Argues that members, in their overwhelming and youthful enthusiasm for liberation,

overlooked the repressive power of the state unleashed in the form of COINTERPRO, amid the worldwide anti-colonial uprisings against US empire. Argues that African Americans speaking freely draws death and destruction. Cites Tupac Shakur's inability to perform at a concert in Philadelphia: "every expression of Black youth consciousness that they cannot profit from directly in economic terms, they stifle and destroy" (13). Cites Mao's words that it is youth that make revolution: "Unlimited energy. That's the force that the state tries to arrest, incarcerate" (16).

"The System vs. Geronimo: Why." Available at http://www.refuseandresist.org/big_brother/070597maj.html

Written on the news of Geronimo Pratt's release from prison 27 years after his murder conviction. Argues that it is a victory, but asks what sort of victory it is after he was robbed of 27 years. Also recounts the history of the Black Panther Party in which many failed to vocally support Geronimo after the infamous "West-East split."

"Who's Wilding Who?" Available at <http://www.daveyd.com/polarticlehowwildingwhomumia.html>

Written upon news of DNA evidence clearing five youths of the infamous "Central Park Jogger" case. Argues that five boys were deemed guilty even before the trials through media portrayals of "wilding" and beastly black and Latino youth: "But stereotypes made them vulnerable, more alien, and more distant than the writers who were crafting their treks to the gulags."

Sunidata Acoli (Clark Squire). The Black Panther Party, Black Liberation Army. "New Afrikan Prison Struggle: an Overview." In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 67-83.

Discusses the history of black struggles in prison. Argues that the systematic resistance and rebellion against prison started after the WWII, due to the civil rights movement, "ghetto" explosion, the drug influx, and international anti-colonial movements in Africa and Asia. Links development of prison struggles closely with that of black Muslim movement represented by the Nation of Islam, Muslim Science Temple, and the New World Nation of Islam. COINTELPRO and other suppressions seemingly silenced the activities of revolutionaries, but resulted in funneling revolutionaries into prisons where they influenced inmates, and waged many forms of prison struggles ranging from negotiations to strike, with the supports of outside political groups and communities. The influx of political prisoners meant the acceleration of the already existing prison struggles, discrediting of the COINTELPRO, internationalization of their struggles, and raising the awareness of Blacks as a Nation. Increasing incarceration of black youth in the 1990s is further heightening such a consciousness. Argues that such is the law and dialectic of the New Afrikan prison struggle.

“The Meaning of Attica, 25 Years Later.”

Available at afrikan.Identity.com/sundiata/attica.html.

Without Attica and lives lost, many rudimentary prison reforms would not have come into being. Now such elementary privileges are being taken away in the name of being “tough on crime” and due to the rising power of prison guards unions backed by (and backing) politicians. Argues that if Attica represented the pinnacle of the prison movement, today’s movement is to low point. Attica must and can educate and activate a new generation of mostly young prisoners of color to reenact Attica again. The War on Drugs is a War on People of Color; we must resist this aggression.

“Statement.” Available at

www.prisonactivist.org/pps+pows/sundiataacoli/sundiata-st.html

Argues that COINTELPRO is continuing today in different forms and names inside and outside prisons. Calls for formation of legal clinic to counter these aggressions. Urges readers to write to prisoners and to help support them while the state refuses.

Alvis V. Adair, Mercer G. Anderson, Albert Roberts and James E. Savage, Jr. “Impact of Incarceration on the Black Prison Inmate,” *Journal of Afro-American Issues* 2(1974).

Discusses institutionalization within the criminal justice system, specifically looking at the social ecology of prisons and strategies for change. Argues that “the prison institution is a subsystem within the larger American Social System,” where appalling living quarters, flagrant human rights abuses, and pervasive racism indicate the need for radical change. Short of abolishing prisons, the authors argue for better management of prisoners, with activities that are challenging and constructive to rehabilitation. They suggest that if prison life more closely mirrored “free-living individuals,” rehabilitation would be more likely. The authors propose the eradication of the prison system and implementation of community-based vocational/health centers, where inmates receive therapy, specialized job training and medical care.

Muhammad Ahmad (Max Stanford), chairman, the Revolutionary Action Movement. “We Are All Prisoners of War.” *Black Scholar*, Vol. 4, No. 2 (October 1972). 3-5.

Argues that many black leaders such as Rap Brown are today incarcerated simply because they fight “the racist legal system” of the US and for black people’s right to self-determination. Advocates the formation of a war prisoners movement. “There are no laws in America that Black People need to abide by until we have the right to determine our own destinies,” defining people of color as “not citizens denied of right but captives” of a

war ongoing since the introduction of slaves (3-4). Prisons are “concentration camps of worst forms to contain and break the will of rebellious African captives” (4). Police are “civilian occupation forces” engaged in “search and destroy” missions against political and “unpoliticized” guerillas. Black people are hence liberation soldiers. War Prisoner movement must become an essential part of the collective struggles waged in black communities and academia.

Harry T. Alexander, judge. “The Black Judge as a Change Agent,” *The Administration of Criminal Justice* ed. Lee Brown (1974).

Begins by giving historical overview of racism within the three branches of government (including summaries of *Plessy v. Ferguson*, *Dred Scott* and *Brown v. Board of Education*). Argues that a “system of denial of equal justice” permeates every aspect of criminal and judicial law. Urges judges, both black and white, to be more politically active against human and civil rights violations, to support policies that disallow police sitting on juries, and to restructure plea-bargaining laws which cause overcharging of defendants. Author concludes that judges must practice the four C’s: concern, conviction, commitment and courage, and that doing so can invoke radical change within a system wrought with racism.

William J. Anderson, former slave. *Life and Narrative of William J. Anderson, Twenty-four Years a Slave; Sold Eight Times! In Jail Sixty Times!! Whipped Three Hundred Times!!! or The Dark Deeds of American Slavery Revealed*. Chicago: Daily Tribune Books, 1854.

Born in Virginia in 1811. Jailed numerous times in Richmond for various offenses and attempts to run away. Sold to New Orleans and jailed there as well: “some of these jails resemble a hell, and I have been in many of them in the United States; for where the slaveholders did not put me in, these mean Northerners or Free State men, both black and white, would concoct plans to imprison me” (44).

Anonymous. “Episodes from the Attica Massacre.” *The Black Scholar*, Vol. 4, No. 2 (October 1972), 35-40.

Argues that black people have been rendered apathetic by the lack of true political power and economic foundations. Describes how the rebellion started in 1971. Prisoners inflicted the same “degradation and humiliation” on the guards with their own “nigger sticks.” Describes the chaos and bloodshed during the state troopers’ raids and shooting.

Attica Fund. *Voices from Inside: 7 Interviews with Attica Prisoners*. New York: Attica Fund, 1972.

Series of interviews conducted after the rebellion. Many prisoners interviewed describe

the aftermath: reprisals, beatings, and tortures by the guards. Frank Smith describes guards using his immobile body as a “human ashtray” for two hours then refusing medical assistance. Many argue that conditions have not changed. Jerry Rosenberg denounces the media depiction of the rebellion as a “black riot,” since white prisoners willingly took part in the uprising.

Alvin Aubert, poet, founder of *Obsidian*. “YANNIS RITSOS.” In *If Winter Come: Collected Poems, 1967-1992*. Pittsburgh: Carnegie Mellon University Press, 1994. 81-82.

Short poem exploring, “if a flower grew behind prison walls.” Dedicated to Osip Mandelstam, a Russian-Jewish poet who was imprisoned and exiled under Stalinist persecution in the 1930s.

Regina Austin, law professor. “‘The Black Community,’ Its Lawbreakers, and Politics of Identification.” In Richard Delgado, ed., *Critical Race Theory: the Cutting Edge*. Philadelphia: Temple University Press, 1995.293-304.

Proposes a new politics in the “Black Community” identifying with the interests of lawbreakers and prisoners, debunking the bourgeois myth of “black moral superiority.” By analyzing 1960s black radicals, especially the Black Panther Party, argues that “identification with black lawbreakers has something to contribute to political fashion and discourse” (297). Explores the ground on which “respectable” segments of black women could politically identify with female lawbreakers of color, such as prostitutes. Originally in *Southern California Law Review* 1769 (1992).

B

Bryonn Bain, lawyer, artist, activist. “Walking While Black: The Bill of Rights for Black Men.” In *Village Voice* (April 26 - May 2, 2000).

Reflecting on personal experiences of police harassment and false imprisonment, asserts that a special Bill of Rights exists for nonwhite people in the United States—one that applies with particular severity to Black men. This Bill has never been formally ratified by Congress because—in the hearts of those with the power to enforce it—the Black Bill of Rights is held to be self-evident. Outlines ten amendments to the Bill of Rights.

James Baldwin, writer. "A Report from Occupied Territory," in *The Price of the Ticket, Collected Nonfiction 1948–1985*, New York: St. Martin's, 1985 [Originally published in *The Nation*, July 11, 1966].

Essay about the relationship between police and African-American communities, where the former are seen as a brutal occupying force. The police "have no other function" than "to keep the Negro in his place and to protect white business interests." "This is why those pious calls to 'respect the law,' always to be heard from prominent citizens each time the ghetto explodes, are so obscene. The law is meant to be my servant and not my master, still less my torturer and my murderer. To respect the law, in the context in which the American Negro finds himself, is simply to surrender his self-respect." Essay also reflects on consequences of injustice, especially for youth: "children, having seen the spectacular defeat of their fathers—having seen what happens to any bad nigger and, still more, what happens to the good ones—cannot listen to their fathers and certainly will not listen to the society which is responsible for their orphaned condition. This causes a "deep and dangerous estrangement" for young black men.

“Equal in Paris.” In *Notes of a Native Son*. Boston: Beacon Press, 1949. 138-158.

Essay recalling experience of being jailed in Paris for the charge of petty theft. This incarceration, described in detail, ironically afforded a sense of liberation from “race.” “In the commissariat I was not a despised black man...For them, I was an American” (146).

If Beale Street Could Talk. New York: Dial Press, 1974.

Novel Relating the experience of an eighteen-year old pregnant woman (Tish) and her boyfriend, Fonny, in prison for the false charge of raping a white woman. Tish struggles to get him released in time to see the birth of their new child. Her impression of prison: “I walked out, to cross these big, wide corridors I’ve come to hate, corridors wider than all the Sahara desert. The Sahara is never empty; these corridors are never empty. ... The poor are always crossing the Sahara. And the lawyers and bondsmen and all that crowd circle around the poor, exactly like vultures” (7).

“An Open Letter to My Sister, Angela Davis.” In *If They Come in the Morning*. New York: New American Library, 1971. 19-23. [Originally appeared as “An Open Letter to Angela Davis” in *New York Review of Books*, January 7, 1971.]

Relates thoughts on the importance of the Panthers, the radicalism of young blacks, and the meaning of their imprisonment. Suggests this imprisonment stems from their violation of the ruling whiteness of the American society, through the insistence on their humanity. Refers to U.S. political prisons as “concentration camps – for that is what they are (22).”

The Evidence of Things Not Seen. New York: Henry Holt, 1985.

Baldwin's final book. Follows the Wayne Williams trial in Atlanta, in which he was accused and convicted of two murders, with the serial murders of 28 children presiding as the background. Not a legal or sociological analysis of the case. More a historical, existentialist exposition of his political thought. The question revolves around why Atlanta, including its black community, decided Wayne Williams was guilty without a shred of concrete evidence, and why he was ultimately convicted with only circumstantial evidence. Baldwin defines the case as a crossroad in the black people's journey in the White Republic. The underlying concern appears to be that African Americans were becoming "integrated" into the Republic after "desegregation", and thus into an "American inferno" fueled by a savage history of massacres, slavery, and the "racial terror" of violence and injustice. A Republic "absolutely, compulsively, determined to destroy all those dark wretched whom they cannot buy, or use, and that murders so many people ... is quite capable of railroading a man to prison, and to death" (108). Cites the examples of the Rosenbergs and Moton Sobell.

Nobody Knows My Name. 1961. New York: Viking, 1989. "A Letter from Harlem" (56-71) [originally published in *Esquire*, July 1960.]

Describes the social conditions of Harlem, youth, religion, crime, and the "hated" housing projects. Argues that the only way to police such a community is to be oppressive, since the police do not and cannot understand the lives of the people they are meant to control. "The badge, the gun in the holster, and the swinging club make vivid what will happen should his rebellion become overt" (65-66). Also analyzes the psychology of white officers and their fears and confusions: "It is hard, on the other hand, to blame the policemen, blank, good-natured, thoughtless, and insufferably innocent He, too, believes in good intentions and is astounded and offended when they are not taken for good deeds. He has never, himself, done anything for which to be hated – which of us has?" (66). Compares white officer to "an occupying soldier" moving through "a bitterly hostile country"(66) while being unavoidably exposed to "the anguish of the black people" in the midst of ongoing revolutions (67).

"The Male Prison." Originally in *The New Leader*, December 13, 1954.

Review of Andre Gide's *Madeline*. Not about actual prison, but a discussion of the tragedy of homosexual masculinity built as walls and bars against any possibility of true love toward women. (155-162).

Charles Ball, former slave, freeman. *Fifty Years in Chains: or the Life of an American Slave*. New York: H. Dayton Publisher, 1859. 382-392.

Narrates his attempts to escape from a Maryland plantation, his seizure, and imprisonment before being sent back to a Southern plantation.

Asha Bandele, poet, writer, activist. *The Prisoner's Wife: a Memoir*. New York: Scribner, 1999.

A “love story” describing the developing love and romance between Bandele, then a student, and “Rashid,” imprisoned for murder at Riker’s Island. Narrates what it means to fall in love with a prisoner, exchange countless letters and phone calls, marry and have conjugal visits, all under the assumption of being eavesdropped, and with the intrusions of metal detectors and body searches. Observes that metal detectors and searches are not really about security, but demonstrations of power over both prisoners and those related and sympathetic to them.

Sharon P. Banks, lawyer. “Black Lawyers Responsibility to Poor Communities,” *Journal of Afro-American Issues* 2(1974).

Addressed the role of Black lawyers in providing service and assistance to the poor and Black communities. Urges private practitioners to hire employees from the Black community, who can in turn learn skills and develop interests in the work that could later benefit the community and the profession. Public sector and corporate Black lawyers are urged to take a more participatory role in the policies that shape and affect Black and poor communities. Judges and government lawyers are urged to use compassion, competency and understanding in their positions since so many of the Black underclass are denied fair and equal representation in court trials and sentencing. Urges Black law professors and students to recognize the importance of serving poor and Black communities who make their existence so meaningful, having so long seen justice denied.

Taunya L. Banks, law professor. “Discretionary Decision-Making in the Criminal Justice System and the Black Offender: Some Alternatives,” *Black Law Journal* 5 (1975).

Addresses negative implications of discretionary decision-making for black offenders and defendants. Asserts that more specific standards should be established to ensure that discretionary power is exercised in a fair and just manner, particularly in terms of the Black community. Argues for discretionary decisions to be minimized in terms of police law enforcement, specifically that only top level police executives be allowed to use discretionary power and that citizen police boards be created to monitor the use (or abuse) of such power. Cites German and English systems of prosecution to illustrate problem of prosecutors with uncontrolled discretionary power, suggesting that making the prosecutor accountable to a superior would help diminish the abuse of discretion. Restructuring of the jury system is offered as a further solution to abuses of discretionary power, calling for a representative jury that reflects the community in which the action/crime occurred or was committed. Eliminating disparity in judicial sentencing might be obtained through solutions like the Model Sentencing Act or the Model Penal Code of the American Law Institute, where judicial discretion is severely limited. Specifically, these solutions call for fewer severe sentences and a greater emphasis on

probation by judges.

Amiri Baraka, poet, writer, the Black Arts Movement. *The Autobiography of LeRoi Jones*. Chicago: Lawrence Hill, 1997.

Chapter 10 describes his beating, jailing, and trial on the first day of the 1967 “New Ark Rebellion” (363-375). Required 15 stitches on the wound and then handcuffed to a wheelchair. Writes that nighttime shootings at the jailhouse were rampant and guards were scared to death. Planned to escape from the jail and join the rebellion. The National Guard harassed his family. Writes that “What was so strange about being in jail then is that we still knew that there was a rebellion going outside” (372). Describes the volatile atmosphere inside the jail upon witnessing a Guard shooting at a car and abusing black passengers, one of whom was an elderly woman, causing inmates to scream loud with others, “We need to do the same thing to some white bitch” (372).

Conversations with Amiri Baraka. Jackson: University Press of Mississippi, 1994. [Originally *Evergreen Review*, December 1967, 51-53, 96-97.]

A 1967 interview (26-35) gives Baraka’s immediate reactions to his beating and jailing during New Ark Rebellion. Denounces the Mayor as Mafia-tied. In the 1981 interview (201-203), explains the circumstances of the same arrest and the subsequent trial. Also discusses his trial on arrest resistance in 1979, for which he would serve 90 days at Riker’s Island on weekends: “it’s a form of intimidation, not only for me, but I think they want to intimidate, generally, people. They want the people to know, ‘Look. This is what we do.’ And then there’s also the possibility that they’re going to do something to you in the prison” (203). See *Black American Literature Forum*, Vol. 16. No. 3 (Fall 1982), 87-103. In a 1991 interview (252-254), discusses the basic lesson of the Rebellion, narrates the beating and arrest, and writes, “maybe poets should get used to being in jail” (254). Tells of his trial during the 1960s for obscenities charge. Links erosion of civil rights decisions and the anti-pornography laws in the 1990s.

“‘Old’ George Lewis.” In *Wise, Why’s, Y’s*. Chicago: Third World Press, 1995. 27-28.

Tells of a farmer who came to the city with “dirt growing in his mind” (27). Denounced because “we took our guns, the wise ones hid say you never/ was to be here.” Had to be “changed from slave/ to convict, gone” (28).

“Billie Holiday.” In *Wise, Why’s, Y’s*. Chicago: Third World Press, 1995. 105-106.

Describes Fannie Lou Hamer in a Mississippi prison beaten by two black inmates used by the local sheriff. Hamer wails, screams, but knows “how to sing”: “This country was built/ on the sweat/ & blood/ of black people/ They will spill your blood/ like rain!”

Derrick A Bell, law professor. *Race, Racism, and American Law*. Boston: Little, Brown, 1973.

Case textbook addresses “the right of prisoners” in 923-948, and argues that racism in the outside world extends into the prison. Notes trends in prison officials’ hostility toward black Muslims and radicals. Addresses various violations of religious rights. Case study of *Sostre v. McGinnis* (1971) in the 2nd Circuit Court.

“Radical Racialism.” In Kimberlé Crenshaw, et al., eds., *Critical Race Theory: the Key Writings That Formed the Movement*. New York: New Press, 1995. 302-312.

Challenges the notion and principle of racial equality. Contends that black people will never gain full equality. Argues this relies on formalist mode of legal thinking in which the Constitution gives black people equal rights. Suggests need to explore new ways to define and resist racial subordination.

Chuck Berry, musician. *Chuck Berry: the Autobiography*. New York: Harmony, 1987.

Relates the infamous “Indian trial” in 1961. First sent to Terre Haute, then to St. Louis federal prison. Feels “really set back, out of contact, feeling more black but still intact” (213). Started “re-schooling” in the prison, to gain knowledge to be able to manage his life, affair, and business. Studies business laws, accounting, typing, American history, and American government to get credits toward a high school diploma. Boasts that this education gave him the ability to cheat-out prison officials. In 1970 pleaded guilty to tax charge. Sent to California’s Lampoc Prison Camp. Describes the dilemma of a “celebrity” prisoner (288).

Elios Bibb, poet. *Poems*. Boston: Monthly Review Press, 1895.

Part III of “Imogene” tells the story of a man in prison for killing “That wretch which spoke my darling's name.” Imogene visits him in prison secretly, yet knowing they would remain separate forever, she falls and dies in the prison yard.

Henry Bibb, escaped slave, colonization leader. *The Narrative of the Life and Adventures of Henry Bibb, an American Slave*. New York: Published by Author, 1849. 86-100.

Arrested and imprisoned in 1839 in Kentucky after he had escaped to Canada and returned to free his family. Describes prison life in detail, such as food and types of people imprisoned: “The first impression...made on my mind when I entered this place

of punishment, [it] made me think of hell, with all its terrors of torment.... I doubt whether there can be a better picture of it drawn, than may be sketched from an American slave prison” (92).

Andrew Billingsley, sociologist. *Black Families in White America*. Englewood Cliffs, NJ.: Prentice-Hall, 1968. 180-181.

Points to state and local judiciaries as key targets for social reform. Calls lower branches of justice more reflective of racism in American society than the Supreme Court. Policing must be reformed as well. Suggests that patrols be done by the black community itself, not by the police, since black people rarely have a presence in law enforcement.

Children of the storm: Black children and American child welfare. New York: Harcourt, Brace, Jovanovich, 1972 [with Jeanne. M. Giovannoni].

A classic study of the racialization of child welfare policies and institutions in the United States, focusing on the African-American experience in the late nineteenth and first half of the twentieth century. Analyzes not only the exclusion of black children from public and private child welfare services, but the self-help tradition of the African-American community in various areas of child welfare, including adoption services, nurseries, and kindergartens. Provides case studies of black child welfare initiatives in New York City, Philadelphia, and Cleveland in the World War II period. Relatively brief attention given to juvenile justice issues specifically, but the authors here find a pattern consistent with their main thesis. They write, “The Black child today suffers along with the white child at the mercy of a system that was designed not to benefit children, but to dispose of poor people. The Black child suffers more, however” (33). Black children have more often been officially labeled delinquents than orphans (i.e., dependent children) than their white counterparts, a less desirable status in child welfare, and once so labeled, have been much more likely to be sent to prison. “In all sectors of the child-placement system,” they find, “whether labeled as dependent or delinquent, Black children were victims of racist and discriminatory practices”(80).

Black Emergency Cultural Coalition. *Attica Book*. South Hackensack, NJ.: Customs Communication Systems, 1972.

Collection of art works inspired by the Attica rebellion. Artists include Faith Ringgold, Duane Hanson, Sylvia Sleigh, LeRoy Clark, and Patricia Mainardi. Ringgold draws a map of “The United States of Attica.” Mainardi paints a portrait of Rockefeller in likeness of a Nazi. Includes poems by Attica inmates.

Black Panther Party, Harlem Branch. *Black Panther Party, Harlem Branch Collection*, at Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division

The Harlem Branch of Black Panther Party was one of the most active and important branches of the Party, in that many were subjected to harassment and imprisonment, and bickering with Oakland Headquarter over the focuses of national activities. In 1969, 21 members of the Harlem Branch were arrested and put on trial based mostly on the testimony of an informant. The Branch published weekly new letters detailing the proceedings of the trial, and a portion of those newsletters documents the treatment of the imprisoned Panthers in the Long Island prison, how the inmates organized resistance and protest against the trial, the prosecutions clumsy evidence, and the judge's hostile to the defendants. Pamphlet by Michael "Cetewayo" Tabor, one of the imprisoned, is included, called "Capitalism Plus Dope Equals Genocide," in which he argues that dope dealing and "legitimate capitalism" are intimately tied-up, and black communities plagued by heroin addiction are the victims of class and racial exploitation.

Jane Matilda Bolin, Family Court Justice, New York City. *Jane Matilda Bolin Papers*, at Schomburg Center for Research in Black Culture, Manuscripts, Archives and Rare Books Division.

The first African American woman judge in the United States, Judge Jane Matilda Bolin was appointed to the Manhattan Family Court in 1939. Judge Bolin dedicated her career to increasing access to justice for children in New York City, challenging city-wide practices of racial segregation and discrimination in the enforcement of laws and provision of justice services. This manuscript collection includes numerous letters relating to these reform efforts, as well as the transcript of an interview conducted after her retirement, where Judge Bolin discusses views on juvenile justice, race, politics, and identity, and experiences as a law student at Yale and on the bench of the family court.

John O. Boone, State Corrections Commissioner, Massachusetts. "A View of Prisons," *The Administration of Criminal Justice* ed. Lee Brown (1974)

Speech. Argues change in the correctional system must begin with changing the racist and unjust policies and philosophies of all criminal justice agencies (i.e. law enforcement, parole offices, etc.), because the prison system is a symptom of the larger failure that is the criminal justice superstructure. Article does not offer suggestions on how to initiate such changes within the larger system. Argues that prisons must be educational facilities, and discusses the important role of programs like the Federal City College degree program in the Lorton prison. Also discusses the potential sparked within prisoners once education is coupled with their experiences and present realities. Such a combination results in an astounding number of potential leaders and revolutionaries which, according to Boone, must be nurtured and not negated.

Claude Brown, writer, lecturer. *Manchild in the Promised Land*. 1969 New York: Simon and Schuster, 1990.

Autobiography. Narrates experience of growing up in Harlem in the 1940s and 50s. Sent to New York State's juvenile detention centers and correctional institutions numerous times for stealing and other petty crimes. Valuable for those interested in the history of the post-WWII juvenile justice and detention is his description of the Wiltwyck School and other institutions. Also contains description of Judge Jane Bolin (first black woman judge) from the viewpoint of a teenage boy, and how her authority in the court frightened men, women, and children alike. Brown calls her "a mean old queen."

Elaine Brown. Chairwoman, Black Panther Party, lawyer. *The Condemnation of Little B.* Boston: Beacon Press, 2002.

Chronicles the trial, conviction, and appeal of Michael "Little B" Lewis in Atlanta, GA. in 1997. Like Baldwin in *Things of Evidence Not Seen*, Brown asks why Atlanta's black community remained silent on the case while mainstream media bombarded the city and nation with stereotypes of black youth as super-predators. Brown traces American history back to Thomas Jefferson's proclamation of black inferiority to argue that what we have now and manifested in the case and condemnation of Little B is a familiar but "New Age Racism," where "House Negroes" in academia, media, and government are deeply involved in justifying the dismantling of welfare programs and further depressing black youth in the city, advocating the agenda of the white liberal-conservative establishment.

A Taste of Power: a Black Woman's Story. New York: Pantheon, 1992.

Narrates Brown's experience within and impressions of the Black Panther Party, including her relationship with Huey Newton. Chapter 13 describes her reaction to the news of George Jackson's death, with whom she had corresponded. The significance of Jackson was to teach black prisoners the political nature of their incarceration and revolutionary implication of their demands to change prison conditions: "Not since Malcolm X had one man appealed so strongly to the hundreds of thousands of black prisoners in America.... Not even Malcolm had issued a call for revolution" (269).

H. Rap Brown, the Student Nonviolent Coordinating Committee, Black Panther Party. *Die Nigger Die!* New York: Dial Press, 1969

Relates his experiences with police and criminal justice system since childhood, making a broader analysis of the essentially political nature of law. Argues that the State will only respect black people once they have armed themselves for self-defense (39-40). Critical of trendy revolutionaries of the period, denouncing them as a "bunch of potheads" caught up "with this identity thing" and feeling they are radical because they read Fanon (104). Wrote a series of letters from jail because, "people should understand very clearly that the reason I'm in jail is because my crime is political, because I've spoken against injustices" (104). Writes that "We, as Black people, should adopt the attitudes that we are neither morally nor legally bound to obey laws which were not made with our consent" (106). "[In] this country ... 'laws' are not based on justice; they are based on politics. There is no separation of 'law' from politics" (116).

Sterling Allen Brown, poet, literary critic. “Song of Triumph.” In Michael Harper, ed., *The Collected Poems of Sterling A. Brown*. New York: Harper, 1980. 208.

Poem. Criticizes the southern justification of the Scottsboro Boys trial, and its underlying ideas of southern Chivalry and justice: “Eight cowering Negroes in a jail/
Waiting for justice/ Chivalry ever extends to them.”

“Convict.” In Michael Harper, ed., *The Collected Poems of Sterling A. Brown*. New York: Harper, 1980. 95.

Describes a convict laborer “Jim” enduring hard and monotonous life: “Daytime on the highways/ Nights in hell.”

Safiya Bukhari-Alston (Bernice Jones), Black Panther Party, Black Liberation Army, Amistad Collective, Republic of New Afrika. “Coming of Age: A Black Revolutionary.” In Joy James, ed., *Imprisoned Intellectuals*, 125-133. Originally *Notes from a New Afrikan P. O. W. Journal Book 7*.

Arrested in Virginia in 1975 after a police shoot out that killed her fellow BLA member Kombozi Amistad. Written while at Virginia Correctional Center for Women. Autobiographical description of how she joined Black Panther Party, her arrest in New York, and why she decided to go underground and split from Black Panther Party. Describes the shootout, capture, trial, and lack of medical maltreatment she and other women suffered at the prison hospital.

“Interview with Safiya Bukhari.” Available at https://www.prisonactivist.org/jericho-sfbay/safiya_bukhari_interview.html.

Conducted in 1995 for prison newsletter, *Arm the Spirit*. Describes experiences at the Virginia Correctional Center for Women. Discusses the warden’s fear that she might organize and recruit prisoners. Denounces the lack of medical care at the women’s prison, as the doctor in residence was not qualified to treat women. Discusses channel of communication with fellow imprisoned BLA members. Describes escape and recapture. Discusses the problem of sexism and “machismo” inside Black liberation movement. Decries the fact that many BLA comrades are languishing in prisons without publicity, unlike the better-known and supported Panthers.

“The Death Penalty Is a Politically Repressive Tool.” In Enid Harrow, et al., eds., *The Machinery of Death: a Shocking Indictment of Capital Punishment in the United States*. New York: Amnesty International, USA, 1995. 137-

140.

Argues that in the US death penalty has been employed to silence political voices that directly challenge the oppressive social and economic system. Citing Black Panther Party member Mumia Abu-Jamal, and Julius and Ethel Rosenberg as examples. The state and mainstream media criminalize political dissent. This history of silencing political dissidents with death goes back to Nat Turner. The message sent to political activists is to “accept the racism, police brutality, exploitation, and injustice,” or risk death (140).

Anthony Burns, fugitive slave. “Letter from Anthony Burns.” In Charles Emery. Ed., *Anthony Burns: a History*. Boston, 1856. 280-283.

Jailed in Boston in 1851 to be returned to the South under the 1850 Fugitive Slave Act. Excommunicated from the Baptist Church on the ground he disobeyed the laws of God and man in refusing to return to his master. Argues that he never disobeyed the law of God: “That law which God wrote on the table of my heart, inspiring the love of freedom, and impelling me to seek it at every hazard. I obeyed.”

Haywood Burns, lawyer activist, general counsel of the Poor People’s Campaign, former Dean of CUNY Law School. “Black People and the Tyranny of American Law” in, *The Annals of the American Academy of Political and Social Science* 407(1973).

Analyzes the failure of the American legal system to escape the racism permeating U.S. society. “Both historically and contemporaneously, the law has been the vehicle by which the generalized racism in the society has been made particular and converted in policies and standards of social control. Notwithstanding many countervailing experiences, many black Americans see their dominant experience with the law as that of the law’s victim. Present efforts at using the law as an instrument of social change...are encumbered by a lack of black direction of and control over the resources, policy, and personnel ostensibly organized to combat racism. The tyranny of a racist legal structure and the powerlessness of blacks in the face of white hegemony over most of the major legal institutions-public and private-which have been established to attempt to eradicate white racism, must both be answered by the reassertion by the black bar and the black community of their interests in shaping the decisions which so profoundly affect their lives. If leadership of this character articulates black priorities from the perspective of the community centrally affected, then all willing elements of the society can contribute usefully to the attainment of the goals of freedom with dignity for all.”

C

Geoffrey Canada, author, educator, activist. *Fist, Stick, Knife, Gun: A Personal History of Violence in America*. Boston: Beacon Press, 1995.

Argues that violence is reaching epic heights in a generally violent American history. “Getting tough on crime” by incarcerating youth will not solve problems. “When dealing with the issue of young people and violence ... we can’t separate violence from all of the other problems that plague our youth; educational failure, teenage pregnancy, drug and alcohol abuse, lack of employment, crime, AIDS” (137). Efforts to reduce violence must seek community rebuilding with residents and parents as essential participants. Criticizes racist assumptions in the “war on crime,” such as notion that black kids would rather sell drugs than work. Proposes creation of peace officer corps and martial arts training to teach self-defense, provide empowerment, build self-discipline, and reduce gun violence.

Michael Carter. “Crime in Harlem,” *Crisis* 46 (1939).

Argues that Harlem crime is not only misrepresented in the media, but distinguishable from other areas of high crime rate in that it is petty and disorganized. Asserts that three main factors explain Harlem crime: unequal economic opportunities, lack of integrated status within American society, and limited class mobility within Harlem community, especially as dictated by housing segregation. Once these forms of exclusion are addressed, the Harlem crime “crisis” will be greatly reduced or alleviated.

Frank E. Chapman, Jr. “Pages from the Life of a Black Prisoner,” *Freedomways* 11(1971).

Discusses prison experience through the lens of political engagements and ideologies developed through his education while incarcerated, specifically through the study of mathematics, philosophy and African-American studies. Discusses at length the racism pervading the U.S. society, within and without the prison gates, and emphasizes how structural racism within the criminal justice system aims to completely disenfranchise Black inmates mentally, spiritually and emotionally.

Charles W. Chesnutt, author, reformer. “The Sheriff’s Children.” In *The Wife of His Youth*. Boston, MA: the Cresset Press, 1899. 60-93.

Short story about a white sheriff in a small town of North Carolina who discovers that a mulatto jailed for the charge of killing a white man is actually his son. The son takes the sheriff hostage in prison, confronts him, and denounces his hypocrisy, with a lynch mob gathered outside.

“Peonage, or the New Slavery.” In Jesse Cliser, et al. eds., *Charles W. Chesnutt: Speeches and Essays*. Stanford: Stanford University Press, 1999. 205-209. Originally appeared in *Voice of the Negro*, Vol.1 (September 1904), 394-97.

Condemns peonage system and the complicity of the southern laws and courts: “Negroes were arrested on trumped up charges, fined to the full limit of harsh laws, sold at hard labor, worked under armed guards, cruelly flogged and kept in this worse form of slavery long after the fine and costs imposed upon them had been worked out” (206).

Civil Rights Congress. *The Civil Rights Congress Records*, at Schomburg Center for Research in Black Culture. Manuscripts, Archives and Rare Books Division.

Formed in 1946 and led by William Patterson, the Civil Rights Congress worked throughout the postwar years and McCarthyism era to defend Communist leaders and activists tried under the notorious Smith Act, which made it illegal to advocate the “violent overthrow of government.” CRC also took many lesser known cases involving African American inmates and defendants all over the United States, and handled by The Prisoners’ Relief Committee. The Schomburg collection includes letters written by death row inmates in North Carolina, Mississippi, and New Jersey. CRC newsletters also show Benjamin Davis, an African-American Communist leader in Harlem, accusing federal prisons of practicing racial segregation, and the US attorney general of condoning it.

Kenneth B. Clark. Social psychologist, social reformer. *Dark Ghetto: Dilemmas of Social Power*. New York: Harper, 1965. 81-110.

Based on a social study of Harlem, defines the ghetto as a powerless community where children are born into broken families and other institutional voids. Argues that neither police patrols nor threat of legal punishment will curtail crimes such as violence and drug addiction. Argues that solutions lie in “changing the conditions which tend to breed widespread violence rather than ... reforming the individual criminal.” Proposes development of new institutions (social services, economic, political, cultural) with residents and youth at the center of their design and administration, and an eye toward rebuilding community social structure and redistributing power relationships (109).

“Color, Class, Personality, and Juvenile Delinquency.” *Journal of Negro Education*, Vol.28, No.3 (summer 1959), 240-251.

Criticizes the racist notion that the “innate inferiority of the Negro” explains high crime rates in ghetto communities. Proposes that social conditions explain variation in crime rates and official responses to crime. Argues that delinquency among black youth should not be separated from cases of white youth delinquency, resulting in the stratification of undeserving and deserving, or “privileged,” delinquents.

Kristen Clarke, lawyer, photographer. “Toward a Black Feminist Liberation Agenda: Race, Gender and Violence.” *Souls*, Vol. 2, No. 4 (Fall 2000), 80-88.

Argues that a Black feminist liberation agenda is needed to counter the rise in the imprisonment of women of color in the US, where black and Latina women are regarded by law enforcement as “new targets.” Media images of masculine, warrior-like black women have contributed to more convictions and longer sentences. The new black feminist agenda must balance women’s need for protection from sexual and other violence with the need for independence.

Eldridge Cleaver, Black Panther Party, minister of information. *Soul on Ice*. New York: Delta, 1968.

Contains the writings and letters by Cleaver while in Folsom Prison in the mid-1960s, addressing issues ranging from faith to sexuality and cultural criticism. Most immediately relevant to the issue of criminal justice and political meaning of prison are his reaction to the assassination of Malcolm X and discussion of the link between domestic laws and American imperialism. “Malcolm had a special meaning for black convicts. ...he was a symbol of hope, a model of thousands of black convicts who found themselves trapped in the vicious PPP cycle: prison, parole, prison” (58). Black convicts do not see themselves as criminals but rather victims of the “dog-eat-dog” social system, thus as prisoners of war. Malcolm rose from this viciousness and gave meaning to prison lives.

Eldridge Cleaver: Post-Prison Writings and Speeches. Robert Scheer, ed. New York: Random House, 1968.

In “Open Letter to Ronald Reagan” (95-107) in 1968, written from California Medical Facility where he was held as a parole violator, tells the Governor Reagan that his appointees were responsible for making false and unreasonable arrests targeting black people, especially radicals. Explains the Oakland’s Black Panther Party’s purpose as the fight against “The notorious, oppressive, racist, and brutal Oakland Police Department.... This Gestapo force openly and flagrantly terrorizes the black people of Oakland” (101). Tells Reagan not to mistake his writing as a message from an “empty-handed beggar,” as the beggar is no longer empty handed. Also critical of the Nation of Islam for failing to provide adequate legal assistance to followers in prisons.

Coalition of Concerned Black Americans. “A Preliminary Report of the Experiences of the Minority Judiciary in the City of New York,” *Howard Law Journal* 18(1975).

Discusses inequities in the administration of justice, specifically from the view of minority judges. Focuses on effects the criminal justice system on minority communities and experiences of people of color who work within the system. Based on twenty-four questionnaires and in-depth interviews with Latino and Black judges in New York City. Questionnaires focused on seven areas: 1) selection of judges, 2) judicial assignment and case assignment, 3) courtroom personnel and facilities, 4) racism in the judicial system,

5) plea bargaining, 6) the bail system, and 7) the jail system. Also examines methods of judicial selection (appointment vs. election), and relative advantages of each. Almost two-thirds (62.5%) of the judges responding to the questionnaire attained their position through appointment, in contrast to the 37.5% who were elected.

Wanda Coleman, poet, writer. "Doing Battle with the Wolf." In *African Sleeping Sickness: Stories and Poems*. Santa Rosa, CA: Black Sparrow Press, 1993. 27-29.

A woman running away from the murderous white wolf: "the wolf makes no sexual distinctions/ i am the right color/ he has a fetish for the black meat" (28). The wolf has already shot and killed most of her friends and captured her man: "my man cannot protect me" now against them who are following the trail of her blood. She arms herself with a spear that goes back to her ancestor, a runaway slave. The wolf arrives, howls, and knocks on the door amid the cry of her children.

"Kathy." In *African Sleeping Sickness: Stories and Poems*. Santa Rosa, CA: Black Sparrow Press, 1993. 46-47.

Of a woman who killed her husband in dispute over a child, now jailed at a women's prison, and of the husband's lover who visits the woman in prison.

"Refugee from Vacaville." In *Hand Dance*. Santa Rosa, CA: Black Sparrow Press, 1993. 74.

Of a boy whose mother wrote "white" on his birth certificate. At school he is beaten for not being black enough, and outside the school knifed by white kids. Arrested for auto theft, his ordeals continue in prison.

"Silly Bitches Institute." In *Imagoes*. Santa Rosa, CA: Black Sparrow Press, 1983. 72-75.

Poem. Narrates the life of various inmates at a women's prison, including a "Mexican illegal" who cries in Spanish, a forty-something white woman who has "never been among so many niggers/ her eyes solicit sympathy" (73), and a "young black junky screaming for her monkey" (74). Concludes with narrator crying for her mother to rescue her from this place.

Sam Cornish, poet, educator. "Scottsboro Boy." In *Folks like Me*. Cambridge, MA.: Zoland Books, 1993. 63.

Poem. Recounts history of the Scottsboro case. Decries the near impossibility of justice in Jim-Crow Alabama, where law represents a white man, and "the chair will make a

good man out of me.”

“Robert W. Lee: A Friend.” In *Folks like Me*. Cambridge, MA.: Zoland Books, 1993. 72.

Poem. Expressing solidarity with workers and prisoners. Proclaims his church is the “worker’s grave” and his bible the papers of “the unskilled/ from the jails/ and prisons/ my brothers in the electric chairs.”

“Not Long For The Day.” In *Folks like Me*. Cambridge, MA.: Zoland Books, 1993. 24.

Poem. Describes death row in the 1930’s U.S. South, focusing on cases of Haywood Patterson and Angelo Herndon.

Oliver C. Cox, sociologist. *Race Relations: Elements and Dynamics*. Detroit: Wayne State University Press, 1976. 257-271.

Chapter 18, “The Police and Alienation,” analyzes the history of legal treatment and conditions leading police to use excessive force against African Americans. Concludes that police brutality is a primary expression of and factor further contributing to the alienation of African Americans from mainstream American culture and society.

Kimberlé Crenshaw, law professor. “Race, Reform, and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law.” In *Critical Race Theory: the Key Writings That Formed the Movement*. New York: New Press, 1995. 103-122.

Argues that race is central to foundations of law and social legitimacy. White race consciousness has historically united whites of different classes. The Civil Rights Movement ended formal inequality but white race consciousness has remained important in perpetuating black racial subordination and stereotypes. Whites must realize hegemonic function of racism.

George W. Crockett. Judge, Congressman. *The Voice of Black America*. 1131-1138. [First in print in *Science and Society*, Spring, 1969, pp 223-30. Also an article in *Journal of American Judicature Society*, April-May 1970.]

Asserts that “Racism in our law has created a national psychosis” since slavery. Criticizes officials in law enforcement and courts who practice racial discrimination in the name of “state action,” and fail in their responsibility to provide equal protection of the law.

“A Black Judge Speaks,” *Judicature* 53(1970).

Argues that since its inception, racism has consumed the concept of equal justice in American courts. Focusing on the Detroit’s Recorder court system, argues that racism pollutes every step of judicial procedure, specifically for poor defendants. Comments on the need to reconstruct judicial processes to realize their true intention, specifically as regards the expectation of unbiased, non-racist interpretations of law and the constitution. Also argues for the eradication of high bail policies, and challenges the press to provide the public with honest and objective reporting on crime rather than sensational stories.

“Judicial Selection and the Black Experience,” *Judicature* 58(195).

Addresses the debate between appointive vs. electoral systems of federal judiciary selection, specifically in terms of racial imbalances in the make-up of federal judges, nationally and within the state of Michigan. Questions of constituency coupled with accountability and control are held as central to the debate over an appointed vs. elected judiciary. Supporters of an appointive process assume the state bar will “have a far superior appreciation of what constitutes a good judge” than the does the electorate (438). As citizen are relied upon to elect other public officers (presidents, governors, mayors, etc.) they should also be empowered to choose judicial representatives. By contrast, an appointive committee makes the judicial appointee responsible to relative few. Election gives the people a direct voice into how laws are interpreted. Points out that a renewed campaign to install an appointive judiciary committee in Michigan coincides with a substantial increase in the number of elected Black judges in the state.

Countee Cullen, poet. “Scottsboro, Too, Is Worth Its Song (a Poem to American Poets).” Reprinted in Gerald Early, ed., *My Soul’s High Song*. New York: Doubleday, 1991. 258-259. Originally in *Medea and Some Poems*. New York: Harper, 1935.

Criticizes American poets who remained silent on the Scottsboro Boys cases, unlike the case of Sacco and Vanzetti: “But they have raised no cry/ I wonder why” (259).

D

James A. Daly, US Army Sergeant. *A Hero’s Welcome: the Conscience of Sergeant James Daly versus the United States*. Indianapolis: Bobbs-Merrill, 1975.

Memoir of a US soldiers in the Vietnam War who served in the army despite being anti-war for his faith of Jehovah’s Witness. Tells of capture in South Vietnam and the long and horrible trip on Ho Chin Ming Trail. Refuses to sign an anti-war letter because of opposition to coercion, and arrived in a North Vietnam POW camp in 1971. Goes

through “re-education” with other POW. Begins to understand Vietnamese view, but rejects Marxism because of religious faith, not patriotism. Returned to the US in 1974.

Allison Davis, social anthropologist. *Deep South: a Social Anthropological Study of Caste and Class*. Chicago: University of Chicago Press, 1941. 483-538. [with Burleigh and Mary Gardner].

A study of Deep South areas. Chapter on “Caste, Class, and Local Government: White Power” discusses how white supremacist structures attempt to control and contain Afro-Americans through law enforcement and imprisonment, and how the perceived failure of these institutions to deter “Negro crimes” is used to rationalize lynchings.

Angela Yvonne Davis, activist, scholar, orator, prison abolitionist.
If They Come in the Morning: Voices of Resistance. New York: Signet, 1971.

Essays written with Ruchell Margee, the Soledad brothers, and Other Political Prisoners, includes writings of Huey Newton, George Jackson, Ericka Huggins, and others. All written while Davis was confined in the Marin County Jail. “Political Prisoners, Prisons and Black Liberation” (237-43) discusses the revolutionary implications of a racist criminal justice system. Argues that prisoners confront racism not as an act of individual psychological bias, but as a systematic and institutionalized social order. Many prisoners of color identify themselves as political prisoners, victims of this racialized political-economic order. Revolutionaries thus must make effort to organize this “lumpen proletariat” as an essential part of the working-class struggle. In “Lessons: from Attica to Soledad” (44-50), Davis notes the Attica Uprising providing evidence that prisons have been unsuccessful in their attempt to fully dominate and control prisoners. Through the means of coercion, incarceration, and isolation, prisons rather unwittingly contributed to creating a tightly knit community of prisoners with political consciousness.

“Reflections on the Black Women in the Community of Slaves.” *The Black Scholar*, Vol. 3, No. 4 (December 1971), 2-15.

Written in Marin County Jail. Due to her incarceration, Davis could not thoroughly research the topic, hence the title, “reflections.” Criticizes the Moynihan Report for rendering black women “matriarchs” the source of oppression and inequality. Calls for accurate portrayals of African women in bondage. Matriarch is a “misnomer” since there is no substantial authority and power for slave women to wield against slave owners, for example, in preventing family breakups. Despite these constraints, slave women still “promoted consciousness and practice of resistance in slave communities”(5).

“A Conversation with Angela Davis.” *The Black Scholar*, Vol. 3, No. 7 (March-April 1972), 36-48.

A jail interview with Rev. Cecil Williams. Argues that her acquittal would not equate to

winning justice, but rather, would represent a formalistic and empty expression of justice. Notes the acute personal and collateral consequences of criminal injustices, citing how Bobby Seale, Ericka Huggins, the New York 21, and others lost significant years of their lives and experienced family separations due to their political imprisonment.

Angela Davis, an Autobiography. New York: Random House, 1974.

Chapter 5 narrates her experiences in the women's section of the Marin County Jail. Argues that jails reproduce and reinforce the racism and sexism characteristic of U.S. society generally. Women's jails were extremely inadequate, based on assumption that women are less likely to commit crimes than men and spend less time there. Observes guards handcuffing black and Chicana women, but never white women, and that women do their own laundry while male prisoners do not. Writes that "jails are a thoughtless place. Thoughtless in the sense that no thinking is done by their administrations" (240). Guards, administrators, and prisoners are sensitive only to the "proximity of pain and death." Relates how she and Bettina Aptheker completed *If They Come in the Morning*.

"The Struggle of Ben Chavis and the Wilmington 10." *The Black Scholar*, Vol. 6, No. 7 (April 1975), 27-31.

Details the prosecution of Reverend Chavis on a false charge of arson, based on shaky evidence upheld in racist court proceedings. Argues that Chavis is being prosecuted by the same machinations used by Nixon during the Watergate investigation, where "justice has been obstructed and subverted by those sworn to protect the rights of all people" (30).

"Race and Criminalization: Black Americans and the Punishment Industry." In Wahneema Lubiano, ed., *The House That Race Built: Black Americans, U.S. Terrain.* New York: Pantheon, 1997. 264-279.

Argues that prison system today is sustained through the persistence of the philosophy behind slavery that denied citizenship to slaves. In order to abolish prison, concrete and organic relations must be established among academic research, community organizing, and policy making. In so doing, the increasing incarceration of women and their critiques of prison should be seen as an essential part of such a project, a new abolition movement first inaugurated in the 1960s and 70s.

Angela Y. Davis Reader. Joy James, ed. Malden, Mass.: Blackwell, 1998.

In "From the Prison of Slavery to the Slavery of Prison" (74-95), Davis examines the writings of Fredrick Douglass and why he was reluctant to address the issue of convict lease system proliferating in the post-Emancipation and post-Reconstruction South. Suggests Douglass' commitment to Enlightenment ideology influenced his naïve acceptance of this exploitative punishment, viewing it as a form of penal discipline rather than forced labor and violation of newly one "freedom." Such oversight was not unique

to Douglass, as many reformers and former abolitionists failed to see the ongoing process of “criminalizing the former slaves.” In “Racialized Punishment and Prison Abolition” (96-105), Davis discusses Mitchell Foucault’s *Discipline and Punish* in light of American historical contexts of racism and slavery, leading up to the present crisis of racialized mass incarceration. Insists American cases diverges from Foucault’s “European model,” as slaves and former slaves were never seen as “moral” beings with “souls” capable or worthy of salvation. Argues that American slavery ushered in the racialization of criminal punishment, and calls for an abolitionist movement eyeing the elimination of prisons and the underlying ideology tying race to crime and punishment.

Are Prisons Obsolete? New York: Seven Stories, 2003.

An analysis and critique of popular acceptance of prison as a legitimate social institution. Observes rise of the punishment boom and prison construction in the face of declining crime problems. Relates the expansion of prisons to social, economic, and political residues of globalization and decline of the post-industrial capitalist economy, coupled with the opportunistic development of a “prison-industrial complex.” Traces historical origins of racialized mass imprisonment to slavery and subsequent policies and practices in criminal justice administration meant to control and exploit newly freed women and men: “ideologies governing slavery and those governing punishment were profoundly linked” (28). Gendered structures of prison must also be taken into consideration because sexual abuse and misogyny are among the social forces sustaining prisons and the destruction they produce. Finding alternatives to prison must not begin with the too-often-asked question of “what to do with rapists and murders?” but the question of why “criminals” are constructed as a separate class undeserving of the fundamental rights, civil and human, held as essential to modern civilizations.

“From the Convict Lease System to the Super-Max Prison,” in *States of Confinement: Policing, Detention, and Prisons*, ed. Joy James. New York, NY: St. Martin’s Press, 2000.

Analysis of how the contemporary prison system, with its move toward privatization, recalls the efforts to create a for-profit punishment industry through the supply of newly freed black laborers in the post-Civil War era. The current construction of super-max prisons—in which prisoners are confined to their cells 23-hours a day and are monitored through state-of-the-art technology—recalls the controlling aspects of Bentham’s panopticon, without the idea of rehabilitation and, in essence, humanity. The danger of super-max prisons resides not only in the brutal treatment of the prisoners who are confined in them, the majority of whom are black men, but also in their influence on the standards of all prisons. This move away from rehabilitation further promotes retrograde tendencies in public education systems. The connections between racialized aspects of present-day incarceration practices in the U.S. and penal practices in place over a century ago testify to the enduring presence and impact of racism within the country in general, and prison system in particular.

Benjamin Davis, Communist, City Councilman. *Communist Councilman from Harlem : Autobiographical Notes Written in a Federal Penitentiary*. New York: International, 1969.

Describes political awakening through the Angelo Herndon case in the mid-1930s: “It was the real beginning of the interconnection between my personal desire for dignity and equal rights and the aspirations of the masses of my people for first-class citizenship. The oppression of the Negro people, the economic crisis, and the Herndon case became an inseparable issue” (56). Notes that a reformist defense would have falsely characterized this as an individual case, unrelated to the entire social and economic system. Relates his disillusionment with the American legal system: “To put one’s trust in the high judiciary to uphold the constitutional rights of the Negro is like leaving the cat to watch the milk” (99). Chapter 12 describes his own prison experiences after conviction in the Smith Act trial in 1951: “In prison, one is beset by mental frustration, emotional and spiritual starvation, and by a benumbing prison routine enforced by the threat of violence... If, as federal system officials contend, the purpose of prison is to rehabilitate the prisoners, this is surely a long way from it” (188). Observes that Communists, even while having helped other prisoners, are unprepared for being in prison themselves, and that their political languages are not communicable to average prisoners.

Lucy A. Delany, former slave. *Darkness Cometh the Light, or Struggles for Freedom*. St. Louis, MO.: Publishing House of J. T. Smith, 1891. 33-43.

Describes her free mother’s effort to gain her freedom through lawsuits against her owner. Delany spent seventeen months in jail while the trial continued, for fear that her mother would steal her away to freedom.

Fredrick Douglass, abolitionist, orator. *Narrative of the Life of Fredrick Douglass, an American Slave*. Boston: Anti-Slavery Office, 1845. 91-94.

Portion of Chapter 10 narrates Douglass’ confinement in jail for conspiracy to runaway. Describes condition of the jail as better than expected, but despairing nonetheless: “I was now left to my fate. I was all alone, and within the walls of a stone prison. But a few days before, I was full of hope. I expected to have been safe in a land of freedom; but now I was covered with gloom, sunk down to the utmost despair. I thought the possibility of freedom was gone” (93).

“The Meaning of July Fourth for the Negro.” Reprinted in Philip Foner, ed., *The Voice of Black America: Major Speeches by Negroes in the United States, 1797-1971*. New York: Simon and Schuster, 1972. 106-129.

Delivered in 1852 in Rochester, NY. Criticizes the Fugitive Slave Law and its meaning to America and African Americans in the North. Contends the law nationalized slavery and erased the Mason-Dixon line by making every descendent of Africa a potential slave.

“For black men there is neither law nor justice... The minister of American justice is bound by the law to hear but one side; and that side is the side of the oppressor” (121). Also criticizes the churches for obeying such a law and urging others to do the same: they “deliberately taught us, against the example of the Hebrews and against the remonstrance of the Apostles, that we ought to obey man’s law before the law of God” (124).

W.E.B. Du Bois, sociologist, historian, author, activist. *The Philadelphia Negro: A Social Study*. New York: Lippincott, 1899. 235-268, 282-286.

Chapter 13 “Negro Criminals” and a section in chapter 15, “Poverty and the Cause of Crime” argue that the notion that crime is solely a problem among African Americans is wrong, that the administration of criminal justice targets African Americans, and the cause of significant crime problems in Northern African-American communities can be found in the “peculiar” social ecology of segregated and impoverished urban areas.

“The Spawn of Slavery: the Convict Lease System in the South.” *Missionary Review of the World*. Vol. XXIV, No. 10 (October 1901), 737-745.

Argues the convict lease system is chattel slavery without the name. Notes that during slavery, punishment for most petty slave crimes was left to the masters. The Civil War and Emancipation uprooted this form of criminal justice, spawning the rise of the convict lease system, a peculiar institution stemming from combined interests in controlling freed black people and harnessing their labor, upon which the South had become dependent. The lease system “linked crime and slavery indissolubly in [freedmen’s] minds,” and blacks immediately “lost faith in the integrity of courts and fairness of juries” (741-742). States became slave labor traders, upon convicting blacks with mere accusations. Sixty to seventy percent of convicts in the South that year were black; the figure prior to emancipation was near zero.

“Crime and Our Colored Population.” *The Nation*, Vol. 75, No. 1956 (December 25 1902), 499.

A letter to editor criticizing the popular notion that educated and mulatto African Americans are uniquely crime prone and thus subject to incarceration. No statistics were given to show such a tendency. Also criticizes the notion that Northern African Americans are more criminal than their southern counterparts. Points out that virtually all African Americans are the product of the South, such that northern African Americans who commit crimes have often carried Southern conditions with them.

Some Notes on Negro Crime, Particularly in Georgia. Atlanta: Atlanta University Press, 1904.

This report of the Ninth Conference for the Study of the Negro Problem, compiled by W.E.B. Du Bois, details the history and key aspects of the criminal justice system in

Georgia, focusing on their hindrance to crime prevention and criminal rehabilitation. Argues that racially differentiated punishment is “calculated to breed crime rather than stop it”(65).

“Crime.” *The Crisis*. Vol. 19, No. 4 (February 1920), 172-173.

Editorial protesting that the entire race has been punished as a group for the crimes only a portion of the group has committed. Accuses Southern criminal justice system of working to make the innocent suffer more than seeing that the guilty face punishment. Notes that juvenile reformatories are depressingly inadequate. Asserts that it is classic southern white hypocrisy to urge blacks to be tough on crime when they know well that the system will not be fair to blacks.

The Autobiography of W.E.B. Du Bois. New York: International Publishers, 1968. 361-395.

Chapter 21, “An Indicted Criminal” and 22, “The Trial.” narrate his experience of being indicted and tried for the charge of failing to register his peace-initiative institution as a “foreign agent.” Criticizes many black organizations for not supporting him. The experience taught him that “the great mass of arrested or accused black folk have no defense. There is a desperate need of nationwide organizations to oppose this national racket of railroading to jails and chain gangs the poor, friendless and black” (390).

W. Marvin Dulaney, Historian. *Black police in America*. Indiana University Press. Bloomington, 1996.

A detailed study of the African-American experience in policing, chronicling the antebellum and thus racially adversarial origins of policing in the United States, the long history of African-American exclusion and marginalization in policing, and the historical paradox confronted by black officers. The book also examines black community organizing to demand quality police services and equal representation on police forces, and the mid-twentieth century rise of black police officers, facilitated by pressure group politics, organized labor practices, and the growing ranks of black police executives, in addition to more general advancements through civil rights struggle.

Paul Laurence Dunbar, poet. “The Haunted Oak.” In *The Complete Poems of Paul Laurence Dunbar*. New York: Dodd, Mead, and Co. 1913. 219-20.

Of an old oak tree that does not bear any leaves, for it has been used to hang prisoners for so long: “They have no care for his innocence, And the rope they bear is long.”

E

Ralph W. Ellison, novelist. "Untitled Note" ["Let us consider the Harlem Crime Wave"], np., Box 101, Folder "Let Us Consider the Harlem Crime Wave," *Ralph Ellison Papers*, the Library of Congress.

Unpublished essay for the Negro Quarterly, circa 1940. According to Lawrence Jackson, the article attacks media portrait of black crime waves as scapegoating which obscures "the real social ills contributing to the viciousness of black urban life" (see Jackson, Ralph Ellison. New York: Wiley, 2001. 266). Note: Ellison worked on fiction during the WW II which featured a black soldier put in a Nazi prison camp where he confronts racism of both Nazi guards and his fellow American prisoners. Ellison could not complete the book as he suffered from a kidney disease.

Lorenzo Komboa Ervin, the Student Nonviolent Coordinating Committee, Black Panther Party, Anarchist. *Anarchism and the Black Revolution*. Philadelphia: Mid-Atlantic Anarchist Publishing Collective, 1993.

Originally published around the early 1970s when Ervin was imprisoned for high jacking. Argues for the synthesis of Anarchism and Black Revolution, "Anarchist-initiated coalition against racism and police brutality" (10). Anarchists not vanguard, but African Americans are the leading part of the struggle. The meaning of crime is decided by the rich and their state agencies; the poor and people of color are the victims of the enforcement of such laws designed to protect the rich. Argues that there are external and internal problems in the black communities. While rejecting "the Black conservative and law and order garbage" (47), degrading conditions of the communities must be corrected so Black people will be able to assume responsibilities of their own actions. Argues that the existing courts must be replaced by communal tribunals of arbitration. Non-permanent tribunal set for heinous crimes like murder. In an anarchist society, prison would be abolished as well as police and court. Prison is a site of concentration of violence and degradation and they magnify the outside communities: "To call such places correctional or rehabilitative institutions is a gross misnomer. Death camp is more like it. These prisons do not exist to punish everyone equally, but to protect capitalist system from you and me" (49-50).

"Behind the Walls of Prison." In Noel Ignatiev and John Garvey, eds., *Race Traitor*. New York: Routledge, 1996. 59-66.

On Terre Haute federal penitentiary from 1969 to 1971. Observes that prison guards use white supremacist inmates to intimidate and brutalize black inmates and anti-racist whites. Ervin joins the Afro-American Cultural Studies Program. Began fighting back the intimidation. Anti-war and radical whites joined the fight, an anti-white-supremacy coalition established inside the penitentiary. The news of Attica Uprising. Scared officials offered privileges to white prisoners, which they rejected. Riots. Ervin fought guards, put in a "hole." Transferred from Terre Haute. Argues that even though he was gone, the success of prisoners' unity continued into the subsequent prisoner strikes and protests.

F

James Farmer, the Congress of Racial Equality, civil rights leader. *Lay Bare the Heart: an Autobiography of the Civil Rights Movement*. New York: New American Library, 1985.

The chapters 2 and 3 narrate the Freedom Ride in Jackson, Mississippi, in 1961, where Farmer and others were jailed. Describes the interrogators as upset because “niggers don’t do things like that.” Jailing segregated. Wonders how their white counterparts were doing. Organizes the singing group among themselves to protest and resist incarceration. Writes that the impact of imprisonments on the Freedom Riders, and on Mississippi, were clear: “Not one of the men and women who shared the Freedom Ride could ever be the same again. ... A Promethean spark had somehow been infused into the soul of each other ... Nor could Mississippi soon recover its sleepy delta ways” (30).

Zanita E. Fenton. “Domestic Violence in Black and White: Racialized Gender Stereotypes in Gender Violence,” in *Columbia Journal of Gender and Law*, 1998: 8.

Using the example of the O.J. Simpson trial, the article discusses the prevalence of stereotypes in domestic violence proceedings. Stereotypes may allow humans to deal with an overflow of information in rational ways, but inevitably produce a representation of a group of individuals that may be false for a particular person. Racial stereotypes are loaded with sexual meaning and reveal historical biases of black men as desirous of, and dangerous to, white women, while erasing the experiences of black women. While the jury previously served a function of educating the public in civic responsibility, the media has taken over this role, and thus the legal implications of stereotyping are determined not just by prosecution and defense attorneys, but “experts” in the media. Stereotyping can be dismantled by *applying context*, such as the dynamic of communities of color and police interactions or the economic factors contributing to black women’s choices in situations of domestic violence; and by *creating new norms*, in which legal culture is reformed to stress evaluation of stereotypes and counteract their usage. These new norms can be facilitated in the legal context through *rules of ethics*, particularly through the amendment of Model Rules of Professional Conduct 3.6 on regulation of attorney speech; *rules of evidence*, in which statements, allusions or inferences that invoke stereotypes should be evaluated under the same guidelines as admissibility of evidence; and *jury instructions*, in which judges could specifically caution jurors to not use stereotypes or make assumptions based on beliefs about groups of people.

James Foreman, the Student Nonviolent Coordinating Committee. *The Making of Black Revolutionaries: a Personal Account*. New York: McMillan, 1972.

Chapters 26-28 describe the SNCC’s Monroe campaign in 1961 in North Carolina. More than 20 Freedom Riders arrested and jailed in the county jail. Sang with others freedom

songs but grew sick in the filthy conditions. The black women inside the cells started banging and shouting for doctors. Admires and compares them to the modern day Harriet Tubman and Sojourner Truth. Worries about the safety of Robert Williams. Remembers from Kwame Nkrumah's autobiography how he wrote on toilet papers and starts the same. Describes the prison conditions and treatment, which became the basis of a *Jet* magazine article in September 14th issue.

Edward Franklin Frazier, sociologist. "Georgia: or the Struggle against the Impudent Inferiority." *The Messenger*, Vol. 4, No. 6 (June, 1924), 173-177.

Focuses on the white hypocrisy regarding slavery and race relations in Georgia. A paragraph strongly denounces the maltreatment Afro-Americans in Georgia receive from the court and prison labor: "In her [Georgia's] filthy jails are herded together colored men, women, and children. Her black chain gangs build her roads by day. At night they are caged. The writer has seen colored women wearing stripes, working under an armed white guard" (175). Also briefly describes how black suspects are treated in the court rooms: "A civilized man cast among cannibals would have a better chance of justice than a Negro in an Atlanta court" (176).

"The Negro and Non-Resistance." *The Crisis*, Vol. XXVII, No. --- (March 1924), 213-214.

Criticizes (presumably) Tuskegee-Hampton leaders for preaching Christian humility instead of militant assertion of rights. They argue that white people actually love African Americans and we thus turn the other cheek when they beat and lynch. Contends that love is irrelevant to the situations in the South between races. If whites love blacks, they love them in a way a dog is loved. Non-resistance may be "strategic," but is the worst form of immoral and cowardly strategy. What the South and African Americans need is not love, but rather an implementation of the "democratic principle" of impersonal justice that should define the modern social relationship. A black man who kills a white man should be afforded such an equal justice that does not result in "a kind of criminal justice resembling primitive tribal revenge." Hence "The Negro does not want love. He wants justice," and "*Fiat Justitia, ruat Amor*" (Let justice be done though love should fail, a rephrasing of a Latin legal doctrine, *Fiat Justitia, ruat caelum*). (all 214).

The Negro Family in the United States. Chicago: the University of Chicago Press, 1939.

Chapter entitled, "Rebellious Youth." Argues that one of the factors most responsible for juvenile delinquency is the character and organization of the community: "Juvenile delinquency flourishes in those areas where the Negro, because of his poverty and cultural backwardness, forced to find a dwelling-place." Such conditions then lead to "numerous broken homes and the employment of the mother [where] the children lack parental control which is sometimes able to offset the influence of vicious environment"

(375).

The Negro in the United States. New York: McMillan, 1949. 638-653.

Chapter 25, "Crime and Delinquency." Details the history of sociological analyses regarding crimes and Afro-Americans. Argues that many such studies have debunked the notion of black criminality as biological/ racial inheritance. Suggests that those findings need to be implemented in social policy, but to do so effectively, Afro-Americans need to be integrated fully in American society.

Albert French, author. *Billy: A Novel*. New York: Penguin, 1993.

Novel portraying the intersections of race, crime, and juvenile (in)justice in the Jim Crow South. Set in Mississippi in 1937, the story relates the ordeal of Billy Lee Turner, a ten-year-old black boy convicted and executed for the murder a white girl his age. His severe punishment contrasts with the ascendant rehabilitative ideal of the period, a response which barely occurred to the white citizens and officials in the novel, all bent on the idea of vengeance. Black citizens were entirely excluded and powerless in the justice process, understandably concerned more for their own safety in the midst of a brewing white backlash, than with the harsh treatment of this young offender. Using rich character sketches and profiles of the separate and unequal community contexts, the novel offers a powerful portrait of the historical and social dimensions of racial inequality in the idea and practice of justice. Although a work of fiction, the novel is undoubtedly inspired by many actual state-sponsored executions of black juvenile offenders throughout the nineteenth and twentieth centuries, and the norm of less extreme but comparable refusals to extend the rehabilitative ideal to black juvenile lawbreakers in the history of U.S. juvenile and criminal justice systems.

G

Shaun Gabbidon (editor). *African American Classics in Criminology & Criminal Justice*. Thousand Oaks: Sage, 2002 [with Helen Taylor Greene and Vernetta D. Young]

A reader providing a wide assortment of classic and contemporary works in the black criminological tradition, including numerous essays and more elaborate theoretical and empirical studies of crime, violence, and the administration of justice in nineteenth and twentieth century U.S. contexts.

Ernest J. Gaines, novelist. *A Lesson before Dying*. New York: Knopf, 1993. Story of Grant Wiggins in the 1940s Louisiana.

A college educated man, finds racial injustice everywhere in the plantation areas. Almost decides to leave the area, but is asked by a mother of young Jefferson who is to be

executed for robbery murder, to teach her son, though innocent, to “die like a man.”

Larvester Gaither, editor of *The Gaither Reporter*, TX. “Conviction or a Fine?: Are There Political Prisoners and POWs in the Good Ole U. S. of A?” In S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 144-149.

Criticizes a notion that America does not have political prisoners. The reason the public in large believe so is that the US government does not recognize any as political prisoners, while using criminal charges to prosecute and silence radicals. Many black “political prisoners” also do not fit in the traditional definition of political prisoners, as many youth like George Jackson would be politicized after being incarcerated. Mumia’s case represents the whole history of criminalizing a race that goes back to slave codes, COINTELPRO, and today’s mass imprisonment.

Amy-Jacques Garvey, the UNIA, secretary general. *Garvey and Garveyism*. Kingston, Jamaica: Amy-Jacques Garvey, 1962.

Writes that the condition in the Tombs Prison was really unhealthy and had an adverse effect on Marcus (123). Chapter 26 (154-160) describes Amy’s visit and communication to his imprisoned husband in Atlanta. Takes his initiatives for the UNIA and does fundraising for the defense fund. Recalls that guards were always present while they talked: “we felt that a Dictaphone was there, too, so we were careful in speaking”(158). After working hard to complete the assignment given her by Marcus, she weighted 98 lbs. and had low blood pressure and a badly strained eye (159).

Marcus Garvey, the UNIA, founder and president. *Philosophy and the Opinion of Marcus Garvey*, Amy J. Garvey, ed., New York: Atheneum, 1968.

In “The Crime of Injustice, written from the Tombs Prison, August 2, 1923,” declares. “If we must have justice, we must be strong” (12, Vol. 2). Through strength “the higher principles of justice, love and mercy ... true brotherhood” will come about (12 Vol. 2). In his address to jury, argues “Justice ... greater and above the law; if justice was not included in the law, then the law would be of no use to us as human being” (Vol. 2, 185). In his first letter from Atlanta prison after conviction and imprisonment in 1925, urges his followers to combat the enemy of the race, the NAACP and Du Bois. Even if he dies in captivity, his ideas will live on and the truth will be revealed years later as Napoleon’s did. Pledges his service to the people in life or spirit (237-239). In “Application for Pardon” (241-271), reveals the condition of his health worsened by prison life: “I am chronically sick, suffering from bronchial asthma and that continuous confinement from acclimatized atmosphere is undermining my health, which is conducive to premature death” (Vol. 2, 268).

John Grant, religious worker, Baptist. “Some of the Evils Which are Producing Desperadoes and Murder Among the Negroes and the Remedies,”

Voice of the Negro 2 (1905).

Essay. Indictment of white Americans for their inhumane and exploitative treatment of Black Americans, which is the causation of Black crime/violence. Solutions to the “Negro problem”, according to Grant would be to either grant Black Americans their full equal rights or allow them to leave US in order to create and sustain communities as people with realized rights and dignity.

John P. Green, Ohio State Legislature. “These Evils Call Loudly for Redress.” In *The Voice of Black America: Major Speech by Negroes in the United States, 1797-1971*. Ed. Philip Foner. New York: Simon and Schuster, 1972. 499-504.

The speech was delivered in 1884 at a convention in Pittsburgh. One of the “evils” he discusses is convict lease system and laws which “entrap and enslave the ignorant and too-confiding freedmen ... as a sure and never-failing source of the supply of labor for the coal mines of Alabama and the construction of public works in most of the Southern states” (501). First appeared in print in the *New York Globe*, May 3, 1884.

Helen Taylor Greene. Criminologist. *African-American Criminological Thought*. Albany: State University of New York, 2000 [with Shaun Gabbidon].

A pioneering but brief study of African-American criminological thought, focusing on the works of historical and contemporary black scholars and public intellectuals. In addition to outlining their contributions to our understanding of crime and the administration of justice, the authors provide biographical sketches meant to indicate the personal and professional influences behind the black criminological tradition.

A Comprehensive Bibliography of Criminology and Criminal Justice Literature by Black Authors From 1895 to 1978. Helen Taylor Greene (editor). Hyattsville, MD: Ummah Publications, 1979.

A bibliography compiled to provide a research tool for users interested in black perspectives on crime and criminal justice, and to increase appreciation of black contributions to the field of criminology. References are organized according to the following categories: Periodical literature and book chapters; Books; Special Reports; and Theses and Dissertations. References are also indexed by author and subject.

Dick Gregory, entertainer. *Nigger: an Autobiography*. New York: E. P. Dutton, 1964.

Writes of many prison shows he started doing in the late 1950s and 60s on behalf of the NAACP and CORE. At Maryland State Pen, he protests that he would never do the show

unless prisoners are desegregated (168-170). Also appalled at Michigan Pen where an old inmate shows him his panting of women, whose faces are men (171). Takes part in Mississippi Freedom Summer on behalf of Medgar Evers in 1962. Tries to get himself arrested and jailed. Officials reluctant to do so for the fear of publicity. Goes to Birmingham Jail with Martin L. King in 1963. Experience his first “good beating” by five guards. Argues that beatings only made his soul hardened and stronger (194-196). The same year arrested for disorderly conduct in Chicago during a rally for better schools: “in the North --- I found less dignity and less truth than in Mississippi. In the South we were treated as demonstrators ... In Chicago, we were treated as convicts” (209). Says “It really makes you sick down to the stomach to see what really goes on in these Northern jails” (209) such as the fact that one could get “more pure heroin in that Chicago jail than on a South Side street” (209).

William Grimes, fugitive slave, freeman. *Life of William Grimes: The Runaway Slave, Brought Down to the Present Time*. New Haven, 1855.

First self-published in 1825 as a pamphlet. A slave in Savannah, Georgia, attempted to escape while his master was absent, but was captured and brought back, and jailed in a solitary confinement for eight weeks. Describes prison diet, horrible treatment of slave women by the jailer, especially whipping: “I prayed constantly to my God ... to protect and defend me in this adversity, being now in a prison, from whence I knew no means of escape” (43).

Archibald Henry Grimke the American Negro Academy, the NAACP, social reformer. *The Ultimate Criminal: an Annual Address*. Washington, D.C.: The American Negro Academy, 1915.

Objects to the notion that black criminals are representatives of the entire race, saying that nobody tries to trace the origin of “Negro criminality.” Suggests that the origin is in the early years of the Reconstruction period when ex-slaves found “no laws strong enough to protect them in their lives or property or freedom from the murderous attacks” (6). Southern discrimination kept reproducing poverty and ignorance in black people through many laws, and “the ultimate criminals” are thus not black criminals, but those who keep them weak, oppressed, and impoverished.

H

Ajamu C. B. Haki. “After All Those Years,” in *Doing Time: 25 Years of Prison Writing*, edited by Bell Gale Chevigny. New York: Arcade, 1999.

A poem on the permanent mark of incarceration: “Though you leave the prison, the prison will never leave you.”

Frances Ellen Watkins Harper, poet, abolitionist. “Died of Starvation.” In

Maryemma Graham, ed., *Complete Poems of Frances Ellen Watkins Harper*. New York: Oxford University press, 1988. 16-17

Based on Dickens's *Oliver Twist*. About a man who was put in prison for begging for bread for his dying wife. He prayed and agonized for his wife behind bars that surrounded the prison walls while "the rich and proud were feasting/ Within their sumptuous halls" (16).

Michael S. Harper, poet. "Angola (Louisiana)." In *Honorable Amendments: Poems*. Urbana: University of Illinois Press, 1995. 26-27.

Narrates an aging death-row inmate in Angola prison. Describes the state as three fourth Mississippi River, one fourth rattle snakes, whose only company is razor wire fences, "experiments from South Africa" (26). Dedicated to Earnest J. Gaines.

Abram Lincoln Harris, economist. "The New Negro Workers in Pittsburgh." Master's thesis. Pittsburgh: University of Pittsburgh, 1924. 28-43.

The chapter "Crime, Delinquency and Dependency." Defines the current problem of the administration of justice as the prevalence of the pre-Enlightenment notion of equal moral responsibility of offenders and the exclusion of conditional and environmental factors from consideration. This problem affects adversely Afro-American workers in Pittsburgh. Suggests that black offenders have southern background and have thus no confidence in legal protection or remedy. Without adequate social work administration, poverty keeps producing crimes.

Harry Haywood, Communist Party, organizer, theoretician. "Scottsboro Decision." *The Communist* (December 1932), 1065-1075.

Analyzes the Supreme Court decision ordering the retrial of one of the Scottsboro Boys as a bourgeoisie attempt to pacify the rising tide of protests against the southern injustice. The decision is merely the part of the whole reformist reaction against the Party, including N.A.A.C.P. and Socialist party. Argues that to help the Boys, those reformists be subordinated and organize revolutionary mass movement, while using customary tactics of petitions and legal aides.

Black Bolshevik: Autobiography of an Afro-American Communist. Chicago: Liberation Press, 1978.

The chapter 17 describes Haywood's activities in "Hands Off Ethiopia" campaigns in Chicago in 1934 and Chicago police's reactions: "Chicago's police force undoubtedly held the record for terror and lawlessness" (444). Describes his encounter with the Red Squad leader Lt. Murphy. During a mass rally, beaten, arrested, and jailed, taken to the

hospital where he witnessed the extent of the police brutality against demonstrators (454-455). Argues that the Scottsboro trials represented “the new style, legal lynching carried through with the cooperation of the courts and law enforcement agencies” (359). Also describes the FBI agents working to recruit informants to infiltrate the Party during the Cold War (591-592).

Nathan C. Heard, novelist. *Howard Street*. 1968. New York: Dial, 1968.

Novel. Written while he was imprisoned for armed robbery in Trenton, New Jersey. Describes the pre-riot Newark street lives involving pimps, whores, and corrupt cops. Story of each character intersect, and depicts Newark as a hardened and battered neighborhood.

“The Nathan Heard Interviews.” *African American Review*, Vol. 28, No. 3. (Autumn, 1994). 395-410.

By Eric Beaumont, who characterizes the Newark depicted by Heard as the quintessential black urban cultural landscape and asserts the book shows New Jersey had more contribution to culture than gambling and Springsteen. Heard discusses his prison life and how he started writing. Discusses black Muslims in prison. Influence of Malcolm X on him.

Angelo Herndon, Communist Party organizer. *Let Me Live*. New York: Arno Press, 1969.

Autobiography. Narrates his arrest, trial, and jailing in Atlanta in the 1930s on the charge stemming from Georgia’s 1861 anti-slave insurrection law (193-301). Put in “Death House,” and describes the general “viciousness of life”: “An indefinable air of something slimy, monstrous, and unnatural hangs over the entire prison. There is no room in it for any fine feelings, for love of men or nature” (209). Witnesses the raping of 12-13 years old boys by older inmates. Temporarily released on bail pending appeal in 1932: “For six interminable months my body had been tortured and my spirit had been crucified by capitalist law and order in an effort to break me. ... the spirit of rebellion was more aflame in me than ever before” (220). Then sent back again to the Death House with the State Supreme Court decision to uphold the lower court. Befriends his teenage cellmates, but his heart broken with them being executed (266-268). Released in 1935 on bail, moved to the East. Believes that “as long as there will be men rotting unjustly in foul prisons, neither I, nor anyone else, can ever be free” (300). The Supreme Court overturned the verdict in the same year.

J. Thomas Hewin, attorney. “Fourth Paper: Is the Criminal Negro Justly Dealt with in the Courts of the South?” In *Twentieth Century Negro Literature*; or, *A Cyclopedia of Thought on the Vital Topics Relating to the American Negro, by One Hundred of America's Greatest Negroes*; ed. and arranged by D. W. Culp. 1902. Miami: Mnemosyne Publishing, 1969. 110-

114.

Defends the southern legal system per se, as no different from other regions. The evil is racial prejudice possessed by the individuals in charge of court and laws. Argues against the categorically negative views of southern courts. The criminals are justly punished usually. Attacks convict leases system, but says it is legislatures that need to be criticized, not the judges and sheriffs. The accused African Americans are deluded in their thinking that they are unjustly punished by the southern courts and that white people hold all the powers. Chastise them for trying to hire white attorneys rather than black attorneys.

A. Leon Higginbotham Jr. chief judge, the US Third Circuit Court of Appeals. *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process*. New York: Oxford University Press, 1996.

Second volume to the previous *In the Matter of Color: Colonial Period*. Covers the twentieth-century legal development, mostly through court and judicial processes. Argues that emancipation and destruction of slavery removed the codes of racial inferiority from the laws, but a new code "percept of inferiority" was inserted into the American legal system, which continues today.

"The Black Prisoner: America's Caged Canary." In Hugh David Graham, ed., *Violence: the Crisis of American Confidence*. Baltimore: Johns Hopkins University Press, 1971. 103-125.

Argues that deplorable, contemporary conditions in urban prisons and urban areas are not isolated problems for black people only: they represent the long tradition of racial violence and injustice of the history of the United States as such. Prison riots, such as the one that took place in Holmesburg Prison in Philadelphia, are indicative of not only the black communities but the entire America that has been and become violent. Quotes many parts from Malcolm X's Autobiography to show that black prisoners have more understanding of the history of injustice than any other. Without acknowledging the violent past beginning from slavery, no one can communicate to black prisoners and understand their rages. "We will not be able to solve today's racial problems either in our prisons or on the outside merely by suggesting that some of the black men who are angry are a few isolated hard core militants" (118).

"Race in American Law." In Bernard Schwartz, ed. *American Law: the Third Century*. South Hackensack, NJ.: F. B. Rotham, 1976.

[Annotation to be added]

"Is Slavery Relevant to Corrections Today?" *Corrections Today*. Vol. 8 (1981).

[Annotation to be added]

“An Open Letter to Justice Clarence Thomas from a Federal Judicial Colleague.” In *Race-ing Justice, Endgendering Power*. Toni Morrison, ed. New York: Pantheon (1992).

[Annotation to be added]

“Racism and the Early American Legal Process, 1619-1896” in *The Annals of the American Academy of Political and Social Science* 407(1973).

“An understanding of the early American legal process is central to dealing with the racial disparities of today. From 1619 to 1860 the American legal process was one which expanded and protected the liberties of white Americans-while at the same time the legal process became increasingly more harsh as to the masses of blacks, with a steady contraction of their liberties. The United States Constitution sanctioned slavery, so that under federal law the slave ‘had no rights which the white man was bound to respect’. Though the Emancipation Proclamation and the Thirteenth, Fourteenth and Fifteenth Amendments significantly expanded the actual rights and options of blacks, nevertheless from 1865 to 1896 the legal process failed to effectuate the full potential of the rights intended and assured under the constitutional amendments”.

David Hilliard, Black Panther Party, chief of staff. *This Side of Glory: the Autobiography of David Hilliard and the Story of the Black Panther Party*. (with Lewis Cole) Boston: Little & Brown, 1993.

Chapters 26 to 31 narrate his trials and imprisonment in California for various charges including the alleged threat to the life of Richard Nixon. The narrative goes side by side with the slow disintegration of the Party and changing attitudes of Huey Newton. Tells himself that he has to be strong and endure the confinement since many inmates look up to Panther member. But also says the lack of “outside stimulation, music” is difficult to cope with. Describes the difficulty of getting “the basic things you must have to survive in prison” (351).

Chester Himes, novelist, *Cast the First Stone*. New York: Coward & McCann, 1952.

Autobiographical novel about Jim Monroe in federal prison and how he gained a position of influence through sexual and hustling maneuvers in the universe made of “stone, steel, and concrete” where only emotional allowance is given to his lovers and writing until the massive fire engulfs the prison. Note: original form of this novel in third-person narrative was published in 1998, as *Yesterday Will Make You Cry*. New York: Norton.

The Quality of Hurt: The Autobiography of Chester Himes. Garden City, NY: Doubleday, 1972. 56-72

Himes went to Ohio prison in 1928 for robbery and got out in 1936 on probation for the duration of the maximum sentence. Volume 2 of *Hurt* begins by stating, "I grew to manhood in the Ohio State Penitentiary. I was nineteen years old ... twenty-six years old when I came out. I became a man, dependent on no one but myself"(60). Himes describes the inside of the Penitentiary: sex, gamble, and violence. In the previous chapter, Himes describes how he was tortured by the detectives during an interrogation (56).

"Prison Mass." In *The Collected Stories of Chester Himes*. New York: Thunder's Mouth Press, 1990. 147-192.

Originally published in *Abott's Monthly* in 1933. The story takes place during a prison mass and some prisoners reflect on what brought them to the prison and what they want to do now while listening to the priest preach about Jesus, which is being inserted in-between the stream-of-consciousness type of prisoner's, particularly "Signifier's" reflection on his crime, family, and aspiration.

Lenox S. Hinds, the National Conference of Black Lawyers. "The Death Penalty: Continuing Threat to America's Poor." *Freedomways*, Vol. 16, No. 1 (Spring 1976), 39-43.

Written on the eve of the Supreme Court's decision on *Fowler v. North Carolina* on death penalty. Argues that the history of American legal system has been based on "two parallel systems of justice" (39). Death penalty requires "fundamental fairness" in trials and sentencing, which is absent in the present. Capital punishment has been applied too randomly and discriminately against the poor and colored, while really dangerous criminals usually would not receive death penalty. "The death penalty and other criminal sanctions are still tools selected by those in power and with property to liquidate that expendable segment of society which is dangerous to their retention of control" (42).

Pvt. Joseph Howard and **Sgt. John S. Leach**. Union Army. Reprinted in Herbert Aptheker, ed., *A Documentary History of the Negro People in the United States*. New York: Citadel Press, 1951. 487-488.

Belonged to the 44th US Colored Infantry. Taken prisoner by the Confederates. Howard was captured in Athens, Alabama, in 1864, and held at Mobile camp: "We were kept at hard labor and inhumanly treated; if we lagged or faltered, or misunderstood an order, we were whipped and abused" (487). Escaped after he succeeded in stealing a skiff. Leach was captured in Delton, Georgia, in 1864. Taken to Corinth, Mississippi. Put to work on railroads. Observes that about 250 members of the 44th were sold or returned to their former masters. Escaped to Memphis. From an original report made by Major Cochran, commander of the 44th. The original document is in War Records Office, National Archives, Washington, D. C.

Hosea Hudson, Communist Party, organizer. *The Narrative of Hosea*

Hudson: His Life as a Communist in the South Cambridge: Harvard University Press, 1979. 180-194.

Chapter 9, "To New York and Birmingham Jail" describes the incident in 1931 in Birmingham where he and others organizing coal miners were arrested and jailed several days. Describes the bunks, foods, court house proceedings, and inmates playing dice at night. Remembers what the sergeant said to them upon release: "You God damn niggers get out of that gate and get out of town. You damn Reds better not be caught in Birmingham any more" (187)."

Langston Hughes, poet, novelist. *Scottsboro Limited: Four Poems and a Play in Verse*. New York: Golden Stair Press, 1934.

Short poems and a play on Scottsboro. The first poem, "Justice", includes the following:
"That Justice is a blind goddess/Is a thing to which we black are wise.
Her bandage hides two festering sores/ That once perhaps were eyes.

"August 19th ... A Poem for Clarence Norris." in Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 204-206.

The date set for the execution of Clarence Norris, one of the Scottsboro Boys: "I'm not the President,/ Nor the Honorable So-and-So./ But only one of the Scottsboro Boys/ Doomed 'by the law' to go./ August 19th is the date" (204).

"Ballad of Ozie Powell." In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 188-189.

Describes the imprisonment and impending execution of Powell, one of the Scottsboro Boys: "Strong are the bars and steel the gate,/ Ozie, Ozie Powell,/ The High Sheriff's eyes are filled with hate,/ Ozie, Ozie Powell" (188). Alabama laws are "a Klansman with an evil will" (138).

"Chant for Tom Mooney." In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 164.

Originally in *New Masses*, September 1932. For the imprisoned labor activist Tom Mooney. Workers all over the world are shouting his name, "Shaking the bars,/ Shaking the Walls,/ Shaking the earth/ Until the whole world falls into the hands of/ The workers" (135).

"Azikiwe in Jail." In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 445.

Originally in *Lincoln University Poets*. New York: Fine Editions Press, 1954. 29. An imaginary exchange between the British and Benjamin Nnamdi Azikiwe, Nigerian independence leader often imprisoned by the colonial officials. Calls himself a touch goose for the British to cook.

“Ballad of Gin Mary.” In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 114.

Originally in *Fine Clothes of the Jew* (1927). An exchange in court between Gin Mary and the old Judge Pierce who sentences Mary for 18 months for drinking and troubles. No friends in the court, Mary begs for mercy.

“The Ballad of the Landlord.” In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 402-403.

Originally in *Opportunity*, December 1940. Part of “MONTAGE OF A DREAM DEFERRED.” A Harlem tenant asks the landlord to fix the roof, then ends up punching him in the face after the landlord demands ten dollars. The tenant arrested and jailed, with no consequences for the landlord.

“The Ballad of Margie Polite.” In Arnold Rampersad, ed., *The Collected Poems of Langston Hughes*. New York: Knopf, 1994. 282-283.

First published in *Amsterdam News*, October 2, 1943. Based on a police shooting incident of a black soldier in Harlem, causing a riot over the white cop who first accosted Margie Polite and then shot the intervening soldier. “They taken Margie to jail/ And kept her there./ DISORDERLY CONDUCT/ The charges swear” (282). Margie who had been nobody becomes a symbol and rallying cry.

I Wonder as I Wander. New York: Thunder's Mouth Press, 1956. 60-62.

These three pages describe Hughes’s visit to Alabama. Observes that at Tuskegee no one discussed the ongoing Scottsboro Boys case. Invited by a local minister to visit the Boys held at Kilby Death House. Reads them humor poems, for “I did not know what to say that might be helpful” (61). Most Boys showed no interest in him, did not greet him, did not even smile at him, and did not kneel down during a prayer.

Ericka Huggins, Black Panther Party, editor for the Black Panther Intercommunal News Service. “A Reflection of Niantic.” In *Poems and Insights*

“The winter comes/ brown is covered/ with snow/ and heavy prison coats/ my sisters linger/ hover by the door/ handcuffed or not/ the jails hold their bodies ... brown/ holds their minds ... blue” (47).

“Poems from Prison.” In *If They Come in the Morning*. New York: Signet, 1971. 109-120.

Characterizes “prison walls” also as “soul walls” symbolic of all other barriers such as “psychological, spiritual/ political, economic” (112).

Zora Neale Hurston, folklorist, novelist. *Mules and Men*. New York: J. P. Lippincott, 1936. 223-226.

Collection of southern black folklores. The first portion of chapter 5 tells the story of Dr. Duke whose “specialty is law cases” and who shows Hurston how to conjure magic that helps his clients in jail or being tried: “To silence opposing witness, we took a beef tongue, nine pins, and split the beef tongue. We wrote the names of those against our man and cut the names out and crossed them up in slit of tongue with red pepper and beef gall ...” (225).

I

The International Labor Defense. *The International Labor Defense Records*, at Schomburg Center for Research in Black Culture.

The collection consists of numerous letters written by the Scottsboro Boys to the lawyers of the ILD, roughly from 1932 to 1943. Haywood Patterson, Olen Montgomery, and Charles Norris on death row in Kilby Prison are the main correspondents. The letters show not only what the Boys were requesting the ILD and their relatives to be sent to them (cigarettes, socks, radios), but also a collective process of expressing initial surprises and optimism to the ILD (it should be noted in the context of the 1930s in the South, it must have been unthinkable for African American youth that young boys accused of raping white women would be vigorously helped and defended by “outsiders.” Connection with the outside world through the ILD apparently encouraged the Boys, especially by the fact that many people outside the segregated Alabama were supporting them and believing their innocence) and toward frustration that their cases were moving slowly, and despair that they might never be free again. Haywood Patterson clearly had enough and broke out the prison in 1947 on the second try. Patterson’s and Charles Norris’s autobiographical recollections of the life on death row in Alabama during the Depression should be referred to while reading these letters.

Rashidah Ishmail, poet, psychologist. “Missing Person-2.” In S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 137-142.

Originally in *Missing in Action and Presumed Dead*. Trenton, NJ.: Africa World Press, 1992. About “Prisoner X” who was apparently beaten to death inside the cell in the night of blackout by “Guard P” and “Sgt. J.S.” The main narrator repeats, “he was here!” Determined to write and tell about Prisoner X with the literacy he gained in prison.

J

Angela Jackson, poet, writer, “Fannie (of Fannie Lou Hamer).” In S.E. Anderson and Tony Medina, eds. *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 322-323.

Depicts Fannie Lou Hammer singing in a jailhouse, a song that “swung the bars/ high in the window” (322).

George Jackson, prisoner at Soledad, Black Panther Party, field marshal. *Soledad Brother: the Prison Letters of George Jackson*. New York: Bantam Book, 1970.

Letters from Jackson to his parents and friends, from 1964 to 1970. Issues addressed by Jackson range wide from the question of sexuality, gender, soulless materialism of the middle class, and the possibility of revolution and human liberation. The process of radicalization and widening of his political perspective in international and Marxian senses are observable throughout the book. The portion of the book that most directly addresses the issue of criminal justice and prison is found in his letter to Mrs. Fay (lawyer), April 1970. Urges her to look beyond criminals to those who make prison policies to see why there are problems in the state’s prison system. Advises her to start with the Governor Ronald Regan, his appointees at the Department of Correction and the employees at various prisons, to understand how the whole prison environment that abuses, brutalizes and dehumanizes convicts is produced and maintained. Jackson describes the general population at Soledad, and concludes that the use of “absolute power” and “terror” is what keeps the prison moving: “Since we are convicts rather than men, a bullet through the heart, summery execution, for fist-fighting or stepping across a line is not extreme or unsound at all” (29).

Blood in My Eye. New York: Random House, 1972.

Published after his murder in 1971. In “Amerikan Justice” (97-103), Jackson writes that in a bourgeois capitalist society, prison primarily functions as an institution to repress any threat and challenge to the right of “a few individuals to own and control public properties.” It directs its repressive aims at people of color and particularly those in poverty, since they are the ones who would benefit most from the abolition of the bourgeois laws and the present social relations regulated by property relations. “The ultimate expression of law is not order --- it’s prison” (99).

Harriet Jacob, former slave. *Incidents in the Life of a Slave Girl, Written by Herself*. Boston: Published for Author, 1861. 35-38.

Jacob sees her brother Benjamin incarcerated for his attempted escape from Dr. Flint.

Describes a secret visit to his prison with her mother. Benjamin was then sold to a slave trader after more than six months in prison.

Lance Jeffers, poet. "Prison." In *My Blackness Is the Beauty of This Land*. Detroit: Broadside Press, 1970. 20.

Describes his prison as built where his grandmother was raped by a slaver and where his grandfather gazed at when he shot the slaver with a rifle. Desires the prison to "Die like the lover's torrent time/ that guillotines death's skull in rhyme."

Burtell Jefferson, police chief, Washington, DC. "Policies for Increasing the Number of Black Police Executives," in *Black Crime: A Police View* (1977).

Argues that because blacks are denied access to serve in specialized units/assignments which further their knowledge and special skills, they are consistently discriminated against for promotions into higher level positions because they "do not have the necessary knowledge to function" within those positions. Argues that in order to stop such practices, chief executives must begin to adopt affirmative action and career development policies to help combat the inherent racism that pervades police department policies. Suggests the adoption of a management intern program for all police departments which would ultimately provide experience and training for staff to function in all departments, at all levels.

Charles Spurgeon Johnson, sociologist. *To Stem This Tide: a Survey of Racial Tension Areas in the United States*. Boston: Pilgrim Press, 1943.

The study was conducted and published during the WW II. The context is to combat "racial tension" for the sake of national unity. The chapter 6 "Lawlessness of the Law" argues that police brutality had been so commonplace among African Americans that it was seldom a national news item: "There are few Negroes in the South who have not either experienced or witnessed some form of violence on the part of these guardians of the law" (72) The war brought many black soldiers to the South who were unaccustomed to southern "racial etiquette" and white police officers who expected they act like "Negroes," leading to their arrest or beating.

Ellsworth R. Johnson, incarcerated poet. "Alcatraz," "My Wife at Belmont Park," "Democracy at Home," and "An Anthology of Words to Fit Certain Persons." *Freedomways*, Vol. 6, No. 3 (Summer 1966), 230-234.

Poems written from prison, part of the "Writings from Prison" section of this issue. Characterizes Alcatraz as "Six feet of chambered stone/ The nation gives us for a home" (230).

Erskine Johnson, artist, death-row inmate. Nashville, Tennessee. "A

Statement.” In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 123-125.

Discusses how he started painting on death row. Criticizes “overzealous unscrupulous prosecutors” for falsely convicting him for their own political motivations. Observes that the system of criminal justice “metes out justice based on many things which often have nothing to do with the guilt or innocence of the accused” (123). Argues for the transformation of the image of justice: “if, in fact, justice is blind, then maybe she should take the blinders off her eyes so that she can see that scales has been tipped” (125) against the innocent and poor inmates on death row.

Fenton Johnson, poet, playwright. “The Miracle.” In *Songs of the Soil*. 1916. New York: AMS Press, 1975. 3.

A prisoner whose soul wanders “by the carefree stream/ Through field of green.” Meets a little child. Asks him a flower to bring back to his “lonely cell.” He picks up an ugly dandelion and places it gently in his hand. The prisoner looks into child’s eyes and finds “the sign of love.” Then, the ugly dandelion turns into a beautiful rose.

James Weldon Johnson, the NAACP, executive secretary. “More Than Murder: Administration of Justice,” *Crisis* 78 (1971).

Discusses need for Congress to enact anti-lynch laws in order to combat state-sanctioned terrorism. Points out that Congress’s resistance to enact such a law solely relies on the argument that lynching is murder, which the federal government has no constitutional right to interfere with the state legislature. Johnson argues that lynching is not murder, but mob-driven violence used to terrorize Black communities and act independently of the power of state and federal government.

William Jones, freeman. “A Jailed Negro Petitions Congress, 1843.” Reprinted in Herbert Aptheker, ed., *A Documentary History of the Negro People in the United States*. New York: Citadel Press, 1951. 236.

A letter by William Jones from Washington jail, presented to the House by abolitionist Representative of Ohio, Joshua Giddings. Argues that he was imprisoned without any real charge and facing the threat of being sold as a slave by the US marshal. Writes that “your petitioner has no owner but his God, and owes no service but to his country.” Asks the Congress to exert the influence to “procure for him that liberty and justice which are his rights.” Originally, *Congressional Globe*, December 28, 1843, 25th Congress, 1st Session, Vol., 13, p. 78.

June Jordan, poet, novelist. “Poem against the State (of Things).” In *Things That I Do in the Dark*. New York: Random House, 1977.

Describes the storming of state troopers into Attica on September 13th. Emphasizes the

fact that prisoners were unarmed and sleeping. They, however, must have overheard “The State/ Lay in wait” (125) as it armed the troops with guns, masks and gas canisters. Prisoners wanted only elemental changes in their treatments, “a response/ recognition/ as men” (127). Blood flew from the brothers’ bodies, as tears flew from the eyes of black women.

“Break the Law.” In *Some of Us Did Not Die*. New York: Civitas, 2000. 55-58.

Essay. Addresses the repeal of affirmative actions in California, proposition 209. Recalls the post-desegregation South where white resistance to black people using formally white facilities was common. Argues that the proposition is now a law, and the law must be disobeyed, for black people have survived and come thus far not by obeying laws, but by breaking them, such as slave codes and Jim Crow laws.

K

Kaidi Kasrika (Kenneth Divans) and Maharibi Muntu (Larry West), San Quentin Prisoners. “Prison or Slavery?” *The Black Scholar*, Vol. 3, No. 2 (October 1971), 6-12.

Writing in the aftermath of the murder of George Jackson and their tortures. Defines the causes of crime and incarceration as rampant poverty, racism, and capitalism: “There is no divorcing of the prison and capitalist system” (6). The state has an infinite interest in preserving and maintaining prison labor force by sustaining poverty level. Hence “idea of punishment must be completely liquidated” and be replaced by that of rehabilitation operated “on a basis conducive to the modes of existing cultures, based on the theory that men will be here” (9). Argues that California prison system represents “sexual and financial castration” to male prisoner by denying conjugal visits to common law wives.

Bob Kaufman, poet (beatnik). “Jail Poems.” In *Solitudes Crowded With Loneliness*. New York: New Directions, 1965. 56-61.

34-part, free-wheeling and fast-moving poetic sequence written while in San Francisco City Prison in 1959. Soul-searching and self-inquisitory. Declares, “It is not enough to be in one cage with one self;/ I want to sit opposite every prisoner in every hole I become a part of someone forever” (56). Cops are “Busy battening down hatches of human souls; cargo/ destined for ports of accusations, harbor of guilt” (56). Demands painter to “paint me a crazy jail, mad water-color cells,” and writes “Oh we know some things, man, about some things/ Like jazz and jail and God” (56).

Robin D. G. Kelly, historian. “‘Slangin’ Rocks ... Palestine Style’: Dispatches from the Occupied Zones of North America.” In Jill Nelson, ed., *Police Brutality: an Anthology*. New York: Norton, 2000.

Reads in the tradition of rap music, which often depicts confrontations with police as wars, a link between the urban youth of color and colonized Palestinians. The analogy was itself then reflected in the police mentality that regards the gangs and hence people of color as war enemies. Police as occupying army and criminal justice as a colonial law were historically established in the history of slavery and post-emancipation South, particularly rampant lynching made black people infinitely suspicious of police and law enforcement. Advocates the abolition of police department in the place of community policing.

Randall Kennedy, law professor. *Race, Crime, and the Law*. New York: Pantheon, 1997.

Criticizes black leaders and black community in general for rallying indiscriminately around any African American accused of crime and advocating a notion that racially balanced jury would bring about more fair trials. Yet acknowledges that suspicion toward law enforcement is valid given the history of what he calls legal under-protection of black people particularly in the cases of lynching.

Martin Luther King, Jr., civil rights leader, the Southern Christian Leadership Conference. *Why We Can't Wait*. New York: Mentor, 1963

Contains "Letter from Birmingham Jail" (originally in *The Christian Century*, Vol. LXXX, No. 24 (June 12 1963), 767-773), in which King denounced white "liberals" for asking the desegregation movement to slow down and abide by the law. Also discusses the nature of law enforcement in the racist America, both in the North and South that gives officials "the license that our society allows to unjust officials who implement their authority in the name of justice to practice injustice against the minorities" (29). Yet, according to King, the voluntary non-violent jailing tactics of the movement is changing both the mentalities of black and white people. Threat of imprisonment and violence had always kept "the Negro in his place," but now they did not see them as a threat, and willingly march to prison. This changes white officials who, for King, now "feel defeated" (29-30).

"Love, Law, and Civil Disobedience." In James Washington, ed., *A Testament of Hope*. San Francisco: Harper, 1986. 43-53.

In this speech delivered in November 1961, King discusses what constitutes just laws. Generally, just law is one that is in accordance with God's moral law. In more concrete terms, unjust law is a "code that the majority inflicts on the minority that is not binding on itself." The unjust law is also unjust because the minorities had no say in making and creating such laws. Just law is what is created by the majority but with the minority participating in it and willing to follow it. In this regard, segregationists are the ones who are like "anarchists" because they disregard the just laws and relies on "uncivil disobedience."

New York Times, February 5th, 1965, p. 15.

An advertisement by the SCLC, in the form of a letter by King from a Selma jail where he and 100 others are held for marching without permission. Argues that his receiving a Nobel Peace Prize 60 days before and the passing of the Civil Rights Act did not mean that the struggle was over: “decent Americans were lured into complacency because they thought the day of struggle was over.” Links the imprisonment of African Americans with the curbing of civil rights, especially franchise: “THIS IS SELMA, ALABAMA, THERE ARE MORE NEGROES IN JAIL WITH ME THAN THERE ARE ON THE VOTING ROLL.”

Bakari Kitwana, writer, former editor at *The Source*. *The Hip Hop Generation: Young Blacks and the Crisis in African American Culture*. New York: Basic Civitas, 2002.

The Chapter "Race War: Policing, Incarceration and the Containment of Black Youth" (51-83) discusses the impacts of criminal justice and imprisonment of black youths on the characteristics of the post-Civil Rights generation. Argues that “Prison culture in the 1980s and the 1990s has affected not only the manner in which this generation is perceived but the manner in which it perceives themselves” (83). Suggests that trend in longer mandatory sentencing starting with the 1951 Boggs Act and War on Drugs had incalculable effects on such self-perceptions. Other factors involve police complicity in perpetuating drug and arms trades by corrupt cops, privatization of prison and its economy, as a motive to keep black youths locked up as long and as many as possible. The consequences that characterizes this generation in relation to criminal justice are the rise of rap music, family separations, “men against women,” AIDS, the decline of black political power through felon disenfranchisement, and in-prison reawakening of new political and spiritual consciousness.

Etheridge Knight, poet. “A Fable”. In *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 63.

Of seven prisoners who are innocent and imprisoned because their skin color is black. They debate over how to get out of prison and which “way” should lead and unite others.

“The Penal Farm.” In *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 35.

A three-line haiku. On the flickering of the lights in the prison barracks.

“A Wasp Woman Visits a Black Junkie in Prison.” In *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 15-16.

A confused inmate having a visit from a Wasp woman unknown to him, thinking “This cannot be real... this is a classic mistake” (15). Tells himself to use no “hot words.” Not knowing what to say, asks if she has any child, which breaks the ice between them. She “offered no pills/ To cure his many ills, no compact sermons, but small/ And funny talk” (16). He returns to his cell, and “for hours used no hot words.”

“Rehabilitation & Treatment in the Prisons of America.” In *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 114.

A convict trying to get assistance for personal problems confronts a series of multiple doors. He chooses all the right doors throughout the process, but at the end faces two doors, “black” and “white.”

“Poem for the Liberation of Southern Africa.” *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 57-58.

Of the dance in ecstasy that reaches beyond the sea to the cell holding Nelson Mandela. White “mission” chants for freedom and liberation of South Africa but the American prisoner also languishes in prison “Pulling Charlie’s foot outta/ my/ own/ ass/ And no job” (58).

“Hard Rock Returns to Prison from the Hospital for the Criminal Insane” in *The Essential Etheridge Knight*. Pittsburgh, PA.: University of Pittsburgh Press, 1986. 7-8.

Hard Rock was “known not to take no shit” (7) even against the captain and guards. Returns to the prison after an apparent lobotomy operation performed on him. He only smiles even when a hillbilly calls him a black son of a bitch. Prison officials satisfied, telling others Hard Rock just “wised up.” Yet the fact crushes other prisoners, for Hard Rock represented someone who could do things they could only dream of.

“Communication and Excommunication: an Interview with Etheridge Knight.” *Callaloo*. No. 14/15 (February-May 1982), 2-10.

By Ken McCullough. Discusses communication as art and poetry, and how as such they are affected in prison where communication is not easily allowed. Observes the similarity between college and prison: both institutions are fit for soul-searching reflection, but college is set up deliberately for that purpose; in prison, reflection is a by-product. Prisoners become poets, artists, and philosophers by necessity. Art “happens” in prison precisely because of isolation, attempts by officials at stripping their personalities. Describes solitary confinement and how through it he could relate to Apartheid South African situations where rights to assemble is curtailed. Argues that poetry becomes propaganda without one of two elements: poetics and audience.

L

Joyce Ladner, sociologist. *Tomorrow's Tomorrow: the Black Woman*. Garden City, NY.: Anchor Books, 1971. 99-104.

The chapter "Racial Oppression and the Black Girl" argues that the prevalence of crime – stealing and pawning the items – is not a sign of social pathology but of the desperation necessity for the lives of black women in poverty. Discusses how black women in urban areas view police, whom they see as interested not in protecting the community but punishing them. Children grow up seeing "the beatings, jailings, shootings and almost any other type of violence that is carried out by the police. Thus, the stereotyped image of the policeman as the protector who guides young children and old ladies across the street is alien to their concept of their function" (103).

Charles H. Langston, civic leader, Ohio. "Should Colored Men Be Subject to the Penalties of the Fugitive Slave Law?" Reprinted in Philip Foner, ed., *The Voice of Black America: Major Speeches by Negroes in the United States, 1797-1971*. New York: Simon and Schuster, 1972. 209-215.

Arrested and tried for helping a fugitive slave, John Price, flee to Canada. Delivered this speech before the court in 1858. Tells the judge that as a black man he cannot and thus does not expect mercy "from the laws, from the Constitution, or from the courts of this country" (209). Defines the Fugitive Law as an unjust law, "one made to crush the colored man" (211). Criticizes the entire preceding: "I was tried by a jury who were prejudiced, before a court that was prejudiced, prosecuted by an officer who was prejudiced, and defended, though ably, by counsel that was prejudiced" (213). Argues that he was not tried by the jury of his peers.

Walter J. Leonard, law professor, former president of Fisk University. "The Development of the Black Bar," *The Annals of the American Academy of Political and Social Science* 407(1973).

"This article seeks to trace a certain pattern which exists, or appears to exist, within the history of black lawyers in America. Their story is relatively short, for American black lawyers have been part of our times for only 129 years. However, black lawyers in America, insofar as they constitute a "black bar," should not be considered exclusively as a group, generating certain patterns. Whatever the term "black bar" may mean, it can be defined adequately only in terms of every individual black lawyer. There have been periods in American history when there were too few black lawyers for any sort of group to be assembled at all. Because so distinct and limited a minority can have no significant power or influence, it is encouraging that the sheer numerical characteristic of black lawyers has increased. In 1844 there was one; in 1973 there are more than four thousand. But however many more are needed, and however influential the "black bar" may

become, it is perhaps to our benefit that we are forced to consider certain individuals, isolated though they often were, as the total representation of the black legal profession. Those men and women served to maintain a tradition throughout some very bad times. Today, they serve to remind us that black lawyers, however constituted, defined, or studied, are nothing if not individuals, men and women of distinctive color, creed and characteristic, and ultimately their own men and women, not those of any of their associations.”

Norman Loftis, poet. “One.” In *Black Anima*. New York: Liveright, 1973. 5-6.

A man jailed “for running a stoplight in election year.” After witnessing the brutal conditions where inmates were killed but declared suicide and draft dodgers used as prostitutes, he goes on hunger strike. Links King and Malcolm X to Gonga Mussa and Cinque. Yearns for the day the younger generations would be reunited all again in Africa.

Audre Lorde, poet. “For Assata.” In *The Black Unicorn*. New York: Norton, 1978. 28.

Addressed to Assata Shakur imprisoned in New Brunswick Prison in 1977. Describes a new picture of her: “In this new picture your smile has been to war.” Desires for her freedom. Encourages her: “Assata my sister warrior/ Joan of Arc and Yaa Asantewa/ embrace/ at the back of your cell.”

M

Nathan McCall, journalist. *Makes Me Wanna Holler: a Young Black Man in America*. New York: Vintage, 1994.

Convicted of armed robbery in 1975, imprisoned in Norfolk and South Hampton in Virginia, the only places in America that “black men rule” (149). Describes his prison life until released on parole three years later (149-226). Encounter with the cell block leader, “Chicago,” how he organized strike and protests over overcrowding (151-160). Reads Richard Wright’s *Native Son*, which strikes his heart. Determined to use the power of words as a means of expression. Describes prison labor, religion, and sex. Concludes that “with all its sickness and suffering,” prison was a teacher: “It forced me to go deep, real deep, within and tap a well I didn’t even know I had. Through that painful trip, I’d found meaning” (223).

Charshee C. L. McIntyre, English, linguistics, community organizer. *Criminalizing a Race: Free Blacks during Slavery*. Queens, NY.: Kayode, 1992.

Argues that the precedent of treating an entire group as composed of criminals or

potential criminals so rampant in today's law enforcement and criminal justice was established during the colonial America. Shows that the British had already perfected such a tactics against Irish and brought the same techniques to North America where they applied the same to slaves and free blacks. The legal system allowed whites to expect blacks to be criminal, while constructing prisons to be "the logical holding place for African Americans" (ix).

Ruchell Magee Committee for Black Prisoners, organization. "Ruchell Magee: Slave Rebel." *The Black Scholar*, Vol. 4, No. 2 (October 1972), 41-43.

The committee to defend Magee, arrested and tried for "Marion County Slave Rebellion," is coordinated by Earl Ofari. He argues that the true aim of the rebellion was to "reach the people and dramatically awake them to the plight of all prisoners, particularly blacks" (41). Magee needs as much national and international support as Angela Davis is receiving. Denounces the discrepancy in the media depictions of Angela and Ruchell; Angela is depicted as smart and beautiful, but Ruchell is viewed as an illiterate brute. Magee is, in truth, an "average black man" with a great deal of legal knowledge.

T.H. Malone, social reformer. "Peonage- Its Origin and Growth" in *Voice of the Negro* 3(1906).

Author uses a short story to illustrate the continued practice of slavery in post-emancipation South, as well as white southerner's deep-seated resistance to dismantling white supremacy.

"Peonage – The Remedy" in, *Voice of the Negro* 3 (1906).

Both the courts and the public sentiment found within the South are sufficiently ending the practice of peonage throughout the region. Author asserts that both the judicial system and the people of the South have successfully altered public opinion/acceptance of the barbaric practice, creating an environment of justice and relative equality for the victims of peonage.

Manning Marable, historian. *How Capitalism Underdeveloped Black America*. Boston: South End Press, 1983.

Chapter 4, "Black Prisoners and Punishment in a Racist/ Capitalist State" (105-130), defines the nature of such a state and the bedrock of black oppression as "fraud" (consensus-inducing ideology) and "force" (outright coercion). The operation of law enforcement and criminal justice falls into the second. The use of "legal" coercion is seen abundant in the history of slavery and post-emancipation South, such as convict lease system. Other examples are lynching and capital punishment. Addresses the rapid rise of black prison population since the late 1960s as the state's effort to curtail both black militant insurgency and keep the army of reserve labor. Argues that "the American

criminal justice system operates effectively as the conduit for enlarging the nonwhite prison population” (127).

Race, Reform, and Rebellion: the Second Reconstruction in Black America, 1945-1990. Second edition. Jackson: University Press of Mississippi, 1991.

The chapter 6 (115-148) discusses the Nixon administration’s attacks on black nationalist and revolutionary organizations that led to the decline of radical wing in the Black Power movement, replaced by the electoral politics and the rise of the black elite. Argues that the administration successfully linked political repressions of the radicals with the “law and order” slogans and made them appear to be the symbol and cause of the civic disturbance. Hence, the justification of massive incarcerations throughout the nation begun in the late 1960s, starting with the jailing of Panthers and prison execution of George Jackson. The government exploited the Attica rebellion as an opportunity to develop and build more prisons.

“Justice for Mumia Abu-Jamal.” In S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 38-39.

Argues that American criminal justice has been responsible for playing an important part in racial oppression. A movement to save Abu-Jamal’s life is the one that strikes “a blow to freedom against a criminal justice system pervasive with racism” (39).

Great Wells of Democracy: the Meaning of Race in American Life. New York: Basic Civitas, 2002.

The chapter 6, “Facing the Demon Head on” (147-163), starts with the description of the Sing Sing Prison, “this man-made hell-on-earth,” and prisoners’ struggle inside it. Discusses the ramifications of the expanding prison industrial complex. Mass incarceration, and their destructive effects on black/ Latino youth and felon disfranchisement. Criticizes ideological forces that justify the link between race and crime. However grim the picture is, young prisoners who are often without formal education may acquire critical insights into the nature of law and justice, and new and effective leaders like George Jackson, Fannie Lou Hamer and Malcolm X of the past could emerge out of this concentration camp that is underwritten by the new form of post-Jim Crow racism.

Thurgood Marshall, the NAACP, Supreme Court Justice. "The Gestapo in Detroit." *The Crisis*, Vol. 50. No. 8 (August 1943), 232-33, 246-247.

Squarely places the blame of the Detroit Riot of 1943 on the police department. Charges the Detroit Police for permitting the riot to spread and escalate while doing nothing to contain white mobs attacking black passersby. Shows police officers shot into black crowds indiscriminately and killed several unarmed black gatherers. Concludes that “This record by the Detroit police demonstrates once more what all Negroes know only too

well: that nearly all police departments limit their conception of checking racial disorder to surrounding, arresting, maltreating, and shooting Negroes ... The certainty of the Negro that they will not be protected by police, but instead attacked by them is a contributing factor to racial tensions" (247).

Tunde Martins, prisoner at San Quentin. "San Quentin." In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 118-122.

Convicted of bank robbery in 1992. He committed the robbery because he needed money to keep enrolling at San Francisco State University. Writes that the impact of prison life goes beyond psychological, as inmates' "bodily functions ... are altered in ways that most people would never imagine" (119). Even simple function of urination means different when one is confined in a nine by four foot cell with a shared toilet. Discusses the absurdity of a prison Christmas celebration.

E. Ethelbert Miller, poet. "Prison." In *First Light: New and Selected Poems*. Baltimore, MD.: Black Classics Press, 1994. 110.

Poem that describes a prison guard observing black inmates. Goes home and tries to relax with beer and his wife: "how the colored don't/ seem to show their age. maybe someone/ catching them younger she says." Apparently cannot wipe his mind off his job and faces of the inmates even at home.

"Untitled." In *First Light: New and Selected Poems*. Baltimore, MD.: Black Classics Press, 1994. 121.

Poem about a prisoner who wonders about the love poems for dictators. Sits in a "small room/ no windows/ I can touch walls without moving my arms." Hears the weeping of "antonio" in the next cell who has gone through torture. The narrator whispers "poetry through cracks/ in the wall/ my words like women kiss his eyes."

Kelly Miller, sociologist. *Out of the House of Bondage*. New York: Neal Publishing, 1914. 95-102.

"Crime among Negroes," criticizes the "anti-negro doctrinaires" regarding race and crime. Particularly attacks the census-based view of the high rate of black criminals as faulty, by comparing white incarceration rates in Mississippi and Massachusetts: "It is impossible to trace any connection between race and crime" (100). Emphasizes the factor of condition and environment to account for why certain blacks commit crime: "Crime is a question of condition, not of color" (97).

Derrick Morrison, reporter for *The Militant*. With Mary-Alice Waters. *Why Prisoners Are Rebelling*. New York: Pathfinder Press, 1971.

In “Attica Rebellion” (3-7), Morrison discusses the root cause of Attica prison uprising and the negotiations between prisoners and corrections commissioner, Russell Oswald. Needs for prison reforms had been neglected by the commissioner’s office while prisoners were demanding basic changes. The news of the murder of George Jackson and one beating by guards provided a “spark” to the keg of the smoldering discontent. Denounces Oswald and Governor Rockefeller for using force to quell the rebellion and letting the returning guards brutalize the inmates.

Herman E. Moore, Virgin Islands Judge. “The Virgin Islands and its Judicial System,” *National Bar Journal* 3(1945)

Discusses the history of the islands, mapping roots of slavery and transition from Danish to American ownership. Colonial laws introduced by the Danish, specifically the laws of 1863 and 1906 remained virtually unchanged well after the United States acquired the islands. Now the judicial system is divided into two municipalities, one in St. Croix and the other encompassing St. Thomas and St. John. There is a District Court, three inferior courts, a juvenile court and a District Court Commissioner whose duties are very similar (although yield slightly more power) to the Commissioner in the United States.

“The Delinquent Negro Child” in *Phylon* 10(1949).

Argues that education, family and poverty are essential in shaping the “delinquent negro child” as these forces are key in molding the child’s self-image/self-esteem. Asserts that the culture that these children find themselves victim to are first and foremost the causes for later anti-social behavior, and case workers who are trained to work with them must be aware of this. Also entreats caseworkers to understand the “psycho-cultural infections...contributing to further disintegration,” as a way to encourage the child to adopt a mainstream, American “way of life.”

MOVE, revolutionary religious organization, Philadelphia. “MOVE Women, untitled document beginning ‘Since the May 13th bombing ...,’” Quoted in Hizkias Assefa and Paul Wahrhaftig, *The Move Crisis in Philadelphia: Extremist Groups and Conflict Resolution*. Pittsburgh: University of Pittsburgh Press, 1990.

A manuscript apparently written by the imprisoned women members of MOVE in State Correctional Institute in the aftermath of the police bombing of its headquarter. Clarifies philosophical stances of the organization. Also explains the reason why MOVE was determined to stay in the city (10-11, 16, 78).

Jalil Abdul Muntaqim (Anthony Bottom), leader, the BPP, Black Liberation Army. “On the Black Liberation Army.” Reprinted in Joy James, ed., *Imprisoned Intellectuals*, 107-113.

Originally *Arm the Spirit*, 18 September, 1979. Discusses the history of the Black

Liberation Army. Describes how Black Liberation Army members used their trials to denounce the state and oppressive conditions of black people's lives. Discusses the formation of Coordinating Committee in 1975 for the imprisoned BLA members and supporters, which provided the forum of discussion for political prisoners. Linked their incarcerations to the human rights issues.

“The Criminalization of Poverty in Capitalist America.” In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 143-149. Available at <http://www.efn.org/~chnosol/crimi>

Argues that America is a nation of criminals where only the poor and disadvantaged are targeted for incarceration. Argues that the meaning of crime has changed over the time. Compare the 1990s US situation with the 18th-century England where being poor itself was a crime. It is the state-run prison industry that criminalizes the poor and profits from their criminalization and maintaining the level of poverty in society.

“The Cold War of the 90s.” Available at:
<http://www.prisonactivist.org/pubs/jalil-cold-war-90s.html>

Originally Prison News Service, No. 52, September-October 1995. Discusses the triangle of political, municipal, and big business interests in prison construction and mass incarcerations as Goldman Sachs & Co., Prudential Insurance Co. of America, Smith Barney Shearson, Inc., and Merrill Lynch & Co, are busy underwriting the constructions. Argues that this war is targeting black and Latino youths. Suggests that this development was resurrection of racial slavery since it has never been really abolished by the Thirteenth Amendment.

N

Huey P. Newton, the Black Panther Party, minister of defense.
Revolutionary Suicide. New York: Writers and Readers Publishing, 1973.

Autobiography, written with the assistance of J. Herman Blake. Newton's narrative of his prison life at California Men's Colony in San Louis Obispo is in the chapter, “Penal Colony.” Newton terms the prison a “Penal Colony,” against state's euphemism such as calling inmates and convicts “clients,” clarifying “what it is all about – a penal institution and colonized situation” (251). Newton describes many “rituals” in the prison, his own lock-ups, and other observations regarding guards, inmates, and institution. As Newton identifies himself primarily as a political prisoner, he believes that prisoners there are beginning to awake in terms of political consciousness, realizing that their incarceration has more to do than simply with criminal and illegal acts. Contemplates the similarities between slavery and prison.

To Die for the People. Toni Morrison, ed. New York: Writers and Readers

Publishing, 1973.

Collection of Newton's speeches and writings. His political-philosophical discussion of prison, "Prison" (also known as "Prison, Where is Thy Victory?") describes prisons as ultimately unable to completely control prisoners simply because they had inmates' bodies under control; Newton argues that the body is only a part of what makes a whole human and the spirit political prisoners carry with themselves cannot be held down, since it is rooted back to the people outside the prison. The original appearance of this writing is not in *If They Come in the Morning*, but in *The Black Panther*, January 3rd, 1970. In "Attica Statement," Newton points out that Nixon and Rockefeller, by refusing a peaceful negotiation, killed not only predominantly black inmates but also their "exploited workers," prison guards as well. Newton calls Nixon the Prison Warden of the United States and suggests his "trigger-happy" mentality lay in the heart of the Vietnam War. From prison he issued several statements included in this collection. His statement to Robert Williams and his New Republic of Africa indicates his respect to Williams ("We must work together .."). *The Black Panthers Speak* (Philp Foner ed.) contains his message to the "Free Huey" rally in 1968, in which he defines the time to be ripe to mount a Tet-like offensive against the fascist system by black and white revolutionaries (47-49).

"Eulogy to George Jackson", in David Hilliard and David Wise, eds., *The Huey P. Newton Reader*. San Francisco: Seven Stories, 2002. 241-247.

Written in 1971. Praises Jackson for "raising the political consciousness of thousands of black inmates across America." Jackson was "one of a few prisoners who was shackled and heavily guarded," yet refused to be broken down. For all its repression, prison only enhanced his determination: "Prison was a crucible that shaped his spirit" (241).

"Prison." In Newton and Ericka Huggins, *Poems and Insights*. San Francisco: City Lights, 1975.

Poem. Although caged behind bars, "There is a conception/ That will grow within you/ Its name shall be called freedom" (20).

New York Theological Seminary "New York Theological Seminary Prison Program." *Souls*, Vol. 2, No. 1 (Winter, 2000), 12-16.

Written by Riker's African American and Latino inmates who pursue graduate education through NYTS's Master's Program in Professional Studies. Decries the fact that their communities and churches abandoned them once they were imprisoned. Argues that communities' neglect of prisoners is an "accomplice to the plight of prisoners" (13) and a vengefulness that does not regard prisoners as worthy of chances at redemption and self-transformation. Cut off from the communities, religious faith is the only way to attempt at such transformation while incarcerated.

Clarence Norris, Scottsboro Boys defendant. *The Last of the Scottsboro Boys: an Autobiography*. With Sybil D. Washington. New York: G. P. Putnam's Son, 1979.

The chapter 4 describes the death row at Kilby Prison in the early 1930s. Like Patterson, describes the almost daily executions of black prisoners. Conditions and treatments were horrendous: "Time in Kilby was one gray day after another. ... I knew I was there because I was a 'nigger.' An animal to be locked up as in a zoo. Except the zoo animals are treated much better than the black men in Kilby Prison" (55). Describes Jefferson County Jail where Boys were transferred during the appeals. Got into trouble with Patterson and they both nearly killed each other in a cell (157). The chapter 5 discusses why the Boys and their families chose to accept the help of the International Labor Defense.

Shaka N'Zinga (Arthur Wiggins), New Afrikan poet, thinker. *Disjointed Search for the Will to Live*. Brooklyn, NY.: Soft Skull Press, 2003.

New Afrikan prison writer. Mediation and reflections on society, culture, community, and revolutionary path for liberation of the captive New Afrikan People. Declares, "I am an innocent man, and the victim of euroameikkkan supremacist injustice and its prison industrial complex" (50). Writes that he accepted his new identity in prison because, "He had to learn to love himself as an Afrikan, a human being of a proud past to be embraced and never rejected" (61). Explains why he grooves to the Metallica and The Cure. It is the basic existential condition of being a POW in the anti-Afrikan society (moreover, rock came from the Blues). Fights against the cultural domination of the West, including Marxism as a colonialist/ (culturally and physically) genocidal philosophy that regards Afrikan people only as a fodder of European advancement.

O

J. H. O'Dell, editor for *Freedomways*. "Writings from Prison: Introductory Comment." *Freedomways*, Vol. 6, No. 3 (Summer 1966), 226-227.

Introduction to the special "prison writing" section of this issue. Sees today's prison as "the third largest city" of the US. Argues that prisons have been strongly tied with the history of black people, from being a device to punish runaway slaves and convict labor system to the mechanism of holding down thousands of civil rights activists. Prison has also served as an essential tool to silence and intimidate dissidents against racism. Calls for fundamental prison reforms as an agenda for the new phase of Freedom Movement. Black prisoners, though confined behind bars, are part of the Movement.

P

Kellis E. Parker and **Betty J. Stebman**, law professors. “Legal Education for Blacks,” *The Annals of the American Academy of Political and Social Science* 407 (1973).

“The need for additional black lawyers should be obvious to all. No attempt will be made here to rehearse the arguments that were made in the early sixties regarding the desirability of minority recruitment programs. Rather, this article attempts to depict the past and present experiences of black law students. Their story in legal education is viewed in the natural history of matriculation in a law school. Thus, admissions, financial aid, attrition, bar examinations, and placement are among the topics discussed.” Discussion deals with growing debate over affirmative action and its constitutionality, and how the number of black students has increased since the implementation of “special” admissions policies. Authors call for extensive federal programs designed to provide financial assistance/aid to those students who would not otherwise be able to attend law school, noting programs in place for such a purpose (i.e. The Council on Legal Education Opportunity, the Earl Warren Legal Training Program, INC, and the NAACP Legal Defense Fund). Authors provide no statistics regarding attrition, but suggest that a full integration of administrative staff and other faculty would be helpful to support black law students who would otherwise find the environment hostile to them. Authors assert that to increase the number of black lawyers from 1 to 12 percent, the following must occur: “...the unqualified commitment of all law schools (to increase the number of black lawyers); new and increased sources of financial aid, both private and public; a change in bar examination procedures; and a substantial increase in the employment opportunities for black lawyers.”

Haywood Patterson, Scottsboro Boys defendant. *Scottsboro Boy*. With Earl Conrad. London: Victor Gollancz, 1950.

Autobiography. Describes the Kilby Prison Death Row where he was held pending the appeals between 1931 and 1937. Witnessing prisoners being marched to the “chair” almost a daily occurrence. Bitterly denounces the fact those who had committed far more serious crimes such as baby killing were spared their lives while others, mostly blacks, with the framed-up charges got killed (62-67). Transferred to Atmore State Prison Farm in 1937. Was put to work despite illness (86-90). Describes prison sexual activities in great details (91-115). Ritual of “breaking” young black teenagers into “gal-boys.” Observes that it was the state of Alabama that was interested in providing those “gal-boys” to the prisoners for the purpose of preventing escapes and unrest. Argues that state’s youth reformatory institution for the African American youth was actually serving as the sanctioned “gal-boy” farm. Sympathizes with boys who refused to be turned into “gal-boys.” Had his own “willing” gal-boy. Decides to escape soon, fakes the role of “good nigger” to await the chance.

William Patterson, lawyer, Civil Rights Congress. *A Man Who Cried Genocide: an Autobiography*. New York: International Publisher, 1971. 75-90

Recalls why the author became involved in the Sacco-Vanzetti trial in Boston, “a turning point” in his legal/ political career. Allowed him to see the similar legal treatment between these Italian radicals and Afro-Americans before the court.

Adam Clayton Powell, Congressman, Harlem. *Keep the Faith, Baby!* New York: Trident Press, 1967. 161-167.

The chapter, “The Justice of Injustice,” explains why he is introducing the bill abolishing capital punishment in all states and military. Among the reasons he cites are that the death penalty is an inadequate deterrence against crime and that many who commit serious crimes are either mentally suffering or the poor and unfortunate whom the law enforcement agencies treat more severely. “The gallows, the gas chambers ... should be relegated to our museums (166).

Isaac L. Purcell, attorney. “Second Paper: Is the Criminal Negro Justly Dealt with in the Courts of the South?” In *Twentieth Century Negro Literature; or, A Cyclopedia of Thought on the Vital Topics Relating to the American Negro*, by One Hundred of America's Greatest Negroes; ed. and arranged by D. W. Culp. 1902. Miami: Mnemosyne Publishing, 1969. 104-107.

Describes what he sees as the “ideal” criminal justice in regard to the makeup of the courts, jury, and sheriffs. Argues that in cases involving property rights, African Americans in the South could be treated fairly even against whites. But the “same cannot be alleged of him when his life, liberty, or reputation or citizenship is at stake” (106). If there is a white witness against black defendant, then acquittal is impossible.

Q

No entries currently.

R

Race-ing Justice: the Prison Industrial Complex v. Black America. “Symposium.” *Souls*, Vol. 2, No. 1 (Winter 2000), 61-94.

Topics included and discussed: race and death penalty, human rights, political prisoners, women of color in prison, and Mumia Abu Jamal. In the death-penalty panel, George Kendall argues that race and death penalty “have been like peas in a pod” since the start of the history of slavery (63). Rev. James Forbes argues that the ultimate issue regarding mass criminalization is the widespread sense of insecurity in both black and white communities. The Mumia Panel discusses the economic structures that present obstacles

to defending political prisoners and prisoners of color. The political prisoner panel discusses the Black Panther Party and the definitions of political prisoners. The women and prisons panel discusses Kemba Smith cases, addressing the issues of racism and sexism that increasingly put women of color behind bars.

Ishmael Reed, writer, poet. *Airing Dirty Laundry*. Reading, MS.: Addison Wesley, 1994. "Rodney King and I" (65-67). Originally in *San Francisco Examiner*, May 3, 1992.

Describes some of many encounters with white cops. Argues those encounters are a routine in Oakland and black life in general, regardless of if one is from "the underclass" or a college lecturer. Writes that the routine was the basic, accumulated cause of the riot after the King trial, which was missed by many commentators and political pundits.

Ira De Augustine Reid, sociologist. *In a Minor Key: the Negro Youth in Story and Fact*. Washington D.C.: American Council on Education, 1940. 91-95.

The chapter "The Evil Men Do" lists the prominent causes of the higher rate of crimes committed by black people, such as historical background (migration), lack of education, criminal patterns becoming normal in certain areas, and police and courts that are more likely to arrest and convict black suspects. Also lists data on lynchings.

"The Negro Goes to Sing Sing," *Opportunity* 19 (1932):215-17

With statistics on the prison population in Sing Sing between 1924 and 1931, Reid acknowledges that disproportionately high number of African Americans are imprisoned, and the numbers are increasing; but argues that violent crimes are not "monopoly" of African Americans or their "inherent racial criminality" by comparing them with Italian, Irish, and other immigrant minorities in Sing Sing. He suggests that researchers engage in thorough and unprejudiced studies to find the deep root cause "in the social status of a minority population" that is vulnerable to multiple causes leading to crime, such as unemployment in the midst of the Depression."

"Race and Crime." *Friends Journal*, No.3 (1957). 772-774

Criticizes those who regard "race" as an adequate term to explain criminal trends in society: "there is no specific crime or criminal tendency that is innately specifically, and causally related to one's biological heritage" (772). Acknowledging that some racial/ethnic groups produce higher number of arrests and convictions, he argues that these statistics be seen in the context of group's social status, its access to economic resources (lack thereof) and how integrated the group is into American society. Identification of social groups as "race" with crime only confuses and codes these underlying, sociological backgrounds of why people commit crimes: "neither social science nor society nor common sense finds the answer to crime among men by using the myth of race

...Neither fault nor the remedy is to be found in the stanchion of race"(774).

"A Study of 200 Negroes in the Western Penitentiary of Pennsylvania,"
Opportunity 3(1925):168-69.

Reid analyzes the scores of an intelligence test given to the inmates in Pennsylvania penitentiaries. Criticizes the test form as too inadequate for non-schooled and illiterate black inmates and argues for the adoption of tests similar to the one given to non-English speaking inmates, i.e., Italian. Disclaims "heredity" factors in the cause of crimes, in this particular case, by retarded and illiterate people, suggesting many other factors play a role. Argues for more long-term reformatory programs inside prisons such as job training.

Paul Robeson, singer, actor, activist. "The Fourteenth Amendment: 'The Sleeping Giant of the American Constitution.'" In Philip Foner, ed., *Paul Robeson Speaks: Writings, Speeches, Interviews, 1928-1974*. Larchmont, NY: Brunner/Mazel, 1978, 53-62.

Thesis submitted to Rutgers University in 1919. Discusses why the Amendment is essential to the entire US constitution. The Amendment corrected the flaws inherent in the "dual system" created by the founders in which state constitutions and laws could be changed and enacted due to momentary and particular interests, passions, and prejudices without regard to the rights of citizens. The importance is enormous: "By the Fourteenth Amendment, the principle of equality before the law, a principle so vital and fundamental in American institutions, ceased to be a mere theory or sentiment and became incorporated into the organic law" (61). Points out that its beneficiaries should not be limited to the people of African descendants, as it applies to persons of "every race, rank, and grade" (61).

"Forge Negro-Labor Unity for Peace and Job." In Philip Foner, ed., *Paul Robeson Speaks: Writings, Speeches, Interviews, 1928-1974*. Larchmont, NY: Brunner/Mazel, 1978. 243-252.

In the later part of the speech in 1950, he speaks out about the imprisonments of the "true friends of the Negro" and innocent black people by the US government: those include Eugene Dennis, William Patterson, George Marshall, Haywood Patterson, William McGee: "They will have to build many, many more jails--- not only here but all over the world to hold the millions who are determined never to give up the fight for freedom" (251).

"Paul Robeson Urges Support for Jailed Leaders and Freedom Struggles in Kenya and South Africa." In Philip Foner, ed., *Paul Robeson Speaks: Writings, Speeches, Interviews, 1928-1974*. Larchmont, NY: Brunner/Mazel, 1978. 344-345.

Another speech in 1953 urges support for the "African brothers and sisters" in South Africa and Kenya who were jailed for resisting segregation and discrimination. Links to the US situation where Du Bois and others were being tried and incarcerated.

“Racialism in South Africa.” In In Phil Phoner, ed., *Paul Robeson Speaks: Writings, Speeches, Interviews, 1928-1974*. Larchmont, NY: Brunner/Mazel, 1978. 194-197.

Speech delivered in London in 1949. Argues that America can compromise with Apartheid no more than with Jim Crow in the South. The evil of racialism is extending to the North. Discusses the case of Trenton Six in New Jersey death row: “They were simply picked up by the police and bludgeoned and tortured into making false confessions.” As someone from the same state whose relatives are still living in the area, “I myself might have fallen a victim to this form of bestiality” (196). The root of this “lawlessness, masquerading as law” lies in the denial of basic rights to the whole group of people based on race.

Billy “Hands” Robinson, political writer. “Love: a Hard-Legged Triangle.” *The Black Scholar*, Vol. 3, No. 1 (September 1971), 28-48.

Story of “Tank” and tragic prison love triangle mediated by and ending in violence. Explores a possibility of being a “man” in prison. In a prefatory comment, writes that for black inmates, raping “white boys” makes black inmates feel like a man, but wonders what kind of manhood it entails: “What kind of men did it make us? if we let them rape our women and lynch our brothers ... without dying in an attempt to stop it, we men, all of us, had carried touch-your-toe faggotism two or three steps further than they’ (28).

George T. Robinson, attorney. “Third Paper: Is the Criminal Negro Justly Dealt with in the Courts of the South?” In *Twentieth Century Negro Literature; or, A Cyclopedic of Thought on the Vital Topics Relating to the American Negro, by One Hundred of America's Greatest Negroes*; ed. and arranged by D. W. Culp. 1902. Miami: Mnemosyne Publishing, 1969. 108-110.

Argues that in the average southern courts, “The Negro is presumed to be guilty, and the burden of proof is placed upon him” (108) in violation of every principle of legal justice. One of the most popular judges in the South is “Judge Lynch”. Discusses mob violence against the accused African Americans: “In such a case the criminal is not only unjustly dealt with, for both the moral and civil laws are violated, but a great sin is committed against society ... the crime intended to be suppressed is given new impetus” (109).

Elymas Payson Rogers, abolitionist, educator, minister. “A Poem on the Fugitive Slave Law.” Reprinted in Joan Sherman, ed., *African American Poetry of the Nineteenth Century*. Urbana, IL.: University of Chicago Press,

1992. 167-181. Originally in *A Poem on the Fugitive Slave Law*. Newark, NJ.: A. Stephen Holbrook, 1855.

Discuss the meaning of law: “What is law? God’s laws are suns supremely bright/ Man’s laws should but reflect their lights” (167). The Fugitive Slave Act was meant to turn all the free states into “the brutal master’s hunting grounds, / to be explored by human hounds/ who would, for shinning gold, again/ Blind on the bleeding captive’s chain” (168). Declares the law to be no law at all: “That Bill is law, doughfaces say;/ But black men everywhere cry, Nay” (171).

Lee E. Ross (editor), Criminologist. *African-American Criminologists, 1970-1996: An Annotated Bibliography*. Westport, CN: Greenwood, 1998.

A collection of annotated references to contemporary scholarly works by professional African-American criminologists. References and annotations were solicited in large measure through the professional associations and societies of criminology. Works by African American scholars in others fields (i.e., sociology and social work) are not included, nor are works by public intellectuals. The book includes an introductory article on “Dual Realities and Structural Challenges to African American Criminologists,” written in 1996 by Lee Ross and Harvey McMurray for presentation at the annual meeting of the Academy of Criminal Justice Sciences. A useful appendix of doctoral dissertations (titles only) of African American criminologists is provided, as well as an author and subject index.

Bayard Rustin, civil rights activist. “Twenty-Two Days on a Chain Gang.” In Devon Carbado and Donald Weise eds., *Time on Two Crosses: the Collected Writings of Bayard Rustin*. San Francisco: Cleis Press, 2003. 31-57.

Originally in *New York Post*, August 22-26, 1949. Put in a prison labor camp in Roxboro, North Carolina, for the charge of sitting in the white only section of a bus in 1947. Carefully details the conditions of the camp, work, prisoners, their psychology, and their recreations such as singing, rhyming, and telling of sex stories. Convinced that the public is wrong in thinking that only the fear of punishment changes criminals, and that the current prisons do not reform people. Citing Auden, “what can be loved can be cured,” concludes that true rehabilitation will come only when “we have rejected punishment, which is revenge, and have begun to utilize the terrific healing and therapeutic power of forgiveness and nonviolence” (55).

Note: Rustin was put in federal prison in Kentucky in 1944 for not complying with the Selective Service Act. Daniel Levine’s *Bayard Rustin and the Civil Rights Movement* (New Brunswick: Rutgers University Press, 2000), chapter 3, reconstructs Rustin’s activities inside such as demanding desegregation of halls, using the sources from The Bureau of Prison.

S

Kalamu ya Salaam, poet, performance artist, activist. “Like Brothers Do.” In *Revolutionary Love: Poems and Essays*. New Orleans: Ahidiana, 1978. 35-36.

On his visit to Gary Tyler, imprisoned on death row in Angola prison, New Orleans, he communicates through the “grating used to hold us apart ... through those diamond shaped holes” (35). Yet Tyler’s “political conviction,” “resilient Black manhood,” and “consciousness of new day” are what “steel and cement cannot cage” (36).

“Distant Lovers.” In *Revolutionary Love: Poems and Essays*. New Orleans: Ahidiana, 1978. 37.

Written “for all the prisoners at war.” Bond between prisoners who being unable to touch and feel each other, still are one with each other, “keeping sacred, but not secret/ our vows to resist” (37).

Sonia Sanchez, poet. “the inmate.” In *Under a Soprano Sky*. Trenton, N.J.: Africa World Press, 1987. 42.

Of an inmate on the day of release/ parole/ escape: “i shall go home today. i am not laughing.” Asks the pouring rain to flood “the vacant rooms/ once leased by reserved aspirations.”

“elegy (for MOVE.” In *Under a Soprano Sky*. Trenton, N.J. : Africa World Press, 1987. 13-15.

Written after the police bombing of the MOVE headquarter in Philadelphia in 1985. Denounces the city as a “disguised southern city” and compare the bombing to lynching: “c’mon girl hurry on down to osage st/ they’re roasting in the fire/ smell the dreadlocks and blk/skins/ roasting in the fire” (13). Police are combing the city like drought and flood, looking for those who represented “life, liberty, and pursuit of happiness.”

Bobby Seale, Black Panther Party, chairman. *The Black Panthers Speak*. Eric Foner, ed.

Several statements issued from the jails in Chicago and San Francisco while on trial of Chicago 8. In an interview with *The Guardian*, Seale describes the jail conditions and particularly the “hole” he was put in for having a Party newspaper. Seale insists that the entire American judicial system is unconstitutional allowing racist judges and racist prison guards to violate and intimidate the rights of African Americans who in turn have no access to fair trials. He points out that the jury for Huey Newton trial had only one black member in the jury box.

Seize the Time: the Story of the Black Panther Party and Huey P. Newton.

New York: Random House, 1970.

Describing the time before he started the Black Panther Party, Seale narrates the community relations meeting between the Oakland youth and the Police Department, in which kids basically lambasted the cops with the examples of police brutality, which made Seale declare that he “became an enemy of the Oakland Police Department” (55). Describes the first jail experience after the Party stormed the Sacramento capital building with guns. Notes that only Cleaver knew how to deal with guards (166-172). While arrested and detained in Cook County Jail for the Chicago 8 trial (289-364), Seale recounts what Huey told other BPP members as to how to deal with prisons and guards, such as it was actually guards who fear jails most, because they know that what they do to prisoners may someday befall them. Seale writes that he “let the guards know that being locked up doesn’t change my revolutionary spirit” (321). His communication with other prisoners made him appreciate the thoughts and opinions of prisoners themselves as far more knowledgeable of law and constitution than generally assumed (359-360).

A Lonely Rage: the Autobiography of Bobby Seale. New York: Times Books, 1978.

Part 7, “They Tried to Kick Me Out of Heaven,” describes Seale’s confrontation with judge Hoffman during the Chicago 8 trial while he was jailed in Cook County Jail and suffering from venereal disease. Part 8, “All the Sins That Ain’t,” describes the torture he endured at San Francisco Jail (a “hole” where he had to stand up with water filling in) after he had insulted a guard. Listens to the sounds of beating other inmates received: “the inmate was being beaten, brutalized, as the whacks of the guards’ clubs got louder and louder amidst the silence of the other shocked and frightened inmates” (200). In New Heaven jail where he was held for kidnapping charges with Ericka Huggins, Seale describes how he organized the inmates by fully utilizing guards’ knowledge that he is nationally known and has great counsel. Blends in with others by playing cards while engaging in hunger strike. Then let hunger strike spread to others to bring out a prison strike. “It reinforced my opinion that when a revolutionary goes to jail, staying one with the basic life styles of prison activity, there develops a certain status he can hold, as long as he doesn’t go overboard intellectualizing theories, but holds to his principal point of view” (209).

“An Appeal from Prison: Revolutionary Action on Campus and Community.” *The Black Scholar*, Vol. 1, No. 2 (December 1969), 4-7.

Discusses the difference between political prisoners and criminals. Political prisoners challenge the fundamental assumptions of the state and its economic underpinning. They include Nat Turner, Touissant L’Ouverture, and Indian chiefs who led “people’s struggle.” Criminals not yet aware of what and who the real enemies are. Urges black scholars to teach laws and history. Students need to move out of campus and be “a part of community” to educate the masses.

Lloyd Sealy, NYPD, commander of the 28th precinct. “The Dilemma of the Black Police Executive,” *Black Crime: A Police View* (1977)

Discusses the problems that black executives face in a predominantly white field. Much of his essay is based on interviews and personal accounts from current or former black executives. They discuss the selection process, assignments, relations with the chiefs, and police organization in general. Sealy analyzes the role of civil service tests as a means to decide promotions, asserting that the “underlying discriminatory” history and function of the tests has had adverse impacts on black applicants. In discussing assignments the author asserts that because there are so few black executives, their main assignment should be patrols since that is the area in which police come into the most contact with members of the black community, and it is out of this contact that the most hostility/problems occur. With an increased presence of black officers, the author asserts that such interactions will change, if not decrease altogether.

Cleveland Sellers, civil rights activist, the Student Nonviolent Coordinating Committee. *The River of No Return: the Autobiography of a Black Militant and the Life and Death of Student Nonviolent Coordinating Committee*. Jackson: University Press of Mississippi, 1990.

Chapters 18 to 20 describe Sellers’ confrontations with law and courts as a Student Nonviolent Coordinating Committee organizer in the South. Arrested and jailed in Orangeburg, South Carolina after the notorious “Orangeburg Massacre“ in 1968. Then tried and convicted in Atlanta for resisting draft. Sent to a Tallahassee, Florida federal prison. Observes the horrible conditions and “racial tensions” where black inmates were denied the right to honor Martin Luther King while whites (majority prison population) could fly Confederate flag. Black inmates decided to get to whites, brawl took place, and Sellers transferred to Terre Haute. Released on bail, then promptly re-arrested by Louisiana officials for weapon charge. After the ordeal, “I did not know if I was coming or going. My life was in total disarray” (245).

Afeni Shakur, Black Panther Party, poet. “We Will Win: Letter from Prison by Afeni Shakur.” In Foner, ed., *Black Panthers Speak*, 161-164. Originally in *Rat*, January 7-10, 1970.

One of 21 NY BPP members accused of conspiracy. Imprisoned in lieu of bail. Declares that Panthers “are not being tried for any overt act nor attempt to commit ant overt act --- we are being tried for bringing within our minds the focusing of the ideas of centuries and trying to bring this knowledge into a workable plan to liberate our people from oppression” (161). Denounces prison as the locus of power where the poor and people of color are concentrated: “This is a nation of your laws, run by your police, and based on protecting your economic strength. The poor are politically, economically, and legally non-existent that is why in jai, 80% of the inmates are non-white and all are poor” (162).

Assata Shakur (JoAnne Chesimard), Black Panther Party, the Black

Liberation Army. *Assata: an Autobiography of Assata Shakur*. London: Zed Book, 1987.

From 1973 to 1979 Shakur was subjected to numerous arrests, trials, and incarcerations stemming from dubious charges. She describes her ordeals at the Riker's and other prisons, interspersing the descriptions of her life up to the initial arrest in 1973. All the systematic incarcerations and oppressions from the COINTELPRO taught her one valuable lesson related to the black liberation: that youthful romanticism and idealism were important, but they alone would not suffice when faced with the massive state apparatus bent on destroying the revolutionaries, and that revolution must be scientific and has a firm ideology in place to unite the black community within and beyond toward international level. Also describes sexual abuses against women prisoners at the hands of male guards (83-84).

“To My People.” *The Black Scholar*, Vol. 5, No. 2 (October 1973), 16-18.

Written from New Jersey prison awaiting the trial for the charge of conspiracy. Argues that it was white supremacy that was murderous to black people and their political leaders: “They call us murderers but we did not murder Martin Luther King, Emmett Till, Medgar Evers, Malcolm X, George Jackson, Nat Turner, ... and other countless Black Freedom Fighters” (17). Urges readers to fight the media depictions and police-supplied information: “Every time a black freedom fighter is murdered or captured the pigs try to create the impression that ... 5 or 10 guerillas are responsible for every revolutionary action ... That is absurd. Black revolutionaries do not drop from the moon. We are created by our conditions, shaped by our oppression” (18).

“Women in Prison: How We Are.” *The Black Scholar*, Vol. 9, No. 3 (April, 1978), 8-15.

Argues that “There are no criminals here as Riker's Island Correctional Institute for Women. Only victims. Most of the women (over 90%) are black and Puerto Rican. Many were abused children. Most have been abused by men, and all have been abused by ‘the system’” (9). They are mostly minor offenders of law, no real murders or white-collar criminals. Observes the middle-class attitudes and uneasiness that come with black women prison guards' works. They are immersed in the middle-class attitudes. Notes stark differences between male and female prisoners and their attitudes toward sex and politics. No similar struggles to maintain manhood. Sex is basically a replication of stereotypical male/ female roles. No susceptibility to revolutionary rhetoric. Leads her to contemplate the need to formulate a strong black women's movement, apart from sexist male-dominated black liberation movement and paternalistic white women's movement. Her thoughts fly back to her foremothers, Africans and Cherokees, and their “strong medicine” that will help women prisoners of color today.

Dr. Mutulu Shakur, activist, Republic of New Afrika. “Another Crime Bill.” In Chinosole, ed., *Schooling the Generations in the Politics of Prison*.

Berkeley, CA.: New Earth Publications, 1996. 136-142.

Criticizes the passing of the 1993 New Crime Bill, and Congressional Black Caucus for supporting the bill. Argues its ultimate purpose is to wage “low intensity warfare” and establish a “new Afrikan slavery.” Black community used to have its own system of community justice through which egregious crimes were punished in prison, and “lumpen“ and ex-cons played rather stabilizing force. Government-supported drug infections destroyed such community relations and the youth internalized violence. Prison has become a battle ground between the revolutionaries, who educate the young prisoners to see beyond “smoke screens,” and the government that wants to “reduce prisoners to a state of submission essential to their ideological conversion” (140).

Sanyika Shakur (Toddy Scott), former gang member, the New African Independence Movement. *Monster: the Autobiography of an LA Gang Member*. New York: Atlantic Monthly Press, 1993.

Narrates the life in South Central in Los Angeles in the 1970s and the members of Crips. The author was convicted and imprisoned in the Youth Training School in the early 1980s for bank robbery at the age of seventeen. The initial impression of the prison --- as better-looking than his neighborhood with its tracks and gym -- soon replaced with the indignity of ugliness and corruptions inside. Begins to learn “the larger prison culture that touched everyone’s lives” including the staffs and guards who, without knowing, act like the prisoners they are supposed to control. Meets “Muhammad” who teaches him about Islam, Malcolm X, and George Jackson. Highly impressed, organizes a prison Crips Islam meeting. Crips culture still remained strong in him, but Islam made him feel strong inside prison. Listening to “Muhammad” and reading Malcolm X meant his “first encounter with brothers [without guns] who could kill with words” (229).

“Flowing in File: the George Jackson Phenomenon.” In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 161-167.

Discusses the definition and meaning of “political prisoners” and “prisoners of war” as relevant to the New Afrikan Independence Movement. Criticizes “revolutionaries” who regard “common criminals” as not included in the category. Insists that George Jackson was arrested and imprisoned first as a “common criminal.” They may not have the consciousness of political prisoners, but they may and have developed one while incarcerated. To disregard such prisoners would be dogmatic and too narrow an approach to prisons and prisoners: “Prisoners of war ... do not and will not flow only from one direction, but will develop in accordance with the dialectic within which they exist --- both from inside and out” (165).

Tupac Shakur, rapper. *The Rose that Grew from Concrete*. New York: Pocket Books, 1999.

Composed of the poems Shakur left in care of his manager before his death. “Just a Breath of Freedom” dedicated to Nelson Mandela celebrates his freedom and inability of prison to break him down (105). “How Can We Be Free” addresses to the Lady Liberty and discusses “crooked ass Rednecks cops/ constantly Jacking us up” and identifies with George Jackson, Huey Newton and Geronimo Pratt (137). “Liberty Needs Glasses” describes both Liberty and “Mrs. Justice” need pairs of glasses to see clearly because “Justice bumped into Mutulu and/ Trippin’ on Geronimo Pratt” (135).

Nate Shaw /Ned Cobb, Sharecroppers’ Union, Alabama. With Theodore Rosengarten, *All God's Dangers: the Life of Nate Shaw*. New York: Knopf, 1974. 345-420.

The chapter “Prison” narrates his 12- year stay in Alabama prisons after the shootout with sheriffs in 1931 in which the sheriffs tried to break the Alabama Sharecroppers’ Union. Detailed observations of prison lives, both inmates and officials. Thinks that prison is no better or worse than the outside world: “I was travelin through the world, different places, when I was in prison: wherever they sent me, I went, had to go. But I had no trouble, seriously. And didn’t nobody try to dupe me: I was already in a trap, you might say, caught in a wire trap. Outside, they raised figures against me in place of wire” (390).

Arthur D. Shores, attorney, the NAACP Legal Defense Fund. “The Negro at the Bar: The South,” *National Bar Journal* 2(1944).

Discusses the victories that Black lawyers in the Deep South have made in terms of a) winning over Black trust of the law, b) properly and successfully representing Black clients and c) illustrating that the law can be used to combat racism and racist policies. Author relies heavily on personal/private accounts of Black lawyers and their cases, summarizing the case and the verdict, all with the conclusion that Black lawyers in the south, while very few, have been instrumental in winning cases for their clients.

J. Clay Smith, Jr., Professor and former Dean at Howard Law School, former Commissioner of the Equal Employment Opportunity Commission. *Emancipation: The Making of the Black Lawyer, 1844-1944*. Philadelphia: University of Pennsylvania Press, 1993 [Forward by Justice Thurgood Marshall].

A thoroughly researched study and reference resource on the first 100 years of African American participation in the legal profession. Provides regional case studies (New England, Atlantic, Southeast, Deep South, Southwest, Northeast, Northwest, and Pacific) and details on specific state contexts. In addition to research on black lawyers, the book discusses the experiences of black students in white and black law schools, and black experiences in national and state bar organizations. Appendices provide a listing of first black lawyers by state, and numbers of black lawyers in the U.S. by race, sex, and state/territory, from 1850 to 1940. The book is indexed by subject and author.

Rebels in Law: Voices in History of Black Women Lawyers. Ann Arbor: University of Michigan Press, 1998.

A collection of speeches and essays authored by black women lawyers in the nineteenth and twentieth century, organized thematically. Includes a brief introduction to the history and significance of black women in the legal profession. Appendices list pioneering achievements of black women lawyers and U.S. census data on the number of women lawyers in the U.S. by race, nationality, and state/territory from 1950 to 1990. Biographical information on black women included in the collection is also provided.

Reuben S. Smith, attorney. "Is the Criminal Negro Justly Dealt with in the Courts of the South?" In *Twentieth Century Negro Literature; or, A Cyclopedia of Thought on the Vital Topics Relating to the American Negro, by One Hundred of America's Greatest Negroes*; ed. and arranged by D. W. Culp. 1902. Miami: Mnemosyne Publishing, 1969. 92-104.

Argues that the answer to the question is hard to formulate, since not many African Americans charged with crimes reach the courts in the South. Many young and arrested blacks are sent to convict labor camps, where they "naturally partake of the character of the environment, and conceive and multiply vice and criminology" (93). The foundation of American republic has been justice, but in the South blacks endure "a mere mockery of justice" (94). Describe the history of convict lease system.

Martin Sostre, political activist. *Letters from prison*; a compilation of Martin Sostre's correspondence from Erie County Jail, Buffalo, New York; and Green Haven Prison, Stormville, New York. Prepared by the Philosophical Society, State University of New York at Buffalo, in cooperation with the Martin Sostre Defense Committee. Buffalo, NY.: 1969.

Imprisoned in Attica in the 1950s as a high school dropout and joins the Nation of Islam: "Like Brother Malcolm X, I tried to educate myself in prison" (4). Arrested in Buffalo in 1967 while operating a black liberation bookstore, for the charge of inciting a riot. From various prisons he wrote that prisons could not hold revolutions and revolutionaries: "I am setting the example of total rebellion, even in the court room, against the oppression, frame-up, and kangarooism against me and my militant brothers all over the country" (55).

Robert Staples, sociologist. "White Racism, Black Crime, and American Justice: an Application of the Colonial Model to Explain Crime and Race." *Phylon*, Vol.36, No.1 (spring 1975), 14-22.

Proposes to use Fanon's "colonial model" to explain the relationship between race and crime. Defines Afro-Americans as a subjugated colonized population that has "no law of

their own and no defense against the laws of the colonizers”(16). The power to define what constitutes crime is beyond their reach. Argues that black offenders should be “tried and judged by the black community itself” (22).

William Still, abolitionist, the Underground Rail Road. *The Underground Rail Road: a Record*. 1872. New York: Arno Press, 1968.

Narrates the history and cases of the operation of the Underground Railroad. Several narratives deal with slaves who were imprisoned for the attempts to run away (72-73). Story of Samuel Green who was arrested and imprisoned for ten years in Maryland penitentiary for possessing a copy of *Uncle Tom's Cabin* and map of Canada. (246-250). Describes the court battle and imprisonment of abolitionists and those working for the Underground (358-368). “The Case of Molly” describes a female slave’s attempt to run away from Maryland, her capture, and imprisonment (714-715).

Cecelia Sutton, journalist. “Geronimo, Caged Knowledge.” In Chinosole, ed., *Schooling the Generations in the Politics of Prison*. Berkeley, CA.: New Earth Publications, 1996. 97-99.

Describes the rituals that women prison visitors have to go through, such as removing metal strings from bra, removing shoes and jewels, lest she be subject to full body search. But to meet Geronimo Pratt (Ji Jaga), a Black Panther imprisoned since 1972, compensates the indignities. Discusses Johnnie Cochran and how G’s case began to receive media attentions during the Simpson trial. Describe G as highly spiritual and as a “walking historian” of the Black history.

T

Andress Taylor, English, educator. “Beyond Rehabilitation: The Federal City College Lorton Project-A Model Prison Higher Education Program.” *The Journal of Negro Education*. Vol. 43, No. 2. (Spring, 1974), pp. 172-178.

Discusses how to make higher education accessible to young black inmates as part of black community empowerment. Inspired originally by Malcolm X and the approaches of the Nation of Islam, the project is meant to “intervene in the criminal-justice system to extricate from it our young manhood which is caught in the vicious cycle of arrest and release only to be re-arrested” (174). Criticizes the existing prison education as highly uncoordinated.

Mary Church Terrell, National Association of Colored Women.
“Service Which Should be Rendered the South” in *Voice of the Negro*
2(1905)

Indictment of whites at the continued hatred and injustice done to blacks in the south. Author urges whites (southerners especially) to shake off their racism and help dismantle the stereotype of the bestial Black that pervades American society. Also discusses the increased number of homicides and murders across the nation, but with particular reference to lynching in the south, deploring its widespread acceptance and urging legislative action to be swift and just.

Texas State Convention of Negroes. “Texas State Convention of Negroes 1883.” Reprinted in Herbert Aptheker, ed., *A Documentary History of the Negro People in the United States*. New York: Citadel Press, 1951, 686-691.

The proceedings discuss many issues such as miscegenation, education, and railroads. Put forward a grievance that state’s convicts, mostly black, are placed in conditions “inhuman and cruel in extreme” (688). They are supervised by brutal convict guards who have no interest in “their physical, moral, and spiritual needs” (689). Decries the fact that many sick convicts are worked to death on farm camps. Proposes the appointment of black inspector with the power to investigate the conditions of camps and private farms. Originally *Proceedings of the State Convention of Colored Men of Texas, Held at the City of Austin, July 10-12*. Houston, 1883.

Celes Tisdale, poet. Tisdale, ed., *Betcha Ain’t: Poems from Attica*. Detroit: Broadside Press, 1974.

Collection of the poems written by Attica prisoners in a poetry workshop organized by Hospital Audiences and Buffalo Black Drama Workshop. Various poems deal with the September-13th raid. Isaiah Hawkins writes, “The word was kill niggers,/ kill all you can./ For they don’t have the right/ to live like men” (20). Sam Washington asks, “Was it really necessary?/ Did they really have to carry/ Rifles and shotguns?” and demands an answer from the “gov’/ Who’s so full of love” (43).

Nat Turner, slave insurrection leader, Virginia, 1831. *The Confessions of Nat Turner*. 1831. Reprinted in Herbert Aptheker, *Nat Turner’s Salve Rebellion*. New York: Humanities Press, 1966. 126-151.

Must be read with care as to the nature of this so-called prison “confessions” over the slave insurrection in South Hampton, Virginia, in 1831. Recalls how he learned to read and how he received signs of holy spirits. Discusses how he had concealed from others the divine revelation to “arise and prepare myself, and slay my enemies with their own weapons” (138). Denies any further knowledge of plans for slave insurrections, but adds, “I see sir, you doubt my word; but can you not think the same ideas, and strange appearances about this time in the heaven’s might prompt others, as well as myself, to this undertaking” (146).

U

No entries currently.

V

No entries currently.

W

Doruba Bin Wahad (Richard Moore). The BPP, Black Liberation Army. "COINTELPRO and the Destruction of Black Leaders and Organizations." Reprinted in Joy James, ed. *Imprisoned Intellectuals: America's Political Prisoners Write on Life, Liberation, and Rebellion*. Lanham, MD.: Rowman & Littlefield, 2003. 97-102.

Analyzes counterintelligence and counterinsurgency. Argues that the history goes back to the prosecution of Marcus Garvey. It has been always directed against African American political figures and groups: even Martin Luther King. Its main purpose was not only destroy insurgencies by people of color and revolutionaries, but also "leadership selection," exemplified by its manipulation of the divide between cultural nationalists (such as Roy Karenga) and revolutionary nationalists (Panthers). Advocates the self-definition of revolutionaries by "taking it to the streets" again in rejection of mass media and mass cultures which "define" and thus discredit the radicals.

"The Cutting Edge of Prison Technology." In Jim Fletcher, et al., eds. *Still Black, Still Strong: Survivors of the U.S. War against Black Revolutionaries/Dhoruba Bin Wahad, Mumia Abu-Jamal, Assata Shakur*. New York: Semiotext(e), 1993. 77-102.

Analyzes the link and coordination between American and European police and prison agencies. Points out the simultaneous prosecutions and incarcerations of radicals in both political landscapes from the 1970s on. Argues that they developed, in conjunction with each other, mechanisms of imprisonment to confine the increasing number of political prisoners.

Benjamin Ward, NYPD commissioner. "The Need for Black Police Officers," *The Administration of Criminal Justice* ed. Lee Brown (1974)

Briefly describes that the need for (and public astonishment at the lack of) Black police officers was borne out of the 1960's riots that swept across the country. Argues that it is imperative for a strong, Black police power which could ultimately help restructure political power in cities nationwide, pointing out the significant power that the police possess when it comes to shaping the political environment of local government.

Booker T. Washington, leader, Tuskegee Institute. *The Story of the Negro: Rise of the Race from Slavery*. Volume 2. New York: Doubleday, 1909. Reprint: Volume 2. New York: Peter Smith, 1940. 85-113.

In the chapter IV, "The Negro Crime and Racial Self-Help," Washington suggests that the crime statistics on Afro-Americans are exaggerated and argues that the number of assaults on women is mostly the same with other groups of men. Argues that it is not true that black men possess peculiar racial disposition to attack women. Praises local reformatory activities in the South headed by local black leaders and helped by sympathetic whites.

"To Laura J. Stern" (1913)." *The Booker T. Washington Papers*. Urbana: University of Illinois Press, 1982. Vol.12, 179-180.; "To Hugh Mason Brown (1910)" BTW Papers, Vol.9, 552-553.; "To Oswald Garrison Villard (1908)." BTW Papers, Vol.9, 503-504. "To the Editor of the Southern Workman" (1986)." *BTW Papers*, Vol.2, 296-97.

Letters to various prison reformers. Mostly concerned with southern states treating convicts as a cheap source of labor and revenue while neglecting their reformation. The letter to the Southern Workman is most detailed in describing the stories of convict laborers.

"Negro Crime and Small Drink," *Journal of Criminal Law*. 3 (1912):384-92.

Studies the relationship between local prohibition laws in the South and crimes among African Americans. Collecting many testimonies from judges and law enforcement officers, Washington argues that alcohol is probably the most important factor leading blacks to anti-social behaviors and law-breaking, and concludes that prohibition does decrease the crime rate among Afro-Americans where the laws are strictly and efficiently enforced. He also notes, however, that African Americans tend to get the worst kind of bootleg liquors which adversely affect their behavior, citing some instance in which an African American man drunk heavily and then wake up in jail not remembering anything. While he maintains that this study is focused on "Negroes and crime," the last sentence of the article suggests that he believes prohibition might contain unruly white mobs and stop lynchings as well.

Jerome Washington, journalist, political activist, writer, former prisoner. *Iron House: Stories from the Yard*. Bragg, CA.: QED Press, 1994.

Composed of characters he encountered in New York prisons in New York. Describes their ambitions, hope, and despairs unique due to their confinement. In "Banana" (129-131) an inmate in an outside hospital was caught by a nurse as he hid banana peel to savor its aroma later on. These stories apparently support Washington's contention that in prison everything is different, especially writing: "The imprisoned writer does not have

the luxury of writing to entertain” (“preface”) and the wardens regard prison writings as dangerous as smuggled weapons. Criticism may come not from literary critics, but from fellow inmates with blades. Washington himself once had his manuscript and typewriter confiscated. Also rejects the notion of objectivity for prison writing: “It’s as much a folly to ask that of a prisoner as to ask it of a man who has his nuts caught in a slam-locked door. Neither can be objective about the pain” (13).

Linn Washington, law journalist. *Black Judges on Justice*. New York: The New Press, 1994.

A valuable and unique study of the perspectives of leading African-American judges on current issues relating to the administration of justice, and the particular problem of racial inequality therein. The study provides individual portraits of fourteen black judges from various courts, using candid in-depth interviews with each. These portraits appear in narrative form within separate chapters, loosely organized by seniority (pioneers, current leaders, and the next generation).

William Walker, slave, freeman. *Buried Alive (behind Prison Walls) for a Quarter of a Century: the Life of William Walker*. Thomas Gains, ed. Saginow, MC.: Friedman, Hynan, 1892.

Born in 1820 or 1819 in Virginia. In 1841 sent to a Petersburg slave pen to be transported and be put to work on cotton farms in New Orleans: “it will never be possible for me to speak, write or by any means adequately explain the horrible condition of that slave pen. It was worse than any cattle yard I have ever seen north of the Ohio river” (11). Rejoiced at the news of Emancipation while in Jackson, Missouri. Charged for murder and imprisoned in Jackson State Prison in 1866 for life in solitary confinement: “At that time a life sentence in Jackson meant a much different reception for the convict than it does at the present time. Then the old “life solitary” cells meant the worst kind of a living death. The cell in which the convict was then placed was just large enough for an iron bedstead” (68). Describes escape attempts, prison literary meetings, reforms, chaplains, labor, and prisoners who died of maltreatments.

James Robert Watkins, poet, abolitionist. “Rescue the Slave.” *Poems*. 1859 (?). 4-5.

Describes a fugitive slave who sadly “weeps in his cell” awaiting the forced return to his master. Declares that with the Fugitive Slave Law, “liberty’s dead” (5). Urges freemen to “arouse ye before ‘tis too late” (5). Criticizes “Boston Boys” for now trying to catch the fugitives after denigrating on the previous premise.

Ida B. Wells, reformer, anti-lynching, lecturer *The Reason Why the Colored American Is Not in the World's Columbian Exposition*. 1893. Chicago: University of Chicago Press, 1999.

Self-published by Wells in Chicago. Chapter three, "Convict Lease System," in which she calls it one of the "twin infamies which flourish hand in hand" in the United States" (The other infamy is lynch laws). Argues that southern states gain much revenue from the lease system while ignoring to repair and reform the badly built and administered facilities. The reason why more prisoners are black than white is that judges are white, the jury is white, and the sheriff is white, and thus black people can never hope to have fair treatment or just sentencing.

A Red Record. Reprinted in *On Lynchings*. Amherst, NY. : Humanity Books, 2002. 55-151.

Originally self-published in 1895. Criticizes Women's Christian Temperance Union for justifying the lynch myth that black men rape white women. Gives statistics showing less than one third of the lynch victims were accused of rape. Argues that emancipation failed to give legal protections: "It gave him the right to vote, but denied him the protection which should have maintained that right" as southern African Americans continued to be "whipped, scourged, exiled, shot and hung whenever and wherever it pleased the white man" Acknowledge that not all accused blacks were innocent, but the fundamental problem of lynch justice is that "the punishment is not the same for both classes of criminals" (147) as the mobs did not respect the rule of laws and evidences.

Alfreda M. Duster, ed. *Crusade for Justice: the Autobiography of Ida B. Wells*. Chicago: University of Chicago Press, 1970.

Later part of this autobiography (335-344) describes the newly established Negro Fellowship League and its work in the 1910s. One of the first cases handled by Wells and the Fellowship was to defend Joe Campbell, the only black prisoner in a Joliet jail who was accused of arson that killed warden's wife. Describes the difficulty getting to Campbell amidst the deceptions of officials. Campbell tells her he has no lawyer or money to hire one. Provides him with a legal representation. Campbell was sentenced to death but the Fellowship brought the case to the Supreme Court which reduced it to life sentence. Angrily denounces the warden and prosecution for being bent on killing Campbell. Implies the warden had something to do with the killing. Criticizes that certain white prisoners who testified against Campbell got their sentences reduced despite their murder convictions.

Cornel West, philosopher, activist. "Free Mumia?" S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 7-8. Originally in the *Boston Globe*, August 6, 1995, page 71.

Argues that, historically, prisons and criminal justice have been the measure of how racial justice is being practiced in America. The case of Mumia shows he is a political prisoner who was arrested and condemned to die because of both his political conviction and the unfair, Jim-Crow trial.

John Edgar Wideman, novelist, writer. "Doing Time, Making Race." In S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 126-130. Originally in *The Nation*, October 30th, 1995, Vol. 261, No. 14, 503-506, as "The Politics of Prisons: Doing Time, Marking Race."

Points out that the too-often-used political slogan "tough on crime" comes from the notion that it is always someone else who would be imprisoned, not "one of us." Compares this to his background where at least one male member of every family category of his has been in prison, and where he himself is a descendant of Africa for whom slavery was like a life sentence. Racism, while never overtly present, plays a strong role in mass incarcerations of black youths. "War on Crime" is waged as such against them who are sent behind bars and re-live the life of street there. "The horror of prison system, the horror of racism, depend upon the public's willed ignorance. Both flourish in the darkness of denial" (130).

"Storytelling and Democracy (in the Radical Sense): A Conversation with John Edgar Wideman." *African American Review*, Vol. 34, No. 2 (Summer 2000), 263-273. By Lisa Baker.

Wideman discusses what it means to "do time" in prison: "when you're in jail, you don't control your time. Somebody gives you a linear time sentence---so you are trapped in someone else's definition of time. In a sense they have appropriated your time. You are doing time in their terms" (267). Also talks of a women student of his in prison who wanted intellectuals to stage something like Cinco de Mayo, rather than just attending conferences on the impact of prison.

Edgar White, playwright. "The Burghers of Calais." In *Underground: Four Plays by Edgar White*. New York: William Morrow, 1970. 1-53.

A play based on Scottsboro Boys trials. A meta-narrative where the characters of the past and the actors of the present, with "speaker" and "author" constantly on stage, speak both as characters and actors. Depicts the prison like a zoo with a sign "Do Not Feed Negroes." Depicts both Communists and the NAACP (and sympathetic white liberals) as not really interested in the lives of the Boys. The main character, Bagatelle, is modeled after Haywood Patterson.

Walter Francis White, the NAACP, general secretary. *A Man Called White: the Autobiography of Walter White*. New York: Viking Press, 1948. 125-123.

Describes the NAACP's involvement in the defense of the Scottsboro Boys in Alabama in the early 1930s. Argues that the difficulty defending them, or any black man accused of raping white women, was the charged "lynch" atmosphere in Alabama where the courts

"flagrantly violated virtually every principle of law" (128): but also in "Communist manipulation" through International Labor Defense.

Evelyn Williams, probation officer, NY, lawyer. *Inadmissible Evidence: the Story of the African-American Trial Lawyer Who Defended the Black Liberation Army*. New York: Lawrence Hill, 1993.

Defended Assata Shakur, her own niece, for seven years. Describes how she came to accept her "little niece" as an adult like herself during the course of trial. Herself was arrested and jailed in 1975 while trying to attend a court hearing in which she and her friend were barred from entering. Describes the jail in details, where he request for medial treatment was ignored when a white inmate received one (144-147).

Monique Williams and Isis Sapp-Grant, researcher, the Council of Crime and Delinquency. "From Punishment to Rehabilitation: Empowering African-American Youths." *Souls*, Vol. 2, No. 1 (Winter 2000), 55-60.

Authors argue that current criminal justice represents the "clandestine and the overt connection that has been made between race and culpability" (55). Suggest that what is needed is a change in the self-perception of the youths who are most vulnerable to being jailed and imprisoned. Negative stereotypes linking race with crime have been turned into positive self-identity. Proposes rehabilitations of such self-views through programs involving community groups, churches, officers--- detentions will not do the job.

Patricia Williams, law professor. "Why Justice Wasn't Done." (New York) *Newsday* (July 29, 1993), 54.

Commentary on the acquittal of Lemrick Nelson charged with killing Yankel Rosenbaum during the Crown Heights Riot. Concerned with the public anger and frustration over the acquittal. Argues that the problem is not with the jury and the members' races, but with the legal system in New York: "It is a copout in the most literal sense to think that we can have 'justice' for anyone in Crown Heights if the witnesses and the evidence are lost in a morass of legal, medical and forensic bungling" (54).

"Justice for Mumia Abu-Jamal." In S.E. Anderson and Tony Medina, eds., *In Defense of "The Executioner's Automat."* In S.E. Anderson and Tony Medina, eds., *In Defense of Mumia*. New York: Writers and Readers Pub., 1996. 172-179.

Originally in *The Nation*, July 10, 1995. Deals with prisoner's right to publication and free speech, as Mumia's right is being threatened by a bill that would curtail the earnings made by prisoners in writing and art works. Understands the emotion of the families of the victims, but points out that "fair trial" and "justice" in this country are possible only when the defendants could hire and fund competent lawyers. Fears that all forms of

punishment on prisoners are increasingly accepted as legitimate “payback,” and democratic principles are being sacrificed: “it is democracy that dies when we become a nation of heartbroken vengeance-seekers” (177).

Robert Williams, the NAACP, the Republic of New Afrika. “Interview: Robert Williams.” *The Black Scholar*, Vol. 1, No. 7 (May 1970), 3-14.

Discusses his return to the US after exile in Cuba, China, and Africa. Declares, “I am not now a criminal, I have never been a criminal, and the only times that I have been in jail were because of my fight for justice” (3). Argues that black men’s being prosecuted, convicted, or acquitted, is not a matter of legal principle, but like a gamble: “justice should be constant and expected, not a thing of chance” (3). Describes his incarceration in England, how he went on hunger strike and how Africans and Caribbeans who heard the news demonstrated outside the jail (8-9). Discusses why he broke from Cuba on the issue of nationalism.

Negroes with Guns. New York: Marzan & Munsell, 1962.

Published while a political exile in Cuba. Indicted for the charge of kidnapping during the Freedom Ride in Monroe, North Carolina. Denounces the extradition of Mae Mallory from Ohio to North Carolina on the same charge (104-108). Lists many examples of types of “justice” black people face in the state, such as a black girl beaten to death by a white guard in jail. Argues that “no Afro-Americans is out of the reach of Klan justice so long as he is on soil presided over by racists. It is an indictment of American justice to have a Northern state collaborate with the South in a legal lynching” (107).

Yohuru Williams. “Permission to Hate.” In *Journal of Black Studies*, Volume 32. Issue 1 (Sept 2001), 3-29.

Analyzes the impact a story on the lynching of George White in 1903, written by Alice Dunbar-Nelson in 1924, had on the popular understanding of lynching in Delaware. The man lynched was awaiting trial for the rape and murder of a white woman. The town, spurred on by a local minister, stormed the jail and lynched him. This depiction twenty years later suggests this was an isolated event, though lynching was in fact a common occurrence at the time. The author explores records of the event and its aftermath to present a different interpretation. Argues that jail conditions and punishment of blacks in Delaware at the time, which included the whipping post and pillory, indicate a general institutionalization of racial violence in the “correctional” context, and that liberal American ideals of justice at the turn of the century did not pretend to include blacks.

Robert Woodson (editor). *Black Perspectives on Crime and the Criminal Justice System*. Boston: G.K. Hall & Co., 1977 [Preface by Vernon E. Jordan, Jr.].

Presents the proceedings of a symposium organized by the National Urban League in

1977, where seven prominent black criminologists, together with criminal justice practitioners, community organizers, and former gang members were assembled to develop “insights and knowledge for the thoughtful design of alternatives for the black community to consider in its pursuit of secure neighborhoods.” The collection includes papers presented at the symposium, reactions by symposium participants, and two speeches delivered by keynote speakers (Dr James Q. Wilson and Sterling Johnson).

Monroe Work, sociologist. "Crime Among the Negroes of Chicago." *American Journal of Sociology* Vol.6, No.2, (1900) 204-223

The article verifies the census of increasing crimes among Afro-Americans, esp. in Chicago, but rejects the racist notion that “the Negro is retrograding and degenerating” after emancipation. Suggests instead viewing black crimes in a framework of African Americans’ struggles to adjust to new environments.

“Negro Criminality in the South.” *Annals of American Academy of Political and Social Science*. Vol. 49 (September 1913), 74-80.

Argues that ex-slaves in the South “came to view the law as something to be feared and evaded but not necessarily to be respected or to be sought as a means of protection” (78) because the law and courts retained the same characteristics as in slavery: punishment and restraint.

Bruce M. Wright, New York City Criminal Court Judge, State Supreme Court Judge. “A Black Brood on Black Judges” in *Judicature* 57(1973).

Discusses the need for more Black judges, especially those that embrace (rather than shy away from) politics and the plight of the Black community. Refers to the American Judicature Society’s poll of Black judges which illustrated that once Black lawyers make it to the judicial level (which is a very small percentage), there is a tendency to cease taking on issues that could be seen as “racial” in scope (i.e. Black judges generally are very reticent about taking on the racial injustice that pervades the system in which they work).

“Bangs and Whimpers: Black Youth and the Courts.” *Freedomways*. Vol. 15, No. 3 (Fall 1975), 178-187.

Argues that the courts’ treatment of the so-called criminal black youth is appalling and insulting to their personalities and dignities. Compares their positions in courts to slaves without citizenship: “The 1857 doctrine of the Dred Scott case ... continues to hang over American jurisprudence like a dirty atomic fall-out” (179). Observes that many in legal circles, law enforcement, academics, and education are possessed by the notion of “I give up” trying to reform the situations surrounding black youth and criminal justice. The existing system relies on the discarding of and indifference to the notion of the Black humanity: thus judges should be carefully screened and selected on the basis if they share

such a notion.

Black Robes, White Justice: Why Our Legal System Doesn't Work for Blacks (1987). New York: Kensington

[Annotation to be added]

Richard Wright, novelist, activist. "I Have Seen Black Hands." *New Masses*. Vol. 11, No. 13 (June 26, 1934), 16.

Poem. In this poem the protagonist kills a factory owner, is put behind the bars that his big "black hands" could neither "bend nor break," and is executed by hanging. Wright concludes the poem by imagining a day when hundreds of "black hands" will be raised together with hundreds of "white hands" of workers on one "red day."

"How Bigger Was Born." In *Native Son*. New York: Harper and Brothers, 1940.

An appendix discussing the conception of the book's protagonist, "Bigger Thomas." In the middle of the essay, Wright describes how the police "torture" black suspects in a way leaving no physical marks, to squeeze out confessions.

"Urban Misery in an American City: Juvenile Delinquency in Harlem." *Twice a Year*, nos. 14-15 (Fall 1946-Winter 1947): 339-45.

Argues that the high rate of youth crime in Harlem is due to "social environment" in which "The Negroes of Harlem have never been allowed to act upon the assumptions and aspirations which most white Americans take for granted" (341), which in turn leads to children's "emotional deprivation" and consequently to delinquency.

X

Malcolm X, the Nation of Islam, the Muslim Mosque, Inc. *The Autobiography of Malcolm X, as Told to Alex Haley*. New York: Ballantine Books, 1964.

Argues that "there shouldn't be bars. Behind bars a man never reforms" (152). The Chapter 10 and 11 describes his conversion to Islam and self-education in various prisons in the 1940s, all contributing to his transformation. Corresponds with his brother and sisters, coming to know the teaching of Elijah Muhammad. Transported to the Norfolk prison with a good library, he avidly learns and reads history to see the wrongs and immorality of Christianity and Western nations. Explains why Elijah Muhammad's teachings appealed strongly to black convicts: "You let this caged-up black man start realizing, as I did, how from the first landing of the first slave ship, the millions of black

men have been like sheep in a den of wolves. That's why black prisoners become Muslims so fast when Elijah Muhammad's teaching filter into their cages by way of other Muslim convicts" (183).

Y

Al Young, poet. "VISITING DAY." In *Heaven: Collected Poems: 1956-1990*. Berkeley, CA: Creative Arts Book, 1992. 121-123.

Poem about a visit to a friend at a minimum security prison. Not San Quentin or Attica, those war prisoner camps, but "you can't help thinking there's/ a battle going on somewhere out there in the bloodstreams/ of men."

Z

No entries currently.

Africana Criminal Justice: A Working Annotated Bibliography
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