NARROW CELLS AND LOST KEYS: 
THE IMPACT OF JAILS AND PRISONS ON BLACK PROTEST, 1940-1972

Seneca Vaught

A Dissertation
Submitted to the Graduate College of Bowling Green State University in partial fulfillment of the requirements for the degree of

DOCTOR OF PHILOSOPHY

December 2006

Committee:
Lillian Ashcraft-Eason, Advisor
Jeff S. Peake 
Graduate Faculty Representative
Liette Gidlow
Beth Griech-Pollel
Lillian Ashcraft-Eason, Advisor

Jails and prisons have exerted a considerable amount of political and cultural influence on black activists and political prisoners in American social movements since the 1940s. The impact of these institutions can be interpreted in two ways: through the responses of activists using carceral factors as a central point of reference in their repertoire of protest and secondly in the cultural consciousness that envisioned imprisonment and/or carceral confrontation as a process of redemptive suffering. For nearly half a century, carceral institutions significantly affected the practice, perception and the opposition of black activism in American society. This dissertation outlines how the impact of imprisonment, jailing, policing and other carceral factors developed as a central theme in black protest over time.
To Baba Djisovi
ACKNOWLEDGMENTS

I am indebted to numerous individuals for their assistance in the completion of this project. I would like to thank my dissertation advisor Dr. Lillian Ashcraft-Eason and her late husband Dr. Djisovi Ikukomi Eason for their endless support of this project. The Easons have committed their hearts and souls to the furthering of knowledge of the African world and its people. I am truly grateful for the priceless lessons that they have taught me and all the help that they have provided along this intellectual journey. This work would not be possible without their greatness, compassion and intellect. I am truly grateful to the members of my committee—Dr. Liette Gidlow, Dr. Griech-Polelle and Dr. Jeff Peake for their assistance in this project. Thanks to Dr. Carter Wilson at the University of Toledo for his rigorous criticism and suggestions. I would also like to acknowledge Dr. Tom Mascaro in the BGSU Telecommunications Department for introducing me to the skill of historical documentary-making. My undergraduate advisor, Dr. Ciro Sepulveda was influential in the pre-research phase as well. Thanks to Tina Amos for everything you did that helped me through this. Insights gained in Dr. Robert Buffington’s Crime and Punishment course and his comments helped frame the parameters of this dissertation. Thanks to Dr. Apollos Nwauwa for assisting me in learning about Africa. I would like to acknowledge Dr. Don Rowney for all his care, concern and advice. Thanks to my mentor Dr. Zachery Williams of the Africana Cultures and Policy Studies Institute who made living applications of this research possible, I am deeply indebted to him for providing such engaging experiences, detailed commentary and intellectual support for this project. I would also like to formally acknowledge Project Search and AAGSA---particularly Dr. Lisa Chavers, Kenyatta Phelps and Camillia Rodgers for supporting the completion of this research. Lastly, thanks to my wonderful wife Luwanda who suffered while I completed this work and helped me in countless proofreads and revisions. Thanks to my mother who believed in me, loved me and supported me through all this. Above all, thank God.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>CHAPTER I. MALCOLM’S JIHAD, 1941-1965</td>
<td>17</td>
</tr>
<tr>
<td>Carceral Experiences in Formative Years</td>
<td>21</td>
</tr>
<tr>
<td>Emergence of a Delinquent ‘Little’ Thug</td>
<td>24</td>
</tr>
<tr>
<td>The Impact of Incarceration on Malcolm Little/X</td>
<td>32</td>
</tr>
<tr>
<td>Carceral Factors and the Rise of Black Militant Islam</td>
<td>38</td>
</tr>
<tr>
<td>A Prison Scholar</td>
<td>42</td>
</tr>
<tr>
<td>The Hinton Johnson Incident</td>
<td>47</td>
</tr>
<tr>
<td>The Ronald Stokes Incident</td>
<td>51</td>
</tr>
<tr>
<td>Carceral Factors and the Spheres of Malcolm</td>
<td>55</td>
</tr>
<tr>
<td>Conclusion</td>
<td>70</td>
</tr>
<tr>
<td>CHAPTER II. BAYARD RUSTIN: THE PACIFIST PRISONER, 1944-1963</td>
<td>75</td>
</tr>
<tr>
<td>The Roots of Radical Carceral Pacifism</td>
<td>81</td>
</tr>
<tr>
<td>Conscience and Conflict</td>
<td>87</td>
</tr>
<tr>
<td>Rustin’s Carceral Experiences in Post War America</td>
<td>91</td>
</tr>
<tr>
<td>Conclusion</td>
<td>107</td>
</tr>
<tr>
<td>CHAPTER III. CAPTIVITY IN MARTIN LUTHER KING’S ACTIVISM, 1955-1963</td>
<td>111</td>
</tr>
<tr>
<td>Carceral Origins of the Civil Rights Movement</td>
<td>113</td>
</tr>
<tr>
<td>Significance of Political Imprisonment in the South</td>
<td>115</td>
</tr>
<tr>
<td>Imprisonment as a Central Strategy of Resistance</td>
<td>123</td>
</tr>
<tr>
<td>Losing at Prison Politics</td>
<td>124</td>
</tr>
<tr>
<td>Birmingham or Bust</td>
<td>139</td>
</tr>
<tr>
<td>Conclusion</td>
<td>148</td>
</tr>
</tbody>
</table>
CHAPTER IV. SNCC AND THE USE OF THE JAIL NO-BAIL POLICY, 1961-1966

Charting a Jail No-Bail Philosophy and Strategy ................................................................. 153
Implementing the Strategy ............................................................................................... 165
Conclusion ...................................................................................................................... 197

CHAPTER V. KOFI LUKWABA EFU CONFRONTS MILITARISM, 1966-1977

Efu and Carceral Activism............................................................................................... 201
The Atlanta Project and the African Soul Brothers ......................................................... 203
Resistance to the Draft .................................................................................................... 209
African Traditional Religion and Cultural Protest.......................................................... 216
Redemption as a Black Scholar and Yoruba Priest.......................................................... 220
Conclusion ...................................................................................................................... 230

CHAPTER VI. BLACK PANTHERS AND CARCERAL FACTORS, 1966-1972

The Carceral Policy Context of the Black Panther Party .................................................. 236
Carceral Politics of Black Panther Party Protest............................................................... 244
The Carceral Persona of the Black Panther Party ............................................................ 251
The Free Angela Davis Movement................................................................................. 258
Black Women Engaging the Carceral—Fugitive and Female ......................................... 268
George Jackson’s Radical Carceral Consciousness......................................................... 272
Conclusion ...................................................................................................................... 278

CHAPTER VII. CONCLUSION: NARROW CELLS AND LOST KEYS

BIBLIOGRAPHY .................................................................................................................. 280
INTRODUCTION

If American history is recounted as a story of freedom, it can also be rendered a story of restriction. In early American history we often forget that tens of thousands of persons were transported to the American colonies as convicts. This was especially true for Virginia, Maryland and Pennsylvania with smaller numbers going to New Jersey, Delaware, Georgia, New York, the Carolinas and Massachusetts. Sentenced in a different manner, was a rapidly growing population of Africans who were convicted to life-long sentences of inequality based solely on the color of their skin. Many of these Africans living as slaves in the Americas derived notions of freedom and justice out of the stark reality of their own experiences in bondage. Captivity is a central theme in African American history.¹

Understanding themselves as captives of their own existence and being punished for having the audacity to be born, this type of American prisoner regarded it as a God given duty to resist, rebel, and in some cases revolt. The analogy of African Americans working outside the law to achieve the justice promised by the law has a long tenure in American history and multiple applications within the American understanding of justice. From the fields of the plantation to penal farms and from fugitive slave laws to Jim Crow jails, African Americans have historically pursued ideals of justice as they perceived them through the veil of institutional and cultural hegemony.² Amidst these circumstances, where race and class status granted power over the law and power over life, African Americans learned centuries before

¹ H. Bruce Franklin, Prison Writing in 20th-Century America (New York: Penguin Books, 1998), 12; Kenneth Morgan, "Convicts, Indentured Servants and Redemptioners, 1680-1775," in Slavery and Servitude in Colonial North America: A Short History (New York: New York University Press, 2000). According to Franklin, "The modern prison was instituted by reformers who were appalled by the horrors of pre-industrial punishment, and who believed that that criminals could be ‘reformed’ by incarcerating them, forcing them to work, and preventing them from communicating with each other." This origin of American penology stands in stark contrast to the contemporary emphasis on incapacitation and retribution.

² There have numerous works that have discussed the nature of "blackness" in relation to the law. The following are a few of the most influential in the framing of this dissertation. Frankie Y. Bailey and Alice P. Green, "Law Never Here": A Social History of African American Responses to Issues of Crime and Justice (Westport, Conn.: Praeger, 1999), Mary Frances Berry, Black Resistance, White Law: A History of Constitutional Racism in America (New York: Appleton-Century-Crofts, 1971), William J. Chambliss and Marjorie Sue Zatz, Making Law: The State, the Law, and Structural Contradictions (Bloomington: Indiana University Press, 1993).
Dr. Martin Luther King Jr., that in some cases one had to break the law in order to obtain justice. Many black folk of conscience regarded much of the law as unjust in application and discriminatory in enforcement. Thus, the latter half of the twentieth century chronicles black American social movements pursuing a policy of defiance and self-determination.³

This research examines an element of this historical process by examining *carceral forces*, a relationship between institutions, organizations and people that control and socially restrain those targeted as uncontrollable or criminal by the use of jailing, imprisonment, detainment, and other forms of criminal deterrence. These methods, collectively and individually, are implemented by a variety of executive agencies in federal, state and local governments. I have refrained from engaging a comprehensive examination of carceral confrontation and have focused on key encounters between black activists and carceral agents and institutions to better understand how the threat and effect of imprisonment affected black protest from the nascent modern civil rights movement until the waning of the modern black power movement.⁴


⁴ While criminologists have historically used the term carceral largely in reference to the physical structure of correctional facilities, there is strong precedent in the works of Michel Foucault and others to extend the scope of its application and analysis. Many scholars have maintained there are parallels in systematic supervision and authoritarian rule in the society of modern nation-states that resembles, if not replicates, the former phenomena. Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd Vintage Books ed. (New York: Vintage Books, 1995). The “carceral continuum” addressed by Foucault has also been applied to institutional histories. Norbert Finzsch and Robert Jutte, eds., *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500-1950* (New York: Cambridge University Press, 1996). Also see C. Fred Alford, "What Would It Matter If Everything Foucault Said About Prison Were Wrong? "Discipline and Punish" after Twenty Years," *Theory and Society* 29, no. 1 (2000); Michael Ignatieff, "State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment," *Crime and Justice* 3 (1981); Brent L. Pickett, "Foucault and the Politics of Resistance," *Polity* 28, no. 4 (1996). Although some critical insight on the nature of carceral institutions can be gained from a Foucauldian analysis, some historically driven perspectives of social control have faulted Foucault for not delving far enough in addressing economic factors, social control
A distinct rationale for this study exists. While the modern era of civil rights (1954-1965) has become a rather popular field of study for historians, many have accepted the carceral aspects of black social and political activism at face value. Civil disobedience, the ideological culprit behind these strands of defiance, supports the notion that unjust laws must be broken in order for justice to be achieved. Civil disobedience theory begs for a compromise with reason and humanity in the abolition of unjust laws and policing practices. The half-way mark between dissent against the established order and the introduction of new laws often is negotiated between the disgruntled elements and the protectorate of the established system—namely protestors and law enforcement.⁵

The practice of civil disobedience (as recognized on a national scale) was reintroduced into the African-American protest repertoire by 1955 via the Montgomery Bus Boycott. The practice of embracing or evading imprisonment on account of political and religious conviction preceded, accompanied, and followed the era of modern civil rights.⁶ Historically, these political imprisonments (as the dissenters and their sympathizers dubbed them) have proven to be an integral component of black American protest. The vast majority of works that offer a scholarly historical analysis of the modern civil rights era account for some aspect of the incarceration of the activists, yet few scholars have delved deeper to examine consequences and effects of imprisonment during this period and beyond.⁷


Prisons and jails are permanent fixtures throughout the history of black social movements. These institutions have affected the practice and outcome of black activism in the United States as significantly as any Bull Connor, Ku Klux Klan klavern or White Citizens’ Council. Authorities of the state have wielded imprisonment as a means to both denigrate dissenters and to challenge the social appeal of activism, intending thereby to alter the perceived image and character of protest. This process developed over time as cultural forces and situational opportunities culminated in a trajectory of authoritarianism.

This carceral vortex of American history is central in black protest history. Activists found themselves either running to be imprisoned, as in the case of SNCC’s jail no-bail strategy, or trying to escape imprisonment during the “underground” period of black protest. To attempt to seriously discuss civil rights in American history without accounting for the dominant role of the carceral experience renders an incomplete story of the centrality and gravity of the movement itself. The threat of jailing and imprisonment loomed greater than the threat of death. Other than the actual activists themselves, no other factor was as central a theme to the tone, direction, and focus of the movement than carceral issues.

During the post-World War II era of mass politics and Cold War, African Americans and colonized people throughout the world became more vocal in navigating the rhetoric of democracy (e.g., conscientious objection) and more defiant in actively resisting a sub-citizen status. The resistance was not entirely new but the intensity of resistance and reference to a universal ideal of humanitarianism established by the war made this period of resistance particularly poignant.

African American civil disobedience had been no new development in the struggle for African-American equality. Historians wrote about protests during slavery—showing that they ranged from subtle to occasional violent group revolt—and they recounted twentieth-century working-class protests, with Robin Kelley (following in the tradition of James Scott) characterizing these acts of noncompliance

with injustice as being “infrapolitical” in nature. These protests against conditions of socio-economic and political inequality in American life became particularly pronounced during the post-war years.

Importantly, these latter acts of resistance ran the gamut from strikes and minor sabotage to massive direct action against a variety of American institutions, including prisons and jails.

Regarding the impact of these institutions, historians and other social scientists have committed a sin of omission by failing to examine changes in the role of imprisonment in black political and social protest. An equal oversight on the part of many historians has been in crediting the ignominy of racism to villainous segregationists and regional confrontations, while leaving an overarching framework of a pervasively racialized carceral hegemony uninvestigated. In most historical discussions, racial hegemony has been predetermined as existing only in the abstract institutions of slavery and segregation without sufficiently examining the long-standing physical remnants of social oppression.

These structures and the systems of authority that they represented were so central in the minds of black activists that they became the stages on which the drama of discontent was acted out and eventually the actual target of radical social change. Relationships between agents and inhabitants of these institutions serve as a microcosm mirroring identical issues in American society beyond the walls. In this way, these imprisoned activists and their experiences reveal the nature of daily oppression in American society and not aberrational behavior as popularly suggested by authorities. What makes this study interesting and relevant is that the breadth and intensity of interaction between black activists and the

---


custodians of carceral institutions is not readily accessible to the public eye and when it is, the historical relationship remains unchallenged.  

This study challenges scholars to reassess the historical development of the carceral factors in American society, particularly with regard to black protest. This requires a fresh perspective beyond tabulating isolated arrests and minor frustrations with law enforcement. It requires a revisionist reading of the lawful and the criminal, the reactionary and the revolutionary. The revisionist reading must address the historical development of systemic control and suppression of potentially criminal, disgruntled and subversive elements of American society, just as Michel Foucault discussed the changing nature of discipline and punishment in France in his seminal work, *Discipline and Punish*.

He argued that from changes evident in the French penal system over the development of some eighty years, punishment became less concerned with torture of the prisoner’s body and more concerned with surveillance and “control of the soul.”11 His interpretations of the *carceral* and the *panopticon* have renewed discussions of carceral forces by a variety of scholars. Panopticism goes back to Jeremy Bentham’s design of the eighteenth century Panopticon, a prison in which a central tower allowed for prison administrators and guards to observe all the inmates simultaneously. This phallic sense of omniscience created a psychologically and physically restrictive environment in which prisoners’ behavior could be modified and effectively controlled with a minimum number of guards. Foucault addressed the significance of surveillance and social control by arguing that a carceral environment created a psychosis of self-surveillance and ultimately a form of self-sustaining social control.12

---


12 Ibid., 63-64.
Foucault concluded *Discipline and Punish* by talking about changes in the penal structure and outlining how that structure penetrated society. Ultimately, he argued, these changes bring about differences in how the normalization of law is applied and interpreted and how the body of delinquents are captured, confined and controlled. While this dissertation is not driven by Foucault’s framework, it suggests the usefulness of placing the institutionalization of carceral modes at the center of historical analysis of black protest cycles. Certain parallels also exist in resurgent themes of resistance to the American norm of legalized white supremacy such as increasing surveillance of dissent and the subjugation of black bodies.\(^\text{13}\)

Despite the abundance of parallels, this historical narrative deviates from Foucault’s analysis while employing the use of the term *carceral* to characterize historical relationships between black protesters and enforcers of law. It is argued here that a history of carceral relations with black activists in the 20th century goes beyond police brutality and unjust imprisonments. An examination of the true historical nature of carceral authority in America must account for an overarching history of the system with its many appendages that extends the power of the state into the lives of its most marginal citizens. To analyze how blacks have been affected by the tentacles of carceral order, or hegemony as another has characterized it, one must move beyond the specter of legal omni-benevolence and examine how the law was enforced and interpreted among society’s discontented.

Angela Davis interprets what Foucault and others have referred to as a “carceral” system, as a broad network employed to enforce the status quo and to maintain privilege. She asserts, "For the black individual, contact with the law-enforcement-judicial-penal network directly or through relatives and friends, is inevitable because he is Black. For the activist become political prisoner, the contact has occurred because he has lodged a protest, in one form or another."\(^\text{14}\) As Davis suggests, in the post-

\(^{13}\) Also see Michel Foucault, "On the Role of Prisons," *New York Times*, 5 August 1975.

\(^{14}\) Angela Y. Davis, Bettina Aptheker, and National United Committee to Free Angela Davis and All Political Prisoners, eds., *If They Come in the Morning: Voices of Resistance* (New York: The Third Press, 1971), 40.
Foucauldian era, the term “carceral” can be employed in a variety of ways to convey ideas of how the state and other institutions exert authority over other entities. Usually, this hegemony includes some form of “gaze” in which citizens are observed under threat of punishment for acts of nonconformity.

In this dissertation, this term is simplified of its multiple meanings and applied specifically to institutions and agents of criminal detainment and enforcement in American society namely: jails, prisons, military and juvenile detention centers, penitentiaries, police and executive agents of enforcement. Prisons and jails are not the same, which is precisely why I have chosen to use the terminology of carceral to identify a group of institutions that have similar functions but varying characteristics.

The historical development of the carceral and its relationship to black protest movements in American history is a persistent theme. In the prologue of *Eyes on the Prize*, Vincent Harding outlines six claims of the Black Freedom struggle during the 20th century. Of these six claims, four relate directly to the type of confrontations that carceral engagement provided. Harding stated that "Africans in the Americas claim the right to possess themselves, their heritage, the Africanness, their souls. In addition to this claim, they have the right of self-defense against the intrusive and arrogantly destructive forces of white power." Ultimately, this was what carceral activism was entirely about. Black activists confronted social forces enforcing “normalized” but unjust laws and often used those dramatized encounters in attempts to teach society greater moral lessons. When they did not employ this strategy directly, they often worked within carceral institutions to deconstruct and delegitimize authority in attempts to implode institutional order.

As social protest developed into an integral modern method of dissent in African American life during the twentieth century, the institutional hegemony of corrections and its strange affair with political prisoners reveals that carceral institutions and agents often acted as spurious factors throughout the

---

history of black movements. A version of this soft carceral determinism is evidenced in how opponents
to black activism utilized carceral forces to confront, discredit, and disband protest. Political activists
responded with readjusted mobilization strategies to meet these challenges.

To be certain, there are some problems with defining carceral in this manner and addressing these
types of relationships in a historical framework. First, there is a lack of systematic uniformity among the
criminal justice correctional institutions that make up the criminal justice system. The commonalities in
these relationships are only in the role that each component plays in processing offenders. There is a
variety of units involved such as police, prosecutors, attorneys general, Secret Service, strike forces,
National Guard, and the military.

Furthermore, this “carceral” analysis does not account for the court system which consists of
prosecutors, public defenders, social workers, public administrators and others. At the end of the systemic
cycle we encounter local sheriffs, jailers, wardens, prison professionals, guards, probation and parole
officers, whose direct influence on protestors can be more closely analyzed. This research does not seek
to address directly the development of policy that sustains the authority of a carceral network. Primarily,
this study is concerned with those elements of law enforcement outside the court and factors present
within the act of incarceration itself. This dissertation inquires about what was the effect of carceral
factors on defiance and dissent from black activists? How did these processes develop to appear
systematically organized over time? How were the incarcerated involved in the process?16

Sociologists have felt comfortable complicating the traditional interpretations of American
institutions by looking for broad general themes as a basis for theory. This historical work is informed to
a certain degree by a theoretical dynamism, increasing social organization, as a major theme in the
permanence and sustenance of prison as an American institution. Admittedly, much of the intrinsic

16 Thomas E. Cronin, Tania Z. Cronin, and Michael E. Milakovich, *U.S. v. Crime in the Streets*
personality of black activism and institutional histories are compromised, but at the gain of a more complex image of race and power in American protest history.¹⁷

Despite the problems posed by scope, uniformity and theory, the historical development of black protest with regard to carceral influence begs a reinterpretation of black social and political activism in the latter half of the twentieth century. As carceral factors are examined as an independent variable in a historical analysis, responses to carceral forces develop several major motifs. Of these themes, the centrality of the doctrine of redemptive suffering in carceral activism becomes increasingly apparent across a variety of protest ideologies. While the notion of redemptive suffering is largely popularized by the imprisonment of King, SNCC activists, CORE encounters and others, few scholars have seriously engaged the concept of redemptive suffering across the entire spectrum of black protest during the twentieth century. Through this omission, the historiography of black activism has neglected to address a historical coherence in African American consciousness that links strategy, method and identity with institutional antagonism.

Specifically, this research examines the evidence and impact of the idea of redemptive suffering among a variety of black political prisoners of particular significance. Of those to be examined are: Bayard Rustin, Malcolm X, Martin Luther King Jr., Angela Davis, George Jackson, Eldridge Cleaver and Kofi Lukwaba Efu. Taken as an archetype of a particular response to American carcerality, the response of each of these activists reveals the attitude and character accompanying social protest movements and direct confrontations. With regard to structure, each chapter addresses the impact of carceral factors on a personal level and extends that analysis to a broader political impact.

The sources used in this study include primary accounts of carceral experiences largely from the memoirs of black activists and previously published oral interviews that chronicled these life shaping events. Also closely examined are seminal histories of the civil rights and black power movement, which have chronicled these campaigns and key interactions. Key carceral factors are extracted from these

narratives and emphasized to contribute to a revised history of black activism in which carceral engagement is understood as a central development. The later chapters make use of government documents that reveal a shift in the national dialogue and presidential policy towards activism and crime in general. 

For a revisionist reading of this history to be effective, one must reinterpret notions of respectable activism, revolutionary activity and/or criminal activity into a ‘limbo-land’ of sorts. This history calls for us to re-read the understanding of lawfulness within the context of lawlessness. In doing so, we can trace how various types of protest coalesced in the process of carceral activism. Any discussion seeking to discuss the nature of imprisonment in American society is largely tied to a discussion of perceptions of crime and justice. The act of incarceration is located on the far end of the law and justice cycle. Although it is interpreted as an extreme function, historically the impact of institutional correction became increasingly relevant to political developments outside these institutions and the manner in which people addressed conditions of inequality.

A historical analysis of redemptive suffering through carceral narratives and prison experiences must account for more than the traditional meanings of the concept. When gauging redemptive suffering in the context of the black carceral experience, one must ultimately inquire how did these activists take a repressive environment and use it in their own way. How did they take a dehumanizing experience and transform it so that their humanity and the humanity of others could be magnified? The redemption of prison experiences runs throughout these carceral narratives as a subtext of resistance and a testament to the resilience and creativity of these activists.

The outcome of these institutions provides an interesting parallel between two types of political prisoners. We begin with Bayard Rustin and end with George Jackson. The ideologies that laid the foundation for both of these dissenters are the same, but the outcome of their protest and their present

---

status (in memoriam or otherwise) is quite different. Rustin is typified as a civil rights hero while Jackson’s status in the memory and history of these two classes of political prisoners should take us beyond the surface appraisal of criminality and probe into the deeper meaning of incarceration and how it significantly affects historical outcomes.

As a note on objectivity, this writer observes that there is a necessity for the reader to challenge the normative assumptions of the legality of law and engage American carcerality from the perspective of the imprisoned. Instead of assuming a “thug” to be thug and a dissenter to be a rabble-rouser, this work examines the developments from the motivations and factors of the dissenting parties. As Foucault observed in *Knowledge and Power*, much of these relationships are formed on the basis of “the other” not being given an opportunity to contribute to a credible process of self-analysis. This work seeks to supplant assumptions of the just nature of law from an alternative perspective that does not assume that the law is just but increasingly develops an understanding of law enforcement policy as developing around reactions to these opposing parties.

The scope of this project broadly outlines activist engagement with major carceral actors (carceral agents and institutions) whose primary responsibility is that of enforcing the law. The role of the police figures prominently into this work as their duty entails the first response to control and protect society by enforcing the law and maintaining order. From the perspective of black protestors, the police capacity to serve and protect could be interpreted in various ways. Again we turn to the former political prisoner, Angela Davis:

> The announced function of the police, ‘to protect and serve the people,’ becomes the grotesque caricature of protecting and preserving the interest of our oppressors and serving us nothing but injustice. They are there to intimidate blacks, to persuade us with their violence that we are powerless to alter the conditions of our lives. Arrests are frequently based on whims. . . . 
> …They encircle the community with a shield of violence, too often forcing the natural aggression of the black community inwards.”

The role of the FBI and COINTELPRO remains an important part of this analysis. In recent years, many scholars have addressed the destructive impact of COINTELPRO and the FBI on the civil rights movement and the development of the New Left during the 1960s.\textsuperscript{20} The formally designated period of the COINTELPRO as a program took place from 1954-1971 but recent sources reveal the activities of the FBI during and after this period remain largely similar. Some activists contend that there is strong documentation for PRISAC, a government program with a primary objective to neutralize prison activism. Some argue that in recent years, the use of FBI has superseded the military as presidents have increasingly opted to use the Bureau as a law enforcement mechanism to engage terrorists where as in previous years the Marines would have been invoked.\textsuperscript{21}

The presidency is engaged throughout this study because it represents the head of law enforcement in American government.\textsuperscript{22} Law enforcement is at the very core of the executive branch. As the chief of all police, the president is bound by oath to enforce the law whether personal feelings and perspectives are contradicted or not. Historians and political scientists have traditionally interpreted the strength of a presidency by how effectively it fulfills its constitutional duty to enforce the law. Importantly, the presidency factors into this research as a major carceral agent because how the president proceeded in enforcing the law often determined the efficiency of the resistance of the activists.

It should also be noted here that the roles of race and activism have often conflicted with the expediency and efficiency of executive enforcement and interpretation of law. For example, as the

\begin{quote}
\textsuperscript{20} Ward Churchill and Jim Vander Wall, \textit{The COINTELPRO Papers: Documents from the FBI's Secret Wars against Domestic Dissent in the United States}, ed. Jim Vander Wall (Boston, MA: South End Press, 1990), xii.
\end{quote}

\begin{quote}
\end{quote}

\begin{quote}
\end{quote}
emphasis of black activists demanded the enforcement of civil rights law the presidential response to the crisis has been oft colored by interpretation of the law. In cases where both activists and government authorities were guilty of breaking the law, what side did the executive branch support with more expediency and how did presidential intercession affect the overall strategy and outcomes of the event?\textsuperscript{23}

To best facilitate this analysis, this dissertation is divided into two parts. Part 1 deals with the rebirth of group-situated civil disobedience and uncivil obedience. As stated previously civil disobedience had always been an integral part of African-American resistance in American society.

Following the Second World War, civil disobedience became particularly important to African American activists as growing disapproval of racial segregation spread among veterans and as nascent grassroots dissent in the South began to reframe civil rights in the context of the Cold War. Several examples of dynamic African American leadership during this era reveal the influence that carceral institutions and agencies had on developing black consciousness of civil and political rights.

Chapter 1, “Malcolm’s Jihad,” examines the life and rhetoric of Malcolm X revealing how carceral factors of imprisonment and police brutality developed as a central radicalizing theme among black urban masses. It shows how Malcolm X addressed prison as contributing to a myth of black inferiority while he personally and politically alluded to carceral elements as a point of departure in speeches urging radical racial solidarity. Chapter 2 examines elements of carceral influence in the life of pacifist and civil rights activist Bayard Rustin. Rustin’s imprisonments and jailings as a conscientious objector in the early years of the Congress of Racial Equality (CORE) and the Fellowship of Reconciliation (FOR) reveal how pioneering efforts of black pacifism were a precedent for the use of voluntary imprisonment in the strategy of civil rights activism of the 1950s and 1960s.

Part 2 examines the expansion of dissent against carceral forces in the repertoire of several black protest groups and discusses how after a period of relative effectiveness, this dissent became increasingly delegitimized. Chapter 3 examines how the role of prison develops prominently in black protest as King increasingly cast episodes of unjust imprisonment into the public gaze as a moral indictment of segregation in American society. Chapter 4 discusses how prisons and carceral authorities increasingly moved from the periphery of black political activism to the center as student activists, largely following the example of the Student Non-violent Coordinating Committee (SNCC), strategize illegal acts of defiance as a central theme in challenging segregation laws and voting prohibitions of the South. The SNCC use of the jail-no-bail strategy in the South provides a variety of precedents and consequences for later developments in carceral activism. Chapter 5 begins in addressing these changes by examining a second generation of black protesters spreading the sphere of influence and using nationalist strategies in their efforts. The shifting impact of prisons on the movement is revealed as carceral institutions increasingly and collectively seek to conceal, silence, and criminalize public political dissent in response to an expanding influence of Black Nationalism. Chapter 6 addresses the centrality of prison and carceral forces as a central theme in the leadership and experience of the Black Panther Party and as a redeeming factor in the historiography of the Black Power Movement.

While some may disagree with the strategies and stature of many of the activists that I have selected as being indicative of broader cycles of interaction between carceral authorities and black activism, this evidence presents compelling transitions and developments that illustrate the broader impact of carceral culture on black activism during a turbulent period in modern American history. This work encounters the sum of the carceral experiences in a variety of jails, prisons, lock-ups, encounters with police and guardsmen as a single variable of carceral institutionalism and its role in shaping and being shaped by black activism in the United States over a period of roughly 40 years.

Indeed, the continuum of investigating change over time has an interesting application in understanding the impact of carceral institutions on African American activism. At the beginning of this story of developing consciousness that would fuel the development of modern notions of civil rights
activism, prisons were used by activists as much as they were used against them. By the end of the chapter of modern civil rights activism and black nationalistic movements of the twentieth century, prisons and jails would be used entirely against activists to displace and silence dissent.
CHAPTER I
MALCOLM’S JIHAD, 1941-1965

I had sunk to the very bottom of the American white man’s society when—soon now, in prison—I found Allah and the religion of Islam and it completely transformed my life.

Malcolm X, *Autobiography*

Malcolm X once said, “If you go to jail, so what. If you are Black, you were born in jail. If you are Black, you were born in jail, in the North as well as the South. Stop talking about the South. As long as you are South of the Canadian border, you are South.”¹ For this reason Malcolm was always at war with America. Richard Brent Turner has characterized Malcolm’s speeches as a “jihad of words.”² His *jihad* addressed the carceral state of un-freedom that characterized blacks in American society. His jihad focused on the politics of racial redemption in which race and a right to survival was the ultimate goal.

Describing the Black Muslims, C. Eric Lincoln wrote, “The Black Muslims are neither pacifists nor aggressors. They pay zealous attention to the letter of the law regarding peace and order. They engage in no sit-ins, test no segregation statues, participate in no marches on Washington or anywhere else. But they do believe in keeping the scores even, and they have warned all America that ‘an eye for an eye and a tooth for a tooth’ is the only effective way to settle racial differences.”³ Throughout much of the duration of his adult life, this *lex talionis*-fashioned interpretation of the law—a thuggish theology of


sorts—placed Malcolm X in confrontation with law enforcement, carceral institutions and the American racial order.  

During the same period the young Bayard Rustin was imprisoned for controversial political beliefs about war and racial inequality, Malcolm Little alias “Big Red” was ravaging American streets of the inner city from Detroit to Boston. He was living the life of a common hoodlum, the life of a thug. When he was finally apprehended by the police, he would begin an encounter with carceral environs embracing a different attitude than the generations of civil rights leadership that followed.

After Malcolm X emerged as the young fiery minister in the Nation of Islam in the early 1960s, he condemned the totality of white American carceral institutions from policemen, to the military, to the prison. He drew largely from his own experience to render a convincing apocalyptic message to the inner-city masses of African Americans. Malcolm’s radical vision of a separatist black society was the distinguishing point of departure that made him so consumed in his enmity toward contemporary liberal-endorsed strategies of racial integration. Like many of his activist counterparts who addressed the fundamental disparities between black and white American life, Malcolm X regarded crime as reflecting a major crisis of poverty and identity.

The protest and rhetoric of Malcolm X would be hard for most white Americans to accept. While he was often invited to speak before college audiences and appeared several times on national television programs, his image consistently evoked fear and apprehension. Recent historians have interpreted his behavior and rhetoric as a political device to urge Americans to accept the appeal of King’s call to

---


6 In 1961, Malcolm X was banned by Queens College administration from speaking at the campus. This incident brought the nature of academic freedom into question as it related to carceral status and racial equality, a theme to be later addressed by Angela Davis. See Gerald Horne, *Black Liberation/Red Scare: Ben Davis and the Communist Part*, (Cranbury, NJ: Associated University Press, 1994), 313-314.
nonviolence or to face the throes of black militancy. While it is useful to examine Martin and Malcolm together as political partners, this methodology can be misleading in some instances.\(^7\)

While some have interpreted the condoning of violence as the major difference between the protest ideologies of Dr. Martin Luther King and Malcolm X, this is not entirely accurate. In retrospect, some scholars now agree that the image of Malcolm X as an advocate of unbridled violence was grossly distorted by the media on multiple occasions. Malcolm X has often been vilified as advocating violence to satisfy the demands of an extreme counterpoint to King. Probably a more useful comparison of these two ideologies would be an examination to their approaches to justice and law in which their carceral experiences provide a foundation for their ideologies.\(^8\)

As Dr. Martin Luther King will be discussed at greater length in this research, we will briefly assess the intentions of his carceral activism as being informed and motivated by a desire to change the heart of Americans. To make Americans live to the “content of its creed.” As a Baptist minister, King’s message and protest was directed at the heart. Minister Malcolm X was not concerned with changing the hearts of Americans through patient suffering but rather changing the relationship between white and black Americans through a far-reaching power adjustment of revolution. Malcolm X believed that as long as white structures of power, of which restrictive institutions were central, continued to determine

\(^7\) For an excellent discussion on the nature the differences and often misunderstood similarities between the activist and the revolutionary, consult the work of James Cone, *Martin & Malcolm & America: A Dream or a Nightmare* (Maryknoll, NY: Orbis, 1991). Also see an important critical article appearing in *Phylon* that discussed common misunderstandings of the role of Malcolm X and the romanticization of his view regarding whites following Mecca. Raymond Rodgers and Jimmie N. Rogers, "The Evolution of the Attitude of Malcolm X toward Whites," *Phylon* (1960) 44, no. 2 (1983).

the economic and social utility of Afro-Americans, the result would be the perpetuation of racism coupled with political and economic disenfranchisement.

When coming to terms with the system of American racial hegemony, Malcolm X’s example in rhetoric and practice affirmed that one must examine racial oppression in its entirety. One must question all notions of Justice (a universal principle of equity) and justice (the maintenance of the law) from the perspective of the accused, maligned, disinherited and marginalized. Although criminal behavior may warrant punitive action, and necessarily so in many cases, the transaction of incarceration nakedly reveals the worst face of racial oppression. These interactions illustrate how society's least favorable citizens are treated.

The life of Malcolm X speaks volumes to the relationship of African Americans and the law in American society. He was consistently able to mobilize large numbers of African Americans that were otherwise hostile to his message of radical Islam. Commenting on this ability, an anonymous interviewee stated, “I have always felt the Muslims were able to vocalize beyond their numerical strength. But they are capable of inciting others who are not really identified with the movement.” This chapter outlines one method by which Malcolm X was able to accomplish this. By examining his carceral experiences, campaigns and messages against police brutality, Malcolm X yields insight into black militancy at the periphery of the black protest movement at mid-century. This historical record illustrates the carceral role of police brutality in agitating black dissent and Malcolm’s jihad to redeem the race.


Carceral Experiences in Formative Years

The early life of Malcolm X illustrates how imprisonment and police brutality/non-activity developed as a major theme in African American life during the 1930s and 1940s. Young Malcolm Little was a product of the Midwest. Midwestern racism was perhaps one of the most pertinent factors in the developments of his latter days of rage.\(^\text{11}\) Early on he became acquainted with the carceral climate of the Midwest. From his earliest educational experiences to juvenile hall, the mindset of Malcolm Little was undeniably forged by youth experiences in which psychological and racial isolation were prominent themes. While civil rights era historians often locate the most hostile racial confrontations in the Deep South following the massive resistance to the Brown decision, one should not overlook the experience of blacks who lived in the Midwest prior to the 1950s and 1960s. Malcolm Little was the product of this region in the racially charged decades of the 1920s and 1930s.\(^\text{12}\)

As a youngster, Malcolm witnessed the spread of the Ku Klux Klan which contributed to a restrictive carceral environment for many urban blacks living outside the South. Before he was born, the Klan attacked his family's home in Omaha, Nebraska demanding his father leave town. His family bought land in Lansing, Michigan and had that house burned by bigoted neighbors upset at the black family’s violation of a racial exclusion clause.\(^\text{13}\) The local police were compliant with town demands to evict the Littles and the fire department showed up to watch when the family’s house was engulfed in flames.


\(^{12}\) For more information on race and social discontent during this period, please consult David Goldberg, *Discontented America: America in the 1920s* (Baltimore, MD: John Hopkins University Press, 1999).

According to Louis De Caro, in a report describing the incident, the police report and investigation suggested that Earl Little was an arsonist.\textsuperscript{14} The local authorities were more intent on searching for Earl Little’s gun than finding the suspected arsonists. As Malcolm listened to his mother and siblings share these stories, they undoubtedly framed his perception of police and other authorities while coming of age in a racist society.\textsuperscript{15} Growing up as a young black boy in the predominantly white Ingham County of Michigan was a carceral experience in itself. He stood out because of his color and found himself constantly under the scrutiny of white teachers, classmates, and social workers for most of his pre-adolescent life.

Living in an environment that held no qualms with white supremacists was certainly disruptive. In \textit{Autobiography}, Malcolm claims members of the Black Legion had grotesquely murdered his father. “My father’s skull, on one side, was crushed in, I was told later. Negroes in Lansing have always whispered that he was attacked, and then laid across some tracks for a streetcar to run over him. His body was cut almost in half.”\textsuperscript{16} In Omaha, Earl Little had responded to the Klan’s acts of nightly terrorism with gunshots from his revolver. In Lansing, Michigan this attitude of defiance had cost his life.

During the 1920s and 1930s, the Ku Klux Klan had undergone a revival. Michigan was among many of the Midwestern states that had seen a surge in the popularity of this clandestine organization in the aftermath of D.W. Griffith’s widely acclaimed portrait of the riders in the motion picture \textit{Birth of a Nation}. In Detroit, Klan membership was estimated at 70,000. Evidencing this phenomena of the 1920s was a "Klanvocation" held in Malcolm’s hometown of Lansing, in which more than 50,000 of the national membership of 5 million were in attendance. The Klan commenced a reign of terror that dictated

\textsuperscript{14} Ibid., 44-45.
\textsuperscript{15} Ibid., 43-44.
\textsuperscript{16} Malcolm X, \textit{Autobiography}, 10.
justice on its own terms. The problem in Michigan had reached such proportions that the state legislature had found it necessary to investigate these various “administration[s] of justice.”

Life under the auspices of the Ku Klux Klan in the Midwest was definitely a carceral environment—restrictive and under constant scrutiny. By day, anonymous agents of the Klan were wary of attempts by blacks to improve their economic status and responded at nightfall with random but informed acts of violence. To attempt to analyze Malcolm X in the historical melodrama of the 1960s without critically accounting for these formative years of his youth is folly. These developments and exposure to distinct traits of American society formed Malcolm’s understanding of the law and the consequence to African Americans who defied the authority of racial order.

The early years of his life account for a good deal of exposure to this strange system of racial checks and balances in American society. Although there is not a large account of daily activities and developments in the consciousness of Malcolm X, he certainly regards this period as being an important juncture his life that greatly impacted his ambitions and vision of American society. Malcolm recognized the gravity of the abstract state of imprisonment as being closely related to the concrete prison experience that was to come. Years later he addressed a crowd and admonished them, “…don’t be shocked when I say that I was in prison. You’re still in prison. That is what America means: prison.” As a youngster, Malcolm knew that meaning all too well.

---

18 Karl Evanzz, The Messenger: The Rise and Fall of Elijah Muhammad (New York: Pantheon Books, 1999), 56. As a sidebar on the Ku Klux Klan and black nationalism is interesting to note that years later Malcolm X would negotiate with the Klan (as Garvey had also done). For him both the Klan and elected white officials were one of the same. He respected the Klan more because they publicly admitted their hatred for blacks. He disliked those who presented an image of equality and pursued tactics of inequality using supposedly legal mechanisms.

19 Manning Marable, Black Leadership (New York: Columbia University Press, 1998), 173. During the 1920s the Ku Klux Klan experienced its surge in membership. Some scholars have interpreted this phenomenon as evidence that the Klan was not the fringe movement it is perceived to be. Please see Shawn Lay, ed., Invisible Empire in the West: Towards a New Historical Appraisal of the Ku Klux Klan of the 1920s (Urbana: University of Illinois Press, 1992). Malcolm X, “Message to the Grassroots” in Breitman, ed., Malcolm X Speaks, 8. Also see Jeffrey Lynn Woodyard, “Africological Theory and Criticism: Reconceptualizing Communication Constructs,” in Understanding African-
The Emergence of a Delinquent ‘Little’ Thug

Collectively, it was these experiences with Midwestern racism and an atmosphere of racial alienation that contributed to Malcolm’s development as a juvenile delinquent and ultimately a street hoodlum. After being told by a school teacher that, “niggers could not become lawyers,” According to Victor Wolfenstein’s account in *Victims of Democracy*, Malcolm's first encounter with an institutional carceral environment came when he was 13 years old and was sent off to a reform school in Mason, Michigan, about 12 miles from Lansing. It was at this home that many other "bad" children from Ingham County were held.  

He recalled that a Mr. Maynard Allen was the man responsible for his welfare in the state. Allen came to pick him up and assured the Gohanneses (a family that Malcolm stayed with after his mother was committed to a mental institution) that the reform school would change him for the better. Malcolm recalls, "He said the school was really a place where boys like me could have time to see their mistakes and start a new life in become somebody everyone would be proud of.” Malcolm X recalls being led to a room that was large compared to the other places that he stayed in as a young boy.

The building was large and dormitory-style and foreshadowed the menacing edifices he would later encounter in Massachusetts and New York. He was first introduced to integrated meals in this detention home where he was allowed to eat with the hosts, the Swerlins. He recalled the experience

---


22 Ibid., 27.
vividly,"…it was the first time I'd eaten with white people—at least with grown white people—since the Seventh-day Adventist country meetings."  

Malcolm’s stay at the reform school was psychologically damaging. He recalled his presence there as being comparable to that of a “mascot.” He found himself in the role of an outcast. This time however, with his mother ailing in a mental institution, he was completely isolated from the solace of a nurturing family. He remarked that people there spoke about "niggers" as though he wasn't there and that he was too stupid to understand what the word meant. Of course during this time there would be nothing atypical of whites referring to blacks as “niggers,” even in their presence, but this issue of projected invisibility would be an issue Malcolm would confront throughout his adult life. In Autobiography, in the chapter entitled “Mascot,” Malcolm X outlines his deep resentment of being treated as a “pedigreed pup” and as a sub-human being:

They didn't give me credit for having the same sensitivity, intellect, and understanding that they would have been ready and willing to recognize in a white boy in my position. But it has historically been the case with white people, and their regard for black people, that even though we might be with them, we weren't considered that of them. Even though they appear to have opened the door, it was still closed. Thus they never did really see me. This is the sort of kindly condescension which I try to clarify today, to these integration-hungry Negro's, about their "liberal" white friends, these so-called "good white people..."

Malcolm admitted that he had not developed a sophisticated awareness of this behavior during those detention home years but certainly this consciousness impacted his understanding of racial relations in America and his methods of dealing with that dilemma during his latter years. From an early age, 

23 Based on testimony from Wilfred Little, Malcolm’s brother, De Caro establishes a bit of the religious culture of Malcolm X’s upbringing. According to his account, Malcolm’s mother encouraged her children to never surrender entirely to any single denomination but to develop a personal spirituality. At an early age, Malcolm was taken to the Seventh-day Adventist church by his mother. She also took the children to worship with Jehovah’s Witnesses, Baptists, at the Church of God, and with others to establish an appreciation of religious perspectives of various denominations. See De Caro, On the Side of My People: A Religious Life of Malcolm X, 50-51.


25 Ibid.
Malcolm’s world became increasingly confined through the experience of racialized oppression. Constantly contracting, his possibilities diminished until he was left with no other option but a steep path to insanity. This ghost of his past, was ever near, it emerged from the same racial pressures that had drove his mother mad and killed his father.  

As he matured, Malcolm Little’s actions increasingly reflected the life of a hoodlum. He experienced the roots of the modern American concept of a war on crime, employed against blacks in vice markets like gambling and bootlegging. This atmosphere encouraged discriminatory policing against blacks amidst a period of dire economic hardship. As Malcolm’s criminal behavior was on the rise, so was a larger trend throughout the United States. On a larger scale during the 1920s, prohibitionists had urged for teetotalism and had effectively centered crime as an issue of national interest in the twentieth century. Between 1919 and 1933, the issue of crime control, namely that of enforcing a constitutional amendment, made addressing crime an issue of national significance for the first time in the twentieth century. Despite the abundant failures of the 18th Amendment that would eventually lead to its repeal amidst the Great Depression, the notion that the federal government had an important role to play in addressing crime was established. During these days of depression and prohibition leading up to the Second World War, young Malcolm Little found himself captive to a career of criminal activity that spread across several states. He was by no means an aberration in this instance, his criminality reflected conditions of racial exclusion and economic despair.

Through the 1930s, criminologists and sociologists began to pay an increasing amount of attention to gangs and gang activity in major cities of the United States, namely Chicago, New York City


\[26\] Ibid.  

\[27\] Policing underwent some serious changes during this period. While brutality has been argued by some as common practice during the 1920s, it was a change in police culture to a more militaristic bureaucracy that emerged in the years of the Great Depression that would create the culture of racial abuses that many African Americans of Malcolm’s era were all too well acquainted with. See Cindy Banks, *Criminal Justice Ethics: Theory and Practice* (Thousand Oaks, CA: Sage Publications, 2004), 20, Edward J Escobar, *Race, Police and the Making of a National Identity* (Berkeley, CA: University of California Press, 1999), 134-38.
and Los Angeles. By the 1940s, the problem of gangs was well-understood, though poorly addressed by law enforcement and courts. Urban and rural gangs developed as a counter-cultural phenomenon that stemmed largely from societal dispossession and poverty. From the pachuco generation in Mexican-American neighborhoods of Los Angeles to African American gangs of Harlem, a definite sense of racial tension characterized relations between urban ethnic youth and law enforcement. These attitudes evidenced similar albeit distinct characteristics from previous ethnic gangs seeking to manipulate authorities in the city.²⁸

The Scottsboro incident revealed how crime was nationally viewed as a racially explosive issue. In March of 1931, nine black boys were arrested and tried for allegedly raping two white women. The nature of the case was so controversial that it erupted into an international protest demanding the freedom of the young black men.²⁹ It was obvious to Americans and observers abroad that the system of justice was tainted. Combining the faulty racial premise of American justice with the national surge in crime, the rebelliousness of urban youth evidenced that Malcolm and many others had “no regard for law and order and the system and government.” The overarching principle became survival establishing peddling, gambling, robbing and pillaging as legitimate albeit illegal means of moneymaking.³⁰

Reflecting the previous factors, during the 1940s Malcolm Little’s dilemma was not an atypical situation for young black men of the inner city. Malcolm had moved to Roxbury from Lansing in the

²⁸ In his later years Malcolm X would address the problem of using statistics to fuel public knowledge of crime and the African American community. He was fully aware of the way ‘statistics lie’ and was wary of the oft negative publicity that the media used in shaping public opinion. For an interesting assessment of ethnic gangs in the late 19th century, see the interesting but embellished 1970 classic, Herbert Asbury, *The Gangs of New York: An Informal History of the Underworld* (New York: Thunder's Mouth Press, 2001).


summer of 1940. His half sister, from his father’s first marriage, allowed him to stay in her home on Waumbeck Street, in the Sugar Hill section of town. By the time Malcolm Little had stumbled beyond adolescence into young adulthood he had been thoroughly hardened by notions of a racialized and unfair justice system. He became beholden to the most blatant truths of what inner city life meant for a black male during the war years.

He was compelled to confront the racism illegally and totally, or to be gradually be subdued by it. Malcolm chose the former. Although he was dually impressed by his father’s radical Garveyism, the street academies of the inner city paved a way of rebellion with limited responsibility. He gave way to criminal elements and became involved in a crime ring that raided Boston and well-to-do areas of Cambridge.  

This point in Malcolm’s life reflected a certain element of thug-styled guerilla warfare. As a young man at odds with his own identity and destiny, he realized that justice had been denied and slipped into a mind-numbing nihilism all too familiar in communities plagued by social and economic alienation. Employing the available yet irrational tools of resistance to cope with situational oppression, Malcolm’s personality evidenced traits of a common thug—machismo, bravado, and stoicism. Burglary and gambling were the key vices that characterized these years for Malcolm. The thug framework of this era fueled his passion, his rage and ultimately pushed him to the brink of insanity.

Developing the ethic of a fighter, the young Malcolm was also noted for his skills in boxing. “Shorty” Jarvis, his accomplice and friend, noted that he was a very good boxer and could deck the

---

31 De Caro, On the Side of My People: A Religious Life of Malcolm X, 72. Malcolm’s father, Earl Little was an ardent supporter of Marcus Garvey and the Universal Negro Improvement Association. He was president of several local chapters throughout the Midwest. In an account by Wilfred, Malcolm’s older brother, it is noted that Garvey himself had visited the family several times. Also, one of Garvey’s aides was Louise Little’s cousin. Interestingly Wilfred revealed, “…I can never forget that when Marcus Garvey was on the run from the FBI, my mother hid him in our house and wrote letters and dispatches for him.” See Jan R Carew, Ghosts in Our Blood: With Malcolm X in Africa, England, and the Caribbean, ed. Malcolm X, 1925-1965, 1st ed. (New York: Lawrence Hill Books, 1994), 117-18.
average street thug “in a minute flat.” This hobby and skill of Malcolm foreshadows the significance of his relationship and interest in Muhammad Ali broadly publicized in 1964. During this time however, the skills of boxing, cunning, and dexterity in the numbers racket were all tools of survival and mental toughness. On some level, all of these skills that characterized Malcolm’s criminal activity represented unrealized manifestations of social dissent.

While hundreds of African Americans were battling for democracy abroad that they could not claim at home, young Little was engaged in a war of his own—a thug’s crusade. He outright resisted the draft through thinly lying about his sentiments towards white people. He was left to flounder about grimy streets in a campaign to recover lost dignity and a sense of power through petty crimes. Today some would say that the young Malcolm lacked the rational and intellectual tools to constructively articulate his dilemma. As a result, he resorted to criminal acts that further alienated him from resolving his dilemma. In later years, Malcolm’s views on military service were more articulately voiced yet the reasoning behind the objection remained largely the same. He certainly evidenced this logic in a statement opposing the Vietnam draft arguing, “…it is wrong for America to draft us and make us violent abroad in defense of her.” In this way, the older and wiser Malcolm X presents a structurally valid criticism on American foreign policy that had been forged from the days of his youthful rebellion.

Amidst this youthful rebellion, his greatest fear and in his words, the “only thing” that he was afraid of was: jail, a job, and the army. Two of the three aforementioned fears revolved around some notion of carceral law enforcement. During this same period, Bayard Rustin (an increasingly influential African American pacifist and activist) also perceived the Army as a hostile organization. Unlike Malcolm Little, Bayard Rustin explored quasi-acceptable middle-class venues of noncompliance and nonparticipation.

---


33 Ibid.

resisted the draft by allowing himself to be imprisoned and conscientiously objecting against the moral foundation of the war.\textsuperscript{35}

At this point Malcolm X lacked the pedigree and philosophy for such an action. He preferred to run and hide from the draft officers who were hot on his trail. Malcolm’s draft evasion story culminated after he was finally apprehended and consulted the military psychiatrist. In a flash of anger and cunning, he told the psychiatrist that he wanted to go down south organize Black soldiers, steal some guns, and kill white people in order to avoid being drafted. His masquerade of insanity was risky but ultimately successful. In October of 1943, the army found him “mentally unqualified for military service.” He was never approached by draft personnel again.\textsuperscript{36}

Malcolm dodged the draft but he was unable to evade the long arm of the law. In 1946, Malcolm Little was apprehended in Boston for burglary. He was charged and convicted for larceny, breaking and entering and carrying a weapon. He was sentenced to four concurrent eight to ten year terms and three concurrent six- to eight year terms. The first response given to him by his attorney during the case was “You had no business with white girls.” While in Boston, he had developed a relationship with a white woman named Sophia and discovered all too late that the taboo of their interracial relationship affected his criminal standing more profoundly than the series of other crimes that he had been convicted of. According to Malcolm, he and Shorty were both aware that “As in New York, the Boston cops used the war as an excuse to harass interracial couples, stopping them and grilling the Negro about his draft status.”\textsuperscript{37} In this jail house revelation, he perceived that social systems are carceral in nature and that the

\textsuperscript{35}John D'Emilio, \textit{Lost Prophet: The Life and Times of Bayard Rustin} (New York: Free Press, 2003), 75-77.


\textsuperscript{37}Malcolm X, \textit{Autobiography}, 103.
consequences for a young black man transgressing the rules of such an environment could be more devastating than committing “true crimes.”

Hinting at the racial structure of the justice system, Malcolm commented that the girls accompanying him in the burglaries got a low bail while he and “Shorty” (his partner in crime), had bail set at $10,000 each. The judge interpreted the entire episode as two defiant black boys corrupting innocent white womanhood. As a result, Malcolm asserted that his prison sentence was not an implementation of justice but rather an instance in which a white judge demonstrated the consequences of black males becoming sexually involved with white women. Leading up to the trial, the social workers wanted to extricate all the details of the interracial relationships between Shorty, Red, and Sophia but were not concerned with the particulars of the robberies.

During the trial, Malcolm and Shorty were placed in a steel cage in the courtroom. As if teasing animals in cage, the District Attorney quipped, “If we had you niggers down South, we would hang you.” Shorty flung himself against the cage, violently shook its bars and yelled, “You low-life son of a bitch!” All the while Malcolm remained cool. According to Shorty’s memory of that situation:

Later Malcolm would ask me, “Why did you do that? Didn’t you know that white officer was setting you up to demonstrate to the court the reason you needed to be caged like an animal, and then locked up and you played right into it?” I also knew what political prisoners around the world must have felt like—even though I didn’t consider myself a political prisoner. I knew I was a thug, and was proud of my well-earned reputation. Malcolm and I were the “Young Lions” of Roxbury.

Although this aspect of corrections is specifically in reference to the early stage of the process and not the penal experience itself, in the mind of Malcolm, sentencing represented an important characterization of the criminal justice system in totality. For him, the justice system was bent on the control of black male sexuality and not the implementation of law and order. Concerning the instance he

---


39 Malcolm X, 152 and 153.

40 Jarvis, Nichols, and West, eds., *The Other Malcolm--Shorty Jarvis: His Memoir*, 62.
remarked, “All they could see was that we had taken the white man’s women. Nice white girls—goddam [sic] niggers.”

The Impact of Incarceration on Malcolm Little/ X

Massachusetts probably represented the best face of criminal corrections in the United States during the 1940s. In the spirit of the Auburn model, the Massachusetts facilities focused on the ability to regenerate degenerate minds through education, ample exercise, and rigorous discipline. During six and a half years as a state prisoner, Malcolm served time in the Charlestown Prison, the Concord Reformatory, and the Norfolk prison. At its best, the Norfolk colony in Massachusetts provided its inmates with a variety of activities in educational outlets aimed at rejuvenating the mind and preparing the prisoner for reentry into American society. At its worse, the Norfolk Colony revealed much of what was wrong with American corrections.

Malcolm, prisoner number 22483, met black militant Islam in prison but the Nation of Islam had been long acquainted with the prison experiences and the carceral effect of law in American society. Malcolm X’s introduction to the reality of political policing as a recurrent theme in the Nation of Islam—inside and outside of prison—reveals just how carceral influences contributed to the rise of black radicalism during the mid-twentieth century. The Nation of Islam had found its roots in the Garvey movement of the 1920s, and Malcolm X would soon discover that both movements faced similar problems in mobilizing and framing their respective agendas. As the Nation of Islam sought to address the increasing need for a black self-determination it suffered increasing harassment and surveillance by local authorities and federal agencies. Consequently, the Nation of Islam oversaw a nationwide “jail-

41 Discussions with Gladys Hampton and his bosses’ wife in the numbers racket had presented him with a even more complex view of hypocrisy in the American legal system. According to Malcolm X, “She showed me how, in the country’s entire social, political, and economic structure, the criminal, the law, and the politicians were actually inseparable partners.” See Malcolm X, Autobiography, 119.

house revival” as increasing numbers of its imprisoned and jailed members attracted a neglected populace of incarcerated blacks.  

At the core of this dilemma was the formation of black militancy. From its onset, the NOI raised fears of the newly organized Federal Bureau of Investigation that was under the directorship of J. Edgar Hoover. Hoover was a rabid racist with little tolerance for any type of group or organization to challenge the boundaries of his ideal portrait of American life. Since the Garvey movement, Hoover had developed a genuine distaste for African-American militants and considered the FBI as having a primary responsibility of politically policing such organizations.

Elijah Muhammad and some of the other Muslims that would form the Nation of Islam in the major urban centers of the United States had been a part of the Universal Negro Improvement Association (UNIA). They had witnessed its leader, Marcus Garvey, arrested, delegitimized and ultimately deported by the FBI on charges of postal fraud. From an Atlanta jail, Garvey admonished his followers, “Look for me in the whirlwind or the storm, look for me all around you, for, with God’s grace, I shall come and bring with me countless millions of black slaves who have died in America and the West Indies and the millions in Africa to aid you in the fight for liberty, equality and life.” Muslims were interpreted as a rising wind throughout the 1940s. They were not mobilized in the large numbers that characterized the


45 Evanzz, The Messenger: The Rise and Fall of Elijah Muhammad, 54-56. Recent records reveal that the government audit conducted by extremely biased in partial agents was truly a fraud. According to Evanzz, "The prosecution had suborned perjured testimony, fabricated incriminating documents, and committed other acts of misfeasance to guarantee Garvey's conviction." See Evanzz, 59.
movement in the 1950s and 1960s but their mere presence presented a threat for the FBI and other law enforcement authorities.  

As with the Nation of Islam, prisons are also an important factor in the development of Malcolm’s ideological and political stances. The experience of street governance endowed with the blunt tool of confrontational politics tempered his political perspective and religious outlook. Since Malcolm did not attend college, his intellect remained untainted by the moderation of tertiary acculturation. He was driven by an apocalyptic vision of black Islamic theology. Indeed, the culmination of these elements, in which carceral factors were central, presented Malcolm as a threatening and formidable adversary that his opponents were compelled to respect.  

Malcolm Little, at the time of his arrest, found himself among the lot of the least favorable of the least, and the bottom of the barrel. Despite his designation as a crook and a common criminal sentenced to rot away in a Northeastern cell block, Malcolm Little's transformation into Malcolm X reveals the moral outrage and radical displacement of anger that imprisonment spawned. Prison time was primarily a challenge to “break” him from a life of street crime and to rehabilitate him.  

Despite these efforts, the way the criminal justice system appropriated its clients provided much cause for resentment. Before serving a single hour in prison, young Malcolm had already become quite acquainted with the

---


47 The 1953 FBI file on Malcolm X contains letters in which Malcolm X refers to himself as Malachi Shabazz. One should ask why was the FBI conducting surveillance on Malcolm while he was imprisoned? Did they see recognize such a threat in Malcolm that even while incarcerated, he was to be under constant surveillance? More interesting is the fact that earlier surveillance documents reveal that the FBI intercepted correspondence concerning his draft evasion. Just when did Malcolm Little become recognized as a threat to national security? Was it his father’s and mother’s involvement in UNIA that spurred such meticulous surveillance by the FBI? From FBI documents, it appears that Malcolm’s frustrations with federal law enforcement began around 1950. The surveillance appears to stem from information surrendered to the FBI after a guard at the Norfolk Colony notified the FBI of content in Malcolm’s letter to his brother in which he allegedly identified himself as a communist and a member of the Nation of Islam. See "Malcolm X Little Was Malachi Shabazz, Rhythm Red, Detroit Red," (Boston: Federal Bureau of Investigation, 1953).
dysfunctional nature of the system. His white girlfriend received a substantially less harsh sentence, for her involvement in the burglary ring. She and the other female accomplice were sentenced one to five years in the Women’s Reformatory at Framington, Massachusetts.\textsuperscript{48} In \textit{Autobiography}, Malcolm related that this act of racial disparity was blatant racial prejudice, a factor that contributed to undermining his perspective of a fair justice system.

Thus, Malcolm recognized the criminality of his behavior but decried the irrationality and injustice exhibited in his sentence. Paralleling Beccarrian themes, if the criminal was respectful of the system as well as the inevitability of justice being meted, the process of punishment would be effective. Malcolm’s experience was exactly the opposite. He did not respect the criminal justice system and he had been operating as a burglar and a hustler for a long time before he was apprehended. Furthermore, the system was not able to swiftly punish criminals and when it did so the basis of its judgment appeared consistently marred by racial prejudice and bigotry.\textsuperscript{49}

Malcolm’s seven year sentence in Charlestown State Prison and later in the Prison Colony at Concord was served concurrently. He was sentenced in 1946. In his autobiography, he writes of the way that he responded initially to this time in prison. He fought against all intentions of reform and found himself frequently thrown into solitary confinement. Following a typical disdain for authority, considering the path of Malcolm’s early life, he responded in a typical manner to the authority of the warden, guards, and religious authorities in prison. Having his father killed by the Black Legion and experiencing frequent exposure to the most virulent racism from such an early age, Malcolm exhibited no good faith in the penal system to reform.

Furthermore, the physical space of prison was a totally inhumane and near animalistic exercise in Malcolm X’s memory. Malcolm interpreted the penal space, and especially the bars, as an environment in which, “a man can never reform because it never allows him to forget.”


century and styled after the Bastille, Malcolm’s cell at Charlestown was dirty and cramped. While the time that Malcolm spent in solitary confinement allowed him time for deep reflection it also psychologically devastated him through the mind-numbing isolation that further contributed to his feelings of social alienation. He cursed God, the Bible, and all forms of organized Christianity.

While incarcerated, Malcolm Little came into contact with a convict that introduced Malcolm to the teachings of Nation of Islam. Much of what we understand about Malcolm X’s emerging ideology was informed by the actions he pursued while incarcerated and letters that he wrote to his sister and brother while at Charlestown. It was through his sister and brother that he was introduced to the teachings of Elijah Muhammad. Malcolm’s brother Philbert had almost simultaneously introduced him to the new religion of black Islam while he was becoming for familiar with the Muslim population behind bars. Vitally important to understanding the redemption of Malcolm, he had recognized himself at a point of incorrigibility—he referred to himself as “Satan.” He had no intention of reforming. Subversively, the gradual conversion to Islam was both a social and religious transformation and a direct act of resistance to his incarceration and social alienation.

Malcolm’s sister Ella was influential in getting him transferred to the Norfolk Prison Colony in 1948. He corresponded with his sister throughout his imprisonment, revealing a gentler Malcolm than many are accustomed to. Norfolk, Malcolm relates, was some form of new experimental system that had more sanitary conditions, no bars, and offered a more intellectual environment. The staff of the educational programs was from Harvard, Boston University and other prestigious institutions. Of the most memorable experiences there, Malcolm recalls the excellent library, donated by the Parkurst family.

---

50 There is evidence that Elijah Muhammad and Malcolm X also communicated through the mail.


52 Malcolm X, 160.
For Malcolm, prison not only narrowed his intentions to reform but also hardened his convictions to deviate. When Islam was presented to him, the religion characterized redemption of several types. Firstly, it presented a spiritual redemption from Christianity. Christianity had for the duration of Malcolm’s life been characterized by hypocrisy and denigration of black people. Malcolm’s new understanding of Islam provided quite the opposite in experience in that it sought to implement a racially superior consciousness in its adherents. This is important because it represented an exchange in the mind of Malcolm from a situation of worthlessness to one of value. In this manner, the introduction of black Islamic doctrine in isolation served as a spiritual reckoning with Malcolm’s religious and social nemeses.

Secondly, his immersion into a carceral Islam represented a redemptive confrontation with white racism. Malcolm had experienced the first hand effects of racism for most of his life. Within the practice of black Islam the “black man” was no longer the antagonist, or Negro problem, as society had framed it. In an attempt to end the vilification of black males, the Nation of Islam characterized the “white man” as the devil. Conversely, the black man was justified as a victim of the iniquity of the white man and became the protagonist or the leading character in the apocalyptic drama.53

Malcolm X and his carcerally arranged relationship with the Nation of Islam illustrate one example of how similar influences contributed to the rise of black radicalism. The growing sect of Islam had been able to carve a devoted following among increasing numbers of black prisoners and social pariahs, often politicizing what had previously been a personal struggle. In the early 1960s, a psychological study of Muslim inmates was conducted concluding that authorities could seek no easy solution in suppressing the sect because it catered to psychological needs of black inmates. Dr. Hendri Yaker, the chief researcher, claimed that in prisons the Nation of Islam had a psychological appeal because it met a need for “a personality of defense” and helped prisoners deal with a “psychosexual inadequacy and feelings of loss of masculine identity.”54 Whether his assertions are true has yet to be

53 See Gomez, Black Crescent, 204, 211, esp. 276-330.

proven but the Nation of Islam did serve as strong point of identity and masculinity in the formative years of Malcolm X by recasting his identity and relationship to law enforcement. Above all else, Malcolm X’s incarceration suggested the antagonistic relationship between African Americans and law enforcement alongside the possible radicalizing effects of incarceration.

Malcolm was later transferred to the Charlestown State Prison, an archaic structure built in 1805 that had been reformed on the Auburn model in 1826. This same prison hosted John Brown in 1859 before he was hung for his attempt to lead an insurrection of African American slaves. It is not clear whether Malcolm was aware of this or not. Metaphorically however, he was haunted by the ghost of John Brown, as an ethereal spirit of radicalism permeated the prison structure and in many ways reincarnated itself in the post-prison persona of Malcolm X.\textsuperscript{55}

Carceral Factors and the Rise of Black Militant Islam

The organization of Muslims in prison provides a historical example of how carceral protests draw on the strengths of isolation to build and maintain a movement. A case in point, the Nation of Islam illustrates how marginalized and imprisoned blacks were drawn to black radicalism by being effectively marginalized in institutions and being left with few other options.\textsuperscript{56} The FBI and local police were aware of these mobilizing strategies of the NOI and attempted to disrupt this growing sect in several ways.

Outside of prisons there was a great deal of policing and harassment of NOI leaders by the FBI and the city police. This was a factor that contributed to the highly disciplined nature of the Nation of Islam. It had developed its secretive and combative nature after the mysterious founder W.D. Fard was exiled from Detroit after police had arrested him several times.\textsuperscript{57} The constant pressure of external


carceral forces such as the police and the FBI made many black urban centers reactive to such pressures in increased mobilization. Cities like Harlem, Detroit and Chicago became ripe for the Black Muslim movement.  

The now semi-mythical founder of the Nation of Islam, W.D. Fard recognized the carceral factors of repression on the blacks in the United States. Included in his developmental programming for the sprawling sectarian community in Depression era Detroit was a quasi-military unit referred to was the Fruit of Islam. Unlike the Muslim Girls Training Class (MGT), the Fruit of Islam (FOI) was made up entirely of males who were trained in self-defense and with firearms.  

Exactly, what were the motives of Poole in developing this group? Self-defense became an increasing necessity for inner city blacks of northern cities who enduring rashes of brunt of disputes with other local ethnics.

Elijah Muhammad, in his seminal *Message to the Black Man in America*, discussed the persecution of the Nation of Islam by carceral forces. Muhammad interpreted this confrontation as a clash between good and evil. In the chapter, "Persecution Follows the Coming of God," Muhammad outlined the initial persecution of W. F. Muhammad by FBI agents in 1932. He related that W. F. Muhammad was persecuted and sent to jail and effectively exiled from Detroit in 1933. After leaving Detroit, W. F. Muhammad came to Chicago and was arrested there also and imprisoned.

Regarding the tribulation, Elijah Muhammad noted "He submitted himself with all humbleness to his persecutors. Each time he was arrested, he sent for me so that I might see and learn the price of Truth..."

---


60 The early 1940s also marked a period in American history when carceral forces were determining and enforcing social boundaries demanded by the politics of Jim Crow. The modern precedent of using federal and state troops for enforcing a federal order was first used in the north in 1943 before being used nearly 15 years later in Little Rock, Arkansas. Police and prison officers were largely drawn from the same pools of white lower-class people whose frustrated views regarding racial relations was in most cases was pronouncedly pro-segregation.
for us, the so-called American Negroes (members of the Asiatic nation). He was well able to save himself from such suffering, but how else was the scripture to be fulfilled? We followed in his footsteps suffering the same persecution. In this view, Fard was a nonviolent religious guru who was gently mentoring Muhammad for leadership over his flock. Fard soon disappeared from the NOI entirely. Neither police nor Muslims were able to determine what had happened to him.

Prior to his disappearance, Fard and Muhammad had reached similar conclusions. They were both aware of how the FBI had destroyed the UNIA less than a generation earlier. The Garvey Movement had been the largest organization of African Americans to date. It had encompassed urban and rural blacks in both the North and the South in ways that would never be duplicated by any following black social movements. J. Edgar Hoover’s FBI played an integral role in harassing the founder of the organization Marcus Garvey, ultimately resulting in his deportation. Local law enforcement agencies had also played a key role in harassing and preventing the organization from taking its natural course.

Elijah Muhammad soon encountered authorities himself and faced imprisonment for refusing to send his children to an accredited school. Muslim children attended the University of Islam, an institution developed by Fard that focused largely on the study of black history, astronomy, mathematics and religion. In 1934, he was convicted of “contributing to the delinquency of a minor” and placed on six month probation. Willing to further risk imprisonment, Muhammad made a firmer stand in 1942 when he

---


62 See “Investigation,” *Marcus Garvey: FBI Investigation File*. It is clear that Garvey had not violated any federal law but Hoover was intent on prevarication, provocation and entrapment as a means to deport him on violation of federal law as an undesirable alien.

refused to register for the draft. As a result of his actions, Muhammad was convicted and sentenced to four years in the federal prison at Milan, Michigan.  

In Detroit, Michigan Muslims were first attacked outright by the police department in April of 1934. According to the testimony of Muhammad, the Muslims were unarmed and fought back against the policeman who struck them. The incident, he claims, stems from the fact that the NOI wanted their children to go to Muslim schools and not schools in the public system. A year later in Chicago, Illinois there was another complaint brought against the Muslims for refusing to send their children to public school and educating them at the University of Islam, a Muslim institution. In the courtroom, there was an altercation between the police as they were accused of pushing around Muslim women. The Muslim men quickly responded to this harsh handling of the women enveloping the courtroom in a melee.

Despite these examples of defiance, the earliest ideology of Elijah Muhammad regarded being imprisoned and submitting peacefully to law enforcement as a noble means of enduring persecution for the cause of the greater good. In a way, the mysterious imprisonment of Fard and the political imprisonment of Elijah Muhammad for his sentiments regarding World War II hints at the distinct character of the Nation of Islam prior to the revolt of the 1960s. Before carceral forces had engaged in an all out attack on the Nation of Islam as an institution, Elijah Muhammad had written to his ministers that to suffer peacefully and quietly as in the example of W.F. Muhammad was acceptable. What had happened between the 1930s and the 1960s that had changed Elijah Muhammad's position from suffering peacefully to engaging carceral forces to define actions of self-defense?

Elijah Muhammad stated that African Americans did not have justice under law; not only in the South but nowhere in all of America. In 1959, before an estimated audience of 10,000 in the District of Columbia, Muhammad accused the Justice Department as having failed African Americans in achieving justice in the law. He said:  

---


65 Muhammad, Message to the Blackman in America, 212-13.  

66 Ibid., 24-25.
justice.\textsuperscript{67} Troy X Cade, a Muslim who had been accused of teaching insurrection against the government, was vindicated by Elijah Muhammad in the statement, "If Troy X Cade is guilty of teaching insurrection against the government, then I am guilty, because I'm Troy's teacher. I would rather go to prison in place of Troy if this is the justice for the truth Allah gave me... I, Elijah Muhammad, will fight for this cause to get our people justice in America and by the help and power of Allah."\textsuperscript{68}

Harlem and other urban centers where blacks made a substantial part of the population were ripe for the Black Muslim movement and other militant movements, in part because of the issue of police brutality and carceral culture. Unbeknownst to carceral authorities, imprisonment strengthened the movement of black Islam. Muhammad canvassed black convicts and effectively wielded control of the Nation while incarcerated. Some of the strongest adherents to the doctrine of the Nation of Islam would emerge from the prison—Malcolm X was the most prolific of them all.

A Prison Scholar

Malcolm X was educated as a prisoner in three different institutions under circumstances that made the gospel of black radicalism an appealing message. Prison factored prominently into the Nation of Islam's influence and its ability to mobilize a certain type of black male who had been dealt the harsh hand of poverty, social alienation, criminalization and incarceration. Unlike the emerging civil rights movement, which would overwhelmingly draw initial support from an emphasis on the lives of middle-class African-Americans, the NOI focused on the plight of urban blacks and addressed racism and all of its institutional contexts. The prison provided a logical starting point.

Prisons and jails were the place where ordinary black folks confronted the reality of the existence of an unequal society, a society that unjustly accused them of being criminal, inferior and worthless. The Muslims did a good deal of recruiting in jails and prisons because these institutions provided a steady supply of resentful men with little means but plenty of time. C. Eric Lincoln described this phenomenon:

\textsuperscript{67} Ibid., 210.

\textsuperscript{68} Ibid., 211.
A good deal of recruiting is done in jails and prisons, among men and women whose resentment against society increases with each day of imprisonment. Here there smoldering hatred against the whites built up to the point of explosion... Black prisoners are reminded that they are in institutions administered by whites, guarded by whites, built by whites. Even the chaplains are white... the judges who tried them, the jury to hurt their cases, the officers who arrested them-- all were white. Can they, then, be justly imprisoned?  

Lincoln questioned the basis of incarceration for many black males from which the Muslim movement filled its ranks. He suggested that the immoral basis of such a systematic criminalization resulted in supplying the NOI with black men who were being trained by experience and indoctrination to organize against major racialized institutions—the prison and the church. Lincoln reported that the recruitment of Muslims in the prisons represented a rational and inevitable outcome of social marginalization. According to Lincoln, Muslim recruitment focused on a redirection of rage into radical channels of self-determination, re-education, and discipline.  

While imprisoned, Malcolm illustrated the development of self-determination, re-education, and discipline. In addition to learning the pillars of Islam, he learned formal debate techniques and also worked towards a graduate level degree. Much to the ire of prison officials, he edited The Colony, the Norfolk prison newspaper and used it to publicize the grievances of Muslims prisoners. According to the Nichols’ assisted autobiography of Shorty Jarvis, this was a skill that would later benefit the Muslims as Malcolm played a key role in developing its first newspaper Muhammad Speaks, “a fact that should be common knowledge, [but has]...been kept relatively quiet.”  

Perhaps historians have underestimated the role of Malcolm’s prison education in his development as a rhetorician and activist. In Autobiography, he admitted “Prison enabled me to study far...”

---


70 Ibid.


72 Nichols, The Other Malcolm, 13.
more intensively than I would have if my life had gone differently and I had attended some
college...Where else but in a prison could I have attacked my ignorance by being able to study intensely
sometimes as much as fifteen hours a day?”

His forensic skills became a defining characteristic of Malcolm X in his post-prison years (most notably in a debate with Bayard Rustin at Howard University). Malcolm's style was blunt and controversial but in many cases highly effective as Jeffrey O.G. Green discussed in *Black Power.* According to Green, “King was not alone in his avoidance of Malcolm X,” Wilkins and other civil rights leaders knew that he was a great debater and they steered clear from public appearances where he would be present.

Malcolm’s great debating skill developed while a prisoner, further illustrating the importance that prison education played in the development of Malcolm X's revolutionary ideology. He used the institution of prison as a seminary in schooling himself in a revolutionary black theology. Malcolm X’s use of the penal system to assist his intellectual development and militancy illustrates the subversive nature of black carceral activism. He used certain aspects of the prison environment to his advantage unashamedly while discarding those components of the system that were detrimental to his cause. He often violated prison rules by continuing to read after hours in his cell.

Above all, prison education combined with sacred knowledge taught Malcolm X to regard his life as meaningful and worthwhile. He underscored the purpose of his existence in finding Allah and learning the tools of transformation with an urgent duty to share that experience with others. Ironically, the prison was a site of self-realization and mobilization. Malcolm told readers in his autobiography of the essence of his prison experience and the importance of that testimony:

> Today, when everything that I do has an urgency, I would not stand one hour in the preparation of a book which had the ambition to perhaps

---


titillate some readers. But I am spending many hours because the full story is the best way that I know to have it seen, and understood, that I had sunk to the very bottom of the American white man's society when -- soon now, in prison -- I found Allah in the religion of Islam and completely transformed my life.\textsuperscript{76}

When Malcolm X was released from prison in 1952, he moved to Chicago to meet Elijah Muhammad who was so impressed with Malcolm that he made him an assistant minister at the mosque and eventually sent him to organize mosques for the Nation. One scholar suggests that the correspondence relationship between Malcolm and Muhammad was analogous to his relationship with West Indian Archie, a hustler/mentor whom he had associated with in Harlem.\textsuperscript{77} Malcolm had reoriented a radical relationship with authorities that posed a more significant threat than his previous position.

Malcolm X exposed carceral elements of imprisonment and policy brutality as central themes in his speeches and grassroots activity to mobilize urban blacks. He engaged in a religio-political crusade against the most visible agents of black repression—the police. In this manner, Malcolm X's speeches evidenced an afro-carceral consciousness, that is, a perspective of a black ex-convict who is fully aware of the nature of repression and suppression of African Americans in the United States. From this perspective, Malcolm X engaged in a lifelong struggle against racial oppression. Abuses of carceral authorities took a central role in that struggle. This consciousness existed as a resurgent theme as Malcolm X confronted carceral elements of American society from the perspective of an ex-convict directly concerned with the effects of carceral culture on African American communities. While there are numerous elements that inform his social outrage, the issues of political policing and police brutality rank high among influences in his thought and action.

Malcolm X developed a uniquely complex perspective on black relation to white law and carceral structures in American society. He constantly reiterated his belief in being obedient to dictates of the law but continued to expose inconsistencies in how the law was applied. He praised the decency to law and

\textsuperscript{76} Ibid., 153.

order but decried the corruption of white supremacy. The key to solving this hypocrisy, he posited, was self-determination and self-defense. One example of this view is evident in how Malcolm X addressed Dr. Martin Luther King Jr.’s nonviolent Project C campaign in Birmingham. Delivering a scathing rebuke to both King and the United States government Malcolm asserted, "When our people are being bitten by dogs, they are within their rights to kill those dogs. We should be peaceful, law-abiding, but time has come for the American Negro to fight back in self defense whenever and wherever he is being unjustly and unlawfully attacked. If the government thinks I'm wrong for saying this, then let the government start doing its job."  

Malcolm also identified part of the carceral dilemma of injustices being within the Christian character of the United States. When criticized by reporters for being an ex-convict, and implicitly about his intellectual qualifications to be a social critic, he replied: “A lot of our people are ex-Christians, ex-dope addicts, ex-bums and ex-Negroes. A lot of our people have been upper-class citizens all their lives…The white man likes to think that only the riffraff, the unemployed and the ignorant are in our organization. But I don’t think any white group in the country has more intelligent people than we.” As a Minister of the Nation of Islam he held the religion of Islam as the "only solution to the problems confronting people here in America." He fixated the Christian world as the center of the moral hypocrisy that existed in America between African Americans and Anglo Americans.

In the carceral context, he regarded the Christian world as failing to give the black man justice. He stated, "The [American] Christian government has failed to give her twenty million ex-slaves [just compensation] for three hundred ten years of free labor. Even despite this, we have been better Christians


than those who taught us Christianity. We have been America's most faithful servants during peacetime, and her bravest soldiers during wartime. But still, what Christians have been unwilling to recognize us and to accept us as fellow human beings.”

For Malcolm, the carceral conundrum worked its dearth in the peril of black lives throughout American history both inside and outside of prison walls.

In an attempt to address the perceived historical problem, Malcolm X increasingly focused on the hypocrisy of foreign and domestic policy as a recurring theme in his speeches. The carceral problem was a major policy problem because it blatantly represented the power of a racial majority to use faulty moral judgment as justification of inhumane treatment of a racial and political minority. He once stated, “They don't use law—they use law for their interests. They don't go by the law, international, federal, local, nothing! They go by whatever is expedient to protect the interests that are at stake.”

After Malcolm X had left the Nation of Islam to form his own organization, the Organization of Afro-American Unity (OAU), he tried to embarrass the U.S. into moral compliance by exposing carceral human rights violations. With the carceral nature of American policy as a major focus of his moral outrage and redeemed life, several instances of police brutality illustrate how Malcolm X’s consciousness centered on issues of a carceral nature and mobilized urban black militants.

The Hinton Johnson Incident

The 1957 Hinton Johnson X (Johnson Hinton in Autobiography) incident (also known as the face-off on 123rd St.) provided is an example of black Muslims pitted against police condescension and brutality, an episode that made the city police recognize the growing power of the black Muslim movement. According to several accounts, a crowd had been gathering to watch a fight between two

---

81 Ibid., 122.


83 Sales, From Civil Rights to Black Liberation: Malcolm X and the Organization of Afro-American Unity, 144-45.
black men somewhere near the corner of 125th and 7th Ave in New York City. The police precinct had caught word of this minor disturbance and dispatched several units to investigate and dispel the disturbance. When the officers arrived on the scene, they found that there was a growing crowd that was beginning to get unruly. The incident began when black Muslim Hinton Johnson addressed two officers beating a black person with a billy club and exclaimed, “You are not in Alabama—this is New York.”

Increasingly, a typical response to disturbances involving black Americans by the police in New York was to quell disturbance, no matter how minor, with excessive force. Well into the 1970s, the “billy club” remained the tool of choice among most urban cops throughout the nation. On multiple occasions, long arms of the law had become exceedingly skillful and deftly capable of bludgeoning heads in their melees of rage and fear. This evening of April 14th, they would be directly challenged and forced to calculate the implications of excessive direct force by an orchestration of direction action.

Johnson Hinton, a young Muslim and member of Malcolm X’s Temple No. 7 in Harlem. Johnson X, as he was called, exchanged a series of words with the policemen who arrived on the scene. In a fit of rage, an officer cracked his club atop Johnson X’s head rendering him unconscious and with a visibly split skull. By now, the gathering crowd was becoming quite incensed at the presence of the officers and equally appalled by the blatant display of brutality. Outraged, they began to accost the officers for an act of violence that had injured a man who had been a mere spectator in the developing events.

Minister Malcolm X was immediately notified on the phone. The Muslims had developed a communication network that required each Muslim to notify ten others in the event of an emergency.

---

84 Lomax, *When the Word Is Given: A Report on Elijah Muhammad, Malcolm X, and the Black Muslim World*, 27-30. The 123rd Street Police Station would continue to be the center of African American scrutiny well through the 1960s. In 1964, a young boy was shot by a police officer in Harlem. Outraged protesters gathered around the precinct for several days culminating in violence on the third day, July 18, 1964. The crowd became unmanageable for the police force as they throw stones and light fires. Five days later, one person had been killed and 520 were arrested. For more on the context of Harlem and its police and poverty frustrations, see Richard Saunders, "Why Harlem Is Angry," *New York Times*, 14 July 1963.

According to one report, this technique was capable of mobilizing nearly one thousand Muslims anywhere in the vicinity of Harlem within minutes. By this time a growing phalanx of black Muslims had virtually surrounded the 28th Precinct station. When Malcolm X arrived, he signaled with a mere movement of his hands to notify yet more Muslims of what had happened and to tell them to rally at the precinct. Minister Malcolm X had been notified of the situation by James Hicks, a reporter who had covered the Emmett Till incident in Money, Mississippi two years earlier. At the behest of the police, he had mentioned Malcolm as being the only person capable of dispelling the gathering militants. Much to the dismay of the local policemen, when Malcolm arrived he was not willing to concede anything at all. The police feared that a race riot was imminent.

Malcolm X began negotiation in a meeting with Inspector McGowen, Deputy Commissioner Walter Arm and Deputy Commissioner Robert J. Mangum who was an African American. James Hicks, a reporter for the Amsterdam News and chairman of the 28th Precinct Community Council had arranged the meeting. According to Hicks, Commissioner Walter Arm who headed public relations opened the meeting by saying, “My presence here, and Inspector McGowan’s, and Deputy Inspector Mangum’s, indicates how much concern the police department has for this situation. However, I’d like to say that the police of the city of New York can handle any situation that arises in Harlem, and we’re not here to ask anybody’s help.” Abruptly, after Arm made this remarks, Malcolm X gathered his belongings and proceeding to leave the office. Hick begged him to come back. Malcolm agreed and remarked when he

---


88 Ibid., 56-57.
returned, “This time, Arm shut up. I have no respect for you or the police department.” He then proceeded with demands that Hinton Johnson got hospitalization to which police agreed.  

Having endured and experienced a lifetime of abuses in the name of law and order, Malcolm X was not in a conciliatory mood. He made a number of other “reasonable” demands of the police department in addition to demanding adequate care for the severely injured Johnson X. Perhaps of greater significance to the theme of carceral engagement was that, based on the testimony of a multitude of witnesses, Malcolm X immediately filed an incident report that recorded Johnson X as an innocent bystander who was attacked on account of malevolence of the city police. Immediately, Johnson X was taken to a city hospital where the phalanx of Muslims remained until Malcolm emerged from and signaled them home from the hospital doors.

Astonished and frightened by this exercise of discipline and bravery that rivaled his own unit, Captain McGowen then confessed what would set the stage for relations between black activists and authorities for decades to come, “No man should have that much power over that many people.” As Roderick Bush has reassessed the implications of that famous statement, “Of course he is believed to have meant, ‘No black man’.”  

As this disagreement over the fundamental ownership of power would continue to frame the relationship between authorities and activists, Malcolm X and others would continue to look for ways to frustrate the ownership of power by the states in its chief purveyor of that force---carceral institutions.

This was an act of protest against brutality that was significant for several reasons. First, it was read widely in the black press and proved that the Muslims were real and capable of addressing the police, a formidable obstacle of inner city life. Secondly it was a pivotal experience, a shock for whites who had known very little about this organization. Goldman interpreted the experience as an awakening. “For white New Yorkers, those who heard of the confrontation at all, it was a chilling glimpse of a world

---

89 Ibid., 58-59.

we didn't know existed; a world of unblinking, unforgiving black men and women who weren't afraid of our police or our guns or death itself…”

The Ronald Stokes Incident

The second episode that illustrates how carceral issues played a central role in the leadership strategy of Malcolm X and the mobilization of black militants in the Nation of Islam is the Ronald Stokes shooting. In April 1962, Malcolm X's involvement in the Ronald Stokes shooting brought him to national attention and signaled the possibility of cooperation between black Muslims and mainstream black institutions. As tensions between black Muslims and local police flared, the dilemma of carceral force in American society largely was responsible for the rise of a nationally obscure, but locally prominent Minister Malcolm X in the mainstream press. Malcolm’s particularly caustic and confrontational style proved provocatively addictive for hungry journalists seeking the scoop on the Negro story. The incident that marked the beginning of Malcolm X’s national fame took place not in a New York borough, but in Southern California.92

In late April of 1962, some Muslims were gathering in south-central Los Angeles for Friday services when two police officers, Frank Tomlinson and Stanley Kensic encountered a couple of Muslim men standing behind their car with the trunk open. Later accounts would confirm that they were removing dry cleaned suits from the car. The officers proceeded to ask them exactly what were they doing, assuming that some type of dishonest enterprise was being conducted. As crowd began to gather, according to one account, Kensic began to get increasingly irritable. He was especially outraged that the recently accosted ‘suspect’ Muslim Fred X (Jingles) responded to tough police handling with an equally tough attitude.93

91 Ibid., 59.
92 For the full column on the incident that was written a year latter see Gladwin Hill, "Muslims' Defense Opened on Coast," New York Times, 12 May 1963.
The officer responded by slamming him up against the car and placing him in a standard police arm lock. Much to the surprise of the officer, the second Muslim that had been questioned came to the aid of Fred X Jingles and yanked officer Tomlinson off of his Muslim brother resulting in blows being exchanged (who threw the first punch is unclear). What historical record does clearly record is that blows were exchanged on both sides and before this episode was over, shots were fired. In the skirmish, a Muslim and a police officer were seriously wounded. The trauma of the incident spilled over into the nearby Mohammed's Temple No. 27. Amidst cries of ‘Allah-u Akbar,’ two other Muslims were shot. A bullet pierced the heart of one; the other was shot in the spine in the course of the brawl. At the end of the episode five were wounded, including one Muslim who was paralyzed for life. A Korean War veteran and a Muslim, Ronald Stokes lay dead. According to the accounts of some, he was walking towards police with his hands up in the air when he was shot and killed.  

The Los Angeles Times headlined this episode as “Muslim Shoot, Beat Police in Wild Gunfight.” Minister Malcolm X was not pleased to say the least. The death of Ronald Stokes had a very profound effect on him. Stokes was an old friend of Malcolm’s from Roxbury so he took his death personally. When Malcolm arrived in Los Angeles, he carried a small camera and his “investigation kit” with him and analyzed the remaining evidence that scarred the victims. He took pictures of Arthur X Coleman, who had been shot in the crotch and beaten by police officers; Coleman had gotten the upper hand in the brawl. Malcolm's mind, deeply molded by a youth of violence and firsthand encounters with judicial corruption had already developed a statement.

In Richard Brent Turner’s assessment, that May 5 “Malcolm X initiated a jihad of words to politically mobilize the black community in Los Angeles” stating that "Seven innocent and unarmed black men were shot down in cold blood…in one of the most ferocious inhumane atrocities ever inflicted

---

93 Goldman, The Death and Life of Malcolm X, 97.

in a so-called democratic society”\textsuperscript{95} Malcolm also explained a good deal of the blame could be placed squarely on long established Los Angeles Police Department Chief William H. Parker who generally disliked both black Muslims and non-Muslims.\textsuperscript{96} Initially Malcolm X had suggested that the Muslims should strike back at the Los Angeles Police in retaliation but he changed his mind after allowing the situation to cool off briefly.\textsuperscript{97}

Instead of meeting the brutality of the police with physical retaliation, Malcolm X began a serious campaign to investigate the causes of this episode of violence. He personally pursued a lawyer, Earl Broady, to take the case and immediately began to mobilize the local community in what would be referred to in the press and in community circles as the \textit{Stokes} case. Initially, Malcolm X obtained the support of the local branch of the National Association for the Advancement of Colored People (NAACP) who had been disturbed with repeated allegations of police brutality in the area.\textsuperscript{98} As the case gained publicity, the NAACP and local black leaders became increasingly unwilling to accept the political fallout of an alliance with the rather controversial (and as revealed in the 1959 exposé \textquotedblleft The Hate That Hate Produced” potentially dangerous) Nation of Islam. In retrospect, perhaps this reluctance stemmed from the fact that Malcolm X spouted harsh criticisms of the police department who had recently appointed a former complaint chairman of the local NAACP to the Police Commission.\textsuperscript{99}

As early as 1960, Malcolm X had clearly and publicly articulated the need for the black mentality and practice of self-defense. The press took the lead on many of his statements that contained potentially inflammatory content (in some cases Malcolm provided it without being coaxed). In 1960, he made a


\textsuperscript{96} Ibid.

\textsuperscript{97} Ibid. Also see Goldman, \textit{The Death and Life of Malcolm X}, 10, Turner, \textit{Islam in the African-American Experience}, 97-99, 205.


statement defending his views on self-defense and the proper response by African Americans and Black Muslims to acts of carceral, political and personal violence. He stated, "We are never aggressors. We will not to attack anyone. We strive for peaceful relationships with everyone. But we teach our people that if anyone attacks you, lay down your life...never be the aggressor, never look for trouble. But if any man molest you, may Allah bless you!"  

As Malcolm stirred up the national press and alienated the NAACP, local ministers called mass meetings to address the Stokes incident. In the Los Angeles Second Baptist Church a crowd of nearly 3000 outraged black citizens filled the pews to hear a panel address the significance of the episode. When Malcolm finally addressed the audience, he held sway over their hearts and minds for nearly an hour as the residing minister, Rev. Henderson watched his parishioners fall under the spell of an outraged militant intellectual.  

Malcolm X’s role in these developments were more important for the publicity of his crusade and involvement in the plight of African Americans against police brutality than in assisting the charged Muslims in obtaining judicial reprieve. The following year, Fred X and three others were convicted of one to five years for assaulting police officers and resisting arrest. Six others also received sentences for involvement in what the *New York Times* reported as a “fatal riot.”

Alongside this account a series of other accounts listed in this section of message to the Black Man, "The Persecution of the Righteous." Elijah Muhammad listed a record of unprovoked evil attacks from Detroit, Michigan in 1932, 1933, 1934 in Chicago, Illinois in April of 1935 down to this attack and

---


101 Becker, "Muslims on Coast Fight Riot Case."


murder of Muslims in Los Angeles California in April of 1962. Muhammad stated that, "Even under the
laws of America brutal police forces beat black people and deprive them of simple justice, including those
who are imprisoned at the present time and those who are being sent to prison throughout the country.
Untold thousands are being held in prison unjustly."\textsuperscript{104} He also addressed the numerous court appeals
being made by Muslims who were unjustly charged of attacking police departments through acts of
peaceful protest. It was clear that Malcolm and Muhammad were mobilizing a movement around the
theme of deliverance from carceral agents of brutality and institutions.\textsuperscript{105}

Carceral Factors and the Spheres of Malcolm

Prison implicitly affected the development of the two spheres of Malcolm X’s life—the public
sphere and the private sphere. As the historical nature of institutions of corrections have sought to repress
and conceal the developments in the inner workings of prison life, they implicitly suggested that the work
of criminal justice was an internal and external process, a public and private undertaking. On the one
hand, acts of justice carried out in a carceral environment were to be very clear in purpose to the public.
This was evidenced through the ritual aspects of Malcolm’s arrest and through the courtroom trial.

On the other hand, the carceral process endured by Malcolm X had a surreptitious component that
concealed the inner mechanisms of the prisoner’s rehabilitation from the public view. The institutionally
induced conflict, humiliation, and dehumanization used as tools of the process of retribution were carried
on outside of the public view. Throughout his experience as a convict and as an ex-convict, Malcolm X
vented his frustration with this carceral episode as part of a broader cycle of dehumanization in American
society, most clearly exposed by American law enforcement.

As a child and a young adult, Malcolm was processed in the workings of the criminal justice
system and his development was quite conflicting in nature. As with many other young African

\textsuperscript{104} Muhammad, \textit{Message to the Blackman in America}, 217.

\textsuperscript{105} Ibid.
Americans in the criminal justice system during this time, Malcolm's interpretation of the lawfulness and the character of American justice were challenged by lingering experiences of racism and social alienation from his youth all the way up to his experiences as a prisoner. Malcolm’s special appeal to the urban masses was indicative of his upbringing and experiences as a criminalized African American. For the most part, he rejected the black middle-class values of eventual integration because the majority of his experiences had to proven contrary to the possibility. As a young child, he had been exposed to ‘integrated’ white communities, and he saw the cruelty and imbalance of the system as it existed. As a young man, he became further frustrated at the impossibility for him to carve out an honest living amidst the economic turmoil of the Great Depression.

Ultimately, the capstone of his experience of frustration would be defined in prison amongst hundreds of other impoverished and criminalized African American youth. A keen understanding street justice and a crash course in prison education were among the key factors in Malcolm X’s life that made him so appealing to urban masses. These were as relevant as the militant brand of Islam that emboldened and redeemed him from his former life. These characteristics presented together presented a certain carceral unorthodoxy as the source of his crusade against racial injustice in American society, his post-prison engagement with the police and his relentless confrontation with the black middle class "establishment."

Although other civil rights leaders were able to capture the broad mass appeal of an interracial movement in American society, Malcolm remains largely a man of Black America. Malcolm's mass appeal came from a sense of identity with urban working-class and poor African Americans. M.S. Handler, a contributor to the New York Times writing in the preface to Malcolm X’s autobiography, further confirms this supposition of Malcolm’s urban solidarity:

They knew his origins, with which they could identify. They knew his criminal and prison record, which he had never concealed. They looked up to Malcolm with a certain wonderment; here was a man who had come from the lower depths which they still inhabited, who had triumphed over his own criminality and his own ignorance to become a
forceful leader and spokesman, an uncompromising champion of his people.\textsuperscript{106}

In rhetoric and attitude, Malcolm X acted as if he had paid his debt to white society, and to return to prison, peacefully and without resistance, would be analogous to reneging on a promise to himself. He had worked outside the framework of American law as a common street criminal and had paid the price through imprisonment. Now, he would work as an enlightened outlaw, a revolutionary, within the boundaries of American law. He preached adherence to the spirit of equality and American ideals of liberty apparent in the letter of the law but he strongly advocated challenging the spirit of American law as evidenced in the racial bigotry and prejudices of its application. He consistently affirmed the law and his attitude of respectful contempt summarily, “Whenever you are going after something that is yours, you are within your legal rights to lay claim to it. And anyone who puts fourth any effort to deprive you of that which is yours is a criminal… segregation is against the law. Which means a segregationist is breaking the law. A segregationist is a criminal.”\textsuperscript{107}

The carceral structures, Malcolm X interpreted, were plainly identified as preventing black Americans from achieving social and political goals.\textsuperscript{108} Carceral opposition for Malcolm was a real and imminent threat to racial equality and more importantly racial justice. He blamed carceral authorities themselves as being breakers of the law that they were employed to uphold and protect. Malcolm X indicted carceral elements as lawbreakers and as antithetical to the process of justice. “Now, who is it that opposes you in carrying out the law? The police department itself.”\textsuperscript{109}


\textsuperscript{107} Malcolm X in Breitman, Malcolm X Speaks: Selected Speeches and Statements, 33.


\textsuperscript{109} Malcolm X in Breitman, Malcolm X Speaks: Selected Speeches and Statements, 33.
Importantly, Malcolm’s relation to the carceral is prominent because he endorsed mirroring the actions of the carceral to illustrate moral equality. Deeply disturbed by the scourge of police brutality unleashed on King’s Birmingham campaign, Malcolm X spoke vehemently:

> Whenever you demonstrate against segregation…the law is on your side, and anyone who stands in the way is not the law any longer. They are breaking the law, they are not the representatives of the law. Any time you demonstrate against segregation and a man has the audacity to put a police dog on you, kill that dog, kill him, I’m telling you, kill that dog. I say it, if they put me in jail tomorrow, kill—that—dog. Then you’ll put a stop to it. Now, if these white people in here don’t want to see that kind of action, get down and tell the mayor to tell the police department to pull the dogs in.\(^{110}\)

Malcolm X would also become increasingly critical of the middle-class orientation of the civil rights leadership. In a speech given at the Grass Roots Conference, organized by the Rev. Albert Cleage in late 1963, Malcolm addressed the amount of money that King was raising and his inability to endure prison.\(^{111}\) He chided, “He [King] came to Detroit and had a march and raised thousands of dollars. And recall, right after that Roy Wilkins attacked King. He accused King and CORE of starting trouble

\(^{110}\) Ibid. In this same speech, “The Ballot or the Bullet,” Malcolm X also alluded to Bayard Rustin when he mentioned, “If you don’t take this kind of stand, your little children will grow up and look at you and think “shame.” Rustin had rendered a similar response to a police when he was refused integrated seating on a bus in Louisville. He replied to four policemen who threatened him with vulgar insults, “If I sit in the back of the bus I am depriving that child…of the knowledge that there is injustice here, which I believe it is his right to know.” See "Nonviolence v. Jim Crow" in Bayard Rustin, *Down the Line* (Chicago: Quadrangle Books, 1971), 5-7. Note that for Malcolm X, the shame witnessed by the children came from a lack of a violent reaction to carceral forces. For Bayard Rustin, the opposite is true. A nonviolent response to carceral authorities renders a moral lesson to future generations. The element that links both ideologies is that the carceral authorities must be engaged for the lessons of justice to be established and shame to be vanquished.

everywhere and then making the NAACP get them out of jail and spend a lot of money; they accused
King and CORE of raising all the money and not paying it back.”

After, Malcolm’s return from Mecca, he and Roy Wilkins of the NAACP would meet in June of 1964. One must wonder did Wilkins see an alliance with Malcolm as an alternative to black advancement without accruing the costly expense of posting bail for hundreds of civil rights activists. The carceral edge of Malcolm and Muhammad were certainly not amusing to NAACP lawyer Thurgood Marshall. Responding to numerous criticisms of civil rights organizations of which Malcolm X was notorious, Marshall regarded NOI leadership a mere “a bunch of thugs organized in prisons and jails.” Despite differences and a hedge of harsh words, Malcolm had arrived at a common point of contention among civil rights leadership and his own organization. He posited that the solution to carceral problems in particular and race problems in general were not in raising greater sums of money or in nonviolent resistance but rather in revolution. A revolution, in his estimation, would rob the ability of the carceral to detain and deter civil rights and socio-economic reform.

Perhaps the greatest element of surprise is how Malcolm X was able to garner such a large following of white people considering the "ruthless honesty" of his message. Malcolm underwent a change in 1964 when he broke with Elijah Muhammad. It is unclear exactly how this rift affected his popularity among blacks but among whites it certainly increased in his standing. After the split, he was invited to speak at a number of student forums throughout the Northeast United States.

---

112“Message to the Grassroots” printed in X and Breitman, Malcolm X Speaks: Selected Speeches and Statements, 14.


Leading and up to the split with the NOI, the threat of violence is an important part of Malcolm's early understanding of justice for those who are oppressed. It is a fact that after Malcolm X split from the Nation of Islam, he needed protection from law enforcement authorities against angry Black Muslims who were bent on seeking vengeance for what they perceived as the disgrace he brought upon the Honorable Elijah Muhammad. Malcolm’s final years are marked by a bit of paranoia in attempting to understand who posed the greatest threat to his life—goons from the Nation of Islam or the Hoover blessed agents from the FBI. Ironically, he would have to turn to carceral agents of the United States for assistance.

Despite facing the fears of assassination and the need for protection by authorities, in his final year Malcolm’s addresses to national audiences articulated the systematic problem of American racism, a problem rooted in carceral culture. Late in 1964, Malcolm X was fully aware that the FBI was following him and that the State Department was deeply interested in his meetings with African heads of state and revolutionary leaders around the globe. He was also certain that the FBI was engaged in other questionable forms of surveillance and manipulation. In that same year he suggested that federal agents were behind a smear campaign, feeding the media libelous information regarding his character.¹¹⁶

Considering these frustrations, one would expect Malcolm to shrink from his accusations against local and federal agents of law enforcement and the carceral mechanisms of American society. The contrary proved to be true. In a 1964 speech entitled, “The Black Revolution,” Malcolm remarked, “Revolutions are never based upon that which is begging a corrupt society or a corrupt system to accept us into it. Revolutions overturn systems. And there is no system on this earth that has proven itself more corrupt, more criminal, than this system…”¹¹⁷

---


Despite his harsh assessment of American society, Malcolm X was still able to gain the respect of
certain whites; this was true especially in the international realm and among radical audiences when he
stressed systemic human right abuses.\textsuperscript{118} His continued acceptance in some intellectual and political
circles in the Cold War era should be considered amazing considering the sensationalism that media
coverage generated. Malcolm often complained that the press misquoted him. His feelings about the
press would be summed up in a statement he made in an Audubon speech in 1964. He related that a
woman met him on a plane and was surprised when she found out that he actually talked to her and was
quite a nice fellow.

In relation to his carceral critique, Malcolm X identified the media and particularly the press as a
great source of misinformation for black identity (using himself and the previous story as a prime
example). He claimed that the media was for too anxious to characterize him as a monster and to use
instances of crime as justification for police brutality, unjust imprisonment and social alienation.
Malcolm was not the sweetheart of the press by any account. Ironically, the negative publicity of the
press helped build his popularity (and infamy) among both blacks and whites.\textsuperscript{119}

Malcolm became severely critical of the relationship between the FBI and CIA using the press to
expose what he perceived as a global conspiracy. He accused the Company and the Bureau of skillfully
maneuvering the press on a national and international scale:

\begin{quote}
They take the newspapers and make the newspapers blow you and me up
as if all of us are criminals, all of us are racists, all of us are drug addicts,
or all of us are rioting…When you explode legitimately…they use the
press to make you look like you’re a vandal…They master this imagery,
this image-making…The press is so powerful in its image-making role, it
can make a criminal look like he’s the victim and the victim look like he's
the criminal.\textsuperscript{120}
\end{quote}

\textsuperscript{118} Ibid., 54.

\textsuperscript{119} On the sensationalism of media coverage of Malcolm’s criminality, consider the coverage of
an alleged speeding offense, see "Malcolm X, in Traffic Court, Denies Speeding on Bridge," \textit{New York
In a prophetic sense, Malcolm X dissected the future problem that black nationalists would encounter following his death. How could they use the media to disseminate an image of power and self-determination without succumbing to white interpretations of black identity and empowerment as a threat to law and order? This was a problem that Malcolm X had considered in attempting to develop a broader coalition of supporters but was unsuccessful in surmounting. The carceral problem was driven by images and misinformation of which he and other black activists had no control. An accusation made by mainstream media was enough to indict him in the public consciousness.

This image problem resurfaced on February 13 of 1965. Malcolm X’s house was firebombed and he had to actually defend himself against charges spread by the police that he had committed the arson himself—his father had faced the same accusation.\(^\text{121}\) During his “After the Bombing Address,” Malcolm addressed the role of the carceral authorities in manipulating and disrupting black life in America.

Denied by mainstream broadcasting companies, he delivered his statement to the Afro-American Broadcasting Company reflecting his dissatisfaction with the projection of criminal images onto black by carceral authorities. Throughout much of his ministry, Malcolm was concerned with the image of criminality that he felt was being projected on him and African Americans unjustly; this was an image that too often resulted in violence and brutality. It represented the American fear of his message and the complexity of racism in American society.

In the introduction to Malcolm X’s biography, M.S. Handler describes a state of awe in meeting Malcolm X. He described that the there were what appeared to him to be two Malcolm’s—a private and public persona. "His public performances on television and that meeting halls produced an almost terrifying effect. His and black couple marshaling of facts and his logic had something of a new dialectic, diabolical in its force he frightened what television audiences, demolished his Negro opponents, but he

\(^{120}\) Breitman, ed., *Malcolm X Speaks*, 92-93. C. Eric Lincoln wrote that the police in many communities had maintained constant alerts on the Black Muslims and were working in collaboration with the news media to avoid publicity of the movement. See Lincoln, *The Black Muslims in America*, 3.

listed a remarkable response from Negro audiences." Handler's comments are useful in applying the notion of a double consciousness to the historical development of Malcolm X as a revolutionary black activist. Malcolm used a tough guy image to confront law enforcement authorities and other opponents on the behalf of urban blacks but he struggled within his gentle, mild-mannered private persona, especially when he saw carceral authorities use his public image against him.

When Malcolm X returned from his trip abroad in the spring of 1964, while conversing and worshipping with white Muslims from all over the world, he had come to an understanding that all white people were not evil or “blue-eyed devils” as he had previously referred to them. He was willing to work with them cooperatively in the context of ending colonialism and addressing human rights in an international perspective. However, he was still a black nationalist; Malcolm X placed the status of Africans in America at the forefront of his agenda and continued to speak against racialized carceral hegemony.

In a symposium organized by the Militant Labor Forum of New York, Malcolm X eloquently addressed a gathering on a panel seeking to address the validity of a gang of black youth called the Blood Brothers. *New York Times* journalist Junius Griffin published a series of articles claiming that a Harlem gang terrorized and killed white people in the inner city comparable to the Mau Mau ‘massacres’ in Kenya. Malcolm X admitted that he did not know if such a gang existed, but if it did it was justified—especially in the context of a “police state.” He retorted, “If we’re going to talk about police brutality, it’s because police brutality exists. Why does it exist? Because our people in this particular society live in a

---


123 On an example of Malcolm X and other “outcasts” of the civil rights movement working cooperatively, see Fred Powledge, "Civil Rights Battle Lines Hardening in the North," *New York Times*, 22 March 1964.

A black man in America lives in a police state. He doesn’t live in any democracy, he lives in a police state.”

Malcolm’s characterization of America as a police state deeply resonated within the Cold War era among his supporters and critics. His use of the term “police state” was calculated to produce a certain effect and understanding among both his followers and his adversaries. On another occasion, he compared the state of Algerian occupation to the situation of Harlem and equated both to be police states. He proclaimed, “Any occupied territory is a police state; and this is what Harlem is…the police in Harlem, their presence is like occupation forces, like an occupying army. They’re not in Harlem to protect us; they’re not in Harlem to look out for our welfare. They’re in Harlem to protect the interests of businessmen who don’t even live there.” Two years earlier in the winter of 1962, while protesting the arrests of Muslims in New York and Los Angeles, Malcolm and local Muslims had circulated flyers that read, “America has become a Police State for 20 Million Negroes.”

Muslim anti-carceral activities under Malcolm X that summer had inspired Francis Walter, chairman of the House un-American Activities Committee to brand the group as a “growing danger to national security.”

As his coverage and his critics’ remarks increased in the national press, Malcolm X became increasingly frustrated with the media as he tried to navigate highly controversial views on the carceral

---


126 For more on the interaction between blacks and youth in mid-1960s Harlem, see Junius Griffin, "Harlem: The Tension Underneath," *New York Times*, May 29 1964. Griffin paints a verbal picture of the confrontation during the Fruit Riot: “Policemen emerged from patrol cars with pistols drawn and nightsticks swinging.”

127 Breitman, 66.


nature of American Cold War society. In one instance he remarked, "The American press made the murderous look like saints and the victims like criminals." He held that the press was beholden to certain carceral influences. “At the local level, they will create an image by feeding statistics to the public through the press showing the high crime rate in the Negro community. As soon as this high crime rate is emphasized through the press, then people begin to look upon the Negro community as a community of criminals.” Perhaps he made his most damning statement to the relationship of carceral authorities and race relations in America when he noted that when the public accepts the image of black criminality, it accepts police brutality. According to Malcolm X, an unwillingness to address the American dilemma of race, racism and the conditions of poverty that accompany and accomplish it circuitously reinform bigotry.

Through June of 1964, placing carceral issues in a Pan-African perspective, Malcolm appealed to heads of African states to address the growing problem of police brutality and injustices faced by all African people. Stumping after Mecca, his platform for social justice was argued from the precedent of human rights. He informed Africans that the problem racism and carceral hegemony were closely aligned and should be addressed in a Pan-African paradigm. He implored them:

> Our problems are your problems…Recently, three students from Kenya were mistaken for American Negroes and were brutally beaten by New York police. Shortly after that, two diplomats from Uganda were also beaten by the New York City police, who mistook them for American Negroes. If Africans are brutally beaten while only visiting in America, imagine the physical and psychological suffering received by your brothers and sisters who have lived there for over 300 years…It is not a problem of civil rights but a problem of human rights.

Malcolm X's linking of race and carceral issues with American foreign and domestic policy ultimately set the events in motion that culminated in his death. At the source of these criticisms was his

---


131 X and Breitman, *Malcolm X Speaks: Selected Speeches and Statements*, 166.

most controversial statement on Kennedy's assassination on December 1st of 1963 that mobilized radical elements of urban blacks—ultimately leading to his split with the Nation of Islam. A *New York Times* article stated that there was widespread support in a crowd of 700. As it related to policy, Malcolm X’s statement equated Kennedy's support of international violence against Africans and Asians, as coming home to haunt him in his own assassination.

This divisive quote still is indicative of the centrality of carceral factors in Malcolm X’s strategy. He perceived American foreign policy to be an extension of its domestic carceral policy that brutalized and dehumanized African Americans. His logical response was a retaliatory theodicy that reconciled suffering and retaliation in the justice of divine law.

Malcolm X focused on the moral hypocrisy and perversion of law—both foreign and domestic. In a question and answer session in 1965, a few months before his death, Malcolm X characterized the major thrust of his argument against the nature of American carceral hegemony. He stated, “They don’t use law—they use law for their interests. They don’t go by the law, international, federal, local, nothing! They go by whatever is expedient to protect the interests that are at stake.” Later in that same session,

---

133 He had been told by Elijah Muhammad not to speak on this issue. His disobedience further alienated him from a growing faction of disgruntled black Muslims.


135 Malcolm X also viewed France and other white Western powers as contributing to a corrupt, systematic strategy of racialized foreign policies. After being denied entry into France in February of 1965, 11 days before his assassination, he remarked, “They gave me no reason why I was barred and did not let me contact the American Embassy…I was shocked. I thought I was in South Africa. They let [Congo Premier Moise] Tshombe in. He’s the worst person on earth and he’s de Gaulle’s friend.” Ironically, he went from being behind bars to being barred entry. This experience confirmed his understanding of a complex international carceral network. See "Malcolm X Barred by French Security," *New York Times*, 10 February 1965.

136 Theodicy refers to the attempt to reconcile a notion of a benevolent God with widespread evil in the world.

he also criticized New York Police Commissioner Murphy for “trying to make it a crime to even predict that there is going to be trouble.”

In the later years of his life, Malcolm X used the Organization of Afro-American Unity in an attempt to embarrass the U.S. into moral compliance by exposing carceral human rights violations.\footnote{Malcolm X, "The Young Socialist Interview," in \textit{By Any Means Necessary}, ed. George Breitman (New York: Pathfinder Press, 1970), 166.}\footnote{Sales, \textit{From Civil Rights to Black Liberation: Malcolm X and the Organization of Afro-American Unity}, 144-45. One need not look only at civil rights organizations in the New Left to observe the intrusive policing tactics of COINTELPRO. A new form of policing was evident in the development of organizational infiltration as a tactic of law enforcement regarding the Nation of Islam. The Los Angeles Police Department had been working in collaboration with the FBI during the 1960s to monitor the Black Muslims as well as to control their image. In the bloody clash between the Muslims in the local police in 1965, it was reported that an informer was instructed to call the police with a false tip that guns were going in and out of the Muslim Mosque. In response to this "anonymous" tip, the police had the justification they needed to rape the Mosque in order to confront an ongoing fear among law enforcement that the Muslims were becoming too powerful. Lincoln, \textit{The Black Muslims in America}, 3.} In one of his last speeches, Malcolm X addressed the nature of transnational carceral terror part of a campaign to build bridges with African heads of state. He discussed the use of anti-Castro pilots being used to bomb the Congo.\footnote{Breitman, ed., \textit{Malcolm X Speaks}, 94-95.} This was important because he criticized mercenary outsourcing as a type of American carceral imperialism. Ultimately, the development of the OAAU can be interpreted as a need to address transnational carceral dilemmas Malcolm hinted at in his 'chickens roost' remark.

Although he was deeply critical of how domestic and foreign policy was enforced, the vicarious nature of just laws was central to Malcolm X’s fury. In a prophetic sense, Malcolm X regarded the law as divinely inspired but demonically administered. For Malcolm X, prisons and police brutality provided the most compelling proof of the hypocrisy of American policy. Malcolm X did not see criminals as entirely innocent. As a minister, he rendered rather harsh rebukes and analyses of criminal activity (stealing, lying, cheating, pimping, drug use, etc.) offering a crude panacea in a supreme devotion and surrender to Islam. He fixated the ultimate guilt of the criminal not on the state nor the white man but on a misapplied understanding of self and destiny.
Despite the broad appeal of his carceral message to urban militant Muslims, the life Malcolm X reveals some contradictions. In contrast to King, Malcolm X was anti-integration in part because of a history of state sanctioned wrongs to blacks that were institutional enforced by carceral elements. He was revolutionary because the system was incorrigible.\textsuperscript{141} In his later years, police brutality remained a major theme under his Muslim Mosques Incorporated but he carefully maintained and developed the notion of armed resistance, a resistance of self-defense:

It is legal and lawful to own a shotgun or a rifle. We believe in obeying the law. In areas where our people are the constant victims of brutality and the government seems unable or unwilling to protect them, we should form rifle clubs that can be used to defend our lives and our property in times of emergency...When our people are being bitten by dogs, they are within the right to kill those dogs.\textsuperscript{142}

Archie Epps, compiler of Malcolm X’s speeches and a critique of his rhetoric, saw the “hustler ideology” and criminalization blacks as a central theme in Malcolm’s rhetorical confrontation with authorities. He held that Malcolm attempted to use the strategy to identify the blame for Negro suppression and to quickly rally public frustration into resistance.\textsuperscript{143}

Malcolm’s ability to use skills developed and honed in a past of ill-repute to dismantle the moral authority of law enforcement made him loved by some and hated by others. Carceral agencies destroyed Muslim Mosques Inc and OAAU headquarters. The State Department asked the CIA to take covert action against Malcolm X because of his role in presenting case of American blacks in international forum.\textsuperscript{144} Police knew of the plot to kill him and did nothing.\textsuperscript{145} Amidst this whirlwind of carceral assault,

\begin{flushright}
\textsuperscript{141} Goldman, \textit{The Death and Life of Malcolm X}, 71-72.
\textsuperscript{142} Ibid., 134.
\textsuperscript{143} Epps, ed., \textit{The Speeches of Malcolm X at Harvard}, 37.
\textsuperscript{144} Sales, \textit{From Civil Rights to Black Liberation: Malcolm X and the Organization of Afro-American Unity}, 156.
\textsuperscript{145} Goldman, \textit{The Death and Life of Malcolm X}, 364.
\end{flushright}
Malcolm X had predicted his own assassination. In the *New York Times* he was quoted, "I live like a man who's already dead."\(^{146}\)

In his death as in his life, Malcolm X was an omen of black radicalism calling for the engagement of carceral forces. Malcolm X had descended to a prison hell and acted as a messenger on behalf of those who felt the fury of the flame. In his death, a blossoming black militancy adopted his strategy, his message and his enemies. SNCC activist Stokely Carmichael adopted Malcolm X’s rhetorical bluntness.

Black Panther Eldridge Cleaver adopted the global framework developed by Malcolm X in an attempt “to transform the American black man’s struggle from the narrow plea for ‘civil rights’ to the universal demand for human rights, with the ultimate aim of bringing the United State government to task before the United Nations.”\(^{147}\)

Perhaps the most influential effect of Malcolm X lay in his ability to penetrate the divisions between the social condition of black prisoners, inner-city dwellers, Africans and others inspiring them to use their situation as a motivation and a tool for social change. Roberta Johnson addresses the question of this inspiration in an article entitled, "Are Black Inmates Political Prisoners?" By identifying the links and the parallels between the ghetto and the prison, she quotes Malcolm X's most inquisitive carceral statement, "... all America is a prison and jails are just a prison within a prison."\(^{148}\)

For Malcolm X, imprisonment is not only a physical construction but a socially constructed one. He argues for Africans and African Americans to come to terms their racial identity and economic status within the larger carceral framework of a materialistic society. Summarizing the assertion of Malcolm X, Johnson summarizes a possible redemptive quality of physical imprisonment, "...the Black inmates begins to see prison life not as different, but as merely a more extreme case of ghetto survival, and he


begins to see himself not as different, but as merely 'the most vulnerable member of [the Black] community...directly at the mercy of the white power structure.'

Beyond addressing the role of the black prisoner, Malcolm X’s ministry and activism addressed the image of the black criminal. Through an image overhaul that adhered to puritanically uniform guidelines of public demeanor, the Nation of Islam wanted to refashion the image of urban criminal blacks into respectable citizens that more or less reflected capitalist middle-class values of respectability. An article by M.S. Handler in the *New York Times* picked up on this theme. He recorded other black leaders of the civil rights movement as conceding Malcolm and the Nation were “destroying the old symbols affixed to Negroes” consisting largely of crime and vice.\(^{150}\)

**Conclusion**

At a glance, the Black Nationalist icon Malcolm X appears not to fit among the list of other political prisoners to be discussed. He was after all convicted as a common criminal and admitted to the depravity of his criminal status himself before being redeemed by a radical version of Islam. However, considering the historical definition of a political prisoner or a criminal is problematic in application and can be further exploited using Malcolm X as a prime example. As outlined previously, the designation of political prisoner needs to be more liberally applied to numerous individuals imprisoned on account of political circumstances and beliefs or the circumstances of politics. Malcolm X, imprisoned as a common street thug, examines notions of political prisoners of social and economic circumstance allowing us to understand notions of imprisonment for what seemed to be a legitimate reason. In the best spirit of black protest, Malcolm X was able to take control the circumstances designed to permanently and terminally

\(^{149}\) Ibid.: 409.

quarantine him amidst a criminal class and use it to fuel a radical revolutionary consciousness mobilizing an urban movement.

Understanding how black activism emerged during the twentieth century begins on the street. The politics of confrontation begin with the politics of survival. The life of Malcolm X is not that of two different individuals but of a single person whose experiences of time and place linked him with a body of believers that shared the common experience of urban and racial ostracization. Although prison had not yet become a mark of the black experience as it emerged decades later, the image and the experience of imprisonment was pervasive enough throughout the black urban community to mobilize movements and messiahs who promised an alternative to crime and urban decay. Furthermore the threat and resentment of police brutality (evidenced in the Hinton X and Ronald Stokes cases) provided a common foe and concern for blacks that characterized the social constructedness of a carceral environment.

Eldridge Cleaver commented on the impact of Malcolm X’s anti-carceral doctrine. He asserted, “Negro prisoners feel that they are being abused, that their imprisonment is simply another form of the oppression which they have known all their lives…America’s penology does not take this into account. Malcolm X did, and black convicts know that the ascension of Malcolm X or a man like him would eventually have revolutionized penology in America.”

In his jihad against police brutality and carceral policy, Malcolm X represented a growing consensus of blacks alienated through criminalization and socio-economic status. He nurtured a common thrust for dignity and self-determination.

Malcolm X’s relevance was underscored to a generation of black revolutionaries and black Muslims because he “kept it real.” His childhood experiences of alienation, street experiences as a


152 The role of the Nation of Islam in the changing of the name also is relevant here because nomenclature is the nexus of identity but even more than Malcolm X, penal experiences of the growing Black Panther movement in California prisons represents radical redemption of black identity. For further reading please consult Eric Cummin’s *The Rise and Fall of California’s Radical Prison Movement* (Stanford: Stanford University Press, 1994).
hoodlum striving to survive, and testimony of imprisonment to redemption provided an example that
blacks could achieve not because of their circumstances but in spite of their circumstances. Yet unlike
Dr. Martin Luther King, Jr. and other middle-class activists, Malcolm X spoke of marginality from
experience as thug and an ex-convict with an authenticity that could not be simulated. He represented
redemption to black urban masses in the truest sense in that he had witnessed his own redemption from a
life of crime, meeting Allah in the bottomless pit of a Massachusetts prison. Metaphorically, Malcolm X
represented an urban messiah in that he “led captivity captive.” Relentlessly uncompromising in his quest
for racial justice, Malcolm X’s journey as a black leader began in the prisons and he used that very
institution of repression as his origin and counterpoint of liberation in his own radical agenda. He became
a living artifact that a “bad nigger” was a vital component in the struggle for equality. This was a theme
that much of the ensuing middle class component of the civil rights struggle was unable to accept.
Malcolm X was far more realistic in addressing the immediate concern of poverty and brutality that
blacks of the inner city faced. He spoke their language and he felt their pain.

Malcolm was well acquainted with the dilemma of violence in northern cities. He knew the
carceral limitations of American society. He believed that since white carceral institutions were not
nonviolent with blacks and since blacks did not even practice that philosophy amongst themselves, it was
a counterproductive form of protest. He addressed a group of McComb youth visiting New York on a tour
sponsored by the Student Nonviolent Coordinating Committee (SNCC) in 1964 on the counter-
productivity of pacifism:

My experience has been that in many instances where you find Negroes talking about nonviolence, they are not nonviolent with each
other, and they're not loving with each other or forgiving with each
other. Usually when they say they're nonviolent, they mean they're
nonviolent with somebody else. I think you understand what I mean.
They are nonviolent with the enemy. A person can come to your home,
and if he's white and wants to heap some kind of brutality on you,
you're nonviolent; or he can come to take your father and put a rope
around his neck, and you're nonviolent. But if another Negro just
stomps his foot, you'll rumble with him in a minute. Which shows you
that there's an inconsistency there.\(^{153}\)
Malcolm addressed the injustices of the law but also the inadequacy of the law to transform the experience for blacks. This is an important component in understanding Malcolm’s dedication to self-defense. Self-defense largely equated to self-determination. Much of an understanding of self-determination was inherent in the Nation of Islam’s insistence of strong discipline and the semi-paramilitary nature of the organization. To allow the oppressor to dictate and to police those that it consented to the exploitation and dehumanization of was simply impermissible.

Unfortunately, the strong patriarchal hierarchy of the NOI merely replaced one carceral system with another. As Malcolm split from the Nation of Islam in 1964, he would become aware of this fact. His life came under dual surveillance—by the FBI and the NOI. Malcolm was considered such a threat that ultimately an act of carceral brutality executed by gang members in a bargain with police would be responsible for his life being snuffed out. The extinguishing of this light silenced the greatest critique and perhaps most historically significant victim of a racialized carceral order.

Breitman, ed., *Malcolm X Speaks*, 137-46. Malcolm X goes on to discuss the counter-productivity of nonviolent protest against white terrorist. "I myself would go for nonviolence if it was consistent, if everybody was going to be nonviolent all the time. I'd say, okay, let's get with it, we'll all be nonviolent. But I don't go along with any kind of nonviolence unless everybody's going to be nonviolent. If they make the Ku Klux Klan nonviolent, I'll be nonviolent. If they make the White Citizens Council nonviolent, I'll be nonviolent. But as long as you've got somebody else not being nonviolent, I don't want anybody coming to me talking any nonviolent talk. I don't think it is fair to tell our people to be nonviolent unless someone is out there making the Klan and the Citizens Council and these other groups also be nonviolent."

Some have suggested that the NOI and the FBI were cooperating to destroy and discredit Malcolm after the split in March of 1964.
How effective was Malcolm X in his struggle to demystify white aggression through the channels of police brutality and carceral hegemony? One could argue that his life did culminate in some degree of soul searching and carceral changes. Largely due to pressures from Malcolm X, in 1964 New York Councilman Theodore S. Weiss proposed a civilian panel to investigate instances of police brutality. Though applauded by African American and Puerto Rican membership, the panel never materialized into African American optimism towards city law enforcement.\footnote{Fred Powledge, "Brutality Cases Urged for Study," \textit{New York Times}, 7 April 1964.}

Ultimately and ironically, the impact of prison on Malcolm X may have been miraculous as well as redemptive. It was deep from this well of carceral frustration that Malcolm drew his moral philosophy and rhetorical passion. His life was an unexpected carceral miracle—many other converts to Islam were not as fortunate as this carceral mujahadine. W. E. B. Du Bois spoke about the ability of prison to ruin those who were entangled in its snare. He remarked:

> They daily stagger out of prison doors embittered, vengeful, hopeless, ruined. And of this army of the wronged, the proportion of Negroes is frightful. We protect and defend sensational cases where Negroes are involved. But the great mass of arrested or accused Black folk have no defense. There is desperate need... to oppose this national ranking of railroad to jails and chain gangs [of] the poor, friendless and Black.\footnote{W. E. B. Du Bois, \textit{The Autobiography of W. E. B. Dubois; a Soliloquy on Viewing My Life from the Last Decade of Its First Century}, 1st ed. (New York: International Publishers, 1968), 390.}

Malcolm X escaped this snare of carceral ruination that Du Bois so accurately criticized and provided a promise and a spark of inspiration for militants who followed. Above all, Malcolm X left his followers with the notion that black revolutionary action could effectively and collectively engage carceral elements of society in direct action for social change.
In 1943, the same year that Malcolm X evaded the draft by fooling an officer in believing that he was “mentally disqualified” for service, Bayard Rustin wrote a rather bold letter to the local army draft board. In this letter he explained his refusal to be drafted, noting that this was a violation of his conscience as a Christian. Rustin’s letter is similar to other letters written by conscientious objectors, outlining personal and religious justification for opposing the war. In this strain, Rustin condemned the war as an act of evil and conscription contrary to the moral dictates of his conscience. However, differing from the reasoning of many draft evaders and the majority of conscientious objectors, Rustin extended the Christian argument of brotherly community (later to be used by Dr. Martin Luther King) to critique the concept of segregation.

Rustin attacked the Conscription Act as endorsing two irreconcilable approaches to the common good, summarily the belief that segregation and war could bring about a society dedicated to peace. Bluntly he stated that he opposed the act because “Segregation, separation, according to Jesus, is the basis of continuous violence.” This stance certainly took courage as the FBI had already rounded up other a

1 Prison poem heard from a chain gang by Bayard Rustin during his time on the North Carolina chain gang. See Bayard Rustin, Time on Two Crosses: The Collected Writings of Bayard Rustin, ed. Devon W. Carbado and Donald Weise, (San Francisco: Cleis Press, 2003), 45.

2 The U.S. Army found that Malcolm X was “mentally disqualified” for service because of psychopathic personality abnormalities and sexual perversion.


4 Ibid.
great number of radical pacifists as early as 1939. The witch-hunt reached such proportions that Bill Sutherland, black pacifist and activist, described the situation as rendering a constant turnover of the Newark community’s residents. Rustin’s ideological pairing of segregation and war was not unique but his defiant stance in the face of a prison term and social alienation is definitely noteworthy.

Rustin’s decision to object war and face imprisonment was important for two reasons. The first was that the war was interpreted by many African Americans as an opportunity to battle racism abroad and to better the lives of blacks in the United States. World War II gave African Americans an opportunity to showcase courage, prove patriotism and demonstrate abilities abroad in an effort to win equal treatment in the United States. Additionally, Ethiopia had been enduring aggression from Italy and many African Americans saw World War II as an opportunity to address the plight of an independent black nation as they checked advancing fascism in Europe. The central thrust of the black wartime agenda addressed securing rights through military service and patriotism. Although Bayard Rustin participated with A. Phillip Randolph in a campaign to combat racial discrimination in the armed forces, he ultimately insisted that pacifism was a viable avenue of civil rights and that opposition to the war was an act of redemptive agency.  

---

5 Bill Sutherland, one of the few African American pacifists also imprisoned during this time, corresponded with Bayard Rustin. Their brief correspondence evidenced the philosophical tone of the practice and how pacifists networked while imprisoned to bring about social change. Rustin went to prison with a well-developed notion of nonviolent direct action on his mind. As his time in prison would prove, the role and goals of nonviolence were well suited to the rigor and violent discipline of carceral institutions and forces. A copy of Rustin’s letter to the Local Draft Board No. 63 appears in its entirety in Bayard Rustin, Devon W. Carbado, and Donald Weise, eds., *Time on Two Crosses: The Collected Writings of Bayard Rustin*, 1st ed. (San Francisco: Cleis Press, 2003), 11-13. For Sutherland’s comments on the FBI see James Tracy, *Direct Action: Radical Pacifism from the Union Eight to the Chicago Seven* (Chicago: University of Chicago Press, 1996), 6.

United in believing that this war would eventually help racial conditions at home, some African Americans decided to endure segregation in the wartime industries. On the civilian front, blacks were often discriminated against in the issuance of labor contracts with regard to pay in the defense industries. To confront these injustices, A. Phillip Randolph with the assistance of Bayard Rustin, organized a March on Washington Movement (MOWM) to address the employment of blacks in the defense industry.\(^7\) From a latter perspective, Rustin framed the MOWM as the inauguration of the modern civil rights movement because it was the first time in the twentieth century that African Americans had threatened to come together in a nationally coordinated direct nonviolent campaign to confront racial injustice.\(^8\)

Rustin’s intrepid grassroots campaigning in wartime America provides an interesting point of comparison to the historical evidence discussed thus far. While Malcolm X perceived personal and political carceral issues of a former imprisonment and police brutality as figuring prominently into an urban working-class black militancy, his experience does not entail the entire carceral dilemma of black activism in the immediate post-war years. Malcolm X characterizes a distinct black militant experience that accelerated during the 1950s, primarily drawing its religious and political inspiration from the teachings of Elijah Muhammad and the Nation of Islam. Malcolm’s strategy of confrontation with domestic policies of police brutality and racialized foreign policy laid an elaborate framework for the sprawling Black Nationalism that developed after his death in 1965. However, Bayard Rustin provides a parallel story of black carceral activism that interestingly contrasts with the rise of Malcolm X’s activism and protest thought.

Perhaps no black activist since 1940 has been more important in refocusing black protest in the context of organized redemptive suffering than Bayard Rustin. While Malcolm X was undergoing a prison transformation and coming to terms with a black Islam-centric theology that required the isolation


and empowerment of black masses, Rustin was working with and engaging both whites and blacks, using a Christian pacifist framework and voluntarily enduring prison as an act of moral obligation. Opposing the view that Rustin was a Christian pacifist ideologue, Rustin’s biographer, John D’Emilio stated, “For Rustin the willingness to absorb the violence that his stands were sure to provoke had little to do with Christian beliefs in the redemptive power of suffering. Instead it came from his moral sense of the nature of evil, and his belief that it could only be combated by good, never by tools or methods that were in themselves evil.” Reconciling the former view with the latter, this chapter engages the subversive nature of redemptive suffering and argues how its application should be extended beyond a simple Christ-on-the-cross typology into a complex moral framework of pragmatic and political action.9

Collectively, prison experiences provided sites for black activists to bargain politically in mobilizing greater support for their causes and dramatizing the moral complexity of their stances. A redemptive narrative of the carceral experience must engage actors and actions beyond the typical narrow boundaries of Christological themes. For Rustin, it was personal conscience that framed the redemptive and defined deliverance. This was an attitude that would carve out his greatest triumphs and also contribute to his greatest defeats during the tenure of his activism.10

It is because of this necessity, the redemption of personal conscience in the engagement of carceral forces, that Bayard Rustin is an essential figure for understanding the impact of jails and prisons on Black activism in the 20th century. Bayard Rustin, seemingly prior to any modern black tactician, understood the importance of using prison as a tool of protest. He specifically channeled the energies of his incarceration (and those of others) into a strategy of manipulating political forces. Rustin’s carceral activism was tempered by a deep understanding of individualism and an appeal to the Christian elements of American society. Conscientious objection resonated among all Americans, even his opponents, as a

---

9 D’Emilio, Lost Prophet, 182.

10 Bayard Rustin, "We Challenged Jim Crow," in Time on Two Crosses: The Collected Writings of Bayard Rustin, ed. Devon Carbado and Donald Wise (San Francisco: Cleis, 1947), 14-27.
central right in American democracy. Rustin’s lifelong adoption and endorsement of Quakerism supported that practice and tested the character of American law.¹¹

Bayard Rustin's work with the Fellowship of Reconciliation and his early involvement in nonviolent campaigns illustrates the vital importance of the prison in modern Black activism of the 20th century. Prison was no cozy place for activists, and particularly hostile to black ones. Amidst a decade when nearly one thousand blacks had been executed for capital offenses and greater numbers were imprisoned for a host of spurious charges, Rustin was imprisoned for resistance to the draft and had staged a one-man protest of bus segregation in Tennessee.¹² Rustin’s record spans three social activist concerns: the struggle for racial equality, the struggle for a better world for workers and the American social democratic movement.¹³

Rustin’s importance in understanding the relationship of black activists to carceral culture in American society was underscored by the fact that he reintroduced the concept of redemptive suffering into mainstream black activism. Deeply influenced by pacifist philosophy, Rustin explored the use of the body as a tool, a blunt object of political protest. Rustin decision to use creative suffering of the human body becomes very important in examining the impact of prisons on black activism. Through his

¹¹ For a deeper discussion of the Society of Friends, and particularly how individualism and conscience issues have emerged, see Thomas D. Hamm, *Quakerism in America* (New York: Columbia University Press, 2003).

¹² During the twenty years between 1920 and 1940, over three thousand Americans were executed with a large portion of that number comprising of blacks according to Charles David Phillips. See Charles David Phillips, “Social Structure and Social Control: Modeling the Discriminatory Execution of Blacks in Georgia and North Carolina, 1925-1935,” *Social Forces* 65, No. 2 (December 1986), 458. From 1940-1949, nearly 800 African Americans had been executed in the United States out of a total of 1,284. The vast majority of these capital cases were for offenses of murder and rape. See Gary Kleck, “Racial Discrimination in Criminal Sentencing: A Critical Evaluation of the Evidence with Additional Evidence on the Death Penalty,” *American Sociological Review* 46, No. 6 (December 1981): 783-805.

dynamic activism and guidance, Rustin illustrated that both the practice of activism and opposition to activism centered on the manipulation and control of the human body. His pioneering experiences with using the suffering black body in direct action and putting it into places that challenged authority influenced activists in generations that followed. Not only did Rustin challenge notions of carceral morality but also used his body in interesting ways to challenge carceral culture with his own sexuality.\footnote{D'Emilio, \textit{Lost Prophet}, 256.}

Perhaps Rustin’s success in defying carceral authorities stems from the fact that he was well-acquainted with the rationale and practice of prisons, but not as a criminal. Growing up in the Society of Friends, Rustin was trained in a tradition that instilled the practice of personal isolation and reflection, methods that were often used as psychological tools in controlling prisoners. In fact, the first penitentiary in the United States was built by Quakers in Pennsylvania in 1820. Here, at the Walnut Street Jail in Philadelphia, carceral authorities subjected inmates to sustained periods of silence so that they would be compelled to repent of their sins—hence Quakers put the “penitence” in the penitentiary. Ironically, as Quakers protested World War II by refusing the draft, they were sent to penitentiaries to suffer silently for their opposing views and noncompliance in a time of war. Rustin and other conscientious objectors—many of which were Quakers—now found innovative and intuitively American ways of subverting the “penitence” in the penitentiary. Often by becoming a menace to carceral order, Rustin challenged carceral authorities and magnified his cause among other inmates.\footnote{Franklin, \textit{Prison Writing in 20th-Century America}, 2, Lawrence Meir Friedman, \textit{Crime and Punishment in American History} (New York: BasicBooks, 1993), 78-79.}

“Shunned by political parties, and rejected in the courts,” Rustin asserted, “blacks had to look outside the normal channels of democracy to press their cause.” Public protest from the streets to the prisons provided important sites in Rustin’s estimation for activists to confront the twin handicaps of blacks in American society—racial and class discrimination. In a very confrontational manner, prisons provided Rustin with a controlled environment in which he could engage in social experiments in
“coalition politics” which he later employed in organizing activist campaigns and also in attempts to
engineer compromises in social legislation.\textsuperscript{16}

It is important to account for the impact of prisons on Bayard Rustin's life because Bayard Rustin
had such a remarkable impact on the modern civil rights movement. It was his organizational changes
that were responsible for the most prolific campaigns of nonviolence during the 1950s and sixties.
Without Bayard Rustin there would never have been a March on Washington in 1963 and even the
Montgomery Bus Boycott of 1955 may not have been as successful at it was. Of course this is counter-
factual speculation, but it is important to account for the influence of prison on the consciousness and
tactics of Bayard Rustin to determine how and to what extent carceral factors affected the movement
through his experiences.\textsuperscript{17}

The Roots of Radical Carceral Pacifism

Bayard Rustin was born in West Chester, Pennsylvania in 1912. He grew up with a keen
understanding of how racism operated in American society. Largely influenced by his Quaker
surroundings, Rustin's worldview and political activism was largely shaped by both religious and secular
influences. The experience of Bayard Rustin centered on the human experience and the redemption of
conscience from the cruel effects of a negative and antagonistic society. As a young man he identified
himself as a homosexual and publicly pronounced his sexual orientation, a decision that cost him a
tremendous amount of isolation and persecution from law enforcement in years to follow. Rustin was no
rookie on the battlefield of confrontational politics. He served hard time in some of the most notorious
penal institutions in the United States. By his death, he had been arrested over 12 times for reasons related
to his sexual and political views.

\textsuperscript{16} Rustin, Strategies for Freedom: The Changing Patterns of Black Protest, 1-2. It is important to
note Rustin believed that long-lasting social change must come through the tactics of nonviolence and
could not be confined to blacks alone. See Rustin, Strategies for Freedom: The Changing Patterns of
Black Protest, 2, 6.

\textsuperscript{17} Steinberg, "Bayard Rustin and the Rise and Decline of the Black Protest Movement."
As a young man, Rustin perceived the American criminal justice system was unfair when he witnessed the Scottsboro Case during the 1930s. He became involved with the Communist Party and joined the Young Communist League (YCL) instead of attending classes at the City University of New York. During the early stirrings of the Second World War, Bayard Rustin had publicly declared himself a Quaker and began increasingly to speak out on the militarism of the United States. He was involved in campaigns against ROTC and compulsory military training body while he was briefly a student at Wilberforce College in Ohio.\(^\text{18}\)

Bayard Rustin joined the Fellowship of Reconciliation (FOR) in 1941 under the leadership of A.J. Muste. Under the influence of Muste and the auspices of FOR, Rustin conscientiously objected to the war on account of his understanding of the tenants of Christianity and pacifism. Rustin’s decision to oppose war and segregation was a widely unpopular decision at the time. While the majority of the African American community opposed segregation, Rustin’s advocacy of pacifism and disapproval of the war was a course of action that was unpopular among blacks. The thrust of black activism during this period was geared toward integration of the armed services and inclusion in the developing war industries not campaigning against the war and definitely not under a banner of pacifism.\(^\text{19}\)

While many African Americans recognized the hypocrisy of a war that fought for victory over racism and imperialism abroad while sustaining identical conditions on the domestic front, they interpreted patriotism as a way in which they could be granted unconditional access to equality in American life. In fact, the central agenda of the National Association for the Advancement of Colored People (NAACP), the Urban League and A. Phillip Randolph and the March on Washington Movement (MOWM) was to pressure President Roosevelt for the desegregation of the Armed Forces and Selective Service Reform in an effort to achieve this goal. Following the bombing of Pearl Harbor, the NAACP


\(^\text{19}\) For a history of race and patriotism as related to military desegregation see Sherie Mershon and Steven Schlossman, *Foxholes & Color Lines: Desegregating the U.S. Armed Forces* (Baltimore, MD: Johns Hopkins University Press, 1998).
called on African Americans to wholeheartedly support the war effort. During the entire period of America’s involvement in World War II (1941-45) nearly 3 million African American men registered and a little less than 1 million served because of racial prejudices governing the Selective Service process.\textsuperscript{20}

During World War II, there were about 30,000 conscientious objectors who were classified as such officially. Many entered the Armed Forces and served in a nonviolent capacity. Others served in Civilian Public Service Camps (CPSC). Increasingly, many of those who opted for conscientious objector status were sent to work in Civilian Public Service (CPS); these camps increasingly resembled a branch of the armed services. Originally, these camps were intended to be sites where conscientious objectors to the war could work on behalf of the public good under the auspices of their church or another religious body with similar beliefs to their own. More and more, inhabitants of these camps became increasingly agitated by the nature of their service, as the camps resembled military service. Many of them revealed their discontent in a variety of ways including: striking, going absent without an authorized leave, and some decided simply to choose prison instead.\textsuperscript{21}

Rustin’s understanding of pacifism made even these CPSCs an offense to conscience. While some Quakers saw serving in the camps (driving ambulances, assisting refugees, etc.) as in agreement with their pacifist beliefs, Rustin did not.\textsuperscript{22} According to his biographer Jervis Anderson, Rustin’s objected to violence in all forms. His firm view made him ineligible for the traditional exemption on religious grounds. John D'Emilio suggests that originally Bayard Rustin had decided to accept the alternative of civilian public service instead of incarceration. He had filled out selective service

\begin{footnotes}
\footnote{20} Bergman and Bergman, \textit{The Chronological History of the Negro in America}, 489-90. After a threatened march on Washington, President Roosevelt conceded demands of the 7-point plan submitted by black leaders in Executive Order 8802 which established the Fair Employment Practices Commission.

\footnote{21} D'Emilio, \textit{Lost Prophet}, 72-73.

\end{footnotes}
requirements and submitted them as early as 1940 but by the time he received his order to report for pre-induction physical he had changed his mind. Perhaps he was influenced by an increasing radicalization of conscientious objectors who were choosing prison instead of working in the civilian public service projects. Regardless of his motivation, the alternative reasoning which the army classified as being based on political or social conscience did not qualify him for exemption.

The consequence of Rustin’s refusal to be inducted into the military on political grounds made him subject to imprisonment for violating the Conscription Act. As a result of this conviction, Bayard Rustin is numbered among the six thousand who were sent to federal prisons for their opposition to violence in and complicity to its support in any form.\(^{23}\) Another important point worth consideration is that nearly one thousand criminals (not of the conscientious objectors) were executed from 1940-1949 for violent crimes. The number of men who were sent to federal penitentiaries for opposition to violence in all its forms including the civilian wartime service was more than six times the number of people who were executed for violent capital offenses.\(^{24}\) Bayard Rustin's interaction in carceral institutions was largely influenced by this large wave of pacifism amidst of a militarized society.

Rustin was not only defiant in outlining his controversial views on pacifism at a time when it was unpopular but he also assisted Japanese Americans who faced internment during World War II—an act that many Americans viewed as helping the enemy. So harsh were the views of some Americans toward the Japanese, that Elijah Muhammed of the Nation of Islam was indicted in 1942 for merely acknowledging his pro-Japanese sentiments.\(^{25}\) According to D’Emilio, Rustin was against violence in its many forms and racial injustice against all people. He saw the internment of the Japanese as an episode of injustice in American history and he carefully calculated the costs of his actions. There are few

\(^{23}\) 6086 were jailed and imprisoned for opposing World War II. See Robert Justin Goldstein, *Political Repression in Modern America: From 1870 to 1976* (Chicago: University of Illinois Press), 274

historical accounts that provide incentive for positive relations between Asian Americans and African Americans. As an African American, Rustin’s activism on behalf on an increasingly estranged minority amidst the most supported war in American history was quite an act of bravery.  

Japanese Americans were eyed with suspicion and were considered to be a threat to the safety of the United States. Japanese community leaders were arrested by the FBI. It was rumored that anyone who possessed Japanese books, magazines, or letters in the Japanese language could be apprehended. Rumors of violence were circulated. Macabre suggestions that the Japanese were to be herded into camps and machine-gunned contributed to a climate of crisis. The seizure of property was common practice throughout all this as a clear violation of civil rights was accepted as carceral protocol.

Rustin’s actions on behalf of Japanese Americans confronted the federal government’s confiscation of their private property and violation of their civil rights. Nearly 110,000 Japanese were evacuated from the Pacific Coast area and forced to sell or have confiscated over $200,000,000 of property through the War Relocation Authority. Unlike the majority of immigrants that preceded them, the Japanese population was largely concentrated in rural areas and the total land value of Issei farmers was an estimated $72.6 million. The architect of the plan, John L. DeWitt who was head of the newly created Western Defense Command (WDC), proposed that all Japanese over the age of fourteen be moved to the interior of the United States. Franklin Delano Roosevelt signed Executive Order 9066

26 See Bergman and Bergman, The Chronological History of the Negro in America, 499. See D'Emilio, Lost Prophet, 45.


31 Ibid., 31.
which authorized the confinement of nearly 120,000 Japanese in concentration camps for nearly four years.\footnote{Ibid., 46-48.}

In a summary of his activities written in September 1942, Rustin logged that he had visited the Manzanar Japanese concentration camp in the Southern California desert amidst other engagements at CPS camps.\footnote{See Bayard Rustin, "Field Worker" and "Report of Youth Secretary" in Fellowship of Reconciliation Papers, (Frederick, MD: University Publications of America, 1988), microform. Also see context of quotes in D'Emilio, \textit{Lost Prophet}, 45.} Joining with Rustin, there were a small number of Japanese who dared to resist the government decision for internment. According to Roger Daniels, throughout the internment process there were some episodes that were categorized as nonviolence in the best of American tradition.\footnote{Daniels, \textit{Prisoners without Trial: Japanese Americans in World War II}, 59.} James Omura, one of the interned, challenged the constitutionality of the practice of mass incarceration while hundreds of other incarcerated Japanese Americans staged violent and nonviolent mass protests against the racist governmental policies.\footnote{Ibid.}

By January 1944, there was a military draft which was reapplied to all Japanese American citizens of military age who had taken loyalty oaths. An anti-oath movement began in one of the concentration camps at Heart Mountain, Wyoming. At least 85 of the inmates refused induction and claimed that as long as they were deprived of liberty, they had no obligation to serve in the United States military. A Japanese Quaker and FOR member Gordon K. Hirabayashi challenged the constitutionality of the concentration camps in the case \textit{Hirabayashi v. US}. His case ultimately reached the Supreme Court that ruled in favor of the government in a decision that was handed down 9-0.\footnote{Ibid.}
Conscience and Conflict

Rustin’s participation in protesting the Japanese internment and the immorality of wartime violence was abruptly ended in 1944, when he was sentenced to three years in a federal penitentiary for violation of the Selective Service Act. Bayard’s Rustin’s biographer, John D’Emilio suggests that “conscience, not the law, sent Rustin to prison.” D’Emilio’s point implies that Rustin’s position was intent on eliciting a certain type of response, in which his moral principles could be brought into conflict with an unjust law. Bayard Rustin's decision to be imprisoned on account of his conscience and dedication to the principles of pacifism was a rather bold move in 1944. World War II received more support from the American public than any war preceding it and possibly any war that would follow. Bayard Rustin was imprisoned at the time when even the prison workforce was engaging in acts of patriotism to support the war effort abroad.

This overwhelming support is important to note because it directly impacted the nature of carceral authority during a time of war and their ability to harshly punish those who dissented. On an institutional level, Rustin’s imprisonment for an unpopular “crime” also affected the way that other inmates initially reacted to him. When there is overwhelming support for the law, or broad agreement on a certain notion of morality, this solidarity makes it easier for authorities to quickly and harshly punish violators. It also allows corrections officers to be more discriminatory in the way they allow certain inmates to treat others. In this case, broad support for a war created a consensus that interpreted the character of the war as necessary and desirable. In prison those who opposed the war, on conscientious grounds or otherwise, faced severe punishment with harsh political and social consequences.

37 D’Emilio, Lost Prophet., p.72.

38 This is a strategy that broadly characterized latter elements of the civil rights movement. King referred to this practice of moral hard-lining as “creating a crisis” in the “Letter from a Birmingham Jail.”

For Bayard Rustin, prison was not only a site of intense racial and sexual discrimination but also it was also rife with criminally-enforced patriotism. Notably, the impact of American prison and prisoners on the war effort was of certain significance. Prisoners of the 1940s were renowned for contributions to the war effort. They donated blood, bought war bonds, and contributed to the workforce. The total production of war goods in the Atlanta Federal Penitentiary alone exceeded $21 million dollars. Some were even released on the condition of enlistment into the armed forces. Rustin’s decision to take a stand against the war on the grounds of conscience was as difficult an undertaking inside of the institution as outside.  

Four years prior to Rustin’s sentencing, he had filled out and submitted the Selective Service questionnaire along with a special form for conscientious objectors. The Selective Service Act, signed into law in 1940, required all young men of age to sign up for military service. In many cases, registering meant certain conscription into the armed services under the Burke-Wadsworth Act. Special provisions in Section 5(g) of the act had been made for conscientious objectors. These were often directed into alternative service projects in the civilian sector.

Considering limited alternatives and the harsh carceral circumstances for objectors to war, estimates reveal the interesting fact that one out of six inmates in federal prison during World War II were conscientious objectors. As previously discussed, these objectors to war were causing serious problems within these civilian camps but now they were also disrupting the prisons themselves. Describing the change they brought to the prison population, D’Emilio states, "Administrators and guards normally dealt


with bank robbers, embezzlers, tax evaders, and Appalachian moonshiners. Now they found themselves faced with a population of highly educated men driven by a philosophy of social activism and a fierce sense of their own moral autonomy.”  

It was on February 28 of 1944 that Bayard Rustin reported to the federal detention facility in lower Manhattan where he was to be assigned to one of the systems’ prisons. He spent 10 days in the West St. Jail and quickly earned the description of "troublesome" by the Bureau of Prisons. While at the West St. Jail Rustin threatened that if he was sent to a minimum security institution he would walk away from it. Taking his threat seriously, jail officials sent Rustin to the Mill Point prison camp in West Virginia which was a minimum security prison were other conscientious objectors had been placed. A large majority of conscientious objectors were also being held at Danbury and Lewisburg. The Bureau did not want to complicate matters by sending such an articulate and intelligent activist to collaborate with the already troublesome community there.

Ultimately, Rustin was sent to the Ashland Federal Prison in northeast Kentucky. This prison is located in the Tristate area where Kentucky, Ohio, and West Virginia meet. As Rustin’s biographer, John D’Emilio acknowledges in Lost Prophet, the decision for any African American man to go to jail was not an easy one, not even with the loftiest philosophical and spiritual convictions:

> After emancipation, incarceration became the successor institution to slavery if the plantation could no longer serve as a prison without walls, the prison could become a forced-labor camp. State legislatures revised their criminal codes to make it easier to lock up Black men for petty offenses and then used them on labor gangs. Jails were also places that African Americans sometimes did not leave alive. They were institutions where the full brutality of white racism could be enacted with almost no constraints. And Rustin knew that he would be bringing to jail not only his skin color but also illicit sexual desires and a determination to resist the rules of the institution.

---

42 Also see Rick Tejada-Flores and Judith Ehrlich, The Good War and Those Who Refused to Fight It, (Oley, PA: Bullfrog Films, 2000), videorecording.

43 D’Emilio, Lost Prophet, 75-78.

44 Ibid., 74-75. Also see, James D. Tracey, Direct Action: Radical Pacifism from the Union Eight to the Chicago Seven (Chicago: University of Chicago Press, 1996).
The carceral climate of the era was daunting for blacks; racial repression saturated the institutional infrastructure of corrections in American society making prison a difficult place for any black male to endure. It was a particularly grueling for an idealistic and homosexual African American at mid-century. Despite the hardship posed by this scenario of hostility, Rustin remained unflappable.

During this same 36 month period from 1944-1946, in which Rustin was imprisoned, large numbers of conscientious objectors were invoking nonviolent direct action against segregation and other unjust practices within these prisons. Pacifist incarcerates mobilized against segregation in both Danbury, Connecticut and Lewisburg, Pennsylvania. These efforts and others did not go unnoticed by prison authorities. Frequent disruptions influenced prison administrators to begin quarantining militant prisoners from the general population. In some cases, imprisoned pacifists provoked violent repercussions in response to the strategy of peaceful protests and fasts.\(^4^5\)

Further complicating an analysis of this “infrapolitical” schema, conscientious objectors comprised somewhat of a prison aristocracy. They were keenly observed by the warden and the guards but not with the same gaze of authority that scrutinized other prisoners. Prison authorities knew that Rustin and other conscientious objectors were well-accounted for in their contacts with outside supports. As early as the 1940s, authorities understood consequences of mismanagement of prisoners could mean for the institution. As a point of clarification, this did not mean that the prison experience was less harsh because of this designation, but only that it differed from the experience of the general prison population.

The prison protests of pacifists and other conscientious objectors also held a distinct meaning for national security. During the Second World War much of this demonstrative activity by FOR and their sympathizers was interpreted as highly subversive and treacherous. Despite this designation, motivated by the inhumane conditions of a carceral environment, Rustin, FOR and other conscientious objectors continued to protest racial segregation in prisons, mail censorship and other restrictions of freedom

\(^4^5\) D'Emilio, *Lost Prophet*, 73.
through hunger strikes and work stoppages. Rustin joined his comrades in subverting the moral process
of carceral institutions by engaging authorities in non-violent confrontation.  

Rustin’s incarceration did not repress his pacifist views; it emboldened him and gave him a
‘captive’ audience to mobilize. Understanding Rustin's move to be incarcerated in 1944 is a complex
one, not only did Bayard Rustin have to contend with racism and harsh treatment for engaging in the
"unpatriotic conduct" of conscientious objection but he also had to confront his homosexuality while
being constantly supervised in a panoptic institution.  

Rustin’s Carceral Experiences in Post-War America

Bayard Rustin's imprisonment and jailing as a conscientious objector tested the tool of
imprisonment that was used later as central strategy of civil disobedience in the modern civil rights
movement. Rustin's pacifism framed black civil rights in the twentieth century discourse of universal
human rights that would be ultimately realized in his work during the 1980s as a global peace activist. He
took the work of pacifism and civil disobedience to heart as a personal conviction and a moral path. As
Thoreau said, “Under a government which imprisons any unjustly, the true place for a just man is also a
prison.” Rustin continued to inhabit that “true place” referred to by Thoreau as he broadened an agenda of
carceral activism.  

46 Kallen, The War at Home, 23. and Ronald H. Bailey, The Home Front (Alexandria, VA: Time-
Life Books, 1977), 47. Much chagrined at the wave of prison dissent and protest, one warden is quoted
saying he yearned “for the good days of simple murderers and bank robbers.” Bailey, The Home Front,
47.

47 Prisons in the 1940s were run under the assumption that order must prevail. Internal
disturbances must be kept to a minimum to insure the successful rehabilitation of the inmates. It should
also be noted that the 1940s were a surging decade in the development of carceral institutions.
Progressive and medical models prevailed in the institutional sphere. Criminologists and corrections
authorities largely engaged the notion that they could triumph over the pathological criminal through
careful medical and psychological treatment.

48 For this quote and a broad discussion on the notion of civil disobedience see Henry David
published in the nineteenth century, Thoreau’s ideas were still en vogue among political dissidents during
Rustin, unlike other human rights activists of his time, did not place civil rights in a secondary agenda but in a parallel one with conscientious objection. He despised war and segregation equally and used his carceral activism to condemn both. Late in March of 1946, he wrote a letter outlining that his reasons for imprisonment were that he disagreed with both segregation and conscription and called them “the greatest evils of our nation.”\textsuperscript{49} The postwar era presented a spirit of optimism for returning Black troops who had served abroad in the war and felt that they were not receiving the full benefits of democracy upon their return to the United States. According to Rustin:

There was a great feeling on the part of many of these youngsters that they had been away, that they had fought in the war—that they were not getting what they should have. Already, black and white soldiers coming home from the war were sitting anywhere they wanted on the buses and they were being thrown in jail...there was a building up of militancy, not so much by going into the streets as it was by a feeling of ‘we are not going to put up with this anymore.’\textsuperscript{50}

Rustin welcomed the spirit of this postwar militancy, while the war waged he framed activism in unlikely places and saw prison as a central place to express dissent and also to mobilize protest against oppression. While imprisoned, he had constantly organized against Jim Crow. Now that the war was over, he perceived the atmosphere of post-war American society was fertile for a continued campaign against racial oppression.

Following the war, other black organizations addressed the issue of black veterans who were being locked up because of their violation of segregation laws. Carceral elements had been an escalating concern of the NAACP after the war ended. Walter White’s delegation that met with President Truman bargained for an assessment of civil rights issues in America of which carceral issues prominently

---

\textsuperscript{49} Bayard Rustin quoted in Levine, \textit{Bayard Rustin and the Civil Rights Movement}, 47.

\textsuperscript{50} Bayard Rustin, “Interview with Bayard Rustin” in Fayer, Hampton, and Flynn, \textit{Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s}, xxvii.
figured. Amidst White’s concerns were the increasingly fatal problems between blacks and local law enforcement officials—lynching and police brutality.51

Also during this period, the role of police was undergoing a change in American society. Police were now playing more of a proactive role than a reactive one according to some criminologists who have analyzed the institutional infrastructure of the decade. This in part came as postwar suburbia developed smaller segregated communities contributing to a rise in police departments and increasing policing outside of urban areas. Police practices during the 1940s differed in that they roamed around the community to enforce “vice laws” and to keep the offenders off the street. Police were not effectively able to respond to citizen calls because the modern emergency infrastructure was not in place but during the 1940s police cars were beginning to be equipped with two-way radio technology which did mean better communication between patrols. In 1948, police cars were also being equipped with the Beacon-Ray revolving light, which became an icon for law enforcement during the twentieth century.52 A prominent component of policing in this period was harassment, as these community patrols evidenced policemen exercising personal discretion of who had a right to be in the streets.53

Police patrolled the parks and streets at night and rounded up the usual suspects: drunks, gangsters, sexual perverts and anyone else who looked suspicious. In October of 1946, shortly after being released from Lewisburg Prison, Rustin was arrested in Morningside Park for solicitation of a lewd act. “Fairies,” as gay men were called at the time, were long targeted by plainclothes police.54


presented himself as an “open” homosexual around the city, and according to several accounts, frequented the park as a place to pick up partners. A year later, Rustin was arrested again in New York City for lewd activity in the park after midnight, this time near Riverside Park in September of 1947. The city police brutally beat him in the back of the squad car, not for civil rights activism nor for pacifism, but for his homosexuality. They knocked his teeth out.

Prison authorities and law enforcement often perceived homosexuality as a significant problem and indicative of criminal behavior. Prior to Rustin's arrival, Ashland prisoners undoubtedly engaged in same sex arrangements. Rustin engaged in sexual activity while he was imprisoned there also. Rustin's sexual exploits were hardly concerned with privacy and intimacy according to most accounts. Rustin's flamboyant personality was also and naturally an aspect of his sexuality. Much to the disgust of the prison guards, Rustin was caught on several occasions providing and receiving favors from other inmates.

Interestingly, reports offer little evidence that the other inmates were disturbed by this behavior. In the overarching perspective of assessing the impact of prisons on black activism, Rustin's sexual activity is one of the most important but least significant factors. It was important because it expressed an


57 Bayard Rustin yields important insight into the difficulties of understanding Black masculinity and prison subculture. When Bayard Rustin was imprisoned in the Kentucky federal penitentiary, he began a series of relationships with other inmates much to the chagrin of prison authorities. To further complicate matters for prison authorities he began organizing protest from within prison addressing the segregated conditions in the institution. See D'Emilio, *Lost Prophet*, 47-49. Also see Stokely Carmichael and Michael Thelwell, *Ready for Revolution: The Life and Struggles of Stokely Carmichael (Kwame Ture)* (New York: Scribner, 2003), 167.

58 Ibid. For broader analysis of homosexual relationships within captivity narratives see Franklin, *Prison Writing in 20th-Century America*, 14. According to Franklin, “Gay and Lesbian prison writings, including the prominent gay poet Paul Mariah, express the poignancy of relationships threatened by guards and officials, while other writers reveal the threats to the sexuality defined as "normal."
assumption of the right to identity. Rustin was convinced that he had a right to be himself, and that self included his sexual identity. Despite the disapproval by many of his peers, he found that he could not suppress his sexual identity.

In 1947, CORE sponsored a trip to test the recently handed down Supreme Court ruling declaring the segregation of buses unconstitutional. The trip was initiated by Rustin and its primary purpose was to test the Supreme Court’s decision in the *Morgan v. Virginia* ruling. The group was trained in nonviolent tactics and educated in pacifism. In a report coauthored by Bayard Rustin and George M. Houser entitled “Journey of Reconciliation,” the details of this endeavor were clearly outlined. In a two week trip from April 9th to the 23rd in 1946, the sojourners were to test the Supreme Court decision by riding integrated through 15 cities in Virginia, North Carolina, Tennessee and Kentucky.

In a couple of weeks, they tested the policy of segregation twenty-six times and twelve arrests were made in all. Predictably, Rustin was among those that were arrested. Two years later in March of 1949, Bayard Rustin surrendered to the Orange County court at Roxboro, North Carolina to begin a 30 day sentence imposed in 1947 for sitting in a bus seat out of the Jim Crow section. Rustin and his two white companions were the only ones that ending up serving time after the appeal of the other participants. His sentence was twenty two days on a North Carolina road gang. The state of North Carolina had developed a reputation for the crudeness of its chain gang systems by the 1920s.


had banded together to address the debilitation of the institutional correction there preceding the war but
had not garnered the political power to address the problems of state corrections until after the Second
World War.\textsuperscript{62}

Throughout all of this, Rustin stressed the role of policemen in social change as related to the
project. He stated, “Policemen and bus drivers have a great responsibility in social change of this kind.
Successes or failure, violence or peaceful change is in large part [sic] determined by the position they
take.” This position was initially a facilitation mode that corralled and guided dissenters out of public
view to gain the attention of the mass public. Ultimately, this position became largely an antagonistic
role that Rustin and nonviolent activists exploited brilliantly to reveal the lawlessness of supposed law
and order.\textsuperscript{63}

Constance Baker Motley, a civil rights lawyer in the NAACP’s Legal Defense and Educational
Fund (LDF) who would later contribute major arguments in \textit{Brown v. Board}, also commented on the
nature of these carceral protests. In a memorandum to NAACP staffer Madison Jones, Motley addressed
the carceral nature of the decision to challenge the implementation of the \textit{Morgan} ruling. She stated,
“The fact that when arrests were made they were usually on a charge of disorderly conduct rather than a
violation of a state statute is important since it show that the bus companies cannot enforce their rules and
regulations without the aid of the state, thus giving a legal basis for attacking the rules and regulations of
the carrier.”\textsuperscript{64}

It was a Monday, on March 21, when Rustin waited alone in a small cell of the county jail. He
recounts that he had not eaten since morning and learned that only two meals were served daily, one deal

\textsuperscript{61} See Jesse Frederick Steiner and Roy M. Brown, \textit{The North Carolina Chain Gang a Study of
County Convict Road Work} (Chapel Hill: The University of North Carolina press, 1927).

\textsuperscript{62} Ollie A. Johnson and Karin L. Stanford, \textit{Black Political Organizations in the Post-Civil Rights

\textsuperscript{63} See Bayard Rustin, "We Challenged Jim Crow," 14-27.

\textsuperscript{64} Constance Baker Motley, “Memorandum to Madison Jones,” 1947.
at breakfast and one at lunch. He recalls that around 2 p.m. that day he was ordered to prepare to leave
for a prison camp and got inside of a "dog car" traveling down the bumpy road to the prison camp at
Roxboro. The desolate camp was very crude according to Rustin. He recalled that an effort was made to
keep the place clean but mud stuck on the floor and caught the attention of anyone entering the room.
Roaches were everywhere and a musty feeling hovered over the place.65

Bayard Rustin was appalled with the physical and social conditions that existed in the prison. He
found that everything was relegated to a harsh and regular routine with disturbing psychological
mechanism of control. For example, all through the night he recorded that prisoners had to shout out to
the warden outlining the movements within their cells. Rustin recalled that the nightly echoes of "Gettin'
up, Cap'n.' Closing the window, Cap'n. Goin' to the toilet, Cap'n" kept him from achieving a sound night's
sleep while at Roxboro. The days were exhaustingly long and grueling. The convicts were forced to
work ten hours from seven in the morning until noon, and a half-hour for lunch and then the rest of the
day.66

Examining the impact of this imprisonment on Rustin is very important. This is the first
experience of an imprisoned Rustin that we see published by him. We see a psycho-social impact of a
different kind of Roxboro that the 36 months in a federal penitentiary could not compare with. While
serving time at Roxboro, he is able to draw very serious relationships between the welfare of race
relations in the United States with treatment of the different races in the prison. Rustin is visionary in that
he understands how prisons are operating as a microcosm of larger developments in American society.
His relationship with the brutal white guard “Captain” reveals that he was quite aware of the nature of the
power dynamics of race and class in the rural south during the 1940s. Educated black males and

65 Rustin, Down the Line, 31-32.

66 See “Twenty Two Days on a Chain Gang.” Also see this document and the original draft of
especially northern black males were castigated for not only their color but also their ability to escape the social conditions through means that were unavailable to many white southerners of the 1940s.

Rustin weighed this dynamic carefully, understanding the significance of redemptive suffering as a central concept in unraveling racial hegemony. By physically sacrificing his body for the guard and for the other prisoners, he understood that solidarity could be achieved, which he interpreted as far more important than any short-term notion of racial pride of personal dignity he could gain through acts of insubordination. On a more practical level, the threat of death was very real for Rustin in Roxboro, probably to an extent that he had not realized before. His resistance had to be careful because a misjudgment could result in his life.

By his imprisonment in Roxboro, Rustin was a more mature, calmer and strategic thinker who was not only experimenting with the imprisonment as a tool to protest racial conditions but also as a workshop to improve race relations. Rustin’s chain gang experience thoroughly immersed him in the pursuit of human rights as a component of his campaign for racial justice. Largely, it was the coupling of racial justice and human rights that would be addressed by one of his ideological counterparts, Malcolm X and ultimately by Martin Luther King, Jr.

Sentences on the conviction of conscience have had various responses by mainstream prison population but the case of Rustin in Ashland and Roxboro suggest that he was able to wield a significant amount of influence on account of his moral indictment. He was effectively given passage throughout the segregated levels of the institution and was allowed to teach white inmates in classes. Most importantly, all this legitimacy stemmed from the dedication to nonviolence.

Interestingly, the strategy of nonviolent activism was increasingly, at least in a prison environment, capable of trumping concerns about his moral ‘deficiency.’ Why should this be otherwise? If prison was a place where guilt was predetermined before admission, then it is not surprising why the inmates would place a greater emphasis of moral judgment on conduct after incarceration and not on mere declarations of innocence. Rustin’s nonviolent reactions to instances of abuse and the prison environment
were so powerful that it actually moved the warden to apologize for the way that he had treated him before he was released.⁶⁷

Rustin’s time at Roxboro on a chain gang solidified the strategy of nonviolent direct action espoused by Rustin and other FOR members as being circuitous in a sense. They had nonviolently protested and resisted induction into the armed services which led to imprisonment but in the same token, they actively protested for the release of conscientious objectors. Following the war, Rustin and his colleagues protested with the intent being imprisoned and then protested for the release of the imprisoned. In this “damned if you do, damned if you don't” activist conundrum, Rustin realized the importance of prison in two factors of black activism.

After his release from Roxboro, he published his startling testimony of the ordeal in “Twenty Two Days on a Chain Gang” in the *New York Post* and the *Baltimore Afro-American*, a move that some suggest led to the abolition of the chain gang in North Carolina. This was important in the broader historically analysis of his activism for two reasons. First it revealed and proved to him that prison attracted the public gaze and at least guaranteed an increased awareness of social issues. Secondly, he learned that prison protest was important for solidarity and refinement of activism. If one could achieve the mental tenacity to pursue clearly defined goals during and after the process of imprisonment, the act of imprisonment could have a mobilizing effect both inside and outside of the institution.

From these carceral experiences, Rustin learned the vital lesson of how to build credibility by testing nonviolent principles. The volatility of the environment made him all the more determined. For this attribute of his character, he was deeply respected by young student activists of the 1960s. They looked to Bayard Rustin, James Farmer and others as bold examples in how radical discontent could be applied to carceral situations. Even the unflinching Malcolm X, paused after joking about Rustin’s

---

⁶⁷ Levine, *Bayard Rustin and the Civil Rights Movement*, 41.
sexuality and was forced to confront the gravity of Rustin’s criticism of his blind and debilitating allegiance to Elijah Muhammad.  

Withstanding criticisms from Malcolm X and weathering the chain gang, the greatest carceral impact on the life of Bayard Rustin came in 1953. Rustin was on a lecture circuit to raise money for a return trip to Africa. While attending a series of engagements, which included the American Association of University Women in Pasadena, he left the lecture with a couple of white men and shortly afterward was apprehended by police in engaging in “lewd acts” in the parking lot. Over the course of his life, Rustin was arrested more than a dozen times but it was this arrest that troubled him the most. It is unclear why this was so.

Certainly, he knew as did his mentor A.J. Muste, that his opponents would use this instance to smear his efforts. There were few worse things one could be called in Cold War America than a “nigger,” a “communist,” and a “faggot.” Rustin opponents attacked with all three epithets. This final arrest drove Rustin into a deep depression; it remains unclear why his arrest in California was more impact than the previous two but it was the last time he was caught engaging in this behavior. It was only after the aforementioned incident in which he was discovered in the backseat of a car that embarrassed him and threatened the progress of the movement that he began to seek ways to “closet” his sexuality.

He struggled with maintaining his identity and presenting an image of respectability for the sake of the movement. In fact, some suggested that it sent him into deep bouts of depression that required psychiatric attention. He recognized that as a public figure, if he wanted to remain in a role of leadership he had to maintain a certain image. Repeatedly, it became clear to him that his every move

---


70 On Rustin’s depression see Tracey, Direct Action, 83. Also, Levine, Bayard Rustin, 70-73.
was being monitored, particularly with regard to his sexual activity, and this required him to take a behind
the scenes approach as an organizer and an advisor.\textsuperscript{71}

The NAACP and black political leadership were not concerned specifically with the abuse of
Bayard Rustin by local police and the psychosexual trauma that it caused but they were directly
concerned with instances of police brutality and neglect of duty in cases in which African Americans
were victims. The organization pressured President Truman to address the issue and he responded in the
development of a President’s Committee on Civil Rights through Executive Order 9808.

Police brutality was a central concern of the committee coupled with addressing widespread
condoning of lynching as a public artifact of a vigilante judiciary. On February 26, 1946 in Columbia,
Tennessee there were riots after blacks fended off lynch mobs and injured police in the process. Police
and national guardsmen sent to quell the black resistance with machine guns. Two were killed in
outbreak of violence in the jail. Even Thurgood Marshall was arrested that year on extremely
questionable charges of drunk driving while working on the defense of the accused. Ultimately 23 out of
25 acquitted but the importance of the case was not soon forgotten.\textsuperscript{72}

When the Presidential Committee on Civil Rights Commission report \textit{Secure These Rights} was
published the Civil Rights Section of Justice Department expanded to address the need for federal laws
against lynching, a need for equality in law enforcement and administration.\textsuperscript{73} In the report of the
Commission, there was a key section addressing official misconduct by enforcement of the law by local

\textsuperscript{71} See interview with his former partner in Nancy Kates and Bennett Singer, "Brother Outsider:
The Life of Bayard Rustin," ed. Bennett Singer (South Burlington, VT: California Newsreel, 2002). For
his arrest record see Kwame Anthony Appiah and Henry Louis Gates, eds., \textit{Civil Rights: An A-to-Z
the months leading up to the 1960 election, New York Congressman Adam Clayton Powell threatened to
spread rumors that Rustin and King were having an illicit affair if King did not make Rustin resign from
his board of advisers. King capitulated to Powell’s demands and some suggest lost a deal of moral
influence among his inner circle. For the Clayton threat see David J. Garrow, \textit{Bearing the Cross: Martin
Luther King, Jr., and the Southern Christian Leadership Conference} (New York: Quill, 2004), 139-41.
\textsuperscript{72} Bergman and Bergman, \textit{The Chronological History of the Negro in America}, 511-12, Roy
\textsuperscript{73} Ibid.
agencies. Concerns included the beating of minority groups by police and brutality against prisoners. “Lawless police forces” were accused of hampering the civil rights of citizens. The Commission concluded that carceral forces operating in a “dominant pattern of racial prejudice” were preventing equal access to justice and a distrust of “legal machinery.”

Sharing the NAACP concerns of police brutality and harassment, Rustin’s frustration with the carceral was directly affected by his sexual and racial identity. Panopticism, a system derived from Jeremy Bentham’s design for nineteenth century prisons, was an important element of carceral culture visible in Rustin’s life. Panopticism, as a cultural theory, advances the notion that as society becomes increasingly modernized people are increasingly placed under the gaze of authority in an attempt to make them behave.

As a prisoner and an activist, Rustin confronted the gaze of authority by his outright insubordination to social mores. As a conscientious objector, a pacifist, a former communist and a homosexual, Rustin was relegated to a different class of prisoners during his imprisonment and jailing. He belonged to a special class under the intense scrutiny of prison authorities to prevent the spreading of his doctrine of social protest. Outside prison walls, Rustin continued to draw the surveillance of carceral agencies, particularly the Federal Bureau of Investigation.

Rustin’s racial and sexual identity, political protests and experience with the carceral culture of pre and post-war American society all offer insight into the carceral politics of redemption.


76 The sexual identity of prisoners in the whole culture of prison sexuality is an important aspect of the life of several activists. As Bruce Franklin has addressed the dilemma, "The American prison, where typically all sexual activity is forbidden—and the only available sex is homosexuality and masturbation—involves troubling questions about sexual identity, as one convict explained to a prison
of clarification, redemption need not be a religious force, in Rustin’s case religiosity serves as a mechanism through which salvation of the personal identity comes. While Quakerism is useful in understanding the pacifism of Rustin, it is not essential in unearthing his redemptive process.

For Rustin, the persecution of body and soul through carceral mechanisms—inside and outside of prisons—provide a counterpoint to his identity. Rustin’s redemption comes not when he publicly declares his joining of the Society of Friends, nor when he is freed from prison, nor previously as an organizer with A. Phillip Randolph. Rustin’s realization of liberation comes amidst the carceral process when he realizes that persecution is a weapon of nonviolent activism that can be used to advance social and political ideas. This point is paramount in the life of Rustin.

Rustin’s realization of the politics of his personal redemption in a carceral drama directly influenced other activism decisions that followed—particularly the early stirrings of the modern civil rights era. Bayard Rustin’s involvement with the Congress of Racial Equality (CORE), a nonviolent direct action group founded in 1942, facilitated the experiments of nonviolence in a midwife role preceding the widespread movement. Rustin and George Houser served as two principal founders of the organization. Although African Americans have long used nonviolent resistance to confront opponents of racial justice, CORE is of central significance because it was infused with so many modern principles of nonviolent philosophy and grassroots organization which had an unimaginable influence on the civil rights organizations and agendas that followed.77

77 D’Emilio, Lost Prophet, August Meier and Elliott Rudwick, "The First Freedom Ride," Phylon (1960) 30, no. 3 (1969): 214,54. James Farmer and Bayard Rustin were integral in initiating nonviolent activities of the Freedom Riders throughout the South nearly twenty years later in 1961. Farmer was arrested while testing Mississippi's resistance to integration in the Jackson Trailways Bus Station. Like Rustin and the example preceding him, Farmer and other Riders elected to serve prison terms in the state penitentiary rather than paying the fine. Again, following the example of Rustin before him, this was an attempt to focus national attention on the cause. For the most part, this tactic worked. James Farmer is often given the credit for popularizing CORE, but evidence suggests that Bayard Rustin was just as important in organizing and publicizing the work of the group. Realistically, the development of CORE should be attributed to George Houser, Bayard Rustin and other pacifists who were affiliated with the psychiatrist who was grilling him about sexual relationships with other men, ‘I do not know if I am a homosexual or not, because being locked up all of my life, I've never had the opportunity to have a heterosexual relationship’. See Franklin, Prison Writing in 20th-Century America, 14.
Bayard Rustin provided guidance for Martin Luther King and the Montgomery boycott by showing how the principles of nonviolent action could be applicable in a movement for racial justice. As an early advisor of King and later as key strategic consultant, Rustin helped infuse his wartime experiences of carceral redemptive suffering into the Montgomery campaign. While some historians addressing the Montgomery boycott fail to account for the revolutionary aspects of voluntary imprisonment during that episode, certainly most would agree that it was Rustin who influenced King that a nonviolent course of action could be useful. Some accounts hold that voluntary imprisonment was a relic of passive resistance that had become obsolete by 1955. Rustin’s presence in Montgomery suggests otherwise. It was largely his spirit of resolve and record of voluntary imprisonment that impressed civil rights leadership that a morally distinct strategy of nonviolence should be endorsed.⁷⁸

While there is some historical debate over what extent Rustin instructed King in the strategy of nonviolence, it is safe to conclude that he did indeed influence him. If not in anything more than Rustin’s assessment of his role, “The glorious thing is that he [King] came to a profoundly deep understanding of nonviolence through the struggle itself, and through the readings and discussions [with Rustin] which he had in the process of carrying on the protest…”⁷⁹ Rustin himself quite humbly discussed his involvement with King:

> Now quite contrary to what many people think, Dr. King was not a confirmed believer in nonviolence, totally, at the time that the boycott began. On my second visit there the house was still being protected by armed guards…I take no credit for Dr. King’s development, but I think

---

⁷⁸ See Rustin, *Down the Line*, 57. See the following chapter for a more detailed discussion on the role of carceral factors in the Montgomery boycott.

the fact that Dr. King had someone around recommending certain readings and discussing these things with him was helpful to bring up in him what was already obviously there.\footnote{Bayard Rustin, "Montgomery Diary," in \textit{Time on Two Crosses: The Collected Writings of Bayard Rustin}, ed. Devon W. Carbado (San Francisco: Cleis, 1956), 59. Bayard Rustin would also influence Glenn Smiley who was a confidant of Martin Luther King. He and Smiley had both been sent to Montgomery by the Fellowship of Reconciliation (FOR) to train King in the tactics of nonviolent mass action.}

In his Montgomery diary of the movement, Rustin described the reaction of local leadership and white authorities after indicting one hundred activists on charges stemming from an old anti-boycott law. He recounted that many of the black leaders who had previously been in hiding, boldly came to the police department and turned themselves in. This was direct confrontation at its finest. When E.D. Nixon, the local leader of the NAACP turned himself in on February 22, 1956 it had a profound effect on the community. Rustin reflected, “This procedure had a startling effect on both the Negro and the white communities. White community leaders, politicians, and police were flabbergasted. Negroes were thrilled to see their leaders without being hunted down. Soon hundreds of Negroes gathered outside the police station and applauded the leaders as they entered, one by one.” The leaders were released later on that day on $300 bail.\footnote{“Bayard Rustin” in Howell Raines, \textit{My Soul is Rested}, (Toronto: Longman Canada Limited, 1977), 53.}

Rustin’s impact would also be traced through the memories of Kwame Ture, then known as Stokely Carmichael and the Student Nonviolent Coordinating Committee (SNCC). Ture recounted that it was after seeing Bayard Rustin deliver a speech at a political meeting in the Bronx that he recounted, “That’s what I’m gonna be when I grow up.” These feelings would be short lived in the career of he whom some refer to as the patriarch of the black power movement, but the impact that Rustin made was undeniably evident. Ture also recounted reading Bayard Rustin’s influential essays, “Nonviolence vs. Jim Crow” and “The Negro and Nonviolence” while participating in the Nonviolent Action Group at Howard University. He acknowledged that Rustin was master at nonviolent direct action and his ability to confound carceral aggressors.
Rustin’s presence at training sessions for Freedom Summer volunteers at the Western College for Women in Oxford, Ohio in June of 1964 made a strong impact on the young activists. During a workshop session, he shared experiences from his imprisonment as a conscientious objector in a workshop during the session. One story that particularly motivated a young trainee was Rustin’s reminiscence of an inmate who kept throwing stones at him. He told the man, “Look friend, I’m tired of this, and so must you be. If you’d like to kill me, take this stone and bash my head in with it. Otherwise, let’s stop.”

With his young audience breathlessly captivated, Rustin told them that the man never threw stones again.

Also evidencing Rustin’s impact on SNCC is one of the earliest mentions of the jail-no bail policy in the Student Voice. In this article, Rustin provided sagacious perspective on the necessity of aggressiveness in prison activism. He stated, “There are not enough jails to accommodate the movement. This is an important strength. If one or two of us are arrested, the rest must non-violently seek arrest. If, upon arrest, you pay your bail or fine, you provide room for a friend.”

It was this rebellious undercurrent that drew young activists to Rustin. Rustin’s charisma imbued pacifism with a stalwart sense of defiance that mesmerized young activists.

Considering the high approval for the NAACP’s court-oriented civil rights strategy in 1964, it is no mystery as to why Rustin looked to traditional governmental avenues for advocating social change in the following years. Bayard Rustin was harshly criticized for switching from protest in the streets to

---

82 Carmichael and Thelwell, Ready for Revolution: The Life and Struggles of Stokely Carmichael (Kwame Ture), 167-72.


wheeling and dealing politics of Congress. After 1964, he spent a majority of his time attempting to
directly affect public policy through traditional Washington political circles.

Another reason for this change in Bayard Rustin's ideology can be attributed to changes in the
protest cycle. Protesters went from engaging the authorities on issues regarding segregation and access to
the voting booth to address problems of the inner-city specifically related to urban decay. The tactics of
CORE reflected the changing tactics of Bayard Rustin. After the early sixties, CORE shifted an emphasis
from direct action to voter registration.\footnote{Lowery and Marszalek, *Encyclopedia of African-American Civil Rights: From Emancipation to the Present*, 124-25.}
In these years, CORE played an important role in coalition
building as well as developing leadership in the Mississippi Freedom Democratic Party (MFDP) in the
1964 Democratic national convention. Finally, CORE ultimately began to espouse the ideology of Black
Power, a movement to which Bayard Rustin was practically and ideologically opposed.\footnote{Bayard Rustin, “Black Power and Coalition Politics” in *Down the Line*, 154-165. Also see Levine, *Bayard Rustin and the Civil Rights Movement*, 11.}

Conclusion

Bayard Rustin's impact on the civil rights movement emerged from a deep attachment to
pacifism, internal conflict caused by carceral encounters and a painful alienation of his sexual identity.
Rustin's controversial homosexual identity pushed behind the scenes in the civil rights movement. His
'radical' criminal record was a complex contribution to the mainstream movement in the early days of the
protest.

There are some that seek to exclude Bayard Rustin from a respectable place in the memory of
important black activists of the civil rights era because of his change of methodology outlined in *From
Protest to Politics*. It is no doubt that Bayard Rustin encountered a change in his methodology but his
invaluable contributions along every major development of the movement from Montgomery to
Washington to Jackson should not be forgotten. After the Civil Rights Act of 1964 and seeing
widespread urban malaise, Rustin was convinced that blacks should participate in political structures through the gradual compromise of politics. He argued that out of the civil rights movement a coalition of a new progressive majority could emerge United States.\(^{88}\)

It is important to recognize this shift in the thinking of Bayard Rustin because it reflects the roles that prison played in his life. His prison encounter influenced how he perceived institutional structures. Collectively, Rustin's prison and civil rights experiences brought him to the position that blacks could work within these institutions to redeem them and to bring about social change. If he could make racists overseers in Roxboro apologize and treat the prisoners better, he felt that he could do something to redeem American government from corruption. Ironically, Rustin’s desire to engage in traditional politics for the ‘redemption’ of political power for the people resulted in him ‘suffering’ as an outsider in the waning years of the civil rights movement.\(^{89}\)

Although Bayard Rustin can be credited with reintroducing the concept of redemptive suffering through imprisonment among Black social and political activists, Rustin was no theologian. Rustin remains a highly pragmatic organizer who used existing structures to confront issues of social and economic inequality. The impact of these institutions of correction and other carceral forces exerted on Rustin were not salvific in a theological sense. He perceived many of these institutions as not only contributing to some religious experience in his encounters but ultimately as a tool to confront moral

\(^{88}\) D'Emilio, *Lost Prophet*, 4. Of course there's no way to gauge the impact of a variety of influences on a person’s life, however, certain developments in the life of Bayard Rustin as a strategic organizer may be traced to his early college years at Wilberforce College in his involvement in the first-year mandatory Reserve Officer Training Corps (ROTC) program.

\(^{89}\) Rustin referred to both political parties as “rotten” but saw the process of democracy in American society as redeemable. See Nancy Kates, and Bennett Singer, *Brother Outsider: The Life of Bayard Rustin* (South Burlington, VT: California Newsreel, 2002), videorecording. The tension became overwhelmingly apparent. How could someone who was largely influential in reintroducing such a radical and revolutionary concept of imprisonment into the black protest movement turn to politics as a legitimate force for social change? As Rustin denounced protest and suggested that the time for political participation was fully available he denounced a number of activists that did not share that common vision and hundreds more that were already imprisoned in the belief that their incarceration could bring about a political change. Perhaps most tragically, Rustin underestimated the extent of white backlash.
hypocrisies in American society. However, through it all he recognized the virtue of allowing himself to be repeatedly sacrificed for the greater good of the movement.

Love for Bayard Rustin extended far beyond Christian theology. Love was a force that was far too simple and that is untapped for its ultimate potential. Bayard Rustin is recorded saying “Love is not enough!” For Rustin hard appeal the determination with the paramount qualities of successful nonviolent protest. Rustin interpreted nonviolence as a powerful force that should not be associated with fear or non-resistance but that should be directly confrontational apparatus in the struggle for racial equality.\textsuperscript{90}

He aimed for these confrontations to result in some tangible progress expressed through public policy, a mending relationships, or mutual understandings of progress between two conflicting groups. He commented to Mississippi Freedom Party volunteers, “…you love Eastland in your desire to create conditions which will redeem his children. Loving your enemy is to manifest in putting your arms around the social situation, to take power from those who misuse it—at which point they can become human too.”\textsuperscript{91} In Rustin’s opinion, carceral interaction provided a time and space most conducive to this undertaking. Most poignantly, carceral institutions were a tool to be used by the activists to refine the determination of the activists to as well as to question the authority of opponents.\textsuperscript{92}

Perhaps, most importantly, Rustin is so significant to the idea of redemptive suffering because he was willing to sacrifice his own identity (first sexual and then political) for the advancement of the movement. In the ascetic tradition he denied himself for the advancement of others. Perhaps, this was Rustin’s greatest sacrifice and greatest flaw. He was forever relegated to the behind the scenes

\begin{itemize}
\item \textsuperscript{90} Bayard Rustin quoted in D'Emilio, \textit{Lost Prophet}, 56.
\item \textsuperscript{91} Sally Belfrage, \textit{Freedom Summer} (Greenwich: Conn: Fawcett Publications, Inc., 1966), 26.
\item \textsuperscript{92} During the earliest years of Bayard Rustin's nonviolence there was a developing difference in praxis and a split in the ranks among nonviolent activists of the Fellowship of Reconciliation. Earlier, FOR had focused on a message to preach nonviolence while others interpreted as a path toward action—an ultimate goal. Rustin provides an interesting shift in the thinking of the FOR because instead of making the end of war the primary goal of this action he perceives the ultimate goal of nonviolent action is to eliminate injustice. Once again, this illustrates how Rustin is able to transcend heady theologies and philosophies of nonviolent discourse into an action-oriented strategy. See D'Emilio, \textit{Lost Prophet}, 50.
\end{itemize}
development of the movement through organizing and strategizing that when he emerged in the post-civil rights era with the ideology of from protest to politics, he became largely and unjustly criticized as a sell-out.

A final impact of prison on Rustin that contributed to his legacy in the modern civil rights campaign was evidenced in his willingness to work out of the public gaze as an effective leader. This was a characteristic that he undoubtedly gleaned from his multiple prison experiences. Rustin’s experience with organizing prison protests in Ashland and North Carolina were an important part in the development of this preference in his strategy. Rustin, perhaps the most neglected and integral organizer of black social activism since the 1950s conducted his most important work in the movement while obscured from the public view; consider both Marches on Washington, Montgomery and the Freedom Rides.

Early on, Rustin learned from Gandhi that the prison protest cycle was a win-win scenario for political and social activists as long as they adhered to the tenants of non-violent protest. When activists were released from prison, the moral fiber of the cause was strengthened because it revealed that activists could maintain their convictions amidst of persecution. On another level, this provided the activists a moral advantage in that they had endorsed a cause of conscience, endured unjust suffering from that cause and remained unchanged by the penal system. Similarly, by enduring carceral arrangements among ‘legitimate criminals,’ the political prisoner was able to invoke moral overtones of innocence amongst the depravity and moral decay of the penal system.

Rustin mastered the application of this moral argument of redemptive suffering but because of his alleged ‘moral deficiencies’ as a homosexual with an extensive criminal record of “lewd activity” he was never able to become a national leader. His knowledge of the politics of morality and the power of non-violent tactics made him one of Dr. Martin Luther King Jr.’s most important tutors. Relying on qualities of charismatic leadership and the moral authority invested in a southern Baptist minister, King would take Rustin’s examples of carceral activism and redemptive suffering to a greater audience than had previously been possible.
CHAPTER III
CAPTIVITY IN MARTIN LUTHER KING'S ACTIVISM, 1955-1963

One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.

Martin Luther King Jr., Letter from Birmingham Jail.

Bayard Rustin coaxed King and the Montgomery Improvement Association (MIA) into using nonviolent confrontation and framing community struggle around the issue of civil rights. Rustin’s previous experience with the Fellowship of Reconciliation (FOR) and the Congress of Racial Equality (CORE) made him a valuable advisor but his previous arrest on a “morals charge” in Pasadena made him unwelcome, especially after rumors began to circulate. Even after Rustin left Montgomery, he maintained contact with King and the Montgomery Improvement Association (MIA). Ghostwriting for King in Liberation, Rustin argued, “OUR LEADERS DO NOT HAVE TO SELL OUT. Many of us have been indicted, arrested, and ‘mugged.’ Every Monday and Thursday night we stand before the Negro population at the prayer meetings and repeat: "It is an honor to face jail for a just cause."¹

Paralleling the emphasis of Rustin’s strategy, Rosa Parks’ ascendance as the first political prisoner of the modern era of civil rights led to the mobilization of a city-wide campaign under the leadership of Martin Luther King, Jr. In critical hindsight, the major campaigns, collectively referred to as the modern civil rights movement began in Montgomery with one arrest. The explosion resulting from Parks’ arrest and how it was handled in the media, by the black community, and most importantly how

white reactionaries responded, die-cast the formulaic carceral relationship that remains at the heart of the America’s most influential social movements.

Moving from politics of respectability to civil disobedience, the American civil rights movement searched for meaning in suffering and moral persuasion through non-violence. Following Parks’ arrest, King was arrested for the first time in his life and urged nearly one hundred other black ministers and civic leaders of Montgomery to follow in his example. Throughout all of this, the memory of Parks’ arrest remained a symbol in helping Montgomery’s blacks to understand their lawbreaking in the context of a greater good and imprisonment as a necessary sacrifice.

The previous chapters have discussed historical developments of black carceral activism using personal examples. Those previous examples lacked the widespread application of imprisonment as a means of political protest that characterized the coming storm of civil disobedience. This chapter addresses the changing nature of black activism from the mid-1950s to the early 1960s, specifically tracing the shifting nature of the practice into highly mobilized strategies of direct non-violent confrontation under the leadership of Dr. Martin Luther King, Jr. It illustrates the centrality of the carceral experience in King’s direct action campaigns and its consequences. King’s daughter once asked him, “Daddy, Why do you have to go to jail so much?” He replied, “To make things better for colored people, and thus for all people…because things are as they are someone has to take a stand.”

---

2 The nature of redemptive suffering among civil rights protestors develops alongside the rise of massive resistance. Numan Bartley and others scholars have focused on the importance of the Brown v. Board (1954) decision as having a mobilizing effect on Southern whites in a variety of ways. There is evidence that many whites organized around the symbol of Brown through the Ku Klux Klan, the White Citizen's Council, and perhaps the most visible resistance was evidenced the episodes of mob violence that permeated southern culture during the 1950s. One must also note that the pressures from this cauldron of hostility influenced and informed the responses of local authorities to civil rights activism. For more on this see Numan V. Bartley, The Rise of Massive Resistance: Race and Politics in the South During the 1950s (Baton Rouge: Louisiana State University Press, 1999). Also see James W. Ely Jr., The Crisis of Conservative Virginia: The Byrd Organization and the Politics of Massive Resistance (Knoxville: University of Tennessee Press, 1976).

3 Martin Luther King Jr., “Playboy Interview with Dr. Martin Luther King” (1965) in Martin Luther King and James Melvin Washington, A Testament of Hope: The Essential Writings of Martin Luther King, Jr, 1st ed. (San Francisco: Harper & Row, 1986), 341-42.
Over time King became aware of the importance of these confrontations between local and carceral authorities. He systematically sought to expose their crude arsenal of weapons ranging from water hoses and police dogs to billy-clubs and tear gas. Exploiting these confrontations whenever possible, King and other civil rights activists corrupted the Cold War image of United States as a citadel of democracy and replaced it with vivid imagery resembling Gestapo henchmanship of Nazi Germany.

On one occasion Rev. C. T. Vivian in a heated dispute with Sheriff Jim Clark of Selma in February of 1965 compared him to a Nazi before being promptly punched in the jaw by the officer.\(^4\) Confrontation between authorities and black activist was a consistent and historical factor.

The few episodes here are not meant to be an exhaustive account of King’s encounter with police brutality, police negligence, imprisonment and jailing. Rather, the outlined episodes provide an integrated historical account on the historical significance of carceral factors in the movement as interpreted through the dreamer—Dr. Martin Luther King Jr.

Carceral Origins of the Civil Rights Movement

King’s life provides a vital example of the importance of assessing the carceral impact of black activism. However, recently historians have argued that King’s leadership is often lauded with more praise than necessary with regard to the successes of the movement. Contextualized in the long history of black resistance, historians Clayborne Carson and Aldon Morris have both argued that talented local grass-roots leadership was a major factor in the development of the movement. In light of their scholarship, King is to be regarded an important leader but not the sole contributor to the success of the movement. Numerous works in the historical literature point to a vast grassroots support network that understood the principles of non-violent resistance and used these strategies on a local level. This network of leaders consistently applied direct-action strategies in carceral situations in King’s presence and in his

absence. Nevertheless, to fully engage the significance of carceral factors in the movement an analysis
King is important for several reasons.  

First, King provided a black middle-class perspective on the development of civil rights activism. He was a child of the black middle-class and reflected its values. He genuinely desired a transformation of society so that it would reflect notions of brotherhood and humanitarianism that he characterized as the beloved community. Drawing support from a mixture of urban and rural blacks, his middle-class interests were tied to distinctly American perceptions of social justice. While it is certain that his thinking evolved with regard to this issue overtime, the young King who took the reigns of his father’s church was thoroughly indoctrinated in the black middle-class virtues of respectability.  

As the threat of middle class complacency pushed King towards righteous discontent, he increasingly broke ranks with the black bourgeoisie. The strategy, objective, and leadership of King in Chicago in 1965 is quite different from the King of Montgomery ten years earlier. Over time, the formative influence of imprisonment and police brutality shaped King’s understanding of the ideal and the practical in urban and rural settings. Importantly, King’s decisions to be imprisoned as a means of personal protest exerted a definitive impact on his own thinking and on the movement.  

---


6 Higginbotham discusses the nature of self-help among church women leading up to the modern civil rights movement and concludes that “politics of respectability” figured into the quest for black inclusion in American society prior to the civil rights era. See Evelyn Brooks Higginbotham, Righteous Discontent: The Women's Movement in the Black Baptist Church, 1880-1920 (Cambridge, MA: Harvard University Press, 1993), 186-87, esp.87. Discussing the overall impact of this politics of respectability, Randall Kennedy suggests that the modifying quest for racial inclusion must result in the redemption of a “historically besmirched reputation,” an ideology that was largely endorsed by the black middle class during the civil rights era. See Randall Kennedy, Race, Crime, and the Law, 1st ed. (New York: Pantheon Books, 1997), 17-21.
Throughout all of these encounters, King’s fascination with redemption illustrated a longing to reconcile disillusionment with American justice through acts intended to salvage the soul of the nation. King’s carceral strategy illustrated an example of how the idea of redemptive suffering was articulated among African Americans who adhered to a strong Judeo-Christian tradition. Perhaps the most recognizable African American of the twentieth century, King epitomized the vicarious nature of moral politics among socially downtrodden people. His career was highlighted by service to the black people of the South, the North and a campaign in general to prod the conscience of the nation into humanitarian reform via a true transformation of the heart and soul. For King, redemptive suffering was a very theological concept. It truly meant a transformation of the character of the American nation.8

Significance of Political Imprisonment in the South

The idea of being imprisoned on account of a political motive remained a bold move below the Mason-Dixon Line at mid-century. Following the Brown decision of 1954, white supremacist organizations, unruly mobs, state legislatures and local police created a united front to resist the coming changes mandated by the Supreme Court. Massive resistance by whites illustrated the power of southern law and carceral institutions to confront social change and revealed the stakes of such a strategy. Southern

---


8 At the center of King’s political agenda was a deep religious conviction. Universal salvation figured in prominently in his aims. King’s religion was practical and efficient but most certainly sincere. An expression of this sincerity, King postulated and practiced, was in the service of suffering on behalf of the good of others. As Hanes Walton asserts, “King accepted the black mythology of a saving Christ, he made it the cornerstone of his political philosophy. It was the mission of the black man to teach the white man the capacity to love...King argued that blacks had to suffer creatively for whites; through their suffering and redemptive love, humaneness would be restored to the social order.” Furthermore in the words of Walton, King saw that it was the highest destiny of black people to “redeem America from the curse of racism.” See Walton, The Political Philosophy of Martin Luther King, Jr, 71.
whites of the South interpreted the carceral order by the different standard. They traced their cultural
eritage to Jefferson and his Republican ideal of government stemming from the ideals of the Articles of
Confederation. Many thought that the federal government was naturally prone to exercise an abuse of its
power and authority over regional elements of the Union. Stemming from the rhetoric of the Civil War
and the commitment to the troops that fought in it, the South viewed itself as being forever subservient to
the wishes of a tyrannical North with regard to how to best handle their black population. Throughout the
decades of the Cold War, many adherents to the doctrine of states’ rights applied the imagery of the
totalitarian government insisting that racial equality of blacks with whites was tantamount to communistic
ideology.

Southerners fully recognized the carceral stakes of the struggle. A key point of contention over
the Civil Rights Act of 1957 had been Section III of the legislation, the so-called “force section” which
authorized the attorney general the use of force to ensure the integration of schools and adherence to
federal civil rights law. Southern opposition to the act killed Section III, which among other things
prohibited the use of troops to enforce federal law. Carceral order in the South for the present would not
be trumped. Ironically, the 1957 Act did establish the civil rights division under the Department of Justice
which would be inundated with black appeals to subdue the force of Southern police and law
enforcement.

Also see Neil R. McMillen, The Citizens’ Council; Organized Resistance to the Second Reconstruction,
1954-64 (Urbana: University of Illinois Press, 1971). Also see the critically rebutted but important work

10 Tom Brady, "Black Monday: Segregation or Amalgamation... America Has Its Choice"," in
Eyes on the Prize: Documents, Speeches, and Firsthand Accounts from the Black Freedom Struggle,
leadership on the policy, see James D. King and James W. Riddlesperger, "Presidential Leadership Style
Presidential Leadership and Civil Rights Policy, ed. Donald W. Jackson (Westport, Conn.: Greenwood
Press, 1995).

11 Brian Lewis Crispel, Testing the Limits: George Armstead Smathers and Cold War America
(Athens, GA: University of Georgia Press, 1999), 121-23. Also see Robert D. Loevy, The Civil Rights Act
From Montgomery onward, the role of local law-enforcement and the preservation of Jim Crow policies became increasingly apparent. As the intensity of the boycott heightened, animosity between black protesters and local law-enforcement agencies reached an all-time high. One reason for this, according to Jo Ann Robinson (an initial organizer of the boycott) was that as the bus companies were put out of business their drivers and other employees were employed as policeman by the city. Robinson claimed, "[M]any of those policemen would give just hundreds and hundreds of tickets every day to black people who were not violating any traffic laws, but they were doing it to help the salaries they had lost."

She also witnessed on one occasion, two policemen who had poured gas all over her car.  

Confrontation with local law enforcement was inevitable. As leader of the boycott, King would not be spared for his involvement. On Thursday, January 26, 1955 Martin Luther King's first confrontation with Montgomery law enforcement came when he was pulled over for speeding (allegedly 35 miles per hour in a 25 mile per hour zone). The city fathers of Montgomery had recently initiated a "get-tough policy" in an effort to break the boycott. After police searched him and positively identified him, they placed him under arrest.

Nervously, King fidgeted in the back of the squad car and noticed that the officers were traveling in an opposite direction from the downtown Montgomery city jail. Evidencing his faith in the law and in authorities, he battled imaginings of a violent beating at the hands of a merciless mob waiting at the end of a deserted country road. Grimacing at the thought of such a fate, he then solaced himself in naïve faith in the decency of law and order. He convinced himself, “But this couldn’t be….these are men of the law.”

---


13 Carson, ed., The Autobiography of Martin Luther King, Jr., 74.
He breathed a sigh of relief as the car coasted under the bridge and glanced upward in time to see the Montgomery City Jail sign glowing under a light in the distance. He welcomed the jail with a sigh of relief to know that he would be relatively safe from possible mob action on the outside. Later he stated, “I was so relieved that it was some time before I realized the irony of my position: going to jail at that moment seemed like going to some safe haven!” This was King's first jailing and his initial reaction was typical of any of middle-class African American during this time. He was disgusted and frightened by the sights and the smell of the institution and the thought that he, a minister, was being jailed.\textsuperscript{14}

As I entered the crowded cell, I recognized two acquaintances, one a teacher, who had been arrested on pretexts connected with the protest. In the democracy of the jail they were packed together with vagrants and drunks and serious lawbreakers. But democracy did not go far as to break the rules of segregation. Here whites and Negroes languished in separate enclosures.\textsuperscript{15}

He paused from his musing and turned to examine his surroundings. There were men lying on the floor. The cell was littered with torn mattresses and fragranced with the glorious aroma of sweat and rust. The toilet that decorated the corner of the group cell was naked of any enclosure yet its vile contents were a constant reminder of its presence. Curiosity got the better part of the cell’s inhabitants as they gathered to inquire how and why the Baptist preacher was in their midst.\textsuperscript{16}

Cordially, King entertained their questions and their faces evidenced awe and revealed what young Martin Luther King had been proclaiming in his soft-yet-staccato baritone murmurings--the segregationists had the audacity to arrest a minister. When other cellmates asked King for help with their less than honorable legal status, he chided "Before I can assist in getting any of you out, I've got to get my ownself out." The jailer retrieved him and promptly fingerprinted him. As King’s fingers were rubbed

\textsuperscript{14} Ibid.

\textsuperscript{15} Ibid.

\textsuperscript{16} Ibid.
against the ink-drenched pads, he was seeing but he did not believe. In a state of shock he recalled, “I was about to be fingerprinted like a criminal.”

The phrase “like a criminal” would have lasting consequence for King and other participants in this movement. It was a difficult and humbling process to be arrested. Often ministers were key leaders and they were considered to be exemplary examples in the black community. Abernathy initially recalled worrying about what his father and mother would say—let alone his congregants and other socialites of the black community. There would be times when the line of distinction between criminal and crusader blurred in the public eye, within the black community, and in lonely quiet hours—in the very minds of the accused themselves. The only constant variable in this process was the prisons and jails that often determined by their mere presence was to be accorded these titles.

King would be deeply influenced by his brief encounter with the criminal elements of Montgomery on that winter night in 1955. As a cellmate called out into the darkness, “Don’t forget us when you get out!” King assured them that he would not forget. Moments later, King was released on a cash bond posted by Ralph Abernathy, unknown at the time to be a loyal cellmate on future occasions. The bond was posted timely. The jailer undoubtedly was influenced to acquiesce to Abernathy’s request to release King by the gathering crowd outside the jail on that crisp winter night. As King left the jail into the embrace of supporters, he mentioned in his memoirs that it was from that night that his commitment to the struggle for freedom was stronger than ever before. The experience of being handled as an outlaw certainly impressed the radical direction of his strategy.

---

17 Ibid., 36.


20 Carson, ed., *The Autobiography of Martin Luther King, Jr.*, 76.
To be sure King’s first visit to jail reveals fears and inhibitions about bringing social change to Montgomery, the so-called custodians of the law had the power to dictate the pace of social change. From this point onward, prison would be used as an emergency brake of sorts to prevent any progress at all. The police of Montgomery, with the blessing of Commissioner Clyde Sellers, were breaking windows and terrorizing members of the movement. According to the testimony of Jo Ann Robinson on one occasion as she looked out of her window in the dark, officers doused her new Chrysler with acid leaving holes the size of a dollar. In a twist of irony, Governor Folsom ordered a State Highway Patrolman to guard her home, and he did so until the boycott was over. According to Robinson, King, Abernathy and Nixon were all given police protection, the extent of the reliability of this protection is questionable.  

After Martin Luther King Jr. was notified that his house was bombed on January 30, 1955 he sped home to check on the condition of his wife and his daughter who he found unarmed. King called the crowd and then ordered them to disband with their cache of weaponry and said, "He who lives by the sword will perish by the sword. Remember that is what Jesus said. We are not advocating violence we want to love our enemies." Perhaps, the police’s most significant contribution to the movement that night was providing a photo opportunity for the press, because the law enforcement agencies did nothing to investigate who the culprits were.


22 King, Stride toward Freedom: The Montgomery Story, 166.

23 See Abernathy, And the Walls Came Tumbling Down: An Autobiography, 163. In the words of Abernathy, "No one was called in for questioning. No one was indicted. No one was convicted." While the nonviolent aspects of King's consciousness is vividly portrayed and newspaper reports, many fail to account for the previous actions of King when he had a shotgun and his apartment, a measure to ensure that other threats that he received daily would not come to fruition. It was Bayard Rustin who was responsible for counseling King in the path of nonviolence. Rustin also may have also had advice to give with regard to carceral structures. In later years, combined with influence from the Student Nonviolent Committee and ongoing counsel from Bayard Rustin, King presented the image of black protest to the public gaze as a nonviolent coup against the militant racial hegemony of a southern system incompatible with the American Constitution.
King’s confrontation with the law was just beginning. He faced imprisonment in Montgomery Alabama in 1956 during the *Browder v. Gayle* hearing, a case charging him with breaking the city’s anti-boycott law. 24 When King faced the possibility of jail on account of the boycott, he was faced with either paying a fine of $500 or being locked up in the city jail for 386 days. King chose to pay the $500 fine and it would be one of the last times he chose to pay a fine. Afterwards, he would increasingly opt to endorse a “jail-no-bail” tactic being largely used by the youth movement in the 1960s.25

Despite his reluctance to be jailed, King discussed the nature of carceral institutions in working out social frustrations by arresting and imprisoning dissenting elements. In the chapter of his widely acclaimed book, *Stride Towards Freedom*, King addressed the desperation of violence by the opponents of the boycott. He stated, "When the opposition discovered that violence could not stop black protest, they resorted to mass arrests."26 Furthermore, King notes that this act of suppression via his imprisonment was an act of violence against democracy for black citizens. He reproved his sentence tersely, "On that cloudy afternoon in March, Judge Carter had convicted more than Martin Luther King Jr., Case No. 7399; he had convicted every Negro in Montgomery." In so many words, King was hinting that the violence employed by the authorities of Montgomery was ineffective so they resorted to a more powerful means of suppressing dissent—carceral authority.27

24 Other carceral elements came to bear on the events during the trial. Fred Gray, who was representing the interests of Montgomery boycott leaders before the Supreme Court in an attempt to use other litigants and the precedent of the *Brown* decision, was harassed by his local draft board. As a part-time minister at the Holt Street Baptist church, he had been given a 4-D exemption. The local board no doubt knew that by threatening his exemption he would be forced to sacrifice resources from the crucial *Browder* case. See Glennon, "The Role of Law in the Civil Rights Movement: The Montgomery Bus Boycott, 1955-1957," 71.


27 Ibid., 536. Further developments in Montgomery helped to undermine the notion of carceral authority until it became squarely defined as a major confrontational strategy of the movement. When Rev. King was found guilty of conspiracy to boycott Montgomery city buses among 90 other leaders,
In the four years preceding the 1960s, arrests of key leadership sporadically characterized the activity of the SCLC. Differing from the student protests that were to follow, the SCLC was far more ambiguous in its strategy of allowing its key leaders to be imprisoned while involved in marches and other forms of non-violent direct action. King found it increasingly difficult to lead the organization while imprisoned and contributing to this sense of difficulty, having the organization’s top-tier of leadership accompanying him in prisons and jails was not helpful to the overall mobilizing process.\(^{28}\) King’s willingness to be arrested on the behalf of racial injustice as strategy should be explained as a punctuation to the protests staged by the SCLC in attracting the interest of the press and other media outlets. The arrest of a minister, a Baptist minister nonetheless, regardless of color made good for headlines in the 1950s.\(^{29}\)

When King attempted to enter a courtroom to support his colleague Ralph Abernathy in a hearing two years later in September of 1958, he was arrested on loitering charges and his wife was also threatened by a policemen that if she continued in protest she too would go to jail.\(^{30}\) During this episode, there was celebration among the supporters of the bus boycott. These arrests produced an opposite effect than had been intended. “The evidence came to King as he was on his way to jail, a destination that inspired terror in southern blacks. No one sought to evade arrest; indeed, some people had ‘rushed down to get arrested the day before’ and others were disappointed to find their names missing from the list of those to be arrested.” This was an important development because it further discredited the notion of the supremacy of law and delegitimized the righteousness of carceral authorities who arraigned African-Americans on basis of their race. African Americans had historically perceived the duality of American justice, but here in Montgomery in 1956 the fear of legal enforcement was being effectively challenged as African American attitudes toward carceral elites would radically develop around King’s prophetic response and charismatic leadership. See Richard Lentz, *Symbols, the News Magazines, and Martin Luther King* (Baton Rouge: Louisiana State University Press, 1990), 27. Also see King, *Stride toward Freedom: The Montgomery Story*, 146.


\(^{29}\) See the letter, “From Benjamin Davis” in Clayborne Carson, ed., *The Papers of Martin Luther King, Jr.: Symbol of the Movement, January 1957-December 1958*, vol. 4 (Berkeley: University of California Press, 1997), 485. SNCC on the other hand was unable to produce the star appeal that King presented so well, as will be addressed in the next chapter, was more willing to commit its members from all ranks to massive strategy of jail-ins.

we get the famous picture of King being thrown over a desk by two officers and being handcuffed before being led away. King was released 15 minutes later after signing a $100 bond. As he left the building he accused the cops of “trying to break his arm” and having kicked him in the cell. On a later occasion, Montgomery Police Commissioner Clyde Sellers would pay King's fine and retort that he was saving taxpayer money. Unfortunately for Clyde Sellers and Montgomery segregationists, the effect of the arrest had already underscored the significance of the protest as photographs were distributed worldwide and triggered public support and funding for the Montgomery Improvement Association.\(^31\)

The Montgomery experiment is significant in understanding the development of King's civil disobedience tactics for several reasons. It was the first-time King had been arrested. At the time King was being counseled by Bayard Rustin, a longtime civil rights activists and conscientious objector from a previous generation. Rustin informed King of the usefulness of civil disobedience in his protest and shared experiences firsthand from his accounts as a conscientious objector working with the Fellowship of Reconciliation.\(^32\)

Imprisonment as a Central Strategy of Resistance

Following the success with carceral activism in Montgomery, King continued to invoke voluntary imprisonment as a technique of direct action.\(^33\) The Southern Christian Leadership Conference (SCLC)

\(^31\) This was not a planned spectacle. The spontaneity was altogether troubling the activists, who as ministers had a great deal of personal reputation invested in the outcome of this exercise. Two year earlier, Abernathy had learned from the newspaper that he and other leaders were going to be arrested for violating the city’s archaic anti-boycott law. In his memoirs, Abernathy admittedly recalled how emotionally unprepared he was for the arrest. “…I felt a little weak in the knees. I had never in my life been arrested, nor had any member of my family; and though we had discussed the distinct possibility that this moment might arrive, I wasn’t really prepared for it….”"Dr. King Jailed; Charges Beating," *New York Times*, 4 September 1958. Also see Kasher, *The Civil Rights Movement: A Photographic History, 1954-1968*, 49.

\(^32\) Levine, *Bayard Rustin and the Civil Rights Movement*, 85.

\(^33\) Students in SCLC’s surrogate organization, SNCC and in Nashville had largely experimented voluntary imprisonment on a large scale as an outgrowth of sit-ins that began in 1960 and may have also influenced SCLC to adopt the practice as a central tactic.
touted nonviolent direct action and adopted civil disobedience as a central aspect of its organizational philosophy. SCLC made a distinction between civil disobedience and uncivil disobedience. The difference was that those who endorsed civil disobedience willingly accepted the punishment for breaking the law. A SCLC pamphlet read, “He who openly disobeys a law that conscience tells him is unjust and willingly accepts the penalty is giving evidence that he so respects the law that he belongs in jail until it is changed…”

The practice of voluntary imprisonment was spreading among other civil rights organization, King’s influence is to be noted but its extent is debatable. One of the students from the historically black college North Carolina AT&T, who launched participated in the wave of counter sit-ins across the South asserted "[When] the Montgomery bus boycott was in effect, we were tots for the most part, and we barely heard of Martin Luther King. Yes, Martin Luther King's name was well known when the student movement was in effect, but to pick out Martin Luther King as a hero... I don't want you to misunderstand what I am about to say: Yes, Martin Luther King was a hero... No, he was not the individual that we had utmost in mind when we started the student movement."

In October 1960, following James Lawson's appeal for the doctrine of jail no bail, more students were preparing for resuming sit-ins throughout the South. King was approached by Lonnie King and other student leaders, who urged him to take part in the growing sit-in movement of which voluntary jailing was an integral strategy. Earlier that year, at a three day conference at Shaw University hosted by the Southern Christian Leadership Conference (SCLC), King had affirmed the jail strategy of the students. He urged them, “[the students] must seriously consider training a group of volunteers who will willingly go to jail rather than pay bail or fines.”

lonnie King suggested that if Dr. Martin Luther King,
Jr. was going to remain the leader of the civil rights struggle he would have to join with the rest of the students. Reluctantly, Dr. King agreed to join them in a sit-in at Rich’s Department store in Atlanta.\(^37\)

Despite these mild criticisms from McCain and Lonnie King, it is widely accepted that Dr. Martin Luther King Jr. provided the charismatic leadership for the mobilization of otherwise unlikely benefactors. If not compelling, King’s appeal for followers to suffer redemptively as captives in prison was theoretically inspirational at the least. Commenting on this uncanny ability of King, Bayard Rustin once said “Martin made going to jail like receiving a Ph.D.”\(^38\) Julian Bond suggested that there was bit of a friendly rivalry between Lawson, Baker and King but initially the pressure of carceral forces kept the difference at bay.\(^39\) Student experiments the following year at Rock Hill and all over the nation made King more confident in breaking the law and serving the time as tool of moral engagement. It was the Atlanta students that persuaded King to join a sit-in protest at a department store restaurant in October of 1960 that can be credited with pressuring King into more radical phases of carceral activism.\(^40\)

On the 19\(^{th}\) of October, King and thirty-five others were arrested for refusing to leave private property. King promised to stay in jail ten years if necessary.\(^41\) They were all sent to the DeKalb County jail. Later in the week the students were released but King was held in custody. He would later be sentenced to four months labor on a Georgia chain gang at the state prison at Reidsville.

---


\(^{37}\) Garrow, \textit{Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference}, 143-44.


\(^{40}\) Ibid., 67.

\(^{41}\) “14 Negroes Jailed in Atlanta Sit-Ins,” in \textit{New York Times}, 20 October 1960. The \textit{New York Times} report counts that fifty-one were arrested but that fourteen refused to post bail.
charge came as a result of a previous warrant for driving with an out-of-state license. Imprisoned and alone, King was subjected to various types of physical and psychological trauma. He was transferred to the Reidsville Prison, hundreds of miles away from Atlanta at 3:30 am. The guards refused to tell him where they were taking him. While in Reidsville, he was kept in solitary confinement and not allowed to contact his family—which underscores the previous point of Mrs. King’s concern and his own fears. While he claimed no physical abuse, shackled with leg irons in the traditional striped convict clothing, this imprisonment was certainly a daunting experience for him.

The severity of his punishment shocked people from all over, it raised a bit of sympathy among whites who sympathized with the cause throughout the North. The shame of being arrested in 1960 was very potent; it was regarded as a dreadful occurrence—much as if someone had died in the family. The New York Times sympathetically followed the story stating that “Dr. King had suffered the indignity of being handcuffed and thrown in prison. In South Africa other indignities might have been inflicted upon him, but what actually happened in Georgia is bad enough.” Letters and phone calls poured into the King household. A young student from Pomona College wrote, “From what news we can get here it sounds as if some of you will remain in jail until trial. More power to you. I really do hope that it has the effect of forcing the community to face the issue squarely.” For others, the audacity of imprisoning a minister was too much. Harris Wofford, a white lawyer and assistant to John Kennedy offered his services to the King family and convinced the then presidential hopeful to take action.

---


43 Garrow, Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference, 146.


Kennedy's legendary phone call to Coretta Scott King while Martin Luther King Jr. was in jail possibly changed the course of history. Kennedy called the Governor Ernest Vandiver, who then promised to get King out if Kennedy did not make a public statement. The governor failed to deliver on his word and Kennedy did not want to break his promise. In a bit of a stalemate, Harris Wofford suggested that Kennedy call Mrs. King, which he did. According to Coretta Scott King, the phone call went something like, “Hello, Mrs. King, this is Senator Kennedy, and I'm calling because I wanted to let you know I was thinking about you. How are you? I understand you are expecting your third child...I'm thinking about you and your husband, and I know this must be very difficult for you. If there's anything I can do to be of help, I want you to please feel free to call on me.”

Robert Kennedy thought that this ‘courtesy call’ was an unwise political move that would cost his brother the Southern Democratic vote. In fact, Robert Kennedy got so angry that he called Judge Oscar Mitchell in Georgia and arranged to get King out of jail himself. He was asked by Harris Wofford, why did he do it considering his concern at the possibility of his brother losing the election on account of intermingling in a civil rights agenda. He responded, “[I] thought about King in jail with that sentence and screwing up our politics in this country and maybe losing the election for my brother, I got so mad that I got that judge on the phone.” A week later the New York Times reported, “The disclosure that Senator Kennedy’s aides gave impetus to efforts that brought the release of the Rev. Dr. Martin Luther King from a Georgia jail may hurt the Democratic cause somewhat among white Southern

---

46 The governor later criticized Kennedy saying, “It is a sad commentary on the year 1960 and its political campaign when the Democratic nominee for the Presidency makes a phone call to the home of the foremost racial agitator in the country.” “Vandiver Criticizes Kennedy on Dr. King,” in New York Times, 1 November 1960, 25.


voters…observers have said that this had helped the Democratic candidate who cast the decisive vote in close elections in some Southern states. 49

A masterful politician, Nixon responded to the King incident with a resolute “no comment” to press when questioned. Kennedy's strategists played up the incident in a publicity campaign in the black community and distributed pamphlets that said, “No-Comment Nixon versus a Candidate with a Heart.” Nixon later regretfully admitted the damning effect his indifference cost, “I needed only 5 percent more votes in the Negro areas…but the King case came up. The Democrats whipped up a fury in the Negro areas. I was painted a villain and my entire record was erased within weeks.”50 Wofford estimates nearly two million pamphlets were distributed at black churches in key cities. Eisenhower was also repentant. The Justice Department had prepared a statement for him to deliver calling the arrest of King “fundamentally unjust.” He never delivered it. He considered it far too risky.51

This political gamble paid off for the Democrats. It gave Kennedy the edge of black votes in the hair-thin election of 1960.52 Affirming the goodwill of the courtesy call Daddy King (Martin Luther King Jr.) said, “I have a sackful of votes and I’m going to place them at Senator Kennedy's feet.”53 Reflecting on the election Slater King said, “I think the difference in that election, which was very close, 49

50 Nixon quoted in Simeon Booker, "Will FBI Give Information to Write 'King Nobody Knows'," Jet, 10 July 1969. On the mobilization of black voters in Atlanta see "Dr. King Released Pending His Appeal."

51 Harris Wofford “Interview with Harris Wofford,” in Hampton, Fayer, and Flynn, Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s, 71.


had to do with Kennedy's intercession in Martin's case.” Right up to election night, Kennedy's staff wondered had the phone call turned more white voters away than it earned black voters.

Others say that the election was so close that anything could have been the deciding factor. Yet still, according to Harris Wofford, the difference in the election had to do with the turnout of the black vote which had rendered the least support to Kennedy during the Democratic nomination. JFK won the election of 1960 with a margin less than 2/3 of 1 percent of the popular vote. Seven out of ten blacks voted for him. The Kennedy phone call was indicative of the far reaching influences and unintended consequences of carceral politics.  

Losing at Prison Politics

After being released from his eight day jailing at Dekalb and Reidsville on October 27th, King claimed that he had sufficient time to consider the value of redemptive suffering. He was soon to put that conviction to the task in the most challenging confrontation he had faced to date. Albany, Georgia marked the next major site of King’s carceral protest agenda. He arrived in Albany on the word from Dr. W.G. Anderson, the elected president of the movement, after a protracted struggle between authorities in Albany and the black citizens had reached an impossible impasse. Contributing to the atmosphere of tension was the brutal shooting of Charlie Ware by the county sheriff. Ware had been working as a field hand and had been taken into custody by the sheriff. Several accounts, including that of the FBI suggest that after Ware had been apprehended he was shot in the neck.  

The Albany Movement was galvanized largely as a result of this event. The Albany Movement had initially focused on freeing Ware. From reading King’s autobiographical account of the situation, this fact is entirely absent from King’s major concerns with the situation in Albany. King was primarily

54 Ibid., 70-71. Garrow, Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference, 148-49.
concerned with the broader moral complexities of segregation and not carceral factors of oppression—personified in the abuses of Chief Laurie Pritchett. King saw Albany as the part of a broader agenda of total desegregation of parks, libraries, restaurants, schools, buses and gaining voting rights for all citizens.  

Complementing this broad agenda to address racial and social injustice of Albany, King strategized SCLC cooperation with through staging voluntary jailings. He had now fully adopted the policy of jail no bail. Earlier that year he said, “In order to…arouse the conscience of the opponent you got to jail and you stay. You don’t pay the fine. You have broken a law which is out of line with the moral law and you are willing to suffer the consequences by serving the time.” However, increasing tension between local protestors and King increased as some accused King of being all mouth and no action. Others accused him of making the situation worse by bringing the national attention of media that created and broadly publicized a “catch-22” situation for segregationists who may have been willing to cooperate before the intensification of the confrontation.

In the summer of 1961, SNCC volunteers had arrived in the city to assist the Albany movement protests and organizing against the forces of segregation in the city. There had been a growing movement of students and working-class African-Americans who had already voiced their dissent to the status of black un-freedom in Albany. Before the SCLC arrived on the scene, it was already evident

56 Carson, ed., *The Autobiography of Martin Luther King, Jr.*, 152-53. This broad plan included a comprehensive assault on segregation in using all known methods of non-violent direct action available to the participants: mass demonstrations, jail-ins, sit-ins, wade-ins, kneel-ins, political actions, boycotts and legal actions. See Carson, 154.


that SNCC was unfurling a slightly different organizing strategy, relying more on grassroots efforts
instead of mobilization under a couple leaders. SNCC focused on engaging high school and college
students and scoured the community for sympathizers. Several local adults groups formed the Albany
movement in mid-November to orchestrate protests under an umbrella-type organization resembling
SNCC’s structure.

The Albany movement looked largely to the tactics of SNCC and their strategy to desegregate the
city and address impose a carceral dilemma. They attempted to have members arrested in “legally
segregated” areas of the city, specifically the bus terminal which was desegregated under a 1960 decision
of the Supreme Court and a 1961 ruling of the Interstate Commerce Commission. At the forefront of
those arrested mid-November were Albany State college students. Adopting the established precedent by
SNCC, these activists chose to remain in jail to serve their sentences. Although this carceral usurpation of
authority by the local police headed by Chief Laurie Pritchett was an illegal and a direct violation of
federal law, he declared that these protesters were not arrested on a federal charge but rather on a city
ordinance of insubordination to law-enforcement.

The arrest of the protesters was a central aspect to the organization of the Albany movement and
its first meeting. The students who were arrested spoke and aroused a keen sense of unity among the

---

60 On the local effort and SNCC’s work prior to King’s arrival in December of 1961, see Howard
61 The difference in strategy and ultimately ideology between SNCC and SCLC would continue
to develop as the student organization felt as if they were being used as the shock troops and King was
whipping up the media frenzy through temporary mobilization and leaving. The major difference was
over sustainability. Who would keep the movement mobilized after the cameras and press were gone? It
was during these periods of media drought that the carceral nature of activism is extremely dangerous.
For more on the split and difference in ideology see Carmichael and Thelwell, *Ready for Revolution: The
Life and Struggles of Stokely Carmichael (Kwame Ture)*, Clayborne Carson, *In Struggle: SNCC and the
Baker and the Black Freedom Movement: A Radical Democratic Vision, Gender & American Culture.*
62 Juan Williams, *Eyes on the Prize: America's Civil Rights Years 1954-1965* (New York:
64 Williams, *Eyes on the Prize: America's Civil Rights Years 1954-1965*, 166-67.
members who are present. As a result of their actions they were expelled from Albany State, as a response the community circulated a petition to allow them to return to school. By the time Freedom riders arrived in Albany in December, the carceral cost of activism would already be firmly ingrained into the consciousness of Albany protesters. When the first Freedom riders were arrested the national press would come to town after a long established fact of Black carceral sacrifice and jails to address the injustice of the segregated facilities.

Following the SNCC example, 267 students from Albany State would be arrested on December 11 for disregarding police orders. It was on December 13 that Slater King, vice president of the Albany Movement marched straight down to City Hall with 200 protesters behind him to demand the release of the students who had refused to be bailed out. There had mostly been arrested for “parading without a permit.” Well into 1962, the arrest of students remained a circuitous factor of mobilization. As more and more protestors were arrested the black inhabitants became more outraged, which led to increasing numbers of arrests. According to one estimate by mid-December chief Pritchett and his officers had arrested more than 500 demonstrators. According to Andrew Young’s account, the number was closer to 2000. He claimed, “Jails in Albany were already packed to the rafters, but Police Chief Laurie Pritchard [sic] was determined to break Martin Luther King on his turf.”

Chief Pritchett was somewhat craftier in countering the strategizing of the Albany movement than his counterparts in Montgomery and Atlanta. Unlike many of the other local law enforcement agencies civil rights protesters would encounter in the South, Pritchett represented the changing responses of smarter cops to the "threat" of civil rights protest and other “subversive” organizations. Pritchett was aware of the sit-in movements that were spreading across the South and the Freedom Rides of 1961. He was also aware of how organizers were seeking to use Gandhian methods to fill jails and to coerce local

65 Regarding the notion that “jailings provoked new Negro demonstrations” and contributed to more arrests, see “Dr. King Free.”

66 Williams, Eyes on the Prize: America's Civil Rights Years 1954-1965, 168. Also see Young, An Easy Burden: The Civil Rights Movement and the Transformation of America, 167-68.
law enforcement agencies and political administration to give in to their demands. He revealed his secret strategy at a press conference, "I did research... I found this method was... to fill the jails, same as Gandhi in India. And once they filled the jails, we'd have no capacity to arrest and then we'd have to give in to his demands. I sat down and took a map. How many jails was in a fifteen-mile radius, how many was in a thirty-mile radius? And I contacted those authorities. They assured us that we could use their jails." The third phrase of Pritchett’s four point plan to counter activism was simply, “Incarcerate, incarcerate, incarcerate.”

[Pritchett] recruited the support of sheriffs in the surrounding counties, divided the protesters into groups, and bused them to jails in Sumter, Terrell, and Baker Counties. Conditions in these prisons were harrowing. The sheriffs who supervised the prisons were brutal, and in their minds, blacks had few, if any rights. Martin, Ralph, and Anderson were taken to Americus, in Sumter Country, like neighboring Terrell County (dubbed “Terrible Terrell”), was infamous as a hellhole for blacks. Conditions in the jail were so bad that several demonstrators had to be bailed out because they simply could not withstand the discomfort and constant abuse.

In the Albany campaign, the local police proved to be a calculating foe to a liking that King had not seen in previous campaigns. Both King and James Foreman had underestimated the cunning of the countermeasures planned by the local authorities in Albany. They had assumed that they would be met with mob violence like they had during the Freedom Rides in a typical manifestation of “massive resistance.” They had not counted on Chief Pritchett going so far as to study Dr. King's book on the Montgomery boycott to learn how to dismantle the protest. Involvement of the federal government

---


through its chief law enforcement branch, the FBI, was equally pathetic. According to King, “It remains a fact that not a single arrest was made in Albany, Ga. During the many brutalities against Negroes.”

Perceptions of rightful imposition of law and order also were important in this confrontation.

Police Chief Pritchett had found a way to project an image of criminality and outside agitation on the protesters thus affirming his status as a protector of the public order. Chief Pritchett readily adapted to the moral politics that protesters hoped to engage him and other carceral authorities in. In February, the *New York Times* moderately reported the situation, “Georgia City Threatened Anew by Crisis over Negro Protest.” Pritchett and local police authorities were very careful not to arrest civil rights activists in violation of segregation laws but in violation of other city ordinances. All of these infractions characterized the protestors as apolitical as possible. The host of charges included domestic disturbances such as insubordination, loitering, parading without a permit, and disturbing the peace. Pritchett’s counter-strategy proved quite effective in derailing the legitimacy of the moral outrage of black protest and rendered them merely as rabble-rousers and unruly hoodlums.

The appearance of Chief Laurie Pritchett’s stance of “nonviolence” to thwart the protesters can be quite deceiving. In actuality, according to participants of the Albany campaign, Pritchett should be held as accountable for his actions of brutality toward Black protesters in Albany as Bull Connor was for his actions against protesters in Birmingham. In fact, the villainy of Pritchett was so established that he was one of the few arch-nemeses of civil rights protest to be immortalized in song, “Oh Pritchett! Oh Kelly! Open Dem Cells!” The cells were the Pritchett’s domain, free from cameras and recordings. Inside prison walls he could treat inmates however he pleased. When Marion, Slater King’s wife, attempted to deliver food to arrested friends in Albany’s Camilia Jail, she was told to keep away from the fence and was called a “nigger” by the guards. Pregnant at the time, she did not move fast enough to the guard’s

---

liking and he began to curse at her. She responded and told him to arrest her if he wanted to. In a fit of rage, the guard knocked her down resulting in the loss of her unborn child.\(^7\)

The police of Albany were also guilty of other acts of violence apart from the explicit use of batons or pistols that so often characterizes police brutality. After a prayer vigil in the courthouse when 18 of SNCC’s workers knelt down to pray and were arrested, one of the students William Hanson, a white SNCC worker, was placed in the white section of the segregated Dougherty jail. One of the deputies informed prisoners that Hanson had come from up north to assist the Black civil rights protesters in “straightening out” the whites of Albany. An agitated prisoner replied, "I'll straighten him out." The outcome of this action of extreme custody by the police officer was barbaric and resulted in Hanson being beaten unconscious, having his lip split open, and his jaw broken. Law enforcement authorities could indirectly use carceral forces in creative ways to cause harm and stifle protest in such a manner that they could not directly be tied to the instances of abuse.\(^7\)

The cruelty of the carceral environment combined with the spontaneity of the protest resulted in disaster. As Young recalls King’s imprisonment came “with no plan, no thought of what we were going to do.”\(^2\) Along with over 250 protestors, King was jailed and he merely decided to remain until the city desegregated. King’s perseverance soon faltered. To give a broader perspective on the story, Young details the torture that King, Abernathy, Anderson and others marchers encountered at the infamous Americus jail. Sheriff Chappell had refused to give the inmates blankets during a cold spell and had actually opened the windows and turned on the fan. As a result, Anderson had become very ill. King


\(^7\) Ibid., 175.

fearing the worst had tried to Anderson to accept bail but he refused.\footnote{Young, \textit{An Easy Burden: The Civil Rights Movement and the Transformation of America}, 168-69.} In a diary kept during his time at Albany, King wrote of the experience, “The Albany Jail is dirty, filthy and ill-equipped. I have been in many jails and it is really the worst I have every seen.”\footnote{Martin Luther King Jr., "Life in the Albany Jail," in \textit{Weary Feet, Rested Souls: A Guided History of the Civil Rights Movement}, ed. Townsend Davis (New York: W.W. Norton, 1998), 270.} When an independent conservative faction of Albany negotiated a deal with the city fathers without the approval of the Albany Movement leadership, King in Young’s assessment accepted bail for the sake of Anderson who was rapidly deteriorating. It appears that King’s unpreparedness for the Albany jailings and overall lack of strategic plan made it a prudent decision for him to abandon the project for good in the fall of 1962.\footnote{See “Memorandum to Mr. Rosen” in Michael Friedly, \textit{Martin Luther King, Jr.: The FBI File}, ed. David Gallen, 1st Carroll & Graf ed. (New York: Carroll & Graf, 1993), 119.}

However, some prison scenarios worked to the advantage of the protestors. In the words of King, “Class distinctions were erased in the streets and in jail as domestics, professionals, workers, businessmen, teachers, and laundresses were united as cellmates, charged together with the crime of seeking human justice.”\footnote{Abernathy, \textit{And the Walls Came Tumbling Down: An Autobiography}, 168-69.} Class dynamics had played a significant role in the Montgomery arrests. Hoping to make a public example out of community leaders, the Montgomery authorities had arrested “everybody who was anybody.”\footnote{Ibid., 168.} Even prominent figures of the black community who had nothing to do with the movement and had never attended mass meetings were arrested, “so many they didn’t even bother to put us in cells,” according to Malcolm’s frequent cellmate in the struggle Ralph Abernathy.\footnote{Ibid., 168.} In Albany, class distinctions were muted as the Albany Movement sought to democratize black resistance to racial oppression. As noted by King, the front lines of the movement which increasingly was defined by occupying a narrow jail cell became a sort of initiation into a kinship of resistance that transcended race, class and gender.
Historians looking back over the Albany Movement and Dr. Martin Luther King, Jr.’s involvement often criticize the campaign in lacking a specific, measurable goal.\textsuperscript{79} Many assess Albany as partial failure at best to a total disaster.\textsuperscript{80} King himself had to take stock of the outcome of the campaign, inquiring into its effectiveness. In retrospect, perhaps if King had not been so zealous to launch a broad-scale attack and instead focused on one of the original primary objectives of the Albany Movement, to free Charlie Ware and address police brutality, the outcome of activist efforts there would have been more effective. Of course, hindsight is omniscience.\textsuperscript{81}

While it has been generally accepted that the Albany Movement was a failure, why did this happen? Can the failure at Albany be attributed only to the broad agenda of the activists and the cunning counter-strategy of Pritchett? The role of imprisonment as a carceral factor may also shed light on why the Albany Movement did not achieve its goal. Albany failed in part because King’s use of the carceral strategy failed. King could not be kept in jail. Mayor Kelly bailed him out on one occasion. Robert Kennedy ordered him out on another, his bail being paid by an anonymous African American in Albany. He ultimately ended up walking away from Albany with a suspended sentence. Inhabitants of Albany also resented the fact that the federal government intervened to release King from jail in the summer of 1962 but did not intervene on behalf of the hundreds of others who were in jail for the same reason.\textsuperscript{82}

\textsuperscript{79} For a contrary account stating that the demands of the Albany Movement were reasonable but that the celebrity of King may have endangered the local movement, see Lewis, King: A Biography, 146-48. For criticism of Albany see David J. Garrow, Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965 (New Haven, Conn.: Yale University Press, 1978).


\textsuperscript{81} Carson, ed., The Autobiography of Martin Luther King, Jr., 167-68.

\textsuperscript{82} Further complicating the local carceral atmosphere, after King’s departure in 1962 the federal government began prosecuting activists who had boycotted Smith’s Supermarket in protest of Jim Crow
King had said that “We didn’t want to leave but we couldn’t stay any longer. It makes us very unhappy.”

Martin Luther King was critiqued by Malcolm X and to an extent unjustly accused of being cowardly by some of Albany’s black citizens. Malcolm stated that King had failed to desegregate Albany, Georgia in part due to his accommodation strategies of nonviolence. Malcolm related to the Birmingham riot as being a more useful means of protest because it pressured authorities to come to terms with the power of outraged Black communities. Regarding King's effort in Albany, Malcolm stated, “King became bankrupt, almost as a leader. The Southern Christian Leadership Conference was in financial trouble... as they became fallen idols, began to lose their prestige and influence, local Negro leaders began to stir up the masses... Gloria Richardson [and other]...local leaders began to stir up our people at a grass-roots level.”

While Malcolm X’s assessment of King’s failure in Albany is perhaps a bit wanton, it indicates a growing fundamental flaw of carceral nonviolent protest. Nonviolent protest is only effective as far as an oppressive populace is aware and willing to concede legitimacy and publicity. King had lost the full attention of the media, local authorities were cooperating in magnificent ways to incapacitate the swelling policies. FBI agents who had previously been invisible now swarmed the town collecting evidence against the activists. With King gone, the little press paid little attention to the carceral internesity still in high gear. See Howard Zinn, *The Politics of History* (Boston: Beacon Press, 1970), 192. Many of the other cases, some 700 jailed activists, had not yet received a trial or a trial date. For more on the federal inquiry of King’s arrest at Albany, see “Memorandum” from C.L. McGowan, December 17 1961. in Friedly, *Martin Luther King, Jr.: The FBI File*.

83 See "Dr. King Free." King had also been tricked into leaving by Pritchett and the city fathers, who promised him that if he left Albany they would begin negotiations with the local blacks in addressing desegregation of the city. When King left in August of 1962, predictably the commission reneged on their promise. For national coverage of the brokering of the deal see Hedrick Smith, "Dr. King Set Free after Conviction," *New York Times*, 11 August 1962. There are conflicting testimonies with regard to King’s imprisonment and how he assumed the leadership post at Albany in the first place. W.G. Anderson, the leader of the Albany movement, affirmed that he invited King to be part of the movement and give some direction because they had no experience in direct nonviolent action. Andrew Young maintained that King was asked to speak at a gathering and only to make a speech. After the speech, he was invited to join the protest. He agreed and as a result he was put in jail—entirely spontaneous. Claude Sitton, "Negroes to Rally Today in Georgia," *New York Times*, 21 July 1962.

insurgency, and above all he could not keep himself prison. He was begging for a dramatic confrontation that never came. Rather, Pritchett and Kelly were able to effectively co-opt his symbolism and legitimacy. Their countermeasures presented the illusion that King was not suffering enough and ultimately deemphasized the goals of the movement, an occurrence which unfortunately resulted in internally squabbling among local and grassroots leaders.

Birmingham or Bust

In January of 1963, King with the aid of the Alabama Christian Movement for Human Rights decided to make Birmingham the showcase of moral tension in the south. Carefully reviewing mistakes of Albany, they planned to pit the despotic Bull Connor against peaceful protest in an attempt prod the national consciousness into supporting federal action against segregation. Connor threatened that he would “fill that jail full if Negroes violate segregation laws” which was exactly what the King, Abernathy and Shuttlesworth hoped for.85

A furious Connor succumbed to the strategy. King was imprisoned at Birmingham recorded in history amidst one the most historic confrontations of the American past. In Birmingham more than any previous carceral engagement, King exhibited the tradition of Gandhi and theodicy of Howard Thurman. Thurman’s theology specifically called a process of self-humiliation that robs the dominant power of its potency in aggression. With this mentality, King and his supporters advanced against Connor.86

The Birmingham imprisonment allowed King to exploit the ideal usage of carceral activism and revealed the pinnacle of his influence. By 1963, imprisonment had become a deliberate component of

---


86 See Howard Thurman’s Jesus and the Disinherited (Boston: Beacon Press, 1976). Thurman was not the first to suggest the concept of nonviolence as a strategy for blacks but had traveled to India and met with Gandhi.
King’s repertoire. With protest lagging in Birmingham, King decided to be arrested hoping that his imprisonment would ignite the protest movement in Birmingham as the Rock Hill jail-ins of 1961 had broadly mobilized the student movement. King’s imprisonment was undeniably harsh, yet it lacked many of the abuses that characterized the jail-ins. He admitted that he had “suffered no physical brutality,” a glaring exception that many students were not as fortunate to enjoy.

Hours before the Birmingham showdown, King was notified that the SCLC did not have sufficient funds to continue to provide bail. There were already civil rights advocates jailed for previous protest and it was King’s duty to keep morale high knowing that the jail would be flooded in hours with more people and without the funds to post bail. King hoped that the redemptive suffering of his actions and those with him would transform Birmingham and ultimately the entire nation. After marching only three blocks, King and Ralph Abernathy were arrested and taken to the Sixth Avenue Birmingham Jail. King was placed in an isolated cell on the second floor of the building.

King’s time alone in a fifty-four-square-foot dimly lit cell sent him into a deep depression. It was during this period of eight days emotional melancholy that King received a published statement from eight white southerner ministers. King’s letter represented the penal experience through the perspective of redemptive suffering. For King agape love was the defining lowest common denominator of the penal

88 Martin Luther King Jr., Why We Can't Wait (New York: New American Library, 1964), 74.
89 Bass, 109.
90 Bass, 111.
91 Bass, 114
92 King, Why We Can’t Wait, p.73, quoted in Bass’ Blessed are the Peacemakers. Ironically, after the letter was published the American Friends Service Committee obtained a copy of the letter and circulated it widely, deeply supporting the ideal of human freedom and the methods of nonviolence to secure those rights.
experience and suffering of any type for the cause of social justice. It was through this love that transformation came about not only personally but also politically.

Clearly, King understood reformation and redemption in a Judeo-Christian context. The type of reform that King experienced in penal space was to be used as a moral lesson. It reflected a discipline of an ascetic type. King interpreted his punishment not as a recompense for some wrong that he committed but rather as a lesson in which he became the propitiation for his enemies. King interpreted his time in penal space as an instructive session. He took on the guilt of his accuser to inflict shame and to create a sense of moral ambiguity. The dilemma that King sought to present was ultimately, if segregation is right, then democracy is wrong and if democracy is wrong, then our society is damned. King’s political inquiry represented a theological and a personal one. King saw the necessity of love, even in acts of lawlessness. In the Birmingham Letter he noted:

In no sense do I advocate defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks the law must do it openly, loving…and with a willingness to accept the penalty by staying in jail to arouse the conscience of the community over its injustice. It is in reality expressing the very highest respect for the law.  

King’s moral transformation was largely realized through the element of isolation. King confided to Andy Young that he hated being in prison alone. While he presented an image of moral courage, he felt deeply threatened by the isolation and the impending threat of death. Originally, the penitentiaries were constructed to create this very condition. The Quaker penitentiaries were designed to provide ample time for one to reflect on the condition of the soul and to translate that penitence into some moral transformation through repentance for evil deeds. The crude jail at Birmingham was not on the

---


95 Classical works in criminology and penology have addressed the impact of the penitentiary and its effects on inmates. I have extended the analysis of penitentiary style incarceration to solitary confinement.
magnificent level of the panopticon structure evidenced in the Walnut Street but was equally threatening. However, King did not repent for anything that he did. Rather, he used this experience to scold eight Southern ministers who opposed his action. If Bull Connor had intended for a penal experience to teach King a lesson, King intended for redemptive suffering to be a lesson to those who stood against the cause.

King’s imprisonment at Birmingham recast traditional carceral authorities as villains through nonviolent suffering. The street confrontation exposed abuses of Bull Connor. King’s Birmingham letter exposes abuses behind walls and established the moral upper hand against the local Christian patriarchs.

In what would later become a classic of American prison literature King wrote:

> You warmly commended Birmingham police for keeping ‘order’ and ‘preventing violence.’ I don't believe you would have so warmly commended the police force if you had seen its angry violent dogs literally biting six unarmed nonviolent Negroes. I don't believe you would so quickly commend the policemen if you would observe their ugly and inhuman treatment of Negroes here in the city jail; if you watch them push and curse old Negro women and young Negro girls; if you would see them slap and kick old Negro men and young boys; if you would observe them, as they did on tow occasions, refuse to give us food because we wanted to sing our grace together. I'm sorry I can't join you in your praise for the police department.  

King’s jailing at Birmingham also warranted another call to Mrs. King from now president John F. Kennedy. Unlike the previous one, this call did receive significant attention in the press and helped to intensify the Birmingham movement. Kennedy sent FBI agents to visit King in the prison and arranged for him to call his wife. After the phone call, Coretta responding to reporters’ inquiries stated that Dr. King could obtain his freedom by posting bail but had chosen not to as a “matter of conscience.”

Three days later, King was allowed to talk to his wife through the glass partition at the jail, evidence of his growing political clout and influence in Washington, as Kennedy had increased pressure

---

96 King, *Why We Can’t Wait*, 82.

97 Garrow, "No Easy Walk," 136, Lentz, *Symbols, the News Magazines, and Martin Luther King*, 82. Also see David J. Garrow, "Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference," (New York: Quill, 1988), 244-45.

on local authorities to relax the conditions. He had also recently been allowed to exercise in the yard. Despite some concessions, the imprisonment remained harsh and his conviction not to post bail remained firm. In a bittersweet tone, Mrs. King remarked that her husband would be in jail “for a quite a while.”

For King, ever the pastoring type, the strategy of jail no-bail was acceptable for him but he worried about the overall affect it was having on the shepherdless movement. Considering the impact his absence was having, after eleven days King welcomed the posting of bail by Harry Belafonte. On April 20, with full grown beards King and Abernathy stepped from the City Jail and briefed reporters, “Lest you think we have joined the Castro brigade, they took away our shaving equipment from us and only brought it back this morning.” Both men had grown full beards and revealed that jail authorities returned the equipment to them preceding their release and had urged them to shave before meeting with reporters. This evidenced that the national media and presidential pressures were certainly impacting Birmingham authorities so much that they wanted King and Abernathy to appear as if they had been treated well. Differing from Albany, the intense national coverage provided an avenue for the released freed King to reach a wider audience. Considering this factor, his release at Birmingham was not perceived as a sign of weakness but as a strategic asset to the ongoing movement.

The favorable coverage by the media played an important role in King’s acceptance of a carceral strategy. The media began to turn its eyes favorably onto the movement during the Freedom Rides of 1961. Ironically, it was during this campaign that reporters and cameramen were beaten in Anniston. The images from Birmingham confronted the ideal and the reality for many Americans who did not believe the state of African American life and others who simply did not care. The telecasting of these events


101 Ralph Abernathy remarked, “I guess they wanted us to look good. We decided to wait until we got home.” See Ibid.

102 King Jr., Why We Can't Wait, 75, Lewis, King: A Biography, 186.
into living room sets across the nation and internationally was a riveting phenomenon that probed the deepest and untapped feelings of sympathy, shame and guilt.\textsuperscript{103}

International attention during the Cold War frustrated the executive policy of reluctant nonintervention. Carceral authorities made King into an international figure and assisted in politicizing the method and means of his protest. The unjust nature of the punishments earned King the distinction of being a political prisoner with international distinction. Angela Davis examined the role of Martin Luther King and addressed his imprisonment as a political type. She held that Dr. King was arrested and charged on nominal crimes of trespassing, disturbing the peace and others, but the crux of the case against him was that carceral authorities pursued him because he was perceived as" an enemy of southern society, an inveterate foe of racism."\textsuperscript{104}

Knowledge of public, presidential and international scrutiny also affected carceral politics of Birmingham police. Connor and local authorities in Birmingham knew that if they were not able produce King from his jail cell completely unharmed it would incur the wrath of the public, whose opinion was drastically shifting toward the support of the protesters. Prison for Connor and his deputies served the purpose of being able to incapacitate King from organizing future events, for the time being.\textsuperscript{105} However, the greatest unexpected consequence of this imprisonment was King's development of a masterpiece of apologetics, one the most eloquent and self-effacing documents in American history. The authoring of

\begin{quote}

\textsuperscript{104} Davis, Aptheker, and Prisoners, eds., \textit{If They Come in the Morning: Voices of Resistance}, 31.

\textsuperscript{105} In addition to incapacitation of a major leader, carceral activism had other consequences. According to Paris, “…during the Birmingham campaign King came face to face with the attempt of the legal enforcement agencies to use the moral arm of the law for immoral practices, namely, to impede the progress of a moral social reform movement. Such a tactic had been used before (most effectively in Albany, where King had been released suddenly from a forty-five-day jail sentence which, to dramatize the demands of the Black community, he had chosen to serve instead of paying a fine) and had crippled the movement to such a degree that virtually none of its goals could be realized.” Glennon, "The Role of Law in the Civil Rights Movement: The Montgomery Bus Boycott, 1955-1957," 118-19, Williams, \textit{Eyes on the Prize: America's Civil Rights Years 1954-1965}.\
\end{quote}
this document could be credited to King's isolation from his fellow protesters, for it provided a busy organizer and pastor a wealth of time to reflect and to respond.

Not only did King's incarceration at Birmingham become an important milestone in his life, it also became an important mobilizing factor in a generation of younger activists. There were so many children who were jailed that a police captain remarked, “...if we get any more I don’t know where we’ll put them.” Of the more than 800 who were arrested in a single day, the famous comedian Dick Gregory was counted—as a chaperon I suppose. Later he worked the experience into a stand-up comedy routine. When asked to describe the scene in Birmingham jails, he replied, “It was wall to wall us.”

A pivotal point that brought Gregory to the campaign was hearing an old man in Mississippi testify of how he was jailed for attempting to register to vote, the only night that he and his wife had ever spent apart, and that night was the night she died. So this had brought him to Birmingham in 1963. He was stuffed in jail with hundreds of others who had come to support King’s cause but primarily to preserve their own sense of dignity and gain freedom.

According to Gregory, a guard tried to pull some kids out of the cell, but the kids didn’t want to go so they tried to keep the cell door closed shut. An angry guard whacked his arm with a billy club. Forgetting the nonviolence that had brought him to the jail in the first place, Gregory jumped out of the cell after the guard—right into the arms of five other guards. Inevitably, he was beaten. “End to end, up and down, they didn’t miss a spot.” He consoled himself, “What the hell, if you are willing to die for Freedom, you have to be willing to take a beating.”

After being transported to the jail via paddy wagon it took more than six hours to get all the captives fed and bedded. The arrangements according to one report were barracks-style and arranged

---

106 Gregory was an active participant in carceral activism prior to 1963. He had entertained prisoners at Maryland State Penitentiary and also at Michigan State Penitentiary, on one occasion refusing to perform until the inmates in the audience were integrated. See Dick Gregory, *Nigger; an Autobiography*, 1st ed. (New York,: Dutton, 1964), 152-56.

107 Ibid., 157.

108 Ibid., 179.
from the oldest to the youngest. 200-300 who had been arrested earlier in the day were standing a
compound in the downpour of rain. The jail was extremely overcrowded; it had been designed to hold 600
according to one report. The Chicago Daily News reported more than 2500 being arrested in the
demonstrations and the city having to outsource protestors to county jails in nearby Bessemer, children
and adults were imprisoned even at the fairgrounds.¹⁰⁹

Despite the widespread success of Birmingham, it would not be the last site of King’s
engagement of carceral forces. He returned to the city in 1967 to serve a five day sentence but in a “safer
jail cell” atop the suburban eight-story Jefferson County Courthouse.¹¹⁰ St. Augustine and Selma marked
particularly crucial interactions between the black prophet and American law and order. The element of
surprise had largely vanquished, and by the commencement of these campaigns, friends and foes alike
accepted the reality of the practice of imprisonment in King’s repertoire. Selma evidenced King’s use of
outraged parents against law enforcement who jailed and abused teen-aged participants, a tactic he
successfully experimented with at Birmingham.¹¹¹ When sprits lagged and apathy was apparent, King
mastered the use of assaulting the jails which he learned had the effect of “rejuvenating the Negro
community just as the campaign seemed on the verge of dying.”¹¹² Some authorities tried to replicate
Pritchett’s “non-violent” counter-approach; others evidenced a lack of a learning curve. Regardless of the
carceral approach, after Birmingham, it appeared as if the courts were leaning more towards keeping King
out of jail whenever possible.¹¹³

¹⁰⁹ Raymond R. Coffey, "Waiting in the Rain at the Birmingham Jail," in Reporting Civil Rights:


¹¹² Herbers, "520 More Seized in Alabama Drive."
Defying the courts and the carceral, as in Birmingham, the constant factor in King’s protest agenda revolved around determining the higher good and willing to suffer for it, as when he chose to go jail willingly again in 1967 for disobeying a court order in 1963.\footnote{“Top Alabama Court Stays King's Jailing,” \textit{New York Times}, 16 May 1963. Of course, the tendency of local and federal courts could be quite erratic. Consider the 1967 ruling of the Supreme Court that upheld the ruling of an Alabama contempt of court conviction which King and seven other ministers faced 5 day jail sentences some four years after the Project C confrontation in Birmingham for violating a court injunction. See “Dr. King Loses Plea; Faces 5 Days in Jail,” \textit{New York Times}, 13 June 1967.} Much (but not all) of the American public had accepted the validity of King’s disobedience in Birmingham, yet the consequence of his righteous disobedience lingered.

Illustrating the previous practices of his carceral boldness, the preface of King’s “I Have a Dream Speech” punctuated the optimistic tones of his utopian desire for a beloved community while confronting reality of carceral abuses and practices encountered by activists. He welcomed the sojourners in his sagacious baritone drawl:

\begin{quote}
I am not unmindful that some of you have come here out of excessive trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas where your quest for freedom left you battered by storms of persecutions and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive.\footnote{“Dr. King Plans to Go to Jail 'Willingly',” \textit{New York Times}, 11 October 1967.}
\end{quote}

King’s attempt to move the focus of his activism to Northern cities, namely the South Side of Chicago in 1966, was unable to mobilize the urban masses partly because of a lack of manipulable carceral factors. The scale was far greater than he was accustomed to. Chicago urban housing projects housed more than the entire population of some southern cities and the police resembled a small army. The problem was also based in King’s inability to understand the relationship between urban blacks and law enforcement. As Adam Fairclough notes, “The recruitment of black youths, who had provided much of SCLC’s demonstrative manpower in the South, posed an especially difficult challenge. The ghettos

\begin{flushright}
\end{flushright}
were plagued by teenage gangs which indulged in petty and serious crime, fought among themselves and displayed hostility towards all established authority. The gangs were disdainful of the church, antagonistic towards whites, and contemptuous of the word ‘nonviolence.’”

King soon recognized that despite the difference in the way blacks responded to his gospel of nonviolence and adherence to civil disobedience, the carceral response to his active protest remained a constant variable. Following an attempted all-night vigil at Gage Park, a mob of white drove the black picketers away. King criticized the police for being unwilling to disperse the mobs. The police stepped up their involvement in future campaigns, and were of greater assistance in keep white mobs numbering into the thousands at Lawndale and Belmont-Cragin in check. The police were not, however, able to keep the marchers from being assaulted by the rocks and numerous articles the white crowd threw at the protestors. After 3 weeks of marching and protesting the racially segregated policies of Chicago’s white neighborhoods, King gained a growing number of supporters and police protection but entrenched racism in white ethnic communities of Chicago was implacable.

Conclusion

The few episodes in this chapter are not meant to be an exhaustive account of King’s encounter with police brutality, police negligence, imprisonment and jailing. Rather, the selected episodes provide a glimpse into the historical significance of carceral factors in the movement. Through a series of campaigns in the South, of which King’s influence was integral, from Birmingham to Albany it was the “mug shots” of racial hegemony that decisively condemned the innocence of Dixie. Along the way, prisons and jails were used in ways that were costly both to activists and authorities.

---


From Montgomery to Albany, King and other activists realized that if they hoped to challenge the nature of American justice during the Cold War, they would have to address the fundamental character of carceral culture. Carceral culture was especially formative during the modern period of civil rights as it emerged in deadlock politics with Communism. While American authorities sought to extend global influence, dissenting domestic politics became essentialized as an issue of foreign policy and were routinely suppressed in secrecy.

Prisons fulfilled both a social and political role in keeping dissent and troublemakers outside of the public gaze. Authorities in prisons and jails believed justice was carried out most effectively when transactions were concealed from the public view. Through tactics used at defusing activism (e.g. Laurie Pritchett) they hoped to conceal conflict and impose order. Modern theorists have also identified this tendency and the historical narrative provides numerous corroborating examples.118 Through all the examples chronicled in this chapter King is intent on exposing injustice through redemptive suffering. Ironically, imprisonment affected the direction of black activism as King strategized to bring illegal policing practices and imprisonment into the public gaze by using the media and establishing moral superiority through non-violent direct action.119

Throughout all his campaigns that entailed carceral activism, King struggled with the decision every decision to be imprisoned. Sharing similarities with Malcolm X and Bayard Rustin, King thought the laws of the land were fundamentally good and necessary. However, he differed from Malcolm X by


suggesting that compliance to the letter and spirit of the law could radically transform society into the
beloved community he envisioned.  

Over time, King was at least partially triumphant in his confrontation with the national ethos.
Legislators recognized the threat to societal order in the partial enforcement of laws Consequently,
addressing the increasing strain on the institutional infrastructure of the nation’s criminal justice system,
they were pressured into producing the landmark Civil Rights Act of 1964 and the Voting Rights Act of
1965—policy of which enforcement of equal rights under law is figure prominently.  

Although he did not live to see the culmination of his latter efforts, his character set the tone for a
period of rebuke to abused authority and inequality that forever changed the way that Americans thought
about race. Ironically, only after King was assassinated was he exalted to a position of national
deification. King is the only African American with an extensive criminal record to have a national
holiday designated for his principles and in his honor.

120 Regarding his position on the law he affirmed, “I am not an anarchist…I do believe in civil
disorder but in doing so you must accept the penalty.” “Dr. King Tentatively Sets Oct. 30 to Start Jail
53.

121 Michael J. Klarman, From Jim Crow to Civil Rights: The Supreme Court and the Struggle for
CHAPTER IV
THE SNCC USE OF THE JAIL NO-BAIL POLICY, 1961-1966

The influence of Martin Luther King, Jr. evidenced in the mass jailing of youth at Birmingham proved to be a mobilizing one for the children involved and other youth that watched the movement on television. Jailed in an edifice with signs posting segregated visiting hours, one of the children involved in the movement vowed, “[W]e still want freedom. When I get out I’ll start demonstrating all over again.” When bond was set at $300-500 dollars, many of the younger participants, following the earlier example of King refused to leave.¹

“Niggers don’t do things like this!” was the reply of a Jackson policeman to the mass arrests in Mississippi that took place during Freedom Summer of 1964. Local law enforcement could not believe that direct confrontation and a willingness to be imprisoned was part of a black strategy of activism that was not Communist inspired.² There had been four years of this attitude of voluntary imprisonment by student activists largely coordinated by the Student Nonviolent Coordinating Committee. Overarching the failures and successes of the Student Nonviolent Coordinating Committee during the 1960s, a consciousness of carceral factors deeply influenced the strategies, personalities and outcomes of the movement.

The Student Nonviolent Coordinating Committee was established at the Southwide Student Leadership Conference at Shaw University in April 15-17 of 1960. Operating from its headquarters at 208 Auburn Ave. in Atlanta, Georgia, the formation of SNCC changed a blossoming student movement from one that focused on isolated incidents to a sustainable nationwide one that challenged racism


throughout American society.\textsuperscript{3} Several prominent historians have said the impact of the jail-ins stemming from the student wing of the movement were key in pressuring presidential contenders in the election of 1960 to consider civil rights as a part of their platform.\textsuperscript{4}

Clayborne Carson traces the development of SNCC through three phases. In the first stage, following the 1960 sit-ins, SNCC is formed to address a social struggle in the context of the black community. It implements a variety of Gandhian techniques and elements of pacifism that had been previously employed by the Congress of Racial Equality (CORE), the Fellowship of Reconciliation (FOR), the Southern Christian Leadership Conference (SCLC). The thrust of SNCC’s major activities during this phase were specifically and philosophically dedicated to desegregation in radical local action politics.\textsuperscript{5} The second stage of its history began with the defeat of the Mississippi Freedom Democratic Party following the 1964 Democratic Party Convention where internal differences of ideology and strategy developed a major fraction with the organization. The third and final phase of SNCC’s development involved the workers addressing the need for black power and Black consciousness.\textsuperscript{6}

Stokely Carmichael was elected as chair of SNCC in 1966, he and other workers in the organization proposed the ideology of black power as a means to unify black people. Internal dissent about the future direction of the struggle in addition to covert carceral operations by the FBI and local authorities were ultimately responsible for the demise of the organization.\textsuperscript{7} Still, the strategy of jail-no

\textsuperscript{3} See the widely acclaimed, Ibid., 106-08.


\textsuperscript{5} Carson, \textit{In Struggle: SNCC and the Black Awakening of the 1960s}, 2.

\textsuperscript{6} Ibid.

\textsuperscript{7} Ibid., 3.
bail figured prominently into these phases and framed the future of black resistance, the legacy of the organization, and its ability to maneuver within carceral structures of hegemony.⁸

Charting a Jail No-Bail Philosophy and Strategy

The SNCC jail-no bail strategy was a powerful method of carceral activism in which blacks used limited resources to frustrate authorities and urge political leaders towards social reform. Describing the dilemma of jail administration during this period, Moynahan and Stewart provide information on why SNCC’s jail-no bail strategy was such an important mode of activism. They state:

Politically, jails are often used as pawns to be controlled in various ways by local governments. Some communities take pride in being able to say that local authority controls the local jail. Consequently, regardless of the dilapidated condition of their facilities, some cities and counties fight to retain this dubious honor, while the harried administrators of these jails would eagerly share their frustrating responsibilities of management and control. This jurisdictional autonomy helps to explain the resistance of local governments toward standardized control of jails.⁹

Jails were an important part of maintaining societal control. This was especially true in rural communities that lacked the tax infrastructure to support large prisons. Moynahan and Stewart's assessment of the jail corroborates historical narratives of jails during the modern era of civil rights. Southern jails often fulfilled a dual role in the face of mounting black protest. Although many of these jails were scarcely kept running, they were a testament to the ability of Southern authorities to control and to maintain a ‘distinct’ way of life. Central to that lifestyle was a carceral system of racial segregation, a

---

⁸ Throughout this work, carceral refers to the inanimate and human infrastructural components of what has been characterized as the “carceral archipelago” by French philosopher, Michel Foucault. See Foucault, Discipline and Punish: The Birth of the Prison, Gavin Kendall and Gary Wickham, "I'm Interested in Foucault but Why Should I Be Interested in History?," in Using Foucault's Methods (London: Sage, 1999). While Foucault’s analysis of the carceral, addresses the totality of elements of surveillance in society, I have deviated slightly from this connotation of the word. For simplicity’s sake, references to carceral in this work refer to prisons, jails, lock-downs, detention centers and the enforcers, custodians, and detainees of those structures.

policy undergirded by the ability of authorities to use prisons and jails to maintain control over public spaces.

Whenever blacks transgressed the boundaries of society through criminal acts, which would increasingly include protests during this period, the purpose of jails and the use of prisons and chain gangs relegated them to a distinct place and image in the minds of Southern whites through the use of carceral methods that very much resembled slavery. To violate the space defined by Jim Crow resulted in abuse, imprisonment and possibly death during or preceding incarceration. In this manner, imprisonment in the southern tradition fulfilled a dual role—it maintained segregation and criminalized dissenters to that system.

Although these institutions were often ill-equipped to handle the large number of protesters that filled them, the stakes of preserving racial segregation compelled local authorities to stretch the boundaries of what these institutions were fiscally and physically capable of. Ultimately it was this stubbornness of Southern law enforcement that was key to successes of the improvisational campaign of direct action. While we can account for the usefulness of the practice of jail no-bail, we cannot determine how this varied from one institution to another. Furthermore, by generalizing about the overall nature of the carceral structure, we may gloss over important differences within each system. Regardless of these inconsistencies in the operation of southern correctional institutions, young black activists quickly

10 Financing the operations of the jail always been a problem. Some states kept the turnkey fee (a fee paid to the jailor when the inmate was locked up or released) in other cases the state bore the responsibility of this burden. Moynahan commented on the nature of the Southern jails and lock-ups, "While some of these facilities were in better financial condition and others, Southern states continued to maintain jails with the lowest budget." Ibid., 71.

11 Part of the problem in assessing the impact of the no-jail-no-bail policies of SNCC comes in examining the impact of the practice of “the jail.” This is problematic, because there was no monolithic “jail” in the South or the North. During the 1960s, the structure of jails often reflected the needs of the communities in which they were hosted. Central to the development of these institutions in the South was the variable of race but how that construct was treated from an administrative and an infrastructural perspective could vary greatly. Commenting on the dilemma of the jail, Moynahan and Stewart assert, "There was no typical jail, nor is there one even now. They vary in size from those with only one or two individuals to complexes of jails that held several thousand people. Some had better facilities and others, and somewhat better conducted and others." In some locations the working house and jails were used in conjunction in others they were used separately. Ibid., 67.
realized these carceral structures and authorities were a common denominator in oppression and were vulnerable to direct action.

In 1960, the lunch counter protests by Joseph McNeill and his classmates started a larger following that initiated a wave of sit-ins across the United States. Accompanying these countertop protests were waves of violence, thousands of arrests, beatings and hundreds of imprisonments. Police operated differently in many of these cases. Instead of being the ones that committed the acts of violence, they condoned and observed the acts of mob violence on the young protestors. In this way, they operated much like guards in prisons who often let inmates settle problems among themselves through controlled experiments of violence. Similar to the rioting developments of the Little Rock incident of 1957, the police of the Greensboro sit-ins of the 1960s were complicit actors in the drama of public violence as forcefully in their lack of action as they were in acts of brutality.\(^\text{12}\)

At first glance, the jail-no bail strategy appears to be entirely spontaneous and as an emotional outgrowth societal repression. While certain key emotions played a major role in maintaining the practice, the jail-no bail strategy was one of the most planned and philosophically driven aspects of the protest movement. Illustrating a series of discussion over the tactic are the programs of SNCC conferences and plenary sessions in 1960.

In October, a conference was planned in which James Lawson, then the presiding advisor of SNCC debated the logistics of “Jail vs. Bail” with Spottswood Robinson of the NAACP Legal Defense and Education Fund—Thurgood Marshall was tentatively scheduled.\(^\text{13}\) An estimated 300-400 students attended. There was also a workshop scheduled on Saturday night of October 15\(^{th}\) in Davage Hall of Clark College that specifically addressed the issues of jail v. bail.\(^\text{14}\) The plenary session planned for

---

\(^\text{12}\) Also, consider the example of Sigenthaler and the Freedom Rides of 1961. When Sigenthaler arrived the police are mysteriously absent on the account of “Mother’s Day,” according to the police chief. One of the bloodiest melees of the South ensues that in vivid detail is every bit as horrifying as developments at Birmingham in 1963 on the Selma Bridge in 1965.

\(^\text{13}\) “Main Speakers: October Conference – October 14-16, 1960” in SNCC Papers.
October 7th was captioned, “As the movement progresses, the resistance may get deeper and more students will surely be arrested. The students then will have to decide whether to pay bail money and fines or remain in jail. A study of the philosophic and economic ramifications of this issue.”

Determination and sacrifice were key characteristics of this innovative phase of black activism. In an ad appearing in the Student Voice to garner support for student prisoners, a column solicited support of the practice in a defiant statement, “SNCC DOES NOT ASK THAT YOU WRITE FOR THE RELEASE OF JAILED STUDENTS, but that you urge stores and city officials to desegregate. We do support Jail versus Bail.” However, when volunteers were being chosen to participate in Freedom Summer, they were supposed to bring $150 to cover the stay in Mississippi and to guarantee bail. This shows that jail-no bail was not the original intention, it was a strategy that engaged a wide variety of activists and found increasing favor among students who joined the movement.

---

14 “Workshop and State Caucuses”

15 “SNCC Program,” October 1960, p.2

16 “Please Write!” in Student Voice (1960).

17 See Sutherland, Letters from Mississippi, 35. True to their charter, under the leadership of SCLC's Ella Baker as executive secretary, SNCC stated their quest for “...a social order of justice permeated by love...by appealing to conscience and standing on the moral nature of human existence.” Alexander Bloom and Wini Breines, "Takin' It to the Streets": A Sixties Reader (New York: Oxford University Press, 1995), 24. A great number of the students involved in the SNCC protest movement had been deeply impacted by the death of Emmett Till in 1955. Emmett Till, or was a young boy barely 14 years old Chicago's South side who had gone to spend the summer with his grandparents in the Mississippi Delta. In the small town of Money, Mississippi he had allegedly whistled at a white woman in the candy store. Several days later a group of men came and took the boy from his grandfather's house. That night he was tragically beaten to death and thrown into the Tallahatchie River with a cotton gin tied around his neck. By the time his body was recovered and was sent to his mother in Chicago much of the black community was shocked and outraged at such a pretentious display of violence. The open casket funeral of young Emmett Till deeply touched many of the future members of SNCC who related to Emmett because many of them were his age at the time of the accident. On another level, the carceral influences and abuses of the legal system that allowed for his murderers to go free also affected the consciousness of this younger generation. After the offenders were allowed to go free, the story appeared full-length in Look magazine. This was a testament to the nature of southern law, when Emmett's grandfather was asked why didn’t he call the police, he replied, "... I can't call the police. They told me that if I call the Sheriff they was going to kill everybody in this house.” See Interview with Curtis Jones in Hampton, Fayer, and Flynn, Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s, 4.
SNCC’s jail no-bail strategy was motivated by a moral outrage with injustice of Southern segregation laws and voter disenfranchisement. Students of the organization were drawn into this particular mode of activism precisely because of its carceral focus. The southern culture had historically been based on a relationship of authority and abuse. The system of racial segregation was about preserving spaces and social control. Racial segregation was about maintaining white space and power, but also included controlling black space to ensure social boundaries were not transgressed. The constant scrutiny of blacks and incessant supervision from whites fueled and supported the legitimacy of the system itself. Ultimately, this issue of constant supervision/harassment became a critical issue for SNCC because they identified the role of law enforcement as race enforcement.

Thus, according to Clayborne Carson, in developing the jail-no bail strategy as a component of the sit-in strategy, SNCC realized several things:

1. First, they understood that the law enforcement agencies of the south were fundamentally corrupt because they supported illegal and immoral laws; direct confrontation was needed to draw them into the gaze of national and international scrutiny, exposing the immorality of their actions.
2. Second, there was a good chance that they could manipulate conflicting interests and play the federal government against regional governments and local authorities to bring about the social change they desired. Through the strategy they presented two option, chaos or compliance with federal law.
3. Thirdly, SNCC realized that through the jail-no bail strategy they could save desperately needed funds and effectively frustrate the efforts of local authorities and opponents simultaneously.

Although the roots of the jail no-bail strategy did not originate SNCC, the organization was largely responsible for popularizing the idea of the jail-in during this period as a serious and widespread protest strategy. Sit-ins had been staged a generation before at lunch counters and restaurants in Chicago.

---

18 King interpreted the purpose of segregation as to “oppress and exploit.” See Carson, ed., *The Autobiography of Martin Luther King, Jr.*, 70. Also segregation law was used to limit freedom of association, movement and choice of residence. In this manner, Jim Crow laws were legal restrictions highly comparable to a prison with invisible walls—a carceral order.

by the Congress of Racial Equality (CORE) in 1949 and 1953.\textsuperscript{20} Compared to SNCC, the CORE sit-ins received a relative lack of media attention. The dissenters involved had roots in conscientious objection to the war.\textsuperscript{21}

SNCC realized the importance of CORE’s expertise and had requested the assistance of key veterans following the organizing campaign in the summer of 1960. CORE responded to SNCC’s offer to assist in the student protest effort by sending observers to the monthly meetings that same year. Due to a lack of staff, they were unable to commit a permanent liaison as SNCC had requested.\textsuperscript{22} Another reason that SNCC wanted CORE’s involvement was because the strategy of youth engagement of law enforcement a unique endeavor that was very dangerous. Representatives of FOR, NAACP, and SCLC had been working with young people in previous protests and had limited successes with civil disobedience. None had attempted jail packing as a means of direct action nor had desired to because of the social stigma of imprisonment and the blatant brutality of police.\textsuperscript{23} FOR and CORE activists passed on knowledge from experiences from the 1940s in the Journey of Reconciliation.

A key to this mentor relationship with regard to the strategy was seasoned pacifist and activist, Bayard Rustin. Rustin was regarded as a revered advisor in the student protest. In the summer of 1960, he

\begin{itemize}
\item\textsuperscript{20} Hampton, Fayer, and Flynn, \textit{Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s}, 53.
\item\textsuperscript{21} Martin Luther King et al., \textit{The Papers of Martin Luther King, Jr}, vol. 3 (Berkeley: University of California Press, 1992), 522-23. James Lawson, who oversaw and helped organize many of these sit-ins had been jailed for his conscientious objection to the Korean War. Lawson had served nearly 14 months on a stint at Ashland and was familiar with the sacrifice that must be made in efforts to address the dilemma of militarism and segregation. Bayard Rustin had also been imprisoned for resisting war and defying segregation laws. Within a federal penitentiary, Rustin had organized protests against the segregated mess hall. Coming from this background in carceral activism, both Bayard Rustin and James Lawson had been important contributor to the work of the Fellowship of Reconciliation (FOR) in implementing modes of civil disobedience as articulated in Gandhi’s philosophy of \textit{satyagraha}.
\item\textsuperscript{22} See Marvin Rich Letter, 10 July 1960 in SNCC Papers.
\item\textsuperscript{23} According to Ralph Abernathy, “I had been taught the law was next to God in its claim on my conscience, and that there was almost nothing worse than a jailbird.” See Townsend Davis, \textit{Weary Feet, Rested Souls: A Guided History of the Civil Rights Movement}, 1st ed. (New York: W.W. Norton, 1998), 115.
\end{itemize}
had counseled them that jails should be used as a resource against the counter-activity of the police. He wrote in the *Student Voice*, “Only so many can fit in a cell; if you remain there, there can be no more arrests! This is one of the best ways to immobilize repercussive police apparatus [sic]. Imprisonment is an expense to the state; it must feed and take care of you. Bails and fines are an expense to the movement, which it can ill afford.”

But before SNCC was founded and began to implement the jail-no bail tactic, future key leaders were able to assess the tactical efficiency of the strategy in the Nashville sit-in movement. Following the precedent from Nashville, SNCC implemented systematic training in direct confrontation methods as James Lawson had done in 1959. This training prepared students for violent actions with the “possibility of jail” but not the intention of jail. Although the strategy was thoroughly debated and a part of the SNCC vocabulary in 1960, it had not been so in 1959 as students trained for direction confrontation.

The use of the practice in Nashville was controlled but spontaneous. It was the opening site of a visible and direct transgression of carceral authorities by young students who directly challenged segregation law in a combination of direct action and carceral action. On Friday, February 26, Nashville Chief of police announced he would begin to arrest demonstrators. The next day, February 27, sit-in students were molested in acts of mild violence with the support of local police. As the events climaxed, 82 protesters were arrested for disorderly conduct and nearly all of them refused to pay fines and opted to serve jail sentences instead. Hence the development of the strategy called "jail-no bail" emerged and forged the direction of the movement into a different poise of confrontation. Bayard Rustin articulated notions of this methodology, which was merely a reincarnation of his strategies of conscientious objection that required putting bodies into difficult situations to stop the machine of injustice.

---

24 See Bayard Rustin, Untitled Column in *Student Voice* (1960). Also see Tracy, *Direct Action: Radical Pacifism from the Union Eight to the Chicago Seven*, 118.


Still the spontaneity of the action was novel, according to an interview with James Lawson originally, “they were not supposed to be arrested.”27 Rather, the focus was entirely on nonviolence, protection of self from injury, and mental training according Diane Nash.28 What did happen is that after Nashville, the strategy of jail no-bail became very popular among students. The physical abuse suffered by the students from angry mobs resulted in a number of arrests—of the students and not the perpetrators. There were burns from cigarettes, hair was pulled, and numerous beatings by white youth. John Lewis recalled, “A group of young white men came in and placed us all under arrest, and not a single member of the white group, the people that were opposing our sit-in, was arrested.”29 By the end of the month, some 150 students were arrested for participating in the Nashville sit-ins.30 The decision to be arrested served a very practical purpose—it rescued protestors from immediate injury and death. Clayborne Carson argues that such spirit of animosity existed between Black protesters and white onlookers that "Only the rapid arrest of protesters by police prevented violent physical assaults." Perhaps this is particularly true, but the act those intervention other policemen itself exhibits a sense of certain brutality and carceral control.31

After seeing the success of sit-in/jail-in tactics evidenced in Nashville’s desegregation, students began breaking the stigma of arrest for a younger radical generation. Jail-no bail became a rallying cry for student protests throughout over a hundred cities in the south. The strategy develops from a political tactic to a countercultural one. In this process, SNCC attempts to transgress social mores regarding public arrest and direct confrontation by simultaneously portraying the immorality of the law and its brutal enforcement.32 C.T. Vivian recognized this scenario:


28 Interview with Diane Nash in Ibid., 55.

29 Interview with John Lewis in Ibid., 58.


31 Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 11.
The police know that they represented the city, the merchants, the thugs, more than they represented us. Yet here is the importance of nonviolence, that they did not want to appear too demanding, too brutal. They wanted to stop us, but when we would not stop, then they had to begin working on the thugs, because the thugs will bring out the worst of segregation in a racist society, so that it even shames people who are themselves racists and who keep the system going.\textsuperscript{33}

Vivian also recognized the nature of this nonviolent action and its ability to subvert the power of law enforcement authorities. Importantly, he and the protesters interpreted the systemic underpinnings of carceral culture in relation to racism in American society. However, Vivian suggested that the change initiated did not come from carceral authorities but from business leadership who where hurt economically from the protest. People refused to come downtown. They were afraid of confrontation.\textsuperscript{34}

The activist image, which was largely characterized by the jail no-bail strategy, was not entirely effective at mobilizing the black community of Nashville. There was no consensus among southern blacks on how to go about addressing segregation and there was disagreement over using tactics of civil disobedience—law breaking—to achieve the intended goal. Reactions by other elements of the black community reveal how factors of class and generational differences played out in the black community with regard to the strategy. Blacks of the older generation were less inclined to support radical tactics of direct confrontation in Nashville. They had largely perceived the traditional legal methods of the NAACP as the most effective, but supported the student efforts realizing as Leo Lillard stated, “We had little to lose, we had no jobs to lose, we had no houses to lose, we had no cars to lose.”\textsuperscript{35} Jail no-bail and the


\textsuperscript{34} Ibid., 61.

\textsuperscript{35} Ibid, James T. Patterson, \textit{Grand Expectations: The United States, 1945-1974} (New York: Oxford University Press, 1997), 433. SNCC youth responded to black folk who tried to break the boycott and protest strategy by minor acts of lawlessness. According to Leo Lillard, “We didn't hurt them, but we did kind of snatch their bags and tear things away from their arms and let them fall on the ground and say,
direct action that accompanied it was the domain of students from a different generation—with some exceptions.

Throughout the latter part of 1960, SNCC continued to develop the critical and philosophical foundation of a modern jail-no bail strategy. February sit-ins in Greensboro, North Carolina had underscored elements of the strategy that received national attention. This was a factor in continuing the use of the practice. Sit-ins that led to the national SNCC association with jail-no bail are linked with the March 15th Atlanta protest in 1960. Seventy-seven students were arrested for requesting service at an integrated counter and were tried for violation of a Georgia law with possible penalties of forty years in jail and a $27,000 fine.36

Considering practical and publicity factors of the methodology within the larger strategy of the movement, a SNCC conference was held in April 16-18, 1960 in Raleigh North Carolina. It was called for by Ella Baker who was also the Executive Director of SCLC at the time. With Baker's encouragement, the students developed an independent organization that would cooperate with other civil rights organizations rather than be a part of SCLC. On the last day of the conference, Marion S. Berry, the first elected chairman of SNCC, held a press conference outlining the recommendations of the organization as well as approving imprisonment and jailing rather than accepting bail as a central strategy.37 Scrawled on the bottom of a page of a handwritten outline from the spring workshop, appears the subheadings, “Police Brutality” and “Hoodlum Elements” under the heading Strategy of N.V. (nonviolence). Under the preceding Roman numeral seven, appears “Jail vs. Bail.” 38

---


38 Handwritten Note in SNCC, Papers of Student Nonviolent Coordinating Committee 1960-1972 reel 1, E 185.61.S9x
The students had developed a hard line position on integration that few southern politicians or law enforcement agencies could take lightly. Enforcement of the law was paramount because the archaic tradition of Jim Crow was under assault; an act that many Americans viewed as a subversive practice. Segregationists sensed the implications of the jail-no bail strategy but hoped to douse the movement’s fire with a flood of carceral mechanisms of control.

In protest of the Southern defiance of federal law and in support of the Supreme Court ruling in *Brown*, 3000 students from the Atlanta University Center peacefully marched to the State Capitol. They were met by one hundred armed state troopers and an arsenal of riot-breaking tactics to prevent any further disturbances. The weapons of choice included three foot cudgels, tear gas bombs, and fire hoses. Following orders from the chief of police, the students rerouted their protest and averted a showdown with carceral authorities. This scene would be repeated by black activists and law enforcement authorities throughout the next 10 years with varying degrees of cooperation and conflict.

Despite the potential violent implication of this encounter, SNCC was thoroughly engaged in non-violent practice. It was more concerned with “appealing to the consciences of white Americans” by using kneel-ins, sit-ins and other direct confrontation techniques. Some suggest that initially, whites were not buying this. Many perceived civil rights to be a Southern problem; others interpreted the problem as irrelevant to larger issues in the context of the Cold War. Many simply sided against the protesters and saw them as unruly criminal elements.

The students did not base their carceral strategy entirely on the whims of public opinion. Jail no-bail was also part of a larger carceral strategy to pit law enforcement on the federal and local level against

---

39 Clark College had been the site of student meetings in the summer of 1960 as well. See Letter to Robert Cohn from Marion S. Barry Jr., SNCC, July 1, 1960.


each other. Alternatively, many of SNCC members utilizing the strategy interpreted the law in a manner similar to Malcolm X. Federal law was just and desirable; it was the application of the law that was flawed—particularly in the Southern context. In adhering to a jai no-bail strategy, the students were not suggesting that the solution to racial segregation was based in anarchy. Rather, by using a jailing packing strategy they hoped to expose the moral discontent with the law and illustrate the injustice in the enforcement of the law. Initially, the students appealed to the nature of American law. They proposed two logical options for authorities: accept a full enforcement of federal law as it existed or full-blown chaos and a state of anarchy.

Some confrontations were specifically targeted by SNCC’s general philosophy of jail no-bail. For example, members of SNCC and CORE wanted to test the Supreme Court's December 1960 ruling in *Boynton v. Virginia* in the Freedom Rides of 1961. This was an effort to pit one carceral system against another, hoping the federal government would enforce federal law as a trump over illegal state Jim Crow laws. SNCC was well aware of the Little Rock crisis of 1957, when president Dwight D. Eisenhower had sent paratroopers from the 101st Airborne Division to Arkansas to enforce the *Brown v. Board* decision. The federal military had the power to force local authorities, carceral or otherwise, to comply with federal law. Some people had expected a confrontation between Arkansas police and the paratroopers to be the beginning of a second Civil War but it did not happen. The government did however order the Arkansas National Guard to protect the black students.

---


44 In the fall of 1957, African-American students at Little Rock Arkansas also witnessed power of the carceral structure to both enforce and subvert the law. SNCC’s decision to throw themselves at the mercy of the police was a very tenuous one. It had been several years earlier that black and Little Rock had trusted local police for welfare and had nearly been called by the local mob. Melba Pattilo Beals, a student at the time of that incident remembered the role police played in enforcing "law and order." She stated, "I'd only been in the school a couple of hours and by that time it was apparent that the mob was just overrunning the school. Policemen were throwing down their badges in the mob was getting past the wooden sawhorses because the police would no longer fight their home in order to protect us... a couple of kids, the black kids, that were with me were crying, and someone made a suggestion that if they allowed the mob to hang one kid, they kid and get the rest out. And a gentleman, who I believed to be the
Little Rock was a carceral crisis of a different nature, still SNCC perceived similar possibilities of engaging federal law enforcement with local law enforcement in their jail no-bail strategy. “Creating a crisis was central,” James Farmer stated, so “that the federal government would be compelled to enforce the law.” In this way, SNCC intended to ensnare local law enforcement, hoping that the federal government would intercede.

In August of 1960, *The Student Voice*, SNCC’s newspaper, began to publish state reports chronicling the direct confrontation engagement in each state. Many of these reports included the number of activists who were arrested, indicted or jailed as a result of the actions. While there is no strong relationship between the number of arrests and the success of desegregation in local cities, it appears that a significant contribution of the jail no-bail strategy was the ability to mobilize and sustain the student movement in a threatening environment where success was not guaranteed.

Implementing the Strategy

The 1961 Rock Hill protest was where the jail-no bail policy became a consciously, articulated central strategy of SNCC student activists. On January 31, 1961 students staging a sit-in at a lunch counter in McCrory in Rock Hill, South Carolina were arrested, jailed and convicted of trespassing. They were ordered to pay $100 dollar fines or be sentenced to thirty days hard labor. In the SNCC steering police chief, said, 'Unh-uh, how were you going to choose? You're going to let them draw straws?' It was a covert police operation that delivered the young Ms. Beals to her home but nothing was done about the raging mob in the street. Hampton, Fayer, and Flynn, *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s*, 45. Interestingly the FBI was on the spot that according to the testimony of several witnesses to the incident. The FBI that was known and probably far too generously credited for its contributions to the Chaney-Schwerner-Goodman case did very little to exercise executive authority over the raging crowd at Little Rock. The FEDS were content with getting hourly reports to Washington and in the words of James Hicks "did nothing" as black reporters and supporters of the little rock nine were mauled in front the Central high school. See James Hicks Interview in Hampton, Fayer, and Flynn, *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s*, 45.


committee meeting in February, it was decided that four veteran activists would join the other ten that had been already imprisoned for their defiance. Of those who committed to this sacrifice were Charles Sherrod, Charles Jones, Diane Nash and Ruby Doris Smith. Alice Walker credits Ruby Doris Smith Robinson with the strategy. They were arrested for protesting at Good’s Drug Store in downtown Rock Hill and served 30 day sentences in the York County jail. Even while imprisoned, SNCC activists did not passively submit. In ‘Rustinesque’ fashion, they launched a series of protests in which they denounced prison conditions and being brutally overworked. This internal protest culminated in a sit-down strike and the relief of the jail guards when they were released a month later.47

Following the Rock Hill protest, executive secretary Ed King issued a statement calling for others to join them at the lunch counters and “in jail” in similar sacrifices for the cause.48 Clayborne Carson provides the following analysis of the initial strategy of jail-ins. "For students, the Rock Hill "jail-in" was an attempt to revive the student movement by returning to the moral principle of non-cooperation with evil that was the basis of passive resistance. As Jones explained, he ’ could not to operate... with any facet of the society -- in this case the legal, judicial system -- that perpetuated in any sense segregation and discrimination on the basis of color."49 The Rock Hill protests offered the movement a "second chance" to serve jail sentences rather than accept bond.

The large-scale jail no-bail strategy at Rock Hill was not unanimously embraced nor was it entirely successful—it failed to segregate lunch counters. A few students were willing to leave school for extended jail terms but after a month in jail they found that they were not achieving their overall objectives. Contributing to the disappointment, there was never unanimous consent about the type of


48 Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 32.

49 Ibid.
tactics that SNCC should employ in its repertoire. Long before Stokely Carmichael was elected as chair in 1966, there was an unresolved debate over whether the organization should continue to pursue desegregation through nonviolent direct action or should focus its campaign exclusively on the disenfranchisement of black voters. Regarding the usage of the jail-no bail strategy, SNCC pursued consensus decision making methods over unanimity.\(^{50}\)

In a way, the Rock Hill jail-in protest represented a sacrificial victory. It was not very successful from the initial perspective of those who were imprisoned. But it was successful in applying a consciousness of carceral militancy among other students. Additionally, it provided a learning experience and a learning curve effect for the activists in the Deep South, where segregation and racial attitudes were more deeply entrenched. On a practical level, the jail-in protest at Rock Hill provided uninterrupted concentrated segments of time for activists to share ideas and develop new plans of action.

In Atlanta between February 7 and 16, some 80 students followed the Rock Hill example and went to jail based on their defiance of Jim Crow. By March, King participated in the protest and was arrested. He stated, “I will choose jail rather than bail, even if it means remaining in jail a year, or even ten years. Maybe it will take this type of suffering on the part of self-suffering on the part of numerous Negroes to finally expose the moral defense of our white brothers who happen to be misguided and thusly awaken the dosing conscience of our community.”\(^{51}\)

With King’s blessing, the use of the jail no-bail strategy as a central component of SNCC activism continued to develop in 1961. Freedom Riders were interested in testing the ICC ruling that interstate travel should be segregated. During the Freedom Rides more than 300 protesters were arrested in Jackson. They chose to stay in jail rather than pay bail in an act of defiance. Many served their

---


sentences in Parchman prison as well as other Mississippi jails. Authorities in some locales understood that the students were undermining local law enforcement. In some instances, local police decided to further undermine law and order in an attempt to destroy the movement by allowing the brutality of mobs to prevail and refraining from arrests of protestors entirely. In this manner, the absence and inaction of carceral authorities was just as important in SNCC’s carceral strategy as the decision to arrest activists. With the presence and compliance of law enforcement, the jail no-bail strategy could not work.

The CORE initiated Freedom Rides of 1961 evidenced the necessity of law enforcement in SNCC’s jail-in strategy. SNCC had counted on carceral intervention but actually realized that there was an absence of carceral authorities. One example of this is when Freedom Riders arrived in Birmingham, no police were in sight. For fifteen minutes, a relentless mob severely beat and injured a number of Freedom Riders. The following day Bull Connor, the police chief of Birmingham was asked why there was no police on duty. He tersely replied that it was Mother's Day. The local newspaper criticized him in a front page headline, “Where Were the Police?” Here Connor had attempted to sidestep the thrust of the jail-in strategy by being absent entirely but the absence of police inadvertently contributed to a backlash by local supporters and increased mobilization by SNCC.

There also appeared to be collaboration between the FBI and local authorities. The FBI had notified local police in Anniston of the Freedom Ride itinerary, which some speculate had been turned

52 Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 36-37.

53 By 1963, it was recognized that some defiant police organizations were becoming more saavy in their dealings with protestors allowing them to be disturbers of the peace rather than arrest them and allow them to be accorded political prisoner status. New York Times reporter John Herbers addressed this trend stating, “A few years ago it was a fairly simple matter in most any Southern community to arouse the anger of whites and fill up the jails by conducting sit-ins or mass demonstrations. But the Civil Rights Law has narrowed the field of civil disobedience and even in the deep South law enforcement officers have become sophisticated in dealing with the movement. Even in towns like Magnolia, Miss., the authorities let Negroes demonstrate around the courthouse rather than arrest them and attract attention to the town.” See John Herbers, "Non-Violence-Powerful Rights Weapon," New York Times (1965).

over to local Klansmen by an insider. Why would the FBI turn over the itinerary of the Freedom Riders when there was consensus between the Justice Department and the Bureau that law enforcement for civil rights activists was impossible to achieve in the South? According to Burke Marshall, local police and Klansmen clearly had advance information that the Freedom riders would be attacked in Birmingham. The FBI also knew in advance that the local police would be absent. The Bureau, according to Marshall, did not pass on that information to anyone in the Justice Department. This would not be the last instance where collusion and counterintelligence would characterize the actions of the FBI, the highest carceral institution in the United States, towards the civil rights movement.  

In the Jackson, Mississippi sit-ins there is evidence that plainclothes policemen were present in addition to an estimated ninety policemen who watched from outside the Woolworth store. Indifferently, they allowed the mob to proceed to hurt the students just short of the point of murder. The police refused to enter the Woolworth's citing that they were not invited by the manager. When Dr. Adam Beittel the president of Tougaloo College came to the aid of the beaten students, he told the police that they had better protect the students once they were outside the store. The police halfheartedly surrounded them as the rioting mob proceeded to pelt them with various objects.

---

55 On September 25 of 1961, that same year, Herbert Lee, black resident of Amite County that had been helping Bob Moses in a voter registration project was shot and killed by a white state representative. The assassin, E.H. Hurst, claimed to be acting in self-defense. Moses feared for his life and the life of a witness to the murder and requested protection from the Justice Department. The DOJ argued that protecting a witness at a jury of this nature would be useless because Hurst would be found innocent anyway. In essence, the federal government itself was admitting that the southern judicial system was incapable of administering justice and that it would did not want to be engaged in the process. There is also strong evidence illustrating the FBI was working together with the local police in Amite County. Lewis Allen, a black witness to the shooting of Herbert Lee was beaten by Deputy Sheriff after the FBI informed the local police of Allen's intent to testify against Hurst before a jury that he had lied about Lee's death. See Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 48-49, Frank J. Donner, Protectors of Privilege: Red Squads and Police Repression in Urban America (Berkeley: University of California Press, 1990), 308-09.

56 Interview with Anne Moody in Bloom and Breines, "Takin' It to the Streets": A Sixties Reader, 22.

57 Ibid.
After violent encounters in Anniston and Montgomery that included the beating of federal
government officials (John Seigenthaler), Kennedy ordered 600 hundred federal marshals to protect the
Freedom riders. According to James Farmer, Robert Kennedy declared martial law and also activated the
Alabama National Guard. He recalls, “There were helicopters chopping around overhead. There were
police cars screaming up and down the highway with their sirens blaring. There were federal, state, and
county police but that didn't east our fear. If anything, it increased it. We didn't know which way the
National Guardsmen would point their guns in the event of a showdown.

SNCC activists continued to be arrested willingly as a central characteristic of their campaign. When Freedom Riders arrived in Jackson, Mississippi, they felt relieved that the police were present and not a crowd in sight. According to Fred Leonard, when they got off the bus the police had a line formed that led them right into the white waiting room of the station, “cause they knew where we were going.” Smugly, an officer responded keep moving and the line directed them directly into the back of a paddy wagon that took them to jail. The next day in court, they were convicted of trespassing. As the Freedom Rider's attorney Jack Young pled their case, the judge turned his back and looked at the wall. The sentence handed down was sixty days in the state penitentiary at Parchman. What was gained from this string of roadhouse jailings? Carson attributes the Freedom rides, resulting jail terms, the Nashville leadership seminar, and the Highlander meeting as collectively contributing to the political development of black student activist.

Like Bayard Rustin had done years before, SNCC activists discovered that they could augment their demonstrations throughout prisons in tacit as well as defiant acts of non-cooperation. As one historian notes, the jail strategy provided a place for political education and the practice of the principles

---


59 James Farmer, “Interview with James Farmer” in Ibid., 92.

60 Leonard in Ibid., 94.
that many argued they were protesting for. Parchman marked a moment where we first see the student activist using creative forms of protest to confront authorities when confronted with restricted capabilities.

William Mahoney was a student at Howard University and part of the Freedom Rides through Anniston, Birmingham, and Montgomery during the 1960s. He was arrested on a breach of the peace charge soon after arriving in Jackson, Mississippi and was imprisoned at Hinds jail and then Parchman Penitentiary with 328 others. In an interview that appeared Liberation Magazine, William Mahoney related his experience during the Freedom Rides. He recalled:

At 2 p.m. on May 29, after spending the night in a barracks-like role of which I can only remember, with trepidation, a one-foot high sign written on the wall in blood, “I love Sylvia,” our group joint nine other Freedom Riders in court... we were charged with a breach of the peace and then the tall, wiry prosecutor examined Police Chief Wray, the only witness called to the stand. Chief Wray said that we had been orderly but had refused to move on when ordered to do so by his men.

Describing the of jail packing, William Mahoney described the condition at Hinds. “The jails began to bulge as even Mississippi Negroes, who according to Southern whites are happy, began to join in the protest. To relieve the crowding, about fifty of us were piled into trucks at 2 a.m. June 15 and spent off into the night. It was rumored that in spite of a law against putting persons convicted of misdemeanors into a penitentiary, we were going to the state penitentiary.”

Life at Parchman was particularly tough for any convict and equally harsh for those that sought to disrupt the social system of segregation. Mahoney gives an account of the conditions in the Parchman Farm,


[64] William Mahoney "In Pursuit of Freedom" appears in Ibid., 126.
The thirty or more of us occupied five cells in a dining hall on the top floor. At night we slept on lumpy bags of cotton and were locked in small, dirty, blood-spattered, roach-infested cells. Days were passed and the hot, overcrowded dining room playing cards, reading, praying and, as was almost inevitable, fighting among ourselves over the most petty things... Time crawled painfully, 15 days become 45 meals, 360 hours, 100 card games or 3 letters from home. The killing of the roach or the taking of a shower became major events, the subjects of lengthy debate. But morale remained high; insults and brutality became the subject of jokes and skits. The jailers' initial hostility was broken down by responding to it with respect and with good humor.65

Following the Freedom Rides of 1961, the SNCC strategy became increasingly politically saavy. Possibly, growing federal involvement, collaborations between carceral agents, and increasing exposure media on the problem of segregation in the South contributed to the change. Alongside seasoned activists, with increasing federal support, the idea of jail-no bail matured in the Albany campaign of 1961. In this year the student activists were handed their first major loss while using the strategy. The atmosphere in Albany, Georgia reflected the atmosphere of much of the nation in the Cold War years of the early 1960s. There were rapid accusations of communism throughout the black community, let alone accusations that were coming from local police departments, the FBI, and the federal government. As the political and social strife threatened to tear the nascent movement apart, several local adults groups formed that Albany movement in mid-November to orchestrate protests under an umbrella type organization. This had a large impact on the mobilization of activists who were willing to participate in jail-ins.66

In the North Carolina campaign, there were relatively few arrests. Much of the sit-ins resulted in general concessions by local business owners to desegregate lunch counters. The carceral influence was not readily perceived in this early momentum of the movement. Student protests in Orangeburg, SC in 1960 shocked the protesters by evidencing the shift of the movement into the lower south would be a

65 William Mahoney "In Pursuit of Freedom" appears in Ibid.
66 Williams, Eyes on the Prize: America's Civil Rights Years 1954-1965, 167.
battle determined by the engagement of carceral forces and a test of the restraint of non-violent participants.

The Albany movement looked largely to the tactics of SNCC and their strategy to desegregate the city. They attempted to have members arrested in segregated areas of the city, specifically the bus terminal which was the segregated under a 1960 decision of the Supreme Court and a 1961 ruling of the Interstate Commerce Commission. At the forefront of those arrested in mid-November were Albany State college students. Adopting a faintly established precedent by SNCC, these activists chose to remain in jail to serve their sentences. This carceral usurpation of authority by the local police headed by Chief Laurie Pritchett was an illegal and direct violation of federal law. In justification, he declared that these protesters were not arrested on grounds of violating segregation laws but rather under a city ordinance of insubordination to law-enforcement.  

SNCC’s decision to pursue use jail no-bail direct protest action paralleled the decision of the Albany Movement. Its leader, William G. Anderson, had decided to use direct confrontation to urge the city to desegregate its public facilities. It was determined that mass jailing would be used as a major course of direct action. Anderson admits he had little planning for the outcome of such an undertaking. The type of people that were arrested included everyday people from the working class unlike many previous campaigns of SNCC that primarily involved student protestors and (in some cases clergy) who to some degree operated independently from the local economy. In this case, the strategy of mass jailing involved ordinary people of the city who felt the impacts of this strategy on their bodies and throughout their communities.

67 Ibid., 166-67.

68 William G. Anderson “Interview with William G. Anderson” in Hampton, Fayer, and Flynn, Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s, 103. Two years later, a Student Voice article in August of 1963 briefly sketches the story of two elderly women who were arrested after trying to buy tickets at the Tift Park Pond. The park in Albany that happened to be owned by the Jame’s Gray, owner of the Albany newspaper. This example illustrates the wide range of ages involved in jail-ins of the Albany campaign as contrasted to the youthful emphasis of
In Albany on Sunday, December 10, ten SNCC activists including James Foreman, Bob Zellner, and Norma Collins arrived in Atlanta and assisted in developing the movement strategy there. Several days earlier on the 27th of November, students had organized a mass rally to protest the arrest and the expulsion of Bertha Gober and Blanton Hall from Albany State College. Gober and Hall were affiliated with members of the NAACP Youth Council and were arrested by the infamous Albany Police Chief Laurie Pritchett as they attempted to use the dining room at a Trailways. Their arrest and jailing had a mobilizing effect on the black community and SNCC directly played into this by planning mass rally to keep the momentum of the protest. That Sunday, invoking the jail no-bail strategy, SNCC members sat in the segregated waiting room at the Albany train station and were arrested. The mayor of Albany, Asa Kelly, regarded this move as a major mistake that ignited a week of mass rallies and demonstrations.\(^69\)

In the context of the times, voluntary imprisonment or jailing was a decision not to be taken lightly. The leaders of the movement understood that prison carried a stigma of criminalization and a fear for safety. W.G. Anderson recalled the gravity of the decision to implement such a strategy:

> You'd have to understand that going to jail was probably one of the most feared things in rural Georgia. There were many blacks who were arrested in small towns Georgia never to be heard from again. We have every reason to believe many of these were lynched. So going to jail was no small thing. It was nothing to be taken lightly by any Black. Because there were all kinds of horror stories of atrocities that had been suffered by blacks in jails.\(^70\)

SNCC and other activists confronted this mindset of fear by sharing their experiences (or “testifying” as it was called) in churches, social meetings, on the streets and in places where people tend to gather. Charles Sherrod recalled, “We would tell them how it feels to be in prison, what it means to be behind bars, in jail for the cause. We explained to them that we stopped school because we felt compelled

---


to do so since so many of us were in chains. We explained further that there were worse chains than jail and prison. We referred to the system that imprisons men’s minds and robs them of creativity. We mocked the system that teaches men to be good Negroes instead of good men.”  

Still the jail-in strategy remained a key component of mobilization in Albany. The following Tuesday, 267 high school and college students were arrested for refusing to disperse from the courthouse as they protested the trial and sentencing of the train station protesters. The issue of jail no-bail was invoked yet again as most of the students chose to remain in jail rather than paying bail. By Thursday, the number of those arrested had exceeded 500 and the governor of Georgia had sent 150 national guardsmen to Albany to quell the protest.  

Martin Luther King joined in at a rally on Friday December the 15th. On the following day, he led a prayer march to Albany’s City Hall. Predictably, he was arrested along with more than 250 demonstrators. King appeared to be swayed by the rhetoric of jail no-bail, at this point, as he decided to remain in jail and spend Christmas there. Two days later, however, King announced that he was willing to allow himself to be released on bail as part of a settlement that required city compliance and complete desegregation.

With King gone, city officials reneged on their word, and by April 1962 direct action tactics were employed again in an effort to desegregate Albany. In April, Charles Jones, Bernice Reagon and others were arrested for a city in protest and sentenced sixty days in jail for the disturbance. Following this protest, 29 others were arrested for protesting the shooting the shooting of a black man for allegedly resisting arrest.

In July of 1962, Martin Luther King and Abernathy returned to Albany to be sentenced for their participation in the December protest. They were both given terms of forty-five days or the option of a

---


72 Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 60.
$178 fine. They both decided to serve their sentences which precipitated a mass rally the next day. The rally was prefaced by a march to Albany City Hall, which predictably yet again, resulted in arrests—thirty two in total. Tensions were extremely high during this march, and violent clashes out broke as youth hurled bricks at policemen outside the church, where the rally was scheduled to take place. Conveniently for the city fathers, King and Abernathy were released from jail after an “anonymous black man” paid their fines.73 Despite the mass jailing and relentless direction action, by July 24, the movement had reached another stalemate. The city fathers were unwilling to budge in their concessions to do segregated public facilities and Albany. SNCC in the activist marched to City Hall once again to demand that these rights be immediately applied to all the citizens of Albany.

On July 24, local officials accused protesters of throwing bricks and rocks which provided the opportunity for the national guardsmen to return to Albany. King and Abernathy had grown increasingly frustrated with the pace of the movement. Yet again they scheduled a prayer pilgrimage to City Hall, where they were arrested and joined hundreds of other protesters in prisons. According to Carson, the jails had been filled and prisoners had to be outsourced to surrounding facilities. The strategy of jail no-bail had seemingly crippled the carceral infrastructure of the city to contain the dissenters—at least temporarily. SNCC worker Bill Hansen commented that "we were naïve enough to think we could fill up the jails... we ran out of people before [Chief Pritchett] ran out of jails."74

The SNCC jail-in tactic in the Albany protests yielded few tangible concessions by the city fathers. According to Carson, historian of SNCC, "in a purely instrumental sense, the Albany protests could be viewed as a serious setback for the civil rights movement….Chief Pritchett had consistently crushed demonstrations through mass arrest without resorting to the kind of excessive force that would

73 Ibid., 60-61. The anonymous black man was probably not a black man at all but rather Chief Laurie Pritchett.

74 Ibid., 61.
have provoked federal intervention. The lesson to the Albany Movement and SNCC was clear: patient suffering by nonviolent protesters was insufficient to bring about federal intervention.\footnote{\textit{Ibid.}}

The local law enforcement officials and Albany recognized the dilemma that SNCC’s jail-in strategy presented. They knew if they let the activists have their way in continuing direct action protests, national and international attention would be centered on their city and they would be eventually forced to concede changes. They also knew if they reacted harshly to the activists, as officials had done in other cities throughout the South, they would face the impending wrath of the federal government and they might possibly see the deployment of military troops. Authorities strategized that the way to maintain their system of segregation and to defray the intensity of the activism was to search for an alternative method of deterrence and detainment. This had to be a method that did not rely on police inactivity (as with Connor in Birmingham in 1961) or the abuse of the activists. The wizardry of chief of police Laurie Pritchett developed a counter-strategy that suggested dealing “gently” with the activists in the public square and defusing protest by mass arrests.

Pritchett knew sit-ins and jail-ins had spread all over the South like measles in 1960. He was also aware that organizers were using Gandhian methods to fill jails and to coerce local law enforcement agencies and political administration into conceding to their demands. He boasted of his counter-activism research at a press conference.

\begin{quote}
I did research... I found this method was...to fill the jails, same as Ghandi [sic] in India. And once they filled the jails, we'd have no capacity to arrest and then we'd have to give in to his demands. I sat down and took a map. How many jails was in a fifteen-mile radius, how many was in a thirty-mile radius? And I contacted those authorities. They assured us that we could use their jails.\footnote{Press conference held by Chief Pritchett, in Williams, \textit{Eyes on the Prize: America's Civil Rights Years 1954-1965}, 169.}
\end{quote}

Frankly, jail-no bail did not work in Albany because there were not enough blacks to fill the jails and to cripple the infrastructure. Regarding mobilization and strategy, Albany was almost as scenario but

\begin{itemize}
\item \textit{Ibid.}
\end{itemize}
it presented the unpleasant omen that black protestors were outgunned and out-jailed by law enforcement agencies and others opponents. In the Albany campaign, the local police proved to be a calculating foe to a level that the movement had not perceived in its previous campaigns. SNCC had underestimated the cunning of the countermeasures planned by the local authorities in Albany. They had assumed that they would be met with mob violence as they had before. They had not counted on Pritchett going so far to read Dr. King's *Stride Toward Freedom* and using his knowledge of the movement to dismantle the protest.\(^77\)

Police Chief Pritchett was also successful in projecting an image of criminality on the protesters, thus affirming his status as a protector of the public order and a purveyor of justice and law. Chief Pritchett and local police authorities were very careful not just to arrest civil rights activists in violation of segregation laws but in violation of other city ordinances as related to domestic disturbances such as: insubordination, loitering, parading without a permit, disturbing the peace etc. The law enforcement agencies used the façade of protecting the public peace as a means of arrest students. This counter strategy proved quite effective in derailing the legitimacy of the moral outrage of Black protesters. It ultimately, rendered them as a rabble-rousers and jail-birds in the public eye. They were asked to disperse, they failed to do so, and they were arrested.\(^78\)

At face value, the appearance of Sheriff Laurie Pritchett as a nonviolent opponent can be deceiving. In reality, Pritchett should be held as accountable for his actions of brutality toward Black protesters of Albany as Bull Connor is for his actions against the protesters in Birmingham. Much of Pritchett’s violence occurred outside of the public square. When Slater King’s wife attempted to deliver food to arrested friends in the Camilia jail she was told to keep away from the fence and referred to as a “nigger.” Pregnant at the time, she did not move fast enough for the guards liking and they began to curse at her. She responded and told him to arrest her if you want to. He knocked her down in a fit of rage

\(^77\) Ibid.

resulting in the loss of her consciousness and her unborn child. Striking a pregnant woman was hardly an act of “out-nonviolencing” the protestors as he had claimed. 79

The Albany police were also guilty of other acts of violence without explicitly using their batons or pistols. After the prayer vigil in the courthouse when 18 SNCC’s student workers knelt down to pray and were arrested, one of the students William Hanson, a white SNCC worker, was placed in the white section of the segregated Dougherty jail. One of the deputies informed prisoners that Hanson had come from the north to assist the Black civil rights protesters in “straightening out” the whites of Albany. An agitated prisoner replied, "I'll straighten him out." The outcome of this action of extreme care by the police officer was barbaric and resulted in Hanson being beaten unconscious, having his lip split open, and his jaw broken. 80

In another light, the idleness of the federal government while Chief Pritchett resorted to mass arrests in order to maintain an illegal policy of segregation sent it another message to black protesters involved. This message was that, above all else the federal government was interested in maintaining law and order through the current establishment are matter how vile the practices might have been. The Albany movement formed tallied massive jail-ins of staggering proportions that would reach over a thousand by the end of the summer of 1962. Ultimately, these arrests portrayed the power of the carceral resources at hand. It seemed as if the belly of prisons and jails was bottomless but ultimately this instance motivated them to mobilize and larger numbers. Although Albany can be considered a tactical loss for the civil rights movement, it is understood as a strategic victory because it provided in important training ground for massive resistance. 81


80 Williams, *Eyes on the Prize: America's Civil Rights Years 1954-1965*, 174-75.

Despite setbacks from the Albany experience, the jail-in strategy, imprisonment and arrest continued to figure prominently into the organizational culture and strategy of SNCC. According to Carson, by 1962 status in SNCC depended partly on the number of times a worker had been arrested, a mark of distinction that sometimes exceeded 22 times. CORE members perceived jail to be a “mark of honor.” Still, the jail-no bail strategy remained amorphous and spontaneous to many of the student protestors who were involved. Ted Dienstfrey was a white student who joined student activist campaigning for an end to segregation. Commenting on the experience of the students picketing in front of Chicago school or stores, Dienstfrey stated, "Our reasons for picketing were, as usual, mixed. We were picketing to demonstrate sympathetic support, to arouse Northern interest, to pressure Woolworth, to be part of the movement. Few of us thought we would go to jail."83

From Fort Deposit to Danville, carceral authorities responded to student activism using illegal, barbaric and unconventional countermeasures. Ironically, it was the image of brutality combined with resolve of the jail-in strategy that solidified the protest and catapulted the movement into international recognizance in 1963. The protest of the spring and summer of 1963 were an explosive occurrence in American history. It is estimated that during this period over 20,000 persons were arrested, a figure that shadows the arrest of the fall of 1961 by over 17,000.84

By 1963, the jail-in strategy had frustrated law enforcement authorities—both local and federal—that they were increasingly responding irrationally and illegally to the student protestors. It was clear that the jail no-bail strategy was frustrating local officials, who would not keep their flaring tempers subdued. In Gadsen, Alabama state troopers beat SNCC field secretary Lindy McNair for speeding.85

---


seemed as if activists would fully succumb to the widespread brutality of Southern unfettered racism experienced through law enforcement. On May 3rd that same year, James Farmer sent a telegram to the president in which he described the state of the protest in Birmingham, Alabama.

ALABAMA NOW RIVALS THE RACIST POLICE STATE OF SOUTH AFRICA 10
CORE AND SNCC MEMBERS JAILED TODAY FOR WALKING ON PUBLIC
HIGHWAYS AND NEWSMEN THREATENED WITH ARREST HUNDREDS OF
JUVENILES ARRESTED IN BIRMINGHAM YESTERDAY TODAY
BIRMINGHAM POLICE CLUBBED PEACEFUL PROTESTORS AND POLICE
DOGS BIT 3 NEGROES PROTESTING SEGREGATION FEDERAL GOVERNMENT
MUST ACT TO RESTORE FREEDOM OF PROTEST DISSENT SPEECH AND
ASSEMBLY  

Birmingham in spring of 1963 represented the apex of the jail no-bail strategy and the pinnacle of mass arrests in the movement. The international community was introduced to the Negro’s dilemma in America directly by the baton, fire hoses, dogs, and dungeons of Bull Connor. Birmingham was the culmination of SNCC’s strategy on a global stage but it was largely Dr. Martin Luther King Jr., and the ACMHR-SCLC that would be credited with the glory.

Fred Shuttlesworth had invited King and SCLC to Birmingham to lead the project, but as King when was imprisoned and motivation for the movement was lagging, Nashville sit-in veteran James Bevel engineered and implemented the hotly contested use of children in the protest. The jail-in strategy was invoked, in which an estimated 900 youth were arrested. This mobilized even the most conservative black elements of Birmingham and stimulated national outrage. This act cemented the civil rights movement into world history and shook the prisons and jails of Birmingham at the foundation. Following Birmingham, 800 boycotts, marches and sit-ins occurred in over two hundred cities throughout the South.

---


87 Malcolm X harshly criticized King and civil rights leadership in Birmingham for the strategy stating, “Real men don’t put their children on the firing line.” See "Rights Pact."
Preceding the explosion of the jail no-bail strategy in 1963, Attorney General Robert Kennedy expressed his displeasure with the practice. In a phone conversation with King in May of 1961, he had warned that filling the jails would not have the slightest effect and would backfire. He urged King to reverse the course of the militant student movement. King was not persuaded.\textsuperscript{89}

That same year, Attorney General Robert Kennedy had brokered a deal with Senator James O. Eastland of Mississippi, an influential Democrat who chaired the Senate Judiciary Committee. Kennedy agreed not to enforce \textit{Boynton v. Virginia} in exchange for the suppression of violence against protesters in Mississippi. True to his word, there were no mobs when the Freedom Riders arrived in Jackson, but much to the disappointment of the protestors there was no direct confrontation. In a way, Kennedy muted the movement and assisted in suppressing protest of the activists that was previously orchestrated into encounters in the public square.

During the height of the Cold War, Kennedy was particularly concerned with the nature of this uprising. Amidst exporting the principles of democracy in the free world to nations of Asia, Latin America, and Africa, Kennedy needed a united domestic front to stave off the advances by communism. Harris Wofford, a White House adviser, had suggested to Kennedy that it would be better for him to at least acknowledge the protesters than to allow them to continue to fast in prisons or launch protests outside the White House.\textsuperscript{90}

The issue of police brutality also yielded significant results for student protesters. At the height of Atlanta protest in the winter of 1963-4, Taylor Washington among other students were photographed

\begin{flushend}
\begin{flushend}
\footnotesize

\textsuperscript{89} Adam Fairclough, \textit{Martin Luther King, Jr} (Athens: University of Georgia Press, 1995), 64.


and included in the SNCC’s photo book *The Movement*. This book was reproduced and circulated throughout the Soviet Union in *Pravada* laying bare the contradictions of American democratic freedoms in a photojournalistic format.  

In Fort Deposit, Alabama evidence suggests that the Justice Department representative worked with the local police to arrange an arrest of student activists for their safety. Activists were upset that after the passage of the Civil Rights Act of 1964 there was widespread non-compliance throughout much of the state. They responded by organizing a picket of a local store that had a history of abusing its black customers and employees—both verbally and physically. The two stores, Herb’s City Café and Mr. Dry Goods were the designated sites of the protest. As angry white mobs formed in preparation for the arrival of the protestors, the Justice Department official interpreted the scene as a possible death wish for the protestors en route. When the protestors arrived they were directed into the back of a paddy wagon and took to the Hayneville County Jail. All involved were charged with “parading without a permit and disturbing the peace.” The grand strategy of the jail-in was being realized on a national and international plane. Protesters were being arrested and abused on grounds of conspiracy to break a law that did not exist.

By 1964, SNCC’s invocation of the jail-no bail strategy had significantly declined, confrontation of racism via carceral activism was still very much the thrust of SNCC’s strategy. The willingness and circumstances of imprisonment varied from region to region but practice of personal suffering was a constant throughout the organization. Fannie Lou Hammer, a sharecropper and a descendent of slaves, experienced carceral persecution during this period of civil disobedience. In August of 1962 under the auspices of the Student Nonviolent Coordinating Committee, Mrs. Hamer and other black protestors loaded a bus to Indianola, Mississippi to register to vote. They were arrested for this disturbance by

---

police while en route to the courthouse and were jailed. Shortly afterwards, Hamer began working on voter registration with the Southern Christian Leadership Conference (SCLC).

A year earlier, Hammer had obtained registration for voting as well as the position of field secretary in SNCC. However, these gains came at a great expense to the body and spirit. Indicative of the notion of redemptive suffering, Hammer acknowledged on one occasion, "The only thing they could do to me was to kill me, and it seemed like they'd been trying to do that a little bit at a time ever since I could remember." She became known for her voice as it resonated with the deepest strivings and pains of the movement, nothing best characterized her angst and the carceral junctures of the movement as a stanza from the chorus “Eyes on the Prize.”

Paul and Silas, bound in jail,  
Had no money for to go their bail,  
Keep your eyes on the prize,  
Hold on, Hold on  

For Hamer and many other activists who were jailed or imprisoned, the body was subservient to the greater cause of the movement and was subordinated if not destined to suffer on its behalf.93 The Summer Project in Mississippi appealed to the FBI and the federal government to provide authorities and a stable environment in which they could complete their work. Again, this illustrates an interesting juxtaposition beckoning the authority of one carceral structure to undermine and instill a greater notion of justice in a lesser more predatory one. One volunteer asked John Doar, U.S. Justice Department lawyer, “How is it that the government can protect the Vietnamese from the Viet Cong and the same government will not accept the moral responsibility of protecting the people in Mississippi?” He replied, “Maintaining law and order is a state responsibility.”94

93 On one occasion Hamer also said, “Sometimes it seems to tell the truth today is to run the risk of being killed. But if I fall, I’ll fall five-feet four-inches forward in the fight for freedom.” See Charles Marsh, God’s Long Summer (Princeton, NJ: Princeton University Press), 34.

94 Belfrage, Freedom Summer, 21. Also see “Letter to Family and Friends” in Sutherland, Letters from Mississippi, 11-12.
The activists were not holding their breath and waiting for federal intervention. They trained for the worst. SNCC workers were distributing a mimeographed sheet in entitled “Possible Role-Playing Situations.” These were reenactments created to help the participants respond nonviolently to actual episodes of direct confrontation during a demonstration. Two of the four exercises were designed specifically to help activists deal with carceral factors:

1. *The Cell* (four persons, white, same sex): A white civil rights worker is thrown into a cell with three ardent segregationists. As the jailor opens the cell, he identifies the civil rights worker to the inmates. “Got some company for you fellas, one of those Northern nigger-loving agitators. Now you treat him nice.

2. *Police Harassment* (seven persons, white and Negro, male and female): Two state troopers stop a carload of five civil rights workers for speeding on a little-used highway.  

Bayard Rustin spoke to the summer workers personally and assured them these techniques, if followed successfully, would not only enrage locals into reassessing the insanity of their actions but would disarm subversive and violent techniques used by law officials to coerce activists into abandoning the cause. Rustin had the respect of these activists according to one account “for his principled nonviolence based on a pacifism tested in many jails.” Soon they would have prison and jail testimonies of their own.

*Letters for Mississippi*, published one year after Freedom Summer, provides an interesting perspective on the jail experiences of volunteers in the chapter “The Other Country.” The collection of letters outlines experiences that volunteers, mostly white had while in prisons in Mississippi during the summer of 1964. A central theme in many of these letters is the harassment the activists endured from local police. The editor wrote, “Every brush with the police contained a reminder that the missing three

---

95 “Possible Role-Playing Situations” appears in Belfrage, *Freedom Summer*, 22-23.

96 Ibid., 26.
[Schwerner, Chaney and Goodman] had last been seen alive on their way to jail. There were ugly stories
about what could happen to a man in the privacy of prison, in the hands of the law.\textsuperscript{97}

Considering the threat of violence, the unpredictability of federal response, and the human
vulnerabilities of the activists, the campaign of mass jailing could only be sustainable for so long. On
Freedom Day in Hattiesburg, Mississippi on February 22, 1964. SNCC leadership in Hattiesburg, Bob
Moses, led a picketing campaign to address the unfair voting practices that existed in the South. A jail-in
was planned as part of the day’s strategy. According to one source, the sustainability of the jail-ins had
deteriorated to the point that SNCC leadership would have to be imprisoned to ensure that morale
remained high.\textsuperscript{98} Moses wired Attorney General Robert Kennedy, requesting that local police interfering
with this process be arrested and prosecuted. There was no documented response. It appeared that the
Feds were wearing even than previously in their attitudes regarding the practice.\textsuperscript{99} The consciousness of
a second wave of black protest would be directly influenced by these jail-ins. However, increasing
instances of brutality and abuses by police and carceral authorities influenced SNCC’s transition from the
jail no-bail movement and peaceful protest to black militancy.

In preparation for prison and jail experiences, the activists had trained for the worse and the
worse often came. As prison abuses mounted, it was commonplace for carceral authorities to use
preacquired inmates to abuse and torture protestors who were jailed. Mrs. Rita Schwerner spoke at the
1964 DNC of her husband's jailing in which officials in a Meridian Jail attempted to make white prisoners
beat him. She recalled that they refused. Another wrote that guards at the Harrison County jail had

\textsuperscript{97} Sutherland, \textit{Letters from Mississippi}, 132.

\textsuperscript{98} Zinn, \textit{The Zinn Reader: Writings on Disobedience and Democracy}, 93.

\textsuperscript{99} Ibid. A month earlier, James Forman, SNCC Executive Secretary was indicted by a Fulton
County Grand Jury and charged with malicious mischief and violating Georgia’s riot laws. Charges stem
from demonstrations in Atlanta restaurants in January of 1964.\textsuperscript{99} As SNCC workers tried to register black
voters in Baker County, a county infamously named “Bad Baker” for blatant brutality of police in the
famous “Screws Case” of 1943, mass jailing was used as an effective tool of opposition and was counter-
effective to the campaign to make people eligible to vote. Ultimately, the jail-in strategy was highly
unpredictable in its practice and ability to bring about social change. Also see ”Bad Baker' Workers Cite
ACSC Steal,” \textit{The Voice} 6, no. 6 (1965).
attempted to convince inmates to do the same but that the activist befriended them before the opportunity was presented.\textsuperscript{100} 

Fannie Lou Hamer was not so lucky. While working for SNCC Fannie Lou Hamer endured jailing and numerous abuses. In a Winona, Mississippi jail, Hamer and other activists were beaten with fists, nightsticks and leather weapons.\textsuperscript{101} The beating was so bad that it aggravated a childhood disorder that left her with one leg paralyzed.\textsuperscript{102} At the Democratic National Convention in August 1964 convention in Atlantic City, when Hamer and her delegation challenged the legitimacy of the traditionally white Democratic delegation from Mississippi, the strategy of non-violence and the carceral engagement had been fully realized. This final claim to legitimacy in the public gaze at the Democratic National Convention, was the grand culmination of the work of protest which had been painfully productive behind the gaze of the public realm on the cold, blood-stained floor of cells in a Montgomery County Jail where she was tragically beaten.\textsuperscript{103} 

Hamer’s heartfelt story gripped the hearts of some and hardened others. She talked about how she had attempted to register herself to vote and was coerced into leaving her home. On her way from Ruleville to Winona she was on a Continental Trailways bus, she was ordered by a policeman to get in his squad car. She recounted her story.

I stepped off the bus to see what was happening and somebody screamed from the car that the four workers was in and said, ‘Get that one there,’ and when I went to get in the car, then the man told me I was under arrest, he kicked me. I was carried to the county jail, and put in the booking room…I could hear the sound of licks and horrible screams, and I could hear somebody say, ‘Can you say, yes, sir, nigger? Can you say

\begin{flushleft}
\textsuperscript{100} Remarks of Rita Schwerner in Bloom and Breines, "Takin' It to the Streets": A Sixties Reader, 43.

\textsuperscript{101} "3 Women Challenge House Seating," Student Voice 5, no. 23 (1964). Also see Belknap, Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South, 120.

\textsuperscript{102} "3 Women Challenge House Seating."

\end{flushleft}
yes, sir? And they would say other horrible names. She would say, ‘Yes, I can say yes, sir.’ So she say it. She says, “I don’t know you well enough.’ They beat her, I don’t know how long, and after a while she began to pray and ask God to have mercy on those people.\textsuperscript{104}

The worst was yet to come. An officer took her to another cell where he ordered two Negro prisoners to beat her with a blackjack until he was tired. When he was finished, the State Highway Patrolman ordered another black prisoner beat her, an order he followed until he was equally exhausted.

Despite the moving testimony, the usefulness of carceral activism and black militancy from the governmental perspective was outlived. President Lyndon B. Johnson interrupted the telecast with a presidential announcement. Hamer and the Mississippi Freedom Democratic Party delegates were offered two seats in a compromise brokered by Hubert Humphrey to save face for the all white regulars. Fannie Lou Hamer declined. In classic Hamer she replied, “We didn’t come here for no two seats.”\textsuperscript{105}

Hamer’s response to carceral abuses endured in SNCC’s jail strategy represented the moral face of forgiveness, patience, and longsuffering with American racism and brutality.

There were other cases of prison abuse, where SNCC inmates pursued a less passive response. From 1961, James Farmer recounted the experience of Parchman. “In Parchman, the male Freedom Riders were in one very large horseshoe-shaped cellblock. As a way of keeping our spirits up we sang freedom songs. The prison officials wanted us to stop singing, because they were afraid our spirit would become contagious and the other prisoners would become Freedom Riders…”\textsuperscript{106}

William Mahoney described relationships that he developed with other inmates who during his time at Parchman. There was a poor arts dealer from Minneapolis who sympathized with the protest movement and came because he viewed segregation as a threat to peace. Another cellmate joined

\textsuperscript{104} Bloom and Breines, "Takin’ It to the Streets": A Sixties Reader, 40-43.

\textsuperscript{105} Lee, For Freedom's Sake: The Life of Fannie Lou Hamer, 99.

movement and was imprisoned because was moved to by a friend of his had been nearly killed in one of
the Freedom Ride. Yet another, who was a son of a well-to-do businessman, had come because he
interpreted being jailed for a cause as his moral duty. Summarily, Mahoney described the motivations for
being jailed in his days in Mississippi prisons as representing three philosophies: political, emotional, and
moralist perspectives.¹⁰⁷

The SNCC responses and strategies were not always non-violent; the type of carceral resistance
employed varied as determined by the institution and the harshness experienced. When faced with daily
dehumanization on a scale many Americans have not perceived is possible, prison was an experiment on
the mind as much as the body of these social dissenters. The guards were intent on breaking them and
they had a long history of practice with some of Mississippi's most notorious criminals. Daily items that
are taken for granted, in prison become symbols of dignity that prisoners cling to link themselves to some
semblance of humanity.

Farmer commented on this phenomenon, after describing how guards took their mattresses after
they refused to stop singing protest songs. He referred to the mattresses as “…our link to civilization.” In
dark cells, where everything was cold, hard and damp the politics of power played out over 1 ½ inch thick
mats. When the guards couldn't get them to stop singing, they resorted to the prior threat of taking away
their mattresses. Amidst the commotion, James Bevel delivered a short homily of tremendous gravity.
“What they're trying to do is take your soul away. It's not the mattress, it's your soul.” The prisoners
began to chant together, “Yes, yes, we'll keep our soul.” As the authorities scrambled to assess the
situation, James Farmer shouted, “ Guards, guards, guards!” As the guards rushed to his cell, stingingly

no-bail have been emphasize, the emotional worth of the strategy is also of significance. In some
instances, it is in the interest of activists to appear irrational as it creates a bluffing environment that
heightens the stakes. Also the role of emotion should not be underscored for the significance of reasons
that cannot be explained in a traditional cost-benefit analysis. See Dennis Chong, “Narrowly Rational
Expressive Benefits,” in Collective Action and the Civil Rights Movement (Chicago: University of
Chicago Press, 1991), 86-87. Also for more on the importance of emotion in social movement theory see
he said, “Come and get my mattress. I'll keep my soul.” Everybody started singing “Ain't gonna let nobody turn me around.” Farmer mused, “As we sat on those cold floors with no mattress, we felt assured deep within that we were winning the battle, they were on the run.”

This scenario was repeated the next night. For Stokely Carmichael this had been milestone experience. The guards returned the mattresses and threatened to take them again if they created a disturbance. Cellmate Fred Leonard and Stokely Carmichael decided that they would not surrender their mattresses. They were drug out into the hall gripping their mattresses. The white guards quickly employed the force of other black inmates to coerce them to let go off the mattresses. Fred Leonard recalled the beating inflicted on him by a muscular black inmate called Peewee. Peewee under the order of the guard hit him over the head repeatedly and cried all the while. Unable to wrest his grip from the mattress even after employing the strength of another black inmate, the guard resorted to other devices. In some instances disturbances by the prisoners at Parchman was met with fire hoses, wrist clamps, and cattle prods.

This night in Parchman was the beginning of a change in the way that SNCC would deal with carceral authorities. Stokely Carmichael was particularly influenced. It was like his baptism in fire. Parchman had other consequences as well. C.T. Vivian stated that it was the first time that mass support nationally had come into a major movement. He credits the mobilization largely to “The treatment, the atmosphere, the police, the nature of the prison, all of that was proof to them of how negative everything was there. The feeling of people coming out of jail was one that they had triumphed, that they had achieved, that they were now ready…”

---


109 Carmichael makes notice of some type of “viselike metal contraptions” that was used to twist the wrists of the inmates and other methods of torture. See Carmichael and Thelwell, *Ready for Revolution: The Life and Struggles of Stokely Carmichael (Kwame Ture)*, 200-07.

The abuse and frustration of SNCC activists endured in the prisons hinted at a larger problem. The effectiveness of the activists in mobilizing larger numbers and achieving their goals was dependent on the media exposing these abuses to an engaged audience. If no one knew about the brutality suffered by activists in these prisons, no one could do anything about it. Considering this dependence on publicization of carceral abuses and inhumane treatment, the short-term costs of nonviolence and jail abuses wore hard on the student protestors of the frontline. This was illustrated largely in the rhetoric of Stokely Carmichael when he came to power as SNCC chairman but it was also illustrated in the letters of various field workers who had trained in the North and had come to the South to participate in the carceral-driven projects.

In a letter addressed, “Dear Folks,” a young man named Bill underscores feelings of frustration with the pace and cost of nonviolence and inherent abuses of carceral activism. “You get tired of being asked if you are a Negro or a nigger, and ending up on the floor of the police station screaming at the top of your lungs that yes, you are a nigger, boss.” Even before “Bill” had reached this point of desperation, SNCC had realized that as they suffered, white folks had to be watching them in order for this jail strategy to be effective. As increasing television coverage was breaking the monopoly of the local newspaper on information, SNCC found the effectiveness of their jail-in strategy increasingly dependent on network reporters.

In addition to an overdependence on media, the jail-in strategy was also dependent on the extent of cruelty that was seen. Sly carceral cowboys of the likes of Albany’s Laurie Pritchett and Danville’s Judge Archibald Aiken, did not fall easily for the bait and were intent on dealing with these protestors out of sight and out of mind. They quickly corralled protestors by the dozens into tanks and paddy wagons and freighted them off like cattle into the darkness before nosy reporters had time to reload a roll of film. While not discussed in this research, the carceral nature of Danville protests was nearly unrivaled.

\(^{111}\)“Letter from Bill” in Bloom and Breines, "Takin' It to the Streets": A Sixties Reader, 36.
It blatantly revealed the excesses of carceral brutality and racial injustice. However, similar to Albany, it is remembered as a loss or a stalemate at best for SNCC and civil rights protestors involved.\textsuperscript{113}

Conceding losses at Danville and Albany, SNCC’s carceral strategies of activism are evaluated in mixed review. While the economic costs of a jail no-bail strategy were very low, unintended consequences of the practice may have contributed the bankruptcy of SNCC. As the organization became more militant following each mass imprisonment, SNCC leadership emerged in a growing endorsement of Black Power ideology. The jail no-bail strategy directly contributed to a growing sense of black militancy within the movement. However, it was coupled with the increasing disgust of white liberal supporters who were rapidly diverting their funds to other causes.\textsuperscript{114} SNCC had started as a multi-racial coalition and found that as it increasingly endorsed Black Power, more whites felt estranged by the organization and joined other movements of the New Left. By 1965, SNCC had reached the lowest financial point of the organization’s history with a debt of $14,000. It appears that this growing inability for SNCC to pay its bills is linked to the exodus of white supporters from the ranks of the organization.\textsuperscript{115}

\textsuperscript{112} Judge Aiken enjoined nonviolent demonstrations and sent nearly 150 protestors to jail for violating his injunction. See Belknap,\textit{ Federal Law and Southern Order: Racial Violence and Constitutional Conflict in the Post-Brown South}, 121, Torres,\textit{ Black, White, and in Color: Television and Black Civil Rights}, 27.

\textsuperscript{113} Sargeant,\textit{ The Civil Rights Revolution: Events and Leaders, 1955-1968}, 84.

\textsuperscript{114} On coverage of the nationalist effect on protest agendas see Powledge, "Civil Rights Battle Lines Hardening in the North."

Much to chagrin of the NAACP, they found themselves morally if not financially liable for representing the cases of these students in court.\textsuperscript{116} According to one estimate, the total cost for bail alone had exceeded more than $100,000. The NAACP, the flagship black protest organization with some 380,000 members had been presented with a financial crisis. So devastating were the costs, that with great consternation Roy Wilkins exclaimed, “Man, Mississippi is a bitch!”\textsuperscript{117} The strategy was a characteristic of the organization but remained hotly debated throughout its practice from Nashville to Greenwood. It made sense for black conservatives to be largely opposed to the tactic. Representative Adam Clayton Powell had argued against discriminatory arrests in Harlem in January of 1960 under death threats and students were singing that they would rather be in jail than free.\textsuperscript{118}

The apparent obstacle of law enforcement to civil rights became clearer in every engagement of the student movement of the 1960s. As blacks increasingly saw the dissonance between their desires and their present situation, the police and their brutal methods could not longer be tolerated. In part, Black Power developed as an ideology out of this realization. Amidst the internal rivalry in SNCC, John Lewis paused to assure the organization that, “The use of police and military power to try to solve the problems of Negroes are confronted in the ghettoes and slums of our cities is an unspeakable mistake. It will only aggravate the disease of poverty and despair.”\textsuperscript{119}

SNCC slowed turned from the practice of jail no-bail as the organization become more radical in nature. The shooting of James Meredith on a Mississippi Highway was a turning point for many African Americans. Feeling like they had been abandoned by local police authorities, the shooting of James Meredith had a radicalizing influence as African Americans became more militant in their demands for

\footnotesize
\textsuperscript{116} “State Reports.”
\textsuperscript{117} Rorabaugh, \textit{Kennedy and the Promise of the Sixties}, 85.
\textsuperscript{119} John Lewis, ”Statement by John Lewis on Los Angeles & Chicago,” \textit{The Voice} 6, no. 5 (1965).
equal rights.\textsuperscript{120} For Stokely Carmichael, who was then the chairman of the Student Nonviolent Coordinating Committee, he agreed that this shooting would not go unavenged. In general, lynchings, bombings, mob violence, police brutality and mass jailings had begun to take a toll on African American peaceful protest movement. A more radical nature emerged.\textsuperscript{121}

When Stokely Carmichael inherited the reins of the SNCC chairmanship in 1966, the meaning of imprisonment as a means of protest had been well ingrained in the minds of student activists. A solemn prophetic letter written by a young activist in the Harrison County jail in 1964 predicted the shift into a radical rebellion all to well. The letter read:

Jails are so damn stupid, though. Once you’re in, and the lethargy and the apathy stick, you’re stuck. The theory is deterring, but who is deterred? The theory is reform, but who reforms? You just sit, or sleep, or think about something, or dwell on nothing. Jail apathy very quickly becomes the life to the inmate. But this apathy permeates everything only while you are in jail. When you are set free, it explodes in on big binge of rebellion…\textsuperscript{122}

A “binge of rebellion” was soon to arrive. In the march to Greenwood, Mississippi, perhaps one of the most important marches of the second wave of black militancy, Carmichael was arrested by police the 27\textsuperscript{th} time in his tenure as a student activist. A gathering crowd vocalized displeasure at this last arrest as unusually unnecessary.\textsuperscript{123} When he was released later that night, nearly 3000 people gathered as he addressed the crowd. He said, “This is the twenty-seventh time I have been arrested - and I ain’t going to

\begin{flushright}


\textsuperscript{122} “Letter in Gulfport,” July 8, 1964 in Sutherland, \textit{Letters from Mississippi}, 132. Another letter stated that students were becoming restless while jailed. Allusions to starting a guerilla war were being circulated. See “Dear Everybody” from Robert H. in Sutherland, \textit{Letters from Mississippi}, 148.

\textsuperscript{123} Cleveland Sellers, \textit{The River of No Return: The Autobiography of a Black Militant and the Life and Death of SNCC} (Jackson, MS: University of Mississippi Press, 1990), 166. Also, see Bergman and Bergman, \textit{The Chronological History of the Negro in America}, 499.
\end{flushright}
jail no more…The only way we gonna stop them white men from whuppin' us is to take over. We been saying freedom for six years and we ain't got nothin'. What we gonna start saying now is Black Power!"\textsuperscript{124}

The passionate rhetoric of Carmichael echoing through night air of Greenwood, Mississippi that June reveals “frustration politics” from the young activist and much more. It evidences imprisonment’s growing toll on the “moderation” of black activism in the mid-1960s. Jail no-bail had clearly been a strategically important tactic for SNCC activists. Now for Carmichael along with a growing number of sympathizers, imprisonment was also becoming a theme of increasing frustration.

Under the relentless pressure of local law enforcement authorities, a discouraged Martin Luther King Jr., revealed his frustration equating the United States with a “police state.”\textsuperscript{125} A letter describing Clarksdale stated that the town remained somewhat autonomous from state government and that the local government was run by police. “Instead of a police state,” the letter suggested, “Mississippi is a conglomeration of police communities.” Ultimately, the policing experience in Greenwood provided new directions for SNCC and a new wave of student activists that interpreted voluntary imprisonment for a moral cause an expedient action no longer.\textsuperscript{126}

In 1966, Stokely Carmichael also became involved in a confrontation with the police and the Summerhill section of Atlanta. It was reported that a black man who was attempting to escape police was wounded in the process. Stokely Carmichael arrived on the scene to address a growing crowd who were outraged at this report. Bill Ware and Bobby Walton spoke in his place after being convinced by SNCC headquarters to play its cool. As Ware and Walton attempted to get the crowds first of the story, they were arrested for failing to comply with police request to turn of a loudspeaker. As a result of their arrest,


the crowd exploded and began to throw rocks about us that the police. The mayor, Ivan Allen, ordered police reinforcements and tried to calm a restless crowd perching himself atop a squad car. Mayhem followed. Blacks were beaten and arrested on the porches of their own homes; women were clubbed into the ground. Little children were gassed. White officials blamed SNCC for the violence and the mayor of Atlanta urged black leaders of Atlanta to condemn the organization. Shortly afterward, Atlanta officials obtained warrants for Carmichael's arrest on charges of inciting a riot and disorderly conduct. He was convicted of those charges had them later overturned in an appeal.  

As the philosophy of Black Power achieved its most popular phase under SNCC, Stokely Carmichael and the organization began to move away from the conventional interest group interpretation of black power to a position that both he and authorities interpreted as the beginnings of a violent revolt against western imperialism. Although there was a marked shift from the redemptive techniques of the earlier SNCC, from its outset, a large element of the student movement understood their motivation for philosophy as extending beyond a Christian dialectic and into a revolutionary philosophy. Some identified with colonial peoples of Asia, Africa and Latin America living under totalitarianism and likened the repressive characteristics of a colonial environment to a police-state regarding the African American experience with Jim Crow. This was no time to be jailed. Recognizing the heightened hostility and stubbornness of law enforcement and elected officials to acknowledge the necessity of social change, 

127 Carson, *In Struggle: SNCC and the Black Awakening of the 1960s*, 226. Also, in August of 1966, the police raided SNCC's Philadelphia office with "a heavily-armed, eighty-strong strike force." The police had discovered dynamite in an apartment being used by the Young Militants but the ensuing headlines suggested that SNCC was behind a conspiracy. The police chief Philadelphia in the mayor tried to corner SNCC accusing them of masterminding a policy to start guerrilla warfare and thus prevented Stokely Carmichael from speaking in Northern cities. Barry Dawson, a SNCC staff member, was involved in the alleged dynamite debacle. Dawson confessed that he obtained dynamite when the director Fred Meely and the rest of the staff were not present. SNCC workers were forced into hiding as police issued warrants for their arrest. The decision for SNCC workers to go into hiding rather than to be arrested is in stark contrast to its earlier practices of the jail no-bail policy. Also, the concept of going underground is introduced here which becomes of greater significance in discussing the rise of the Black Power movement. See Carson, *In Struggle: SNCC and the Black Awakening of the 1960s*, 225.  

historian Howard Zinn wrote, “If Negroes set up their own “police force” in Philadelphia, Mississippi, the Attorney General might begin to rethink his narrow view of ‘federalism.’ If Harlem and Roxbury ‘seceded’…and set up their own ‘government,’ it might bring worry and action in high places.”

Conclusion

Overall, the decision to use jail-ins as a strategy was an important measure that yielded significant short-term results but was less effective in the long-term. SNCC’s jail-no-bail strategy directly influenced King and was most successfully employed in Birmingham’s Project C of 1963. In retrospect, this was carceral activism at its height and the event that gained international consensus on the nature of systematic injustices faced by African Americans in the United States. As a key strategy of student activism, the jail no-bail methodology figured prominently into the political environment. Despite its centrality, use of the jail-in and jail no-bail strategy was not a unanimous rational strategic decision but rather a product of the growing complexity of the Southern movement, increasing local resistance, and nascent black militancy.

The appeal of SNCC through the jail no-bail strategy was a plea to several aspects of social consciousness. The first was an appeal to the constitutional law and the second was an appeal to Judeo-Christian notions of redemptive sacrifice. By opting to pay the price for falsely accused iniquity through voluntary punishment of the body, the activists were implicitly suggesting that their work was an act of atonement for the benefit of the racists. This work was not without a cause but for the salvation of the minds and hearts of sympathizers, which they hoped would ultimately manifest in meaningful social change and justly enforced policies.


Throughout its usage, the jail-in strategy gave local blacks the courage to join in with the SNCC activist and was an effective means of developing an emboldened local grassroots movement. Jail-no bail elicited wide ranging responses from the president, police, local authorities and terrorists. Sometimes as in Birmingham and Nashville it was effective, other times as in Albany and Danville it was not. The jail-in strategy was popular among students. But as Albany proved, SNCC would have to mobilize in larger numbers (even when mobilization was already particularly high) in order for the movement to be effective at crippling carceral infrastructure. Every city would not have widespread participation, as did Albany, this could directly affect the outcome of the action.

As SNCC shifted their strategic emphasis to voting rights, the long-term outcomes of the jail-no bail strategy were unfortunately short-lived, as evidenced by the failure of SNCC to procure the delegate seats equated with political capital at the 1964 Democratic Convention. The all or nothing jail strategy did not easily translate into political capital in the compromise dynamics of electoral politics.

In conclusion, we have long discussed the psychological effects of environment on the identity and actions of human beings. In essence, some of the major reformers of prisons have argued for their demise and usefulness on the basis that they transform the inmates into animals because of the cage-like experience their inhumane environment. Increasingly, carceral opposition to protesters became more and more violent and animalistic. King worried that the nonviolent approaches were losing their effectiveness because of the inability to control masses of people. As carceral authority gave way to some of the most vital passions of aggression, the victims of this violence responded in a similar manner in waves of outrage protests to carceral authority and brutality.

The development of the Lowndes County Freedom Organization (LCFO) in 1965 represented, symbolically if nothing else, a transformation in the protest struggle that largely had been precipitated by a near decade of carceral engagement.\footnote{Charles Marsh, \textit{God's Long Summer: Stories of Faith and Civil Rights} (Princeton, N.J.: Princeton University Press, 1997), 175.} The metaphorically caged panther was approaching a realization of its prowess and capabilities. As black protest expanded into the realm of voting and cultural
awareness, the reality of carceral engagement and the role of imprisonment did not diminish but became a clearer reality. The movement made a shift from its early agenda that used jailing and redemptive suffering techniques “in provoking the consciences of the people of Atlanta, Georgia, the nation, and the world” to addressing the need for self-empowerment.\textsuperscript{132}

The SNCC transformation to the Student Coordinating Committee (SCC) was illustrated in the shifting ideology of the movement from a civil rights movement to a Black Power movement. Activists from this subgeneration were more likely to attribute the plight of black Americans to a deliberate, systematic and institutional dilemma—one that was an attack not only on their civil rights but their very humanity. As the Vietnam War and the draft superseded the primary objective of desegregation and political enfranchisement (following the Civil Rights Act and Voting Rights Act), a growing number black cultural and political nationalists like Kofi Lukwaba Efu perceived carceral forces of militarism at the forefront of a black liberation movement.

\textsuperscript{132} Bond and McCaw, "Special Report: Atlanta Story."
CHAPTER V
KOFI LUKWABA EFU CONFONTS MILITARISM, 1968-1977

Coinciding with the paradigm shift of SNCC in 1966, an emerging subgeneration of student activists in Atlanta mixed traditional civil rights repertoires of carceral engagement with black cultural nationalist perspectives.¹ The name of this group was the Colonized African Vigil, out of which evolved the African Soul Brothers. This organization, relatively unheard of in the historical literature, expanded the vision of black activism during this period to include objection to the Vietnam War under the influence of Bill Ware, previously a power player in SNCC’s Atlanta Project.²

Taking cue from Martin Luther King’s anti-war stance beginning in 1965 and culminating in a series of speeches and sermons in 1967, many student protestors and anti-war organizations galvanized around moral obligations to resist the draft. According to SNCC historian Clayborne Carson, by 1967 sixteen SNCC workers had been drafted and most of them had decided to refuse induction which inevitably led to imprisonment. SNCC worker Cleveland Sellers was indicted by a federal jury that same year for refusing to submit to induction.³

Examining the experiences of a leading member of the African Soul Brothers named Kofi Lukwaba Ef u, it is evident that he and other activists used a developing notion of cultural consciousness


³ Carson, In Struggle: SNCC and the Black Awakening of the 1960s, 251.
greatly influenced by the grueling carceral environment of the period. In arguing the extent of the carceral environment of the late 1960s and early 1970s, the experiences of Efu and his cohorts illustrate that they pointed to rising militarism, mandatory military service and cultural hegemony as evidence of African Americans were effectively colonized.

In a strategy to address this colonized status, Efu sought the redemption and liberation of African humanity by defying an unjust draft policy and suffering numerous imprisonments. Alongside his carceral activism, he saw the redemption of African Americans as an achievable goal through the adoption of pan-African worldviews, an appreciation for African cultures and a dynamic pan-humanism that could only be attained through careful education and community-oriented goals. The redemption of Efu would come through a dynamic application of culture and activism in a story that adds a missing chapter to the history of black cultural nationalism from 1967-1979.⁴

Efú and Carceral Activism

As a child growing up in Atlanta, Efú (then Louis Daniel Eason, Jr.) was exposed to a strong sense of social justice, community and spirituality. Eason recalled watching Dr. Martin Luther King, Jr. leading non-violent protests and being arrested on television at the age of 14.⁵ Not only did he watch Dr. King lead the protests in Montgomery as a young boy but he also attended the Ebenezer Baptist Church and frequently saw both Rev. King Sr. and Jr. in the pulpit. He adopted the young Martin Luther King, Jr. as a spiritual and political role model. This association deeply impacted his earliest longings for social change.⁶

⁴ Considering the process Efú stated, “There were rapid social, economic, cultural and spiritual transformations caused by a new awakening of African consciousness and the role and contributions made by Africa to what the world sees as civilization.” See Eason, "History Paper for Mrs. Dennis," 2.


Eason suggested that early childhood experiences led him to activism and eventually liberation through an integration of Christianity and Yoruba Traditional Religion. He stated, “Most importantly, as a young boy, I looked at people who were professing to be Christians in this country and did not see many of them acting on their beliefs. I did see people in the Civil Rights Movement acting and dying for what they believed in. Action became the essence of Christianity for me.”

A strong sense of family history and community informed Eason’s spiritual and political values. His mother shared an oral account of his family history with him that contributed to his black historical consciousness. Reminiscing on the transmission of his family history he recalled, “She has told me of a great grandmother who was a slave and bore a child whose biological father was a slave master. This slaveowner had raped and exploited the great grandmother during the dreadful era of slavery. Her child, my mother’s maternal grandfather married, or mated would probably be a more descriptive term, Ida Mae.” Then in more recent years, his sincere respect for departed ancestors and an appreciation of their contributions shaped his latter perspectives and approaches to activism.

In 1960, when Eason was eleven years old, King and the student movement took Atlanta by storm. Like many other young activists at the time, who became active following King’s death, Eason’s mother would not allow him to participate in the protests while King was alive because she thought he was too young. She urged him to finish high school first. A deep and loving respect for his mother compelled him to obey. His mother, he recalled, appreciated both the qualities of Martin Luther King and Malcolm X, as a race man. This characteristic of his mother foreshadowed the nature of his future development and involvement in the struggle.

---

7 Eason, "A Vision of the University of Religion."

8 Eason, "History Paper for Mrs. Dennis," 1.

9 Eason, "Introduction to Manuscript Draft," 7. Consider the large number of students involved in the Birmingham Campaign under King’s beckoning. In retrospect, King suggested that this was a wise move though at the time many parents protested their children being “used” in such a manner. See Martin Luther King, “Excerpt from ‘Why We Can't Wait’,” in A Testament of Hope: The Essential Writings of Martin Luther King, Jr, ed. James Melvin Washington (San Francisco: Harper & Row, 1986), 546.
As evidenced in the life of Malcolm X in a previous chapter, social alienation figured prominently into the early years of Louis Eason. In addition to the racial alienation discussed by Malcolm X in his autobiography, Eason identified a distinct form of cultural alienation:

As with most African Americans, I lived the formative years of my life encountering virtually nothing that was African and being reared in the Baptist Church tradition. In my earliest memories of the 1950s, I recall being baptized along with my elder sister (Nana), singing in the choir, and attending Baptist Training Union...I grew up in two Baptist churches...[with] an emphasis on prayer, Biblical narratives, baptism by immersion, belief in the Supreme Being and the crucified Jesus. Respect for the pastor as leader of the congregation impressed me. I would later discover that similarities between Yoruba Traditional Religion and particularly between Ifa and Jesus Christ are numerous..."¹⁰

While cultural alienation from an African past prevented him from a broader understanding of Christianity, Eason’s deep spiritual roots as a child developed his ability to graft the relevance of an ancestral heritage and a longing for social change. As he finished his senior year in Henry McNeal Turner High School (named after the African Methodist Episcopal Church bishop and Pan-African activist) in 1967, the Vietnam draft and the lure of activism beckoned him to undergo a life changing transformation.

The Atlanta Project and the African Soul Brothers

As a result of an escalation in the Vietnam War, more men were needed to fill the ranks of the Army through the draft. A key component of fulfilling the Army quota required recruiters to go to schools and recruit youth. At this point, Eason decided to become a student enrolled at Clark College rather than be enlisted in the military. Increasingly, the draft issue became an issue of concern, and from a carceral perspective became a key point of contention between student activists and authorities.¹¹ For example, in 1967 Howard University had invited General Lewis Hershey to speak on the campus. Black student activist groups had been increasingly identifying the military as a carceral force in the community


that was rapidly growing in its power to deter and to detain troublemakers by sending them abroad. It also became a key focus of concern because a large number of people who were drafted to serve in the Vietnam War were black people.\textsuperscript{12} When the students at Howard University found out that Hershey was speaking they gathered to boo him and with placards in hand, stormed the stage forcing him to leave the premises. To many of these students, “America is [was] the Black man's battleground,” as their placards read.

In the spring of 1967, Muhammad Ali was also invited to speak at Howard University by the Black Power Committee.\textsuperscript{13} However, he was forced to deliver his speech outdoors because he was denied access to the main auditorium by administrators. Ali had taken a stand against the Vietnam War in 1967 by refusing induction with some 952 others. His defiance resulted in a string of legal and professional trials that culminated in the revoking of his license and the seizure of his championship. Above all, he was threatened with jail.\textsuperscript{14} Describing his apprehension, years later Ali recalled, “I knew that everything that I had worked for was on the line, and I knew that if I refused induction I was facing possible prison time. I had never been in trouble with the law and the prospect of going to prison was frightening, though I worked hard not to show it to those around me—certainly not in public…If I had to go to prison, I would do it, because if I didn’t follow my true beliefs, I would never be free again.”\textsuperscript{15}


\textsuperscript{13} Muhammad Ali had been developing under the influence of the Nation of Islam. In 1964, he had changed his name from Cassius Clay to Cassius X to reflect his religious conversion. This happened during the time that Malcolm X was suspended from the Nation of Islam. Three years latter amidst the period of heightened U.S. involvement in Vietnam, Muhammad Ali remained an important figure for black liberation movements in the United States and abroad. In the words of Chief S.O. Adebo, his image represented, “the name of world brotherhood.” See "Clay Puts Black Muslim X in His Name,” \textit{New York Times}, 7 March 1964.


As Ali’s defiance resonated among black and white resisters to the war, a strategy of noncompliance and voluntary imprisonment seemed a viable but controversial option. Following the precedent of the jail-in strategy of SNCC, groups like the New England Resistance decided imprisonment—if enacted on a large scale incorporating at least 100,000—could prevent the federal government from effectively enforcing the draft policy and waging the war. Attempting a mass jail-in strategy against the federal government was risky business. It had not been successful in previous attempts and some increasingly preferred the option of flight to civil disobedience. Nevertheless, the carceral option remained a central focus of protest for many activists.16

Stemming from a host of issues, with none more pressing than the Vietnam War, Atlanta became an important site for black nationalists in the late 1960s. SNCC worker Bill Ware had formed the Atlanta Project in 1966 to address the concerns of urban blacks who felt estranged by the civil rights movement. In Atlanta, Ware, Carmichael, and others originally were working to restore Julian Bond to the Georgia Assembly, who was refused a seat after being elected a state representative in 1965 because of his ‘unpatriotic’ comments on the Vietnam War. After the Supreme Court ruled in Bond’s favor the following year, Ware and his cohort had already developed an articulate manifesto of the Black Power movement that combined ideological elements from King, Malcolm X and the Nation of Islam.17 Influenced by the anthropologist and author of Black Metropolis St. Claire Drake, Ware was attentive to the needs of urban blacks and adopted a Pan-African perspective to pursue this objective.

The Vine City area became a key point of the Atlanta Project effort. Ware specifically focused on racial aspects of the urban decay and emphasized the need for cultural pride and self-reliance.


According to Clayborne Carson, “What separated the Atlanta organizers from other SNCC staff members was their willingness to embrace racial separatist doctrines, not simply arguing for black institutions to achieve common goals.” Following a major strategic shift that distinguished SNCC from the SCLC, some of the Atlanta students of the organization began an ideological transformation that was equally important.\(^\text{18}\) Ironically, this resulted in the exclusion of whites from SNCC, including Mendy Samstein who had helped draft the original prospectus of the Atlanta Project.\(^\text{19}\)

By 1967, SNCC had emerged as a full-blown black nationalist organization. They promoted black separatism and in varying degrees denigrated white involvement and assistance. That same year they issued a joint statement opposing conscription to Congress:

> We are opposed to the draft, and believe that it should be abolished. We are opposed to a system under which a group of men can compel another man who has had no voice in their decision to renounce his liberty and risk his lifeblood for a cause which is not his. No man need be coerced to defend what is in his interest, and no one should be forced to kill for another’s interest….Conscription is a form of legalized enslavement of the worst kind….Black men in the United States are forced to kill their colored brothers in Vietnam for $95 a month and the risk of death, injury and disease; this is why we oppose the draft. The Student Nonviolent Coordinating Committee, with the full support of the Students for a Democratic Society, is presently calling for the black people of America to organize for power, so that no young black man will find his living conditions so dire that he will become a mercenary to escape them. We abhor a system which takes as slave those who do not go as mercenaries.\(^\text{20}\)

\(^{18}\) Atlanta organizers of SNCC were regarded as the most radical of the organization. Following the ousting of John Lewis from the chairmanship of the organization, they advocated some separatist stances in a position paper that Stokely Carmichael was unwilling to accept. In retrospect, much of the radical nature of the Atlanta branch stemmed from the animosity and brutality that they witnessed but also from a comparative lack of regard for black lives lost in campaigns versus that of whites who were killed. It also appeared that they resented the leadership of Martin Luther King to some degree. Some of the Atlanta SNCC activists had been with the movement from the beginning yet they did not receive the recognition that they felt they deserved.


\(^{20}\) Stokely Carmichael and Carl Oglesby, Letter to House Committee on the Armed Services 1967. Cultural determinism also increasingly factored into the goals of students addressing what they perceived as carceral hegemony. Students at Evanston, Illinois demanded that Northwestern University meet their demands by offering course in black history and black art with instructors approved by them. Addressing educational institutions by demanding changes in administrative practices and curricula
Under the guidance of SNCC activist Bill Ware, the African Soul Brothers later would adopt a similar ideology, political platform and methods of direct nonviolent action. The Colonized African Vigil began on April 4, 1969 to honor the legacy of King and to foster a communal spirit amongst black resisters to the draft. The African Soul Brothers, which developed out of the Vigil, (ASB) saw the Vietnam War as an opportunity to honor the legacy of both Dr. King and Minister Malcolm X. They looked to King’s methods of nonviolent social change as a strategy for activism. Of equal importance, they took heed to Malcolm X’s pan-African directive for American blacks to form spiritual and cultural bonds with new African nations, so that an alliance of power could be formed against carceral oppression of culturally white Western forces.21 According to Eason:

The ASB were eager to honor the memory of both Dr. King and Minister Malcolm X by demonstratively opposing the war in Vietnam. We also proclaimed that as victims of racism, militarism, and economic exploitation, black folk were “colonized Africans” in America. On April 4, 1969, we began to protest these injustices by organizing the Colonized African Vigil on Beckwith Street (in the Southwest vicinity of the Atlanta University Center) and reciting excerpts from Dr. King’s “Call to Conscience.”22

According to Eason, the African Soul Brothers were also directly involved in community development with freedom schools similar to the work that SNCC had done in the delta region of Mississippi.23 They were, in fact, so deeply preoccupied that he and some others dropped out of college in 1968 and established an office in Perry Holmes and Vine City. They also started a chess club and a

---

21 See Montgomery, "Malcolm X Exhorts Negroes to Look to African Culture."

22 Eason, "Introduction to Manuscript Draft," 7-8. Also see the following article cited in Ibid., The Atlanta Voice, 21 June 1970.

23 See “Prospectus for the Mississippi Freedom Summer” in the Student Nonviolent Coordinating Committee Papers SNCC, 1959-1972 (Sanford, NC: Microfilming Corporation of America), Reel 39, File 190, Page 1039.
cultural arts center on Mason Turner and Hunter Streets. They lived at the poverty level, surviving on scant food, no electricity or other utilities and sparse furnishings. Their raison d’etre was to uplift the black community. Bringing two strands of black contemporary protest ideology together, the African Soul Brothers wanted to address the psychological, cultural, spiritual and economic colonization of blacks throughout the Diaspora. Paralleling these cultural-specific goals, ASB also wanted to honor the legacy of King by calling for Atlanta to be declared a sanctuary “for all young men who found the Vietnam War objectionable, abominable, and unjust.”

In addition to protesting against the Vietnam War, the draft and their use of nonviolent direct action methods, Eason and the ASB endorsed the black cultural nationalism that SNCC and other student groups were developing. On a personal level, Eason wanted to strike a blow against the white family that disowned his mother and embrace the blacks (paternal and maternal) who loved him. Identifying the strong presence of cultural consciousness, he affirmed, “We sought to identify with our beloved motherland, our origin.” Furthermore, he went on to say:

The African Soul Brothers cultivated an identity that we thought was consistent with the mantras of black cultural nationalism and black power. The Afro-styles and remember-your-African-roots rhetoric inclined us to replace the Anglophone names that we perceived to be relics from slavery with names that would more adequately reflect our African ancestry. We had not studied Africa in our schools that offered no such courses, we had not read books on Africa, and most of us knew no Africans. We knew very few African names and nothing about how Africans received names. We gave ourselves first names that were familiar to us from reading and talking with knowledgeable elders like Bill Ware, Ghanian names like Kwaku, Kwesi, and Kofi. Some of us continued to sue our family names; others assumed names that sounded African to us. My full assumed name was, for example, Kofi (Akan meaning male born on Friday) and Lukwaba Efu (a nondescript substitute for my slave name Louis Eason).

---

26 Eason, "History Paper for Mrs. Dennis," 2.
During Kofi Lukwaba Efu’s involvement in the African Soul Brothers, he began to embrace an African world view, which he stated was much larger than the African world. This ideology did not endorse discrimination on the basis of race or religious beliefs, but as he suggested, “Those of us who are Christian often suffer from racism because we do not see the universality of our beliefs and how true Christian beliefs supersede religious, racial, ethnic, sexual, political and economic barriers.”

Efu’s practice of universal principles of Christian love would soon be tested through a series of arrests and imprisonments.

Resistance to the Draft

Following the precedent set by Ware and SNCC, Kofi Lukwaba Efu, the Colonized African Vigil and the ASB considered blacks in America to be effectively “colonized” under the carceral forces of the time. They witnessed acts of police brutality, racial discrimination and economic marginalization. The alleged legal obligation to serve in the draft if called was interpreted by many during that time as an insult. Black activists wondered how could a nation that did not enforce the promised equality to all its citizens demand their service in ensuring it for others. The power to compel required and involuntary service through conscription was regarded by some blacks as tantamount to slavery.

The ASB took issue with the morality of the war and also with the disproportionate drafting of blacks and inquired asto whether they were being deliberately placed on the frontlines. The Soul Brothers took to the street to protest the injustice of the war and the inherent racism of the draft with signs like "Skills for Africans, Yes...Jobs for Africans, Yes...Kill for America No!" According to slavery and civil rights historian Nicholas Santoro the ASB had good reason for their discontent, “Blacks served in

---

28 Eason, "A Vision of the University of Religion."
31 See Interview with Djisovi Eason, videorecording, March 2002, "Skills for Africans."
the Vietnam War at double their ratio of the American population. Fifty-eight thousand of those men that served were dead or missing. An estimated 10,000 men went underground and an estimated 60,000 to 100,000 fled the country to avoid the draft. Approximately 9,000 Americans were convicted of draft violations—3,250 of them went to prison.”

Kofi Lukwaba Efu was among that 3,250 who served time in military prisons during this period. Efu felt that his road to prison began with the protest of the war. Summarizing the strategy, he recalled, “We called attention to our right to protest by tauntingly marching in front of the draft board office. Our challenge to the draft board soon yielded a response. I was among the first ASB to receive a draft notice in late fall of 1969.” Efu felt that he was being singled out for his audacious participation in the movement. Yet he was not so afraid of prison that he would dare compromise the principles that he and the Soul Brothers held so dear.

Immediately after receiving the notice, Efu filed for conscientious objector status based on the principles of Martin Luther King, Jr. Kofi Efu had reported to the draft board for a final hearing regarding his conscientious objector status. While waiting for further instruction, he was directed to a room that was full of young men. After he entered the room, the door was closed and all in the room were required to raise their right hands and the take the oath of induction into the Army. He backed himself against the wall with his hands behind his back to make it plainly visible that he was not there to take the oath but awaiting an appeal hearing from the draft board.

Two military policemen approached him and stood on either side. One of the military police pointed his finger at Efu’s nose and said, “Yer’re in the Army nah, boy!” Expressing his convictions, Efu repeated that he was not there to take the oath and that he was there to report to the draft board. Furthermore, he assured them that he was not going to report to active duty. As a result of his defiance, Efu was arrested immediately. He was taken to Fort Knox, Kentucky and later to Fort Leonard Wood.

---


Missouri where he was unlawfully detained and not permitted to complete his appeal process. He now was facing up to ten years imprisonment and up to $15,000 in fines if he was convicted for refusing induction.

The situation in a military prison was extremely distressful for Kofi Lukwaba Efu. He recognized that if the army could not make him serve on the frontline, through incarceration it would force him to adopt a routine that resembled the army. His daily routine included activities that were similar to basic training except that he was kept in a cell. He recalled that he had to shine his shoes and black his boots in a certain manner; make his bed and organize his personal effects in the cell. He had to stand at attention when the noncommissioned officer was in his presence. The whole experience blurred the line between incarceration and induction. According to Efu, it was as if they wanted him to believe he was in the army.

While imprisoned at Fort Leonard Wood, Efu witnessed the killing of a Black Panther who had refused to go on a third tour in Vietnam. During the late 1960s, military prisons were becoming populated with black dissidents and activists (who expressed disapproval of the war through desertion and insubordination) from a variety of backgrounds. While imprisoned, this young Black Panther refused to comply with orders of personnel to shine his boots, make up his bed, and follow the daily routine as a protest to complying with what he viewed as a racist system of oppression.

One day an officer came with the inmate’s food and threw it on the floor. The officer then responded, “Why did you throw this food at me? I am writing you up.” According to Efu, this scenario continued several times that day. Late in the night, an orderly, several others and an officer came and opened up the cell. They dragged the inmate out and beat him to death. Efu recalled hearing the thuds of

34 Ibid.


fists and boots pounding into the inmate’s body for hours into the night. When the beating stopped, the body was removed from the cell and flown out on a plane that night. The rod of “correction” could be quite lethal when hidden from public view. The military prison operated as a microcosm of the racism rampant in the barracks and American society without the restraint of guilt and public scrutiny.  

Witnessing this brutality and experiencing such psychologically damaging attacks, did not go without deeply affecting Kofi Lukwaba Efu. It challenged his convictions to social justice and tempered his spiritual consciousness. In later years, Efu claimed that the physical stress he endured at Fort Leonard Wood was the source of premature health problems. Left in a pen, outside the prison in December in Kentucky—with only the clothing that he was wearing in Atlanta—he suffered frostbite. Struggling to survive in a physically and psychologically hostile environment required a deep and abiding commitment to principles that could transcend an environment that was designed to subjugate the body, mind and spirit. Describing the experience, he wrote, “While in prison my whole definition of Christianity was reshaped—it was based on action. I saw it as a way of life, so from that point on I never turned back. This understanding laid the foundation for me to look deeply at the moral and ethical principles of any religion.”

As he approached and passed his nineteenth, twentieth and twenty-first birthdays as a political prisoner it became increasingly difficult. In addition to the carceral forces that exerted a tremendous amount of psychological and financial pressure on Adelaide, his mother began to feel disgraced by his defiance and brought her Baptist pastor to try to talk him into joining the military. Although he resented the pastor’s advice, he never abandoned the Christian influences of the church, clinging to them as an


38 Eason, "A Vision of the University of Religion."

ancestral legacy from his enslaved forebears. Kofi Lukwaba Efu believed that Christians, like their Yoruba counterparts should seek help of religious professionals to help make intercession with the divine.

Instead of abandoning his convictions, during this period of incarceration, he turned to the African Soul Brother pledge and other poems to for sources of inspiration: “In the spirit of African brotherhood we pledge to exert these energies in the best interest of our People here and in the distant Motherland; we pledge to sleep and waken with spiritual endeavor that will be only in accordance with our evergrowing, liberating struggle; Africa, the blackest star, forever give forth that shining light! Uhuruh!”

Segregated from other prisoners, he was kept in solitary confinement and dubbed as a political prisoner by prison authorities because he could influence other inmates. They recognized his ability to mobilize others so they prevented him from teaching and talking about his principles with other groups of prisoners. During this extend period of extreme isolation, Efu experienced an epiphany, similar to that of Malcolm X’s prison vision of W.D. Fard. Instead of envisioning a religious figure, Efu saw an apparition of the four little girls who were killed in Birmingham. Alone in his cell he recalled the following epiphany:

One night the four little girls who were killed in the bombing of the church in Birmingham during the Civil Rights Movement appeared in my cell. The floor of my cell disappeared and they appeared to me just as they looked right after the bombing. They were all in a hole, on a chain and were reaching up for me. I spent the whole night struggling—trying to get their hands. An enlightened person told me later that if I had been able to grab their hands it would have been a possible sign of my crossing over to death. That whole night I cried because I was unable to get their hands and pull them up.

---

41 Ibid., 3.
42 See Ibid., 12.
Efú interpreted the girls as visiting from the other side, coming to empower him and he defined this moment as embolding his commitment for unconditional justice. He recalled that the vision experience made him a very spiritually focused person.  

While imprisoned at Fort Leonard Wood, Kofi Lukwaba Efú was becoming a *cause celebre* in the Atlanta area. With the help of a sympathetic black guard, he had smuggled out a letter to his mother notifying her of his imprisonment. After receiving this letter, she alerted the rest of the community. All over Georgia, people became aware of his dilemma. In an interview, Tosu Reagon recalls selling watermelons to raise money for the legal expenses of Efú’s case.  

Professor Mack Jones, a political scientist and scholar/activist at Atlanta University, as well as a leader in the Drum Majors for Justice organization, developed an extensive grassroots effort with local lawyers and other organizations that ultimately culminated in the temporary release of Efú in 1971, but not in resolving of his case.  

According to Efú, the broad effort of his campaign raised a great degree of public consciousness but did not stave off harassment and abuse by local law enforcement and draft officers. The atmosphere evoked a feeling of defeat. “I often felt hopeless and trapped, doomed to spend the rest of my youth in...

---


44 Eason, "A Vision of the University of Religion."  

45 Interview with Tosu Reagon in Vaught, "The Dream and the Drum."  

46 On May 4 of that same year, some 7,000 protestors were arrested in Washington, D.C. for engaging in a clash with capitol police. Attorney General was forced to release nearly half of them after a charging $10 bail or acceptance of collateral. The numbers of the protestors was too great to accommodate in the city’s corrections infrastructure; makeshift detention centers had to be used. There were 5,100 police, 1500 National Guardsmen, 500 park police, and 10,000 troops from the National Guard were also deployed. These numbers illustrate the mass resistance efforts of the “Mayday Tribe,” as it was called and the policing capabilities of the federal government. Richard Halloran, "7,000 Arrested in Capital War Protest; 150 Are Hurt as Clashes Disrupt Traffic," *New York Times*, 4 May 1971.  

prison—and maybe more time than the ten years, even, because I nor my family had any foreseeable means of raising the $15,000 fine.”

Despite the dismal future that his legal situation presented, he continued to protest based on principles of conscience and took part in other causes. Recalling the intensity of his situation and his persistence Efu stated, “I was nineteen and twenty years old at the time, which might help to account for why each time I was released from prison or jail, I would go right back to join the picket lines and other creative protests only to be arrested again and again by local police.”

On one occasion, Efu and some Soul Brothers were picketing outside a Kroger store in Atlanta, Georgia to protest a long history of abuses and harassment that was capitalized when a white clerk of the store had reportedly slapped a black employee. While holding his sign outside of the store, a white woman came and spat in Efu’s face. At a breaking point of tremendous tension, Efu lost his composure and shouted an obscenity at the woman. Almost immediately the entire area was surrounded by police, who had been waiting for an opportunity to intervene.

The policeman then proceeded to take him to the county jail after which they cuffed his hands and feet and proceeded to beat him mercilessly. Looking back on the incident, Efu observed that he had never been beaten so forcefully before and that the policemen took great caution not to hit him in his face to as to avoid inviting the investigation of outside observers. He was taken to the judge and was sentenced to nearly a month in the jail for using obscenity in the presence of a white woman.

---

48 Ibid.
50 Ibid.
51 Interview with Ibid.
After Kofi Lukwaba Efu continued in carceral activism even while on a temporary release from prison, these intermittent imprisonments, these acts of redemptive suffering, made him feel more aligned in a brotherhood of African unity and social justice. He remarked, “The more I was arrested, the more I felt myself to be representative of all ‘colonized’ African Americans.”

While he was waiting for a second hearing before the draft board about his conscientious objector status, Efu felt threatened in that his case had not been resolved and considered himself to be in a “legal limbo” of sorts.

Considering the predicament he recalled, “I was at the point in my life where I would travel almost anywhere in search of relief from the prosecutions and physical abuse which was being inflicted by local, state and federal authorities.” His search for relief brought him to the next point of his development in approaching traditional African religion as a source of strength and inspiration for the black liberation struggle.

Amidst a period of intense social resistance and intermittent imprisonment, Efu became increasingly drawn to African cultural traditions beginning with the rhythms of the drum. According to Tosu Reagon, in the Albany Movement as well as other places throughout the South, music and increasingly African drumming were established as an integral part of the movement. The African drummer Babatunde Olatunji arrived in the Atlanta area during the 1950s and exerted a strong influence on Atlanta University Center (AUC) music by the 1960s. His introduction to Olatunji was through high school band trips to AUC. Exposure to the drumming came principally for African Americans who had begun to travel to New York and Africa to learn African drumming and culture. Tosu recalled that Efu’s introduction to ATR was a developmental process. He had not known anything about the traditional culture before 1971. He stated, “Like the majority of African Americans, I knew nothing about the Yoruba or other African Traditional Religions… I had my first encounter with the deity in 1971 at the age of 22.”

53 Ibid., 13.
54 Zanu, "Writer's Personal Encounters with African Traditional Religions in North America," 15.
background for activism and his later segue into African Traditional Culture derived meaning from the
surge of cultural nationalism permeating black activists groups. In addition to a profound respect for drumming and a desire to learn about traditional African music, Efu and other activists who were associated with the African Soul Brothers turned to African Traditional Religion (ATR) for relief from their legal situation. According to Efu, “During the summer of 1971, some of my friends in the Atlanta University Center schools told me that they had heard about an African religious center that might help us disentangle from various legal problems.”

Kofi Lukwaba had been arrested several times for his engagement in local protests against the highly racialized atmosphere of Atlanta and its environs and although he had become somewhat of a cause celebre in the Atlanta area, legal costs were rising and he chose to go “underground” to escape a conviction and being sent back to a military prison. At the same time, friends of the Soul Brothers, Alvin Dollar and Lathia Banks had been falsely accused of criminal activity as a result of their protest activity. All three of these young men looked to a non-traditional form of assistance in consulting Baba Oseijeman.

Oseijeman was the leader of black cultural nationalist movement that sought to establish a traditional Yoruba West African society in the United States. Moving from New York City to Sheldon, South Carolina Oseijeman established an autonomous African community in the United States. The African Soul Brothers consulted him in 1971 for his expertise in divining. Oba Oseijeman was the first African American to be initiated into the priesthood of Obatala (he had journeyed to Cuba in order to be

---

56 Tosu Reagon, “Interview with Tosu Reagon” in Vaught, "The Dream and the Drum."


initiated into Santeria). The African Soul Brothers initially approached him in order to seek a supernatural solution to the legal problems of carceral oppression that plagued them. Efu recalled:

The consultation with Baba Oseijeman served my needs. By adhering to his instructions and making offerings, I perceived myself to be “helping myself” out of difficulty with the Armed Forces. I had the added psychological security of hoping supernatural forces were intervening on my behalf. That divination changed my state of mind and thus lightened my burdens, but I would not be extricated formally from my predicament until 1977, when President Carter declared the amnesty. Nevertheless, my encounters with law enforcement agencies soon abated, and I was out of jail enough to become a regular visitor in the village.  

Although it was ultimately a presidential pardon issued in January of 1977 that cleared Kofi Efu’s name (He now had been given the Yoruba name Adelade Omoluyi through divination.), the influence of authentic cultural reclamation through African Traditional Religion (ATR) had proven to be an effective tool as a protest strategy. By this time several major cities in the United States had developed African cultural centers in which lectures were taught on African traditional cultures and religions. It was now also possible to undergo initiation as an African-voudou priest in the United States.  

Arriving in two carloads, Baba Oseijeman divined for each member of the group using the merindinlogun and told them that their problems had to be resolved both spiritually and judicially. He

---


61 Eason, "A Time of Destiny": Ifa Culture and Festivals in Ile-Ife, Nigeria and Oyotunji African Village in Sheldon, South Carolina”, 7. Lathia Banks visited Baba Oseijeman at Oyotunji, an African village outside of Beaufort, South Carolina, to seek relief for legal problems stemming from an arrest related to activist activity. Commenting on the event, Efu recalled, “My friends had heard it rumored that this priest had a history of helping African-American victims like myself to overcome judicial injustices, which I was certain the military action/inaction was.” Eason, "Introduction to Manuscript Draft," 13.

counseled Efu never to carry weapons and about certain taboos of diet and behavior. Next he derived Yoruba names for each of the ASB from the Odu Ifa. Kofi Lukwaba Efu was given the name Adelade Omoluyi meaning “a crown of nobility arrives” and “child of his people.” He immediately dropped the improvised name of Kofi Lukwaba Efu and began using the divined name.64

Oseijeman also told Adelade that his guardian deity was Oya, a goddess of the Niger River, the wind and protector of ancestral spirits. Oya was presented to Adelade as the female counterpart to the deity Shango who regulates climate and is deeply concerned with matters of justice. Importantly, Adelade’s association with Oya presented spiritual parallels with his activism. He considered the relevance of the designation:

[I] seized upon the mention that Oya was the goddess of change and revolution, for I prided myself on being a revolutionary helping bring justice to black folk in the United States. As a revolutionary, I needed a supernatural guardian angel. Now it made perfect sense to me that I was attracted to the civil and human rights movements of the sixties and seventies and to revolutionary ancestors like Malcolm X and Martin Luther King, Jr, and a few years later to Marcus Garvey…The Ifa experience provided me with an enhanced knowledge of myself as an African Soul Brother, a civil and human rights activist, and follower of ancestral revolutionary leaders.65

Oseijiman told Adelade that daily meditation and practice of Yoruba Traditional Religion would be useful in strengthening his spirit and giving him greater confidence in his “legal limbo.”66 It provided instant relief. According to Omoluyi, “After this divination, I felt spiritually reborn, having acquired an authentic African identity via the naming. This name heightened my sense of destiny and purpose at one of the most turbulent and critical phases of young adulthood.”67

---

63 *Merindinlogun* which is translated as ‘twenty minus four,’ in this instance refers to a Santeria method that interprets the casting of cowry shells. See Eason, "Introduction to Manuscript Draft," 13.

64 Ibid., 14.

65 Ibid., 15.

66 Ibid., 16.

67 Ibid., 14.
From this moment onward, Adelade linked inspiration from both Christian and traditional African sources to inform his activism and for spiritual, emotional and intellectual sustenance for his involvement in black liberation movements. It was as if he was a new person with a renewed sense of destiny. He wrote, “Following the divination, some of my feelings of youthful pride returned. I felt a strong sense of spiritual, physical, and psychological well-being. These feelings began to replace the emptiness and loss of respectability that I felt after being arrested.”

Efú saw no conflict between African Traditional Religion and his upbringing in Christianity but interpreted the adoption of traditional beliefs as a way to strengthen his intercession with the divine. Summarizing the predicament and the solution in his own words Efú concluded, “In the new voluntary capacity with the ASB, I managed to work my way into a tangle from which I could only be extricated by higher authority or supernatural agency.” Adelade stated that his experience with the Yoruba religion allowed him to feel greater confidence despite these obstacles. “I was living in harmony with the destiny of a revolutionary based on the divination that told me who I was at birth.”

Redemption as a Black Scholar and Yoruba Priest

By the end of 1971, Adelade had left the African Soul Brothers to focus more on his spiritual liberation at the Yoruba African Cultural Center (before it formally became known as Oyotunji). During the next phase of his life, Adelade Omoluyi underwent a religious transformation at Oyotunji

---

68 Ibid., 18.

69 Ibid., 7,18. Years later, when he was introduced to theologian Henry Mitchell by Lillian Ashcraft-Eason, Mitchell confirmed his own theology. Mitchell impressed him by explaining the more Christian you are, the more traditional African you are. Efú interpreted this as meaning, “…the essence of being a Christian is not only one's theology or what one believes but how a person puts their faith into action.” See Eason, "A Vision of the University of Religion."


71 Ibid., 18.

72 Ibid., 19.
catapulting him into a rigorous period of community organizing and development projects. Until, his case with the army was resolved however, he stayed “underground.”

As increasing tension around the issue of the draft became a key concern for activists, the ‘underground’ developed as a countercultural space of carceral protest and was crucial in Adelaide’s life. The underground as it was called was the term given to describe the decision of activist to live in a fugitive or semi-fugitive status. They referred to the style of living as “underground” because they had to give up public interactions, cut-off relations with close family members, disguise themselves and merge into an extra-legal social network of activism. Undoubtedly, this term alludes to the underground railroad of the 19th century in which abolitionists and their sympathizers broke federal law (the Fugitive Slave Act) to illegally assist enslaved African Americans in gaining freedom. Citizens of the underground most often saw themselves as torchbearers of this same radical tradition and created a subterranean political culture of their own that extended internationally and subversively into all spheres of resistance.  

The underground provided a semi-safe haven in which all of these dissidents could abide. It was a space that was an alternative dimension to the carceral space they faced if they were apprehended. From Kofi to Kwame, cultural nationalists to anarchists, the practicality of using stealth and fugitivism as a method of carceral protest was spreading throughout the United States. The underground provided an anonymous zip code for writers, artists, draft evaders, hippies, dopers and misfits. The space/status became such a recognized term in the counterculture that Oakland Black Panthers had members on the editorial staff of the Black Panther whose location was published in the newspaper simply as “underground” a la Eldridge Cleaver. From an anonymous place, dissidents were free to write, resist and to live however they wanted. To subscribe to the notion of the underground was to suggest that there was

a radical alternative to compliance with carceral order. The underground was a place where dedication to a radical cause determined citizenship.\textsuperscript{74}

Adelade made efficient use of his time underground to further himself in the study of ATR. During this period, he formally was initiated into societies of Yoruba traditional religion including: Egbe Egun (an ancestral society) in 1972, Adjakata/Hevioso (the Dahomean Fon equivalent to Yoruba’s thunder deity Shango) in 1976, and Ifa in 1979 and 1986, where his name was changed to Djisovi Ikukomi. From 1972-1978, Adelade helped establish and run the Makumba House of Memories, a traditional African Temple in Atlanta, Georgia. While there he also joined Tosu, other African Americans and a Nigerian to organize the Atlanta African Dance Ensemble. He found employment wherever he could, mostly driving taxis and working in restaurants.

During this time, Adelade became romantically involved with Beryl Davis. Davis gave birth to his first two sons, Kofi and Kwaku. Due to the harsh economic condition of the time and an equally deplorable welfare policy, Adelade obtained a divorce from a common-law marriage with Davis. Under the welfare policy of that time, it was more profitable for a single mother to raise two sons without a father than to have one “underground” remain in the home. Crestfallen, he left Atlanta for New York City with her words echoing in his broken heart, “I can do better without you than you with you,” meaning that the welfare system would help her purchase a home and feed their children and her daughter from a previous relationship. Although he had worked since his teenage years and was a reliable employee, Adelade’s earnings were meager.\textsuperscript{75}

It was 1973 when Adelade arrived in New York. He lived with his father following the previous period of rigorous religious education and training in indigenous African religion. He received sacred implements of \textit{Vodoun Abesan} and orishas Esu/Elegba, Ogun and Shango and spent a significant amount


\textsuperscript{75} Lillian Ashcraft-Eason, “Interview with Lillian Ashcraft-Eason,” Thursday, 20 July 2006
of time at the Olatunji Center of African Culture on 125th Street in Harlem. Also of significance during
this period was the instruction he received from Babatunde Olatunji, the Morehouse alumnus and
Nigerian master drummer. Olatunji’s drumming and philosophy impacted two generations of musicians
and activists during this period. Dr. Martin Luther King, Jr. had invited Olatunji to tour with him, black
cultural nationalists adored him and he was quite a popular figure in American counterculture and
mainstream music. \(^6\) Later as Djisovi, Adelaide would integrate the music and philosophy of Olatunji’s
approach in his own repertoire, developing a consciousness of global black liberation.

Eventually President Jimmy Carter declared amnesty for all those who had resisted the draft in
1977, an act clearing Adelaide’s “criminal” record and allowing him to emerge from the underground. A
year following the implementation of this important carceral policy, Adelaide received the name Djisovi
after being inducted into an African secret society in Gary, Indiana.\(^7\) While in Gary from 1982-84,
Djisovi had been working with black nationalists in the local Universal Negro Improvement
Association (UNIA).\(^8\) Serving as President of the chapter in 1983, Koki Lukwaba Adelede Djisovi Zanu remained
connected in Pan-African interests. During this period, he oversaw the recruitment of 25 new members.
He frequently held the organization’s meetings in the Dalaney United Methodist Church, where he was a
member. He was also was supportive of the Gary African Orthodox Church at the time. All throughout
his organizing with the UNIA, he remained active in Yoruba-Vodoun.

Considering his commitment to the global liberation of Africans, it was appropriate that the Gary
Division, while under Zanu, had its charter unveiled at the 31st International Convention. This was the
first time that a branch charted had been unveiled at an International Convetion in the history of the
UNIA. For his efforts in Atlanta and Gary, Djisovi Zanu was designated as a special representative of the

---

\(^6\) John Coltrane studied Olatunji’s music style and incorporated it into his own. John Bassett

\(^7\) Djisovi, is translated as “sky.” See Eason, "History Paper for Mrs. Dennis," 2.

\(^8\) Olabesi, Oral Interview, 11 March 2004.
During this convention, Zanu’s youngest son Amansu Zanu and his mother Kposivi Abini Zanu were baptized. In 1979, Adelade began conducting Ifa divinations in Gary and Atlanta as well as numerous initiations.

In 1984, Djisovi Zanu returned to Atlanta to attend Clark Atlanta University and pursue a B.A. in Religion, Philosophy and Music. Djisovi was not satisfied with the way that his life ended before he went back to school. He was glad to have been initiated and to have been in struggle but he also felt that if someone encouraged him to stay in school he probably would have and his friend who had some type of psychological problems would have not immolated himself. Behind all of his learning, activism and priestly training, drumming laid a dynamic foundation for the intellectual, spiritual and religious transformation of Adelade. He recounted that it was Babatunde Olatunji that taught him music and rhythms during the 1970s that laid his foundation for becoming a Yoruba priest and to formally pursue music and religious studies at Clark Atlanta University and at the Interdenominational Theological Center (ITC) from 1988-1990 in Atlanta.

While at Clark, Zanu continued the performing group that he had organized in Gary called Tyehimba, Swahili for “We stand as a nation!” The purpose of the group was “to foster cooperation and unity (i.e. to promote a spirit of Community) among African descendants and to preserve and promote their cultural heritage (s); and to function as an affiliate of the UNIA-ACL.

---

79 Charles L. James, "To All Officers and Members of the Universal Negro Improvement Association and African Communities League of the World," Garvey Voice, November-December 1984.


81 Eason, "Introduction to Manuscript Draft," 21. Also see Interview with Tosu Reagon in Vaught, "The Dream and the Drum." During his time at Clark Atlanta University, he met the chairperson of the Department of Religion and Philosophy, Lillian Ashcraft-Webb.  Ashcraft-Webb, an established scholar in slavery, religion and African American history directed Zanu into examining aspects of African indigenous religion that would inevitably lead him to the continent to research African religion and develop his views on black liberation movements worldwide.
Improvement Association-African Communities League] His involvement in the group reflected an ongoing desire to serve the cause of black liberation by linking cultural nationalism with education. Ade Bayo Bello, a Nigerian member of the ensemble, taught Yoruba language lessons weekly. This group was well received in Atlanta, playing at churches, universities, high schools and other institutions.

As evidenced in his former days as an African Soul Brother, a Garveyite, and presiding member of Tyehimba, Zanu was deeply interested in institution and organization building. Djisovi Zanu thought that another effective way to confront carceral hegemony and to pursue liberation of Africans was in counter-organizing, educating and sustaining institutions that preserved and educated others about African culture and community. As he and the Soul Brothers had developed a cultural arts center on Mason Turner and Hunter Streets, he hoped that Tyehimba could also create a Culture for Service Center to foster unity among blacks in Atlanta schools, churches and universities. He envisioned this center as a place where people could be educated about African culture, be entertained and showcase personal talents, be able to eat at an affordable and socialize. He interpreted this center as representing the fullest of King’s and Garvey’s aspirations and a counterstroke to negative forces and opportunities.

In October of 1987, prior to a lecture to be given by Cornel West focusing on ethical dimensions of the South African struggle, Zanu had created a press statement articulating his views on the ensuing carceral crises of African people. Concurring with West’s observations that 18\textsuperscript{th} century Americans viewed the English colonialism as oppressive to their natural rights, Zanu penned, “Today’s American leadership has become so callous and insensitive to human oppression that it has forgotten its cataclysmic

---

82 See program "Tyehimba Presents Themes from the African Cultural Heritage," (Atlanta, Georgia: 1986). Also see "Tyehimba Standing Committee Notes and Agenda," (Atlanta, Georgia: 1985).

83 Lillian Ashcraft, Tyehimba Standing Committee Notes and Agenda, 2 October 1985, Standing Committee Notes and Agenda, Papers of Djisovi Ikukomi Eason, Private Collection, Toledo, OH.

84 Lillian Ashcraft and Djisovi Zanu, "A Proposal Brief to Dr. Curtis Gillespie, Dean of Students Regarding the Culture for Service Center," (1985?), Papers of Djisovi Ikukomi Eason, Private Collection, Toledo, OH.
beginnings...[and] would deny to other peoples the same natural, God-given right—even God appointed duty to—to revolt against political oppression.”

He went to say that, “There is not ethically valid support for the American leadership’s support for counterrevolutions and offensives against revolutionaries in Vietnam, Guatemala, Columbia, Jamaica, South Africa, Chile Nicaragua, [and] South Korea.” Concluding he affirmed that there was a need for oppressed people of all races and colors to acquire an understanding of the African contributions to civilization. Summarizing the statements above, Zanu recognized systemic and systematic counterrevolutionary thrusts and saw education on the true nature of African people as paying a key role in liberating minds and attitudes towards all oppressed groups throughout the world.85

In 1990, Djisovi Zanu moved to Holland, Ohio so he could begin a doctoral program in American Culture Studies. While pursuing doctoral studies at Bowling Green State University in Ohio, Djisovi Eason was awarded the university’s international student exchange award, enabling him to attend Obafemi Awolowo University of Ile-Ife, Nigeria where he studied African history culture and Yoruba language. The field work done there in 1990 gave him a strong desire to return two years later to conduct additional research on the culture.

The trajectory of priesthood culminated in Ile-Ife, Nigera, where his initiations to Ifa were acknowledged by the Aaseda Awo Babatunji Adeyafa who presented him with sixteen ikin and other sacred objects.86 The number three priest in the world in Yoruba traditional religion divined and gave

85 Djisovi Zanu, "Student Majors Press Statement Proposal," (Atlanta: Clark College Department of Religion and Philosophy, 1987). From June to August in 1990, he was chief priest and music minister at the Church of God in Spirit in Griffin, Georgia. This reflected his consistent desire to pursue political liberation through cultural reclamation and black institutions.

86 ikin are sacred palm nuts that are to be used only by initiated high priests in Ifa divination. See Ifa Karade, The Handbook of Yoruba Religious Concepts (York Beach, Me.: S. Weiser, 1994), 91. For more of the context and significance of the ikin in diasporic religious practice, see Margarite Fernández Olmos and Lizabeth Paravisini-Gebert, Creole Religions of the Caribbean: An Introduction from Vodou and Santería to Obeah and Espiritismo, Religion, Race, and Ethnicity. (New York: New York University Press, 2003), 68-69.
him the spiritual name Ikukomi which is translated, “evil and death rejects.”

Commenting on the experience, Omulyi wrote, “The Ifa Festival that I attended in Ile-Ife in 1992 was my first. I was captivated. It was commemorative, educational, festive, performance-oriented, and otherworldly in its rituals that celebrated the orisha (Yoruba deity, divinity, god/ess) of knowledge and wisdom.”

The African experience was of utmost importance for the development of Djisovi Ikukomi’s worldview and his activism. It helped him to better understand his lifetime experience with Christianity. “It was not until I went to Africa and started visiting places like Nigeria that I saw people living out the religious principles of Christianity in their daily life…you might not know verbatim what they are saying but the way they treat you is there. You can see them embrace humanity.”

Throughout his teaching and scholarship, previous carceral experiences and cultural redemption informed his work. As Malcolm X had asserted that accurate information about the experiences of Afro-Americans and Africans played an important role in black liberation, Djisovi Ikukomi interpreted the education of people about traditional African culture and society as his major undertaking. Importantly, he saw education as an integral part of his activism. “Education can also be used as a liberating tool,” he asserted. “It can open up new grounds of endeavor and new opportunities for correcting some of the present miseducation people receive.”

Djisovi Ikukomi’s attraction to culture and folklore resonated deeply with previous experiences as an activist and a political prisoner. Citing Roger Bascom in a paper on folklore and folk life, Ikukomi recognized culture as functional. Drawing out its abilities to help settle legal decisions, validate moral and ethical conduct and using satire to vent frustration and hostility. He argued that folklore “may be

---

87 Eason, "A Vision of the University of Religion."


89 Eason, "A Vision of the University of Religion."

90 Montgomery, "Malcolm X Exhorts Negroes to Look to African Culture."

91 Eason, "A Vision of the University of Religion."
employed in the interest of pan-humanism.”

Teaching people to appreciate African culture was a central frontier of his activism.

While he maintained ties to local grassroots efforts in the Toledo, Ohio area he consciously engaged his pedagogy around themes of liberation in the African world. In 1991, local papers covered his efforts to discuss his experiences with resisting the draft and his imprisonment. The following year, he brought his mentor and friend Medahochi Kofi Zanu to Bowling Green State University as a guest artist at a drumming and dance workshop. While pursuing studies at Bowling Green, he continued to interact with a extensive network of Yoruba scholars and activists. He corresponded with Nigerian royalty and clergy on the continent of Africa extensively documenting his work on African culture and his devotion to the liberation of African people.

In 1993, he was organizer of the Odun Omo De Children’s Celebration and Odun Omo Eniyan Yoruba-Dahomean Celebration. Invoking his training under Babatunde Olatunji, he perceived the children’s festival as a day to encourage a spirit of unity and appreciation for African people. His strong appreciation for the drum as an instrument and a tool of liberation provoked him to form Babatunde Olatunji’s Drum Circle for World Peace. In 1995, Eason became a part-time instructor at Bowling Green State University. In 1997, he completed the dissertation, “‘A Time of Destiny’: Ifa Culture and Festivals in Ile-Ife, Nigeria and Oyotunji African Village in Sheldon, South Carolina” and began taking students to Benin, Nigeria and Ghana. As students saw the great difference between Ghana and Benin, Djisovi

---

92 Djisovi Eason, "Folklore and Folk Life," (Bowling Green, OH: Bowling Green State University, 1992), 1,3.


95 Djisovi Eason, Letter, late summer, fall or winter c.1992.

Ikukomi wanted them to understand that Benin was much more traditional. He wanted them to get back as close as possible to the type of culture that enslaved Africans were brought out of.

His research incorporated his experiences as an activist in Atlanta with his studies conducted in South Carolina and Nigeria. An important work on the African Diaspora, Eason linked religious and cultural Yoruba manifestations in West Africa to an African American Yoruba society at Oyotunji in West, Africa. He attempted to show the impact of African culture on people all over the world by bring inviting scholars that researched African influences in Mexico, India and Asia.

In 2003, he and his wife completed a joint publication, “Indigenous Religions and Philosophies,” contributing to much need scholarship examining religion and traditional belief systems in a modernizing African continent. During these years he also started the Africana Dance Troupe at Bowling Green. The troupe was inspired by his earlier involvement with Tyehimbe and a desire for him to share what he had learned about African culture with others. He hoped that by bringing people in to contact with African culture, he could uplift all of humanity.

In 1999, he became the full-time coordinator of the Educational Transformation through Cultural Arts (ETCA) program at the university, continuing his focus on taking African cultural arts and history to school children. His heart was often warmed when he moved about Toledo and saw youth of diverse ethnic backgrounds who greeted him with Yoruba songs and dance. During this period, he became nationally and internationally known for his scholarship in ATR and musical performances. In 2001, he and his wife attended the National African Religion Congress in Philadelphia. A quote summarizing the theme of the conference summarized the essence of his life and contributions to the black liberation struggle. “Orunmila demonstrates that true happiness only comes when one devotes ones time to the selfless service of others, living the virtue of love for one’s fellow man. It goes without saying that if one

97 Eason, "A Time of Destiny": Ifa Culture and Festivals in Ile-Ife, Nigeria and Oyotunji African Village in Sheldon, South Carolina”.

love [sic] one’s fellow man, one cannot seduce his wife, kill him, bear witness against him, steal his property and cheat him.”

Conclusion

Djisovi Ikukomi Eason and the African Soul Brothers illustrate the importance of a relatively obscure faction of the cultural nationalist movement of the late 1960s and how it impacted the lives of black activists following the death of King. He shows us that black cultural activism took on a distinct nature that challenged the authority of the state and transformed the lives of activists in a period of intense international and domestic conflict. Importantly, his life further illustrates how carceral factors can affect and refine the development of spirituality by testing one’s convictions and physical limitations.

The motif of redemptive suffering is present throughout Djisovi Ikukomi Eason’s life as he used a combination of activism, community organizing, spirituality and education to confront carceral abuses historically directed towards people of African descent. At the crux of all this is the question of black humanity. A historical problem stemming from the commodification of black bodies has persistently surfaced in the American society and begs the question of whether Africans are fully human on several levels: in unconscious mind, in conscious relationships, and in institutional relationships. As law enforcement authorities and carceral institutions added complexity to this fundamental problem in American society of treating humans as animals, Djisovi Ikukomi’s carceral activism and efforts in black liberation movements were aimed at presenting the full humanity of African people.

In a conversation with Djisovi Ikukomi Eason, he recalled his mother was born of a union between her mother and a white male, remembered in his family only as Beck. His mother was Elise Beck from Alabama. He said that she lived with a member of the Beck family until she reached the age at which black and white children were separated from each other as playmates. She then went to live with her maternal aunt in Atlanta and never reunited with the Becks but thought one of them was a judge in

---

Alabama. This narrative made him ashamed of that paternal ancestry—and white people were to be despised. His mother had an older sister, whom he loved and spent long periods of time. The blacks became her family. She was called “Black Gal.” He loved here because she nurtured him in table manners and etiquette and showed me affection. Black was good.  

He struggled with this for some years and when Lillian Ashcraft met him in 1985, he told her how much he hated white people. She told him that this meant that he hated himself because he had white blood in his veins. As he talked, he agonized and at some point he came to the point where he decided that he would truly embrace everybody. The drum became his tool of doing that. Djisovi called all type to people together in his drum circle demonstrating his love for everybody. He wanted everyone to participate, he invited Asians, white Americans, Africans, African Americans, a blind woman and her family, people that knew how to drum and people did not know how to drum.

He wanted everyone to recognize the cultural, philosophical and humanitarian contributions of African people to human history and felt that this was key to the eventual liberation of all people. Education of traditional African culture and religion brought redemption for him, he presented his prison experiences as a trial by fire that emboldened him and made him more receptive to additional spiritual forces and eventually enlarged his embrace for all people. Similar to the way prison catapulted Malcolm X into the Nation of Islam, Eason recognizes prison as catalyst in his search for greater spiritual strength to cope with oppressive conditions of human existence.

Following his involvement in ATR, he was able to transcend the local dilemma of his incarceration and the values it presented and developed a more complex cosmology of his activism in the context of pan-humanism. His redemption was a transformation. He suffered to prove that his ambitions and visions of cultural community and harmony were equally valuable as American notions of liberty and justice. His constant benediction of “peace and love came out of a protracted struggle,” he had gone to prison and jail to suffer for his conscience. ATR gave him a sense of resolve and opportunity to strike

---

100 Lillian Ashcraft-Eason, “Interview with Lillian Ashcraft-Eason,” 12 July 2006
against the system by not allowing his traumatic experience to corrupt him, but rather to transform form him in his love and respect for all people. He knew himself so well that he never me a stranger. He carried a prayer in his wallet, which he said daily. He also kept a fortune cookie slip in his wallet that said, “Nature forms us for ourselves not for others. To be, not too seem”

His life provides a segue into understanding the distinct nature of black political nationalism during that same period, as activists perceived regional carceral dramas as a component of international hegemonic policies addressed by the Black Panther Party for Self-Defense.
CHAPTER VI
BLACK PANTHERS AND CARCERAL FACTORS, 1966-1972

The idea is to isolate, eliminate, liquidate the dynamic sections of the overall movement, the protagonists of the movement. What we've got to do is prove this won't work. We've got to organize our resistance once we're inside, give them no peace, turn the prison into just another front of the struggle, tear it down from the inside. ¹

George Jackson

As evidenced in the dynamic life and scholarship of Djisovi Ikukomi Eason, by the end of the 1960s, the black protest movement was creatively using carceral factors as the axis of a variety of mobilization strategies in the black liberation movement. Atlanta activist Kofi Lukwaba Efú and the African Soul Brothers’ anti-war and anti-draft movement suggests the non-monolithic character of cultural nationalism in Atlanta, cultural nationalism was not monolithic. Scholars such as Scot Brown, Komozi Woodard and Jeffrey O.G. Ogbar have all contributed key scholarship to understanding the internal dynamics of cultural nationalism during the Black Power era. ² A central theme is that cultural nationalists used a variety of ideologies to achieve similar goals during this period.

The rise of the Black Panther Party in Oakland in 1966 illustrates another strand of Black Nationalist ideology, providing a point of contrast with some major themes of the cultural nationalist movement. Although the Black Panthers shared similar objectives and emerged from cultural nationalism, they are distinguished in the historical literature as political nationalists. According to

Cleveland Sellers in *River of No Return*, the Panthers were distinguished by their Marxist-Leninist approach (among other influences) to race and class problems.³

Part of their classification in the Black Power Movement (BPM) comes from their own designation, the Oakland Black Panthers referred to some prominent cultural nationalist groups as “pork chop nationalists” and “bootlickers.” West Coast nationalists, US led by Maulana Karenga, fought with the Black Panthers over who should run the emerging Black Studies program at UCLA.⁴ Both the Panthers and US focused on the development and sustenance of *cultural consciousness* by urging for inclusion of African/African American culture, ideology and worldviews in university curriculum. They differed over strategy and implementation of their policies.

In California, showdowns between black nationalists and local police became a key point of concern of the FBI and then Governor Ronald Reagan. Reagan was abhorred by the Black Panther Party (BPP) and sought to politick through an alternative group to weaken the strong Marxist element of the BPP. According to some sources, he turned to Maulana Karenga and his US organization. The Panthers viewed this approach as treacherous and emphasized the need for a political revolution to effectively restructure the relationship of power between blacks and whites in American society and throughout the world. Increasingly, as these two groups came to voice their disdain for each other, covert forces played the fiddle for the jig of confrontation that would ultimately end in the murder of two Panthers on UCLA’s campus. Two members of US were charged with the Panther slaying and sentenced to life in prison.⁵

While the differences of ideology in the Black Power Movement is clearly represented in the recently emerging historiography of the era as well as the vignette above, one fact that is often

---


⁴ US was a black cultural nationalist group that emphasized cultural consciousness and a return to African cultural traditions to address the problem of race in American society. Even within the black nationalist movement, carceral forces exerted a major influence.

⁵ Manning Marable, *Race, Reform and Rebellion*, 3rd ed. (Jackson, MS: University Press of Mississippi, 2001), 110.
understated is the centrality of carceral forces and prison experiences as a unifying factor. In the brief account of the feud between the Panthers and US, the common destination for members of both groups was a California prison cell.

As Peniel Joseph states in the introduction to the *Black Power Movement: Rethinking the Civil Rights Era*, a reassessment of civil rights and a reperiodization the Black Power era is needed and is already underway. As a result of focusing on the heroism of the modern civil rights era from 1954-1965, he argues Black Power has been blamed and demonized for the demise of black protest:

Characterized as a fever dream filled with violent rhetoric, revolutionary posturing, and the worse kind of misogyny, Black Power serves as a metaphor for not only the excesses of the 1960s, but provides a kind of fictive explanatory power for contemporary urban crises: ranging from alarming rates of inner-city unemployment and incarceration to debates over links between race, crime and the urban “underclass.” Consequently, in both conservative and liberal analyses of the 1960s, Black Power contains virtually no redeeming qualities, except perhaps for its promotion of black pride.

This chapter discusses some redeeming characteristics of the Black Power era by addressing how the Black Panther Party used the (un)popular image of the outlaw—a thug philosophy—within the counterculture of the New Left movement to intimidate federal authorities who feared the spread of urban riots. Furthermore the movement’s redemptive qualities are presented in the development of the BPP’s coherent revolutionary theory, largely driven by carceral politics and tactics. Ultimately, this chapter concludes with how carceral countermobilization undermined the Panther strategy and led to their decline. Prominent convicts and ex-convicts at the helm of Panther leadership including, Huey Newton, Bobby Seale, Eldridge Cleaver and George Jackson, (as well their advocates and supporters) collectively


illustrate the broad impact imprisonment had on the tactics, leadership, character and outcome of the organization’s strategy.⁸

The Carceral Policy Context of the Black Panther Party

By 1968, urban political violence had reached such proportions that it prompted a series of federal investigations stemming from the oval office throughout every branch of law enforcement in American society. The fully realized consequences of social disorder were bearing hard on law enforcement agencies. A key concern was the recurring and spontaneous phenomenon of urban disorder. Episodes of rioting, politically motivated or otherwise, were mounting in costly damage to property and tarnishing the country’s Cold War image.⁹

President Johnson perceived that the underlying roots to these urban disturbances lay in poverty. He attempted to address them through his Great Society legislation that was becoming increasingly sparse due to the increasing cost of mobilization in Vietnam. Challenging the president’s view on addressing poverty as the underlying cause of urban violence, a contrarian view developed espousing that urban

---

⁸ Fortunately there have been a variety of prison narratives and memoirs published by Black Panthers that provide a good perspective on the various ways imprisonment, jailing, police brutality and other carceral factors have affected the party. This chapter draws largely from some of the seminal publications of prominent male leadership in the Black Panther Party bibliography. Many of these works were published or transcribed in media res, providing an excellent snapshot of the period. Other published memoirs and autobiographical works used in this chapter retrospectively yield how some perceptions of the period and its strategies have been developed over time. Major works consulted in this chapter include: Eldridge Cleaver, Soul on Ice, 1st ed. (New York: McGraw-Hill, 1967), George Jackson, 1941-1971, Blood in My Eye (Baltimore, MD: Black Classic Press, 1990), Huey P. Newton, War against the Panthers: A Study of Repression in America (New York: Harlem River Press, 1996), Huey P. Newton and J. Herman Blake, Revolutionary Suicide (New York: Writers and Readers, 1973), Bobby Seale, Seize the Time: The Story of the Black Panther Party (London: Hutchinson and Company, 1970).

⁹ Statistics of urban violence were largely affected by these riots and marked a 65% increase—the increase was most markedly pronounced among those aged 10-17. The federal government had committed troops on multiple occasions to quell dissenters and to restore order and had come to recognize several important factors: violent urban crime was overwhelmingly committed by males between 15 and 24, the offenders were very poor, violent crime often stemmed from the black ghetto, the victims and the perpetrators of these crimes were generally black while the robbery victims were often white. See National Commission on the Causes and Prevention of Violence, To Establish Justice, to Insure Domestic Tranquility: Final Report (Washington: U.S. Government Printing Office, 1969), xvii.
dissent was largely a byproduct of an inadequate criminal corrections infrastructure. Others suggested that it was an indirect byproduct of the civil rights movement. Regardless of the cause, in 1968 a major problem was presented to the president and the commission in how to control the 100% increase in the national crime rate from 1958-1968.\textsuperscript{10}

In June, President Johnson had signed Executive Order 11412 establishing the National Commission on the Causes and Prevention of Violence. The purpose of the commission was to investigate and make recommendations concerning the causes of crime and prevention of disorder and violence in society including assassination, murder, and assault. Undoubtedly, this commission was formed out of an apprehension of the tumultuous riots of 1966 and 1967. The urban rebellions sent much of the nation into a shock regarding the future of law and order and personal safety.\textsuperscript{11}

In section 2b of this executive order, Lyndon B. Johnson ordered the commission to probe scholarship and seek answers to find causes and prevention of disrespect for law and order and of public officials. Furthermore, the president was particularly concerned with violence by groups rather than individuals. This request was a veiled reference to address the growing restlessness of militant groups such as the Weatherman Underground and the Black Panther Party. \textsuperscript{12}

\begin{itemize}
  \item \textsuperscript{10} Ibid., xiv.
  \item \textsuperscript{11} Ibid.
  \item \textsuperscript{12} The Commission underscored the threat of urban violence to inhabitants of urban areas and property. See Ibid., xvi. The commission was composed of a variety of different professionals, authorities and scholars. The commission was chaired by Dr. Milton Eisenhower and included Congressman Hale Boggs, Archbishop Terrence J. Cooke, Ambassador Patricia Harris, Senator Philip A. Hart, Judge A. Leon Higginbotham, Eric Hoffer, Senator Roman Hruska, Albert E. Jenner, Jr. Congressman William M. McCulloch, Dr. Walter Menninger, Judge Ernest William McFarland, and Leon Jaworksi. "This Report considers the extent to which weaknesses in our institutions and our laws are causing the violence in today's America..." This opening statement in the introduction of the report reveals that authorities saw the need to make legislative changes to address certain systemic failures within correctional institutions and law enforcement. Prior to Attica, institutions of correction were being perceived as too weak and far too lenient in fulfilling their role in the preservation of law and order in American society. See National Commission on the Causes and Prevention of Violence, \textit{To Establish Justice, to Insure Domestic Tranquility: Final Report}, xvi.
\end{itemize}
The commission recommended that a lack of legitimacy was also endangering the effectiveness of law and order. A section of the report addressed the role that civil disobedience played in undermining a general respect for law and order. In order to effectively quell the dissent and discontent of groups perceived as an influential minority in American society, in the opinion of the commission, there needed to be a remodeling of the entire criminal justice system. The findings of the commission are important in reconsidering how legislators and law enforcement reframed these issues in the context of Black Panther militancy.\textsuperscript{13} Regarding black militants, the commission recounted tersely:

   The radical black militant who attacks a policeman or bombs a college building is not simply a common criminal. He is indeed a criminal, but he is different from the burglar, the robber or the rapist. He is acting out of a profound alienation from society. He believes that the existing social and political order in America is not legitimate and that black people in America are being held in 'colonial bondage' by 'an organized imperialist force.' Thus he is able to interpret his act of violence not as a crime but as a revolutionary (or 'pre-revolutionary') act. As an isolated occurrence, this distorted interpretation would not be significant -- but the interpretation is sustained by and articulated ideology that is today competing with traditional American values for the minds and hearts of the rising generation of black ghetto residents.\textsuperscript{14}

The law enforcement counteroffensive to black militancy in the post-King years had begun with reframing the idea of the cult hero or outlaw as a special criminal and a subversive thug. The work of COINTELPRO had been aimed at disrupting black protest, student protest and anti-war protest internally through covert operations.\textsuperscript{15} The legislative agenda that would now emerge from the recommendations of


\textsuperscript{14} Campbell et al., \textit{Law and Order Reconsidered: Report of the Task Force on Law and Law Enforcement to the National Commission on the Causes and Prevention of Violence}, xxi. There is now widespread consensus that much of this revolutionary “threat” was exaggerated by the media and local police official. See Joe Feagin and Eileen O'Brien, \textit{White Men on Race, Power, Privilege and the Shaping of Cultural Consciousness} (Beacon, MA: Beacon Press, 2003), 56-57.

\textsuperscript{15} For a fundamental background reading on COINTELPRO see Nelson Blackstock, \textit{COINTELPRO: The FBI's Secret War on Political Freedom}, 3rd ed. (New York: Anchor Foundation:}
this commission contested the movement from the outside by challenging the *cause celebre* status of the black revolutionary hero through a faster sentencing process, a restriction of prisoners’ rights, and an emphasis on crime control. By reframing the understanding of political prisoner, legislators in essence undermined the legitimacy of black militants. Militants claimed they worked on the behalf of the people; carceral authorities argued that they were nothing more than organized crime syndicates and glorified gangs. In considering this legislation, politicians played to a growing number of concerned American citizens with fears of rising crime. For the citizens referred to as "the Forgotten Man" in the commission report and as the “Silent Majority” by President Richard Nixon, an emphasis on crime control was increasingly becoming politically expedient.

Perhaps the greatest paradox in the development in public policy regarding the black family was the emergence of the black militant. While legislators suggested conscription as a partial solution to the alleged ills of black masculinity, the Black Panther Party and other militant organizations presented a

---

16 This was no new accusation of black protesters, civil rights activists and conscientious objectors had been accused of similar charges. However, there were several unique factors that legitimized the accusations of black protest during this period including: the Vietnam War, a series of prison riots and street riots, and inflated media images of black vigilantism. Despite public fears of the gang activity, largely due to sensationalist accounts (e.g. Harlem Hate Gang Scare in the *New York Times*) By the 1970s, gang activity in the U.S. was actually on the decline. Karen L. Kinnear, *Gangs: A Reference Handbook* (Santa Barbara, CA: ABC-CLIO, 1996), 48. Despite these statistical reality, public perceptions and consequently politics surrounding criminal activity remained. Largely the influence of the gang persona in major motion pictures such as *The Wild One* (1954), *Rebel Without A Cause* (1955), and *West Side Story* (1961) had firmly gripped the public imagination and they liberally applied these characterization to street disturbances in general. Gangs were reduced to simple-minded and stubborn ideologues that refused to submit to notions of authority. Critical inquiry to the correlation of criminal activity, poverty, and political dissatisfaction decreased while a rising atmosphere of apprehension gripped the nation.

dangerous alternative. They bucked at the war on communism, taunted the police, and established sustainable community projects, all while treacherously exuding the coolest image of black machismo in the late 1960s and 1970s. The looming presence of the Panthers suggested that there was nothing defunct about black masculinity and that in fact it was alive, armed and quite dangerous.\(^\text{18}\)

Law enforcement authorities conjectured that the overarching menace was not the petty thief, the rapist, or the child molester, all of which were becoming equally voracious during this period, but rather the primary frustration of state and federal legislators was the image of the beret-wearing, gun-toting, black menace that had the audacity to raid the state capital in Sacramento with a cache of weapons.\(^\text{19}\) The Wickstrom, The State of Black America: A Report on the Black Community (New York: Basic Books, 1978), and “The State of the State” (Sacramento Bee, May 16–17, 1978).

\(^\text{18}\) In the now critically held 1965 Moynihan Report, Daniel Patrick Moynihan held that much of the socioeconomic frustration affecting the African American community could be traced to the deficiency of male figures in the black family. Using a paradigm that explained the history of African American oppression, the report placed a lion’s share of the blame on the defunct nature of the black family, particularly the matriarch and the emasculated black man, rather than institutional modes of oppression. Moynihan’s efforts inadvertently contributed to a national discussion in which the ‘weakness’ of black masculinity was overemphasized and unequally demonized. A concluding discussion on the “Tangle of Pathology,” gloomily forecasted the danger of radicalization and separatism stating, “The only religious movement that appears to have enlisted a considerable number of lower class Negro males in Northern cities of late is that of the Black Muslims: a movement based on total rejection of white society.” See Steve Estes, I Am a Man!: Race, Manhood, and the Civil Rights Movement (Chapel Hill: University of North Carolina Press, 2005), 107-09, esp., 8. Daniel Patrick Moynihan, The Negro Family: The Case for National Action (Washington, DC: Department of Labor, 1965), Lee Rainwater and William L. Yancey, The Moynihan Report and the Politics of Controversy; A Trans-Action Social Science and Public Policy Report (Cambridge, MA: M.I.T. Press, 1967).

\(^\text{19}\) On May 2, 1967, the Panthers drove to Sacramento to display their disapproval of the Mulford Bill and other carceral elements of society. They viewed the bill as Mulford had presented it as a carceral form of legislation aimed specifically at keeping the party members from carrying loaded weapons in public. Some weeks earlier, Mulford threatened Bobby Seale with introducing legislation to make it illegal to carry guns in city limits. It was a tactical maneuver on the part of Mulford to neuter the party of their braggadocio swagger by disarmament. Such a move would allow them to be more effectively policed and controlled with regard to action and image. The result was mixed. It was the image of protest stemming from this bill that catapulted the Panthers into national coverage and gained them the attention of federal authorities as a threat to American society. Armed and uniformed, the Panthers entered the Capitol building with Governor Ronald Reagan on the lawn conducting an interview. After being a bit disoriented, they marched directly into the Assembly Chamber, with the state legislature already in session, toting guns, berets and all. They were led to another room where Bobby Seale read an executive mandate outlining the Panther resistance to the Mulford Bill among other contentious points of their platform. This concluded the campaign. No shots were fired. No guns were aimed. No rifles were discharged. As they drove back to Oakland they were arrested on conspiracy charges but the arrests only added to their growing fame and popularity. From this point, they were considered heroes in the eyes of a broader black discontented class. See “Sacramento and the Panther Bill” in Huey P. Newton, David
threat of the militant Negro was the trump of all American menaces, for the new militancy posed a threat to authority and power and directly challenged the authority of the police. Furthermore, they increasingly were becoming influential in swaying minority opinion and international perception of American police from ‘the long arm of the law’ to self-indulging, arrogant, pigs.  

In addition to racism, another reason that law enforcement was skeptical of the Party was because the recruiting grounds for the first Black Panther Party were in the heart of the black community in Oakland. While the party never endorsed anti-white sentiments, as it has often been falsely characterized, unlike previous interracial solidarity movements (SNCC in the early 1960s, SCLC, CORE) that recruited locally and solicited the help of white students from northern colleges and universities, the BPP focused its recruitment among predominantly black, poor and “criminal” members of the Oakland community. As Bill Lee recalls, the Party had a penchant for attracting recruits of ill repute according to conventional standards. “They discussed the program with hustlers and thieves, people just out of jail or prison or those who were on their way to one or the other.”


20 William Lee Brent, *Long Time Gone* (New York: Random House, Inc., 1996), 87. According to William Brent Lee and some other reports, the rise of the armed and seemingly dangerous Black Panther Party was equally disturbing to a number of blacks as well.

21 Ibid., 89,91. Perhaps some the paranoia of J. Edgar Hoover’s FBI can be attributed to fingers pointing at him in the aftermath of Kennedy’s assassination. He had been criticized by the Warren Commission for his failure to notify the Secret Service that Lee Harvey Oswald was in Dallas. See Herbers, "Dr. King Rebuts Hoover Charges." Also see Curt Gentry, *J. Edgar Hoover: The Man and the Secrets* (New York: Norton, 1991), 449-52, Warren Commission and Earl Warren, *Report of the President’s Commission on the Assassination of President John F. Kennedy* (Washington: U.S. Govt. Printing Office, 1964). The actual threat of the Black Panther Party relevant to their numbers was grossly overestimated by COINTELPRO and carceral authorities. Much of this ‘success’ in conjuring an image of a foreboding revolutionary army can be credited to most of the party prisoners’ celebrity status and their access to media. While it is true that there was a bit of a membership explosion in the BPP following the imprisonment of Huey Newton, many of the new chapters that were being started were unauthentic, unauthorized and some were in fact really ‘criminal’ operations posing as revolutionary activity. But how can that legal status be effectively be determined when the Panthers so aggressively challenged the validity of the category altogether? The party’s most effective and most menacing members in manipulating public fears were all killed, imprisoned or effectively exiled by 1971. Nevertheless, perhaps the most important work of the Black Panther Party was penned and strategized by its cadre of political prisoners.
Understandably, the designation of “criminal” and “political prisoner” is a difficult label to evaluate in this context as well as in preceding chapters. From the perspective of the carceral authorities seeking to impose law and order on what they viewed as a rapidly decreasing society, the black militant fulfilled the role of a special threat. Carceral authorities interpreted the actions of black militants as politically criminal, subversive and dangerous. Because of their special criminal status, in which guilt was often determined by mere affiliation, imprisoned black militants were in essence political prisoners even by the most conservative application of the term.

In October of 1970, the House Committee on Internal Security took up an investigation into the origin and development of the Panthers as evidenced in its official weekly newspaper. The Committee cast a skeptical eye on the use of the term “political prisoner” and examined a mailing list of political prisoners that was distributed in the Black Panther.\textsuperscript{22} Although the commission and other elites recognized the particular status of black militants, a strategy that classified them with common thugs and criminals was employed to ultimately discredit their efforts and silent their discontent entirely. Hence, historians have often denied imprisoned Black Panthers status as political prisoners despite the nature of their accusations, a testament to the effectiveness of carceral propaganda. The undertaking of an investigation of the Panthers by this committee was important because it oversaw subversive activities in the United States and assisted the executive branch in administrating laws to address such threats. When the Panthers were taken up by this committee, it could be concluded that they posed (or presented the possibility) a significant and widespread threat to national security.\textsuperscript{23}

In addition to the extreme scrutiny by the House Committee on Internal Security, the changing institutional structure of correctional facilities also affected the ability of black militants to maneuver and mobilize within the system. At the turn of the century the growth of the city led to an urban movement

\begin{footnotesize}

\textsuperscript{23} Ibid., vi-vii.
\end{footnotesize}
which largely contributed to the expansion of crime. "Crime increased; more and larger confinement facilities were required, but few new jails were built, and the existing ones were simply packed with more inmates." As the United States moved into the 20th century, the nature of American jails had also begun to change. One source of change was the state legislature. Most states passed legislation to outline the protocol for local jails but few states had any enforcement to ensure that these measures were carried out. The overhaul of prisons and jails also was largely accompanied by the development of crime control laws and theories that laid the criminological, judicial, and political foundation for years to follow.  

In the 1960s and 1970s, the notion of introducing the jailer as a “professional” reenters political discussion; new locations for jails are also considered. The desire to professionalize jails had occurred before but not to the extent that it would appear in the rehash of riots and urban unrest. The jailer was seen as a tool to dissuade and contain populaces and a gatekeeper of the public peace, not just a part-time that fumbled with key rings to the cells of the local drunks. In good keeping with the increasing number of urban dissidents that would inhabit them, the new sites of jails would be in the heart of American cities. Increasingly, jails were constructed on the top floors of city and county administrative buildings resulting in a new attraction on the city skylines--high-rise jail.

The Law Enforcement Assistance Administration (LEAA) began conducting a national census of jails in the spring of 1970. This tally included every county with 1000 or more people in the jail but did not include state operated facilities only those operated locally by a county, city, or township. Jails in the United States confined 160,863 inmates--an average of about 40 inmates in each of the 4037 jails. Adult males accounted for nine out of 10 inmates and juveniles and females accounted for about one in 20.

---


25 Ibid., 76.

26 Ibid., 79.
Leading the carceral institutions, California posted the greatest number of prisoners with 27,672 or 17% of the total.  

As the state contended with domestic dissenters to legitimize its violence abroad, black militancy and episodes of New Left radicalism prompted white fears of domestic terrorism. Federal and local law enforcement had to deal with new methods of confronting black militancy that could not rely on traditional techniques of violent repression. Following repeated showdowns with local law enforcement, federal authorities had researched the tactics of militants and learned that oppressive tactics such as police brutality factored into what the militants characterized as “political education” heightening distrust and contempt for authorities among non-aligned individuals. The answer to outbreaks of urban violence, black militancy and anti-war radicalism was not in harsher policing but better policing and incapacitation. In addition to these factors, black militant protest in a time of war inadvertently legitimized state violence and the rise of carceral authority and infrastructure. 

Carceral Politics of Black Panther Party Protest

The Black Panther Party is crucial in understanding changing perceptions and responses to black urban rioting and activism between carceral forces and African-American protests during the years of the black liberation movement. Police brutality remained out-of-control and was becoming a fact of life for large numbers urban blacks involved in the movement or otherwise. While the New York Times reported that there were “no reliable reports on police brutality” in 1965, of the 1048 reported injuries inflicted by

---

27 The only other states with more than 10,000 inmates were New York and Texas with 17,399 and 10,720 respectively. Other notable mentions were Florida Pennsylvania Georgia which accounted for 78,829 inmates, are about half the total number can find the United States. Ibid., 84-85.

28 Jerome H. Skolnick and Task Force on Demonstrations Protests and Group Violence, The Politics of Protest: A Report (New York: Simon and Schuster, 1969), 81-82, United States. National Commission on the Causes and Prevention of Violence, To Establish Justice, to Insure Domestic Tranquility: Final Report, 64-65. Much of the latter reference addressed the tactics and practices of the Black Panther Party citing examples of their activities but did not specifically name the Black Panther Party (e.g., on page 67 the report cites, “Given present trends, it is not impossible to imagine an America in which the accepted method for getting a traffic light installed will be to disrupt traffic by the blocking the intersection...”).
police in Detroit, some 617 complaints were filed by African Americans. Other major urban centers in New York and Boston followed with disproportionate numbers of African American complaining of police misconduct. With the image of black protestors being trampled at the Edmund Pettis Bridge in Selma, 1965 provided some rather agitating visual images for a young and emerging Black Panther Party to mobilize around.\textsuperscript{29}

In 1966, Huey Newton and Bobby Seale gathered after a series of conversations about issues confronting the black community and outlined the 10 points of the Black Panther Party. Newton had become disenchanted with cultural nationalists and the Afro-American Student Association at Oakland City College. Both Newton and Seale criticized the former organizations and its ideologues for reactionary tactics that lacked a pragmatic approach in addressing the exploitative effects of a capitalist system on American blacks. The Black Panther Party was the outgrowth of an ex-convict’s theoretical hybrid of Black Nationalism, radical Marxism-Leninism, and Third World revolutionary philosophy.

Contrary to popular opinion, the threat of the Panthers as racist extremists has been thoroughly discredited in an extensive body of literature.\textsuperscript{30} However, the problematizing of the Panthers as a politically disruptive force in inner city ghettos, a belief held by J. Edgar Hoover at the time, is certainly more plausible. This fear could certainly be validated in the context of the carceral instability during the 1960s. The Panthers worked to build solidarity across racial, international and protest boundaries in an effort to bring increasing pressure on local law enforcement and scrutiny of the American ideal of law and order.


At least 4 points of the Black Panther Party Platform and Program addressed aspects of the carceral environment of the United States:

6. We want all Black men to be exempt from military service. We believe that Black people should not be forced to fight in the military service to defend a racist government that does not protect us. We will not fight and kill other people of color in the world who, like Black people, are being victimized by the white racist government of America. We will protect ourselves from the force and violence of the racist police and the racist military, by whatever means necessary.

7. We want an immediate end to POLICE BRUTALITY and MURDER of Black people. We believe we can end police brutality in our Black community by organizing Black self-defense groups that are dedicated to defending our Black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. We therefore believe that all Black people should arm themselves for self-defense.

8. We want freedom for all Black men held in federal, state, county, and city prisons and jails. We believe that all Black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

9. We want all Black people when brought to trial to be tried in court by a jury of their peer group or people from their Black communities, as defined by the Constitution of the United States. We believe that the courts should follow the United States Constitution so that Black people will receive fair trials. The Fourteenth Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical, and racial background. To do this the court will be forced to select a jury from the Black community from which the black defendant came. We have been and are being tried by all-white juries that have no understanding of the “average reasoning man” of the Black community.

Perhaps one the most interesting components of the Panther’s strategy against carceral structures was the practice of “patrolling.” Fed up with the abuses of police brutality in the Oakland area and across the nation, the Oakland Branch of the Black Panther Party began implementation of the ten-point program.


32 Huey P. Newton, David Hilliard and Donald Weise, eds., *The Huey Newton Reader* (New York: Seven Stories Press, 2002), 56.
though armed patrols. Armed groups of Panthers confronted police apprehending a suspect and observed the process to ensure that that law was being upheld and that the suspect was informed of his rights. In the early days of the Party, Black Panthers placed an emphasis on knowing and obeying the law—especially the American Constitution—in this manner they were similar to Dr. Martin Luther King. They held a deep attachment to its values and universal application to the rights of all citizens. In some instances, they boasted that they knew the law better than the police.\footnote{Huey P. Newton, David Hilliard, and Donald Weise, \textit{The Huey P. Newton Reader}, A Seven Stories Press 1st ed. (New York: Seven Stories Press, 2002), 76.}

In addition to their ‘superior’ knowledge of the law and their rights, the Panthers also could claim a superior knowledge of criminals and carceral culture. The Black Panthers were able to effectively build a national party (then a transnational movement) by ignoring social eligibility requirements by appealing to “questionable elements” of society. King and his legacy in civil rights organizations were overly concerned with the politics of respectability and had been mainstreamed partially into the political process. Bayard Rustin’s transition, elucidated in \textit{From Protest to Politics}, had eroded his street credibility among more militant black protestors. The increasing cooperation of major civil rights leadership and national authorities resulted in a vacuum of leadership for urban discontented elements of the period to address growing grievances of poverty and police brutality. Malcolm X had some success in organizing in this arena but since his death the Muslim movement was in decline and the remaining Muslims could often be accused of maintaining the same politics of middle class respectability that civil rights organizations aspired to achieve.\footnote{Bayard Rustin, "From Protest to Politics: The Future of the Civil Rights Movement," \textit{Commentary}, February 1965 in \textit{Down the Line: The Collected Writings of Bayard Rustin} (Chicago: Quadrangle Books, 1971), 111-122.}

The police figured prominently into the Panthers’ platform. While the federal government was focusing increasingly on urban group violence, the Panthers were engaging law enforcement officials and questioning their legitimacy. David Hilliard stated at a rally that it was the police and not the Panthers who were “the real criminals.” In a way, the Panthers established themselves as the true enforcers of the
law by addressing the flaws of police. Initially they pulled authorities into a public relations battle over the legitimacy of the law enforcement itself. It became increasingly vital for authorities engaging the Panthers to maintain a good public image in addition to their traditional duties.

Violence characterized much of the interaction between police and the Panthers as evidenced in the number of Panthers who died in confrontation (or lack of confrontation according to some recent evidence) with police throughout the United States. Los Angeles and Chicago were branches of the Black Panther Party that were especially subject to police brutality. It was this recurrent theme of police brutality that linked the Panthers to the masses of outraged urban blacks. In 1981, Michigan House Representative John Conyers addressed what he referred to as a “double standard of criminal justice” by outlining how police brutality mobilized urban masses during the time. Instead of focusing on intrinsic factor of the ghetto experience as being responsible for urban riots as the commission had done, he focused on the excessive force of external law enforcement—instances of white police brutality in the ghetto.

Unlike Johnson’s commission that juggled various factors as responsible for outbreaks of urban violence, Conyers held that the events that triggered riots were virtually all the same. A police officer publicly beats an African American in public. Word spreads the community and in the context of a memory of past abuse rage inevitably is ignited in rioting. It is a catch-22 situation, he asserts “People roam in the streets and loot and fight back because, even if they don’t, they will end up trapped in a racist system of criminal justice.” More effectively than any other black protest organization, the Panthers struck resonant chords with their ability to empathize and sympathize with urban blacks around this theme.35

The Panthers were well aware of the impact of the police as a carceral force, a repressive institution, within the black community. The instance that drew the Panthers into local popularity in Oakland was a showdown with the police in which Huey Newton lectured local law enforcement of his

---

constitutional rights while loading an M-1. An article entitled, “Pigs--Panthers” published in the Black Panther of November 22, 1969 summarized this Panther frustration with carceral forces -- particularly the local police. The Panthers interpreted the police and other carceral authorities as being executive mechanisms of a capitalist structure maintaining capitalist interests of the "oppressor." They fluently spoke the revolutionary rhetoric, evidencing “mouth power,” in a way that resonated with urban blacks. Equally important, the Oakland Panthers mastered the image of rebelliousness and insubordination through a keen understanding of legal rights and in many instances merely bluffing.

A writer with the nom de plume, “Candy,” further explored the antagonism between the Black Panther Party, the police and other carceral interests in the Black Panther. Candy maintained that the Black Panthers were working for the interest of the people, whereas the police/pigs and other carceral elements were working in the interest of the state through acts of oppression she characterized as fascism. "Terror, intimidation, brutality, and murder have become the order of the day as the police try to keep any progressive or dissenting elements from developing in our communities.” The goal of the party included a direct responsibility to the community through programs to fight poverty. Other major goals were to reveal the oppressive tactics of the carceral state through police violence and delegitimize law-enforcement agencies. Candy characterized this strategy as a decentralization tactic.

Tactical reasoning and personal experience were both reasons that police brutality was the focus of the 7th point of the party platform. When Watts erupted into urban riots in 1965, it was the police who were central in aggravating African Americans. It marked the first time during the Cold War that blacks in such large numbers had lashed out at whites in American society. The majority of the preceding examples of riots in urban unrest had been characterized by whites who are attacking blacks in rushing into African-American communities in fits of racial outrage. Some have contended that this uprising was


38 Ibid., 37.
seen as an act of defiance towards police who were increasingly seen as an “army of occupation.”

Following the Watts riots, a group known as Community Alert Patrol (CAP) was formed to address the police treatment of ghetto residents. CAP was the prototype for the type of resistance that the Panthers employed in their opposition to carceral forces.  

Police fed the insatiable anger of black militants. In the words of John Conyers, “The crime of police brutality probably contributes more to the increase of frustration, anger—and violent riots—in ghetto areas than any other single illegal act.”  

Ali Bey Hassan, one of the New York 21, recalled the Newark riots in the summer of 1967 and traced how his consciousness was altered by the police brutality that accompanied the rioting. He stated:

The press called it a riot, but the people saw it as a true rebellion, the people’s answer to intolerable ghetto conditions and police brutality and murder. And all those murders of black people by the police were labeled “justifiable homicide”…One time I was standing in a doorway… and saw about twenty cops chasing one black guy, with the crazy pig captain shouting, “Shoot the black bastards! Shoot them!” And I saw a pregnant woman shot down, armed with just the dress she wore…I and some other bloods tried to form a self-defense organization to protect the people in our community. But the cops found out before we could really move on our ideas.

Nearly every Black Panther had some experience with police brutality or at the very least had witnessed it. Katrara, of the Panther 21, related the story of an “army of cops” opening fire on a black suspect in a black community with innocent bystanders all over the street. When people yelled out of the windows for the cops to stop shooting, according to Katara they pointed their guns to the people in the


40 Conyers, "Police Violence and Riots," 4-5.

windows and told them to keep inside and mind their own business. A collection of stories like this one and a collective experience framed the Oakland Panther’s perspective of police violence.  

Although police figured prominently into Panther strategy as a counterpoint of contention, the Oakland branch viewed police as part of a larger problem of systemic injustice. For the Panthers this system was fascist and used a semblance of law and order to orchestrate deceit and treachery of the people. This carceral infrastructure was manifest throughout all branches of state and local government—Panthers seldom made distinction between the two. Both were perceived as equally corrupt and oppressive tentacles of a fascist regime. The key point of contention was not the state itself, or merely the unjust practices of the state but the overarching tendency of authorities by political and economic means of which the police were the most visible instrument of domination.

The Carceral Persona of Black Panther Party

The background of key leaders of the BPP reveals why the organization was so concerned with carceral issues. Collectively, their experience with law enforcement and imprisonment reflected a deep understanding that all crime was a political construction and that all criminals were political captives. Prior to organizing the Panther Party, Newton had had several run-ins with law enforcement. He was arrested several times for burglary and at 22 years of age for assault with a deadly weapon. For the assault charge he was sentenced to six months in Alameda County Jail where he served most of his sentence in solitary confinement. Newton’s conviction would soon prove to have a radicalizing effect on his already unsettled social consciousness. Regarding his imprisonment for the assault charge in 1964, he wrote “Jail is an odd place to find freedom, but that was the place I first found mine.” While imprisoned at Alameda, or Moby Dick as the prisoners called it, Newton became involved in a food strike

42 Katara in Ibid., 90-91.

43 Newton and Blake, *Revolutionary Suicide*.
to protest the conditions in the jail. Newton was twenty two years old at the time and had been to jail several times before, but he marked the jailing of 1964 as his first experience with solitary confinement.\(^4^4\) 

Serving time in the “soul breaker,” aroused Newton to the inhumanity of the carceral experience. The cell was four and a half feet wide, by six feet long, by ten feet high. The walls were painted black and the floor was tiled with rubber. The prisoners were deprived of light, clothes, a blanket, food and access to proper hygiene. Prisoners were rationed two squares of toilet tissue a day. There was no bunk, no toilet and no washbasin. One hole in the floor, which the prisoner had to find in the dark, was to be used for urination and defecation. It was a horrifying situation.\(^4^5\)

The prisoners were kept in the “soul breaker” or sensory deprivation units to get them to conform with institutional policy. Newton soon realized that the “soul breaker” was not only an assault on the body but more importantly an attack on the mind. He claimed to have mastered the experience by learning to control his mind, following Ghandi’s practice of eating and drinking in extremely small portions, far less than provided to virtually eliminate the daily need to urinate and defecate. He performed calisthenics and stretches but most importantly he learned to control the thoughts in his mind. Newton affirmed, “I learned to control my food, my body, and my mind through a deliberate act of will.”\(^4^6\)

Newton’s imprisonment seemed to have exacerbated a long history of rebelliousness against law and order. Newton described as a bright but notoriously slow reader claimed to have learned about California law to better defend himself in court against criminal charges. While a student at Merrit Junior College he successful defended himself against a petty theft charge brought against him by the dean of the college in 1966, this was an instance of which he was quite proud.\(^4^7\)

\(^{44}\) Newton, Hilliard, and Weise, *The Huey P. Newton Reader*.

\(^{45}\) Ibid., 39.

\(^{46}\) Ibid., 40-41.
Gradually, Newton developed a reputation among black students on campus that he was willing to confront the police on any occasion and would consistently assist those he felt were being harassed by authorities. Newton went to great lengths to maintain this image and his stubborn resolve to confront authorities certainly may have contributed to his disagreements with cultural nationalists on campus. For Newton, even before the Black Panther Party had been officially organized, all confrontations with authorities were acts of “political education” and resistance. It was this manifestation of direct action that was foremost in his mind. Other than the police, Newton despised nothing greater than the black cultural nationalists whom he perceived as a fraud because of their lack of ‘heart’—a willingness to back up their ideas with action.\(^\text{48}\)

On October 28, 1967, Huey Newton the first Minister of Defense for the Black Panther Party, commenced in an armed battle with policemen. One policeman was killed and the other was seriously wounded. Newton was arrested at the hospital where he was being treated for gunshot wounds and was jailed immediately following this. He was handcuffed to an emergency room gurney, an image that generated wide support for the view that the Panthers were being persecuted by the police. After questionable medical treatment, he was sent to the Oakland county jail and held there on charges of first-degree murder.\(^\text{49}\)

The Panthers argued that one policeman had inadvertently shot the other while trying to shoot Newton and that the imprisonment Newton was based on false charges. The Oakland Branch led by Bobby Seale began to mobilize the interest of the community around the theme of Newton’s unjust imprisonment. Newton’s imprisonment provided the momentum to get blacks in Oakland mobilized and achieved some international exposure. The Free Huey Newton Campaign also marked the spread of

\(^{47}\) Newton had stabbed a man by the name of Odell Lee as he recounts in self-defense. He blames his conviction on his inability to get a jury of his peers, which he claims could have better interpreted cultural issues surrounding his action. See Ibid., 35-36, Seale, \textit{Seize the Time: The Story of the Black Panther Party}, 22.


\(^{49}\) Stone and Moore, eds., \textit{I Was a Black Panther}. 
growing dissatisfaction with carceral abuses and received widespread support from various radical organizations. In February 17th, 1968, a rally to free Huey Newton marked the largest crowd of black and white activists assembled in Oakland to that date. Importantly, this event was able to mobilize not only blacks and white activists (e.g., the Peace and Freedom Party) who were sympathetic to the Panther cause but also a number of concerned citizens who wanted to address the plight of an unjust imprisonment.\textsuperscript{50}

The imprisonment of Newton did more than mobilize outside supporters from a variety of protest interests; it also deeply impacted his perceptive abilities and theoretical conjecture as a leader. Imprisonment provided Newton with time to revise and refine a good deal of the party’s ideological stance. During this period Newton recalled, “I relived my life. I thought of everything that I had done and realized some new things in that jail. I viewed jail as no different from the outside. I thought of the relationship of being outside of a jail and being in and I saw great similarities. It was the whites who had the guns and controlled everything…” Ultimately, desperate times called for radical measures. Huey Newton interpreted the government sanctioned right to kill and imprison as an act of warfare and the legality of the death penalty as an act of violence against a political entity.\textsuperscript{51}

\textsuperscript{50} Brent, \textit{Long Time Gone}, 89, 96. It is also worth noting the history of the Black Panther Party with regard to racial cooperation deserves some redemption in its own right. The public perception of the Black Panther Party has long been fixated overwhelmingly on its blackness and has attempted to equate it with the Ku Klux Klan as some extremist organization on the black end of the political spectrum. The BPP in many ways was radical in its political ideology but was interracially conservative in its social philosophy. The brunt of its rhetoric was against as systematic version of oppression in which whites in America found themselves largely responsible for. The words of Bobby Seale best characterize the Panther stance towards white Americans when he remarked, "We are not anti-white, we are anti-oppression." Speeches by Eldridge Cleaver also repeatedly reiterated this fact. However, the illustration of the Panthers that the white media increasingly chose to portray was one that was overwhelmingly vitriolic to white people in general and a system of white values of security. The rally had also brought a variety of other nationally known activists to speak out on the issue of criminal injustice. H. Rap Brown, James Forman, and Stokely Carmichael were all in attendance. The plight of Huey and the carceral consequences of his defiance were established as a focal point of the rally. James Forman, a leader of SNCC, sarcastically remarked if Newton were killed blacks should blow up fifteen police stations and kill five hundred policeman; for more important black leaders like Newton he remarked, “the sky is the limit.” J. L. Jeffries, \textit{Huey P. Newton: The Radical Theorist} (Jackson: University Press of Mississippi, 2002).

As the Black Panther Party mobilized the community to protest the jailing, an imprisoned Huey Newton became larger than a free one as a symbol of Black Panther Party politics. The campaign elevated the status of Huey Newton to an international symbol, a mythological pop icon. Newton was certainly keen to capitalize on his mass appeal as a carceral cause célèbre. A year later he wrote, “The ideas which can and will sustain our movement cannot be imprisoned, for they are to be found in the people, all the people, wherever they are.” Regarding this status, Michael Spann writes “The success of this campaign transformed Newton into a mythological icon; an incarcerated revolutionary hero who had narrowly escaped an assassination attempt on his life by the fascist power structure.” The imprisonment of Huey Newton challenged normative views of criminality because while he evidenced a criminal record of the past and presented himself as somewhat of a thug, Newton related his situation in political terms that put law enforcement authorities and prison administrators on the defensive.  

Imprisonment was also an important factor in the life of co-founder of the Black Panther Party, Bobby Seale. In his organizational biography of the Black Panther Party, Seize the Time, Seale outlines a series of engagements with carceral factors to be accounted for in the development of the BPP. The book itself was written while Seale was imprisoned at the San Francisco County Jail in 1969 and 1970. Imprisonment and redemption runs throughout his organizational history of the party as a major theme. Of these carceral encounters, three episodes of incarceration are particularly useful in gauging the impact of carceral politics on Panther leadership and strategy.

Ironically, under an anti-riot provision in Section 18 of the 1968 Civil Right Act, Seale had been arrested for conspiring to incite riots at the 1968 Democratic National Convention and was held in police custody for a conspiracy to commit murder charge in New Haven, Connecticut. Seale used his arraignment as an act of protest and was totally uncooperative throughout the trial. He referred to the


53 See the Introduction to Seale, Seize the Time: The Story of the Black Panther Party.
totality of his situation in the *Black Panther* in a article published previously that year entitled, “Gestapo Tactics.” Initially, this disruptive behavior worked against him but in the long run the reactions of the judge to Seale’s defiance garnered support from an atypical collection of individuals.

In October of 1969, Panthers attempted to stage a protest during the trial of Seale on his birthday and were not surprised to find that the marshals would not allow the “celebration.” As marshals removed the cake from the courtroom, someone exclaimed “They’ve arrested your cake!” On another occasion when Seale could not be silenced, the judge ordered him bound and gagged in the courtroom. This was an image that resonated among African Americans and further infuriated the Black Panther Party. The mainstream press even criticized the judge for this action. Some papers began to question the integrity and morality of the judge and to undermine the legitimacy of the trial.

While imprisoned, Seale was harshly treated by guards whom he accused of grabbing him by his testicles and moving him to solitary confinement. He was found having “contraband” and writing inflammatory material according to *Jet* magazine. In a manner similar to Newton, Seale used prison and the harshness of the experience as a platform to spread his ideas. From prison he appealed to students to use Black Studies programs and Black Student Unions revolutionary organizations to educate the people. He affirmed the validity of his own protest in stating, “To be a Revolutionary is to be an Enemy of the state. To be arrested for this struggle is to be a Political Prisoner.”

During his imprisonment Seale tempered his views about who constituted ‘pigs.’ In an interview he stated that “all police were not pigs” and that police who respected constitutional rights without...

---


brutalizing the innocent were not included in the category. He pointed to the example of the Afro-
Amerikkkan Patrolman’s League in Chicago and Officers for Justice in San Francisco as cops who were
operating lawfully and righteously. Still, he held that if a police violated rights and personal freedoms
violence was a justified response.  

Throughout his arraignment, imprisonment and sentencing to four years in prison on contempt of
court charges, Seale had developed quite a following. Much of his support extended beyond the borders
of Oakland; the Panthers had continued to develop quite a following among white supporters and
sympathizers by de-personalizing racism and focusing on the economic, political and carceral factors of
inequality. The BPP was supported by celebrities such as Marlon Brando, Jean Genet, Norman Mailer and
Jane Fonda.  

Fonda was arrested on the Fort Hood Military Reservation for distributing anti-war
handbills. In Jet her story was included in a short write up, “Jane Fonda Arrested with Pro-Seale
Handbills,” outlining the increasing role a white movie star activists urging for the U.S. to leave South
Vietnam, Black Panther Bobby G. Seale’s release and restitution for the Kent State students. This support
was significant because it helped further legitimize the efforts of the Panthers among non-blacks outside
of Oakland using an image that all could agree on—the inhumane treatment and imprisonment of Huey
Newton.

The Panthers and other militants rose and fell from prominence largely as a result of varying
degrees of engagement with carceral agents and institutions. The image of the Panthers has historically
been connected with confrontation with the police or the “pigs” as they were monikered by Huey
Newton’s clique. The street appeal of the Panthers was drawn largely from their ability to project an
image of lawlessness and defiance to the police and ultimately the establishment of law and order. They

59 Record Searchlight Interview of Bobby Seale appears in House. Committee on Internal


61 Ibid.
maintained this tough guise even while handcuffed, shackled, or imprisoned—it was the omnipresent persona of their repertoire. The black image of machismo and braggadocio created quite a following (or merely an arousal of sympathy) among urban blacks but served only to further infuriate, agitate and countermobilize prison authorities, law enforcement officials, the president and others concerned with maintaining the image of “order.”

To carceral authorities the highly developed and articulate ideology of the Black Panthers was unlike the civil rights movement. The latter movement had largely existed in Southern rural areas, sporadically yet meticulously manifesting throughout urban centers of the South. In contrast, the Black Panther Party sought to integrate carceral experiences of the Third World with the prison and the ghetto in an effort to equate the total experience of urban blacks with that of a colonized people. Criminals gravitated towards their militant politics on the streets from Oakland to Chicago. Simultaneously, the development of an incarcerated intelligentsia steered captive audiences, quite literally, toward organized direct confrontation with authorities and institutional policies. The Panthers could not be written off as ignorant thugs because they had an articulate vision, as well as a method of disabusing opponents of their legal authority and legitimacy.

**The Free Angela Davis Movement**

While hundreds mobilized to protest the imprisonment of Huey Newton and Bobby Seale, 1970 was also a troublesome year for Angela Davis. A string of violent events had brought her to be jailed by the year’s end. In January, a white guard had allegedly arranged for death of a black inmate by other prisoners by instigating a fight in the exercise yard at the Soledad Prison. In retaliation for the murder, a white guard was killed three days later on January 16th. Three black convicts, George Jackson, Fleeta Drumgo, and John Cluchette were charged with the slaying. On August 7, Jonathan Jackson, younger brother of the accused George Jackson, attempted to free his sibling and the other two Soledad Brothers by taking hostages (the judge, the prosecutor, and several jurors) during the trial at the San Rafael County Courthouse. He gave three prisoners (John McClain, William Christmas and Ruchell Magee) who were
present at the trial that day weapons to assist in the escape. As they drove away in the escape van, San Quentin prison officials fired on them in violation of the sheriff’s order, Ruchell Magee and two hostages were wounded but survived.

On August 14th warrants were issued for Angela Davis, charging her with murder and kidnapping in the Marin County Courthouse. The warrant was issued stemming from evidence that she had purchased the legally registered guns that were used in the confrontation, although she was not at the scene of the crime. The local officials could not locate her during the week, some speculated that she had left the country. The police raided her alleged location of recent residence at a Potrero Hill district home, the second floor housed the headquarters of the Soledad Brothers Defense Committee. They did not find her and thus began the most popularized womanhunt of the 20th century. Angela Davis ascended on the FBI’s “Most Wanted List” and evaded authorites for two months before being caught in a Howard Johnson motel in Manhattan on October 13th.

While awaiting trial and extradition, Angela served a brief stint in the New York Women’s House of Detention. While in custody, Davis considered the atmosphere in the prison and described it as dark, dirty, musky. Fortunate for her, while waiting to be assigned a cell she met a black matron who confided that the black officers at the institution had been pulling for her. The administrators wanted to put her in an isolated facility for people with psychological disorders. She recounted the next part of her experience, “The entire jail was shrouded in darkness when I finally reached the cell in 4b. It was no more than four and a half feet wide. The only furnishings were an iron cot bolted to the floor with a


64 Davis, 18.

65 Davis, 20.
seatless toilet at the foot of the bed.”

In addition to complete isolation, Davis was subject to body searches every three hours.

Amidst the misery of the experience, Davis writes of her time incarcerated as a ‘sisterly’ occurrence. When she arrived women were chanting “Free Angela Davis! Free all political prisoners!” She also recounts some women throwing up the Black Power fist as a sign of solidarity. A schizophrenic woman that had a daily ritualized dramatization of a black man attacking her with an “inconceivable sexual perversity” was placed next to Davis.” She often resorted to screaming racial epithets. Davis concluded that the woman had been placed there in the guard’s attempt to “break her.”

The week I spent in 4b was far worse than my worst fantasies of solitary confinement. It was torture to be surrounded by these women who urgently needed professional help. It was all the more torturous because each time I tried to help one of them out of her misery, I would discover that a wall—far more impervious than the walls of our cells—stood between us.

Davis commented on the nature of the maximum security arrangement in 4b, “Whatever problems they had had initially were not solved, but rather systematically aggravated. I could see the erosion of their will taking place even during the short time I spent there.” Using these experiences as a mobilization point, Davis’ work emphasizes the establishment of female solidarity between herself, other inmates and black guards.

Davis subverted the authority of the prison when she developed ‘consciousness-raising groups’ with other women in the dormitory which she used to explain the meaning of communism. Davis’

66 Davis, 23.


68 Davis, 33.

69 Consider the similarity of “breaking” a prisoner with the process of “breaking” a slave.

70 Davis, 33.

71 Davis, 34.
education of inmates in communism and black revolutionary thought was in direct confrontation with the purposes of the institution. She not only undermined the role of the institution but also the role prison authorities. Officers acquainted with Davis often took risks, permitting prisoners to engage in her study sessions on political literature banned by the administration. By tacitly condoning this educational resistance, prison authorities unconsciously (or perhaps consciously) contributed to the subversion of the penal system.

Penal space also served as a site of direct political confrontation and protest for Davis. While in jail Davis initiated a hunger strike to protest institutional conditions and being persecuted on account of political beliefs. She also addressed the racial divisions that were encouraged and the conflict that was managed by carceral authorities. Davis had brought it to the public eye that segregation tactics were being used to pit black prisoners against right-wing white ones in the Soledad prison. Davis worked against the racial manipulation and the unjust administration of her own incarceration. On the tenth day of the strike she was successful as the Federal Court held that she could no longer be confined in maximum security in isolation as a means of unwarranted punishment because of her political beliefs and her affiliation. Many of the Black and Puerto Rican inmates joined her. On the tenth day of the strike she was successful as the Federal Court held that she could no longer be

72 Davis, 44.

73 Angela Y. Davis and Don Wheeldin, Soul and Soledad (New York: Flying Dutchman Productions, LTD, 1971), LP. Lumumba Shakur had written about this practice particularly in the collective autobiography of the Panther 21 and Emma Goldman had also confronted the practice in 1893 as a prisoner on Blackwell’s Island. Historically, the concept remained the same and was effectively practiced by authorities in both male and female prisons—dividing the inmates and getting them to fight amongst each other was the most effective policing practice. In the nineteenth century Irish and Jewish prisoners were pitted against blacks, in the twentieth century Puerto Rican and white prisoners were pitted against Blacks. See John Chalberg, Emma Goldman: American Individualist, ed. Oscar Handlin, Library of American Biography (New York: HarperCollins, 1991), 50.

74 Davis, 47
confined in maximum security in isolation as a means of unwarranted punishment because of her political beliefs and her affiliation.\textsuperscript{75}

Davis would continue to address the problem of black political and social oppression through a communist ideology combined with black nationalistic perspectives. She proposed the carceral structures should be countered by activists using the threat of violence. She asserted, “The government intends to terrorize our people by railroading us into the electric chair, gas chamber, and long prison terms. There is only one way political prisoners can be limited. Millions of people must serve notice to the government that they intend to use every weapon at their disposal to secure….the total liberation of Black people.”\textsuperscript{76}

Beyond the institutionalized practices of dehumanization and harassment that imprisonment jailing posed, the grim experience provided a central point of solidarity in the protest experience for black female political prisoners. In a letter, Jamala Afeni Shakur wrote about the experience as somewhat of a redemptive purging:

\begin{quote}
I've learned a lot in two years about being a woman and it's for that reason that I want to talk to you….February 8th when Joan and I came back to jail I was full of distrust, disappointment and disillusionment. But now the edges are rounded off a bit and I think I can understand why some things happened. I don't like most of it but I do understand. I've discovered what I should have no a long time ago -- that change has two began within ourselves -- whether there is a revolution today or tomorrow -- we still must face the problems of purging ourselves of the larceny that we have all inherited. I hope we do not pass it on to you because you are our only hope.\textsuperscript{77}
\end{quote}

The concept of imprisonment in its many facets, was not only amenable to developing revolutionary consciousness, redemptive consciousness, and sexual consciousness but also contributed to the development of feminist consciousness. Angela Davis’ experience prison reveals this aspect of carceral influence on black activism. Her highly politicized imprisonment did more than anoint her a

\textsuperscript{75} Davis, 47

\textsuperscript{76}“Quotes from Angela: On Political Prisoners” appears in Nyangoni, \textit{Angela Davis: A Resource Curriculum Guide on Angela Davis and Other Victims of Political Persecution}, 24-25.

prison diva in the annals of pop culture, this incarceration helped to scope and mold a feminist consciousness by providing a badly needed forum for that discourse during a male-dominated social movement. Ruby Doris, Assata Shakur, Fannie Lou Hamer and others show how imprisonment provides another example of this development of a radical black feminist consciousness.  

Angela Davis’ redemption at the New York Center was solidly manifested in her organizing around social injustice and creating solidarity with other sisters. She effectively redeemed her time by engaging in activist activities and subverted her sentence by effectively resisting institutionalization. Confounding the system’s practice of “breaking” the prisoner, Davis actively countered the “meaningless activities and empty diversions.” She recognized that “jails and prisons were designed to break human beings, to convert the population into specimens in a zoo—obedient to our keepers, but dangerous to each other.” Importantly, Davis interpreted the two layers of culture that exist in prison. One layer is prisoner culture that consists of the external rules and regulations and standards of behavior that characterize it. The other is the subculture of prison consisting of the rules and standards of behavior characterized by the captive.

From her capture in August 1970 until 1972, the Free Angela Davis Campaign was an important carceral episode for black protest movement because it proved black militants could build coalitions with whites nationally and internationally. Taking place on the outside of prisons and jails, a worldwide movement was growing that supported Angela Davis and demanded her release and the release of “All Political Prisoners!” Importantly, this global campaign for Davis’ freedom increasingly placed American institutions under scrutiny as the most vicious purveyors of racial, social and sexual equality. Davis herself wrote from Marin County Jail that, “The fight which is presently being waged…is reflective of the

---


79 Davis, 50

80 Davis, 52.
broader struggles Blacks and other people of color are conducting against the racist policies of American’s [sic] institutions.” Davis centered the political imprisonment as a means to battle the “injustices of the present social order.”

In the international community, Angela Davis was received as a cause célèbre. John Lennon wrote a song about her entitled “Angela.” Cubans circulated posters demanding her release. A Russian Nobel laureate, Aleksandr Solzhenitsyn spoke sympathetically regarding her cause. It was clear that the image of subversiveness the FBI had focused on creating in the campaign had backfired as he was received globally as an admirable figure in the black protest struggle. Angela Davis popularity went beyond its relevance to the black protest movement in American society.

She galvanized the support of a wide number of followers because her cause represented so many things to so many different people. She had studied under world-renowned political philosopher Herbert Marcuse, while a student in France. She was well read, culturally informed, articulate and most importantly and able to engage in the discourse of protest from a variety of perspectives. She represented the interests of communists, feminists, the black protest movement, the interests of anti-imperialists and the collective interest of civil rights that had culminated several years earlier.

Davis’ campaign was successful because it gained international support, but this was not the only factor lending success to this grassroots movement. Many interpreted the cause of Davis as linked to the issue of intellectual and political freedom. Supporters in the academic community at Temple University wrote a letter to the editor of the New York Times stating:

We believe the case of Angela Davis has special importance to the academic community…These charges are not separate from, but are a continuation of, her persecution for her political activities and associations. Thus, the indictment cites as overt acts such political activities and associations as her appearance at a Los Angeles rally for the Soledad Brothers and visits to George Jackson in Soledad Prison. Further indications of the political nature of this case are the attempts to create public hysteria against her and to deny her proper judicial

---

procedures, such as her listing on the F.B.I’s “most wanted list” as “armed and dangerous,” exposing her to being shot on sight; the denial of her bail, her imprisonment in solitary confinement and California’s refusal to release the indictment to her attorneys (needed to fight extradition from New York).³²

Her rise to prominence in the national press had come a year earlier in September of 1969 when California Governor Ronald Reagan spearheaded an attempt to remove her from her position as assistant professor of philosophy at University of California at Los Angeles.³³ She initially responded by interpreting the assault as racist. Quickly however, a larger community interpreted the firing as part of a resurgence of anti-Communism, a practice that had been struck down by courts since the 1950s. Many saw the cause and the political persecution of Davis as an assault on intelligentsia and deeply resented it. Students and faculty at UCLA supported her in large numbers because of this. As time progressed, Davis linked her plight and political prisoners of the United States to the repression of intellectual freedom of the academy. She argued that her present political persecutors paralleled developments that contributed to the harassment of W.E.B. Du Bois in the 1950s.³⁴ It was from the intellectual dynamism and broad appeal of her cause that led the high amount of support and media attention it received.

According to one source, within a half-hour of Angela Davis' arrest hundreds of people gathered in front of the Women's House of Detention in New York's Greenwich Village. The group consisted of a mixture of black, white, Brown, socialist, feminist and gay sympathizers with Angela Davis's cause. As a crowd gathered outside, inmates inside the jail responded with chants of their own. A phalanx of helmeted police assembled in line to block off the protesters outside from the prison. As the chants swelled louder outside they were echoed by the increasing volume of prisoners change inside. The crowd shouted, "Free

our sisters! Free Angela! All power to the people!" Inside the prisoners responded in unison, "Power!"
In response to outside protesters shouted, "Seize the jail! Tear it down!" The protesters mimicked the
high-pitched sounds that were made famous by the Algerian women in the independence movement of
the early 1960s. Certainly, the demonstration of discontent concerned local law enforcement.85

The National United Committee to Free Angela Davis racialized the issue of political
imprisonment in the United States. Angela asserted:

More and more Black people are being incarcerated not because they
committed a crime but because of their political beliefs and the activities
they undertake to bring our people together to struggle for freedom.
Counterfeit charges are invented, outright frame-ups are increasingly
becoming the rule…George Jackson, John Clutchette and Fleeta Drumgo
are political prisoners. Their real crimes lie in being absolutely devoted
to the liberation of Black people. Bobby Seale is a political prisoner,
Ericka Huggins is a political prisoner, Martin Sostra is a political
prisoner. I am a political prisoner.86

After Governor Rockefeller’s extradition order was implemented in December of 1970 Angela
was sent to Marin County, California to face charges of kidnapping, murder and conspiracy. Originally
denied bail, after sixteen months of imprisonment, Judge Arnason had to set bail at $102,500 after the
California Supreme Court declared the death penalty unconstitutional. Since Davis was being tried for a
capital offence, Arnason had held that he was denying bail on the basis of Article I, after the death penalty
was declared unconstitutional in California, he was forced to reverse his judgment.87

Despite the release, as the proceedings continued the National United Committee to Free Angela
Davis (NUCFAD) pointed to the security network, a system of metal detectors and body searches

85 Liberation News Service, Angela (Women's Liberation Movement On-line Archival Collection,
Special Collections Library at Duke University, 1971); [database on-line], Available from

86 “Quotes from Angela: On Political Prisoners” appears in Angela Yvonne Davis and Joy James,
The Angela Y. Davis Reader, Blackwell Readers. (Malden, MA: Blackwell, 1998), 31-33, Nyangoni,
Angela Davis: A Resource Curriculum Guide on Angela Davis and Other Victims of Political
Persecution, 24.

87 Nyangoni, Angela Davis: A Resource Curriculum Guide on Angela Davis and Other Victims of
Political Persecution, 21.
established as a safeguard in the aftermath of the Marin County shoot-out, as a deliberate action by the prosecution to alter the juror’s perception of Davis and to induce an atmosphere of fear and danger. The Soledad Brothers case, which was simultaneously underway nearby in San Francisco, also saw physical improvements. A three foot wall with a five feet and one-and-one sixteenth inch of Plexiglas, complete with a metal grill partitioned the spectator section. Some critics argued that authorities were determined to make a public spectacle out of the Davis case as a lesson to black militants. The whole drama of the woman hunt and the intense courtroom environment contributed to this undertaking. George Jackson criticized the very notion of the idea as presented in the case docket, “The People v. Angela Davis.” According to Jackson, this was hinting at a subconscious understanding that the offenders of the law had ceased to be part of a human community.

The image of Davis as a black woman revolutionary—subversive, dangerous and sexy also impacted the perception of black protest. The image of Angela as a fugitive was frequently compared to Harriet Tubman. Black women looked to her as a midwife of black activism that provided a platform for black feminine autonomy in a patriarchal era of defiance increasingly characterized by sex, guns and testosterone.

There were also some checks on carceral powers that allowed Davis’ case to reach a broader audience than had previously been possible. The Freedom of Information Act legislation of 1966 allowed reporters and citizens to ask for government documents that had been previously withheld, this change came largely as result of carceral forces abusing their powers and an increasing distrust of the federal government. It created a sense of transparency in the Davis’ trial that Black Panthers cases following her did not largely benefit from. A recent reassessment of the FBI’s files on Davis and others documents

---


89 National United Committee to Free Angela Davis., *Closing Defense Statement Made in the Angela Davis Case, June 1, 1972* (San Francisco: The Committee, 1972), iv.

90 Ibid., v.

reveal that there was definitely a “carceral conspiracy” to destroy Black insurrection in this period. As one author has stated, “all militant and radical groups were targets of this government campaign, but none was a greater target than the black liberation movement in the 1960s.”

Davis’ story is a story of triumph largely because a variety of factors that contributed to the mobilization of a broad coalition of supporters and greater awareness of and access to information.

Black Women Engaging the Carceral—Fugitive and Female

Women played a very important role behind the scenes in many civil rights organizations. They were also playing a very important role in the development of black radicalism of the black power movement. While the cameras were ever fascinated with the handsome and threatening gaze of the Black male militants, African-American women played a very important role in the maintenance of the Black Panther party. Belinda Robnett has argued that this “bridge leadership” was responsible in many ways for the overall success of the civil rights movement but it is also important to understand how carceral circumstances affected the contributions of women to the black militant struggle. Former Lieutenant of Information of the Philadelphia Black Panther Party Mumia Abu-Jamal asserted that women made as much as 50% of the Black Panther Party.

Regarding carceral modes of activism, the participation and effect on women is of central significance. Angela Davis had worked to raise consciousness about several prison issues. She had also offered her expertise to people who had been arrested because of their political views. Included among those she helped were a number of Black Panthers (Huey Newton, Ericka Huggins, Bobby Seale, the New

---


York 21, the Los Angeles 18, etc). Her assistance as an “insider” and a scholar activist were both useful in the daily operations of the Black Panther Party as it weathered increasing hostility by law enforcement agencies.\(^95\)

Other women suffered and confronted carceral forces in the movement also. Eldridge Cleaver addressed the controversial imprisonment of Erica Huggins while exiled in Algeria. Huggins faced charges of torture for allegedly boiling the water used to scald an alleged spy Alex Rackley. As it turned out, George Sams a psychotic covert FBI agent, had made the accusation and carried out much of the torture himself. Ultimately, Huggins was cleared of all wrongdoing. Cleaver stressed the brutality of carceral forces pursuing Huggins and accused law enforcement agencies of murdering her father, taking away her child and imprisoning her in a Connecticut institution on trumped up charges. He turned to mobilize the party to demand her release and also to confront rabid chauvinism inside the organization. He stated that much of the male chauvinism that is rapid in Babylon was also strong within the party:

\[\begin{align*}
\text{Incarceration and the suffering of sister Erika should be a stinging rebuke to all manifestations of male chauvinism within our ranks. We must purge our ranks and hearts, and our minds, and our understanding of any chauvinism, chauvinistic behavior, of disrespectful behavior to women. That we must too recognize that women can be just as revolutionary as a man and that she has equal stature, that, along with men, and that we can not prejudice her in any manner, that we cannot relegate her to an inferior position.}^96\
\end{align*}\]

Cleaver also mentioned that liberation of women was one most important issues in the world and saw its effect as having the capability of destroying the organization if left unaddressed.

Weathering the chauvinism, Davis continued in addressing carceral institutions as instruments of "unbridled repression." By that she meant these were institutions systematically employed for the suppression of opposition. Largely controversial at the time, Davis interpreted prisons from a Marxist


perspective. For her, prisons operated as "an appendage of the capitalist state" and were used to pursue policies against socioeconomic, racial and political minorities.  

Regarding the climate of the carceral atmosphere in the United States to the time of Angela Davis' activism, Bettina Aptheker wrote that the Nixon administration was entirely involved in promoting race hysteria and anti-Communist jingoism. She affirmed that this fact was inspired in particular by the President, the vice president, the Attorney General and director of the FBI. Logically, Aptheker suggested that the increased involvement of the executive branch in administrative hearings and trials of political activists resulted in highly politicized political puppeting, unfair and nothing more than political tribunals. Davis was particularly interested with the exercise of political repression in the United States. She saw political oppression as a carceral tool which tens of thousands of innocent men and women, a majority of which were poor, were being were railroaded into jails and prison via the executive arm of the carceral mechanism-- the police, FBI and military intelligence surveillance.

With regard to African-American experience, Angela Davis identified the role of carceral systems of authority in identifying and persecuting political prisoners. Angela Davis became the chief proponent of the issue of political imprisonment in the United States during the 1970s. She identified political prisoner as people were being tried for a specific criminal offense but who were in reality being prosecuted for political acts of resistance. In an essay on political prisoners and black liberation Davis wrote, “The political act is defined as criminal in order to discredit radical and revolutionary movements. A political event is reduced to a criminal event in order to affirm the absolute invulnerability of the existing order.” Angela Davis' assessment of the issue of political prisoners in the United States moved

---


98 Ibid., xvi.

99 Ibid., xiii.
beyond black political prisoners and embraced a long history of political repression stemming from what she interpreted as a capitalist and equally racist class structure.  

Ultimately in her resistance, Davis molded the image of the female fugitives as a subversive and revolutionary one. These extraordinary women broke the restrictive stereotypes of submissiveness. Patty Hearst kidnapping and participation in the Symbionese Liberation Army evidenced a white woman in an interracial radical coalition—a direct threat to racial and social taboos. Davis and black women fugitives posed contradictory notions of feminine frailty with subversive violence that were not commonly accepted in the early 1970s. It was common knowledge that Huggins had faced the same type of injustice from the "pig power structure" that revolutionary men had received. He stated "they didn't put her in a powder puffed cell. They did not make life easy for. But the pigs recognized a revolutionary woman to be just as much a threat as a revolutionary man. And so we recognize that we also have a duty to stop inflicting injustices of misuse of women."  

Carceral influences contributed to the growing gender consciousness of black women. The consequences of involvement in civil rights struggles and black militancy resulted in harsh consequences for the bodies and minds of African American women. As discussed in the preceding section, they were not treated any differently than the men, in some cases perhaps more harshly. This resurrected the age old question posed by Sojourner’s Truth inquiry, “Ain’t I Woman?” Black women were treated with the same intensity of racism and physical abuse that was endured by black men while enduring the chauvinism of black men.

---

100 Ibid., 30-33.


In a heartfelt letter to Jamala, Afeni Shakur wrote of the magnanimity of the burden. She gently revealed her lofty aspirations and simultaneously acknowledged the strength and frailty of the human spirit:

Forgive us on mistakes because mostly they were mistakes which were made out of blind ignorance (sometimes here against). Judge us with empathy for we were (are) idealists and sometimes were young and foolish. I do not regret any of it -- for it taught me to be something that some people will never learn -- for the first time in my life I feel like a woman -- beat, battered and scarred maybe, but isn't that what wisdom is truly made of. Tell me to continue to learn -- albeit this time with a bit more grace for I am a poor example for anyone to follow because I have deviated from the revolutionary principles which I know to be correct. I wish you love.\textsuperscript{103}

George Jackson’s Radical Carceral Consciousness

Linked to Davis’ activism and engagement with carceral forces, was George Jackson, a young African American male sentenced to a year to life in prison after various run-ins with the authorities. His delinquency culminated in stealing seventy dollars from a gas station in 1960. For his robbery, Jackson and his brother were sent to Soledad Prison in California where they established a chapter of the Black Panther Party while incarcerated. In 1970, Jackson’s book, \textit{Soledad Brother} was published. The book contains a series of letters written between 1964 and 1970 that reveal the complex nature of the Black Nationalist’s intellectual development in prison.

In the introduction, French author and playwright Jean Genet examined the Jackson’s penal experience as a brutal exposition of the penal experience.\textsuperscript{104} He asserted, “In prison, in a cell, the white skin of the prisoners becomes an image of complicity with the white skin of the guards, so that if the white guards superintended a hell in which white men are jailed, the white prisoners superintend another


\textsuperscript{104} As an ex-convict himself and designated as a habitual criminal by French authorities, Genet had been sentenced to life imprisonment in 1948 before having his sentenced reduced by the intervention influential French writers including Jean-Paul Sartre.
Genet goes on to say, “If by some oversight, racism were to disappear from the surface of the United States, we could then seek it out, intact and more dense, in none of these cells. It is out, intact and more dense, in one of these cells. It is here, secret and public, explicable and mysterious, stupid and more complicated than a tiger’s eye, absence of life and source of pain, nonexistent mass and radioactive charge, exposed to all and yet concealed…racism here is in its pure state, gathering its forces, pulsing with power, ready to spring.”

Furthermore, Genet describes the nature of the penal process in total as an exchange. Genet seeks to investigate something intrinsically unique about the process from jury to judge to inmate in which an accused is transformed from offender to carceral. He asserts, “What, then, is this intellectual operation which changes a simple act (a murder, if there was one) into something quite different; into another death, or a life sentence or a period of time served?”

Along these lines Jackson identifies penal space as a brutal environment that criminally affects the prisoner, and not vice-versa. Jackson was reported to be repeatedly held in “strip cells,” solitary confinement units in the “O” wing of Soledad. By one source, Jackson’s cell was reported to be 6’ by 8’ with no protection from wet weather and primitive sanitary conditions not dissimilar to a medieval dungeon. Jackson himself spoke candidly about the infamous “adjustment center” at San Quentin. The adjustment center, or A/C as it was called, was the San Quentin rendition of maximum security units.


107 Jackson, 2


109 Jackson, Blood in My Eye, xii.
in which Jackson was that stayed populated by black working class men. On the conditions at the O-Wing, the New York Times reported:

> If a prisoner in isolation gets into further trouble, he can be thrown into a “strip cell,” or “The Hole,” which is even smaller and more uncomfortable than the rest of O Wing. As a visitor walked past the tier of cells, the prisoners muttered and yelled animal sounds, half spoken and half growled. The mesh is so think that one can hardly see inside the cells, but an occasional limp hand pokes through the food slot...In interviews at the prison and in letters, inmates have charged that some guards are “racists” who “set up” black prisoners to be beaten or stabbed by whites during the exercise period. He complained that urine was put in their coffee and that favored inmates were allowed to throw feces at others.

In many ways, the violent carceral confrontations encountered and started by Jackson resembled a type of guerilla warfare in his mind, a response to such harsh and unjust conditions. He called it “worse than Vietnam” and argued “when a white con leaves here, he’s ruined for life. No black leaves Max Row walking. Either he leaves on the meat wagon or he leaves crawling, licking at the pig’s feet.”

The prison was merely an institutional front that façades the realities of racial and economic warfare from the public eye. For Jackson, racism was an institutionally ingrained byproduct of economic exploitation. He developed new techniques of self-defense to adapt to this hostile environment. Some, he holds, were more productive than others—some techniques were physical, some metaphysical, all were confrontational. He recounts attempting to fight nine guards who were intent on damaging his genitalia in one encounter.

Assuming that the practice of confining prisoners to cells for 23 ½ hours a day at Soledad was routinely coupled with racism of the most violent nature, a revolutionary faced a thirty-minute window of limited yet explosive possibilities. Similar to Cleaver’s experience, for Jackson prison served as an

---

110 Ibid., 98.


112 George Jackson quoted in Ibid.

educational mode of redemption where one can contemplate and witness the politics of racial domination. Jackson’s reaction was self education. He read the works of Mao Tse-tung, Nkrumah, Marx, Guevara, and Giap among others. Serious reading and deep reflection urged him to recognize that only two types of men escaped from the belly of prisons—the broken and the revolutionary. The broken reenter society as less of a person when they enter prison and the revolutionary reenters society with perspectives demanding radical societal transformation. Thus redemption in the context of Jackson’s experience is formulated in the context of racial confrontation.

The epistolatory narratives of George Jackson are more than reflections on the punitive process; rather, they are a ‘weapon’ of political discourse.\textsuperscript{114} Jackson readily admits to using penal space as a site of transformation. Commenting on the solidarity formed by meeting other black militants such as George “Big Jake” Lewis, James Carr, W.L. Nolen and Bill Christmas, Jackson relates that, “We attempted to\textit{ transform} the black criminal mentality into a black revolutionary mentality.”\textsuperscript{115} Durkheimian interpretations of societal solidarity are challenged by the development of a new form of social consciousness—the prisoner’s ethic. Society’s decision to create racial and criminal pariahs results in unintended grafting of otherness in penal space rather than conformity to the social distinctions of the outside. Jackson held that the prisoners must be educated and mobilized. He announced his mission:

> Prisoners must be reached and made to understand that they are victims of social injustice. This is my task working from within (while I’m here, my persuasion is that the war goes on no matter where one may find himself on bourgeois-dominated soil). The sheer numbers of the prisoner class and the terms of their existence make them a mighty reservoir of revolutionary potential. Working alone and from within a steel-enclosed society, there is very little that people like myself can do to awake the restrained potential revolutionary outside the walls. That is the part of the [August 7\textsuperscript{th}] “Prison Movement.”…The goal is always the same: the creation of an infrastructure capable of fielding a people’s army.\textsuperscript{116}

\textsuperscript{114} Jackson, 2.

\textsuperscript{115} Jackson, 21 (Italics supplied)

\textsuperscript{116} Jackson,\textit{ Blood in My Eye}, 108.
For all practical purposes, George Jackson was at war. He recognized that revolution was aggressive and would ultimately result in a violent clash with the system.\(^\text{117}\) Jackson pitted his energies and the resources of his peers at what he perceived to be fascist machinations of American society. Jackson waged war against American institutionalism in its most repressive form—the prison. He critiqued the “unintelligible vastness” carceral institutionalism and centered his rebuked on the most dominant custodians of its influence—the courts, the prisons, and the army (police—national and international—uniformed and disguised).\(^\text{118}\) He considered the police to be part of a larger army of oppression and himself as a political and military prisoner.

The penal experience for George Jackson is a Dantesque inferno. Jackson is an observer and also subject to the suffering experienced there. For Jackson, Soledad and San Quentin hells were sites of torture and not transformation, a location of ritualized sadistic indulgence and not social reform.\(^\text{119}\) Intrinsically, the penal spaces cohabited by Jackson and other inmates are void of all opportunity for hope. In contrast, to many accounts of Black Panther Party ideology, Jackson’s interpretation of penal space critiques the effects of the penitentiary and prison on both white and black inmates. Jackson holds that the compromised spaces of California corrections incite rabid racism on the part of whites while contributing to the emasculation of black masculinity.\(^\text{120}\)

To an extent greater than any of the other carceral figures examined, Jackson rebelled against all notions of redemption in a theological context. Much of his reordering of the world was structured in the context of constructing a new cosmology in which Christianity had no place.\(^\text{121}\) Jackson’s redemption

\(^{117}\) Ibid.

\(^{118}\) “Letter to Greg” in Ibid., 91, 97.


\(^{120}\) “Letter to Fay Stender, April 1970” in Jackson, 22-27.
in San Quentin and Folsom was framed around redefining the meaning of expiation of guilt, one in which the Christian God was supplanted by a redeemed image of blackness as defined by the experience of Jackson. The image of blackness was saved in that it was not intrinsically evil, as an Anglo-Christian society had decried, but rather that it was inherently natural and desirable.

Jackson’s redemptive atheism intended to serve as a means to place ultimate responsibility for social change and societal correction on human agency. Jackson was critical of the way less enlightened blacks simplified societal inequity; for him it was trite fatalism. An intellectual atheistic redemption was the only freedom enjoyed by Jackson while incarcerated. He asserted, “There is no hell, no heaven, no immortality and that all things were permissible.” The “soul” had no definite meaning and there was no sense in relating to a benevolent God because in Jackson’s view that God had eternally denounced blackness. He decried that if there was such a thing as a benevolent God then, “I must then assume that being born black called for someautomatic punishment for sins I know nothing about, and being innocent it behooves me to defy god.”

For Jackson, a wasted life on run-ins with the authorities had been redeemed by the introduction to strength, that strength was summarily an acceptance of knowledge and destiny. The culmination of these factors fueled Jackson’s involvement in the Black Panther Party. Jackson felt that there was need to separate the political branch and the military branches of the Black Panther Party. He felt that his brother’s sacrifice (and ultimately his own) reflected the notions of sacrifice for the political survival of the organization. Newton characterized the practice of this lofty  

---

121 Jackson had grown up in Catholic schools and developed an aversion to Roman Catholicism because he felt it did not answer many of the questions of social disparity and injustice that he often raised.


124 Jackson, Blood in My Eye, 188-89.
ideal as “revolutionary suicide.” Cleaver disagreed. Not amused at his Cleaver’s profane response to chastisement, he responded, “…seven thousand miles, the walls of prison, steel and barbed wire do not make him safe from my special brand of discipline, tell him that the dragon is coming…”

Conclusion

At the center of all of this is a new way of thinking about the history of the Black Panther Party. Moving beyond simplistic (and often mythical) stories of racial pride and violent rage, recent scholarship has gone to great lengths to underscore the idiosyncrasies of the Panther movement in addressing the complexity of strategies, personalities, ideologies and internecine conflicts. The overarching theme of this chapter diminishes these differences as secondary to overarching carceral factors central in determining the design and destiny of the Party. While other histories of the party focus on redeeming the historiography of the BPP by underlining its rational approaches and strategies, by focusing on prison as a central experience this chapter focuses on carceral factors of the cultural and political environment that makes the former discussion necessary.

What police and authorities perceived to be reckless bravado found its way to the heart of many conflicts between authorities and the Panthers across the nation. Authorities often misjudged the nature and capabilities of the Panthers by misinterpreting their character. The attitude of the Panthers that manifested itself in Oakland and in Sacramento was not merely an ignorant tough guise, rather it was the culmination of an image informed by several key factors: a political theory of revolutionary character, a black urban male ethic of respectability and collective carceral experiences of ex-convicts and/or incarcerated leadership (depending on when and whom one is considering).

125 Ibid., 189.

126 Ibid., 190.

Perhaps greater than any other factor, the collective prison and carceral experiences of Panther leadership and key members forged the ethos of the party. For the most part, the leadership of the party and recent recruits had been entangled with law enforcement and many had served sentences for crimes that would have disqualified them for involvement in traditional black civil rights organizations a decade earlier. While prison records affected the perception of the Black Panther Party leadership and key members, it also affected their behavior. It was well established by the 1960s that if prison did not “rehabilitate” its offenders, it orphaned them and made them more recalcitrant.

The carceral politics of incarceration, police harassment and brutality helped frame the image of the Black Panther Party as well as its overall strategy and organization. While much of the history of the Black Panthers has been established and reinterpreted in recent years, it is important to emphasize major points in the chronology of the movement that speak to these carceral factors. Several key leaders and moments in the history of the party clearly reveal the extent to which an Afro-carceral consciousness influenced the militant protest politics of the Panthers.\(^\text{128}\)

CHAPTER VII
CONCLUSION: NARROW CELLS AND LOST KEYS

On August 28 of 1963, before a crowd of weary but inspired activists, King’s staccotto baritone reached a solemn point in his “I Have a Dream Speech.” In a mournful tone, he preached:

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. Some of you have come from areas here your quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering.¹

The title of this dissertation, “Narrow Cells and Lost Keys,” analyzes historical connections of several points in King’s milestone speech. As each chapter has revealed some element of carceral engagement, we see the distinct character of black protest emerge from narrow spaces of carceral engagement and define various interpretations of redemption—a transformation of suffering. Throughout all of this, activists vie to create meaning for themselves and American society through their incarcerations providing a lost perspective, a key to a deeper understanding the movement and American history.

Black carceral activism has played an important but unappreciated role in American history. As all of the carceral experiences included in this work prove, incarceration is a transforming experience in one way or another. In the long view of Malcolm X’s life, we see the impact of prison and police brutality as a central theme of mobilization among black urban masses. Malcolm X defied his incarceration and emerged as a magnetic black leader. He harshly critiqued police brutality and used the theme as a central counterpoint in redeeming himself from a former life of crime and exposing the injustice of racialized American policies.

While carceral engagement and redemption were prominent personal factors in the development of Malcolm X, Bayard Rustin’s experiences with carceral forces were quite different. Bayard Rustin’s carceral experiences as a conscientious objector in the early years of the Congress of Racial Equality

¹ Drew Hanson, The Dream: Martin Luther King, Jr., and the Speech that Inspired a Nation (New York: HarpersCollins, 2003), 150.
(CORE) and the Fellowship of Reconciliation (FOR) revealed how pioneering efforts of black pacifism were a precedent for the use of voluntary imprisonment in the strategy of civil rights activism of the 1950s and 1960s. In direct contrast with Malcolm X, he experimented with imprisonment as a redemptive tool by applying concepts of pacifism to civil rights activism. In his crusade to end legalized segregation and protest violence, Rustin was consumed with a struggle for moral mastery, yet he suffers as a “common criminal” due to commonly held social mores about his homosexuality.

Under the initial tutelage of Rustin, Martin Luther King’s increased his use of voluntary imprisonment after he realizes the importance of charismatic leadership throughout media coverage of the civil rights movement from Montgomery to Birmingham. Carceral forces affected the strategies of the civil rights movement as King, in various confrontations with law enforcement, cast political imprisonment into the public gaze. King wrestled through encounters with Sheriff Laurie Pritchett, Eugene Bull Connor and others to indict the immoral nature of segregation in American society and “to redeem the soul of America,” as Adam Fairclough would have it, through redemptive suffering.

Paralleling King’s rise to prominence through a series of sporadic imprisonments, SNCC mastered the use of the jail no-bail strategy in massive direct action campaigns. Through their engagements with carceral forces in Albany, we see prisons increasingly moved from the periphery of black political activism to the center of non-violent direct action. One historical outcome of this period of highly intense carceral interaction between black (and white) protesters and police is that younger activists increasingly perceived illegal acts of defiance as the central theme in challenging segregation laws and voting prohibitions of the South. While their campaign certainly challenged the nature of carceral authority throughout the South, the overall toll of the strategy wore hard on the movement. Ultimately, the effect of this high interaction, imprisonment and extensive police brutality resulted in radicalizing a key component of SNCC.

As the Atlanta Project, led by the most radical wing of organization steered Atlanta activism in a new direction, we see the rise of a militant form of black cultural nationalism drawn into conflict with the carceral forces during the Vietnam War. Kofi Lukwaba Efu illustrated the shifting carceral impact of
prisons on the movement as elements of American policing increasingly seek to conceal, silence, and criminalize public political dissent largely in the aftermath of black cultural nationalism and in the face of mounting opposition to the Vietnam War. In identifying a “lost movement” of this era, we discover that black cultural nationalism was not monolithic, as some would believe. Efu and the Soul Brother mixed messages and strategies from all the preceding movements and developed a unique form of carceral protest that was culturally informed and later reinforced by knowledge of traditional African culture. Ultimately, the life of Kofi Lukwaba Efu identifies a redemptive strand through a cultural consciousness of African traditional cultures and religions as a weapon against oppression in any form.

The final chapter addresses the short history of policy developments surround the rise of the Black Panther Party, illustrating how these carceral factors and the leadership of the Panthers contributed to the rise and fall of the Party. Major policy developments following a series of riots in the late 1960s effectively shaped the national dialogue over crime control policy and provided the impetus for increased persecution of black militants. Ultimately, the Panthers revealed that the carceral nature of the movement had shifted from using imprisonment as a moral argument to defying authority throughout all phases of law enforcement. An unexpected consequence of the development of black carceral activism in the twentieth century was that it ultimately changed the nature of American law enforcement. Overall, law enforcement, imprisonment and other carceral factors have greatly impacted the role of Black activism, strategies used by political groups, the development of public policy, and the identity of African American people.

The impact of prison can be quite elusive. In some cases, opponents to black activism were often victims of their own carceral tactics to disrupt and destroy black social movements. Evidence suggests that black social and political activists could be both proactive as well as reactive to imprisonment. Activists provoked authorities to imprison them as a protest tactic and they also provoked authorities within prisons to meet internal demands. Some engaged the concept of carceral authority to further their own cases and simultaneously subverted American attitudes towards the authority and fairness of American law. Other activists factored imprisonment into a strategic political agenda of public protest.
Some undermined the intrinsic nature of carceral institutions by leading internal insurrections and establishing cross-cultural, gendered, religious and intellectual solidarity among inmates. Collectively throughout all these encounters, a historical problem is presented. How shall we interpret change and continuity in the impact of carceral institutions on black political and social activism?

Carceral institutions address an important facet in an inquiry of modern black social movements for several reasons. First, they provide a site of mobilization for civil rights activists and an educational mechanism for extending the base of social discontent to other communities and social groups. Secondly, they provide a historical sense of moral resolve. The history of civil disobedience has been rather well-documented in American history. From abolitionists to women suffragists, the role of voluntary incarceration for a political or moral goal has been an omnipresent theme in American society. The carceral institutions of the modern civil rights era and the activists they detained permanently preserved the gravity of the movement in the American record among the hallmark of American activism.

As we consider the long and varied influence of carceral factors on black protest, the idea of redemptive suffering repeatedly resurfaces as an important theme. It allows us to examine how black activists coped with the injustice of American law and society. Collectively, it shows us that they took these experiences and in many cases used them to their own end. Some activists saw redemption in carceral experiences as they transformed into movement leaders as evidenced in the life of Malcolm X, Eldridge Cleaver and George Jackson. Others saw the actual act of imprisonment as having some redemptive effect on society at large; we can look to the lives of Martin Luther King and Bayard Rustin for that. Some saw unjust imprisonments as a mobilizing factor to rally diverse political and social groups around a central issue (e.g. Huey Newton, Angela Davis).

Finally, other imprisoned activists such as Kofi Lukwaba Efu were emboldened through imprisonment and carceral interaction. Tracing the redemptive effects of Efu’s defiance of carceral forces becomes clear in his lifelong commitment to the black liberation struggle. An experience that was made to “break” him, made him more determined to educate others about the culture and history of Africans. While his story and others has not yet been recognized nationally, tracing and recording lost carceral
experiences like his remains particularly important because of the long-reaching redemptive effects he had on others. Similarly, Angela Davis continues in her commitment to exposing the abuses of carceral forces and educating others about the role of prisons in American society to this day.

I feel that these experiences are particularly important because they illustrate “ordinary” people doing extraordinary things. Collectively, carceral narratives examined such as Eldridge Cleaver’s *Soul on Ice*, George Jackson’s *Soledad Brother* and *Blood in My Eye*, Malcolm X’s *Autobiography*, Bayard Rustin’s “Twenty Two Days on a Chain Gang” and others all reveal extraordinary feats of moral indictment of corrections in American society. Regardless of the political orientation of the author all of these narratives unmistakably reflect some aspect of transformation in a carceral environment. Taken against the historical development of the black protest movement, carceral impacts on these prisoners yielded important effects on their leadership and ultimately outcomes of their activism.

Carceral factors were key in the mobilization of African Americans and strategy of Black Panther leadership. During this new period of black liberation, a new revolutionized black leadership was being forged. Many of those at the helm of this vanguard were convicts or ex-convicts. They engaged in a love-hate relationship with their predecessors. Many of them employed similar tactics as those in the modern era civil rights but they felt that the concentration and/or focus of those tactics was no longer effective. The difficulty, as some scholars have noted, comes in determining to what extent was prison the sole radicalizing factor in the development of this revolutionary leadership. Eldridge Cleaver and George Jackson were both convicts that deeply contributed to the theoretical leadership of the Black Panther Party but on the other hand, Huey Newton and Assata Shakur fulfilled leadership roles prior to their incarceration for movement related activities.²

Despite differing perspectives on addressing the fundamental issue of inequality in American society, black political activists of the movement, gravitated around a notion of redemptive suffering—an understanding that they were all being persecuted for the cause of a greater good and that some kind of

resolution would come out of the sacrifices being made. Beyond the religious implications of redemptive suffering, which were also in abundance, are pragmatic concerns. We come to the conclusion that in many of these cases, imprisoned activists used their incarceration or the effects of their imprisonment in a way that was not intended and in a way that ultimately benefited their causes.

African American activists have left a sprawling source of evidence illustrating the carceral culture of black social and political activism. Many of these works have been canonized in the literature of black civil rights intellectualism. When deeply probed against the backdrop of institutional hegemony, these writings pursue the notion of the redemptive nature of imprisonment as an element of every major black liberation movement in the twentieth century.

As we consider the idiosyncracies of protest strategies among black activists, carceral experiences were a common unifying denominator of black activists of the movement. These experiences transcended the goals, ideologies and identity politics of various movements. Reactions to carceral spaces and the act of incarceration in itself yield a complex biography of often neglected aspects of the black protest movements. In this way, historical accounts of the movement must account for environmental factors as vividly as personal ones—this is policy history in the truest sense. Instead of focusing on exactly how carceral forces manifest at various junctures during this turbulent period, I have chosen rather to accept that they do and to examine the collective consequences of these interaction and its implications for the movement.

From this historical trend we conclude, whereas the penal climate had been leaning toward a more humane, community-oriented approach to corrections, by the mid-1970s a new direction was being pursued. States had become less effective in handling urban riots and the burden of maintaining law and order had increasingly fallen on the federal government. Congress turned its attention to a growing state of lawlessness and encountered the threat of out-right revolution for the first time in nearly a century. Paralleling growing fears of a loss of control, surprisingly there was a drop in violent crimes committed for the first time in 17 years. Despite this decline, the 93rd Congress addressed the growing problem of
street crime which many social conservatives considered to dovetail with the civil rights movement gone amuck.\textsuperscript{3} We see jail no-bail in reverse.

As the law became more complex, more technical and more aggressively enforced, it became less feasible for blacks to know the law, their rights and to protest unjust practices. All enforcement of the law is not legal and all criminals are not evil. Evidence and historical documents presented in this work often question the validity of the assumed vicariousness of law and order in American society. A variety of sources reveal that episodes of direct action originally framed as illegal and criminal activity have experienced a great deal of redemption in the historical literature while non-traditional black activism on various levels on carceral engagement has not been as fortunate. The relationship between the law, legal institutions and particularly imprisonment has been central in determining the status of many of these episodes of black dissent throughout the 20\textsuperscript{th} century. In order to effectively and accurately portray this relationship, one must examine the law not as ‘the Law’ but rather as a relationship between two equal parties.

When law is no longer assumed to be created in the interest of the public good, we can perceive developments that are often not evident to historical scrutiny. Of course, this perspective posits itself as objective while in reality it merely provides yet another perspective but by changing the frames of respectability, I intended to shift the sphere of ‘respectable protest’ and black dissent in general to engage a variety of outlaws on an “equal playing field.” In this arrangement, George Jackson and Eldridge Cleaver are not considered to be thugs merely because they violated social contracts. Rather, they are engaged equally alongside Martin Luther King and Whitney Young as dissenters opposed to an institution of laws and culture to which they interpreted as blatantly unjust.

\textsuperscript{3} United States. Congress, House. Select Committee on Crime, \textit{Street Crime in America Hearings, Ninety-Third Congress, First Session} (Washington: U.S. Government Printing Office, 1973), 11. Incidentally, there was a rise in property crimes. It should also be noted that crimes indices (particularly that of the FBI) were quite unreliable; some argue that these statistics were being intentionally driven for political purposes in regard to funding.
In a way, the designation of “criminal” can strip many historical figures of their voice before they even speak. Conversely, the designation of “president,” “senator,” and “officer” can provide a historical individual with a greater voice than is deserved. Certainly, the aura of law and the ever abiding respect for state sanctioned justice have historically provided an omnipotent voice over dissenting parties. At what cost have we elevated what Nixon and Ford had to say about crime and lawlessness than the accused themselves? Both testimonies are equally important but it is only by setting aside the omnipresent righteousness of law that we can assess the true historical significance of both sides.

On a whole, the life of these activists and political prisoners will reveal a great deal about the direction of carceral culture and American society and ultimately the changes that bring us to where we stand today with regard to the rights America’s criminalized. As we tend to think of activism spurning social change and ultimately developing the course of history, this account will urge us to look at some of the forces of counter-activity to which activists adapted strategies and would increasingly succumb almost entirely. This is a dramatic narrative about close spaces and open avenues for social change and where a few dynamic leaders fell in between the cracks of dissension and agitation sprouting in the stomach of institutional limbo-land to emerge as intellectual, religious and social leaders of black America.

The cultural memory of African Americans is long. Given these abuses and interaction during the last half of the 20th century is there any surprise that blacks have a distrust of law enforcement and the corrections in contemporary American society? Carceral factors have revealed that race is still lived in American history and that the structural realities of its power is stronger than ever. Manning Marable makes mention of this fact in dealing with dimensions of structural racism in his analysis of post-civil rights America. He holds the criminal-justice system as place where inequality remains particularly apparent.4

Taken entirely, these penal narratives reveal much about the nature of redemption and political of confrontation in penal space and changing strategies of black protest. The fictional character, Andy

---

Dupree in the motion picture *Shawshank Redemption* achieves an exchange and reclamation of his total worth—redemption—by dedicating all of his resources to escaping the Shawshank prison. In a fictional drama Andy undergoes similar conditions that culminate in his redemption as many of the narratives considered here. Unfortunately, the ultimate political cost of redemption for three of the five considered in this essay was ultimately death. Martin Luther King, Malcolm X, and George Jackson were all violently assassinated by political rivals. Cleaver was exiled and tragically recanted his radical politics during his latter years. Of those considered in this dissertation, the only survivors of the carceral experience who have persisted in activism are Angela Davis and Djisovi Ikukomi Eason.5

Historically, a minority of disgruntled, disaffected blacks have always confronted authorities on behalf of the injustices suffered by the African American community at large. The prison experiences of these individuals explore a microcosm of confrontation and complacency in society. Even in the midst of corrections, a revolutionary spirit is manifest as well as complacent adherence. Interestingly some of the same ratios of complacency were evidenced in the prison populations. Obviously the same racial structure that perpetuated racialized violence and injustice on the outside of prison walls existed within. On the outside of prison walls, the white community responded by conceded certain demands but when that minority threatened to challenge the whole structure itself southern whites responded by massive resistance and northern whites responded with massive indifference.

Granted that a transition took place in the mind of the nation as the spectacle of injustice was broadcast throughout the world, massive indifference and massive resistance were put at odds with each other. Many northern whites who had previously been indifferent became outraged and the southern whites that had been given free reign to jail, imprison, and engage in numerous forms of terrorism against civil rights activists were increasingly restricted as the federal government began to play a more prominent role in regulating the social order. Despite the transformation or the redemption of the

---

5 Unfortunately, Djisovi Ikukomi Eason died during the research phase of this dissertation on September 21, 2005 following the complications of a stroke. Until the day of his death, Djisovi continued to educate others about the history and memories of the black liberation movements and of the importance of African cultures and religions.
American ethos, much of the collective conscience of the carceral communities remained unscathed. Guards whose entire lot of subsistence and authority was tied up in administering severe discipline had very little to concede to King’s dream of racial harmony behind penitentiary walls.

The historiography on black activism specifically the latter half of black protest during the black liberation movement, as some prefer to call it, has been largely affected by the “criminal status” of its participants. Many would argue that black power ideology evidenced in the black liberation movements from 1965 onward signified a specific shift in the movement. I agree with this position. However, the trend of civil rights historiography has been prone to consider black liberation and black power as a separate movement entirely from the civil rights movement, an argument from which I would divulge. It is common knowledge that many of the same people who are engaged in the "modern civil rights struggle" were also leading activists and black liberation movements. Some people who had seemed quite conservative and submissive to the old guard leadership were now the most outspoken critics. This is not enough to make an argument for a separate movement. There was a shift in ideology, yes, but there was no entirely new movement. Perhaps considering the reasons why historians have chosen to the mark a modern civil rights from black liberation is briefly worth examining in the context of carceral society.

Stephen F. Lawson and Charles Payne address the effectiveness of strategy in the desegregation of southern society. They account for grassroots protest and also for the federal government's efforts. Lawson tackles the issue by examining a variety of ways of the federal government extended its authoritarian role in shaping the outcome of civil rights activism by federal enforcement and legislative maneuvering. While Lawson concedes that an interconnected approach examining both federal and grassroots development is necessary, he emphasizes that the federal government could shape the direction of the movement by choosing when and how to respond to protest and in some cases counter-activism. On the other hand, Charles Payne suggests other ways of interpreting outcomes of the modern civil rights movement from the "trenches." He provides to possible interpretations of the civil rights movement, what accounts for a somewhat radical and racially injustice to that string of the tradition of southern government that was ultimately rectified by the vicariousness of the American system. A second
interpretation provides that perhaps American institutions have done as much to create and maintain racism as they have done to address it.  

Ultimately institutions are the center of both of these arguments. But the type of institutions that these historians are interested in examining has been center to the development of the civil rights protest strategy in the outcome of legislation are vastly different for the institutions that I consider. Carceral institutions offer an interesting exception to previous assessments of institutions in the era of civil rights. As some scholars identify the federal and local institutions as often being in the way of civil rights protest (e.g. local police forces, city commissions, municipal government) or assisting black activism (federal marshals, National Guard, Supreme Court), prisons and jails are an exception to the way that historians have been accustomed to examining institutions in the midst of black activism. Prisons are institutions that appear quite contradictory to the progress and process of black liberation but they have been used quite creatively for variety of reasons to lend credibility to the movement, for mobilization, and for strategizing. This is most interesting how an institution designed to detract from the credibility of dissenters progressively validated the methods of activists.

In examining black activists as a long line of dissenters confronting law enforcement and questionable laws in American history, we can interpret the true meaning of black activism during the 20th century. If we examine historical perceptions of black activism as “criminal” activity, then we must also analyze how certain carceral forces can be perceived as criminal in nature. Protesting was a constitutional right but in the minds of many Americans, black activism represented subversion in the midst of a deepening Cold War. Reactions to black activism varied. Some supported radical methods. Others sought out less confrontational means of resistance. Some interpreted the entire movement as illegitimate and troublesome. Regardless of how these activists were labeled, we must move beyond the criminalization of protest if we wish to truly understand the dynamics of the period.

I'm arguing that there was one movement stemming from the notion of nonviolent direct action

---

and ultimately manifesting in violence and self-preservation. There was one movement of black activism that matured in its approaches to an increasingly carceral society by readjusting tactics that previously had proven effective to ones that were better suited for the task. While the goals that activists pursued range the varied throughout the movement the ultimate goal of black liberation was always present.

There were different thinkers throughout an ideological spectrum contributing different ways of achieving that goal. As historians over the years have addressed the outcome of black activism in the 20th century, they have sorted out the desirable from the undesirable, the successful from the unsuccessful, the dynamic from the static, the insane from the sane, the Christian leadership from the secular leadership, the nonviolent from the violent, and perhaps most importantly the civil from the criminal. I think that this type of periodization incorrectly and unnaturally interrupts the “flow” of black activism.

By examining the role of prisons and jails throughout the movement of black activism, we find that many of these activists, though decades apart, have much more in common from the perspective of being at odds with the law (and in essence the structure of American society) than what separates them. In retrospect, well-meaning historians have sought to put a civil face on black political activist when in reality the essence of their protest was perceived as “criminal” in its nature. This theme is present from Bayard Rustin to Angela Davis.

All of these activists had sympathizers, some more than others. In some instances, however, the distance of history has falsely provided a sense that these all these activists were widely popular. In reality, black activists from Bayard Rustin to Martin Luther King Jr., from Angela Davis to George Jackson did not enjoy the graces of widespread popularity. While some more than others might have enjoyed a large following an engagement with dignitaries due to international recognition, they largely were perceived as controversial figureheads for what was perceived as a practically subversive and in some cases criminal agenda. This point is precisely is the fact; they were all considered criminals during the time.

Of course ideas do not remain static, for if they did I would not be writing about this today.
Views about activism and African American activists changed dramatically over the years and even during the very years in which they protested. Yet, the stigma of dissension has been perceived as a criminal characteristic and certainly black activism enjoyed the full public perception of criminal anomalies that were disturbing the peace and threatening law and order. The criminal is an activist albeit a very unpopular one. The law makes it possible to call activists criminals. In this way activism is sanctioned only as far as the courts allow.

We know that the ruling of the court operates within the boundaries of public opinion. Thus, the public opinion of the public majority is directly responsible for the designation of criminal acts by dissidents. In this manner, activism by a minority is never endorsed unless it sentiments directly bear on the immediate and recognized welfare the general public good. Legally sanctioned and publicly condoned activism can never be truly altruistic, for it ultimately operates in the boundary of the public will to placate guilt while denying revolution, reform, or compensation.

The American system of prison and law enforcement as engaged with black activism has undergone a bit of change in the last 40 years alone, not to mention the last 150 years. Despite changes in the way we presently perceive prisons, much of the conditions and intentions of this institution and their culture remains. For all that prisons have promised to do for criminalized dissenters in recent years, it’s original intents and practices continue to echo throughout the American consciousness and in the way Americans relate to dissenters—particularly black ones.

The autobiography of Malcolm X. appears in 1965, amidst the decade that black liberation movements became pronounced as a shift from civil rights ideology. By 1968, a week after the murder of Martin Luther King Jr. there were at least 125 uprisings in major American cities. Contributing to the miasma of social dissension was increasing displeasure with the war in Vietnam; the protest would be so disruptive that the United States would result to carceral structures to shield the public from dissenting opinions.

The summer of 1967 shocked the nation with violence in Newark and Detroit. Through Executive Order 11365, President Lyndon B. Johnson formed the National Advisory Commission on Civil
Disorders otherwise known as the Kerner Commission of 1967. The riots of 1965, 1966, and 1967 challenged any notions of finality foreshadowing an end to black protest. Politicians and activists who considered the movement to draw to a close with the signing of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 were in for a surprise. The streets remained the showcase of confrontational politics well into the early 1970s. The battle for control of the streets was a battle for autonomy and political authority as much as it was a struggle to keep the African American social agenda central to American politics.

Prison and crime policy served as a point of reconciliation for fractured political parties in the aftermath of civil rights legislation of 1964 and 1965. Seeking to appease the right-wing conservatives of the Dixiecrat southern block, moderates and some liberals in Congress were able to compromise on the introduction of new legislation addressing what some considered to be civil rights activism gone amuck. The string of urban riots had weakened mainstream American views on the desirability of black activism and elicited a sense of fear throughout much of white America. Social conservatives coalesced to mark their first victory in the aftermath of Brown by refocusing their agenda as an assault on rampant street crime (e.g. riots, juvenile delinquency, draft evasion, etc.). The political assault was two-pronged in essence in that it intended to curb flailing black dissidence and to reframe a conservative agenda in the interest of crime control.

Punctuating the ebb and flow of restlessness during this period was the political campaign of civil rights activists within prisons and jails. The voice and character of a spectrum of activists reveal different developments in the pursuit for racial, social, and economic equality. While the voices of imprisoned activists often articulated a variety of demands, the central theme of discontent with the American status quo was consistently amplified from behind the bars of local jails and federal penitentiaries. In this way, the carceral institutions of the modern civil rights era should be recognized as one of the most consistent institutional factors in the decades of social turbulence.

Prisons exerted a great deal of influence on the image on method of black protest. However, it was not carceral institutions of the United States that gave the movement its force. The soul force of the
movement was reiterated throughout the experiences of the detained activists. This is why it is so
important to redeem the experiences of forgotten activists like Kofi Lukwaba Efu from relative obscurity
before they are lost forever. Souls of black imprisoned activists collectively developed the voice of
redemptive suffering that altered (or at least challenged) the American ethos. Real people, fatally flawed
and tragically human are the most important factor of the moment. Consideration of George Jackson and
William Brent Lee is as important as other heroic narrative from the modern civil rights movement when
prison experiences are used as a common cultural experience of black protest. The prison experiences of
these activists reveal a distinct mosaic of American morality and civic culture when painted against the
granite canvas of institutional correction.

In addition to being a thrust for equal citizenship and a confrontation with the national ethos,
these prison experiences characterize a challenge to the internalized behavioral control that the American
moral structure sought to maintain. David J. Rothman’s seminal *Discovery of the Asylum* examines the
birth of the asylum during the Jacksonian era as a means to socially transform inmates and use them as an
example for the broader public.\(^7\) The asylum, as he illustrates, proved to become a persisting failure in
American society. However considering these redemptive experiences in penal space, something is to be
said about the failure of the penitentiary when the inmates detained there are able to legitimately
challenge and change the ‘proper’ principles of societal organization.

All of these redemptive motifs represented a direct confrontation with the racialized de facto
segregated mechanisms of American society. Through new or rather revitalized forms of collective
resistance among the carceral themselves, the penal structures were desecrated and rendered ineffective
modes of punishment. Of course, these prisons and jails did not lose any of their macabre ambience or
ability to dehumanize the human spirit but these carceral narratives illustrate that the power to
authoritatively execute punishment was directly challenged.

---

\(^7\) David J. Rothman, *The Discovery of the Asylum: Social Order and Disorder in the New
From a Foucauldian perspective, the carceral was taught the art of power relations and disciplined in the practice of normalization. The radical and revolutionary consciousness of these narratives illustrates how inmates resisted hegemonic negotiations with societal authority and within penal structures launched a direct and undaunting attack on institutionalized social control. The mechanism of carceral solidarity and redemptive consciousness used the same penal structures that had previously been implemented as tools of domination as means of liberation.

From the inferences expressed here, prison experiences are definitely an important component in deciphering the American consciousness of morality and racial discord. The role of prison as a private and public institution provides spheres of analysis that skillfully conducts modes of colonization, desexualization, moralization and cultural domination in controlled spaces. Culturally, ethically, and sexually the spaces of penal reform ultimately transform the personal into the political. The response of prisoners is interesting translated from a personal redemption to a political confrontation. Penal space then and now is comparable to a powder keg of social revolution awaiting a spark of political investment from the outside.

Some may feel that an examination like this exalts prison as a space of vicarious transformation and that the experiences encountered there are desirable. Nothing could be farther from the idea that I seek to convey here. Although activists have turned negative circumstances of imprisonment for their own good, prison remains a very real and macabre experience that is most certainly more detrimental than it is beneficial. The narratives examined reflect men and women of an extremely strong spirit who were able to rise above the despair of the penal environment; also included in this narrative were others who were not as lucky. If prisons were able to transform all of its captives into writers like Cleaver, moralists like Martin, nationalists like Malcolm, and feminists like Angela the ex-convicts would not be marked with a life-long sentence of shame.

---

The dilemma of corrections lingers still, especially among African Americans. How can good faith be invested in a system that appears to purposefully and willful subvert justice without redress? As the numbers of blacks continue to disparately reflect the discriminatory nature of criminal justice, the structures of corrections still seem as likely a spot of consciousness and confrontation today as they did in the years of Malcolm, Cleaver and Davis. In the words of Cleaver, “It is only a matter of time until the question of the prisoner’s debt to society versus society’s debt to the prisoner is injected forcefully into national and state politics, into the civil and human rights struggle, and into the consciousness of the body politic.”⁹ It is only a matter of time.

BIBLIOGRAPHY

Papers Collections


Djisovi Ikukomi Eason Papers, Private Collection, Toledo, Ohio.


Interviews


Audiovisual Sources


*Malcolm X Make It Plain*. Alexandria, VA: PBS Video, 1994. 3 videocassette (142 min.).


Books


Periodical Articles


"Refused Birthday Cake, Seale Calls Judge 'Racist'." *Jet*, 6 November 1969, 10.


"UCLA Can't Fire Black Communist Teacher." *Jet*, 16 November 1969, 23.

Journal Articles


Government Documents


Internet Sources


