

# ***Africana Criminal Justice: A Working Annotated Bibliography***

Compiled by the Africana Criminal Justice Project  
Center for Contemporary Black History  
Columbia University

*References are Listed Alphabetically, by Last Name of Primary Author*

## **A**

**Alvis V. Adair, Mercer G. Anderson, Albert Roberts and James E. Savage, Jr.**  
“Impact of Incarceration on the Black Prison Inmate,” *Journal of Afro-American Issues* 2(1974). [Discusses institutionalization of the criminal justice system, specifically looking at the social systems within prison, the ecology of prison and the strategies for improvement/change. The authors argue that “the prison institution is a subsystem within the larger American Social System,” where appalling living quarters, flagrant human rights abuses, and pervasive racism indicate the need for radical change. Short of abolishing prisons, the authors argue for better management of prisoners, with activities that are challenging and constructive to rehabilitation. They suggest that if prison life more closely mirrored “free-living individuals,” rehabilitation would be more likely. The authors propose the eradication of the prison system and implementation of community-based vocational/health centers, where inmates receive therapy, specialized job training and medical care if needed.]

### **Harry T. Alexander**

“The Black Judge as a Change Agent,” *The Administration of Criminal Justice* ed. Lee Brown (1974). [Begins by giving historical overview of racism within the three branches of government (including summaries of Plessy v. Ferguson, Dred Scott and Brown v. Board of Education). Argues that a “system of denial of equal justice” permeates every aspect of criminal/judicial law. Urges judges, both black and white, to be more politically active against human/civil rights violations within the country, to support policies that disallow police to sit on juries, and to restructure plea-bargaining laws which cause overcharging of defendants. Author concludes that judges practice the four C’s: concern, conviction, commitment and courage Argues, and that doing so can invoke radical change within a system wrought with racism.]

# B

## **Bryonn Bain**

“Walking While Black: The Bill of Rights for Black Men.” In *Village Voice* (April 26 - May 2, 2000). [Excerpt: After hundreds of hours and thousands of pages of legal theory in law school, I have finally had my first real lesson in the Law. On Sunday, October 18, 1999, I was taken from the corner of 96th Street and Broadway by the NYPD and held overnight in a cell at the 24th Precinct in New York City. While home from school for the weekend, I was arrested for a crime I witnessed someone else commit.... We had no idea that class was about to be in session. The lesson for the day was that there is a special Bill of Rights for nonwhite people in the United States—one that applies with particular severity to Black men. It has never had to be ratified by Congress because—in the hearts of those with the power to enforce it—the *Black Bill of Rights* is held to be self-evident. The essay outlines ten amendments.]

## **James Baldwin**

“Equal in Paris.” In *Notes of a Native Son*. Boston: Beacon Press, 1949. 138-158. [Essay. Recalls the experience in which he was jailed in Paris for the charge of petty theft. Ironically the incarceration, which he describes in detail, offered him a sense of liberation from “race”: “That evening in the commissariat I was not a despised black man. They would simply have laughed at me if I have behaved like one. For them, I was an American” (146).]

*If Beale Street Could Talk*. New York: Dial Press, 1974. [Novel. Story of an eighteen-year old, pregnant Tish, and her boyfriend, Fonny, who is in prison for the charge of raping a white woman. Tish wants to get him out in time so he can see the baby. Tish’s impression of prison: “I walked out, to cross these big, wide corridors I’ve come to hate, corridors wider than all the Sahara desert. The Sahara is never empty; these corridors are never empty. ... The poor are always crossing the Sahara. And the lawyers and bondsmen and all that crowd circle around the poor, exactly like vultures” (7).

“An Open Letter to My Sister, Angela Davis.” In *If They Come in the Morning*. New York: New American Library, 1971. 19-23. [Originally appeared as “An Open Letter to Angela Davis” in *New York Review of Books*, January 7, 1971. Tells Davis what he thinks is the importance of Panthers and the radicalism of young blacks, and the meaning of their imprisonment. Suggests that they were imprisoned, for they upset the ruling whiteness of the American society by demonstrating a simple fact that “we are men.” Calls prisons used to incarcerate people like Davis and George Jackson “concentration camps – for that is what they are (22).”]

**Charles Ball**

Fifty Years in Chains: or the Life of an American Slave. New York: H. Dayton Publisher, 1859. 382-392. [Narrates his attempts to escape from a Maryland plantation, seizure, and imprisonment before being sent back to a plantation.]

**Sharon P. Banks**

“Black Lawyers Responsibility to Poor Communities,” *Journal of Afro-American Issues* 2(1974). [Discusses the role of the Black lawyer and how they can provide service/help to the poor (and Black) communities. For private practitioners, the authors suggests that Black lawyers make relationships with those in the community, particularly with youth, through various outreach programs (i.e. speaking for two hours a month at a junior or senior high school with its students). Also suggests that private practitioners hire employees from the community, someone who could learn the skills and develop an interest in the work that could later benefit the community and the profession. Black lawyers who work for institutions or corporate firms are urged to take a more participatory role in the policies that shape and affect the Black and poor communities. Judges and government lawyers are urged to use compassion, competency and understanding in their positions since so many of the Black underclass are denied fair and equal representation, trials and sentencing. Also urges Black law professors and students to take an active role in stressing the importance to remember and represent the communities of the Black underclass that make their work so valuable.]

**Taunya L. Banks**

“Discretionary Decision-Making in the Criminal Justice System and the Black Offender: Some Alternatives,” *Black Law Journal* 5 (1975). [Author addresses issues raised by discretionary decision-making and its negative impact on black offenders/defendants. Asserts that specific standards must be established/implemented in order to ensure that discretionary power be exercised in a fair and just manner, particularly in terms of the Black community. Argues for discretionary decisions to be minimized in terms of police law enforcement, specifically that only top level police executives be allowed to use discretionary power and that a citizen police board be created to monitor the use (or abuse) of such power. The author turns to Germany and England’s systems of prosecution when discussing the problems of having an uncontrolled prosecutor with discretionary power, suggesting that making the prosecutor accountable to a superior (a very small act) would help to diminish the frequently abused discretionary decision. A restructuring of the jury system is offered as a solution to the abuses of discretionary power, calling for a representative jury that reflects the community in which the action/crime occurred or was committed. The author asserts that to eliminate the huge disparity in judicial sentencing solutions like the Model Sentencing Act or the Model

Penal Code of the American Law Institute could be useful, in which judicial discretion is severely limited. Specifically, these solutions call for fewer severe sentences and a greater emphasis on probation by judges.]

### **Elios Bibb**

Poems. Boston: Monthly Review Press, 1895. [Part III of “Imogene” tells a story of a man in prison for killing “That wretch which spoke my darling's name.” Imogene visits him in prison secretly, yet knowing they would remain separate forever, she falls and dies in the prison yard.]

### **Henry Bibb**

The Narrative of the Life and Adventures of Henry Bibb, an American Slave. New York: Published by Author, 1849. 86-100. [Arrested and imprisoned in 1839 in Kentucky after he had escaped to Canada and returned to free his family. Describes the prison life in details, such as foods and types of those imprisoned: “The first impression which was made on my mind when I entered this place of punishment, made me think of hell, with all its terrors of torment.... I doubt whether there can be a better picture of it drawn, than may be sketched from an American slave prison” (92).]

### **Andrew Billingsley**

Black Families in White America. Englewood Cliffs, NJ.: Prentice-Hall, 1968. 180-181. [Points to local judiciaries as one of the target for social reform. Calls lower branches of justice more reflective of racism in American society than the Supreme Court. Police patrolling needs to be reformed as well. Suggests that patrols be done by the black community itself, not by the police, since black people rarely have a say in law enforcement. ]

### **John O. Boone**

“A View of Prisons,” The Administration of Criminal Justice ed. Lee Brown (1974)  
[Argues that in order to change the correctional system, you must change the racist and unjust policies/philosophies of the criminal justice agencies (i.e. law enforcement patrols, parole offices, etc.), because the prison system is a symptom of the larger failure that is the criminal justice superstructure. He does not offer solutions/ideas on how to initiate such changes within the larger system. Argues that prisons must be educational facilities, and discusses the important role of programs like the Federal City College degree program that was in the Lorton prison. Also discusses the potential that is sparked within the prisoners once education is coupled with their experiences/realities. Such a combination results in an astounding number of potential leaders and revolutionaries which, according to Boone, must be nurtured and not negated. The underlying theme within Boone’s speech is that there must be rehabilitation, not mass incarceration.]

### **Haywood Burns**

“Black People and the Tyranny of American Law” in *The Annals of the American Academy of Political and Social Science* 407(1973). [Abstract: “The American legal system has not managed to escape the racism that permeates American life. Both historically and contemporaneously, the law has been the vehicle by which the generalized racism in the society has been made particular and converted in policies and standards of social control. Notwithstanding many countervailing experiences, many black Americans see their dominant experience with the law as that of the law’s victim. Present efforts at using the law as an instrument of social change in order to relieve this victimization are encumbered by a lack of black direction of and control over the resources, policy, and personnel ostensibly organized to combat racism. The tyranny of a racist legal structure and the powerlessness of blacks in the face of white hegemony over most of the major legal institutions-public and private-which have been established to attempt to eradicate white racism, must both be answered by the reassertion by the black bar and the black community of their interests in shaping the decisions which so profoundly affect their lives. If leadership of this character articulates black priorities from the perspective of the community centrally affected, then all willing elements of the society can contribute usefully to the attainment of the goals of freedom with dignity for all.”]

## C

### **Michael Carter**

“Crime in Harlem,” *Crisis* 46(1939). [Argues that Harlem crime is not only misrepresented in the media, but also distinguishable from other areas of high crime rate in that it is petty and disorganized. Asserts that there are three main factors that explain Harlem crime: unequal economic opportunities/advancements, lack of integrated status within American society and limited class mobility within Harlem community, especially as dictated by housing segregation. It is his assertion that once these elements are integrated into the Harlem community and its inhabitants, the Harlem crime “crisis” will be alleviated.]

### **Frank E. Chapman, Jr.**

“Pages from the Life of a Black Prisoner,” *Freedomways* 11(1971). [Chapman discusses his experiences as a Black inmate through the lens of his political engagement/ideology that was developed through his education while incarcerated, specifically through his study of mathematics, philosophy and African-American studies. Discusses at length the racism that pervades the prison system, both within and without the prison gates, and

emphasizes how structural racism within the criminal justice system aims to completely disenfranchise Black inmates mentally, spiritually and emotionally.]

### **Charles W. Chestnutt**

“The Sheriff’s Children.” In *The Wife of His Youth*. Boston, MA: the Cresset Press, 1899. 60-93. [Short story about a white sheriff in a small town of North Carolina who discovers that a mulatto jailed for the charge of killing a white man is actually his son. The son takes the sheriff hostage in prison and confronts him and denounces his hypocrisy, while the lynch mob gathers outside the jailhouse.]

“Peonage, or the New Slavery.” In Jesse Cliser, et al. eds., *Charles W. Chesnutt: Speeches and Essays*. Stanford: Stanford University Press, 1999. 205-209. [Originally appeared in *Voice of the Negro*, Vol.1 (September 1904), 394-97. Chesnutt condemns peonage system and the complicity of the southern local laws and courts: “Negroes were arrested on trumped up charges, fined to the full limit of harsh laws, sold at hard labor, worked under armed guards, cruelly flogged and kept in this worse form of slavery long after the fine and costs imposed upon them had been worked out” (206).]

### **Kenneth B. Clark**

*Dark Ghetto: Dilemmas of Social Power*. New York: Harper, 1965. 81-110.

[Chapter 5, “Pathology of the Ghetto” defines ghetto as a sick community where children keep being born in broken families. Argues that neither police patrol nor threat of legal punishment would curtail “criminal behavior” such as violence and drug addiction. Suggests that a solution lies in “changing the conditions which tend to breed widespread violence rather than ... reforming the individual criminal” (109).]

“Color, Class, Personality, and Juvenile Delinquency.” *Journal of Negro Education*, Vol.28, No.3 (summer 1959), 240-251. [Criticizes a notion about the “innate inferiority of the Negro” for high crime rate. Argues that delinquency among black youth should not be separated from the cases of white youth delinquency, especially in upper and middle class, “the privileged delinquent.”]

### **Coalition of Concerned Black Americans**

“A Preliminary Report of the Experiences of the Minority Judiciary in the City of New York,” *Howard Law Journal* 18(1975). [CCBA interrogates/discusses the inequities in the administration of justice, specifically from the eyes of minority judiciaries. Focuses on the far-reaching effects that the criminal justice system has on minority communities, particularly on those people of color who work directly within the system. Data used for this study were based on questionnaires and in-depth interviews of Latino and Black judges in New York City. Data was collected over a six-month period, and out of the thirty-nine questionnaires that were sent out, twenty-four responded. Therefore the

information within the report was based on these twenty-four responses. The focus of the questionnaires was based on seven specific areas: 1) selection of judges 2) judicial assignment and case assignment 3) courtroom personnel and facilities 4) racism in the judicial system 5) plea bargaining 6) the bail system 7) the jail system. An interesting finding, especially when compared to Crockett's "A Black Judge Speaks" is the Judicature Society's findings regarding an appointive vs. elected judiciary and which one benefits the Black community. In contrast to Crockett's assertion, almost two-thirds (62.5%) of the appointed judges who responded to the questionnaire attained their position through some sort of appointive measure, in sharp contrast to the 37.5% who were elected. It should be noted, however, that the CCBA's statistics show that Blacks have more to gain if they utilize both systems, appointive and electoral. (see figure on pg. 504).]

### **David Cole**

No Equal Justice: Race and Class in the American Criminal Justice System. New York: the New Press, 1999. [A comprehensive survey-study of the contemporary judicial and law-enforcement system as they apply to discrimination and legal double standards in the cases involving people of color and the poor. Acknowledges the difficulty of implementing community-based criminal justice, but argues there is no alternative.]

### **Oliver C. Cox**

Race Relations: Elements and Dynamics. Detroit: Wayne State University Press, 1976. 257-271. [Chapter 18, "The Police and Alienation." Analyzes the history of legal treatment and conditions, which lead police to use excessive force against African Americans. Concludes that police brutality is one of the main reasons for what he calls "racial alienation" of African Americans from the mainstream American culture.]

### **Judge George W. Crockett.**

The Voice of Black America. 1131-1138. [Argues that "Racism in our law has created a national psychosis" since the days of slavery. Criticizes officials in law enforcement and courts who practice racial discrimination in the name of "state action" and take "equal protection" to mean the same protection for everyone. The speech appeared first in print in Science and Society, Spring, 1969, pp 223-30. Also an article in Journal of American Judicature Society, April-May 1970.]

"A Black Judge Speaks," *Judicature* 53(1970). [Framed after the 1967 Detroit riots, Crockett Jr. asserts that since its inception, racism has affected/consumed the concept of equal justice in American courts, specifically discussing the Detroit's Recorder court system. Further explains how racism breaks down every step of judicial procedure, specifically for poor and/or Black defendants. Comments on the intensified need to reconstruct/redirect the judiciary process to its true intention and conduct, specifically on behalf of judges (unbiased, non-racist interpretations of law/constitution, and a specific need to eradicate courts' high bail policies), prosecutors, police and the press (honest,

objective reporting that does not sensationalize but instead inform truthfully to the public).]

“Judicial Selection and the Black Experience,” *Judicature* 58(195). [Discusses the debate between appointive vs. electoral systems of federal judiciary positions, specifically in terms of racial imbalances in the make-up of federal judges, both nationally and within the state of Michigan. The main basis for the argument for an appointive judiciary is that members of the state bar “have a far superior appreciation of what constitutes a good judge”(Crockett, 438). Notably, Crockett points out that a renewed campaign to install an appointive judiciary committee coincides with a comparatively large increase in the number of Black judges in the state. Argues that because the citizen is relied upon to elect other public officers (president, governors, mayors, etc.) it is only logical that they be able to choose which judge represent their constituency, whereas for an appointive judiciary committee, a judge is only responsible to a limited few. It is this issue of constituency coupled with issues of accountability and control that Crockett sees at the heart of the debate between appointive/elected judiciary. If a community can choose who will be the representative of their particular voting bloc, then the people have a direct voice into how the laws can be interpreted, particularly in regards to how such interpretation will affect their community.]

## D

### **Allison Davis**

Deep South: a Social Anthropological Study of Caste and Class. Chicago: University of Chicago Press, 1941. 483-538. [Written with Burleigh and Mary Gardner. A study of anonymous Deep South areas. The chapter “Caste, Class, and Local Government: White Power” discusses how white supremacist structures attempt to control and contain Afro-Americans through law enforcement and imprisonment, whose perceived failure to deter “Negro crimes” too often leads to lynchings.]

### **Lucy A. Delany**

Darkness Cometh the Light, or Struggles for Freedom. St. Louis, MO.: Publishing House of J. T. Smith, 1891. 33-43. [Describes the attempt of her free mother to gain freedom for her through law suits against the master. Delany had to spend seventeen months in jail while the trials went on for the fear that her mother would take her away.]

### **Fredrick Douglass**

Narrative of the Life of Fredrick Douglass, an American Slave. Boston: Anti-Slavery Office, 1845. 91-94. [Middle portion of chapter 10 narrates Douglass being sent to jail for conspiracy to runaway. Describes the condition of the jail as better than expected, but despair persisted: “I was now left to my fate. I was all alone, and within the walls of a stone prison. But a few days before, and I was full of hope. I expected to have been safe



in a land of freedom; but now I was covered with gloom, sunk down to the utmost despair. I thought the possibility of freedom was gone” (93).]

### **W.E.B. Du Bois**

The Philadelphia Negro: A Social Study. New York: Lippincott, 1899. 235-268, 282-286. [Chapter 13 “Negro Criminals” and a section in chapter 15, “Poverty and the Cause of Crime” argue that a notion that crime is solely the problem for African Americans is wrong and that the reason for crimes committed by Afro-Americans is found in “peculiar” social conditions in large cities such as Philadelphia.]

Some Notes on Negro Crime, Particularly in Georgia. Atlanta: Atlanta University Press, 1904. [The report of the Ninth Conference for the Study of the Negro Problem, compiled by Du Bois, details the history and many aspects of criminal justice system in Georgia that hinders prevention and reformation. Du Bois argues that racially differentiated punishment is “calculated to breed crime rather than stop it”(65)]

The Autobiography of W.E.B. Du Bois. New York: International Publishers, 1968. 361-395. [Chapter 21, “An Indicted Criminal” and 22, “The Trial.” Narrates his experience of being indicted and tried for the charge of failing to register his peace-initiative institution as a “foreign agent.” Criticizes many black organizations for not supporting him. The experience taught him that “the great mass of arrested or accused black folk have no defense. There is a desperate need of nationwide organizations to oppose this national racket of railroading to jails and chain gangs the poor, friendless and black” (390).]

### **Paul Laurence Dunbar**

“The Haunted Oak.” In The Complete Poems of Paul Laurence Dunbar. New York: Dodd, Mead, and Co. 1913. 219-20. [About an old oak tree that does not bear any leaves, for it has been used to hang prisoners for so long: “They have no care for his innocence, And the rope they bear is long.”]

## **E**

### **Ralph W. Ellison**

“Untitled Note” [“Let us consider the Harlem Crime Wave ...”], np., Box 101, Folder “Let Us Consider the Harlem Crime Wave,” Ralph Ellison Papers, the Library of Congress. [Unpublished essay for the Negro Quarterly circa 1940. According to Lawrence Jackson, the article attacks media portrait of black crime waves as a scapegoating which obscures “the real social ills contributing to the viciousness of black urban life” (see Jackson, Ralph Ellison. New York: Wiley, 2001. 266).] Note: Ellison worked on a fiction during the WW II which featured a black soldier put in a Nazi prison camp where he confronts racism of both Nazi guards and his fellow American prisoners. Ellison could not complete the book as he suffered from a kidney disease.

## F

### **Edward Franklin Frazier**

“Georgia: or the Struggle against the Impudent Inferiority.” *The Messenger*, Vol. 4, No. 6 (June, 1924), 173-177. [Focuses on the white hypocrisy regarding slavery and race relations in Georgia. A paragraph strongly denounces the maltreatment Afro-Americans in Georgia receive from the court and prison labor: “In her [Georgia’s] filthy jails are herded together colored men, women, and children. Her black chain gangs build her roads by day. At night they are caged. The writer has seen colored women wearing stripes, working under an armed white guard” (175). Also briefly describes how black suspects are treated in the court rooms: “A civilized man cast among cannibals would have a better chance of justice than a Negro in an Atlanta court” (176).]

The Negro Family in the United States. Chicago: the University of Chicago Press, 1939. [Chapter “Rebellious Youth.” Argues that one of the factors most responsible for juvenile delinquency is the character and organization of the community: “Juvenile delinquency flourishes in those areas where the Negro, because of his poverty and cultural backwardness, forced to find a dwelling-place.” Such conditions then lead to “numerous broken homes and the employment of the mother [where] the children lack parental control which is sometimes able to offset the influence of vicious environment” (375).]

The Negro in the United States. New York: McMillan, 1949. 638-653. [Chapter 25, “Crime and Delinquency.” Details the history of sociological analyses regarding crimes and Afro-Americans. Argues that many such studies have debunked the notion of black criminality as biological/ racial inheritance. Suggests that those findings need to be implemented in social policy, but to do so effectively, Afro-Americans need to be integrated fully in American society.]

## G

### **John Grant**

“Some of the Evils Which are Producing Desperadoes and Murder Among the Negroes and the Remedies,” *Voice of the Negro* 2(1905). [Indictment of white Americans for their inhumane and exploitative treatment of Black Americans, which is the causation of Black crime/violence. Solutions to the “Negro problem”, according to Grant would be to either grant Black Americans their full equal rights or allow them to leave US in order to create and sustain communities as people with realized rights and dignity.]

### **John P. Green**

“These Evils Call Loudly for Redress.” In The Voice of Black America: Major Speech by Negroes in the United States, 1797-1971. Ed. Philip Foner. New York: Simon and Schuster, 1972. 499-504. [Ohio State Legislature. The speech was delivered in 1884 at a convention in Pittsburgh. One of the “evils” he discusses is convict lease system and laws which “entrap and enslave the ignorant and too-confiding freedmen . . . as a sure and never-failing source of the supply of labor for the coal mines of Alabama and the construction of public works in most of the Southern states” (501). First appeared in print in the New York Globe, May 3, 1884.]

### **Archibald Henry Grimke**

The Ultimate Criminal: an Annual Address. Washington, D.C.: The American Negro Academy, 1915. [Objects to the notion that black criminals are representatives of the entire race, saying that nobody tries to trace the origin of “Negro criminality.” Suggests that the origin is in the early years of the Reconstruction period when ex-slaves found “no laws strong enough to protect them in their lives or property or freedom from the murderous attacks” (6). Southern discrimination kept reproducing poverty and ignorance in black people through many laws, and “the ultimate criminals” are thus not black criminals, but those who keep them weak, oppressed, and impoverished.]

## H

### **Abram Lincoln Harris**

The New Negro Workers in Pittsburgh. Master’s thesis. Pittsburgh: University of Pittsburgh, 1924. 28-43. [The chapter “Crime, Delinquency and Dependency.” Defines the current problem of the administration of justice as the prevalence of the pre-Enlightenment notion of equal moral responsibility of offenders and the exclusion of conditional and environmental factors from consideration. This problem affects adversely Afro-American workers in Pittsburgh. Suggests that black offenders have southern background and have thus no confidence in legal protection or remedy. Without adequate social work administration, poverty keeps producing crimes.]

### **Harry Haywood**

"Scottsboro Decision." *The Communist* (December 1932), 1065-1075.

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

**A. Leon Higginbotham Jr.**

Shades of Freedom: Racial Politics and Presumptions of the American Legal Process. New York: Oxford University Press, 1996. [Second volume to the previous In the Matter of Color: Colonial Period. Covers the twentieth-century legal development, mostly through court and judicial processes. Argues that emancipation and destruction of slavery removed the codes of racial inferiority from the laws, but a new code “percept of inferiority” was inserted into the American legal system, which continues today.]

“The Black Prisoner: America’s Caged Canary.” In Hugh David Graham, ed., Violence: the Crisis of American Confidence. Baltimore: Johns Hopkins University Press, 1971. 103-125. [Argues that deplorable, contemporary conditions in urban prisons and urban areas are not isolated problems for black people only: they represent the long tradition of racial violence and injustice of the history of the United States as such. Prison riots, such as the one that took place in Holmesburg Prison in Philadelphia, are indicative of not only the black communities but the entire America that has been and become violent. Quotes many parts from Malcom X's Autobiography to show that black prisoners have more understanding of the history of injustice than any other. Without acknowledging the violent past beginning from slavery, no one can communicate to black prisoners and understand their rages. "We will not be able to solve today's racial problems either in our prisons or on the outside merely by suggesting that some of the black men who are angry are a few isolated hard core militants" (118).]

“Race in American Law.” In Bernerd Schwartz, ed. American Law: the Third Century. South Hekensack, NJ.: F. B. Rotham, 1976.

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

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

“Racism and the Early American Legal Process, 1619-1896” in *The Annals of the American Academy of Political and Social Science* 407(1973). [Abstract: “An understanding of the early American legal process is central to dealing with the racial disparities of today. From 1619 to 1860 the American legal process was one which expanded and protected the liberties of white Americans-while at the same time the legal process became increasingly more harsh as to the *masses* of blacks, with a steady contraction of their liberties. The United States Constitution sanctioned slavery, so that under federal law the slave ‘had no rights which the white man was bound to respect’. Though the Emancipation Proclamation and the Thirteenth, Fourteenth and Fifteenth Amendments significantly expanded the actual rights and options of blacks, nevertheless from 1865 to 1896 the legal process failed to effectuate the full potential of the rights intended and assured under the constitutional amendments”.]

### **Chester Himes**

The Quality of Hurt: The Autobiography of Chester Himes, Volume One. Garden City, NY: Doubleday, 1972. 56-72 [Himes went to Ohio prison in 1928 for robbery and got out in 1936 on probation for the duration of the maximum sentence. Volume 2 of Hurt begins by stating, “I grew to manhood in the Ohio State Penitentiary. I was nineteen years old ... twenty-six years old when I came out. I became a man, dependent on no one but myself”(60). Himes describes the inside of the Penitentiary: sex, gamble, and violence. In the previous chapter, Himes describes how he was tortured by the detectives during an interrogation (56). ]

“Prison Mass.” In The Collected Stories of Chester Himes. New York: Thunder’s Mouth Press, 1990. 147-192. [Originally published in Abott’s Monthly in 1933. The story takes place during a prison mass and some prisoners reflect on what brought them to the prison and what they want to do now while listening to the priest preach about Jesus, which is being inserted in-between the stream-of-consciousness type of prisoner’s, particularly “Signifier’s” reflection on his crime, family, and aspiration.]

### **Hosea Hudson**

The Narrative of Hosea Hudson: His Life as a Communist in the South Cambridge: Harvard University Press, 1979. 180-194. [Chapter 9, “To New York and Birmingham Jail” describes the incident in 1931 in Birmingham where he and others organizing coal miners were arrested and jailed several days. Describes the bunks, foods, court house proceedings, and inmates playing dice at night. Remembers what the sergeant said to them upon release: “You God damn niggers get out of that gate and get out of town. You damn Reds better not be caught in Birmingham any more” (187).”]

### **Langston Hughes**

Scottsboro Limited: Four Poems and a Play in Verse. New York: Golden Stair Press, 1934. [Short poems and a play on Scottsboro. The first poem “Justice” goes:  
That Justice is a blind goddess  
Is a thing to which we black are wise.  
Her bandage hides two festering sores  
That once perhaps were eyes.]

### **Zora Neale Hurston**

Mules and Men. New York: J. P. Lippincott, 1936. 223-226. [Collection of southern black folklores. The first portion of chapter 5 tells the story of Dr. Duke whose “specialty is law cases” and who shows Hurston how to conjure magic that helps his clients in jail or being tried: “To silence opposing witness, we took a beef tongue, nine

pins, and split the beef tongue. We wrote the names of those against our man and cut the names out and crossed them up in slit of tongue with red pepper and beef gall ...” (225).]

## I

## J

### **Harriet Jacob**

Incidents in the Life of a Slave Girl, Written by Herself. Boston: Published for Author, 1861. 35-38. [Jacob sees her brother Benjamin incarcerated for his attempted escape from Dr. Flint. Describes a secret visit to his prison with her mother. Benjamin was then sold to a slave trader after more than six months in prison.]

### **Burtell Jefferson**

“Policies for Increasing the Number of Black Police Executives,” in Black Crime: A Police View (1977). [Argues that because blacks are denied access to serve in specialized units/assignments which further their knowledge and special skills, they are consistently discriminated against for promotions into higher level positions because they “do not have the necessary knowledge to function” within those positions. Argues that in order to stop such practices, chief executives must begin to adopt affirmative action and career development policies to help combat the inherent racism that pervades police department policies. Suggests the adoption of a management intern program for all police departments which would ultimately provide experience and training for staff to function in all departments, at all levels.]

### **Charles Spurgeon Johnson**

To Stem This Tide: a Survey of Racial Tension Areas in the United States. Boston: Pilgrim Press, 1943. [The study was conducted and published during the WW II. The context is to combat “racial tension” for the sake of national unity. The chapter 6 “Lawlessness of the Law” argues that police brutality had been so commonplace among African Americans that it was seldom a national news item: “There are few Negroes in the South who have not either experienced or witnessed some form of violence on the part of these guardians of the law” (72) The war brought many black soldiers to the South who were unaccustomed to southern “racial etiquette” and white police officers who expected they act like “Negroes,” leading to their arrest or beating.]

### **James Weldon Johnson**

“More Than Murder: Administration of Justice,” *Crisis* 78(1971). [Discusses need for Congress to enact anti-lynch laws in order to combat state-sanctioned terrorism. Points out that Congress’s resistance to enact such a law solely relies on the argument that lynching is murder, which the federal government has no constitutional right to interfere with the state legislature on. Johnson argues that lynching is not murder, but mob-driven violence used to terrorize Black communities and act independently of the power of state and federal government.]

K

L

**Joyce Ladner**

Tomorrow’s tomorrow: the Black Woman. Garden City. NY.: Anchor Books, 1971. 99-104. [The chapter “Racial Oppression and the Black Girl” argues that the prevalence of crime – stealing and pawning the items – is not a sign of social pathology but the desperation necessity for the lives of black women in poverty. Discusses how black women in urban areas view police whom they see as interested not in protecting the community but punishing them. Children grow up seeing “the beatings, jailings, shootings and almost any other type of violence that is carried out by the police. Thus, the stereotyped image of the policeman as the protector who guides young children and old ladies across the street is alien to their concept of their function” (103).]

**Walter J. Leonard**

“The Development of the Black Bar,” *The Annals of the American Academy of Political and Social Science* 407(1973). [Abstract: “This article seeks to trace a certain pattern which exists, or appears to exist, within the history of black lawyers in America. Their story is relatively short, for American black lawyers have been part of our times for only 129 years. However, black lawyers in America, insofar as they constitute a “black bar,” should not be considered exclusively as a group, generating certain patterns. Whatever the term “black bar” may mean, it can be defined adequately only in terms of every individual black lawyer. There have been periods in American history when there were too few black lawyers for any sort of group to be assembled at all. Because so distinct and limited a minority can have no significant power or influence, it is encouraging that the sheer numerical characteristic of black lawyers has increased. In 1844 there was one; in 1973 there are more than four thousand. But however many more are needed, and however influential the “black bar” may become, it is perhaps to our benefit that we are forced to consider certain individuals, isolated though they often were, as the total representation of the black legal profession. Those men and women served to maintain a tradition throughout some very bad times. Today, they serve to remind us that black lawyers,

however constituted, defined, or studied, are nothing if not individuals, men and women of distinctive color, creed and characteristic, and ultimately their own men and women, not those of any of their associations.”]

## M

### **T.H. Malone**

“Peonage- Its Origin and Growth” in *Voice of the Negro* 3(1906). [Author uses a short story to illustrate the continued practice of slavery in post-emancipation South, as well as white southerner’s deep-seated resistance to dismantling white supremacy.]

“Peonage-The Remedy” in *Voice of the Negro* 3(1906). [Both the courts and the public sentiment found within the South are sufficiently ending the practice of peonage throughout the region. Author asserts that both the judicial system and the people of the South have successfully altered public opinion/acceptance of the barbaric practice, creating an environment of justice and relative equality for the victims of peonage.]

### **Thurgood Marshall**

“The Gestapo in Detroit.” *The Crisis*, Vol. 50. No. 8 (August 1943), 232-33, 246-247. [Squarely places the blame of the Detroit Riot of 1943 on the police department. Charges the Detroit Police for permitting the riot to spread and escalate while doing nothing to contain white mobs attacking black passersby. Shows police officers shot into black crowds indiscriminately and killed several unarmed black gatherers. Concludes that “This record by the Detroit police demonstrates once more what all Negroes know only too well: that nearly all police departments limit their conception of checking racial disorder to surrounding, arresting, maltreating, and shooting Negroes ... The certainty of the Negro that they will not be protected by police, but instead attacked by them is a contributing factor to racial tensions” (247).]

### **Kelly Miller**

Out of the House of Bondage. New York: Neal Publishing, 1914. 95-102. [Chapter, “Crime among Negroes,” criticizes the “anti-negro doctrinaires” regarding race and crime. Particularly attacks the census-based view of the high rate of black criminals as faulty, by comparing white incarceration rates in Mississippi and Massachusetts: “It is impossible



to trace any connection between race and crime” (100). Emphasizes the factor of condition and environment to account for why certain blacks commit crime: “Crime is a question of condition, not of color” (97).]

**Herman E. Moore**

“The Virgin Islands and its Judicial System,” *National Bar Journal* 3(1945)

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

“The Delinquent Negro Child” in *Phylon* 10(1949). [Argues that education, family and poverty are essential in shaping the “delinquent negro child” as these forces are key in molding the child’s self-image/self-esteem. Asserts that the culture that these children find themselves victim to are first and foremost the causes for later anti-social behavior, and case workers who are trained to work with them must be aware of this. Also entreats caseworkers to understand the “psycho-cultural infections...contributing to further disintegration,” as a way to encourage the child to adopt a mainstream, American “way of life.”]

N

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P

**Kellis E. Parker and Betty J. Stebman**

“Legal Education for Blacks,” *The Annals of the American Academy of Political and Social Science* 407(1973). [Abstract: “The need for additional black lawyers should be obvious to all. No attempt will be made here to rehearse the arguments that were made in the early sixties regarding the desirability of minority recruitment programs. Rather, this article attempts to depict the past and present experiences of black law students. Their story in legal education is viewed in the natural history of matriculation in a law school. Thus, admissions, financial aid, attrition, bar examinations, and placement are among the topics discussed. Additional data are included on the organizations extant which have

made and are continuing to make it possible for enough blacks to participate in legal education to make this article possible.” Discussion deals with growing debate over affirmative action and its constitutionality, and how the number of black students has increased since the implementation of “special” admissions policies. Authors call for extensive federal programs designed to provide financial assistance/aid to those students who would not otherwise be able to attend law school, noting programs in place for such a purpose (i.e. The Council on Legal Education Opportunity, the Earl Warren Legal Training Program, INC, and the NAACP Legal Defense Fund). Authors provide no statistics regarding attrition, but suggest that a full integration of administrative staff and other faculty would be helpful to support black law students who would otherwise find the environment hostile to them. Authors assert that to increase the number of black lawyers from 1 to 12 percent, the following must occur: “...the unqualified commitment of all law schools (to increase the number of black lawyers); new and increased sources of financial aid, both private and public; a change in bar examination procedures; and a substantial increase in the employment opportunities for black lawyers.”]

### **William Patterson**

A Man Who Cried Genocide: an Autobiography. New York: International Publisher, 1971. 75-90 [Recalls why the author became involved in the Sacco-Vanzetti trial in Boston, “a turning point” in his legal/ political career. Allowed him to see the similar legal treatment between these Italian radicals and Afro-Americans before the court.] Note: The Papers of the Civil Rights Congress at Schomburg Center include a file “Prisoners Relief” which has correspondences between the CRC and prisoners, most notably William McGee.

### **Adam Clayton Powell**

Keep the Faith, Baby! New York: Trident Press, 1967. 161-167. [The chapter, “The Justice of Injustice,” explains why he is introducing the bill abolishing capital punishment in all states and military. Among the reasons he cites are that death penalty is an inadequate deterrence against crime and that many who commit serious crimes are either mentally suffering or the poor and unfortunate whom the law enforcement agencies treat more severely. “The gallows, the gas chambers, ... should be relegated to our museums (166).]

Q

R

### **Ira De Augustine Reid**

In a Minor Key: the Negro Youth in Story and Fact. Washington D.C.: American Council on Education, 1940. 91-95. [The chapter "The Evil Men Do" lists the prominent causes of the higher rate of crimes committed by black people, such as historical background (migration), lack of education, criminal patterns becoming normal in certain areas, and police and courts that are more likely to arrest and convict black suspects. Also lists some data on lynchings.]

"The Negro Goes to Sing Sing," *Opportunity* 19 (1932):215-17 [With statistics on the prison population in Sing Sing between 1924 and 1931, Reid acknowledges that disproportionately high number of African Americans are imprisoned and increasing, but argues that violent crimes are not "monopoly" of African Americans or their "inherent racial criminality" by comparing them with Italian, Irish, and other immigrant minorities in Sing Sing. He rather suggests that researchers engage in thorough and unprejudiced studies to find the deep root cause "in the social status of a minority population" that is vulnerable to multiple causes leading to crime, such as unemployment in the midst of the Depression."]

"Race and Crime." *Friends Journal*, No.3 (1957). 772-774 [Criticizes those who regard "race" as an adequate term to explain criminal trends in society: "there is no specific crime or criminal tendency that is innately specifically, and causally related to one's biological heritage" (772). Acknowledging that some racial/ ethnic groups produce higher number of arrests and convictions, he argues that these statistics be seen in the context of group's social status, its access to economic resources (lack thereof) and how integrated the group is into American society. Identification of social groups as "race" with crime only confuses and codes these underlying, sociological backgrounds of why people commit crimes: "neither social science nor society nor common sense finds the answer to crime among men by using the myth of race ....Neither fault nor the remedy is to be found in the stanchion of race"(774). ]

"A Study of 200 Negroes in the Western Penitentiary of Pennsylvania," *Opportunity* 3(1925):168-69. [Reid analyzes the scores of an intelligence test given to the inmates in Pennsylvania Penitentiary. Criticizes the test form as too inadequate for non-schooled and illiterate black inmates and argues for the adoption of tests similar to the one given to non-English speaking inmates, i.e., Italian. Disclaims "heredity" factors in the cause of crimes, in this particular case, by retarded and illiterate people, suggesting many other factors play a role. Argues for more long-term reformatory programs inside prisons such as job training.]

### **Paul Robeson**

Paul Robeson Speaks: Writings, Speeches, Interviews, 1928-1974. Larchmont, NY: Brunner/Mazel, 1978. 250, 344-5. [In the later part of the speech in 1950, "Forge Negro-Labor Unity for Peace and Job," he speaks out about the imprisonments of the

"true friends of the Negro" and innocent black people by the US government: those include Eugene Dennis, William Patterson, George Marshall, Haywood Patterson, William McGee: "They will have to build many, many more jails--- not only here but all over the world to hold the millions who are determined never to give up the fight for freedom" (251). Another speech in 1953 urges support for the "African brothers and sisters" in South Africa and Kenya who were jailed for resisting segregation and discrimination. Links to the US situation where Du Bois and others were being tried and incarcerated.]

## S

### **Lloyd Sealy**

"The Dilemma of the Black Police Executive," Black Crime: A Police View (1977) [Discusses the problems that black executives face in a predominantly white field. Much of his essay is based on interviews and personal accounts from current or former black executives. They discuss the selection process, assignments, relations with the chiefs, and police organization in general. Sealy analyzes the role of civil service tests as a means to decide promotions, asserting that the "underlying discriminatory" history and function of the tests has had adverse impacts on black applicants. In discussing assignments the author asserts that because there are so few black executives, their main assignment should be patrols since that is the area in which police come into the most contact with members of the black community, and it is out of this contact that the most hostility/problems occur. With an increased presence of black officers, the author asserts that such interactions will change, if not decrease altogether.]

### **Nate Shaw /Ned Cobb**

With Theodore Rosengarten, All God's Dangers: the Life of Nate Shaw. New York: Knopf, 1974. 345-420. [The chapter "Prison" narrates his 12-year stay in Alabama prisons after the shootout with sheriffs in 1931 in which the sheriffs tried to break the Alabama Sharecroppers' Union. Detailed observations of prison lives, both inmates and officials. Thinks that prison is no better or worse than the outside world: "I was travelin through the world, different places, when I was in prison: wherever they sent me, I went, had to go. But I had no trouble, seriously. And didn't nobody try to dupe me: I was already in a trap, you might say, caught in a wire trap. Outside, they raised figures against me in place of wire" (390).]

### **Arthur D. Shores**

"The Negro at the Bar: The South," *National Bar Journal* 2(1944). [Discusses the victories that Black lawyers in the deep south have made in terms of a) winning over Black trust of the law, b) properly and successfully representing Black clients and c) illustrating that the law can be used to combat racism and racist policies. Author relies

heavily on personal/private accounts of Black lawyers and their cases, summarizing the case and the verdict, all with the conclusion that Black lawyers in the south, while very few, have been instrumental in winning cases for their clients.]

### **Robert Staples**

“White Racism, Black Crime, and American Justice: an Application of the Colonial Model to Explain Crime and Race.” *Phylon*, Vol.36, No.1 (spring 1975), 14-22. [Proposes to use Fanon’s “colonial model” to explain the relationship between race and crime. Defines Afro-Americans as a subjugated colonized population that has “no law of their own and no defense against the laws of the colonizers”(16). The power to define what constitutes crime is beyond their reach. Argues that black offenders should be “tried and judged by the black community itself” (22).]

## T

### **Mary Church Terrell**

“Service Which Should be Rendered the South” in *Voice of the Negro* 2(1905)  
[Indictment of whites at the continued hatred and injustice done to blacks in the south. Author urges whites (southerners especially) to shake off their racism and help dismantle the stereotype of the bestial Black that pervades American society. Also discusses the increased number of homicides and murders across the nation, but with particular reference to lynching in the south, deploring it’s widespread acceptance and urging legislative action to be swift and just.]

## U

## V

## W

### **Benjamin Ward**

“The Need for Black Police Officers,” The Administration of Criminal Justice ed. Lee Brown (1974) [Briefly describes that the need for (and public astonishment at the lack of) Black police officers was borne out of the 1960’s riots that swept across the country. Argues that it is imperative for a strong, Black police power which could ultimately help restructure political power in cities nationwide, pointing out the significant power that

the police possess when it comes to shaping the political environment of local government.]

### **Booker T. Washington**

The Story of the Negro: Rise of the Race from Slavery. Volume 2. New York: Doubleday, 1909. Reprint: Volume 2. New York: Peter Smith, 1940. 85-113. [In the chapter IV, "The Negro Crime and Racial Self-Help," Washington suggests that the crime statistics on Afro-Americans is exaggerated, and argues that the number of the assaults on women are mostly the same with other groups of men, saying that it is not true that black men possess peculiar racial disposition to attack women. Praises local reformatory activities in the South headed by local black leaders and helped by sympathetic whites.]

"To Laura J. Stern" (1913)." The Booker T. Washington Papers. Urbana: University of Illinois Press, 1982. Vol.12, 179-180.

"To Hugh Mason Brown (1910)" BTW Papers, Vol.9, 552-553.

"To Oswald Garrison Villard (1908)." BTW Papers, Vol.9, 503-504.

"To the Editor of the Southern Workman" (1986)." BTW Papers, Vol.2, 296-97.

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

### **Ida B. Wells**

The Reason Why the Colored American Is Not in the World's Columbian Exposition. 1893. Chicago: University of Chicago Press, 1999. [Self-published by Wells in Chicago. The chapter three, "Convict Lease System," in which she calls it one of the "twin infamies which flourish hand in hand" in the United States" (The other infamy is lynch laws). Argues that southern states gain much revenue from the lease system while ignoring to repair and reform the badly built and administered facilities. The reason why more prisoners are black than white is that judges are white, the jury is white, and the sheriff is white, and thus black people can never hope to have fair treatment or just sentencing.] Southern Horrors: Lynch Law In All Its Phases (1892).

A Red Record: Tabulated Statistics and Alleged Causes of Lynchings in the United States, 1892-1893-1894 (1895).

Mob Rule in New Orleans: Robert Charles and His Fight to the Death (1900).

### **Walter Francis White**

A Man Called White: the Autobiography of Walter White. New York: Viking Press, 1948. 125-1233. [Describes the NAACP's involvement in the defense of the Scottsboro

Boys in Alabama in the early 1930s. Argues that the difficulty defending them, or any black man accused of raping white women, was the charged "lynch" atmosphere in Alabama where the courts "flagrantly violated virtually every principle of law" (128): but also in "Communist manipulation" through International Labor Defense. Basically a Commie-bashing chapter written in the early Cold War years.]

### **Patricia Williams**

"Why Justice Wasn't Done." (New York) *Newsday* (July 29, 1993), 54. [Commentary on the acquittal of Lemrick Nelson charged with killing Yankel Rosenbaum during the Crown Heights Riot. Concerned with the public anger and frustration over the acquittal. Argues that the problem is not with the jury and the members' races, but with the legal system in New York: "It is a copout in the most literal sense to think that we can have 'justice' for anyone in Crown Heights if the witnesses and the evidence are lost in a morass of legal, medical and forensic bungling" (54). ]

### **Monroe Work**

"Crime among the Negroes of Chicago." *American Journal of Sociology* Vol.6, No.2, (1900) 204-223 [The article verifies the census of increasing crimes among Afro-Americans, esp. in Chicago, but rejects the racist notion that "the Negro is retrograding and degenerating" after emancipation. Suggests instead viewing black crimes in a framework of African Americans' struggles to adjust to new environments.]

"Negro Criminality in the South." *Annals of American Academy of Political and Social Science*. Vol. 49 (September 1913), 74-80. [Argues that ex-slaves in the South "came to view the law as something to be feared and evaded but not necessarily to be respected or to be sought as a means of protection" (78) because the law and courts retained the same characteristics as in slavery: punishment and restraint]

### **Bruce M. Wright**

"A Black Brood on Black Judges" in *Judicature* 57(1973). [Discusses the need for more Black judges, especially those that embrace (rather than shy away from) politics and the plight of the Black community. Refers to the American Judicature Society's poll of Black judges which illustrated that once Black lawyers make it to the judicial level (which is a very small percentage), there is a tendency to cease taking on issues that could be seen as "racial" in scope (i.e. Black judges generally are very reticent about taking on the racial injustice that pervades the system in which they work).]

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

### **Richard Wright**

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

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

“How Bigger Was Born.” *Saturday Review*, Vol. 22 (June 1, 1940), 4-5, 17-20.

[Describes the conception of “Bigger” for Native Son. In the middle, Wright describes how the police “tortures” black suspects in a way leaving no physical marks to squeeze out confessions.]

“Urban Misery in an American City: Juvenile Delinquency in Harlem.” Twice a Year, nos. 14-15 (Fall 1946-Winter 1947): 339-45. [Argues that the high rate of youth crime in Harlem is due to “social environment” in which “The Negroes of Harlem have never been allowed to act upon the assumptions and aspirations which most white Americans take for granted” (341), which in turn leads to children’s “emotional deprivation” and consequently to delinquency.]

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