

Political Prisoners, Prisons, and Black Liberation



Angela Y. Davis

No one should fail to take heed of Georgi Dimitrov's warning: "Whoever does not fight the growth of fascism at these preparatory stages is not in a position to prevent the victory of fascism, but, on the contrary, facilitates that victory" (Report to the VIIth Congress of the Communist International, 1935). The only effective guarantee against the victory of fascism is an indivisible mass movement which refuses to conduct business as usual as long as repression rages on. It is only natural that blacks and other Third World peoples must lead this movement, for we are the first and most deeply injured victims of fascism. But it must embrace all potential victims and most important, all working-class people, for the key to the triumph of fascism is its ideological victory over the entire working class. Given the eruption of a severe economic crisis, the door to such an ideological victory can be opened by the active approval or passive toleration of racism. It is essential that white workers become conscious that historically through their acquiescence in the capitalist-inspired oppression of blacks they have only rendered themselves more vulnerable to attack.

The pivotal struggle which must be waged in the ranks of the working class is consequently the open, unreserved battle against entrenched racism. The white worker must become conscious of the threads which bind him to a James Johnson, a black auto worker, member of UAW, and a political prisoner presently facing charges for the killings of two foremen and a job setter. The merciless proliferation of the power of monopoly capital may ultimately push him inexorably down the very same path of desperation. No potential victim [of the fascist terror] should be without the knowledge that the greatest menace to racism and fascism is unity!

MARIN COUNTY JAIL

May, 1971

Fascism is a process, its growth and development are cancerous in nature. While today, the threat of fascism may be primarily restricted to the use of the law-enforcement-judicial-penal apparatus to arrest the overt and latent revolutionary trends among nationally oppressed people, tomorrow it may attack the working class en masse and eventually even moderate democrats. Even in this period, however, the cancer has already commenced to spread. In addition to the prison army of thousands and thousands of nameless Third World victims of political revenge, there are increasing numbers of white political prisoners — draft resisters, anti-war activists such as the Harrisburg Eight, men and women who have involved themselves on all levels of revolutionary activity.

Among the further symptoms of the fascist threat are official efforts to curtail the power of organized labor, such as the attack on the manifestly conservative construction workers and the trends towards reduced welfare aid. Moreover, court decisions and repressive legislation augmenting police powers — such as the Washington no-knock law, permitting police to enter private dwellings without warning, and Nixon's "Crime Bill" in general — can eventually be used against any citizen. Indeed congressmen are already protesting the use of police-state wire-tapping to survey their activities. The fascist content of the ruthless aggression in Indo-China should be self-evident.

One of the fundamental historical lessons to be learned from past failures to prevent the rise of fascism is the decisive and indispensable character of the fight against fascism in its incipient phases. Once allowed to conquer ground, its growth is facilitated in geometric proportion. Although the most unbridled expressions of the fascist menace are still tied to the racist domination of blacks, Chicanos, Puerto Ricans, Indians, it lurks under the surface wherever there is potential resistance to the power of monopoly capital, the parasitic interests which control this society. Potentially it can profoundly worsen the conditions of existence for the average American citizen. Consequently, the masses of people in this country have a real, direct, and material stake in the struggle to free political prisoners, the struggle to abolish the prison system in its present form, the struggle against all dimensions of racism.

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Despite a long history of exalted appeals to man's inherent right to resistance, there has seldom been agreement on how to relate in practice to unjust immoral laws and the oppressive social order from which they emanate. The conservative, who does not dispute the validity of revolutions deeply buried in history, invokes visions of impending anarchy in order to legitimize his demand for absolute obedience. Law and order, with the major emphasis on order, is his watchword. The liberal articulates his sensitivity to certain of society's intolerable details, but will almost never prescribe methods of resistance that exceed the limits of legality — redress through electoral channels is the liberal's panacea.

In the heat of our pursuit of fundamental human rights, black people have been continually cautioned to be patient. We are advised that as long as we remain faithful to the existing democratic order, the glorious moment will eventually arrive when we will come into our own as full-fledged human beings.

But having been taught by bitter experience, we know that there is a glaring incongruity between democracy and the capitalist economy which is the source of our ills. Regardless of all rhetoric to the contrary, the people are not the ultimate matrix of the laws and the system which govern them — certainly not black people and other nationally oppressed people, but not even the mass of whites. The people do not exercise decisive control over the determining factors of their lives.

Officials assertions that meaningful dissent is always welcome, provided it falls within the boundaries of legality, are frequently a smokescreen obscuring the invitation to acquiesce in oppression. Slavery may have been unrighteous, the constitutional precision for the enslavement of blacks may have been unjust, but conditions were not to be considered so bearable (especially since they were profitable to a small circle) as to justify escape and other acts proscribed by law. This was the import of the fugitive slave laws.

Needless to say, the history of the United States has been marred from its inception by an enormous quantity of unjust laws, far too many expressly bolstering the oppression of black people. Particularized reflections of existing social inequities, these laws have repeatedly borne witness to the exploitative and racist core of the society itself. For blacks, Chicanos, for all nationally oppressed people, the problem of opposing unjust laws and the social conditions which nourish their growth, has always had immediate practical implications. Our very survival has frequently been a direct function of our skill in forging effective channels of resistance. In resisting we have societies been compelled to openly violate those laws which directly or indirectly buttress our oppression. But even containing our resistance within the orbit of legality, we have been labeled criminals and have been methodically persecuted by a racist legal apparatus.

Under the ruthless conditions of slavery, the underground railroad provided the framework for extra-legal anti-slavery activity pursued by vast numbers of people, both black and white. Its functioning was in flagrant violation of the fugitive slave law; those who were apprehended were subjected to severe penalties. Of the innumerable recorded attempts to rescue fugitive slaves from the clutches of slave catchers, one of the most striking in the case of Anthony Burns, a slave from Virginia, captured in Boston in 1853. A team of his supporters, in attempting to rescue him by force during the course of his trial, engaged the police in a fierce courtroom battle. During the gun fight, a prominent Abolitionist, Thomas Wentworth Higginson, was wounded. Although the rescuers were unsuccessful in their efforts, the impact of this incident "...did more to crystallize Northern sentiment against slavery than any other except the exploit of John Brown," and this was the last time a fugitive slave was taken from Boston. It took 22 companies of state militia, four platoons of marines, a battalion of United States artillerymen, and the city's police force ... to ensure the performance of this shameful act, the cost of which, the Federal government alone, came to forty thousand dollars."

Throughout the era of slavery, blacks, as well as progressive whites, repeatedly discovered that their commitment to the anti-slavery cause frequently entailed the overt violation of the laws of

tracted super profits from the underpaid labor of over 15 percent of the American population with the aid of a superstructure of terror. This terror and more subtle forms of racism have further served to thwart the flowering of a resistance — even a revolution that would spread to the working class as a whole.

In the interests of the capitalist class, the consent to racism and terror has been demagogically elicited from the white population, workers included, in order to more efficiently stave off resistance. Today, Nixon, [Attorney General John] Mitchell and J. Edgar Hoover are desperately attempting to persuade the population that dissidents, particularly blacks, Chicanos, Puerto Ricans, must be punished for being members of revolutionary organizations; for advocating the overthrow of the government; for agitating and educating in the streets and behind prison walls. The political function of racist domination is surfacing with accelerated intensity. Whites who have professed their solidarity with the black liberation movement and have moved in a distinctly revolutionary direction find themselves targets of the same repression. Even the anti-war movement, rapidly exhibiting an anti-imperialist consciousness, is falling victim to government repression.

Black people are rushing full speed ahead towards an understanding of the circumstances that give rise to exaggerated forms of political repression and thus an overabundance of political prisoners. This understanding is being forged out of the raw material of their own immediate experiences with racism. Hence, the black masses are growing conscious of their responsibility to defend those who are being persecuted for attempting to bring about the alleviation of the most injurious immediate problems facing black communities and ultimately to bring about total liberation through armed revolution, if it must come to this.

The black liberation movement is presently at a critical juncture. Fascist methods of repression threaten to physically decapitate and obliterate the movement. More subtle, yet no less dangerous ideological tendencies from within threaten to isolate the black movement and diminish its revolutionary impact. Both menaces must be counteracted in order to ensure our survival. Revolutionary blacks must spearhead and provide leadership for a broad anti-fascist movement.

supported by the judicial system. The courts not only consistently abstain from prosecuting criminal behavior on the part of the police, but they convict, on the basis of biased police testimony, countless black men and women. Court-appointed attorneys, acting in the twisted interests of overcrowded courts, convince 85 percent of the defendants to plead guilty. Even the manifestly innocent are advised to cop a plea so that the lengthy and expensive process of jury trials is avoided. This is the structure of the apparatus which summarily railroads black people into jails and prisons. (During my imprisonment in the New York Women's House of Detention, I encountered numerous cases involving innocent black women who had been advised to plead guilty. One sister had entered her white landlord's apartment for the purpose of paying rent. He attempted to rape her and in the course of the ensuing struggle, a lit candle toppled over, burning a tablecloth. The landlord ordered her arrested for arson. Following the advice of her court-appointed attorney, she entered a guilty plea, having been deceived by the attorney's insistence that the court would be more lenient. The sister was sentenced to three years.)

The vicious circle linking poverty, police courts, and prison is an integral element of ghetto existence. Unlike the mass of whites, the path which leads to jails and prisons is deeply rooted in the imposed patterns of black existence. For this very reason, an almost instinctive affinity binds the mass of black people to the political prisoners. The vast majority of blacks harbor a deep hatred of the police and are not deluded by official proclamations of justice through the courts.

For the black individual, contact with the law-enforcement-judicial-penal network, directly or through relatives and friends, is inevitable because he or she is black. For the activist become political prisoner, the contact has occurred because he has lodged a protest, in one form or another, against the conditions which nail blacks to this orbit of oppression.

Historically, black people as a group have exhibited a greater potential for resistance than any other part of the population. The iron-clad rule over our communities, the institutional practice of genocide, the ideology of racism have performed a strictly political as well as an economic function. The capitalists have not only ex-

the land. Even as slavery faded away into a more subtle yet equally pernicious apparatus to dominate black people, "illegal" resistance was still on the agenda. After the Civil War, Black Codes, successors to the old Slave Codes, legalized convict labor, prohibited social intercourse between blacks and whites, gave white employers an excessive degree of control over the private lives of black workers, and generally codified racism and terror. Naturally, numerous individual as well as collective acts of resistance prevailed. On many occasions, blacks formed armed teams to protect themselves from white terrorists who were, in turn, protected by law enforcement agencies, if not actually identified with them.

By the second decade of the twentieth century, the mass movement, headed by Marcus Garvey, proclaimed in its Declaration of Rights that black people should not hesitate to disobey all discriminatory laws. Moreover, the Declaration announced, they should utilize all means available to them, legal or illegal, to defend themselves from legalized terror as well as Ku Klux Klan violence. During the era of intense activity around civil rights issues, systematic disobedience of oppressive laws was a primary tactic. The sit-ins were organized transgressions of racist legislation.

All these historical instances involving the overt violation of the laws of the land converge around an unmistakable common denominator. At stake has been the collective welfare and survival of a people. There is a distinct and qualitative difference between one breaking a law for one's own individual self-interest and violating it in the interests of a class of people whose oppression is expressed either directly or indirectly through that particular law. The former might be called criminal (though in many instances he is a victim), but the latter, as a reformist or revolutionary, is interested in universal social change. Captured, he or she is a political prisoner.

The political prisoner's words or deed have in one form or another embodied political protests against the established order and have consequently brought him into acute conflict with the state. In light of the political content of his act, the "crime" (which may or may not have been committed) assumes a minor importance. In this country, however, where the special category of political prisoners is not officially acknowledged, the political prisoner inevitably

stands trial for a specific criminal offense, not for a political act. Often the so-called crime does not even have a nominal existence. As in the 1914 murder frame-up of the IWW organizer, Joe Hill, it is a blatant fabrication, a mere excuse for silencing a militant crusader against oppression. In all instances, however, the political prisoner has violated the unwritten law which prohibits disturbances and upheavals in the status quo of exploitation and racism. This unwritten law has been contested by actually and explicitly breaking a law or by utilizing constitutionally protected channels to educate, agitate, and organize masses to resist.

A deep-seated ambivalence has always characterized the official response to the political prisoner. Charged and tried for the criminal act, his guilt is always political in nature. This ambivalence is perhaps best captured by Judge Webster Thayer's comment upon sentencing Bartolomero Vanzetti to fifteen years for an attempted payroll robbery: "This man, although he may not have actually committed the crime attributed to him, is nevertheless morally culpable, because he is an enemy of our existing institutions." (The very same judge incidentally, sentences Sacco and Vanzetti to death for a robbery and murder of which they were manifestly innocent). It is not surprising that Nazi Germany's foremost constitutional lawyers, Carl Schmitt, advanced the theory which generalized thus a priori culpability. A thief, for example, was not necessarily one who had committed an overt act of theft, but rather one whose character renders him a thief (*wer nach seinem wesen ein Dieb ist*). [President Richard] Nixon's and [FBI Director] J. Edgar Hoover's pronouncements lead one to believe that they would readily accept Schmitt's fascist legal theory. Anyone who seeks to overthrow oppressive institutions, whether or not he has engaged in an overt act, is a priori a criminal who must be buried away in one of America's dungeons.

Even in all of Martin Luther King's numerous arrests, he was not so much charged with the nominal crimes of trespassing, and disturbance of the peace, as with being enemy of southern society, an inveterate foe of racism. When Robert Williams was accused of kidnapping, this charge never managed to conceal his real offense — the advocacy of black people's incontestable right to bear arms in their own defense.

my is on its feet, we continue to live in a depressed state. Unemployment is generally twice as high in the ghettos as it is in the country as a whole and even higher among black women and youth. The unemployment rate among black youth has presently skyrocketed to 30 percent. If one-third of America's white youths were without a means of livelihood, we would either be in the thick of revolution or else under the iron rule of fascism. Substandard schools, medical care hardly fit for animals, over-priced, dilapidated housing, a welfare system based on a policy of skimpy concessions, designed to degrade and divide (and even this may soon be canceled) — this is only the beginning of the list of props in the overall scenery of oppression which, for the mass of blacks, is the universe.

In black communities, wherever they are located, there exists an ever-present reminder that our universe must remain stable in its drabness, its poverty, its brutality. From Birmingham to Harlem to Watts, black ghettos are occupied, patrolled and often attacked by massive deployments of police. The police, domestic caretakers of violence, are the oppressor's emissaries, charged with the task of containing us within the boundaries of our oppression.

The announced function of the police, "to protect and serve the people," becomes the grotesque caricature of protecting and preserving the interests 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. Bullets from their guns murder human beings with little or no pretext, aside from the universal intimidation they are charged with carrying out. Protection for drug-pushers, and Mafia-style exploiters, support for the most reactionary ideological elements of the black community (especially those who cry out for more police), are among the many functions of forces of law and order. They encircle the community with a shield of violence, too often forcing the natural aggression of the black community inwards. Fanon's analysis of the role of colonial police is an appropriate description of the function of the police in America's ghettos.

It goes without saying that the police would be unable to set into motion their racist machinery were they not sanctioned and

of political repression, cutting through the heightened militancy of the masses, and bringing growing numbers of activists behind prison walls, must necessarily pour over into the contained world of the prison where it understandably acquires far more ruthless forms.

It is a relatively easy matter to persecute the captive whose life is already dominated by a network of authoritarian mechanisms. This is especially facilitated by the indeterminate sentence policies of many states, for politically conscious prisoners will incur inordinately long sentences on the original conviction. According to Louis S. Nelson, warden of the San Quentin Prison, “if the prisons of California become known as schools for violent revolution, the Adult Authority would be remiss in their duty not to keep the inmates longer” (*San Francisco Chronicle*, May 2, 1971). Where this is deemed inadequate, authorities have recourse to the whole spectrum of brutal corporal punishment, including out and out murder. At San Quentin, Fred Billingslea was teargassed to death in February 1970. W. L. Nolen, Alvin Miller, and Cleveland Edwards were assassinated by a prison guard in January 1970, at Soledad Prison. Unusual and inexplicable “suicides” have occurred with incredible regularity in jails and prisons throughout the country.

It should be self-evident that the frame-up becomes a powerful weapon within the spectrum of prison repression, particularly because of the availability of informers, the broken prisoners who will do anything for a price. The Soledad Brothers and the Soledad Three are leading examples of frame-up victims. Both cases involve militant activists who have been charged with killing Soledad prison guards. In both cases, widespread support has been kindled within the California prison system. They have served as occasions to link the immediate needs of the black community with a forceful fight to break the fascist stronghold in the prisons and therefore to abolish the prison system in its present form.

Racist oppression invades the lives of black people on an infinite variety of levels. Blacks are imprisoned in a world where our labor and toil hardly allow us to eke out a decent existence, if we are able to find jobs at all. When the economy begins to falter, we are forever the first victims, always the most deeply wounded. When the econo-

The offense of the political prisoner is political boldness, the persistent challenging — legally or extra-legally — of fundamental social wrongs fostered and reinforced by the state. The political prisoner has opposed unjust laws and exploitative, racist social conditions in general, with the ultimate aim of transforming these laws and this society into an order harmonious with the material and spiritual needs and interests of the vast majority of its members.

Nat Turner and John Brown were political prisoners in their time. The acts for which they were charged and subsequently hanged, were the practical extensions of their profound commitment to the abolition of slavery. They fearlessly bore the responsibility for their actions. The significance of their executions and the accompanying widespread repression did not lie so much in the fact that they were being punished for specific crimes, nor even in the effort to use their punishment as an implicit threat to deter others from similar armed acts of resistance. These executions, and the surrounding repression of slaves, were intended to terrorize the anti-slavery movement in general; to discourage and diminish both legal and illegal forms of abolitionist activity. As usual, the effect of repression was miscalculated and in both instances, anti-slavery activity was accelerated and intensified as a result.

Nat Turner and John Brown can be viewed as examples of the political prisoner who has actually committed an act which is defined by the state as “criminal”. They killed and were consequently tried for murder. But did they commit murder? This raises the question of whether American revolutionaries had *murdered* the British in their struggle for liberation. Nat Turner and his followers killed some sixty-five white people, yet shortly before the revolt had begun, Nat is reputed to have said to the other rebelling slaves: “Remember that ours is not war for robbery nor to satisfy our passions, it is a *struggle for freedom*. Ours must be deeds and not words”,

The very institutions which condemned Nat Turner and reduced his struggle for freedom to a simpler criminal case of murder, owed their existence to the decision, made a half-century earlier, to take up arms against the British oppressor.

The battle for the liquidation of slavery had no legitimate existence in the eyes of the government and therefore the special quality

of deeds carried out in the interests of freedom was deliberately ignored. There were no political prisoners, there were only criminals; just as the movement out of which these deeds flowed was largely considered criminal.

Likewise, the significance of activities which are pursued in the interests of liberation today is minimized not so much because officials are unable to see the collective surge against oppression, but because they have consciously set out to subvert such movements. In the Spring of 1970, Los Angeles Panthers took up arms to defend themselves from an assault initiated by the local police force on their office and on their persons. They were charged with criminal assault. If one believed the official propaganda, they were bandits and rogues who pathologically found pleasure in attacking policemen. It was not mentioned that their community activities — educational work, services such as free breakfast and free medical programs — which had legitimized them in the black community, were the immediate reason for which the wrath of the police had fallen upon them. In defending themselves from the attack waged by some 600 policemen (there were only eleven Panthers in the office) they were defending not only their lives, but even more important their accomplishments in the black community surrounding them, and in the boarded thrust for black liberation. Whenever blacks in struggle have recourse to self-defense, particular armed self-defense, it is twisted and distorted on official levels and ultimately rendered synonymous with criminal aggression. On the other hand, when policemen are clearly indulging in acts of criminal aggression, officially they are defending themselves through “justifiable assault” or “justifiable homicide”.

The ideological acrobatics characteristic of official attempts to explain away the existence of the political prisoner do not end with the equation of the individual political act with the individual criminal act. 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. In a revealing contradiction, the court resisted the description of the New York Panther 21 trial as “political”, yet the prosecutor entered as evidence of criminal intent, literature which

questioning of his own past criminal activity and a re-evaluation of the methods he has used to survive in a racist and exploitative society. Needless to say, this process is not automatic, it does not occur spontaneously. The persistent educational work carried out by the prison’s political activists plays a key role in developing the political potential of captive men and women.

Prisoners — especially blacks, Chicanos and Puerto Ricans — are increasingly advancing the proposition that they are political prisoners. They contend that they are *political* prisoners in the sense that they are largely the victims of an oppressive politico-economic order, swiftly becoming conscious of the causes underlying their victimization. *The Folsom Prisoners’ Manifesto of Demands and Anti-Oppression Platform* attests to a lucid understanding of the structures of oppression within the prison — structures which contradict even the avowed function of the penal institution: “The program we are submitted to, under the ridiculous title of rehabilitation, is relative to the ancient stupidity of pouring water on the drowning man, in as much as we are treated for our hostilities by our program administrators with their hostility for medication.” The *Manifesto* also reflects an awareness that the severe social crisis taking place in this country, predicated in part on the ever-increasing mass consciousness of deepening social contradictions, is forcing the political function of the prisons to surface in all its brutality. Their contention that prisons are being transformed into the “fascist concentration camps of modern America,” should not be taken lightly, although it would be erroneous as well as defeatist in a practical sense, to maintain that fascism has irremediably established itself.

The point is this, and this is the truth which is apparent in the *Manifesto*: the ruling circles of America are expanding and intensifying repressive measures designed to nip revolutionary movements in the bud as well as to curtail radical-democratic tendencies, such as the movement to end the war in Indochina. The government is not hesitating to utilize an entire network of fascist tactics, including the monitoring of congressman’s telephone calls, a system of “preventive fascism”, as Marcuse has termed it, in which the role of the judicial-penal systems looms large. The sharp edge

survival to this level. This recognition should signal the urgent need to organize the unemployed and lumpenproletariat, as indeed the Black Panther Party as well as activists in prison have already begun to do.

In evaluating the susceptibility of the black and brown unemployed to organizing efforts, the peculiar historical features of the US, specifically racism and national oppression, must be taken into account. There already exists in the black and brown communities, the lumpenproletariat included, a long tradition of collective resistance to national oppression.

Moreover, in assessing the revolutionary potential of prisoners in America as a group, it should be borne in mind that not all prisoners have actually committed crimes. The built-in racism of the judicial system expresses itself, as Du Bois has suggested, in the railroading of countless innocent blacks and other national minorities into the country's coercive institutions.

One must also appreciate the effects of disproportionately long prison terms on black and brown inmates. The typical criminal mentality sees imprisonment as a calculated risk for a particular criminal act. One's prison term is more or less rationally predictable. The function of racism in the judicial-penal complex is to shatter that predictability. The black burglar, anticipating a two-to four-year term, may end up doing ten to fifteen years, while the white burglar leaves after two years.

Within the contained, coercive universe of the prison, the captive is confronted with the realities of racism, not simply as individual acts dictated by attitudinal bias; rather he is compelled to come to grips with racism as an institutional phenomenon collectively experienced by the victims. The disproportionate representation of the black and brown communities, the manifest racism of parole boards, the intense brutality inherent in the relationship between prison guards and black and brown inmates — all this and more causes the prisoner to be confronted daily, hourly, with the concentrated systematic existence of racism.

For the innocent prisoner, the process of radicalization should come easy; for the "guilty" victim, the insight into the nature of racism as it manifests itself in the judicial-penal complex can lead to a

represented, so he purported, the political ideology of the Black Panther Party.

The legal apparatus designates the black liberation fighter a criminal, prompting Nixon, (Vice President Spiro) Agnew, (California Governor Ronald) Reagan et al. to process to mystify with their demagoguery millions of Americans whose senses have been dulled and whose critical powers have been eroded by the continual onslaught of racist ideology.

As the black liberation movement and other progressive struggles increase in magnitude and intensity, the judicial system and its extension, the penal system, consequently become key weapons in the state's fight to preserve the existing conditions of class domination, therefore racism, poverty and war.

In 1951, W.E.B. Du Bois, as Chairman of the Peace Information Center, was indicted by the federal government for "failure to register as an agent of a foreign principal". In assessing this ordeal, which occurred in the ninth decade of his life, he turned his attention to the inhabitants of the nation's jails and prisons:

What turns me cold in all this experience is the certainty that thousands of innocent victims are in jail today because they had neither money nor friends to help them. The eyes of the world were on our trial despite the desperate efforts of press and radio to suppress the facts and cloud the real issues; the courage and money of friends and of strangers who dared stand for a principle freed me; but God only knows how many who were as innocent as I and my colleagues are today in hell. 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 of nationwide organizations to oppose this national racket of railroading to jails and chain gangs the poor, friendless and black.

Almost two decades passed before the realization attained by Du Bois on the occasion of his own encounter with the judicial system

achieved extensive acceptance. A number of factors have combined to transform the penal system into a prominent terrain of struggle, both for the captives inside and the masses outside. The impact of large numbers of political prisoners both on prison populations and on the mass movement has been decisive. The vast majority of political prisoners have not allowed the fact of imprisonment to curtail their educational, agitational, and organizing activities, which they continue behind prison walls. And in the course of developing mass movements around political prisoners, a great deal of attention has inevitably been focused on the institutions in which they are imprisoned. Furthermore the political receptivity of prisoners — especially black and brown captives — has been increased and sharpened by the surge of aggressive political activity rising out of black, Chicano, and other oppressed communities. Finally, a major catalyst for intensified political action in and around prisons has emerged out of the transformation of convicts, originally found guilty of criminal offenses, into exemplary political militants. Their patient educational efforts in the realm of exposing the specific oppressive structures of the penal system in their relation to the larger oppression of the social system have had a profound effect on their fellow captives.

The prison is a key component of state's coercive apparatus, the overriding function of which is to ensure social control. The etymology of the term "penitentiary" furnishes a clue to the controlling idea behind the "prison system" at its inception. The penitentiary was projected as the locale for doing penitence for an offense against society, the physical and spiritual purging of proclivities to challenge rules and regulations which command total obedience. While cloaking itself with the bourgeois aura of universality — imprisonment was supposed to cut across all class lines, as crimes were to be defined by the act, not the perpetrator — the prison has actually operated as an instrument of class domination, a means of prohibiting the have-nots from encroaching upon the haves.

The occurrence of crime is inevitable in a society in which wealth is unequally distributed, as one of the constant reminders that society's productive forces are being channeled in the wrong direction. The majority of criminal offenses bear a direct relationship to property. Contained in the very concept of property, crimes are profound

but suppressed social needs which express themselves in anti-social modes of action. Spontaneously produced by a capitalist organization of society, this type of crime is at once a protest against society and a desire to partake of its exploitative content. It challenges the symptoms of capitalism, but not its essence.

Some Marxists in recent years have tended to banish "criminals" and the lumpenproletariat as a whole from the arena of revolutionary struggle. Apart from the absence of any link binding the criminal to the means of production, underlying this exclusion has been the assumption that individuals who have recourse to anti-social acts are incapable of developing the discipline and collective orientation required by revolutionary struggle.

With the declassified character of lumpenproletarians in mind, Marx had stated that they are as capable of "the most heroic deeds and the most exalted sacrifices, as of the basest banditry and the dirtiest corruption". He emphasized the fact that the provisional government's mobile guards under the Paris Commune — some 24,000 troops — were largely formed out of young lumpenproletarians from fifteen to twenty years of age. Too many Marxists have been inclined to overvalue the second part of Marx's observation — that the lumpenproletariat is capable of the basest banditry and the dirtiest corruption — while minimizing or indeed totally disregarding his first remark, applauding the lumpen for their heroic deeds and exalted sacrifices.

Especially today when so many black, Chicano, and Puerto Rican men and women are jobless as a consequence of the internal dynamic of the capitalist system, the role of the unemployed, which includes the lumpenproletariat in revolutionary struggle, must be given serious thought. Increased unemployment, particularly for the nationally oppressed, will continue to be an inevitable by-product of technological development. At least 30 percent of black youth are presently without jobs. (In 1997, over 30 percent of black men were in prison, on probation or on parole.) In the context of class exploitation and national oppression it should be clear that numerous individuals are compelled to resort to criminal acts, not as a result of conscious choice — implying other alternatives — but because society has objectively reduced their possibilities of subsistence and