

Black Power in a Prison Library

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ABSTRACT

“Black Power in a Prison Library” focuses on a list of ninety books on the black experience in America that were added to the Marion, Ohio Correctional Institution in 1972. It uses the list as a way of gauging what books the plaintiffs (and thus the court) thought were essential to telling the African American experience. And in that way, we can use the list to reconstruct the contours of the bibliographic world of the African American experience in the early 1970s. The list reflects an interest in the history of slavery, the eras of Reconstruction and Jim Crow, literature of the Harlem Renaissance, the 1960s Civil Rights Movement, and contemporary works on Black Power. Notably thin is prison literature. Together, the books help form a picture of the critique of law made by Black Power writers and the ways those claims built on historical, sociological, and Civil Rights literature. The book list, thus, suggests some of the ways that books propagated and gave definition to Black Power claims.

INTRODUCTION

Prison officials in the 1960s, apparently concerned with the growth of Black Power, sought to limit the access of prisoners to those ideas.¹ That action demonstrates, yet again, that books are both important ways of transmitting ideas and important signifiers of the ideas readers find important.² It is not just law enforcement, however, that is interested in reading habits. Historians are turning to the project of *the history of the books* to understand the role of books as vehicles of change such as how books contribute to changes in society

1. See, e.g., Etheridge Knight, *The Day the Young Blacks Came*, in BLACK VOICES FROM PRISON 161, 161 (1970) (“A few months ago, several blacks . . . were placed in isolation for reading literature written by black authors.”).

2. See generally HERBERT N. FOERSTEL, SURVEILLANCE IN THE STACKS: THE FBI’S LIBRARY AWARENESS PROGRAM (1991) (discussing the FBI’s surveillance of libraries); WILLIAM J. MAXWELL, F.B. EYES: HOW J. EDGAR HOOVER’S GHOSTREADERS FRAMED AFRICAN AMERICAN LITERATURE (2015) (discussing the FBI’s surveillance of African American authors).

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and how books help to create and sustain identity.³ Often historians turn to books to measure a culture. They ask questions like: how did W.E.B. DuBois' critique of Jim Crow affect the development of the idea of equality over the course of the twentieth century;⁴ and what did Ralph Ellison's *Invisible Man* say about the culture of the United States on the eve of *Brown*.⁵

At other times, historians draw inferences about readers from their libraries.⁶ We use the books lawyers cite to measure their intellectual horizons.⁷ Similarly, the books in a school's library can also tell us about intellectual horizons, though there are wide confidence intervals for such speculation.⁸ A central question regarding the history of the book is how the contents can be used to reconstruct culture from what people are reading or seeking to read. And while often the history of the book project looks to elite culture,⁹ the questions can be asked of all sorts of libraries and all sorts of readers.

3. See generally Robert Darnton, *What is the History of Books?*, 111 *DAEDALUS* 65–83 (1982); Alfred L. Brophy, *The Law Book in Colonial America: A History of the Book in America: The Colonial Book in the Atlantic World*, 51 *BUFF. L. REV.* 1119, 1143 (2003); Jane Rhodes, *The Black Press and Racial Print Culture*, in 5 *THE ENDURING BOOK: PRINT CULTURE IN POSTWAR AMERICA* 286 (David Paul Nord et al. eds., 2009).

4. See generally DAVID LEVERING LEWIS, *W. E. B. DU BOIS: BIOGRAPHY OF A RACE, 1868–1919* (1993) (discussing Du Bois and his influence over Americans' view of equality).

5. See Alfred L. Brophy, *Invisible Man as Literary Analog to Brown v. Board of Education*, in *RALPH ELLISON AND THE RAFT OF HOPE: A POLITICAL COMPANION TO Invisible Man* 119–33 (Lucas Morel ed., 2004).

6. See generally DAVID D. HALL, *CULTURES OF PRINT: ESSAYS IN THE HISTORY OF THE BOOK* (1996) (examining the reciprocal relationship between learned cultures and the practice of reading and writing); KEVIN J. HAYES, *THE ROAD TO MONTICELLO: THE LIFE AND MIND OF THOMAS JEFFERSON* (2008) (reviewing Jefferson's spiritual and intellectual development through his book collection).

7. See generally Mary Sarah Bilder, *The Lost Lawyers: Early American Legal Literates and Transatlantic Legal Culture*, 11 *YALE J. L. & HUM.* 47 (1999) (reviewing the shift of the legal profession based upon a perceived need for a university education as opposed to legal literacy through self-help and observation); John Langbein, *Chancellor Kent and the History of Legal Literature*, 93 *COLUM. L. REV.* 547 (1993) (discussing the altering state of the American legal education due to the flux of American legal literature).

8. See Guy Hubbs, *The First University of Alabama Library, 1831–1865*, 27 *LIBR. & CULTURE* 20–35 (1992) (discussing content of the University of Alabama's pre-Civil War library based on two published catalogs).

9. See generally MICHAEL O'BRIEN, *CONJECTURES OF ORDER: INTELLECTUAL LIFE AND THE AMERICAN SOUTH, 1810–1860* (2005) (discussing library catalogs from the slave-owning south); ALFRED L. BROPHY, *UNIVERSITY, COURT, AND SLAVE: PRO-SLAVERY THOUGHT IN SOUTHERN COLLEGES AND COURTS AND THE COMING OF CIVIL WAR* 87–95 (2016) (discussing the status of American University libraries before the Civil War).

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I. A PRISON LIBRARY AND PRISON LITIGATION REFORM

Books in a prison library invite a particular set of questions related to the history of the book.¹⁰ How does the book in prison help sustain a culture and in some cases, build towards a different future? For prisoners, as for so many of us, books are their only way to travel and are a primary way to expand their minds. This essay returns to a list of books on “black experience, culture, history, and art”¹¹ that United States District Judge Don Young ordered to be placed into the Marion, Ohio prison library in 1972.¹² The case began with inmate J.B. Taylor complaining that his mail was being opened.¹³ When Taylor’s lawyer, Niki Schwartz, began to investigate he found other issues, resulting in three years of discovery.¹⁴ The order sought to improve conditions across a broad spectrum, including the addition of law and other books to the prison library, and to govern the printed materials that prison officials took away from inmates.¹⁵ Four years later in 1976 Judge Young issued another opinion in *Taylor v. Perini* that addressed the Marion prison’s compliance (or non-compliance) with his 1972 order.¹⁶ Special master Vincent Nathan, a professor at the University of Toledo College of Law, had been appointed, in December 1975, to review and report on the prison’s compliance.¹⁷ Nathan’s report, which was published as an appendix to one of the *Taylor* opin-

10. See generally SHEILA CLARK & ERICA MACCREAIGH, LIBRARY SERVICES TO THE INCARCERATED: APPLYING THE PUBLIC LIBRARY MODEL IN CORRECTIONAL FACILITY LIBRARIES (2006) (reviewing the public library model success in correctional facility libraries); JANET FYFE, BOOKS BEHIND BARS: THE ROLE OF BOOKS, READING, AND LIBRARIES IN BRITISH PRISON REFORM, 1701–1911 (1992) (discussing how and why reading materials were brought into jails and prisons and which prisoners had access to them); MEGAN SWEENEY, READING IS MY WINDOW: BOOKS AND THE ART OF READING IN WOMEN’S PRISONS (2010) (examining how incarcerated women use reading to cope with the past, present and future).

11. *Taylor v. Perini*, 413 F. Supp. 189, 215–18 (N.D. Ohio 1976).

12. *Id.* at 195 (ordering books on the “black experience” added to law library).

13. *Id.* at 201.

14. See Patrick Crowley, *Against All Odds*, ABA JOURNAL 66, 68 (Dec. 1993).

15. *Taylor*, 413 F. Supp. at 194–97. The appeal for books on the black experience was part of a larger movement. See, e.g., Lorenzo Kom’boa Ervin, *Back From Hell: Black Power and Treason to Whiteness Inside Prison Walls*, THE ANARCHIST LIBRARY (May 8, 2009), <https://theanarchistlibrary.org/library/lorenzo-kom-boa-ervin-back-from-hell-black-power-and-treason-to-whiteness-inside-prison-walls>.

16. *Taylor*, 413 F. Supp. at 198–99; Special master, Vincent B. Nathan’s, first report on the Defendants’ State of Compliance can be found in Appendix B. *Id.* at 198.

17. *Id.* at 198 (discussing Nathan’s appointment as special master). Nathan is a leading figure in prison reform. See, e.g., BEN M. CROUCH & JAMES W. MARQUART, AN APPEAL TO JUSTICE: LITIGATED REFORM OF TEXAS PRISONS 128 (1989); Vincent M. Nathan, *Have the Courts Made a Difference in the Quality of Prison Conditions? What Have We Accomplished to Date?*, 24 PACE L. REV. 419, 426 (2004); Keith M. Harrison, *Law, Order, and the Consent De-*

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ions, includes the list of ninety books that Judge Young ordered the prison add to the library.¹⁸ At that point, the library had only twenty-eight of the books on Judge Young's order.¹⁹ In 1976, the library was still ordering many of the books, using money from a federal grant.²⁰ Soon, however, Nathan found the prison in compliance.²¹

As with any library list, a key consideration is who composed the list. Niki Schwartz, the plaintiff's lawyer, believes that the prison's list came from a bibliography.²² The list of books can map the intellectual terrain of the black experience and show what some people thought were some of the core works. Collectively, the books listed help to fill out a key issue of the relationship of Black Power ideology to the Civil Rights movement, and it suggests how Black Power emerged from the

fense, 12 ST. LOUIS U. PUB. L. REV. 477, 503 (1993); Debra Dobray, *The Role of Masters in Court Ordered Institutional Reform*, 34 BAYLOR L. REV. 581, 603 (1982).

18. *Taylor*, 413 F. Supp. at 215–19. The special master ordered 117 volumes added to the library, but some were ordered added in duplicate or triplicate. There were only ninety unique titles. The list indicates that there were ninety-one unique titles, but it appears that two books were listed twice, so that the actual count is ninety unique titles. *Id.*

19. *Id.* at 219.

20. *Id.*

21. *Taylor v. Perini*, 421 F. Supp. 740, 745, 747 (N.D. Ohio 1976) (special master finds compliance with the order regarding books when eighty-seven volumes were on the institution's library).

22. Niki Schwartz suggested that the bibliography was Vivian R. Johnson's *A Selected Bibliography of the Black Experience* (1971). Telephone Interview with Niki Schwartz, Plaintiff's Lawyer in *Taylor v. Perini* (Dec. 15, 2015). It is also possible that the source was a bibliography with a similar title to Johnson's, which was compiled by University of Toledo librarian Phillip Podlish. See PHILLIP PODLISH, *THE BLACK EXPERIENCE: THE NEGRO IN AMERICA, AFRICA, AND THE WORLD; A COMPREHENSIVE, ANNOTATED, SUBJECT BIBLIOGRAPHY OF WORKS IN THE UNIVERSITY OF TOLEDO LIBRARIES* (1969), available at <http://files.eric.ed.gov/fulltext/ED101724.pdf>.

The special master in *Taylor v. Perini*, Vincent Nathan, was kind enough to correspond with me about how the list of books was assembled. He remembers that it came from a group of law librarians. Email from Vincent Nathan, Professor, University of Toledo, to Alfred L. Brophy, Professor, University of Alabama (Nov. 9, 2006) (on file with author). Rhoda L. Berkowitz, of the University of Toledo Law Library had an important role in reviewing compliance. See *Taylor v. Perini*, 477 F. Supp. 1289, 1295 (N.D. Ohio 1979). See also *Taylor v. Perini*, 446 F. Supp. 1184, 1205 (N.D. Ohio 1977) (mentioning Rhoda L. Berkowitz' suggestions for additions to the prison library). Both Nathan and Berkowitz may have been referring to lists of law books, which were also part of later litigation in the case.

Nevertheless, the list may say more about the intellectual interests of librarians than about the needs or attitudes of the plaintiff class. One would hope that it springs from the desires of the inmates. Berkowitz believed that the inmates were likely involved and helpful in the composition of the list. Telephone Interview with Rhoda L. Berkowitz, Assoc. Law Librarian, University of Toledo (December 8, 2015). That it is as comprehensive as it is, suggests that the court took seriously the demand for books. From those books – and a few other key works in Black Power that were not on the list – we can construct a picture of the Black Power critique of law. Therefore, it is worth thinking about the list as one way that inmate-plaintiffs sought more literature on the black experience. And it gives us a good sense of the bibliography of Black Power. Reading the books on that list reveals how Black Power built on the foundation of other works in African American history, sociology, and culture – and how it moved beyond that literature.

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literature of Civil Rights and African American literature. Thus, the books help link the evolution of ideas in the African American community. The list is particularly important when juxtaposed with an alternative list that prison officials provided of books already in their library on the black experience.²³ And it should also be used in conjunction with the smaller list of books (and other printed material) that prison officials banned. The list, which is reprinted in Appendix A of this article, can help map the sources of black identity in the late 1960s and early 1970s.

II. CATEGORIZING THE BOOKS ON THE BLACK EXPERIENCE, CULTURE, HISTORY AND ART

One initial way of assessing the list is to divide the books into broad categories, such as the Harlem Renaissance; histories; fictional literature; analysis of contemporary black culture; the contemporary Civil Rights movement and its possibilities; and the Black Power movement.

A. Harlem Renaissance

The Harlem renaissance and its leaders are well represented. There are Richard Wright's *Native Son* (1940)²⁴ and *Uncle Tom's Children* (1936);²⁵ James Weldon Johnson's *Autobiography of an Ex-Colored Man* (1912);²⁶ Claude McKay's *Home to Harlem* (1928),²⁷ along with some other Renaissance-era literature, like Rudolph Fisher's *Conjure Man Dies: A Mystery Tale of Harlem* (1932) and *Walls of Jericho* (1928).²⁸ Other included works that collect culture are Miles Mark Fisher, *Negro Slave Songs in the United States* (1953)²⁹

23. *Taylor*, 413 F. Supp. at 219–21 (listing books that relate to the black experience that were already in the prison library).

24. *See generally* RICHARD WRIGHT, *NATIVE SON* (1940) (incorporating ideas from the Harlem Renaissance with political and social ideals about communism and racism).

25. *See generally* RICHARD WRIGHT, *UNCLE TOM'S CHILDREN* (1936) (examining the lives of individuals living through Jim Crow in several fictional yet realistic depictions).

26. *See generally* JAMES WELDON JOHNSON, *AUTOBIOGRAPHY OF AN EX-COLORED MAN* (1912) (discussing a biracial man's life in post-Reconstruction America).

27. *See generally* CLAUDE MCKAY, *HOME TO HARLEM* (1928) (depicting central themes of the Harlem Renaissance such as the urgent need for unity among blacks).

28. *See generally* RUDOLPH FISHER, *THE CONJURE-MAN DIES: A MYSTERY TALE OF DARK HARLEM* (1932) (first known mystery written by an African American set in 1930s Harlem); RUDOLPH FISHER, *THE WALLS OF JERICHO* (1928) (focusing on the idea of unity as portrayed through a negro society set in 1920s Harlem).

29. *See generally* MILES MARK FISHER, *NEGRO SLAVE SONGS IN THE UNITED STATES* (1953) (reviewing songs and spirituals of the American Negro as the historical documents of a people).

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and Arna Bontemps, *American Negro Poetry* (1963).³⁰ Situated between the renaissance and the 1960s are *Invisible Man* (1952) and Julian Mayfield's 1957 novel *The Hit*. *The Hit* explores a subset of the ideas in *Invisible Man* that African Americans continue to cling to the dreams of equality and freedom in the United States, even as they are repeatedly shown the emptiness of that hope.³¹ Yet, books from the 1950s, other than histories, which appear separately in the next section, are remarkably scarce in the list.

B. Histories

There are a lot of histories included on the list. The books are W.E.B. DuBois' *Black Reconstruction* (1935);³² John Hope Franklin's *From Slavery to Freedom: A History of American Negroes* (1947) and Franklin's *The Emancipation Proclamation* (1963);³³ E. Franklin Frazier's *Negro Family in the United States* (1968);³⁴ Frederick Broderick's *W.E.B. DuBois: Negro Leader in a Time of Crisis* (1959);³⁵ Edward Cronon, *Black Moses: Marcus Garvey* (1960);³⁶ David Levering Lewis' *King: A Critical Biography* (1970);³⁷ Benjamin Quarels' *Black Abolitionists* (1969);³⁸ *Lincoln and the Negro* and *The Negro in the Civil War* (1953);³⁹ Kenneth Stamp's *The Peculiar Institution*

30. See generally ARNA BONTEMPS, *AMERICAN NEGRO POETRY* (1963) (providing a collection of prominent African American voices during and after the Harlem Renaissance).

31. See generally RALPH ELLISON, *INVISIBLE MAN* (1952) (depicting a model black citizen's struggle to be seen in an American society); JULIAN MAYFIELD, *THE HIT* (1957) (depicting a black man's desperate hope to win the lottery to alter his reality only to be left empty handed when the win occurs).

32. See generally W. E. B. DU BOIS, *BLACK RECONSTRUCTION IN AMERICA* (1935) (discussing the historic role African Americans played in the attempt to reconstruct democracy).

33. See generally JOHN HOPE FRANKLIN, *FROM SLAVERY TO FREEDOM: A HISTORY OF AMERICAN NEGROES* (1947) (exploring various experiences of African Americans plight for equality); JOHN HOPE FRANKLIN, *THE EMANCIPATION PROCLAMATION* (1963) (discussing the evolution of the Emancipation Proclamation through Lincoln's perspective).

34. See generally E. FRANKLIN FRAZIER, *THE NEGRO FAMILY IN THE UNITED STATES* (1939) (reviewing the family life of African Americans in colonial-era slavery through the early twentieth century).

35. See generally FREDERICK BRODERICK, *W.E.B. DU BOIS: NEGRO LEADER IN A TIME OF CRISIS* (1959) (discussing history and the life of W. E. B. Du Bois).

36. See generally EDWARD CRONON, *BLACK MOSES: MARCUS GARVEY* (1955) (discussing Marcus Garvey and the Universal Negro Improvement Association).

37. See generally DAVID LEVERING LEWIS, *KING: A CRITICAL BIOGRAPHY* (1970) (examining the life of Dr. Martin Luther King Jr.).

38. See generally BENJAMIN QUARELS, *BLACK ABOLITIONISTS* (1969) (emphasizing the importance of black abolitionists).

39. See generally BENJAMIN QUARELS, *LINCOLN AND THE NEGRO* (1962) (discussing Lincoln's thoughts in relation to the African American); BENJAMIN QUARELS, *THE NEGRO IN THE CIVIL WAR* (1953) (discussing the active participation of blacks in their own emancipation).

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(1956);⁴⁰ C. Vann Woodward's *The Strange Career of Jim Crow* (1955);⁴¹ Arthur I. Waskow, *From Race Riot to Sit-In* (1966);⁴² Herbert Aptheker's *American Negro Slave Revolts* (1943);⁴³ John Spears *The American Slave Trade: An Account of Its Origin, Growth and Suppression* (1900);⁴⁴ and Marshall Stearns, *The Story of Jazz* (1956).⁴⁵

C. Civil Rights Literature

There are the 1960s literary works that captured the possibilities of the Civil Rights movement or that asked for the possibilities to be realized: Claude Brown, *Manchild in the Promised Land* (1965);⁴⁶ Maya Angelou's *I Know Why the Caged Bird Sings* (1969);⁴⁷ King's *Where Do We Go From Here* (1968);⁴⁸ *The Trumpet of Conscience* (1968);⁴⁹ *Stride Toward Freedom* (1958);⁵⁰ and *Why We Can't Wait* (1964);⁵¹ Merrill Proudfoot, *Diary of a Sit-In* (1962);⁵² Sally Belfrage, *Freedom Summer* (1965);⁵³ Elizabeth Sutherland's *Letters from Mis-*

40. See generally KENNETH STAMPP, *THE PECULIAR INSTITUTION: SLAVERY IN THE ANTEBELLUM SOUTH* (1956) (analyzing the origins of slavery and its impact on American society).

41. See generally C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* (1955) (discussing the origins of Jim Crow).

42. See generally ARTHUR I. WASKOW, *FROM RACE TO RIOT TO SIT-IN, 1919 AND THE 1960s* (1966) (discussing the history of African American resistance).

43. See generally HERBERT APTHEKER, *AMERICAN NEGRO SLAVE REVOLTS* (1943) (discussing Negro slave revolts in the United States).

44. See generally JOHN SPEARS, *THE AMERICAN SLAVE TRADE* (1900) (examining the origins of slavery).

45. See generally MARSHALL STEARNS, *THE STORY OF JAZZ* (1956) (examining Jazz culture and its impact).

46. See generally CLAUDE BROWN, *MANCHILD IN THE PROMISED LAND* (1965) (depicting Harlem youth in the 1940s and 1950s).

47. See generally MAYA ANGELOU, *I KNOW WHY THE CAGED BIRD SINGS* (1969) (detailing the early years of American writer and Poet Maya Angelou).

48. See generally MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* (1968) (discussing Dr. King's thoughts, plans, and dreams for America's future, including the need for better jobs, higher wages, decent housing, and quality education).

49. See generally MARTIN LUTHER KING, JR., *THE TRUMPET OF CONSCIENCE* (1968) (featuring the five lectures Martin Luther King Jr. gave at the Massey lecture series riddled with anti-war sentiments).

50. See generally MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* (1958) (detailing the Montgomery bus boycott).

51. See generally MARTIN LUTHER KING, JR., *WHY WE CAN'T WAIT* (1964) (describing the social climate of 1963 and the importance of racial equality).

52. See generally MERRILL PROUDFOOT, *DIARY OF A SIT-IN* (1962) (describing the 1960s sit-in of Knoxville, Tennessee).

53. See generally SALLY BELFRAGE, *FREEDOM SUMMER* (1965) (a richly detailed account of a young white woman who participated in the Student Nonviolent Coordinating Committee's summer project in Mississippi in 1964).

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issippi (1965);⁵⁴ Alan Westin's edited collection *Freedom Now! The Civil-Rights Struggle in America* (1964);⁵⁵ and Howard Zinn's *SNCC: The New Abolitionists* (1964).⁵⁶

The order also included fictional literature from the Civil Rights movement, such as John Killen's *And Then We Heard the Thunder* (1962);⁵⁷ James Baldwin's *Tell Me How Long the Train's Been Gone* (1968);⁵⁸ John Alfred Williams' *The Man Who Cried I Am* (1967);⁵⁹ Ed Bullins' *Five Plays* (1968),⁶⁰ and Louise Meriwether's *Daddy was a Numbers Runner* (1970) in that category.⁶¹ They are situated in a place between the optimism of the Civil Rights era and the later separatism. They ask, with King, what now?

D. Sociology and Contemporary Black Culture

Along with the histories are other scholarly works that describe and analyze black culture, such as the foundational text W.E.B. DuBois' *Souls of Black Folk*;⁶² as well as more recent works like C. Eric Lincoln's *Black Muslims in America* (1961);⁶³ Harry A. Ploski's *Afro USA* (1971);⁶⁴ and Joseph R. Washington's *Black Religion* (1964).⁶⁵

54. See generally ELIZABETH SUTHERLAND, *LETTERS FROM MISSISSIPPI* (1965) (details personal impressions of conditions and events in the summer of 1964 told in selections from letters home by workers in the Civil Rights movement in that area).

55. See generally ALAN WESTIN, *FREEDOM NOW! THE CIVIL-RIGHTS STRUGGLE IN AMERICA* (1964) (depicting the black experience in the Civil Rights struggle).

56. See generally HOWARD ZINN, *SNCC: THE NEW ABOLITIONISTS* (1964) (detailing the relationship between the new abolitionists and their influence on a generation of activists struggling for Civil Rights and seeking to learn from the successes and failures).

57. See generally JOHN KILLEN, *AND THEN WE HEARD THE THUNDER* (1962) (portraying real racial tensions that occurred during World War II through fictional characters).

58. See generally JAMES BALDWIN, *TELL ME HOW LONG THE TRAIN'S BEEN GONE* (1968) (following the final hours of a fictional African American actor, Leo Proudhammer, after suffering a heart attack on stage).

59. See generally JOHN ALFRED WILLIAMS, *THE MAN WHO CRIED I AM* (1967) (discussing the harsh era of segregation that presaged the expatriation of African American intellectuals).

60. See generally ED BULLINS, *FIVE PLAYS* (1969) (depicting the disdain towards political rhetoric that conceals social changes).

61. See generally LOUISE MERIWETHER, *DADDY WAS A NUMBERS RUNNER* (1970) (depiction of a young black heroine and the hardships in her family).

62. See generally W.E.B. DUBOIS, *SOULS OF BLACK FOLK* (2007) (analyzing what it means to be black in the twentieth century).

63. See generally C. ERIC LINCOLN, *BLACK MUSLIMS IN AMERICA* (1961) (detailing the formation and development of the Black Muslim movement through its wide-ranging expressions in America today).

64. See generally HARRY A. PLOSKI, *AFRO USA: A REFERENCE WORK ON THE BLACK EXPERIENCE* (1971) (identifying the complexity of the black experience).

65. See generally JOSEPH R. WASHINGTON, *BLACK RELIGION* (1964) (examining mid-twentieth century black culture and folk religion, community and church, values and virtues, politics and polity, leaders and leadership, integration and segregation).

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Relatedly, the list includes literature that provides a popular, sociological critique of 1960s society, like Charles Silberman, *Crisis in Black and White* (1963)⁶⁶ and James Silver's *Mississippi: The Closed Society* (1964).⁶⁷ And there is the literature that continued in the late 1960s and early 1970s to seek an answer in more traditional places, like Kenneth Clark's *Dark Ghetto* (1965)⁶⁸ and Whitney Young's *Beyond Racism: Building an Open Society* (1969).⁶⁹

E. Theory of Disillusionment

One might break out a separate group of sociology books that provide a theoretical treatment of disillusionment. Then there are books that anticipate and announce the transition to Black Power, as well as disillusionment with the Civil Rights movement or western society more generally, such as Franz Fanon's *Wretched of the Earth* (1961)⁷⁰ and *White Skin, Black Mask* (1952);⁷¹ Tom Hayden, *Rebellion in Newark* (1967),⁷² Louis H. Masotti and Don Bowen, *Riots and Rebellion: Civil Violence in the Urban Communities* (1968);⁷³ Benjamin Muse, *American Negro Revolution: From Non-Violence to Black Power, 1963-1967* (1968),⁷⁴ Chuck Stone, *Black Political Power in*

66. See generally CHARLES SILBERMAN, *CRISIS IN BLACK AND WHITE* (1964) (analyzing "the Negro problem" in America).

67. See generally JAMES SILVER, *MISSISSIPPI: THE CLOSED SOCIETY* (1964) (outlining the issues surrounding the black experience).

68. See generally KENNETH CLARK, *DARK GHETTO* (1965) (describing how the ghetto separates blacks not only from white people, but also from opportunities and resources).

69. See generally WHITNEY YOUNG, *BEYOND RACISM: BUILDING AN OPEN SOCIETY* (1969) (dispelling the myths and misunderstandings that cloud our view of America's racial problems, and providing an action program that could enable Americans to move beyond racism to an open society of justice and equality).

70. See generally FRANZ FANON, *WRETCHED OF THE EARTH* (1961) (providing a psychiatric and psychological analysis of the dehumanizing effects of colonization upon the individual and the nation).

71. See generally FRANZ FANON, *WHITE SKIN, BLACK MASK* (1952) (applying historical interpretation, and the concomitant underlying social indictment, to understand the complex ways in which identity, particularly blackness is constructed and produced).

72. See generally TOM HAYDEN, *REBELLION IN NEWARK* (1967) (describing the urban crisis in Newark, New Jersey).

73. See generally LOUIS H. MASOTTI & DON BOWEN, *RIOTS AND REBELLION: CIVIL VIOLENCE IN THE URBAN COMMUNITIES* (1968) (describing civil unrest in urban communities).

74. See generally BENJAMIN MUSE, *AMERICAN NEGRO REVOLUTION: FROM NON-VIOLENCE TO BLACK POWER* (1968) (depicting the rise of the Black Power movement).

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America (1970);⁷⁵ Harold Cruse, *The Crisis of the Negro Intellectual* (1967).⁷⁶

F. Black Power

As one would expect, there are some books on Black Power in the *Taylor v. Perini* order, including Eldridge Cleaver's *Soul on Ice* (1968)⁷⁷; Alex Haley, *Autobiography of Malcolm X* (1965)⁷⁸; H. Rap Brown, *Die Nigger Die! A Political Autobiography* (1969);⁷⁹ Julius Lester, *Look Out Whitey! Black Power's Gon Get Your Mama* (1970);⁸⁰ and Bobby Seale, *Seize the Time: The Story of the Black Panther Party and Huey P. Newton* (1970).⁸¹ One might put Angela Davis', *If They Come in the Morning* (1971),⁸² Amiri Baraka, *Home: Social Essays* (1966),⁸³ and perhaps Cecil Brown, *The Life and Loves of Mr. Jiveass Nigger* (1969)⁸⁴ in this category, too. There is also some secondary literature that studies the emerging Black Power movement, such as Arthur L. Smith's [Molefi Asante's] *Rhetoric of Black Revolution* (1969).⁸⁵ And there are works that deal with the forerunners of Black Power, such as E.U. Essien-Udom's *Black Nationalism* (1962).⁸⁶

There is only a small amount of prison literature in this collection. The most prominent work of prison literature on the list is Eldridge

75. See generally CHUCK STONE, *BLACK POLITICAL POWER IN AMERICA* (1970) (discussing the "non-history" of black political power).

76. See generally HAROLD CRUSE, *THE CRISIS OF THE NEGRO INTELLECTUAL* (1967) (detailing the Crisis of the Negro Intellectual which electrified a generation of activists and intellectuals).

77. See generally ELDRIDGE CLEAVER, *SOUL ON ICE* (1968) (discussing the memoirs of Eldridge Cleaver in order to demonstrate his unique place in American history).

78. See generally ALEX HALEY & MALCOLM X, *AUTOBIOGRAPHY OF MALCOLM X* (1965) (offering a fresh outlook on the life of Malcolm X).

79. See generally H. RAP BROWN, *DIE NIGGER DIE* (1969) (calling to arms the black community to be the vanguard force in the struggle of oppressed people).

80. See generally JULIUS LESTER, *LOOK OUT WHITEY! BLACK POWER'S GON GET YOUR MAMA* (1970) (explaining Black Power).

81. See generally BOBBY SEALE, *SEIZE THE TIME: THE STORY OF THE BLACK PANTHER PARTY AND HUEY P. NEWTON* (1970) (depicting the evolution of the black panther party and Huey P. Newton).

82. See generally ANGELA DAVIS, *IF THEY COME IN THE MORNING* (1971) (identifying the arrest of Angela Davis and the issues surrounding it).

83. See generally AMIRI BARAKA, *HOME: SOCIAL ESSAYS* (1966) (documenting a critical time in Civil Rights history through autobiographical essays).

84. See generally CECIL BROWN, *THE LIFE AND LOVES OF MR. JIVEASS NIGGER* (1969) (depicting 1960s Black American culture).

85. See generally ARTHUR L. SMITH, *RHETORIC OF BLACK REVOLUTION* (1969) (emphasizing the importance of a black revolution).

86. See generally E.U. ESSIEN -UDOM, *BLACK NATIONALISM* (1962) (discussing the importance of black nationalism).

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Cleaver's *Soul on Ice*, which is about his experience in prison and his transformation from prison inmate to Black Power advocate.⁸⁷ It had the potential to draw the attention of many readers at the Marion Ohio library. The other explicit prison literature includes George L. Jackson's *Blood in My Eye* (1972),⁸⁸ Angela Davis' edited collection of prison writings, *If They Come in the Morning* (1971),⁸⁹ and Robert J. Minton's edited volume, *Inside: Prison American Style* (1971).⁹⁰

G. What is Missing?

The list is rich and comprehensive, although there are some surprising omissions. For instance, missing are James Baldwin's *The Fire Next Time* (1963),⁹¹ Richard Wright's *Black Power: A Record of Reactions in a Land of Pathos* (1954),⁹² Richard Wright, *White Men, Listen!* (1957),⁹³ and other literature and literary criticism, such as Ralph Ellison's *Shadow and Act* (1953).⁹⁴ Among the histories that are missing are Winthrop Jordan's *White Over Black* (1968).⁹⁵ The sociology that one might expect to see here includes Kerner Commission Report, Harold Cruse, *Rebellion or Revolution?* (1968),⁹⁶ James A. Geschwender, *The Black Revolt: The Civil Rights Movement, Ghetto Uprisings, and Separatism* (1971),⁹⁷ Paul Jacobs, *Prelude to a Riot: View of Urban America from the Bottom* (1968),⁹⁸ and Sara Black-

87. See generally CLEAVER, *supra* note 77.

88. See generally GEORGE L. JACKSON, *BLOOD IN MY EYE* (1972) (analyzing the sociopolitical history of racism).

89. See generally DAVIS, *supra* note 82.

90. See generally ROBERT J. MINTON, *INSIDE: PRISON AMERICAN STYLE* (1971) (describing the life of a prison inmate).

91. See generally JAMES BALDWIN, *THE FIRE NEXT TIME* (1963) (depicting James Baldwin's early life in Harlem and a disturbing examination of the consequences of racial injustice). The book is an intensely personal and provocative document.

92. See generally RICHARD WRIGHT, *BLACK POWER: A RECORD OF REACTIONS IN A LAND OF PATHOS* (1954) (providing reports on the revolution of Africa's Gold Coast).

93. See generally RICHARD WRIGHT, *WHITE MEN, LISTEN!* (1957) (revealing Wright as a challenging spokesman for the colored people of Asia and Africa).

94. See generally RALPH ELLISON, *SHADOW AND ACT* (1953) (encompassing the two decades that began with Ellison's involvement with African American political activism and print media in Harlem).

95. See generally WINTHROP JORDAN, *WHITE OVER BLACK* (1968) (detailing the evolution of white Englishmen's and Anglo Americans' perceptions of blacks, perceptions of difference used to justify race-based slavery, and liberty and justice for whites only).

96. See generally HAROLD CRUSE, *REBELLION OR REVOLUTION* (1968) (opinionated and deeply informed critique of both integrationism and black nationalism).

97. See generally JAMES A. GESCHWENDER, *THE BLACK REVOLT: THE CIVIL RIGHTS MOVEMENT, GHETTO UPRISINGS, AND SEPARATISM* (1971) (analyzing the Civil Rights movement and its multifaceted impact).

98. See generally PAUL JACOBS, *PRELUDE TO A RIOT, A VIEW OF URBAN AMERICA FROM THE BOTTOM* (1968) (analyzing urban America).

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burn's edited *White Justice: Black Experience Today in America's Courtrooms* (1971).⁹⁹

There are literary works from the leaders of the Black Power movement that are conspicuously absent, including *Malcolm X Speaks* (1965),¹⁰⁰ Stokely Carmichael, *Stokely Speaks* (1971),¹⁰¹ Eldridge Cleaver, *Post-Prison Writings* (1967),¹⁰² Huey Newton, *To Die for the People* (1972),¹⁰³ especially Robert F. Williams, *Negroes with Guns* (1962),¹⁰⁴ and George Jackson, *Soledad Brother* (1970).¹⁰⁵ There is secondary literature on Black Power that might reasonably have been included, such as Haig Bosmajian and Hamida Bosmajian, *The Rhetoric of the Civil Rights Movement* (1969),¹⁰⁶ Robert Scott and Wayne Brockriede, *The Rhetoric of Black Power* (1969),¹⁰⁷ Floyd Barbour's *The Black Power Revolt* (1968)¹⁰⁸ and *The Black Seventies* (1970),¹⁰⁹ and Ernest G. Bormann's *Forerunners of Black Power: The Rhetoric of Abolition* (1971).¹¹⁰

99. See generally SARA BLACKBURN, *WHITE JUSTICE: BLACK EXPERIENCE TODAY IN AMERICA'S COURTROOMS* (1971) (reviewing the struggles faced by black Americans in the courtroom).

100. See generally MALCOLM X, *MALCOLM X SPEAKS* (1965) (presenting the major ideas expounded by the legendary leader of the black revolution in America through selected speeches delivered from 1963 to his assassination in 1965).

101. See generally STOKELY CARMICHAEL, *STOKELY SPEAKS* (1971) (tracing the dramatic changes in his own consciousness and that of black Americans).

102. See generally ELDRIDGE CLEAVER, *POST-PRISON WRITINGS* (1967) (depicting the thoughts and ideals of Eldridge Cleaver after his release from prison).

103. See generally HUEY NEWTON, *TO DIE FOR THE PEOPLE* (1972) (detailing the development of Huey Newton's personal and political thinking, as well as the radical changes that took place in the formative years of the Black Panther Party).

104. See generally ROBERT F. WILLIAMS, *NEGROES WITH GUNS* (1962) (presenting two essays by Dr. Martin Luther King Jr. concerning the role of violence in the Civil Rights movement).

105. See generally GEORGE JACKSON, *SOLEDAD BROTHER* (1970) (condemning the racism of white America and a powerful appraisal of the prison system that failed to break his spirit).

106. See generally HAIG BOSMAJIAN & HAMIDA BOSMAJIAN, *THE RHETORIC OF THE CIVIL RIGHTS MOVEMENT* (1969) (depicting the themes of the Civil Rights Movement).

107. See generally ROBERT SCOTT AND WAYNE BROCKRIEDE, *THE RHETORIC OF BLACK POWER* (1969) (discussing the importance and the themes of the Black Power movement).

108. See generally FLOYD BARBOUR, *THE BLACK POWER REVOLT* (1968) (collection of essays encouraging black people to resist).

109. See generally FLOYD BARBOUR, *THE BLACK SEVENTIES* (1970) (depiction of black lifestyle in the 1970s).

110. See generally ERNEST BORMANN, *FORERUNNERS OF BLACK POWERS OF BLACK POWER: THE RHETORIC OF ABOLITION* (1970) (emphasizing the impact of the abolitionists on the Black Power movement of the 1970s).

III. THE PRISON RESPONDS

A. The Administration's Alternative List of the Black Experience

Prison officials, faced with the charge that they had not done enough, responded that they already had a lot of literature on the black experience in America in their collection.¹¹¹ In 1976, they provided a list of fifty-eight titles on the black experience that were already in the prison's library,¹¹² which appears in appendix B. The special master cited the list as evidence of the prison's good faith.¹¹³

A comparison of the lists is instructive, for it suggests that the prison administration had a different image of the literature that prisoners should be reading – and of what the prison administration thought represented the black experience. Perhaps most notably, Booker T. Washington's *Up From Slavery* appears on the prison's list. Washington, whose message was to go along in place and do not directly challenge the Jim Crow system of segregation, was embraced by the white community in the early twentieth century for that message – and by the white community for decades afterwards.¹¹⁴

Nothing like Washington's *Up from Slavery* is found on the court's list of books to be added.¹¹⁵ Instead, there is Washington's chief critic in the African American community, in the early twentieth century, W.E.B. DuBois.¹¹⁶ The Prison Administration's list also contained books on sports heroes, such as Joe Louis, and on African American cowboys.¹¹⁷

There were books on the library's list that might have appeared on the court's ordered list. Those include works of fiction, such as James Baldwin's *Blues for Mister Charlie* and *If Beale Street Could Talk*, Langston Hughes, *An African Treasury*, Richard Wright's *The Outsider*, and Nikki Giovanni's *The Women and the Men*. This also included histories such as August Meier and Elliott Rudwick, *CORE: A Study in the Civil Rights Movement* and Charles Duncan Rice, *The Rise and Fall of Black Slavery*; work on contemporary sociology, such as Allen Ballare's *The Education of Black Folk: The Afro-American*

111. *Taylor*, 413 F. Supp. at 215–19.

112. *Id.*

113. *Id.* at 221.

114. See generally ROBERT NORELL, *UP FROM HISTORY: THE LIFE OF BOOKER T. WASHINGTON* (2011) (describing the life of Booker T. Washington).

115. *Taylor*, 413 F. Supp. at 215–19.

116. *Id.*

117. *Id.* at 219–21.

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Struggle for Knowledge in White America (1973), on African American politics and law, such as Carl Rowan's *South of Freedom* (1952), and a number of books on Africa, such as Peter Ritner's *The Death of Africa* (1960) and Mark Ross, *Grass Roots in an African City: Political Behavior in Nairobi* (1975).

B. Banning Books

We can tell the books that prisoners most clearly wanted to read by looking at the list of books that the Prison Administration banned, describing them as inflammatory.¹¹⁸ In the first published opinion in *Taylor v. Perini*, there was controversy over including previously banned books in the order.¹¹⁹ The prison administration did not want radical books in the prison, especially books about prisons.¹²⁰ The inflammatory list included: *Newsletter of National Political Prisoners*, *Free Martin Sostre*, and *We are Aware*.¹²¹ The works that were explicitly permitted included *Jailhouse Lawyers Manual*, *Prison Letters of George Jackson*, *Socialist Revolution*, the Mohawk Nation's *Akwesasne Notes* and *Vietnam Veterans Against the War*.¹²²

The books that were banned are Knight's *Black Voices from Prison*; *Malcolm X Talks with Young People*; *Revolutionary Dynamics of Women's Liberation* and *Why Women Need the Equal Rights Amendment*.¹²³ A few years later, *Black Voices from Prison* and *Malcolm X Talks with Young People* were still banned and still the subject of controversy.¹²⁴ Another radical book, *Lesbianism and the Women's Movement*, had been banned.¹²⁵ This may suggest where the real interest was – what was banned and what was permitted.

118. Fourth Report of Special Master, *Taylor v. Perini*, 446 F. Supp. 1184, 1206 (N.D. Ohio 1977). The special master listed books that were banned because they posed a “clear and present danger,” including Knight's *Black Voices from Prison*; *Malcolm X Talks with Young People*; *Revolutionary Dynamics of Women's Liberation* and *Why Women Need the Equal Rights Amendment*. The special master found, however, that they “clearly fall within the scope of legitimate political expression.” *Id.* at 1206.

119. *Taylor*, 413 F. Supp. at 195.

120. *Id.*

121. Special Master Report in *Taylor*, 413 F. Supp. at 277–78, Appendix E (publications not permitted).

122. *Id.* at 273–76 (publications permitted). See also *Taylor v. Perini*, 446 F. Supp. 1184, 1225 (N.D. Ohio 1977) (listing “additional recommended purchases” to prison library, compiled by University of Toledo Law Librarian Rhoda L. Berkowitz).

123. *Taylor*, 446 F. Supp. at 1206.

124. *Taylor v. Perini*, 477 F. Supp. 1289, 1298–99 (N.D. Ohio 1979).

125. Issues of prohibition of publications continued to arise until the final opinion. *Id.* at 1298. The Ohio Prison System's Director of Social Services, who serves as chair of the department's Publication Screening Committee, distributed a list of “not permitted” books, which in-

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Prison officials also did not want books they deemed obscene. And there were a lot of those, which they banned as well.¹²⁶ Eldridge Cleaver's *Soul on Ice* reflects some of this.¹²⁷ Cleaver talks about prison library where:

The warden says no sex. You can have Reader's Digest but Playboy? not a chance. I have long wanted to file suit in Federal Court for the right to receive Playboy magazine. Do you think Hugh Hefner would finance such an action? I think some very nice ideas would be liberated.¹²⁸

There was another list of materials that were specifically allowed.¹²⁹

IV. BLACK POWER BOOKS IN THE PRISON LIBRARY

The list of books to be added reminds us how rich the literature developed by African Americans (and about African American history and culture) was. In many instances, history books written by African American historians reverse course from the dominant interpretations of white historians. The best example of this is W. E. B. Du Bois' *Black Reconstruction*.¹³⁰ DuBois presented a counter-history to white historian's dominant view of Reconstruction (then referred to as the period of "redemption"), which often characterized the period by discussing corrupt Yankees and recently freed slaves controlling southern governments.¹³¹ There are books on Reconstruction by and for white people¹³² and books on Reconstruction by and for black people.¹³³ Jim Crow separated people intellectually, as well as physically and socially. There are also compelling, popular sociology text

cluded Knight's *Black Voices from Prison*, The Social Workers Party's *Freedom Now*, *Malcolm X Talks with Young People*, and *Lesbianism and the Women's Movement*. The "not permitted" list was found inconsistent with a previous order and was to be destroyed on arrival in the Marion Correctional Institution. *Id.* at 1299. The special master found this a "fitting if somewhat ironic denouement." *Id.* The final order included a form for notification and waiver of rights of inmates for publications that had been screened as they arrived in the mail. *Id.* at 1392.

126. *Taylor*, 446 F. Supp. at 1206-07 (discussing bans due to obscenity, including *Adam*, *Penthouse*, *Playgirl*, and *Playgirl Advisor*).

127. *CLEAVER*, *supra* note 77, at 47-49.

128. *Id.* at 48.

129. *Taylor v. Perini*, 413 F. Supp. 189, 273-76 (N.D. Ohio 1976).

130. *See generally* DU BOIS, *supra* note 32.

131. *See* Randall Kennedy, *Reconstruction and the Politics of Scholarship*, 98 *YALE L.J.* 524, 525 (1989) (reviewing ERIC FONER, *RECONSTRUCTION: AMERICA'S UNFINISHED REVOLUTION, 1863-1877* (1988)).

132. *See, e.g.*, CLAUDE BOWERS, *THE TRAGIC ERA: THE REVOLUTION AFTER LINCOLN* (1929).

133. *See generally* DU BOIS, *supra* note 32.

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by white authors, such as Tom Hayden's *Rebellion in Newark* and Charles Silberman's *Crisis in Black and White*. There are several white historian authors on this list such as: Herbert Aptheker, Kenneth Stampp, Arthur Waskow, C. Vann Woodward, and Howard Zinn.¹³⁴

These works invite some speculation on how books might be used to shape and sustain a sense of black identity, and in particular how those books might be helpful in a prison.¹³⁵ The identity is of a rich fictional literature that suggests the ways that African Americans created a life independent of the constraints of segregation; and it focuses on the brutality as well as triumphs of the enslaved.¹³⁶ Then, when it switches to the Civil Rights era, there is a large focus on the claims made by the movement and the obstacles the movement faced from American society.¹³⁷ The limits of the Civil Rights movement and the bold, sometimes violent response of the Black Power movement¹³⁸ provide the capstone to the identity that emerges from those ninety books.

A. The Book-Made Radical and The Experiential Radical

Black Power writers often explain the origins of their ideas in their experience. Some of the literature was concerned with books and the way that books might propagate black identity or failed to. H. Rap Brown thought that books were relatively unimportant: "Books don't make revolutionaries I contend that the people who burned down Watts and Detroit don't have to read These cats have lived more than the intellectual has read So they are political by having learned from their existence Oppression made these cats political."¹³⁹ Brown saw complicity between such radicals

134. *Taylor*, 413 F. Supp. at 215–19.

135. See generally ERIC CUMMINS, *THE RISE AND FALL OF CALIFORNIA'S RADICAL PRISON MOVEMENT* (1994); Roberta Ann Johnson, *The Prison Birth of Black Power*, 5 J. BLACK STUD. 395–14 (1975); LISA M. CORRIGAN, *PRISON POWER: HOW PRISON INFLUENCED THE MOVEMENT FOR BLACK LIBERATION* (2016).

136. LISA M. CORRIGAN, *PRISON POWER: HOW PRISON INFLUENCED THE MOVEMENT FOR BLACK LIBERATION* 63–64 (2016)

137. *Id.*

138. See, e.g., James T. Campbell, *The Panthers and Local History*, in *IN SEARCH OF THE BLACK PANTHER PARTY: NEW PERSPECTIVES ON A REVOLUTIONARY MOVEMENT* 97, 101 (Jama Lazerow & Yohuru Williams, eds., 2006); David Garrow, *Picking Up the Books: The New Histrography of the Black Panther Party*, 35 REV. AM. HIST. 650–70 (2007).

139. BROWN, *supra* note 79, at 104.

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and white society.¹⁴⁰ Brown's book is reminiscent of Ralph Waldo Emerson's "American Scholar," which urged scholars to learn from experience rather than from reading about other people's experience in books.¹⁴¹

Where government commissions and academics studied urban discontent, Black Power writers frequently critiqued such books and scholarship. Julius Lester observed that President Johnson spent money to find out what any black person sleeping in LaFayette park across from the White House could tell him: that there was a lack of justice.¹⁴² H. Rap Brown and Lester Julius were certainly correct that much of Black Power was born in the experience of injustice and it was worked out through active engagement in politics, often in the street, rather than literature. And action in the streets taught lessons books could not.¹⁴³ "The violence [of riots] did what all the books, speeches, petitions, and nonviolent demonstrations had been unable to do."¹⁴⁴ It made the ghetto visible,¹⁴⁵ despite substantial literature on Black Power being promulgated through the schools.¹⁴⁶

Peniel Joseph, a leading historian of Black Power, has phrased Black Power's relationship to action in discussion of H. Rap Brown, as "when [B]lack [P]ower came to town, so did trouble."¹⁴⁷ Or, as Stokely Carmichael said, Black Power seized tactics ranging from spitting to killing.¹⁴⁸ And maybe most illuminating is that profits from the sale of books at Berkeley University were invested in guns.¹⁴⁹ As Bobby

140. *Id.* ("The militants spend all their time trying to program white people into giving them some money.")

141. Ralph Waldo Emerson, *The American Scholar*, in RALPH WALDO EMERSON: ESSAYS & LECTURES 51, 64 (Joel Porte ed., 1983) (1837).

142. LESTER JULIUS, LOOK OUT WHITEY: BLACK POWER'S GON GET YOUR MOMMA 115 (1969).

143. *See generally id.*

144. *Id.* at 113.

145. *Id.*

146. *See generally, e.g.*, MARTHA BIONDI, THE BLACK REVOLUTION ON CAMPUS (2012); RACE AND HEGEMONIC STRUGGLE IN THE UNITED STATES: POP CULTURE, POLITICS, AND PROTEST (Michael G. Lacy et al. eds., 2014); FABIO ROJAS, FROM BLACK POWER TO BLACK STUDIES: HOW A RADICAL SOCIAL MOVEMENT BECAME AN ACADEMIC DISCIPLINE (2007).

147. PENIEL E. JOSPEH, WAITING TIL THE MIDNIGHT HOUR: A NARRATIVE HISTORY OF BLACK POWER 188 (2006).

148. *Id.* at 240 (quoting Carmichael). *See also* Stokely Carmichael, *What We Want*, N.Y. REV. BOOKS (Sept. 22, 1966), <http://www.nybooks.com/articles/1966/09/22/what-we-want/>. Carmichael's essay was widely reprinted. *See, e.g.*, Stokely Carmichael, *Power and Racism*, in THE BLACK POWER REVOLT 62-71 (1968); Stokely Carmichael, *Power and Racism*, in JUSTICE DENIED: THE BLACK MAN IN WHITE AMERICA 501-10 (William Chace & Peter Collier eds., 1970).

149. BOBBY SEALE, SEIZE THE TIME 79-85 (1968) (discussing sale of Chairman Mao's Little Red Book to students at Berkeley to raise money to purchase guns). *See also* JOSEPH, *supra* note 147, at 176.

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Seale memorably phrased it, “all I could think of was books, dollars, then guns for us motherfuckers.”¹⁵⁰

B. Books, Ideas, and the Origins of Black Power

Despite H. Rap Brown’s skepticism of them, books – and libraries – often appear in the literature of Black Power. Books were central to the genesis and propagation of Black Power.¹⁵¹ For books were an important source of ideas of liberation and vehicles for the propagation of those ideas.¹⁵² *The Autobiography of Malcolm X* is the best example. Malcolm X, one ought to recall, told a British reporter his alma mater was “books.”¹⁵³ X writes of how he read widely in the enormous library of the Norfolk Prison Library.¹⁵⁴ His readings, often in history, convinced X that the teachings of Mr. Muhammad stressed how history had been “whitened;” “when white men had written history books, the black man simply had been left out.”¹⁵⁵ X read a number of histories, including Will Durant’s *Story of Civilization*, H. G. Wells’ *Outline of History*, DuBois’ *Souls Of Black Folk*, Carter Woodson’s *Negro History*, and J. A. Rogers’ *Sex and Race*.¹⁵⁶ “Book after book,” X wrote, “showed me how the white man had brought upon the world’s black, brown, red, and yellow peoples every variety of the sufferings of exploitation.” He continued:

I saw how since the sixteenth century, the so-called “Christian trader” white man began to ply the seas in his lust for Asian and African empires, and plunder, and power. I read, I saw, how the white man never has gone among the non-white peoples bearing the Cross in the true manner and spirit of Christ’s teachings—meek, humble, and Christ-like.¹⁵⁷

X extracted, from the books he read, evidence that fit with his thesis about how white people had distorted or erased the history of Africa and people of African ancestry.¹⁵⁸ This confirmed in his mind the slogan he used to recruit converts: that the white man is the devil.

150. SEALE, *supra* note 81, at 84.

151. See Ernest Kaiser, *The Crisis of the Negro Intellectual*, 9 FREEDOMWAYS 24–41 (1969).

152. *Id.*

153. HALEY, *supra* note 78, at 183.

154. *Id.* at 172–94

155. *Id.* at 177.

156. *Id.* at 178.

157. *Id.* at 180.

158. *Id.*

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Books were vehicles of liberation for many Black Power writers.¹⁵⁹ “Whenever I had liberated enough cash to give me a stretch of free time,” wrote Huey Newton, “I stayed home reading books like . . . Franz Kafka’s *The Trial* and Thomas Wolfe, *Look Homeward Angel*.”¹⁶⁰ Jean Genet’s introduction to George Jackson’s *Soledad Brother* made the point that “here is a book, tough and sure, both a weapon of liberation and a love poem.”¹⁶¹ Law books in particular contained power. Huey Newton’s autobiography tells how he learned the law as a way of beating a rap.¹⁶² But later it empowered him and other African Americans in Oakland in other ways.¹⁶³ Sometimes Newton stood close to where police were stopping African Americans and read from the California penal code, as a way of alerting both the police and those they had stopped about their duties and rights.¹⁶⁴

C. Black Power’s Agenda in Books: The Critique of Property, Constitution, and Law

But what were the ideas that the Black Power literature sought to propagate? The literature of Black Power – much of which was published by major trade presses – sought to indict the system, to demystify the power behind the curtain, and to help clear the way for a redistribution of political power.¹⁶⁵ One might take the Black Panther Party’s Ten-Point Program as further evidence of the agenda of Black

159. See generally HUEY NEWTON, *REVOLUTIONARY SUICIDE* (1973).

160. *Id.* at 81.

161. Jean Genet, *Introduction*, in *SOLEDAD BROTHER: THE PRISON LETTERS OF GEORGE JACKSON* (1970). The *New York Review of Books* also offered a critique of Black Power by the white historian Christopher Lasch. See Christopher Lasch, *A Special Supplement: The Trouble with Black Power*, N.Y. REV. BOOKS (Feb. 29, 1968), <http://www.nybooks.com/articles/1968/02/29/a-special-supplement-the-trouble-with-black-power/> (“Violent hatred fills the vacuum left by the lack of an ideology and a program.”).

162. See generally NEWTON, *supra* note 159.

163. *Id.*

164. *Id.* at 120–21 (discussing Huey Newton giving legal advice).

I always carried law books in my car. Sometimes, when a policeman was harassing a citizen, I would stand off a little and read the relevant portions of the penal code in a loud voice to all within hearing distance. In doing this, we were helping to educate those who gathered to observe these incidents . . . we were, proud Black men, armed with guns and knowledge of the law.

JOSEPH, *supra* note 147, at 209 (discussing Newton’s reading statutes).

165. Recent literature reveals just how many different directions Black Power thought pointed, including toward ownership and development of agricultural land. See generally Russell Rickford, “We Can’t Grow Food on All This Concrete”: *The Land Question, Agrarianism, and Black Nationalist Thought in the Late 1960s and 1970s*, 103 J. AM. HIST. 956 (2017); Brian D. Goldstein, *The Search for New Forms: Black Power and the Making of the Postmodern City*, 103 J. AM. HIST. 375 (2016).

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Power.¹⁶⁶ Much was about self-determination, such as having blacks freed from prison, increased employment, and an end to police brutality.¹⁶⁷ However, one part was about education, which could be continued – or at least started – in the prison library.¹⁶⁸ “We want education for our people that exposes the true nature of this decadent American society We want education that teaches us our true history and our role in the present-day society.”¹⁶⁹ There were a wide variety of critiques in the Black Power literature. Some were that the United States owed blacks and had not followed its own laws, and others sought to critique law and suggest what law should look like.¹⁷⁰

Black Power literature had a lot to say about property, the Constitution, and the law, as have reformers throughout American history. Just as H. Rap Brown sounded like Ralph Waldo Emerson’s “American Scholar,” other Black Power writers also paralleled Emerson’s work, perhaps because Emerson and the Transcendentalists and the Black Power movement had similar techniques to challenge the status quo. They were skeptical of private property and of authority based on tradition rather than reason. Eldridge Cleaver’s *Soul on Ice* shared the skepticism of Emerson in regards to private property. Where Emerson said in his lecture “The Conservative,” that he could not occupy the bleakest crag of the White Hills without someone – or some corporation – stepping up to claim ownership,¹⁷¹ Cleaver had a similar, if more modern, formulation of the same principle.¹⁷² “Everything is held as private property Someone has a brand on everything There is nothing left over,” he wrote.¹⁷³ Cleaver noted the explicitly racial aspects of property:

Until recently, the blacks themselves were counted as part of somebody’s private property, along with the chickens and goats. The blacks have not forgotten this, principally because they are still treated as if they are part of someone’s inventory of assets or perhaps, in this day of rage against the costs of welfare, blacks are listed among the nation’s liabilities.¹⁷⁴

166. HUEY NEWTON, *TO DIE FOR THE PEOPLE* 3–6 (1966).

167. *Id.*

168. *Id.*

169. *Id.*

170. *See, e.g., id.*

171. RALPH WALDO EMERSON, *THE CONSERVATIVE* 173, 180 (1882).

172. CLEAVER, *supra* note 77, at 134.

173. *Id.*

174. *Id.*

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There was one other way that Cleaver paralleled Emerson. They both called the institution of property into question, and they did it by questioning whether there was some natural right to property. “The mystique of the deed of ownership is melting away,” Cleaver wrote.¹⁷⁵ “In other parts of the world, peasants rise up and expropriate the land from the former owners Blacks in America see that the deed is not eternal, that it is not signed by God, and that new deeds, making blacks the owners, can be drawn up.”¹⁷⁶ Other Black Power literature critiqued property in similar terms. Huey Newton recalled in *Revolutionary Suicide* that “the laws exist to defend those who possess property They protect the possessors who should share but do not.”¹⁷⁷ Charles Hamilton, a political science professor, explained the 1970 Black Power attack on property rights and law more generally.¹⁷⁸

The entire value structure which supports property rights over human rights, which *sanctions* the intolerable conditions in which black people have been *forced* to live is questioned. There are revolts because the black people are saying that they no longer intend to abide by an oppressive notion of “law and order.” That law and that order meant the perpetuation of an *intolerable* status quo.¹⁷⁹

The Black Power critique of law went well beyond property rights. The critique took on law and the Constitution more generally. They questioned the fairness of the legal system and of the Constitution. The wide-ranging critique of white society also revealed skepticism of the motives of white voters. Julius Lester’s 1968 book, *Look Out Whitey! Black Power’s Gon’ Get Your Mama*, provided an early formulation of what Derrick Bell has made a foundational principle of Critical Race theory: “[w]hite folks do nothing that they think is not to their advantage.”¹⁸⁰ This has come to be known as the interest-convergence theory: that white people will only act in their perceived best interest.¹⁸¹

175. *Id.* at 135.

176. *Id.*

177. NEWTON, *supra* note 160, at 82. See also DAVID RAY PAPKE, *HERETICS IN THE TEMPLE: AMERICANS WHO REJECT THE NATION’S LEGAL FAITH* 124 (1998).

178. See generally Charles Hamilton, *Riots, Revolts, and Reluctant Response*, in *THE BLACK POWER REVOLT* (1968) (discussing Black Power and property rights.)

179. *Id.* at 174.

180. LESTER, *supra* note 80, at 57; Derrick Bell, *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 *HARV. L. REV.* 518, 523 (1980).

181. Bell, *supra* note 180, at 523 (“The interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites.”).

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Even more critically, Lester offered a broad critique of American society about the division between the rhetoric of equality and the reality of exclusion.¹⁸²

America has the rhetoric of freedom and the reality of slavery. It talks of peace while dropping bombs. It speaks of self-determination for all people while moving to control the means of production on which self-determination depends. It passes civil rights bills for black people, ostensibly, and does nothing to enforce such bills Power maintains itself through rhetoric and force.¹⁸³

Frequently, Black Power writers expressed no confidence in white government¹⁸⁴ and they critiqued the Constitution in particular.¹⁸⁵ Harold Cruse's *The Crisis of the Negro Intellectual* explained the problems with the Constitution, which so frequently protected property rather than equality.¹⁸⁶ The opposition to the Civil Rights Act of 1964, which was then recent history, was one of Cruse's examples of how the Constitution's protection for property stood in the way of African American equality.¹⁸⁷

Whatever the case, it has to be noted that the most vocal opponents of the Civil Rights Act of 1964 *cite* the American Constitution and object to measures aimed at enforcing the Fourteenth and Fifteenth Amendments as violations of the rights of individuals and private property privileges which are guaranteed by the same Constitution. This emotional and legal conflict over the interpretation of the Constitution, in the slow and painfully bitter struggle towards the enforcement of the constitutional guarantees of racial equality, points up a very real dilemma inherent in the Negro's position in America.¹⁸⁸

There is a tension in law and African American equality. So much of our nation's stride towards equality is at its core about the Fourteenth Amendment's equal protection principle.¹⁸⁹ But the law

182. *See generally* LESTER, *supra* note 80.

183. *Id.* at 120.

184. SMITH, *supra* note 85, at 54, 56–57.

185. CRUSE, *supra* note 76, at 7, 394 (discussing limits of the US Constitution). Here, I am eliding some of the differences between Cruse and the most radical Black Power writers, such as Malcolm X. *See* HALEY, *supra* note 78, at 183 (criticizing “negro ‘intellectuals’” like Cruse for focusing on irrelevant issues); *cf.* Peniel Joseph, *Harold Cruse, Black Nationalism, and the Black Power Movement*, in HAROLD CRUSE'S *The Crisis of the Negro Intellectual Revisited* 241–62 (Jerry Watts ed., 2004).

186. *See generally* CRUSE, *supra* note 76.

187. *See generally id.*

188. *Id.* at 7 (emphasis in original).

189. *See generally* Alfred L. Brophy, *The Great Constitutional Dreambook*, in *ENCYCLOPEDIA OF THE SUPREME COURT* 360 (David Tanenhaus ed., 2008).

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has also been at the center of the denial of African American rights and justice. So just as African Americans are appealing to law and justice, they are writing about the law's abandonment of them. Complaints about basic issues of justice, which were central to the black experience, were felt as well as read about. The issue was that law and order has meant only oppression for African Americans.¹⁹⁰ Law, to so many, meant the deprivation of rights.

While much of Black Power critiqued law, there was a constructive aspect to this as well. Black Power writers had a different sense of what the rule of law meant. Justice meant to them getting some property;¹⁹¹ alleviation of poverty;¹⁹² release from prison;¹⁹³ and an end to imperialism.¹⁹⁴ Eldridge Cleaver saw the United States' engagement abroad as a parallel exploitation of racial minorities.¹⁹⁵ At their core, these separate claims for justice were about self-determination.

V. THE BIBLIOGRAPHIC ORIGINS OF BLACK POWER?

The recent literature on the origins of Black Power often locates it in the claims of the Civil Rights Movement and increasing black consciousness. This is about black peoples' control of their own destiny.¹⁹⁶ "Black consciousness is an essential part of speaking we define for ourselves. It is the foundation of Black Power," wrote Julius Lester.¹⁹⁷ There was a turn to history and to African American literature so that black people have a new understanding of history: black consciousness.¹⁹⁸ Is this part of the natural evolution from the

190. LESTER, *supra* note 80, at 23.

191. CLEAVER, *supra* note 77, at 134 ("On any account, however, blacks are in no position to respect or help maintain the institution of private property What they want is to figure out a way to get some of that property for themselves, to divert it to their own needs This is what it is all about, and this is the real brutality involved This is the source of all brutality.").

192. See generally Tommie Shelby, *Justice, Deviance, and Dark Ghetto*, 35 PHIL. & PUB. AFF. 126 (2007); TOMMIE SHELBY, *WE WHO ARE DARK: THE PHILOSOPHICAL FOUNDATIONS OF BLACK SOLIDARITY* (2005).

193. See generally, CLEAVER, *supra* note 77.

194. *Id.* at 129.

195. See generally *id.*

196. Stokely Carmichael, *Racism and Power*, in *JUSTICE DENIED: THE BLACK MAN IN WHITE AMERICA* 501, 509 (William Chace & Peter Collier eds., 1970).

197. LESTER, *supra* note 80, at 93 ("Blacks are happy to study their part, to learn those parts which have been lost, to re-erect what the white man destroyed in them, and to destroy that which the white man"). *Id.* at 91.

198. *Id.* at 91-93.

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Civil Rights movement, as Lester says,¹⁹⁹ or the result of frustration at the lack of concrete action following the Civil Rights movement?²⁰⁰

Many recent histories of Black Power focus on the experience of Black Power advocates at the local level.²⁰¹ Peniel Joseph's *Waiting 'Til the Midnight Hour*, which focuses on key players and their ideas and actions from the 1940s to the early 1970s, is styled as a narrative history of Black Power.²⁰² Alternatively, the list of books on the black experience for the Marion Correctional Institute presents a bibliographic history of Black Power. The bibliographic history tells us that Black Power is about consciousness, as supported by history and literature, and a special vision of how blacks had been treated by law. The bibliographic history tells, in some ways, a different story from the narrative history. For while a narrative history focuses on Black Power's talk about separatism and talk of violence,²⁰³ and actual violence of course,²⁰⁴ the bibliographic history can focus on aspirations. For Black Power was, in its ideal form, also about self-determination and liberation in addition to violence. The bibliographic history can see Black Power in context of other ideas such as Black Arts and Civil Rights. This movement was about liberation through education, history, art, literature, and political power.²⁰⁵ The library catalog reveals the context of Black Power: it shows the ways that history, art, and literature combined with ideas about separatism and liberation and how they fit together.

199. *Id.* at 30 ("Black Power was merely the next step in a logical progression, not the outpouring of frustration that the press tried to make us believe when they couldn't explain it away It was new in the context of the 'the movement' of the 1960s It was not new in the context of the lives of black people.").

200. See generally DAVID GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* (1986) (arguing that Black Power emerged from frustration over lack of progress on Civil Rights); HETTIE V. WILLIAMS, *WE SHALL OVERCOME TO WE SHALL OVERRUN: THE COLLAPSE OF THE CIVIL RIGHTS MOVEMENT AND THE BLACK POWER REVOLT (1962-1968)* (2008).

201. See generally, e.g., YOHURU WILLIAMS, *BLACK POLITICS/WHITE POWER: CIVIL RIGHTS, BLACK POWER, AND THE BLACK PANTHERS IN NEW HAVEN* (2000) (discussing Black Power advocates); MATTHEW J. COUNTRYMAN, *UP SOUTH: CIVIL RIGHTS AND BLACK POWER IN PHILADELPHIA* (2007) (discussing Black Power and Politics).

202. See generally JOSEPH, *supra* note 147.

203. See generally, e.g., PEARSON, *THE SHADOW OF THE PANTHER* (1994) (revealing violence of Black Panthers). See CLEAVER, *SOUL ON ICE*, *supra* note 77, at 14 (writing about the rape of white women as "a revolutionary act").

204. See generally CAMPBELL, *supra* note 138.

205. Cf. Peniel E. Joseph, *Black Studies, Student Activism, and the Black Power Movement*, in *THE BLACK POWER MOVEMENT: RETHINKING THE CIVIL RIGHTS-BLACK POWER ERA* 251 (Peniel E. Joseph ed., 2006) (interpreting Black Studies as a dependent variable and an outgrowth of Black Power).

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The books provided a picture of African American history and consciousness that linked Black Power's claims to the Civil Rights movement. This shows the agenda of Black Power and how it critiqued the exclusion of African Americans and the brutality of history in the United States. It provided an intellectual underpinning to what seemed obvious and also critiqued the meaning of "law and order."

To be sure, the book culture helped give shape to and helped to propagate the ideas of Black Power.²⁰⁶ There were more connections between Black Power and mainstream politics than we sometimes realize, as historians are increasingly telling us.²⁰⁷ The claims made by adherents of the Civil Rights and the Black Power movements were often not very distinct. This was true about books on the rhetoric of Civil Rights and Black Power as well.²⁰⁸

CONCLUSION

Books that contained the ideas of liberation and that indicted capitalism and sought to de-legitimize prisons were in circulation in the Marion Correctional Institution. Whether they found receptive readers is tough to tell, although some evidence from other prisons suggests that the ideas of Black Power were put into practice, for prisons were the places that Black Power ideas were developed and disseminated.²⁰⁹

What we can know is that prisoners had requested, and a court ordered, that they have access to books that contained the core of ideas known as Black Power.

206. JOSEPH, *supra* note 147, at 209 (discussing Huey Newton's reading in Revolutionary canon, such as Franz Fanon). *See generally* WILLIAM L. VAN DEBURG, *NEW DAY IN BABYLON: THE BLACK POWER MOVEMENT AND AMERICAN CULTURE, 1965-1975* (1992).

207. *See generally, e.g.*, DEVIN FERGUS, *LIBERALISM, BLACK POWER, AND THE MAKING OF AMERICAN POLITICS, 1965-1980* (2009); MATTHEW J. COUNTRYMAN, *UP SOUTH: CIVIL RIGHTS AND BLACK POWER IN PHILADELPHIA* (2007).

208. *See generally* HAIG BOSMAJIAN AND HAMIDA BOSMAJAIN, *THE RHETORIC OF THE CIVIL RIGHTS MOVEMENT* (1969) (providing Civil Rights and Black Power speeches in same book); ROBERT SCOTT AND WAYNE BROCKRIEDE, *THE RHETORIC OF BLACK POWER* (1979) (providing Civil Rights and Black Power speeches in same book). *See also* Keith Gilyard, *Aspects of African American Rhetoric as a Field*, in *AFRICAN AMERICAN RHETORIC(S): INTERDISCIPLINARY PERSPECTIVES* 1, 8 (2007) (noting that Black Power and Civil Rights rhetoric were connected).

209. *See generally, e.g.*, Knight, *supra* note 1.

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Appendix A: Titles on Court Order

Source: *Taylor v. Perini*, 413 F. Supp. 189 (N.D. Ohio 1976). The list is repeated at *Taylor v. Perini*, 421 F. Supp. 740, 754–57 (N.D. Ohio 1976).

1. MAYA ANGELOU, *I KNOW WHY THE CAGED BIRD SINGS* (1969).
2. HERBERT APTHEKER, *NEGRO SLAVE REVOLTS IN THE UNITED STATES, 1526-1860* (1939).
3. JAMES BALDWIN, *GO TELL IT ON THE MOUNTAIN* (1953).
4. JAMES BALDWIN, *TELL ME HOW LONG THE TRAIN'S BEEN GONE: A NOVEL* (1968).
5. SALLY BELFRAGE, *FREEDOM SUMMER* (1965).
6. LERONE BENNETT, *WHAT MANNER OF MAN: A BIOGRAPHY OF MARTIN LUTHER KING, JR.* (1968).
7. *Black Scholar*. (1969). San Francisco, CA: Black World Foundation
8. *Black World*. (1970-1976). Chicago: Johnson Pub. Co.
9. ARNA BONTEMPS, *AMERICAN NEGRO POETRY* (1963).
10. FRANCIS L. BRODERICK, *W. E. B. DU BOIS, NEGRO LEADER IN A TIME OF CRISIS* (1959).
11. CECIL BROWN, *THE LIFE AND LOVES OF MR. JIVEASS NIGGER: A NOVEL* (1969).
12. CLAUDE BROWN, *MANCHILD IN THE PROMISED LAND* (1965).
13. H. RAP BROWN, *DIE, NIGGER, DIE!* (1969).
14. ED BULLINS, *FIVE PLAYS* (1969).
15. STOKELY CARMICHAEL & CHARLES V. HAMILTON, *BLACK POWER: THE POLITICS OF LIBERATION IN AMERICA* (1967).
16. *MALCOLM X: THE MAN AND HIS TIMES* (John Henrik Clarke et al. eds., 1969).
17. *JUSTICE DENIED: THE BLACK MAN IN WHITE AMERICA* (William M. Chace & Peter Collier eds., 1970).
18. KENNETH B. CLARK, *DARK GHETTO: DILEMMAS OF SOCIAL POWER* (1965).
19. ELDRIDGE CLEAVER, *SOUL ON ICE* (1967).
20. JAMES H. CONE, *BLACK THEOLOGY AND BLACK POWER* (1969).

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21. ROBERT E. CONOT, *RIVERS OF BLOOD, YEARS OF DARKNESS: THE UNFORGETTABLE CLASSIC ACCOUNT OF THE WATTS RIOT* (1967).
22. E. DAVID CRONON, *BLACK MOSES: THE STORY OF MARCUS GARVEY AND THE UNIVERSAL NEGRO IMPROVEMENT ASSOCIATION* (1955).
23. HAROLD CRUSE, *THE CRISIS OF THE NEGRO INTELLECTUAL* (1967).
24. ANGELA Y. DAVIS, *IF THEY COME IN THE MORNING: VOICES OF RESISTANCE* (1971).
25. W. E. B. DU BOIS, *BLACK RECONSTRUCTION: AN ESSAY TOWARD THE HISTORY OF THE PART WHICH BLACK FOLK PLAYED IN AMERICA, 1860-1880* (1935).
26. W. E. B. DuBois, *THE SOULS OF BLACK FOLK: ESSAYS AND SKETCHES* (1903).
27. RALPH ELLISON, *INVISIBLE MAN* (1952).
28. E. U. ESSIEN-UDOM, *BLACK NATIONALISM: A SEARCH FOR AN IDENTITY IN AMERICA* (1962).
29. FRANTZ FANON, *BLACK SKIN, WHITE MASKS* (1967).
30. FRANTZ FANON, *THE WRETCHED OF THE EARTH* (1963).
31. MILES MARK FISHER, *NEGRO SLAVE SONGS IN THE UNITED STATES* (1953).
32. RUDOLPH FISHER, *THE CONJURE-MAN DIES: A MYSTERY TALE OF DARK HARLEM* (1932).
33. RUDOLPH FISHER, *THE WALLS OF JERICHO* (1928).
34. JOHN HOPE FRANKLIN, *THE EMANCIPATION PROCLAMATION* (1963).
35. JOHN HOPE FRANKLIN, *FROM SLAVERY TO FREEDOM: A HISTORY OF AMERICAN NEGROES* (1947).
36. JOHN HOPE FRANKLIN, *RECONSTRUCTION: AFTER THE CIVIL WAR* (1961).
37. E. FRANKLIN FRAZIER, *THE NEGRO FAMILY IN THE UNITED STATES* (1939).
38. ERNEST KAISER, *THE CRISIS OF THE NEGRO INTELLECTUAL* (1969).
39. NIKKI GIOVANNI, *BLACK FEELING, BLACK TALK, BLACK JUDGEMENT* (1970).

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40. TOM HAYDEN, *REBELLION IN NEWARK: OFFICIAL VIOLENCE AND GHETTO RESPONSE* (1967).
41. GEORGE L. JACKSON, *BLOOD IN MY EYE* (1972).
42. JAMES WELDON JOHNSON, *THE AUTOBIOGRAPHY OF AN EX-COLORED MAN* (1912).
43. LEROI JONES, *BLUES PEOPLE: NEGRO MUSIC IN WHITE AMERICA* (1963).
44. LEROI JONES, *THE DUTCHMAN AND THE SLAVE: TWO PLAYS* (1964).
45. LEROI JONES, *HOME* (1966).
46. *Journal of Negro History*.
47. JOHN OLIVER KILLENS, *AND THEN WE HEARD THE THUNDER* (1963).
48. MARTIN LUTHER KING, *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* (1958).
49. MARTIN LUTHER KING, *THE TRUMPET OF CONSCIENCE* (1968).
50. MARTIN LUTHER KING, *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* (1967).
51. MARTIN LUTHER KING, *WHY WE CAN'T WAIT* (1964).
52. *AFRICAN AFFAIRS* (Kenneth Kirkwood ed., 1963).
53. JULIUS LESTER, *BLACK FOLKTALES* (1969).
54. JULIUS LESTER, *LOOK OUT, WHITEY: BLACK POWER'S GON' GET YOUR MAMA* (1968).
55. DAVID L. LEWIS, *KING: A CRITICAL BIOGRAPHY* (1970).
56. C. ERIC LINCOLN, *THE BLACK MUSLIMS IN AMERICA* (1961).
57. MALCOLM X & ALEX HALEY, *THE AUTOBIOGRAPHY OF MALCOLM X* (1965).
58. LOUIS H. MASOTTI & DON R. BOWEN, *RIOTS AND REBELLION: CIVIL VIOLENCE IN THE URBAN COMMUNITY* (1968).
59. JULIAN MAYFIELD, *THE HIT: A NOVEL* (1957).
60. CLAUDE MCKAY, *BANJO: A STORY WITHOUT A PLOT* (1929).
61. CLAUDE MCKAY, *HOME TO HARLEM* (1928).
62. LOUISE MERIWHETHER, *DADDY WAS A NUMBER RUNNER* (1970).
63. ROBERT J. MINTON, *INSIDE: PRISON AMERICAN STYLE* (1971).

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64. BENJAMIN MUSE, *AMERICAN NEGRO REVOLUTION: FROM NONVIOLENCE TO BLACK POWER, 1963-1967* (1968).

65. GEOFFREY PARRINDER, *AFRICAN TRADITIONAL RELIGION* (1954).

66. MERRILL PROUDFOOT, *DIARY OF A SIT-IN* (1962).

67. BENJAMIN QUARLES, *BLACK ABOLITIONISTS* (1969).

68. BENJAMIN QUARLES, *LINCOLN AND THE NEGRO* (1962).

69. BENJAMIN QUARLES, *THE NEGRO IN THE CIVIL WAR* (1953).

70. RICHARD RESH, *BLACK AMERICA: ACCOMMODATION AND CONFRONTATION IN THE TWENTIETH CENTURY* (1969).

71. BOBBY SEALE, *SEIZE THE TIME: THE STORY OF THE BLACK PANTHER PARTY AND HUEY P. NEWTON* (1970).

72. CHARLES E. SILBERMAN, *CRISIS IN BLACK AND WHITE* (1964).

73. JAMES WESLEY SILVER, *MISSISSIPPI: THE CLOSED SOCIETY* (1964).

74. ARTHUR L. SMITH, *RHETORIC OF BLACK REVOLUTION* (1969).

75. JOHN RANDOLPH SPEARS, *THE AMERICAN SLAVE TRADE: AN ACCOUNT OF ITS ORIGIN, GROWTH AND SUPPRESSION* (1900).²¹⁰

76. KENNETH M. STAMPP, *THE PECULIAR INSTITUTION: SLAVERY IN THE ANTE-BELLUM SOUTH* (1956).

77. MARSHALL WINSLOW STEARNS, *THE STORY OF JAZZ* (1956).

78. CHUCK STONE, *BLACK POLITICAL POWER IN AMERICA* (1968).

79. ELIZABETH SUTHERLAND, *LETTERS FROM MISSISSIPPI* (1965).

80. JOSEPH R. WASHINGTON, *BLACK RELIGION: THE NEGRO AND CHRISTIANITY IN THE UNITED STATES*. (1964).

81. ARTHUR OCEAN WASKOW, *FROM RACE RIOT TO SIT-IN, 1919 AND THE 1960s: A STUDY IN THE CONNECTIONS BETWEEN CONFLICT AND VIOLENCE* (1966).

82. ALAN F. WESTIN, *FREEDOM NOW! THE CIVIL RIGHTS STRUGGLE IN AMERICA* (1964).

83. JOHN ALFRED WILLIAMS, *THE MAN WHO CRIED I AM: A NOVEL* (1967).

210. Spears' book is out of place in here, because the books are usually listed in alphabetical order according to author's last name. It is possible that the book is W. E. B. Du Bois (1896). *The Suppression of the African Slave Trade to the United States of America, 1638-1870*. New York: Longman, Greens, and Co.

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84. C. VANN WOODWARD, *THE STRANGE CAREER OF JIM CROW* (1955).

85. RICHARD WRIGHT, *NATIVE SON* (1940).

86. RICHARD WRIGHT, *UNCLE TOM'S CHILDREN: FOUR NOVELLAS* (1938).

87. SAMUEL F. YETTE, *THE CHOICE: THE ISSUE OF BLACK SURVIVAL IN AMERICA* (1971).

88. WHITNEY M. YOUNG, *BEYOND RACISM: BUILDING AN OPEN SOCIETY* (1969).

89. HOWARD ZINN, *SNCC, THE NEW ABOLITIONISTS* (1964).

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Appendix B: Other Black Experience Materials in Prison Library

The court characterized the following list as “evidence of” the bona fide interest of the institution in purchasing materials which will be interest to Black inmates. *Taylor v. Perini*, 413 F. Supp. 189, 219–21 (N.D. Ohio 1976). This *bona fide* interest was subsequently used as evidence that the prison did not need to replace lost materials. *Taylor v. Perini*, 455 F. Supp. 1241, 1258 (N.D. Ohio 1978).

MUHAMMAD ALI & RICHARD DURHAM, *THE GREATEST, MY OWN STORY* (1975).

GERALD ASTOR, *AND A CREDIT TO HIS RACE: THE LIFE AND HARD TIMES OF JOSEPH LOUIS BARROW, A.K.A. JOE LOUIS* (1974).

J. E. BAKER, *THE RIGHT TO PARTICIPATE: INMATE INVOLVEMENT IN PRISON ADMINISTRATION* (1974).

JAMES BALDWIN, *BLUES FOR MISTER CHARLIE, A PLAY* (1964).

JAMES BALDWIN, *IF BEALE STREET COULD TALK* (1974).

ALLEN B. BALLARD, *THE EDUCATION OF BLACK FOLK: THE AFRO-AMERICAN STRUGGLE FOR KNOWLEDGE IN WHITE AMERICA* (1973).

CARL LOTUS BECKER, *THE DECLARATION OF INDEPENDENCE: A STUDY IN THE HISTORY OF POLITICAL IDEAS* (1922).

HENRY BLAKELY, *WINDY PLACE* (1974).

SARAH-PATTON BOYLE, *THE DESEGREGATED HEART: A VIRGINIAN'S STAND IN TIME OF TRANSITION* (1962).

GEORGE LYNN CROSS, *BLACKS IN WHITE COLLEGES: OKLAHOMA'S LANDMARK CASES* (1975).

PETER DAVIES, *THE TRUTH ABOUT KENT STATE: A CHALLENGE TO THE AMERICAN CONSCIENCE* (1973).

ARTHUR PAUL DAVIS & MICHAEL W. PELOW, *THE NEW NEGRO RENAISSANCE: AN ANTHOLOGY* (1975).

DAVID DELMAN, *ONE MAN'S MURDER* (1975).

MICHAEL DORMAN, *WE SHALL OVERCOME* (1965).

PHILIP DURHAM & EVERETT L. JONES, *THE ADVENTURES OF THE NEGRO COWBOY* (1969).

Ebony (Ed.) *Ebony Pictorial History of Black America Vol. 1, 2, 3* (1971).

Ebony (Ed.) *1000 Successful Blacks Vol. 1* (1973).

Ebony (Ed.) *Career Guide Vol. 3: Opportunities and Resources for You* (1973).

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Ebony (Ed.) Famous Blacks Give Secrets of Success Vol. 2 (1973).

Ebony (Ed.) Pictorial History: Black America (1973).

Ebony (Ed.) The Ebony Handbook (1974).

JOHN HOPE FRANKLIN, THE EMANCIPATION PROCLAMATION (1963).

JOHN HOPE FRANKLIN, THE NEGRO IN 20TH CENTURY AMERICA: A READER ON THE STRUGGLE FOR CIVIL RIGHTS (1967).

GLADYS-MARIE FRY, NIGHT RIDERS IN BLACK FOLK HISTORY (1975).

NIKKI GIOVANNI, THE WOMEN AND THE MEN (1975).

ROBERT E. GREENE, BLACK DEFENDERS OF AMERICA: 1775-1973 (1974).

JANET HARRIS, THE LONG FREEDOM ROAD: THE CIVIL RIGHTS STORY (1967).

JIM F. HEATH, DECADE OF DISILLUSIONMENT: THE KENNEDY-JOHNSON YEARS (1975).

CHESTER HIMES, BLACK ON BLACK: BABY SISTER AND SELECTED WRITINGS (1973).

RHODA HOFF, AMERICA'S IMMIGRANTS: ADVENTURES IN EYEWITNESS HISTORY (1967).

LANGSTON HUGHES, AN AFRICAN TREASURY: ARTICLES, ESSAYS, STORIES, POEMS (1960).

LANCE JEFFERS, WHEN I KNOW THE POWER OF MY BLACK HAND (1974).

MAJOR J. JONES, CHRISTIAN ETHICS FOR BLACK THEOLOGY: THE POLITICS OF LIBERATION (1974).

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