



The stories in Episode 12 investigate the relationship between racism and the criminal justice system—the police, courts, and prisons. Exploring the systematic targeting of political dissenters, civil rights activists, and minorities, the episode questions the assumption that the law in mid-twentieth-century America was universally and uniformly applied. It also links inequity in the criminal justice system to the discontent and distrust members of these groups harbored.

1968	
<b>Apr. 4</b>	Widespread riots follow the assassination of King
<b>Apr. 22-30</b>	The antiwar movement stages a massive demonstration against the Vietnam War at the Democratic National Convention in Chicago, Illinois
<b>Nov.</b>	Republican candidate Richard Nixon is elected president
1969	
<b>Jul. 31</b>	Chicago police raid Black Panther headquarters on Monroe Street; five police officers and three Panthers are wounded
<b>Dec. 4</b>	A police raid on BPP leader Fred Hampton's apartment leads to the deaths of Hampton and Mark Clark. Other Panthers in the apartment are beaten and arrested
1970	
<b>Aug.</b>	Activist Angela Davis is put on the FBI's most wanted list. She is arrested two months later
1971	
<b>Mar.</b>	Political activists break into an FBI office in Pennsylvania and uncover confidential documents on the bureau's counterintelligence program COINTELPRO. Shortly after the discovery the program is officially discontinued
<b>Aug. 21</b>	George Jackson, a Black Panther, is killed in San Quentin Prison, California
<b>Sep. 9</b>	At the Attica Correctional Facility, New York, twelve hundred inmates take over the prison and hold several guards hostage
<b>Sep. 13</b>	The Attica prison revolt is violently suppressed; twenty-nine inmates and ten hostages die of gun wounds inflicted by guards and state troops
1972	
	After spending 16 months in jail, Angela Davis is acquitted of all charges

In the spring and early summer of 1968, as US involvement in the Vietnam War continued to expand, Reverend Dr. Martin Luther King, Jr., and Senator Robert F. Kennedy were assassinated. Their murders sparked riots and protests in streets across the nation. Further violence flared later that summer at the Democratic National Convention when antiwar protestors clashed with Chicago Mayor Richard Daley's police force. Republican candidate and former Vice President Richard Nixon responded to the turmoil by campaigning on a platform of "law and order"; that fall, he was elected president.

The first segment describes the killing of Black Panther leaders Fred Hampton and Mark Clark in Chicago on December 4, 1969. Earlier, in 1967, Federal Bureau of Investigation (FBI) director J. Edgar Hoover launched a new, secret program under a domestic surveillance initiative called Counter Intelligence Program or COINTELPRO. The new program was designed to crush what the department called "militant black nationalist organizations," which included the Southern Christian Leadership Conference (SCLC) and the Student Nonviolent Coordinating Committee (SNCC). With President Nixon's approval, COINTELPRO intensified years of covert surveillance of civil rights organizations in an effort to undermine their leadership.

By late 1968, members of the Black Panther Party (BPP) and the police had clashed in several cities. The BPP, which Hoover called "the single greatest threat to the internal security of the United States," became the focus of the FBI's attention.

Using the Oakland chapter as a model (see Episode 9), the BPP opened a new branch in Chicago's West Side in 1968. Under the leadership of Fred Hampton and Bobby Rush, the new chapter started social service programs, including a free breakfast program. In the fall of 1969, after several

police raids and other confrontations, the conflict between the BPP and the police escalated. In December, Chicago police raided Fred Hampton's apartment. Hampton and Clark were shot dead. Despite police attempts to portray the shootings as self-defense, evidence produced by independent investigators indicated that the police had likely murdered the two Panthers.

Following Hampton's death, critics of the criminal justice system expressed growing distrust of the FBI and its "counterintelligence" program. In March 1971, political activists broke into the FBI office in Media, Pennsylvania, and uncovered evidence that the FBI engaged in widespread spying and civil rights violations. The scale of FBI surveillance and harassment of radicals, civil rights activists, and black Americans suspected of "subversive" activities highlighted the connections between law enforcement and racial oppression in the United States. Further analysis by social scientists exposed the disproportionate incarceration of minorities in the US penal system. As a result, some activists shifted their focus from working in the streets to reforming the criminal justice system and clamored for its reform.

In the Attica State Correctional Facility, in upstate New York, black and Latino inmates, who constituted the majority of prisoners, lived in inhumane conditions and were subjected to routine abuse by the predominantly white correctional staff. Influenced by the ideas of black power (see Episodes 7 and 11), the prisoners began to agitate for more humane and dignified treatment. When news of the killing of Black Panther George Jackson by correctional officers in a California prison reached Attica on August 21, 1971, troubled prisoners protested his death. Three weeks later, a fight between two prisoners and guards sparked a full-scale revolt in the prison. After a violent takeover, inmates subdued guards and established new prison leadership. They then demanded that the state negotiate a resolution of their demands, which included an amnesty for the insurgents, increased wages, and educational opportunities for prisoners.

Negotiations with state officials broke down, however, when New York Governor Nelson Rockefeller refused to grant amnesty for those participating in the uprising. The standoff continued until Rockefeller ordered two hundred state troopers to storm the prison. During the assault, thirty-nine people died (ten of whom were hostages), and eighty-eight were seriously injured. Evidence produced subsequently proved that all casualties had been inflicted by state troopers and prison guards. Testimonies and news footage also showed that all prisoners were subjected to barbaric treatment in the wake of the uprising.

Despite the termination of COINTELPRO in 1971, the murder of Black Panthers by local police, other revelations of FBI illegal activity, and the criminalization of minorities in the 1960s and 1970s, provided strong evidence that there were fundamental flaws in the US law enforcement system.

## KEY QUESTIONS

1. How do abuses by law enforcement agencies undermine the foundations of democracy?
2. What connects the stories in this episode? How did the people in the episode explain the relationships between these events?
3. What did Nixon and his supporters mean when they stressed a need for "law and order"? How do you think the civil rights activists would have defined "law and order"?
4. How do you explain the abuses of power that are depicted in this episode? To whom is law enforcement (the police, the courts, and the prison system) accountable?
5. What civil rights and civil liberties are essential for a healthy democracy? What rights should prisoners possess?

## Document 1: THE PEOPLE HAVE THE POWER

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August 1969. A door is riddled with bullets after a police raid on the BPP headquarters in Chicago. In 1969, Fred Hampton and Bobby Rush opened a branch of the BPP in Chicago. Their offices became the target of several FBI raids.

In 1966, Bobby Seale and Huey Newton opened the first chapter of the Black Panther Party for Self Defense (BPP) in Oakland, California (see Episode 9). Their organization was highly influenced by Black Nationalism and the militancy of Malcolm X. The Panthers declared themselves a revolutionary party and developed close connections with other radical groups.

In 1969, twenty-one-year-olds Fred Hampton and Bobby Rush opened a branch of the BPP in Chicago's predominantly black West Side. The declared purpose of the organization was to defend blacks against police brutality. At the same time, Hampton and his colleagues started a free breakfast program, health clinics, and educational programs for blacks. Soon, however, the organization

became a target of law enforcement agents who tried to portray it as a band of thugs and, in an attempt to destroy its reputation, pitted it against local armed gangs.

William O'Neal, grew up in Chicago. After he stole a car, an FBI agent recruited him to serve as an informant and, in return, cleaned up his police record. O'Neal's assignment was to join the BPP in Chicago and report to his FBI supervisor on its actions. In this *Eyes on the Prize* interview, O'Neal described the organization:

Almost immediately after I joined the Panthers, probably within ten days, I began to realize that the Black Panther party was a little bit more sophisticated than a gang. I think the first set of reference books I saw inside the Black Panther party was the selected works of Mao Tse-tung, which I had begun to associate with communism. It wasn't too long thereafter that I started to see books like the *Communist Manifesto* of Karl Marx, and the collected works of Lenin. And every night, after the office had closed, the Panthers would sit down and they would study these books. We'd go through political orientation, and we would read certain paragraphs, and then Fred Hampton and Bobby Rush would explain to us, the new membership, basically what it meant and what was happening. And they'd draw parallels to what was going on in the past revolutions in the various countries, for instance China or Russia. So I understood them to be a little bit more sophisticated than a gang. I expected that there'd be weapons and we would be out there doing turf battles with the local gang members. But they weren't about that at all. They were into the political scene—the war in Vietnam, Richard Nixon, and specifically freeing Huey [Newton]. That was the thing.<sup>1</sup>

Much like other radical groups in the 1960s, the organization developed a revolutionary theory which called for violent struggle to bring about fundamental change. In the speech below (entitled "The People Have to Have the Power"), the charismatic Fred Hampton explained his Marxist inter-

pretation of the Black Panthers' struggle.\* Hampton's revolutionary theory assigned the role of the working class to blacks and other minorities. Racism, in his mind, was designed to exploit the poor.

His interpretation was influenced by twentieth-century interpreters of Marxism, including the leaders of the Soviet Union and China—Vladimir Illych Lenin, Joseph Stalin, and Mao Tse-tung. As heads of states, however, these figures had been involved in their countries' massive violations of human rights, and the antidemocratic and territorial nature of their regimes made many Americans abhorrent of Marxism, socialism, and communism (especially during the Cold War).

In speeches filled with Marxist rhetoric, Hampton expanded on the connection between racism and economic exploitation, which King and the SCLC highlighted in the 1968 Poor People's Campaign (see Episode 10). His speech also discussed the incredible risks he and other activists endured in the struggle to liberate black Americans:

A lot of people get the word revolution mixed up and they think revolution's a bad word. Revolution is nothing but like having a sore on your body and then you put something on that sore to cure that infection. I'm telling you that we're living in a sick society. We're involved in a society that produces ADC [Aid to Dependent Children (welfare)] victims. We're involved in a society that produces criminals, thieves and robbers and rapers. Whenever you are in a society like that, that is a sick society [...].

We're gonna organize and dedicate ourselves to revolutionary political power and teach ourselves the specific needs of resisting the power structure, arm ourselves, and we're gonna fight reactionary pigs with international proletarian revolution. That's what it has to be. The people have to have the power—it belongs to the people [...].

We have to understand very clearly that there's a man in our community called a capitalist. Sometimes he's black and sometimes he's white. But that man has to be driven out of our community because anybody who comes into the community to make profit off of people by exploiting them can be defined as a capitalist. [...]

You know, a lot of people have hang-ups with the Party because the Party talks about a class struggle. [...] We say primarily that the priority of this struggle is class. That Marx and Lenin and Che Guevara and Mao Tse-tung and anybody else that has ever said or knew or practiced anything about revolution always said that a revolution is a class struggle. It was one class—the oppressed, and that other class—the oppressor. And it's got to be a universal fact. Those that don't admit to that are those that don't want to get involved in a revolution, because they know as long as they're dealing with a race thing, they'll never be involved in a revolution. [...]

We never negated the fact that there was racism in America, but we said that the by-prod-

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\*Karl Marx (1818–83)—the most influential socialist thinker—argued that societies are made of classes and that these classes have conflicting interests. Modern society, he contended, is defined by a conflict between the capitalist class (the bourgeoisie), which owns the means of production, and the working class (the proletariat) whose property-less members are forced to sell their labor at any cost in order to survive. The source of conflict in modern society—which Marx called “class struggle”—is the economic exploitation of the working class by the capitalist class. Marx went on to argue that the capitalist class would not voluntarily give up its control over society's resources and that it must be coerced to do so, a process he called a revolution.

uct, what comes off of capitalism, that happens to be racism [...] that capitalism comes first and next is racism. That when they brought slaves over here, it was to make money. So first the idea came that we want to make money, then the slaves came in order to make that money. [...]

Like I always said, if you're asked to make a commitment at the age of 20, and you say I don't want to make no commitment only because of the simple reason that I'm too young to die, I want to live a little bit longer. What you did is [...] you're dead already.

You have to understand that people have to pay the price for peace. You dare to struggle, you dare to win. If you dare not struggle, then goddammit you don't deserve to win. Let me say to you peace if you're willing to fight for it.

Let me say in the spirit of liberation—I been gone for a little while, at least my body's been gone for a little while. But I'm back now, and I believe I'm back to stay. I believe I'm going to do my job. I believe I was born not to die in a car wreck. I don't believe I'm going to die in a car wreck. I don't believe I going to die slipping on a piece of ice. I don't believe I going to die because I have a bad heart. I don't believe I'm going to die because I have lung cancer.

I believe I'm going to be able to die doing the things I was born for. I believe I'm going to die high off the people. I believe I'm going to die a revolutionary, in the international revolutionary proletarian struggle. I hope each one of you will be able to die [in] the international revolutionary proletarian struggle, or you'll be able to live in it. And I think that struggle's going to come.<sup>2</sup>

## CONNECTIONS

1. How did Hampton and the Chicago branch of the BPP hope to inspire people in their community to make a difference?
2. What terms in Hampton's speech do you think listeners found threatening? What parts of his speech resonate with you? Are there parts that you disagree with?
3. Like King and others, Hampton linked racism and poverty. Compare the way King addressed questions of racial and economic justice with Hampton's analysis of the problem.
4. Many people remember Hampton as an inspirational leader. Elaine Brown, a member of the BPP from Los Angeles, remembers:

“He was unbelievable. You could not not be moved by Fred Hampton. It was like Martin Luther King. You just had to see Fred Hampton mobilize people who wouldn't have moved for anything else that I could imagine on the planet, much less get up and cook breakfast [for a free breakfast program].”<sup>3</sup>

What qualities make a person a good leader? Why do you think people felt inspired to follow King? To follow Hampton? What qualities did they have in common, and how did they differ?

5. Like many leaders of the time, Hampton often used language that was perceived as threatening, yet his followers insist that he only advocated self-defense in the face of police brutality. How do you account for this discrepancy?

## Document 2: SEARCH AND DESTROY

In 1956, the FBI started a covert program called COINTELPRO. The purpose of COINTELPRO was to disrupt the work of domestic dissidents and radicals. In July 1969, after a long period of surveillance, the FBI initiated a campaign to destroy the Black Panther Party, slandering its leaders and pitting armed street gangs against it. On December 4, 1969, using floor plans and intelligence obtained by the FBI, the local police raided the apartment of BPP Chicago branch leader Fred Hampton. Hampton and his bodyguard, Mark Clark, were killed, and other Panthers were wounded.

The police accused the Panthers of initiating the shooting, but their claims were immediately challenged. A commission, co-chaired by National Association for the Advancement of Colored People (NAACP) executive secretary Roy Wilkins and former attorney general Ramsey Clark, was formed to investigate the events. In 1973, the Commission of Inquiry into the Black Panthers and the Police issued a report entitled *Search and Destroy*. In their report, the commissioners addressed the facts of the raid and criticized the investigation that followed the death of the two Panthers. Their findings indicated clearly that the responsibility for the killings fell squarely on the shoulders of the police.

Furthermore, attempts to find the truth about the raid were severely hindered by the police whose investigations, the report claimed, “were designed not to determine the facts but solely to establish the innocence of the police.”<sup>4</sup> The authors concluded that the false reports produced by police investigators had sown deep seeds of distrust in the black community. For, the commissioners argued:

Of all violence, official violence is the most destructive. It not only takes life, but it does so in the name of the people and as the agent of the society. It says, therefore, this is our way, this is what we believe, we stand for nothing better. Official violence practices violence and teaches those who resist it that there is no alternative, that those who seek change must use violence. Violence, the ultimate human degradation, destroys our faith in ourselves and our purposes. When society permits its official use, we are back in the jungle.<sup>5</sup>

The question of who will police the police (as the commissioners put it) echoed loudly in a series of reports published between 1975 and 1976 by the US Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. The committee, led by US Senator Frank Church investigated intelligence gathering operations by the CIA and the FBI including COINTELPRO. The Church Committee asserted that:

[s]ince the end of World War II, governmental power has been increasingly exercised



In 1969, FBI Director J. Edgar Hoover viewed the BPP as “the single greatest threat to the internal security of the United States.”

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through a proliferation of federal intelligence programs. The very size of this intelligence system, multiplies the opportunities for misuse.<sup>6</sup>

The Committee charged that the FBI systematically misused its authority: “The Committee’s fundamental conclusion [was] that intelligence activities have undermined the constitutional rights of citizens.” It also declared that the COINTELPRO’s “domestic intelligence activity has threatened and undermined the constitutional rights of Americans to free speech, association and privacy.”<sup>7</sup>

The author went on to analyze the effects of these violations of constitutional rights on American democracy:

That these abuses have adversely affected the constitutional rights of particular Americans is beyond question. But we believe the harm extends far beyond the citizens directly affected.

Personal privacy is protected because it is essential to liberty and the pursuit of happiness. Our Constitution checks the power of Government for the purpose of protecting the rights of individuals, in order that all our citizens may live in a free and decent society. Unlike totalitarian states, we do not believe that any government has a monopoly on truth.

When Government infringes those rights instead of nurturing and protecting them, the injury spreads far beyond the particular citizens targeted to untold numbers of other Americans who may be intimidated.

Free government depends upon the ability of all its citizens to speak their minds without fear of official sanction. The ability of ordinary people to be heard by their leaders means that they must be free to join in groups in order more effectively to express their grievances. Constitutional safeguards are needed to protect the timid as well as the courageous, the weak as well as the strong. While many Americans have been willing to assert their beliefs in the face of possible governmental reprisals, no citizen should have to weigh his or her desire to express an opinion, or join a group, against the risk of having lawful speech or association used against him.<sup>8</sup>

COINTELPRO was officially dismantled in April 1971. In October 2002, Robert S. Mueller, III, then director of the FBI, expressed his belief that COINTELPRO’s actions targeted “persons involved in civil disobedience with investigative measures that crossed the line.”<sup>9</sup> Nearly forty years after his death, a Chicago group is working to honor Fred Hampton by naming a street after him.

## CONNECTIONS

1. The authors of *Search and Destroy* concluded that the police cover up of the killing of the Chicago’s Panthers had created deep distrust in the black community. What do you think can be done to build bridges between the community and the police?
2. The authors of the *Search and Destroy* argued, “of all violence, official violence is the most destructive.” How do they explain their argument? Do you agree with their assertions?

3. According to the Church Committee how did intelligence programs like COINTELPRO harm American democracy?
4. Considering the arguments made by the Church Committee, are there conditions when the rights of freedom of speech and freedom of assembly should not apply? If so, what legacy would their suspension leave?
5. Why do you think a Chicago group wants to name a street after Hampton? What do they hope it will accomplish? What role would it play in helping to rebuild trust?

### *Document 3:* RACE AND THE LAW

Angela Davis, a black activist who was born in Birmingham, Alabama, attended the Little Red Schoolhouse in New York's Greenwich Village and studied philosophy in France before becoming a lecturer at the University of California, Los Angeles (UCLA) in the late 1960s. At the time, Davis was associated with the BPP and was a member of the American Communist Party. She was concerned about the inhumane treatment of prisoners in the United States and became a vocal supporter of George Jackson, a BPP member who, while in prison, published letters on prison reform. In 1970, Davis was falsely accused of supplying a gun to Jackson during an attempt by his brother to help him escape. Davis fled and was placed on the FBI Most Wanted Fugitives list in 1971. After her arrest, she spent 16 months in prison before all charges against her were dropped.

After her imprisonment, Davis wrote many books on black culture, feminism, and the abolition of the prison system in America. The winner of numerous honors and awards, Davis is now a tenured professor at the University of California in Santa Cruz. In this interview with the producers of *Eyes on the Prize*, Davis analyzed the relationship between racism and the criminal justice system:

We had talked about police brutality, the Black Panther party talked about the police as an occupying force in the community, but we had not really understood the extent to which the whole criminal justice system—the police, the courts, the prison system—is very much intertwined with the economic oppression of black people. There are no jobs for certain numbers of young people in our community. What happens to them? There's no recreation available. The schooling is not the kind of enlightening process that it should be. So, what happens to these young people? They might go out and get involved in petty criminal activity as a result of the lack of these facilities in the community. And then they end up, of course, spending, many of them, the rest of their lives in prison.

When *Soledad Brother* was published, the collection of George Jackson's letters, it was an extremely important moment for the prison movement, both inside and outside. For the first time, there was an attempt to develop an analysis of the relationship between what was going on in our communities, in the streets, in the factories, in the schools, on the campuses, and what was happening inside the prison. Large numbers of prisoners, of course, could relate to what George Jackson said in his letters, the stories about the horrible repression that he suffered, the fact that he was never able to spend time with his younger brother Jonathan outside of the manacles and chains that he wore. So that there was a very important emotional effect of his book on people, both inside prison and, perhaps more importantly, outside.

Because those of us on the outside had generally not taken the time to try to understand what the experience was. We might have, at that time, been fighting for the freedom of political prisoners or challenging the prison system. But what George Jackson managed to do was to make that experience palpable, make it concrete, so that it became something that people could relate to as human beings.

There's always the tendency to push prisons to the fringes of our awareness so that we don't have to deal with what happened inside of these horrifying institutions. And there is the tendency also to look at the prisoners as having deserved what they have met with there. So that the criminal is a figure in our society who has very little credibility. And what George Jackson demonstrated with his letters was that prisoners are human beings. Prisoners are intelligent human beings. Prisoners have families. They have feelings.<sup>10</sup>

## CONNECTIONS

1. What does Angela Davis see as the connection between oppressive social conditions, racism, and incarceration?
2. What does Davis's critique of the criminal justice system suggest about the importance of equal protection for all citizens in a democracy?
3. Another word for prison is *penitentiary*. The root of the word is penitence, which means to show remorse for past offenses. What function did Davis believe prisons serve? What role do you think they should play?
4. Davis has spent much of her career advocating for prison reform and prisoner rights. She explains, "There's always the tendency to push prisons to the fringes of our awareness so that we don't have to deal with what happens inside of these horrifying institutions." Why do you think many people tend to push such thoughts aside?

### Document 4: "WE ARE MEN"



September 1971. Inmates at the Attica Correctional Facility gave the Black Power salute during the prison takeover. Black and Latino inmates were subjected to inhumane conditions and routine abuse by white correctional staff. On September 9, they took hold of the prison.

On September 9, 1971, twelve hundred inmates of the Attica Correctional Facility, a maximum-security prison in New York with a majority of black and Latino inmates, rebelled against prison authorities, and took over the facility, taking a number of guards hostage.

Trouble had been brewing at the facility for a long time due to the poor conditions and openly hostile, all-white correctional staff. A week prior to the revolt, inmates, angered over the death of Black Panther George Jackson at the San Quentin Prison in California, had worn armbands, held a moment of silence, and refused to eat. The takeover was triggered two weeks later after

the brutal beating of two Attica prisoners. Once they had control of the facility, inmates drafted a list of demands that began with a cry that echoed the civil rights struggles: “WE are MEN,” and demanded that their dignity be secured in more humane prison regulations. They also called for practical changes: they demanded things as basic as free supply of toilet paper and an increase in work wages and better healthcare services. With remarkable discipline, the inmates quickly installed new prison leadership and called for open negotiations with full media coverage:

### THE FIVE DEMANDS

#### To the people of America

The incident that has erupted here at Attica is not a result of the dastardly bushwhacking of the two prisoners [on] Sept. 8, 1971 but of the unmitigated oppression wrought by the racist administration network of the prison throughout the year.

WE are MEN! We are not beasts and do not intend to be beaten or driven as such. The entire prison populace has set forth to change forever the ruthless brutalization and disregard for the lives of the prisoners here and throughout the United States. What has happened here is but the sound before the fury, of those who are oppressed.

We will not compromise on any terms except those that are agreeable to us. We call upon all the conscientious citizens of America to assist us in putting an end to this situation that threatens the lives of not only us, but each and every one of us as well.

We have set forth demands that will bring closer to reality the demise of these prisons, institutions that serve no useful purpose to the People of America but to those who would enslave and exploit the people of America.

Our Demands Are Such:

1. We want complete amnesty, meaning freedom from any physical, mental and legal reprisals.
2. We want now, speedy and safe transportation out of confinement, to a non-imperialistic country.
3. We demand that the FEDERAL GOVERNMENT intervene, so that we will be under direct FEDERAL JURISDICTION.
4. WE demand the reconstruction of ATTICA PRISON to be done by inmates and/or inmate supervision.
5. [...] We invite *all the people* to come here and witness this degradation, so that they can better know how to bring this degradation to an end.

THE INMATES OF ATTICA PRISON

## THE FIFTEEN PRACTICAL PROPOSALS

Practical Proposals:

1. Apply the New York State minimum wage law to all state institutions. STOP SLAVE LABOR.
2. Allow all New York State prisoners to be politically active, without intimidation or reprisals.
3. Give us true religious freedom.
4. End all censorship of newspapers, magazines, letters and other publications coming from the publisher [...].<sup>11</sup>

## CONNECTIONS

1. Why do you think the prisoners felt a need to declare, “WE are MEN,” using capital letters? What point did they hope to make? Was their point similar to the one made by sanitation workers in Memphis who carried signs reading, “I AM a MAN” (see Episode 10)? Historically, black men in the United States had been frequently called “boy.” Is this why members of both groups needed to assert their identity as men? Were there other reasons?
2. How did the prisoners hope to appeal to the conscience of the American nation? What reasons did the prisoners give for their revolt?
3. What were the prisoners’ general demands? What were their practical demands? What civil rights and constitutional tenets were echoed in these demands? Do they seem fair to you?
4. What rights should people who break the law possess?

### **Document 4: “DEHUMANIZING”: AN INTERVIEW WITH FRANK “BIG BLACK” SMITH**

The revolt in Attica came to a violent end on September 13, 1971, when New York Governor Nelson Rockefeller refused to grant amnesty to any of the inmates and sent state troopers to storm the prison. A bloodbath followed, during which thirty-nine people died and the prison inmates were humiliated and abused.

Newspapers falsely reported that the deaths of ten hostages had come at the hands of the insurgents. An investigation into the storming of the prison proved that all thirty-nine men who died during raid were victims of police gunfire. None of the troops were prosecuted; those who had participated in the revolt were given life sentences. The events at Attica challenged the nation to take a closer look at the state of prisons throughout the country.

Frank Smith—known as “Big Black” for his size—was sentenced to prison in 1966 for robbing a dice game. A gentle giant, Smith became a popular figure in the prison, where he worked as a laundryman. In an *Eyes on the Prize* interview, Smith described the conditions in Attica:

Conditions in 1971 was bad—bad food, bad educational programs, very, very low, low wages. What we called slave wages. Myself, I was working in the laundry and I was making like thirty cent a day, being the warden’s laundry boy. And I’m far from a boy.

You get one shower a week. You know, a shower to use in Attica state prison is a bucket of water, and if you lucky and you get the right person outside of your cell that would bring you a second bucket, then you can wash half of your body with one bucket. What we would

do is wash the top of our body with one bucket, and if we get a second bucket then we will wash the bottom part of our body. And you get one shower a week.

The books in the library was outdated. They didn't have any kind of positive recreation for us. If there was any recreation, it was minimum. It would only be on the weekends. And Attica is four prisons in one. You got A yard, B yard, C yard, and D yard and two mess hall[s]. And the only time you would see a person that's in A block if you in B block, like I were, is when you would go to the mess hall and sometime you might run into him.

"Dehumanizing," the word would be for the conditions in Attica in 1971.

During the prison revolt, representatives of the inmates tried to negotiate a reform of prison rules with Russell G. Oswald, commissioner of corrections for New York State. But they received the same treatment as before—their demands were flatly denied. Smith and the other prisoners quickly realized that negotiations were futile. Smith, who was nominated chief of security to protect negotiators during the prison revolt, continued:

After Oswald left the taped message to the brothers in Attica, we'd say, "Aw, you know, he ain't high jivin', he thinks somebody's head is screwed on." He was going with that same rhetoric, you know. This ex-commissioner of parole, he's shooting us a lot of whitewash again. He's not going to do anything. The situation that we're talking about or any manifesto that was given to him, he's not going to adhere to it. He's not going to go with any of the demands or the suggestions. He's not going to go with any of it. I thought he was going to take it as a laughing matter. The conditions in Attica—he knew. It wasn't the first time that it was thrown out there. Long before 1971, there'd been a lot of letters, even from our families, talking about the conditions in Attica—the over crowdedness, and the slave wages, and not being able to get any kind of productive programs in Attica. The system knew we been talking about it. The Oswald tape-recorded message was a bunch of hogwash. We never took it serious because we knew he didn't take it serious. It was another dupe situation. Period.<sup>12</sup>

But the prisoners did not expect the kind of attack that Commissioner Oswald and Governor Rockefeller were planning. When Smith was interviewed by producers at Public Television's *The Rockefeller Series*, he discussed the violent assault on the prison and the treatment he and other prisoners received from the troopers long after they surrendered:

FRANK SMITH: The first thing I seen and hear was a helicopter circling over the yard, you know, and then gas, and then a loudspeaker, "Put your hand on your head and you won't be harmed," and all that type of stuff: But shooting at the same time, you follow, and everybody hit the ground, I hit the ground over by the observers' table.

And then they were coming over the wall, the assault forces, coming over the wall, shooting, and eventually I start hearing my name, you know, and then some friends of mine told me, you know, take my clothes off, because that gas that everybody burning and what

we were doing we was putting milk on ourself, that supposedly, you know, prevented a lot of burns and stuff. So I finally got my clothes off.

But they were making people strip anywhere, as you come out of D Yard and go into A Block, and, and you [were ordered to] fall on your stomach when you go through the door to A Block and [you] had to crawl, and I'm in A Block now and then I hear my name and the person that I worked for in the laundry said, "Here's Black, here he is," and they made me get up, beat me, and beat me into an area of the yard and laid me on the table and put a football under my neck, up under the catwalk, and told me that if it fall, they was going to kill me, and they spit on me and dropped [...] on me, and went through the torture word, you know, while I was laying there, "Nigger, why did you castrate the officers, why did you bury them alive? We going to castrate you," and I'm laying on the table spread-eagle, buck naked. But everybody in the yard was naked, the majority of the people, you know, and that went on for, like, three, four, five hours.

You know, and right behind me, I'm laying here, and here's the catwalk, and right here's the hallway, they had a gauntlet set up and it had glass broke on the floor, and they was running everybody through the gauntlet, beating them—they had 20, 30 people each side—with what they called their nigger sticks.

AMERICAN EXPERIENCE: So even if Rockefeller did go, all it would have done is delay the inevitable, and what happened pretty much had to happen.

FRANK SMITH: He made a bad mistake. He made a very bad mistake [...], the conditions in prison had to be changed, you know, because humans don't need to live that way. So don't tell all the lies, you know. We need to get some factual stuff out of this, something has got to come out of this other than just people moving around, casting the blame, and moving the blame around. You know, Attica is more than that. Attica was a slaughter and it didn't have to be. And if the governor would have took it on, and would have really did the executive job that he's supposed to do, then it wouldn't have happened that way, instead of sending some cronies like the commissioner and people to come there, to give up some token, to give up some lineament [sic]. And now you got, you know, forty-three peoples in all, thirty-nine they say that got killed on the retaking, that's dead today.<sup>13</sup>

In the wake of the revolt, Smith joined lawyer Elizabeth Fink and a group of former inmates known as the Attica Brothers. Together they filed a lawsuit against the state of New York for the abuses committed during the retaking of the prison. In 2000, after a twenty-six-year legal battle, the Federal District Court awarded a twelve-million-dollar settlement to the plaintiffs.<sup>14</sup> Smith died of cancer on July 31, 2004, but was remembered by those who knew him as a gentle crusader for human rights.

## CONNECTIONS

1. What inhumane conditions existed in Attica? Why did people allow these conditions to exist? How were these conditions justified? What prejudices made it easy to treat prisoners as outcasts?

2. Why were the prisoners' demands before and during the takeover dismissed by state officials?
3. Frank Smith and the other prisoners in Attica sued the state in proceedings that began in 1974 and ended in 2000. Why do you think the proceedings took so long?
4. What did the assault on the prisoners by the state troopers say about the way public authorities viewed the prison population? How did prejudice and racism make it easier for troopers to humiliate and torture the prisoners?
5. What do you think the rights and privileges of prisoners should be? What can people do to remedy the attitudes that relegate criminals to the margins of society?

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<sup>1</sup> Henry Hampton and Steve Fayer, *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s through the 1980s* (New York: Bantam Books, 1990), 522–23.

<sup>2</sup> Fred Hampton, "Fred Speaks": *Fred Hampton 20th Commemoration* (Chicago: December 4th Committee, 1989), as quoted in Manning Marable and Leith Mullings (eds.), *Let Nobody Turn Us Around: Voices of Resistance, Reform, and Renewal* (Lanham: Rowan & Littlefield Publishers, Inc, 1990), 479–82.

<sup>3</sup> Hampton, *Voices of Freedom*, 527.

<sup>4</sup> Roy Wilkins and Ramsey Clark, *Search and Destroy: A Report by the Commission of Inquiry into the Black Panthers and the Police* (New York: Metropolitan Applied Research Center, 1973), as quoted in Clayborne Carson, David J. Garrow, Gerald Gill, Vincent Harding, and Darlene Clark Hine, *The Eyes on the Prize Reader: Documents, Speeches, and Firsthand Accounts from the Black Freedom Struggle* (New York: Penguin Books, 1991), 526.

<sup>5</sup> *Ibid.*, 519.

<sup>6</sup> Churchill Committee Reports, "Intelligence Activities and the Rights of Americans, Book II," *Cointel.org*, <http://www.icdc.com/~paulwolf/cointelpro/churchfinalreportIIa.htm> (accessed on August 15, 2006).

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> Robert S. Mueller, III, "Speech at Stanford Law School" October 18, 2002, [www.fbi.gov](http://www.fbi.gov), <http://www.fbi.gov/pressrel/speeches/speech101802.htm> (accessed on July 24, 2006).

<sup>10</sup> Hampton, *Voices of Freedom*, 542–43.

<sup>11</sup> Tom Wicker, *A Time to Die*, (New York: Quadrangle/The New York Times Book Co., 1975), 315–17.

<sup>12</sup> Hampton, *Voices of Freedom*, 545–46.

<sup>13</sup> Interview with Frank "Big Black" Smith, *The Rockefellers: The American Experience*, DVD, directed by Elizabeth Deane and Adriana Bosch (Boston: PBS, 2000), as quoted in Howard Zinn and Anthony Arnove, *Voices of a People's History of the United States* (New York: Seven Stories Press, 2004), 499–502.

<sup>14</sup> Douglas Martin, "Frank Smith, 71, Is Dead; Sought Justice After Attica," *New York Times*, August 3, 2004.