

THREE

**ANGELA Y DAVIS AND ASSATA SHAKUR AS
WOMEN OUTLAWS: RESISTING U.S. STATE
VIOLENCE¹**

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Abstract

Angela Yvonne Davis and Assata Olugbala Shakur share histories of struggle and outlaw status in the face of intense state repression. Both revolutionary freedom fighters were captured after spending time underground as a result of intense surveillance and being marked for outlaw status, in part for their participation in solidarity work for imprisoned Black Panther members. In sexist language, they were typecast as “mother hens” of their respective organizations and thus singled out for the FBI’s Most Wanted “criminals” or “terrorists” list. Despite their experiences with state violence, Angela Davis, now a distinguished professor with international stature, and marooned activist Assata Shakur continue to speak out against racist and sexist injustices as well as against global capitalism and inspire a new generation of activists.

Introduction

Nothing gives us x-ray vision to the ills of society like the daunting experience of incarceration, especially the horror of solitary and death row, as well as the intense stress of anticipating or being subjected to torture or extra-legal execution. During much of her pre-trial incarceration (of sixteen months) Angela Davis was kept in solitary confinement. The other activist woman featured in this essay, Assata Shakur, was broken out of prison precisely because she feared for her life—not by other prisoners, but by the state’s

agents. It would have been extremely difficult to receive justice after flawed trials that intended to show that she was guilty of murdering a white state trooper, even though there was no evidence that could corroborate such motive or deed. In fact, the post-Ferguson photo montages and demonstrations with protestors' hands raised symbolically and shouts of "hands up, don't shoot" could have easily been used as rallying cry to demand Shakur's acquittal. In all likelihood, she had her hands raised while being shot into her right hand, making it impossible for her to hold a gun, let alone to shoot what was not meant to be. At the height of a secret and illegal government program COINTELPRO, which the FBI mounted to destroy the Black Panther Party (with which both Davis and Shakur worked) and all other organizations which protested state terror and imperialist warfare, Shakur was found guilty by a white jury not of her peers (Shakur, 1987).

Prisons have always served the role of social control (Kurshan, 1996), but they are also tremendous sites of cultural, social and political activity, namely as diasporic sites (Nagel, 2008). Nobody has more acutely theorized about the function of imprisonment than political prisoners, thus they find themselves singled out for acute repression and women are equally targeted. Part of it may be the authorities' fear of such prison intellectuals' savvy critique of hegemonic ideologies and uncanny ability to see through the level of disinformation by elite corporate media. This ability often is borne inside the dungeon. For my purposes here, political prisoners include people convicted due to their resistance to repressive state policies and politics and those who become politicized while facing detention and/or long prison sentences. Many political prisoners such as Assata Shakur and Angela Davis have engaged in prisoners support work *before* they were incarcerated themselves. For opposing the state, they face further reprisals by the prison authorities. For instance, if a prisoner complains "we are treated like slaves!" within earshot of guards, she may get time in the "hole"—weeks in solitary confinement, as if she had committed the act to call for a slave insurrection. Ironically, the complainant is simply stating the obvious: The U.S.

Thirteenth Amendment to the Constitution, which putatively abolished slavery, describes prisoners as legal slaves. Therefore, they do not enjoy freedom of speech or freedom to assemble peacefully within a total institution. However, the US government denies confining people for political convictions and that all so-called political prisoners are duly convicted of a (terrorist) crime. Yet, the US government's claim is hardly credible, in particular in light of CIA run prisons, which defied even U.S. Supreme Court rulings, notably Abu Ghraib in Iraq and Guantánamo Bay, Cuba. In addition, the state routinely disappears prisoners who are not a security threat into supermax prisons, which contribute to (mental) health abuse and premature death (Amnesty International, 2014).

Much mainstream reporting or prison literature ignores the gendered nature of prisons (and ignores writings by revolutionary prison intellectuals altogether). For instance, the mass media did not focus on Iraqi women prisoners who had also been sexually abused, raped, humiliated and even disappeared, as the human rights groups International Women Count Network, Black Women's Rape Action Project, and Women against Rape have charged (Groves, 2004). Such "disappearance" of women is disturbing, especially in light of the dramatic media display of U.S. personnel's torture against Iraqi male detainees. Women and feminist prisoners' rights activists the world over report that women's imprisonment is always considered an afterthought (cf. Nagel, 2013). Some of it has to do with the demographics, since most countries' incarceration rate of women hovers around six percent, whereas in the U.S. manages it is nine percent of a total population of 2.3 million prisoners. However, as Angela Davis (2003) has reminded us, the rate of women, especially Black women, has increased in the U.S., Canada and other countries around the world due to the global war on drugs.

This article foregrounds two revolutionary women's autobiographies and highlight their importance as neo-slave narratives. Their analysis is not reducible to a liberal human rights critique of appalling prison conditions, since they also give us a conceptual framework to understand prisoners' resistance to

repression akin to enslaved people's insurrections within the U.S. historical context. Angela Y Davis and Assata Shakur, two iconic Black women and former imprisoned intellectuals, specifically address the racialized and gendered carceral aspects of capitalist "justice." Both evaded capture by the state for some time in the 1970s, and, in the case of Shakur, she continues to be marooned in Cuba, which does not have an extradition agreement with the United States. How is it that both these women, passionate in their pursuit for social justice for oppressed peoples became political outlaws? Having experienced criminal injustice, their analyses, written in the tradition of neo-slavery narratives, are able to give us important insights about a) the function of the penal system and its policing/enforcement mechanisms within a capitalist system; b) the paradox of utilizing legal procedures; and c) the importance of political organizing and of envisioning abolitionist alternatives to challenge state sponsored criminal injustice.

I want to highlight Davis and Shakur's biographies to make light of their radicalization and anti-racist activism within the Black Power movements in the 1960s and 70s (and beyond), which engendered their reputation as "outlaws." However, their activism in the Black Panther and Black Liberation Army was short-lived, critiquing the organizations for hierarchical, male-dominant posturing, as much as they were also aware of governmental infiltration (before the FBI's nefarious scheme was made public). They both wrote their autoethnographic books within a decade after their imprisonment and trials at a relatively young age. Both women have been at one point on the FBI's Most Wanted list; in Shakur's case, she made the Most Wanted Terrorist list, which even notes that she is the first woman on that list (http://www.fbi.gov/wanted/wanted_terrorists).

It is also noteworthy to point that that it is rare for female political prisoners to publish their experiences (cf. Dearey, 2010, p. 97). By contrast, everybody is familiar with Nelson Rohlhlahla Mandela, "prisoner number one" turned statesman, and his book *Long Road to Freedom* (1995) turned into a Hollywood movie, his wife Winnie Madikizela-Mandela's writing is forgotten. The title

of her book *Part of my Soul Went with Him* (1985) already focuses on the relationship and her fierce loyalty to her imprisoned husband, rather than alluding to her own struggle and resistance against apartheid. Winnie Mandela experienced repeatedly imprisonment and house arrest and bore the extra pressure of caring for their children. In the U.S., students read Dr. King's celebrated "Letter from Birmingham Jail" or his "I have a Dream" speech, but it is doubtful that they would be treated to Professor Davis's provocative essay "From the prison of Slavery to the Slavery of Prisons" (in James, 1998). One reason is the officially sanctioned ideology that with the end of Jim Crow all vestiges of chattel slavery have been extinguished from the legal canon: prisons houses only those who are duly convicted of a crime, and students receive no explanation what the exception clause means embedded in the 13th Amendment to the U.S. constitution: prisoners are deemed slaves (of the state). These main-streamed students probably will not view Cuban filmmaker Gloria Rolanda's (1997) moving film *Eyes of the Rainbow* about Cuban resident-in-exile Ms. Shakur—of course, it does not help that the film is no longer commercially available; nor will students know of her radio address (1973) "To my people" while she was imprisoned. In her appeal, she explains the continuation of systemic racism even while racism seems forbidden *de jure*. In other words, neither Davis nor Shakur present a vision of the following optimism: Racism will disappear if a policy of colorblindness is pursued. Their work resists the selective re-reading of a prophetic "Dream" speech: Dr. King, of course, talked about the need of reparations, of economic justice for Black people; none of that makes its way into political stump speeches today. Instead, the opportunistic focus is on the utopia of postracial unity among Black and white children, which is a palatable vision in a white supremacist polity.

Both Davis and Shakur's writings represent unique *neo-slave* narratives. They are written as provocation: to defy a white supremacist, triumphalist pedagogy of American history, which simply teaches that slavery is relegated to the past. As Joy James (2005) argues Black radical intellectuals' analyses differ from

liberal perspectives by focusing on abolitionism rather than on reform of the prison system. There is a clarion call to acknowledge the continuation of chattel slavery within the capitalist, carceral structure of the prison (and “free” society) in the United States of the 20th Century. I argue that prison critics, especially white critics, collapse all Black women’s writings into one ideological perspective, as if there were no theoretical and programmatic difference between Michelle Alexander’s bestseller *The New Jim Crow* (2010), which presents a liberal view on “mass incarceration,” and Angela Davis’s *Abolition Democracy* (2005), which by contrast seeks to abolish “the prison industrial complex.” However, Davis and Shakur’s writings tend to be obscure because they challenge the state’s legitimation as “penal democracy” (cf. James, 2007). In Shakur’s case, the threat is even greater, since she continues to be depicted as a “cop killer” (sic), and the Fraternal Order of Police succeeded in getting her framed as a domestic terrorist.

In the following, I present biographical sketches of Davis and Shakur to show that these Black women political prisoners aptly theorize the paradox of using the law for revolutionary struggle against white supremacy, patriarchy and capitalism. Their political engagement in service to others presents a clue how they defy a description of heroic iconization (*pace* James, 1999). Instead, Davis aptly puts their agenda of collective transformation in the following way:

Social meanings are always socially constructed, but we cannot leave it up to the state to produce these meanings, because we are always encouraged to conceptualize change only as it affects individuals. There is a dangerous individualism that is not unrelated to the possessive individualism of capitalism. And it is bound to transform these collective victories we win. If we imagine these victories as community victories and they are transformed into individual victories, then what happens is that we seek heroic examples, we seek individuals. There is a whole

array of people like [Alberto] Gonzales, [Clarence] Thomas, and [Condoleezza] Rice. And then what happens is that we forget about the structural changes that were actually intended by those struggles. (Davis, 2012, p. 132)

I will briefly mention a comparison of an unlikely couple, namely of two Birmingham women who have made history: Angela Davis and Condoleezza Rice, before linking Davis's Southern with Shakur's North Eastern struggle against injustice.

Defying the Odds: Angela Yvonne Davis

By all foreseeable measures, Prof. Angela Y Davis ought to have followed Condoleezza Rice's biographical trajectory rather than Assata Shakur's, namely by joining the ranks of the Talented Tenth (cf. James, 1997). Or, perhaps Rice should have followed Davis's revolutionary example. Both Davis (born 1944) and Rice (born 1954) grew up in the Jim Crow South, in a particularly violent city, Birmingham, Alabama, where Black homeowners were terrorized by the Klan. Birmingham became known as "Bombingham," and they were shaken by the news of their playmates (Rice) or friends of the family (Davis) being murdered in a church basement in 1963, while engaging in civil rights activism. Both of them had teachers as parents who instilled in them a passion to excel in education despite the intense challenges of a segregated, inferior public school, and as teenagers, they left the South permanently to study at private highschools. They learned to speak French fluently, and then later in life another language: Davis studied German in Frankfurt and Rice Russian in Moscow for their respective postgraduate education. In some ways, both have been decried as "outlaws"—and this is where the similarities end: Rice's parents shielded her from participating in the children's marches in Birmingham, while Davis's parents actively participated in anti-racist progressive struggles and had ties to Communist Party members (Maloney, 2014; James, 1998; Davis, 2011). Serving as state department official during the G.W. Bush administration, Rice was heavily criticized for condoning

water boarding of terrorist suspects; in other words, she is accused of participating in various aspects of state violence (including supporting the Iraq invasion in 2003), if not state-sponsored terrorism. However, Rice's reputation has not been diminished as she continues to be a member of the elite capitalist class (member of corporate boards and think tanks) and a professor at Stanford University (Maloney, 2014). Occasionally, she faces protests as university students protest her appearance as commencement speaker because they consider her a war criminal (Democracy Now!, 2014). So, ironically, for a person who benefited from racial uplift, sheltered education, Prof. Rice has now become a "persona non grata"—in fact, a moral outlaw due to students' moral outrage. By contrast, as a former political outlaw, Prof. Davis's intellectual star power could not be greater: her alma mater, Goethe University, Frankfurt, installed an Angela Y Davis Visiting Professorship for international Gender and Diversity Studies in 2013 (Cornelia Goethe Centrum, 2014).

Davis's outlaw status emerges in the following biographical account. Her experience as an activist (and ultimately, as "outlaw" activist) began at home receiving encouragement from her parents, as well as family friends, and her Quaker educators in New York city. They imparted upon her that it is ethically important to engage in solidarity work with those who were fighting for social justice and against state repression. Her mother Sally Davis was a key Southern organizer in the NAACP and providing support for the Scottsboro Boys who were decades in prison before being cleared of charges of rape (McDuffie, 2012). Angela Davis (2012) acknowledges her own support work for political prisoners as a pre-condition for becoming a political prisoner herself. This certainly was the case for many activists, including Assata Shakur (see below). Upon her return to the United States, Davis followed her Brandeis University mentor Herbert Marcuse to University of California at San Diego, to study the meaning of freedom (Kelley, 2012) and providing legal support for a court-marshaled Black Navy officer (James, 1998). After attaining her M.A. and beginning her doctoral studies at the

University of California at San Diego, she immersed herself in solidarity work for political prisoners, which she continued as assistant professor of philosophy at the University of California at Los Angeles (UCLA). Davis had other job offers but accepted UCLA's offer, so that she could live in a Black community (Neumann, 2008); she had felt quite isolated during her studies in Southern France (Kaplan, 2012) and in Germany, which was one of the reasons why she didn't pursue her doctoral work with Theodor Adorno in Frankfurt. However, Davis voices surprise that she was the most experienced organizer when she arrived on UCLA's campus (Davis, 1974; Davis, 2012).

Davis found herself caught up in Cold War anti-Communist controversies by being publicly identified as a member of the Communist Party USA; in fact, she joined the Che-Lumumba Club, one of the few Black branches of the CP. (In the same year, she had also joined the Panthers, but that membership lasted for a mere two years.) She lost her assistant professor position, only to be reinstated after much public outcry and collegial support, an important lesson about the limits of abstract rights (freedom of speech or academic freedom) and the power of organized protest. Davis courageously defended her membership publicly; at the same time, she pointed out that this question regarding her membership was illegal. However, the victory was short-lived, since she refused to back down as a political activist, as other junior academics would have done. Davis became Los Angeles chair of the Soledad Brothers Defense Committee for Black prisoners at Soledad State Prison, accused of killing a white guard. This was the final straw as her activism was deemed unbecoming of a university professor (and certified her status as "outlaw"). UCLA fired activist scholar Davis in 1970 and drew censure from the American Association of University Professors (Neumann, 2008). Then-Governor Reagan infamously declared that she would never again be hired in the state university system (Kautzer et al., 2004). Due to her imprisonment, she was not able to complete her doctorate in philosophy, but Davis received an honorary doctorate

in philosophy from the Karl Marx University, Leipzig (German Democratic Republic) in 1972 (Kaplan, 2012).

In 1991, after twenty years working as part time instructor, Davis was appointed a professor in the History of Consciousness Program at UC Santa Cruz and became presidential chair of African and Feminist Studies in 1994 (Feminist Studies, 2014). However, this professorship did not proceed without a fight: after all, Reagan's vow was remembered by the Board of Regents who raised severe objections to her professorship in the California system. Furthermore, when she opposed a state-wide anti-affirmative action policy, which in turn was championed by Regent Ward Connolly, he castigated her for her progressive stance and demonized her for her past: "your record as a revolutionary is not merely disturbing but it may impair your effectiveness as a member of the faculty of one of this nation's most highly respected academic institutions" (James, 1998, n.19, p. 22). Connolly's rhetoric unleashed a longstanding, acceptable tradition of redbaiting in light of Davis's affiliation with the Communist Party which included candidacy as Vice President in 1980 and 1984. In the 1990s, she broke with the Communist Party and joined with like minded reformists the Committees of Correspondence before accepting the full professor position. Clearly, Professor Davis is not a Black woman academic who has learned her civic lessons well, namely that it is more opportune to collude with state power (Rice's example) than to oppose it.

Davis's most important collision was in 1970, when she became the third woman (and first philosopher?) to appear on the FBI's Most Wanted List. She was charged with conspiracy, kidnapping, and homicide, due to her alleged participation in a prisoners' escape attempt from Marin County Hall of Justice. Allegedly, Jonathan Jackson, younger brother of prison inmate and *cause célèbre*, George Jackson, had taken the guns from Davis's home to use in the escape attempt. She evaded the police for two months before being captured in New York city, tried, and against the odds, acquitted of all charges eighteen months later. While being held in the Women's Detention Center in New York City,

Davis got on well with other inmates and with the help of her outside supporters was able to mobilize the prisoners, in particular, helping to initiate a bail program for indigent prisoners. Even as prisoner, Davis was an incessant organizer!

For much of her incarceration, Davis was segregated from the general population in deplorable conditions, but with the help of her excellent legal team she obtained a federal court order squashing that practice (Davis, 1988 [1974]). The administration's excuse was that prisoners might be hostile to her, but, as in Shakur's case, most of the other prisoners were friendly and supportive. The state tends to be punitive against political prisoners, and enormous resources have to be spent to mount a legal defense, over and above what is necessary for preparing for trial. In 1972, Angela Davis was exonerated on all charges by an all-white jury after a world wide campaign to "Free Angela," which also sparked a cultural forms of expression. Prior to her acquittal, several musicians including the Rolling Stones's song "Sweet Black Angel" brought awareness to her trial (Moussaoui, 2013). So, political organizing clearly increases in effectiveness (this is especially true in the age of social media) when moral outrage against injustice is buttressed through playful, symbolic interventions.

Davis, now distinguished professor emerita of UC Santa Cruz, continues to be active in political prisoners' campaigns, notably Mumia Abu-Jamal's, and in the prison abolitionist movement. Recently, writing about the legacy of Assata Shakur, she alerts us to the state's language of violence, labelling a revolutionary thinker as "terrorist":

Four decades after the original campaign against her, the FBI decided to demonise her once more. Last year, on the 40th anniversary of the New Jersey turnpike shoot-out during which state trooper Werner Foerster was killed, Assata was ceremoniously added to [the FBI's Ten Most Wanted Terrorist](#) list. To many, this move by the FBI was bizarre and incomprehensible, leading to the obvious

question: what interest would the FBI have in designating a 66-year-old black woman, who has lived quietly in Cuba for the last three and a half decades, as one of the most dangerous terrorists in the world – sharing space on the list with individuals whose alleged actions have provoked military assaults on Iraq, Afghanistan and Syria? (Davis, 10/1/14)

As activist and participating in her own legal defense team as well as countless others, Davis is of course mindful about the power of the state to *invent* punitive procedures to castigate undesirable members, especially revolutionaries. The offshore prison Guantánomo Bay, an area illegally seized from Cuba, which cages Prisoners of War as “enemy combattants” (including teenagers) is a dramatic case in point.

Davis answers the question why Shakur’s struggle is important to us today:

The global response to the police killing of a black teenager in a small midwestern town suggests a growing consciousness regarding the persistence of US racism at a time when it is supposed to be on the decline. Assata’s legacy represents a mandate to broaden and deepen anti-racist struggles. In her [autobiography published this year](#), evoking the black radical tradition of struggle, she asks us to “Carry it on. / Pass it down to the children. /Pass it down. Carry it on ... / To Freedom!” (Ibid., 2014)

With prescient foresight, Davis writes about Shakur’s importance to the freedom struggle only a few months before the official détente and renewed diplomatic relations between Cuba and the U.S. Shakur’s autobiography was republished in 2014 along with Angela Davis’s foreword. Independent publishing houses such as Africa World Press find themselves targeted, first by the fraternal order of police, who wages its PR war against those who it blames for killing police officers (e.g., Abu-Jamal and Shakur), secondly,

by the IRS following up with expensive audits, because these presses dare to publish voices which break the silence about state and corporate violence.

Struggling for Liberation: Assata Olugbala Shakur

Born in 1947 in New York, Assata Shakur became an activist while attending Borough of Manhattan Community College in the mid-1960s. She credits African students for her political education and upon graduation, like Davis, she joined the Black Panther Party, which she quit over ideological differences, and joined instead the Black Liberation Army, an underground military organization.

Growing up in Jamaica, Queens, and also living in the Jim Crow South with relatives for a brief time, Shakur shares in part Angela Davis's lived experience but not her politics of location in their respective coming of age. In her autobiography, Shakur describes her highschool experience as fairly uneventful, but at the age of 17, she had enough of schooling and dropped out. She also moved out of her mother's home, went to evening school, while supporting herself with minimum wage jobs that were deeply alienating. The 1960s were volatile—for white people—as Black people rose up and destroyed private property. Shakur ponders how to respond to probing white coworkers' questions why Black people burn their cities. It is worth noting her response (and she knew she would become an outlaw instantly—and fired eventually), because it helps us to reflect on the meaning of Black people's voicing moral outrage at police brutality in the cities of Ferguson and Baltimore in 2014 and 2015: "What do you mean, they're burning down their houses? They don't own those houses. They don't own those stores. I'm glad they burned down those stores because those stores were robbing them in the first place!' They stood with their mouths open" (Shakur, 1987, p. 150). Eventually Shakur met African students who attended Columbia University and got the political education of her life-time. They quizzed her on the Vietnam War, and Shakur shows unabashedly her ignorance on global political-economic affairs

One day, Vietnam came up. It was around 1964 and the movement against the war had not yet blown up in full force. Someone asked me what i thought. I didn't have the faintest idea. Back then, the only thing i read in the papers was the headlines, crime stories, comics, or the horoscope. I said, "It's all right, I guess." All of a sudden there was complete silence. "Would you mind explaining, sister, what you mean by 'it's all right, i guess'?" The brother's voice was mocking. I said something like "You know, the war we're fighting over there, you know, for democracy." It was clear, from the expressions around me, that i had said the wrong thing. The brother i had come with looked like he wanted to crawl under the floor. "Who's fighting for democracy?" somebody asked. (Shakur, 1987, p. 150)

The African students proceeded to patiently re-educate her on communism, imperialism, ideology and Black Consciousness. Her Afrocentric, radical perspective (including changing her name to Assata Shakur) gains ground while attending community colleges in New York City (Ozembhoya, 2014). In the following she gives a retrospective on her political life and a glimpse into what kind of struggle she is committed to:

My name is Assata ("she who struggles") Shakur ("the thankful one"), and I am a 20th century escaped slave. Because of government persecution, I was left with no other choice than to flee from the political repression, racism and violence that dominate the US government's policy towards people of color. I am an ex political prisoner, and I have been living in exile in Cuba since 1984. I have been a political activist most of my life, and although the U.S. government has done everything in its power to criminalize me, I am not a criminal, nor have I ever been one. In the 1960s, I participated in various struggles: the black liberation movement, the student rights

movement, and the movement to end the war in Vietnam. I joined the [Black Panther Party](#). By 1969 the Black Panther Party had become the number one organization targeted by the FBI's [COINTELPRO](#) program. Because the Black Panther Party demanded the total liberation of black people, J. Edgar Hoover called it "greatest threat to the internal security of the country" and vowed to destroy it and its leaders and activists. (Shakur, 2010)

Setting the record straight, Shakur authored a history of the Panthers along with fellow political prisoners and former Panthers Dhoruba Bin Wahad (exonerated in 1990) and Mumia Abu-Jamal, whose death sentence was eventually turned into life imprisonment after he already had spent over twenty years on death row (Wahad, Shakur, & Abu-Jamal, 1993).

During her underground existence, Shakur was apprehended in a shootout on the New Jersey turnpike in 1973, where she was seriously injured while raising her hands; her account of the shooting invites parallels to the symbolic resistance of police impunity: "Hands Up Don't Shoot" was born in Ferguson, MO, in August 2014, after an unarmed Black teenager was executed by a white police officer. In Shakur's case, she survived the shooting only to be further tortured by state troopers stationed in the hospital for over a week, while trying to recover from her bullet wounds (Ozemebhoya, 2014).

Despite medical evidence that she could not have fired a shot given her wounds from police fire, Shakur was convicted by an all white jury in a trial marked by gross legal violations (also known as kangaroo court). Prior to that "legal" conviction, she had been acquitted of bank robbery charges stemming from other trials. During much of her pre-trial phase, she was held in *men's* maximum-security prisons, in violation of U.N. rules on the treatment of prisoners. She spent two of the six years in prison in solitary confinement. Shakur was broken out of prison in 1979 and now lives in exile in Cuba where she received political asylum in 1984 (Shakur, 1987). That the state has not forgotten this resistant

fugitive slave was made clear in former governor of New Jersey's call for a bounty on her head, dead or alive. But Cuba has not complied in extraditing her and as of this writing (2015) refuses to do so. On May 2, 2005, her name was added to the FBI's Domestic Terrorist List with a one million Dollar reward for assistance in her capture. It was recently doubled, and there are media speculations that Cubans might try to capture her, since the U.S. government has agreed to begin to normalize relations between the two countries in December 2014.

How did Shakur become a woman considered so dangerous by the US government that her name is ranked alongside members of Hezbollah? There is a [\\$2m reward for information on her](#), unprecedented for an American citizen who maintains her innocence and [has become a hip-hop cause célèbre](#), cited in songs by everyone from [Public Enemy \(Rebel Without A Pause\)](#) to [Common \(A Song for Assata\)](#). Undoubtedly, her relationship to Tupac – she was his step-aunt and godmother – has played a role. But it is only a small part of a story tangled in a series of criminal charges – which were variously dismissed, acquitted, or ruled mistrial – of violence, prison time, escape and political asylum in Cuba. (Adewunmwi, 2014)

Clearly, Shakur's autobiography is not fit to be taught in highschool history classes. Her spelling of the United States as "amerikkka" cannot be interpreted in any revisionist or accommodationist manner, and the book would be subject to censorship by school boards. Her story cannot be read in the conventional way of Black advancement or Black uplift or bootstrap ideology. Furthermore, the author, still depicted as an enemy of the state, has veritable outlaw status. In 1995, her alma mater Borough of Manhattan Community College changed the name of a student scholarship that had been set up in her name, after a local newspaper made it public and thus stirred a controversy (Honan, 1995). To date, revolutionary or rebel artists

make sure to keep her story alive during her protracted exile through songs, just as songwriters once did for Angela Davis whilst being a prisoner of the state.

Resisting the Slavery of Prison

Joy James (2005) discusses the rich tradition of *slave narratives*, i.e. autobiographies written by former slaves, who cherish their newly found freedom (from chains). Prisoners liken their lot to slavery, to a slaveship that doesn't move, and since 1865, a new genre of neo-slave narrative was born—ranging from conservative and liberal to radical and revolutionary (James, 2005, p. xxii). The humanist, reform-minded narratives demand *emancipation* (parole, clemency); others cry out for substantive *freedom*—from a repressive, racist, sexist and capitalist system; the latter could be deemed radical, and it is in the autobiographies of Angela Davis and Assata Shakur that we find expressions of radical neo-slave narrations. In fact, to this day Shakur (born Joanne Chesimard) considers herself a run-away slave who is marooned in Cuba.

In *Eyes of the Rainbow* by Cuban film maker Gloria Rolanda (1997), Assata Shakur talks about this “peculiar” status of being a 20th Century run-away slave—an apt self-description given the bounty for her issued by then-Governor Whitman. Shakur recounts her jail term, at times spent in male prisons, where sharp shooters' guns were trained onto her cell 24 hours a day. Clearly, women prisoners are not exempt from harsh treatment, and Shakur recounts her desperate attempts of barricading the cell door, so that guards would not barge in and assault her without making terrific noise (1987). As with Davis, Shakur's own case won international attention, when a petition was sent to the United Nations Commission on Human Rights in 1978. White anti-imperialist activists Marilyn Buck, Silvia Baraldini and Susan Rosenberg were captured and jailed for their part in breaking out Shakur in 1979. In her 1987 interview, Shakur simply says that it was a clean operation “and nobody got hurt” (Ozembhoya, 2014).

While imprisoned, Shakur tried to resist compulsory work, which certainly was her right to do so, since she was at the time a

remand prisoner—awaiting trial. However, the female guard informed her that she had no such right due to the 13th Amendment, which abolished (chattel) slavery and indentured slavery except, of course, in prisons. Sometimes, prisoners and parolees mention that they are “state property,” and as we know from hunger strikes from California to Guantánomo Bay, courts routinely order the painful force-feeding of prisoners, precisely because they are considered chattel (property) of the state that should not be damaged. Insightfully, Angela Davis ponders the contradiction embedded in justifying Black enslavement that carries over into the prison regime of the United States:

We tend to think slavery meant that black people were treated as property, right? That’s chattel slavery. But then black people were punished, they were found guilty of crime. Can property be accountable? Can property be found culpable? There was something wrong there. As a matter of fact, you can say that even though black people were not acknowledged as having legal personality in most senses, when they committed a crime, they were accountable to the law, and therefore they were acknowledged as having legal personality.

This negative affirmation of the legal personality of black people continues to hold sway today. ... It is precisely as they appear before the law as equal subjects who get due process, ... through their culpability ... they participate in the democratic process. That reflects the contradiction of slavery, and that, I think, is an indication of one of the ways in which slavery continues to haunt us. (Davis, 2012, p. 145)

In her testimonial book *Inadmissible Evidence: The Story of the African-American Trial Lawyer Who Defended the Black Liberation Army*, Evelyn Williams (1993), the intrepid lawyer and aunt of Assata Shakur, shares her critical analysis on the legacy of slavery haunting the American courtroom. For BPP and BLA legal

defense teams, these trials were a legal education in themselves, and so often Williams was punished for contempt by presiding judges. In an interview with Chad Kautzer and Eduardo Mendieta (2004), Davis acknowledges that George Jackson, a Soledad brother who was killed by guards before he could learn about his acquittal, was instrumental in helping her make the link between “the general function of the prison, not only in terms of political imprisonment, but about the relationship between the institution of the prison and racism, that is to say, the relationship between criminalization and racism and racialization. So I do think that the time I spent in jail had a lasting impact on my ideas” (Kautzer et al., 2004, p. 340). So, Davis notes that she learned from politicized prisoners and prison intellectual George Jackson; she deepened her radical critique of the penal system while experiencing imprisonment herself. Since 2000, Angela Davis has been an ardent advocate of penal abolitionism in the United States and worldwide.

The legal system: Looking through a glass, darkly

In their autobiographies, Davis and Shakur note the paradox of using *legal proceduralism* that distinguishes their accounts from other neoslave narratives. Davis knows from her own experience with Jim Crow and from her historical understanding of the racial underpinnings of American jurisprudence, that a naïve faith in the legal system would be displaced, and therefore, political activism, e.g., by conscientizing the people around a cause, is the most effective means to transform the system or, at least to influence the judge through political pressure. After all, she was granted bail because the judge’s office could not handle the flood of international mail of bail support (Davis, 1988, p. 335). Of course, it was also helpful that in the same month, the state of California abolished the death penalty, which facilitated the granting of bail (James, 1998, p. 12).

Along with her *radical* lawyers, she utilized the tools of *liberal* proceduralism, to win her freedom and other political prisoners. But the internal conflict accompanies her political

deliberations. In her advocacy work for the imprisoned Soledad brothers and then for her own case of imprisonment, while awaiting trial, Davis deliberates incessantly *whether* it is worth to participate within the legal confines and *how* to mount radical political protest against “legal” injustice. I speculate that opting out might have meant using the court room as a stage for political reeducation and disrupting the formal proceedings. Davis is critical with respect to spending so much energy on bail support. She deemed “the political content of the bail issue too weak. It did not permit people to express their resistance to the *system* of repression, which was not only behind my own imprisonment but was why so many others were languishing in prison” (Ibid., p. 336, her emphasis). Having been granted bail, she immediately apologizes given that many poor prisoners are framed by the system and have no supporters’ network to bail them out. Nevertheless, she concedes that she had misjudged the yearlong bail campaign, because it did galvanize and politicize so many people who rallied that bail was granted to her. “Once they had been exposed to the realities of the prison and judicial systems, they were forced to give serious consideration to the political repression we spoke about” (Ibid., p. 336).

This self-critical evaluation shows that Davis pursues a macroscopic perspective (of systemic injustice) rather than an individualist and reformist viewpoint. Precisely, for this reason, political prisoners, such as Angela Y Davis, Assata Shakur, or Mumia Abu-Jamal, are deemed dangerous by the prison wardens. They become a security risk and are swiftly placed in solitary confinement far away from the general population whom they might organize (although ironically, Davis was told that she received solitary because other prisoners might attack her). The state’s arbitrary infliction of extra punishment clearly crosses gender lines and women prisoners may even face more “tickets” for trivial transgressions of prison rules for which men would never receive penalties. Historians of women’s prisons have contextualized this unequal treatment as patriarchal enforcement, and the gendered penalty intersects with the anti-Black “racial

contract,” as Black women endure harsher penalties than whites or other women of color, even with respect to legally mandated access to (reproductive) health care (Johnson, 2003; Dodge, 2006).

Understanding the macroscopic aspect of oppression (e.g., racist state violence) does not necessarily license one to a radical point of view. Abu-Jamal is a case in point. In his first book, *Live from Death Row* (1996), the celebrated Black journalist, who as a teenager briefly was a Black Panther member, describes how difficult it is to shake of a naïve faith in the system and in American jurisprudence. After his wrongful conviction, he believed that justice would prevail. At the time, Abu-Jamal had studied carefully Black history, and as a journalist, he was aware of police brutality and of frame-ups of countless Black persons, not least of the MOVE organization in Philadelphia, whose trials he covered as a journalist. “Even in the face of this relentless wave of antiblack state terror, *I thought my appeals would be successful*” (pp. xvi-xvii, his emphasis). Since he penned that statement, an international campaign, akin to the one mounted on behalf of Angela Davis, has focused on the travesty of justice Abu-Jamal faced, and critics around the world have called for a new trial or his release. A few years ago, his death sentence was indeed thrown out (on a technicality of improper jury instructions), but incredibly, because the judge declared his “guilty” sentence valid, he still faces life imprisonment, that is in prisoner’s jargon “life on slow death row.” Only recently, Abu-Jamal was “released” to general population, and currently in 2015, his life hangs in the balance, as his supporters note that the state has engaged in medical malpractice. Similarly, Davis, who was imprisoned awaiting trial during the uprising, was in solitary confinement for most of her imprisonment, especially after the Attica prison uprising. Shakur, too, was told that solitary was for her own protection, and when she told that to fellow prisoners at Ricker’s Island, they simply laughed. Shakur, like Abu-Jamal, had some initial—and what she calls, naïve—faith in the white court system. She writes: “[I] had not seen enough to accept the fact that there was absolutely no justice whatsoever for Black people in amerika” (1987, p. 70). As

was true for Davis, Shakur's own imprisonment was also a formative experience that sharpened her skill in writing a radical-revolutionary autobiography and continue her activism post liberation from prison.

How does Assata Shakur make sense of the seduction of liberal proceduralism, the veneer of abstract rights language? In her autobiography *Assata* (1987), Shakur interweaves narratives of coming of age in the 1960s with accounts about the shootout on the New Jersey Turnpike, the several court trials she was subjected to, and the disregard for the law by the authorities at every stage. She contextualizes the repression, the torture, the interrogation, and the blatant illegalities on account of being a political detainee. At the time of her arrest, she was active in the Black Liberation Army, but again, as with Davis's own realization, it was not till her confinement that she comprehends fully the ideological function of imprisonment. Confronted by a guard who ordered her to work, Shakur disobeys, "You can't make me work." The guard's response was "No, you're wrong. Slavery was outlawed with the exception of prisons. Slavery is legal in prisons" (p. 64). Shakur re-read the 13th Amendment and realized that racism is part and parcel of the capitalist system.

That explained why jails and prisons all over the country are filled to the brim with Black and third world people, why so many Black people can't find a job on the streets ... Once you're in prison, there are plenty of jobs, and, if you don't want to work, they beat you up and throw you in the hole. ... Prisons are part of this government's genocidal war against Black and third world people (Ibid., pp. 64-5).

Actually, the guard's reasoning was not quite correct, because at the time of that act of resistance, Shakur was still a remand prisoner not (yet) convicted of a crime. However, the U.S. prison system routinely violates international binding agreements on the treatment of prisoners such as the right to be housed in separate quarters from male prisoners and the right to female guards for

invasive body pat downs, use of shower, etc. (Day, 2001). Once incarcerated, there simply is little hope for maintaining innocence and rights. As Davis reflects in her bail-support work, many non-convicted persons who fail to post bail end up plea-bargaining and punished to “time served,” clearly an indication that they would not have served any time, if they had money for bail and competent counsel.

Imprisonment radicalized Shakur’s thinking about “aberrations” in the system. In a moving exchange with another prisoner, she shares her notion of “freedom:”

[I’d] rather be in a minimum security prison or on the streets than in the maximum security prison in here. The only difference between here and the streets is that one is maximum security and the other is minimum security. The police patrol our communities just like the guards patrol here. I don’t have the faintest idea how it feels to be free (Ibid., p. 60).

Again, this is a quintessential revolutionary neo-slavery narrative. The veneer of attaining abstract rights after the end of legal segregation, at every step, Black communities find themselves in a state of containment and hyper surveillance. Shakur anticipates with her writing on the illusion of freedom the eventual discovery of systematic police practices of stopping those who are “driving while black” or “breathing while black.” Her words ring true even more so today, when one in three Black men will find themselves incarcerated during their lifetime, revealing an epidemic which law professor Michelle Alexander has dubbed the New Jim Crow (2010). Shakur’s commentary on enduring containment policies is particularly prescient for today’s “community policing,” be it in Mayor Bloomberg’s New York City police department of Black and Latino people on the streets (“stop-and-frisk”) or on the streets of Ferguson, MO. Shakur’s statement crystalizes the enormous distance between white life that matters in a white supremacist polity and Black life that is valuable only if thoroughly contained

through a vast carceral network that spans beyond the fortress prison through social workers, parole and probation officers, and school prison officers. Black abolitionist prisoner Tiyo Attallah Salah-El echoes this poignant contrast between life on the streets and imprisonment by calling it life-on-the-installment-plan, of Black youth and adults cycling in and out of prison (Nagel, 2008). Others note the peculiar greeting to brothers returning to prison with “Welcome home,” to show how common place the psychic space of prison has become for the Black community (Elijah, 2007).

Shakur’s autobiography, which chronicles her journey from childhood to being marooned in Cuba, is a very important example of a radical neo-slave narrative. There is no genuine experience of political or economic freedom in a country that holds on to the vestiges of slavery; there is no justice in a criminal justice system that indicts and criminalizes people for their political beliefs, whether they belong to the Puerto Rican independence movement, the Black Panther movement, the American Indian movement, which all were heavily policed (and destroyed) through FBI’s counterintelligence program (COINTELPRO). After September 11, 2001, Muslims in the United States are treated to new versions of repressive “intelligence” investigations and find themselves “encouraged” to spy on other Muslims in mosques or other spaces, lest they want to see deportation for themselves or their family members.

As Shakur learnt in prison, the carceral regime is the uncanny metaphor for a new form of enslavement, particularly in the United States. This is made poignantly clear in Davis’s article “From the Prison of Slavery to the Slavery of Prison” where she argues that “[t]he abolition of slavery ... corresponds to the authorization of slavery as punishment” (in James, 1998, p. 97). Davis provocative statements, such as “One has a greater chance of going to jail or prison if one is a young black man than if one is actually a law-breaker” (Ibid., p. 105), may serve as a rallying-ground for pressing on with an abolitionist movement begun with the struggle against slavery. She notes that “prison needs to be

abolished as the dominant mode of addressing social problems that are better solved by other institutions and other means. The call for prison abolition urges us to imagine and strive for a very different social landscape” (Ibid., p. 215). In her later work, Davis (2005a) follows DuBois’s radical call for abolition democracy, thus providing a concept for this new “social landscape.” Simply put, the idea of abolition democracy is that it is not sufficient to tinker a little with existing institutions and an oppressive economic system in order to achieve the emancipatory conditions for a society that leaves the vestiges of chattel slavery behind. However, as DuBois, Davis and other mostly Black intellectuals have convincingly argued, the opposite occurred after 1865, namely the seamless transition from the “prison of slavery to the slavery of prison” through the convict lease program. What is less clear how Davis envisions penal transformation beyond gestures of restorative justice, and turning to Cuba, which harbors Shakur, is of little help, since it still uses prisons as instruments of silencing dissent and for adjudication of social offenses.

True to form as an activist intellectual who is witnessing injustice, Davis emphasizes the untold anonymous people and the progressive movement that struggled to set her free in 1972. So instead of celebrating the heroic attempt of “a single Black woman successfully fend[ing] off the repressive might of the state” she credits her supporters in her updated introduction of her autobiography: “Certainly the victory we won when I was acquitted of all charges can still be claimed today [in 1988] as a milestone in the work of grassroots movements” (Davis, 1988, p. ix). Even though writing merely about her own life would be appropriate to do in an autobiographical act, this book of a twenty-eight year old emphasizes grassroots achievements over the pitfalls of a singular heroic narrative, as Davis explains in the second edition of the book. Davis could not conceive of what countless other Black revolutionaries have done—leaving the country while she was underground—after the shoot out in the Marin County courthouse: “But each time I considered going abroad, the thought of being indefinitely exiled in some other country was even more

horrible than the idea of being locked up in jail. *At least in jail I would be closer to my people, closer to the movement*” (1988, p. 12, emphasis added). Indefinite exile is precisely what Shakur is facing now, with the added threat of imminent apprehension by U.S. government, should Cuba waiver on its non-extradition agreement.

Before winning acquittal, Angela Y Davis vowed that her life would be spent dedicated to not just to freeing political prisoners but to “use my life to uphold the cause of my sisters and brothers behind walls” (1988, p. 328). In her essay “Political Prisoners, Prisons and Black Liberation,” which she wrote while incarcerated in 1971, Davis alludes to the problematic differentiation of social and political prisoners, by suggesting that prisoners of color increasingly consider themselves as political prisoners: “They contend that they are political prisoners in the sense that they are largely the victims of an oppressive politico-economic order, swiftly becoming conscious of the causes underlying their victimization” (in James 1998, p. 47). Her vow of solidarity has been unwavering for over forty years: Davis has provided leadership for the importance of centering a social critique on prisons/penalty rather than marginalizing it, and for organizing a resistance movement to stem the tide of new prison construction in California and to abolish prisons altogether (Davis, 2003).

Assata Shakur, too, while facing the limitations of direct involvement with her people due to exile, has contributed to the penal abolitionist movement. It was awe inspiring hearing her taped voice at the Riverside Church in Harlem in 2001 on occasion of the first Critical Resistance East Conference—where Angela Davis, a co-founder of Critical Resistance, also spoke. A Chicago-based group called “Hands off Assata!” (<http://www.assatashakur.com>) continues to educate prisoners rights’ activists about the ongoing danger Shakur faces for being sought by the US government—as a fugitive slave and newly labeled “terrorist.” A petition organized by Black lawyers has been

sent to President Obama, contextualizing the legally incomprehensible designation in the following way:

[T]his decision continues to racialize the United States criminal punishment system, a system that since the enslavement of African peoples has targeted Africans and African Americans for harsher punishments than those given particularly to similarly situated whites. The accusation of terrorism has fallen prey to this continuing travesty of making the color of “crime,” now the color of “terrorism,” black. One needs only recall the early reports of who was suspected of the Boston Marathon bombing to support this conclusion: the first reports were of a darker-skinned male, possibly African American. This message scrolled continuously on CNN for a number of hours and then “African American male” was deleted, leaving darker skinned male. But the alleged perpetrators were far from “darker skinned.” (Change.org, 2014)

Shakur and Davis’s own experiences with the penal system defy the myths that women’s prisons are run in a more humane fashion than men’s prisons and that women do not protest the conditions of incarceration. Shakur’s treatment by the police and guards was extreme in brutality but not an exception. The history of US women’s imprisonment shows that when the “ladies” rose up and protested the repression, they were brutalized, sent to solitary, or, even worse, to behavior modification units for the criminally insane (Kurshan, 1996; Law, 2012). There is no question that treatment of women prisoners is also racially differentiated (Barr, 2007; Johnson, 2003). While white women’s punishment to the Southern chain gang has been met with hostility by white civil society, no such support has been afforded to Black women, reminiscent of the terror of chattel slavery, as Davis (1981) has poignantly written about. (In fact, her book *Women, Race, and Class* (1981) gives voice to one of the first writings on slavery which points to the interlocking terror of racist and sexual

assault faced by enslaved girls and women.) Since the late 1980s, uppity (politicized) women have been sent to the super-tech control Shawnee prison in Florida, which was established to “control, isolate, and neutralize women who, for varying reasons, pose either a political, escape, or disruption threat.” It has been reserved for women political prisoners and prisoners of war (Baraldini, et al., 1996). None of the political prisoners moved there ever had an infraction of hurting another prisoner. White women prisoners who are in solidarity with Black liberation movements face the ire of the state, as has been the case with anti-imperialist activists Susan Rosenberg and Laura Whitehorn received clemency by President Clinton in 1999, while their comrade Marilyn Buck succumbed to cancer within weeks of her “compassionate release” in 2010 (Assata Speaks, 2010; Day, 2001). Italian prisoner of war Silvia Baraldini, who has noted her participation in the successful prison escape of Shakur, survived cancer contracted while in the control unit, and she was released in 2006 after being transferred to an Italian prison in 1999 (Assata Speaks, 2006).

As we have seen with the recent media flurries around Assata Shakur enjoying her freedom as marooned slave in Cuba, the state never forgets the acts of nonviolent freedom fighters it dubs terrorists, while forgetting its own systemic violence (Jones, 2014). Sometimes freedom fighters join the ranks of heroes. Nelson Mandela, Rosa Parks or Martin Luther King, and even those who were committed to personal armed struggle: John Brown and Harriet Tubman, who become redeemed icons of past state’s injustices. Iconization comes at personal cost and is difficult to guard against (Nixon, 1991; James, 1999). It freeze-frames persons and creates heroes, who get to represent a movement where countless others participated in and were (and still are) persecuted by the state. As Davis (2012) warns, individualization depoliticizes social movements. I have specifically focused on two women who were persecuted by the state as female “ringleaders” or “mother hens” (of the Panthers, the underground Black Liberation Army and Communist Party USA). While certainly

providing leadership for principled action, they both have consistently resisted a romanticizing of their actions and rejected a cult of personality. Assata Shakur and Angela Davis continue to inspire present and future generations of activists and students who yearn for liberation from oppression.

¹ Some sections of this essay appeared elsewhere: “Witness to Injustice,” Special Issue: Scholar's Symposium: The Work of Angela Y. Davis, *Journal of Human Studies*, 30, 2007, pp. 281-90 and “Prisons as Diasporic Sites: Liberatory Voices from the Diaspora of Confinement.” *Journal of Social Advocacy and Systems Change*, 1, March 2008: 1-31. And thanks to Vikki Law, Keri Blakinger, Jason Mallory, Chad Kautzer and especially to Rashad Shabazz and Demetrius Eudell for a careful reading and comments. I am grateful to Peter van der Veer, Director of the Religious Studies Department of the Max Planck Institute for the Study of Religious and Ethnic Diversity, Göttingen, for providing generous institutional support during my sabbatical stay at MPI, Spring 2015.

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