

Jimcrow Cruelty in Federal Jails

By CLAUDIA JONES

I'm going to keep on stinging-'til I awake the conscience of America.

—Harriet Tubman

ALMOST three long years have passed since that bleak July morning when Ben Davis and his colleagues began serving their savage sentences.

Terre Haute prison, where Ben Davis has been for all this time, is like all federal prisons in the United States a Jim Crow prison. In these jails there are not only Jim Crow cells for Negro prisoners, but even a Jim Crow Honor Privilege system: meritorious conduct lists, like some employers' lists and some seniority lists, are established on the basis of the infamous time-dishonored "separate but equal" rule for Negro Americans.

Terre Haute penitentiary is one of the six institutions of its class operated by the Bureau of Prisons of the Department of Justice. It contains approximately 2,500 prisoners of whom about 250 are Negroes. They are segregated in the dormitories, in mess halls and in recreational facilities.

Such segregation and discrimination not only violates the right of Negro prisoners guaranteed by the Fifth Amendment to the Constitution, and the right to be free from cruel

and unusual punishment as guaranteed in the Eighth Amendment, but also the laws and statutes pertaining to the government of the United States prisons.

Accordingly, though Ben Davis has met the standard of "meritorious" conduct and his work is classified as exemplary," he is denied special valuable benefits enjoyed by white prisoners: for example, the door to his cell remains locked during waking hours; he is denied the freedom of a recreation room where there are ping-pong tables and other facilities; access to a library; daily showers after work; the right to engage in conversation with prisoners meeting like standards.

Even in prison, then, the "separate but equal" rule for Negro Americans exists! And this is not a criminal but a political prisoner jailed for his beliefs!

Is it any wonder that Ben Davis, who has struggled against Jim Crow all his life, contemplates a suit against this hateful racist policy? The Afro-American, outstanding Negro journal, declared in an editorial entitled "Job for Mr. Brownell": We hold no brief for Mr. Davis' political conviction. But we cannot help but admire his courageous outcry against this denial of elementary justice for men in federal custody.

"WITH EVERY ounce of my strength I shall continue to fight for the people!"

In these words Ben Davis opened his farewell speech to the people of his community and all his former constituents the night he spoke for the last time before his jailing, in Harlem's famed Dewey Square.

The square was jammed with people and placards urging "Repeal the Smith Act! Free the Eleven Communist Leaders," "Stop Thought Control" and home-made signs scrawled "Ben, We Love You."

Some people had clenched fists, and tears of anger were in their eyes.

But Ben Davis continued to speak: "The sun of liberty is rising all over the world. . . ." He talked of the unbreakable fraternity which we have with the peoples of Africa, Asia, the West Indies, Europe, Latin and

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South America, who are achieving national independence and freedom, as well as with the peoples of the Soviet Union whose nation has wiped out racial discrimination and made it a crime. Ben spoke of our bonds with the people in the wide world who fight for peace, equality, national independence, and security against atomic wars, and for friendship between nations.

And Ben said: "I'll be back on these Harlem streets someday; I know I will. . . ."

. . . Spring, and the early harbingers of the summer season reach Lenox Avenue. Sun bathes the Harlem streets people stroll, and forums sprout on the sidewalks.

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HERE IS A WOMAN who remembers how, when evicted, it was Ben Davis and his party, the Communist Party, who were among the first to fight against her eviction, helped put her furniture back in her house. Here is a bartender who asks, as you open a paper, the *Daily Worker*, of which Ben Davis was publisher before he was jailed, "How is Ben?"

Here is a Negro woman, whose sad eyes contrast strangely with the strong lines in her stern face. I recognize her as the mother of one of the five bereaved families from whom death claimed five victims, three of whom were children, and who lived in a firetrap in Harlem. That was in January, 1947, when there were 45 deaths in one month from slum housing in the Harlem-Puerto Rican-Washington Heights area. "How is Mr. Davis?" She presses your hand meaningfully.

Here is a Negro minister who, when you talk to him, quotes the Scripture: "Smite Down the Shepherd and the Sheep Will Be Scattered!" to show his understanding of Ben's jailing.

Here is a white couple who knew Ben and who ask: "What can we do to help free Ben Davis?"

Two youths Negro and white, striding arm in arm—they seem like students—come up and say in the bright tones of youth: "We Must Free Ben Davis!"

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YES, WE CAN HEAR his voice! Even from behind prison bars, Davis' fearless voice scathes racist Jim Crow!

And because it is the supreme evidence and continuation of his entire fight for his people, for all the oppressed, it is all the more resounding.

It is resounding, because it is one with the Negro leaders of the South who rallied in 15 states against the McCarthy tactics of the Jenner Committee, condemning them as a blow against the entire Negro community of the nation.

It is one with all those who fought to save Ethel and Julius Rosenberg.

It is one with the millions here and abroad who kept Wesley Wells from execution in the California gas chamber and who fight to free Mrs. Rosa Lee Ingram.

It is one with all our people who fight in these crucial 1954 elections for an anti-McCarthy, pro-labor, pro-democratic Congress, for extended Negro representation, for peace, security and democracy!

It is one with our brothers and sisters in the South, in Atlanta itself, in Ben's birthplace, in Dawson, Ga., who asked: "What are you doing to get Ben Davis out of prison?"

Ben Davis' voice and his fight for freedom is one with Jomo Kenyatta of Africa; Cheddi Jagan and Burnham of British Guiana; with Gabriel D'Arboussier of French Equatorial Africa; with all the valiant men and women fighters of all creeds and national independence of all people throughout the world.

They've jailed Ben Davis. But his ideas are still abroad. It is Ben Davis himself who can best express his ideas from ladders on the streets of Harlem, in the broad arena of political and legislative struggle, in unity meetings with his people, Negro and white, and with white allies, and in the councils of his own Party. Until Ben Davis can do so the McCarthyites and the racists will have a strong weapon with which to spread fear and subversion.

Will you answer Ben's confidence that he will be back on the streets of Harlem—and all the broad highways of the nation—some day—soon?

The one answer—the one response to Davis' fight against prison Jim Crow and his jailing for his ideas is contained in the word—AMNESTY!

To sing the hallelujah of the famed Negro spiritual: We must free him for he "bears our burden in the heat of the day!"

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