
“AN INSINUATING VOICE”
Angelo Herndon and the Invisible Genesis of the
Radical Prison Slave’s Neo-Slave Narrative

by Dennis Childs

You may do what you will with Angelo Herndon. You may indict him. You may put him in jail. But there will come other thousands of Angelo Herndons. If you really want to do anything about this case, you must indict the social system. But this you will not do, for your role is to defend the system under which the toiling masses are robbed and oppressed. You may succeed in killing one, two, even a score of working-class organizers. But you cannot kill the working class.

—*Angelo Herndon, Let Me Live*

My ancestors were chattel slaves and the memory of their tribulations gnawed at my spirit like an unhealing wound.

—*Angelo Herndon, Unpublished Manuscript*

Composed during the middle of the Great Depression, Angelo Herndon’s Black radical prison autobiography *Let Me Live* represents a searing indictment of United States racial capitalism as it laid siege to Black people, and poor people in general, in the United States South through share-cropping, peonage, industrial labor exploitation, and inter-locking systems of extra-legal and legal terrorism. The text recounts Herndon’s life trajectory as it spanned from suffering as child laborer in the coal mines of Kentucky and Alabama, to becoming a young Black communist organizer, to his ultimate ascension to the status of internationally recognized political prisoner. Indeed, it is his confidence in his newly achieved role as cause célèbre for the US and international left that partially informs the above-epigraphed section of *Let Me Live* wherein Herndon uses the occasion of being found guilty in a Georgia courtroom on the charge of “attempting to incite insurrection” among the state’s Black and White poor people to brazenly pronounce the guilt of the entire system of Jim Crow capitalism for its oppressive “robbery” of the “toiling masses.” Notwithstanding being sentenced to what he calls the “slow death” of a Georgia chain gang, Herndon describes feeling emboldened by the international campaign that, by the time of his courtroom speech, had placed his case right alongside that of the “Scottsboro 9” as one of the most pivotal rallying points in the overall mass mobilization against politicized imprisonment, Jim Crow apartheid, lynching (of both the extra-legal and legal variety), white supremacist capitalism, and US imperialism.¹

As the first autobiography published by a Black political prisoner in the United States, *Let Me Live* stands as a critically important—if almost completely ignored—progenitor of modern Black radical prison writing (Ross vii-x). In a manner similar to the prison narratives produced by Black socialist, leftist, and (inter)nationalist prisoners from the commonly recognized “Movement Era” of the 1950s, 1960s, and 1970s, Herndon transmutes the individual predicament of political imprisonment into a platform for radical social analysis—both of the regime of official incarceration as it exists in the prison world, and the system of social incarceration experienced by Black and poor people in the “free world.” Furthermore, while Herndon’s courtroom speech clearly represents the fact that he consciously positioned himself as champion of the cause of the international working class writ large, the second epigraph suggests the degree to which Herndon’s writings and political activism were also focused on the uniquely terrorized predicament of Black people under various systems of legalized terror and neo-slavery. In a manner that prefigures the epistemic interventions of later Black political prisoners such as Assata Shakur, George Jackson, Angela Davis, Robert Hillary King, and Mumia Abu-Jamal, Herndon considers his experience of twentieth-century imprisonment as a state-inflicted reopening of what he describes as the *unhealing wound* of chattel enslavement. Therefore, inasmuch as *Let Me Live* proffers a doctrinaire Marxist position with respect to the universal predicament of an exploited international working class, it also presents a *Black Marxist* exposure of the intimacies of modern racialized imprisonment and the chattelized incarceration of Africans during the Middle Passage and plantation slavery.²

When viewed from this vantage point, *Let Me Live* represents a prime example of a nearly limitless assemblage of Black prisoner songs, writings, and testimonies produced after the Thirteenth Amendment’s exception clause allowed for prison slavery *as punishment for a crime* in 1865—a set of literary, sonic, and political works that comprise a virtually unrecognized segment of the generic category that is the subject of this special issue. Similar to more widely acknowledged neo-slave narratives such as Gayle Jones’s *Corregidora* (1975), Octavia Butler’s *Kindred* (1979), Toni Morrison’s *Beloved* (1987), Marlon James’s *The Book of Night Women* (2009), and M. NourbeSe Philip’s *ZONG!* (2011), the writings of incarcerated Black subjects perform narrative and psychological re-engagement with the horrors of the Black Atlantic catastrophe. However, in the case of the imprisoned Black writer and singer, the expressive journey into “the past” of racial slavery actually functions as a mnemonic boomerang back into the racialized carceral present. In other words, for the Black prisoner, the “neo-slave narrative” represents less of a *literary category* concerned with a bygone era of collectivized subjection than an *experiential category* reflective of the unbearable affinities between the present of Black imprisonment and the “past” of African enslavement.

In her introduction to *The New Abolitionists: (Neo)Slave Narratives and Contemporary Prison Writings*, a significant collection of liberationist prisoner discourse issuing from the most commonly recognized era of Black and Third World radicalism (the 1950s-1970s), Joy James makes a pivotal intervention into the analysis of the neo-slave narrative by introducing radical prison writing as the genre’s disavowed second-self. As she contends, the works of radical prisoners of the Movement Era represent a literature of *captive insurgent abolitionism*; and, as such, she points out how such narratives “are part of the abolitionist literature that exists as subcategories of a genre [identified] as ‘(neo)slave narratives.’ (Neo)Slave narratives emerge from the combative discourse of the captive as well as the

controlling discourse of the ‘master’ state” (xxii). While I recognize the centrality of the combative works of imprisoned Black Power era theorists to our discussion of the neo-slave narrative, this essay is concerned with how written and sonic articulations produced by Black prisoners before the commonly recognized Movement Era have suffered from an even greater level of disengagement than their latter twentieth-century counterparts. More specifically, through taking part in what amounts to a critical unburial of Angelo Herndon from the dustbin of United States literary and political history, this essay works to reclaim *Let Me Live* as an invisible point of origin for the subsection of neo-slave narratives that have been written, sung, and wailed by *literal neo-slaves* of the racial capitalist misogynist state from 1865 through today’s prison industrial complex.³

But this last point brings important questions into view: if, as I will argue further, Angelo Herndon’s *Let Me Live* represents a critically significant nexus connecting the antebellum slave narratives of those such as Harriet Jacobs and Frederick Douglass with the Black Power era prison narratives of those such as George Jackson and Assata Shakur, then what explains its virtually invisible status within African American literary studies, prison studies, and social movement history? How does a once internationally recognized Black political prisoner for whom Langston Hughes wrote a social realist play called *Angelo Herndon Jones* in 1935—and with whom Ralph Ellison co-edited a Black radical journal called *Negro Quarterly* from 1942-1943—end up being occluded from critical view even while his mode of Black radical storytelling and theorizing bear such great import when viewed from our current moment of structural anti-Blackness, racial capitalism, state terrorism, and prison slavery?

As Marlon Ross, Kendall Thomas, and Charles Martin have observed in their excellent discussions of this largely ignored, yet hugely significant figure in African American literary, cultural, and political history, the elision of Herndon from historical consideration has a great deal to do with the fact that his political imprisonment resulted directly from his membership in the Communist Party USA—a political formation that, in the context of the post-Cold War liberal reactionary consensus with respect to the putative “victory” of global capitalism and United States imperialism, is often either cast aside as an anachronistic political relic or castigated as ideologically “undemocratic” (Ross viii). More specifically, what the essential recovery projects of these scholars suggest is that one of the main reasons for the relative disappearance of *Let Me Live* in particular, and of Herndon as a writer and political practitioner in general, has to do with the commonly held notion that Black Southern CP organizers—that is, the (officially) uneducated sharecroppers, mine workers, low-level factory hands, and domestic workers who, like Herndon, Hosea Hudson, Capitola Tasker, Al Murphy, Ralph and Tommy Gray, Estelle Milner, and Mack Coad, made up the organizing cadre and rank-and-file of what was an overwhelmingly Black Party membership in the southern United States—functioned as little more than ideological dupes and political fetishes for interloping White leftists from New York and Moscow.⁴

However, as the ground breaking work of Robin Kelley has revealed in respect to the political activity of Black radical activists and rank-and-file workers in CP and party-affiliated organizations such as the Colored Farm Workers Union (CFWU), the Sharecroppers’ Union (SCU), municipal unemployment councils, and the International Labor Defense (ILD), radical political organizing in the southern United States from the Depression through WWII was not the result of a unidirectional flow of revolutionary theory and practice

from paternal white North American and Soviet Communists to politically and culturally cipher-like Black Southerners (Kelley, *Hammer*). That is, following the convening of the Sixth World Congress of the Comintern in 1928, when the CPUSA began to operate under the precept that Black people in the southern United States amounted to an oppressed nationality and thereby were entitled to political sovereignty and “self-determination,” Party organizers who headed south to organize the “Negro” masses met a people steeped in a long tradition of resistive practice.⁵ Those who comprised the supposed politically and intellectually infantile population of the “Black Belt” were the product of a hard won culture of resistance stemming from both well-known and historically anonymous Black abolitionist slaves—which included over 200,000 Black soldiers who literally turned the tide of the Civil War to the North thereby *freeing themselves*—and continuing through the everyday survival/oppositional modalities of Black people after 1865.⁶ The discernible and historically imperceptible acts of resistance that had been conducted in the context of slavery, racial apartheid, white supremacist misogyny, extra-legal and legal lynching, and neo-slavery amounted to a *radical retrieval of life within conditions of living death*—or what Saidiya Hartman describes as a redressive “politics without a proper locus” (51-62)—that no Party edict handed down from Moscow or New York could have fully accounted for. As Kelley asserts in his discussion of the dialectical relationship between White leftist and indigenous Black organizing upon the entrance of the CPUSA into the South in the 1930s: “Far from being a slumbering mass waiting for Communist direction, Black working people entered the movement with a rich culture of opposition that sometimes contradicted, sometimes reinforced the Left’s vision of class struggle” (*Hammer* 93).

In what follows I trace both overt and spectral appearances of the Black captive neo-abolitionist tradition within *Let Me Live*. Along these lines, I want to suggest how the mode of storytelling produced by the first Black political prisoner to publish an autobiography in the United States represents an invisible link bridging America’s original Black “prison” writings—the slave narratives of those such as Harriet Jacobs, Frederick Douglass, Henry Bibb, and Solomon Northrup—to the afore-mentioned branch of neo-slave narratives that Black radical prisoners have produced from the second half of the twentieth century to our current moment.⁷ Let me be clear that in re-claiming *Let Me Live* as a neo-slave text my aim is not in any way to detract from the hugely significant role that Marxist-Leninist philosophy and CPUSA political organizing had on Herndon’s life and work. Such a claim would be ridiculous given the fact that Communist social activism and political theory—particularly its theoretical call for and attempted practical application of anti-capitalist social transformation based upon mass inter-racial worker solidarity—represented an essential ingredient in Herndon’s growth as radical writer, organizer, and thinker.

There is no question that the revolutionary praxis of the Party represented a crucial pathway for what Kendall Thomas describes as Herndon’s striving for “political literacy” within a context of regional and national racial capitalism that had, by the time he was thirteen years old, forced Herndon and his older brother into coal mine camps in Alabama and Kentucky in order to stave off literal starvation (2610). My interest in gleaning elements of an indigenous Black radical tradition within Herndon’s writing and activism concerns how their appearance leads to a kind of Black radical syncretism within his work. With this term I am referencing a dialectical exchange between Euro-American socialist and African American neo-abolitionist discourse and practice that short-circuits

the now commonly held notion that Herndon was little more than a convenient public mouthpiece or naïve political martyr of the Party at the time of its strategic call for Black self-determination in the southern United States.⁸ Ultimately I am concerned with the ways in which Herndon's Black Marxism and neo-slave abolitionism unveil significant blind spots in the orthodox communist analysis of the function of white supremacy in the United States even as they register the vital role that CPUSA activism and anti-capitalist analysis played in the Depression-era Black liberation struggle.

The (Un)heard Sound and Theory of an Insurrectionist Neo-Slave

Days after completing a coast to coast national tour in which he spoke out both for his own release from an imminent eighteen- to twenty-year chain gang sentence in Georgia, and for the liberation of the Scottsboro 9 from what he and other Party activists referred to as a mass "legal lynching" in Alabama, Angelo Herndon found himself being hosted as honored guest at the home of a Black couple in "Darktown"—a poverty-stricken and police-occupied ghetto situated just above downtown Atlanta.⁹ It was a Sunday evening in the fall of 1935, and Herndon was set to report back to Fulton Tower jail the very next day, where he had already endured twenty-six months of torture, terror, and entombment as a political prisoner before the International Labor Defense (ILD), headed by Black Communist William Patterson, had organized a successful international campaign to post his \$15,000 bail.¹⁰ With his latest courtroom defeat behind him, and with his bond coming to an end the next morning, Herndon conceived of the fish fry that the couple was throwing for him (despite being literally hungry themselves) as something akin to a last supper. That is, as he sat up late into the night talking and eating garfish with his hosts and a reporter from *New Masses*, Herndon realized that if his habeas corpus petition to the US Supreme Court was denied, he would ultimately be coffled out of Fulton Tower, disappeared deep into the Georgia countryside, and subjected to an ordeal of chain gang neo-slavery that would assuredly end in his death since no prisoner had ever survived more than ten years on the Georgia chain gang as of the early 1930s (Spivak 3).¹¹

As the dinner proceeded past the midnight hour, and it was clear that no one in the Darktown shack could possibly sleep given what was to come in the morning, Herndon's hosts began playing old records such as Bessie Smith's "Backwater Blues" on their Victrola player. At some point after hearing the voice of Smith and other blues maestros reverberate through the couple's lamp-lit shack, Herndon felt compelled to give a sonic offering of his own in the form of a chain gang song he had first heard performed by a fellow prisoner in the Fulton Tower Death House:

Look a-yonder—yonder
 Hard boiling sun is turning over,
 It won't come down, O Lawd,
 It won't come down.

C A L L A L O O

Give me, give me a cold [drink] a'water
Before I die, O Lawd,
Before I die.
I don't want no corn bread,
Peas and molasses at supper time
No—at supper time.

Every mail day—mail day
I get a letter,
Son, come home,
O son, son, come home.

How can I go?
Shotguns and pistols
All around me
To blow me down
O Lawd, to blow me down.¹²

In all of the descriptions of Angelo Herndon that appeared after his case had achieved national and international prominence equal to that of the Scottsboro 9, one would be hard-pressed to find him being described as an interpreter or practitioner of chain gang songs. Furthermore, we can hear nothing in this particular tune's expressions of Black neo-slave abjection, despondency, and melancholic familial loss to match the Left's (and Herndon's own) lionizing portrait of the Black radical political prisoner as a self-possessed, fearless, and unconquerable hero of the American working class. Indeed, within his first-hand account of his night with Herndon in Darktown, Joseph North describes the Black Communist as having agreed to give his musical performance in a rather halting fashion (16). However, the fact that Herndon had committed this collectively and anonymously authored refrain of the living dead to memory, and that he did ultimately re-sound it—both to those in the Darktown shack and to the entire *New Masses* readership—signals how this ghostly sorrow song of neo-slavery contained something of great personal, political, and pedagogical significance to Herndon as he sat up, late into the night, facing the horrors of the Georgia chain gang.

To speak of what is commonly referred to as the prison “work song” as carrying such a significant personal, political, and epistemic value might ring unfamiliar given the degree to which this particular Black aesthetic form has most often been cast in pastoralized, infantilized, and utterly racist terms since the folkloric project of John and Alan Lomax brought the prison songs of the Black folk/blues virtuoso Huddie Ledbetter, aka Lead Belly, into White academic and popular cultural arenas at a moment very close to Herndon's arrival on the world stage as a political prisoner.¹³ Moreover, even when the so-called “work song” or “arwhoolie” has been described in laudatory terms, it has often been branded as the very antithesis of the political or epistemological—a liberal romantic racist framing which, at its best, treats of these songs as simplistic documentary transparencies of the early-twentieth-century Black prison experience—and, at worst, as sonic remainders of a premodern, picturesque, and intellectually stunted plantation “Negro”

who met the occasion of prison slavery with a pre-wired “African” disposition to combine arduous *work* with rhythmic *song*.¹⁴

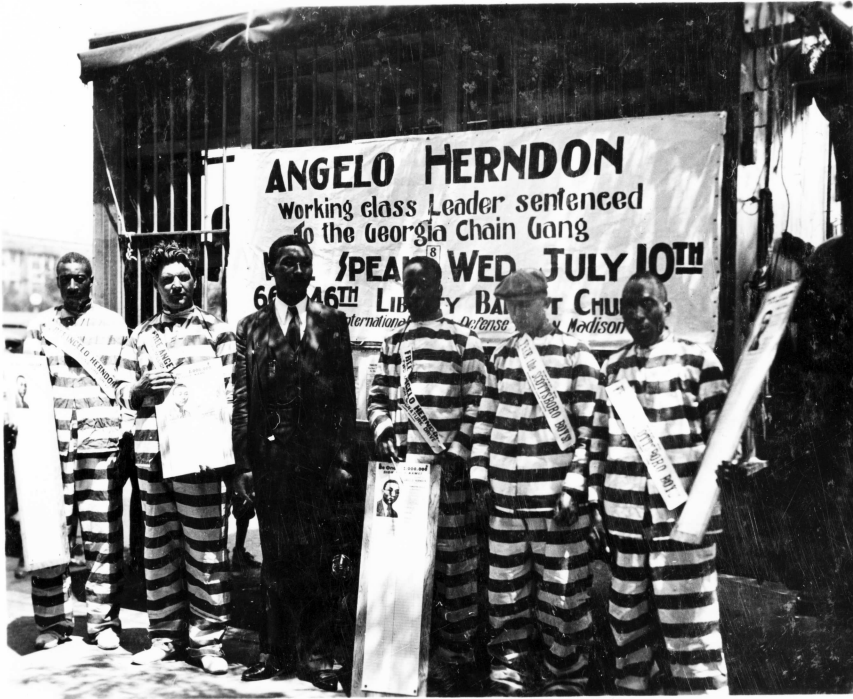
Herndon’s experience of political imprisonment allows him to pierce through this overdetermined regime of racist mis-hearing, however, as he conceives of a deep historical gravity and abolitionist necessity within what has so often been cast as a prosaic, transparent, and apolitical Black vernacular cultural formation. This unheralded semantic reach within the “work song”—or what may properly be termed the Black neo-slave song—is brought into further relief in the epilogue of Herndon’s autobiography, *Let Me Live*, when he recalls first hearing the above-referenced chain gang song while held in punitive isolation in Atlanta’s Fulton Tower Death House:

Suddenly in the stillness of the sleeping prison, *I heard an insinuating voice . . . I started up on my bunk. I thought my heart would stop beating from the excitement which the song awakened in me. There was something remarkable in the singing. It sounded more like a lamentation over the dead and a rebuke to the living than just a song.* (327, emphasis mine)

Compare this assessment of the semantic gravity, political urgency, and apparitional intensity of the postbellum Black prisoner’s sounding of familial dislocation, civil death, and racialized carceral terror in the 1930s, to Frederick Douglass’s characterization of similar sounds he heard echoing through the woods near the “Great House Farm” in Maryland during the early 1840s:

I did not, when a slave, understand the deep meaning of those rude and apparently incoherent songs . . . [t]hey told a tale of woe which was then altogether beyond my feeble comprehension; they were tones loud, long, and deep; they breathed the prayer and complaint of souls boiling over with the bitterest anguish. *Every tone was a testimony against slavery, and a prayer to God for deliverance from chains.* (23-25, emphasis mine)¹⁵

In the case of the plantation slave and the prison slave (and blues artist), aural form is not simply related to narrative content: It is a primary and complex locus of apparitional meaning often less discernible within the legible word than in an audible wheeze, moan, or scream left reverberating in the ear long after the song is done.¹⁶ Note how both Herndon and Douglass refer to an unspeakably important “something” contained within the *sound* and *tone* of the black captive’s song that reached well beyond words. This underground register of captive Black performance served as a modality of attempted self-reclamation for the slave while calling upon any “free” subject within the song’s reach to mobilize against the condition of Black captivity even though she may be removed from the zero degree of that condition. Received in this way, the sonic remains of the living dead of pre- and post-1865 enslavement cannot be approached attentively through lyrical transcription and interpretation alone—namely since so much of what slaves and prison slaves communicated in these songs was necessarily shrouded, indirectly gestured toward, or covertly transmitted so that they might avoid fatal detection while giving utterance to unendurable pain and issuing an (un)heard call for deliverance.



Copy of photograph in possession of Dr. Charles Martin

Scene from Herndon Defense rally and protest, Madison, Wisconsin, 1935. The event was part of the national tour sponsored by the International Labor Defense (ILD), organized to build mass support for the freedom of Herndon and the Scottsboro 9. Herndon (third from left in suit) is joined by five local supporters dressed in chain gang stripes. All are standing in front of a replica of a Georgia chain gang cage—a public installation piece that was hauled by truck to each stop on Herndon’s tour.

Published while Herndon awaited the US Supreme Court’s decision on his writ of habeas corpus pertaining to his chain gang sentence (which he ultimately won by a 5-4 margin in 1937), *Let Me Live* represents a narrative version of the unanswered prayer for life that Douglass heard within the songs of his fellow plantation slaves. It also represents a re-sounding of the lamentation over the civilly dead self that Herndon once heard emanating from the burdened body and soul of one of his fellow prison slaves. Indeed the seemingly straight-forward and past-oriented refrain within the collectively authored chain gang song—*Give me a drink a’water before I die*—takes on a personal immediacy and future-oriented political urgency if we keep in mind the fact that Herndon’s narrative was published as he sat buried within a death row cell in Atlanta awaiting word of whether he would be subjected to what he called the “slow death” of the Georgia chain gang. Along these lines, *Let Me Live* represents a literalized version of what Barbara Christian, in an echo of Alice Walker, once described as the serious stakes involved in her own writing practice: “[W]hat I write and how I write is done in order to save my own life” (61).¹⁷ As

indicated by its foreboding three-word title, Angelo Herndon's autobiography was actually a last-ditch sounding for life on the part of one facing living entombment and premature death within a carceral system that represented a post-emancipation return of terroristic punitive modalities that had originated with the plantation, the barracoon, the coffle, and the slave ship. While Herndon self-consciously crafted his autobiography as a Communist polemic—one that argues for trans-racial working class experiential identity under the ravages of Depression-era US capitalism—his work also contains key moments wherein the theoretical and political theses of Euro-American Marxism reach their explanatory limits in the face of US racial apartheid and neo-slavery. Even as Marxist philosophy and Communist political activism represent indisputably critical aspects of the liberationist call still heard emanating from the pages of *Let Me Live*, the underground historical truths contained in the chain gang song that Herndon first heard in Fulton Tower, and that he performed in a shack in Darktown, Atlanta, represent equally fundamental catalysts of his craft as writer, speaker, and political practitioner. That is, the epistemic and redressive force of the chain gang song and other Black vernacular cultural formations offer a largely unnamable, unheroic, and necessary “something” that Herndon could not retrieve in the works of Marx or Lenin—a philosophy of history or, rather, a ghostly unhistory—that signifies the still unavowed fact that chattel slavery haunted its way into the experiential present of Black people for generations after emancipation.¹⁸

As gestured toward briefly in the opening of this essay, one of the most telling ways in which Herndon articulates this spectral resurfacing of slavery within his own life as a Black radical activist comes through his discussion of the legal means by which he was first disappeared to Fulton Tower in 1932. In a striking example of what Colin Dayan has described as the *sorcery* of US white supremacist law (53, 87), Herndon tells of how he was charged by the Atlanta authorities with “attempting to incite insurrection”—a statutory provision originating from a law passed in 1833 (two years after the Nat Turner uprising in Virginia), allowing for the legalized murder of anyone found to have been involved in organizing slave revolts. Comprising the fourth and fifth sections of what were labeled as “Crimes against the State and People” of antebellum Georgia, the original slave insurrection law read as follows:

Sec. IV. Exciting an insurrection or revolt of slaves, or any attempt by writing, speaking, or otherwise, to excite an insurrection or revolt of slaves, shall be punished with death.

Sec. V. If any person shall bring, introduce, or circulate, or cause to be brought, introduced, or circulated; or aid or assist, or be in any manner, instrumental in bringing, introducing, or circulating within the state any printed or written paper, pamphlet or circular for the purpose of exciting insurrection, revolt, conspiracy or resistance on the part of slaves, Negroes or free persons of color in this state, he shall be guilty of high misdemeanor which is punishable by death. (Prince 622)

Adjusting the law to the designs of early Jim Crow apartheid, the Georgia legislature removed direct reference to “slaves” and “Negroes” from the provision’s wording, re-instituting it as a “color-blind” section of the state’s Black Code in 1866. The new code also carried the added adjustment of allowing for the “merciful” penalty of five to twenty years

in the penitentiary for those convicted of “attempting to incite insurrection” in lieu of the (biological) death penalty. As a direct consequence of his organizing work—particularly among those who issued directly from the *slaves, Negroes or free persons of color* mentioned in the original statute—state prosecutors redeployed the nineteenth-century insurrection code as a means of legally disappearing Herndon just days after he had led a successful campaign in Atlanta for the restoration of unemployment relief to over 1,000 destitute Black and White residents in the summer of 1932.

The state’s reanimation of an ostensibly dead slave code in respect to Herndon’s attempts at organizing Georgia’s peons, tenant farmers, and unemployed laborers underlines the degree to which Blackness represents the condition of possibility for the resuscitation of putatively obsolete modes of legal and extra-legal violence. Indeed, notwithstanding the fact that the insurrection statute would often be described by Herndon and his supporters in the Party and the ILD as a legal anachronism—or a “worm eaten museum piece”—the scenes of racial violence and carceral subjection offered in *Let Me Live* underline how the state’s reintroduction of the insurrection statute with respect to an individual “dangerous Black Red,” was but a spectacular analogue of the overall predicament of legal terror, social imprisonment, and neo-enslavement that Black Southerners had endured since the end of the Civil War (Herndon, Untitled Manuscript).¹⁹ In short, the spectral return of the slave insurrection law in the 1930s signaled the undead nature of the system of legal terror that first brought the law into being in the 1830s.

That the insurrection statute was an exemplar of a quotidian process whereby elemental aspects of pre-1865 slavery were reanimated through the criminal stigmatization of large numbers of “non-political” Black subjects is reflected in Herndon’s experience of chronic arrest before his imprisonment at Fulton Tower in 1932. That is, Herndon had already faced possible chain gang sentences twice during his organizing of Black coal miners in and around Birmingham, Alabama, before his arrest in Atlanta. However, in their repeated political arrests, near-lynchings, torture, and jailings of the radical organizer, the Birmingham authorities would use the more common charge of vagrancy in attempting to stifle his political work. While he knew full well that the charge was a pretext for politicized arrest in his case, Herndon also recognized that the racialized crime of vagrancy—along with those of gambling, petty larceny, breach of contract, loitering, and public drunkenness—were used to legally disappear countless Southern Black people who would never achieve *cause célèbre* status, and who had no political organization such as the ILD working to achieve their freedom. He describes how the disappearance of Black bodies to the chain gang and jail cell represented a lucrative neo-slave trade for public officials in his recollection of the conditions at Atlanta’s Fulton Tower: “Normally only four prisoners occupied a cell. But during the summertime when *the warden did a thriving business*, what with innocent people being sentenced from one to five years for vagrancy and drunkenness, six to eight people were crowded like sardines into a single cell” (Herndon 205).²⁰ In fact, the neo-abolitionist work that Herndon and other members of Atlanta’s Unemployment Council were conducting toward the eradication of that city’s vagrancy statute represented a key reason that he had been identified as a target for legal disappearance. This is represented clearly in the first of a list of six demands the organization submitted to the city of Atlanta just before Herndon’s arrest in 1932: “We had the cheek to demand of them the following: (1) The release of all workers arrested and framed on charges of vagrancy. For the repeal

of the vagrancy law” (Herndon 165). Such a boldface Black abolitionist demand reflects how the state’s ostensibly absurd charge of *slave insurrection* actually contained a backdoor element of truth—that along with advocating for unemployment relief the Council was working for the immediate release of Black neo-slaves from spaces of living death such as the chain gang, the peon camp, and Fulton Tower.

Herndon further elucidates the insidious interchange between the *then* of chattel slavery and the *now* of racialized imprisonment in his account of the conditions he and other Black prisoners faced in Atlanta’s Fulton Tower jail as he awaited his slave insurrection trial and after he was ultimately convicted in *Herndon v. State* (1934). He recalls how he was entombed along with scores of historically anonymous Black men who were also facing chain gang sentences—not as political prisoners—but for the politically overdetermined crime of being born Black in white supremacist America:

There was no toilet in the cell—there was no water to drink—there was only a mattress to sleep on. The lice and the bedbugs crawled over our naked bodies and left a trail of blood wherever, in self-defense, we struck out at them. What I found most unendurable of all was the noxious stench of human excrement. . . . I was locked up in a cell with seven other prisoners. It was hot as an oven. We literally had to sleep on top of one another. (Herndon 200-201)

In a further illustration of what can be described as the gothic resurfacing of the “Middle Passage carceral model”²¹ within putatively modern spaces of racialized imprisonment, Herndon spends the third day of his time at Fulton Tower chained inside his cell laying next to a dead Black prisoner who had succumbed to a treatable illness:

For twenty hours the corpse remained in our cell. I protested its presence to the chief jailer, but he angrily told me to keep my mouth shut. I lay awake at night. . . . [the] body had begun to decompose and its stench was unendurable. The days that followed seemed endless and leaden. I was cooped up like a wild beast in a cage, with a heavy steel chain securely gripping both my legs. (208-209)

However, as in the case of later Black political prisoners such as Assata Shakur, George Jackson, Angela Davis, and Mumia Abu-Jamal, Herndon would use the unendurable situation of imprisoned living death as a prism through which to unveil the structurally unfree nature of Black life outside of official zones of incarceration. In Herndon’s words, this resistive redefinition of the space of carceral subjection meant that he would transmute his prison cell into “a sort of sounding board to the whole country of the struggle of the Negro worker to achieve social and economic equality” (326).²² Notwithstanding his use here of the term “worker” to describe the social position of Southern Black people, Herndon’s recollection of a scene from his time going from one “piece-work” job to another in and around Birmingham, suggests how the Black subject had not achieved full proletarian “free worker” status even after gaining nominal membership in the industrial labor force. He describes being shuttled to a dam construction site in the back of a truck along with an assortment of other Black men and boys he describes not as *workers* but as

“human factory refuse” (49). In spite of the fact that they were enlisted to participate in a project indicative of the state’s movement toward industrial modernization, and the Black population’s entrance into proletarian status, Herndon’s captivity along the banks of the Alabama River analogizes the horrific imbrications of “free labor” and unfree terror for Black people after de jure emancipation:

We worked in the broiling sun. I was perpetually thirsty and somehow it recalled to my mind the stories my mother had told me about the Egyptians who put the Children of Israel to work building the cities of Pison and Ramses, and how they groaned under the lash of the taskmasters. A whole army of company watch dogs (“floor walkers,” we called them) kept guard over us night and day so as to prevent the possibility of our escape. The first night I got into a conversation with some of my tentmates who had been there for several months already. I asked them about their work conditions. They looked scared. One of them leaned toward me . . . [and said] that *the place was just like a prison, that the workers were not getting any pay* and that it was impossible to leave the camp voluntarily. Some men tried to escape on their way to the mess hall but they were caught and beaten up to a pulp. He also told me that some men were caught trying to cross the wooden bridge to the other side of the river but were shot down by the guards. Their bodies fell into the river and they were never seen again. (52, emphasis mine)

Shortly after his realization that he had been disappeared to a de facto prison slave camp, Herndon participates in a mass escape under cover of darkness. With company guards and bloodhounds on their trail, he describes how he escaped across the river along with six of his fellow prisoners:

It must have been after midnight when we stole out of our tents on tiptoe and crawled barefooted through the woods down to the river . . . one of our number in a plaintive voice singing: *Just help me across the river! I’ll make Birmingham all by myself.* (52-53, emphasis mine)

Describing his experience of surviving Lock 18 as a youth of no more than fourteen years of age, Herndon is compelled to call upon—and expand on—a reserve of Black folk/abolitionist epistemology notwithstanding what he describes early on in his autobiography as his wholesale exchange of the “religious abstractions” of Black folk culture for the “rational and scientific” theories of socialism (78, 88). Herndon’s reference to his mother’s stories of the enslaved Israelites, along with his recollection of the modernized spiritual delivered by one of his fellow fugitives as they made their way across the river toward Birmingham, suggest the degree to which the horrific experiences of Black life and (living) death under modern white supremacist domination overflow the explanatory capacities of socialist theories of worker exploitation.²³ This recalls a moment from earlier in his autobiography in which Herndon describes his emotional state after dealing with repeated racist verbal and physical abuse by White customers at his first job in a grocery store—experiences, by the way, that he endures in Ohio well before he ever set foot in the South: *If I knew what it was to be a “worker” I knew even better what it was to be a “nigger”* (20).

While he ends up describing this moment as one of naïve racial melancholia—a beginning stage of emotional despair within a kind of radical proletarian *Bildungsroman* through which his political conversion into Marxism represents a practical, “scientific” endpoint (88)—Herndon’s description of his entombment as political prisoner in the Fulton Tower Death House, and as a de facto prison slave in Lock 18, suggests a quality of haunting astuteness within this moment of ostensibly “unscientific” racial discernment and disillusionment. Lock 18, Fulton Tower, and the other geographies of racial abjection that permeate Herndon’s writings and speeches underline the all-too-real differences between life as an exploited “worker” and (living) death as a dehumanized “nigger.”

With respect to the scene at Lock 18, Herndon’s remembrance of his experiences with neo-slavery suggests how what may have been read as a zone of industrial “free” worker exploitation and Black proletarianization from a Marxist perspective, were actually scenes of re-enslavement and involuntary servitude from the purview of lived “Negro” experience. Except in the case of the Alabama River construction site, the repressively enforced system of privatized prison slavery is carried out under the auspices of a modern industrial operation rather than a “backward” plantation owner.²⁴ Rather than exemplifying the Black Southern subject’s entrance into the category of “industrial worker,” Lock 18 reveals how many ostensibly free Black industrial laborers were treated in a manner akin to official prisoners and peons held within convict lease camps, chain gangs, peon camps, and prison plantations.

Herndon’s experiences of official and “free-world” imprisonment represent individual examples of an overall public/private complex of neo-slavery that subjected an as yet uncalculated number of Black people to natal alienation, unfree labor, excremental internment, sexual violence, coerced performance, and manifold forms of death. In fact, when taken together as one hybridized system of public/private chattelized imprisonment, the South’s official prisons and jails, convict lease camps, chain gangs, peon camps, and historically overlooked zones of industrialized private neo-slavery such as Lock 18 signal the fact that the entire Southern landscape remained a literal open-air prison after emancipation brought what Angela Davis describes as the antebellum “prison of slavery” to apparent de jure closure. Herndon’s elaboration of the ubiquitous quality of formations of neo-slavery in the 1930s disturbs today’s consensus in respect to the current apparatus of industrialized punishment that sites the late-1970s as the birth of mass racialized imprisonment in the United States. In short, Herndon and other Black social and political prisoners experienced the postbellum version of America’s *centuries-old complex of chattelized incarceration* for generations before the arrival of the term “prison industrial complex.”²⁵ Whereas in other sections of his autobiography Herndon implements the orthodox Marxist discourse of economic determinism to argue for the universally exploited position of Black and White workers,²⁶ his articulation of the realities of racialized imprisonment expresses the determining and time altering role of racism within the US social order. Herndon’s recognition of this reality is expressed in the non-mechanical and decidedly Black abolitionist character of his mode of narration in moments of intimate carceral recall such as his escape from Lock 18. In this sense, Herndon’s Black radical narration expresses a similar dynamic as that discussed by Cedric Robinson in respect to Richard Wright, C. L. R. James, W. E. B. Du Bois, and other thinkers who attempted to use socialist thought categories to engage the material and structural force of white supremacy: “[I]t became

necessary [for] them to attempt to bring Marxist theory to bear on a historical phenomenon for which its analytical vocabulary was inadequate" (288).

While, to his credit, Marx did famously point out that "the veiled slavery of wage labourers in Europe needed the unqualified slavery of the New World as its pedestal" (*Capital* 538), his works also reveal what can be called an "evolutionist" tendency in their treatment of chattel slavery as a premodern or "precapitalist" mode of production—a view that emanates from his wholesale circumscription of the institution of slavery within the domain of "economic production." His mode of analysis therefore offers no pathway toward analysis of slavery as *a system of racist cultural, legal, and ontological (re)production* predicated on the cultivation of white supremacy and the obliteration of African social and cultural life through modes of collectivized terrorism, natal alienation, dispossession, and racist ideological violence. Indeed Marx himself reveals the shortcomings of his mode of historical periodization vis-à-vis the historical predicament of the Black (neo)slave when attempting to explain the simultaneous occurrence of chattel slavery and industrial capitalism in the United States in the 1850s: "The fact that we now not only call the plantation owners in America capitalists, but that they are capitalists, is based on *their existence as anomalies* within a world market based on free labour" (*Grundrisse* 513). If Marx viewed the positionality of African slaves (and their masters) as anomalous to the system of industrial capitalism at a moment when US slavery rested at the very core of the modern world economy, then it is no surprise that, for Herndon and other Black Communists organizing and writing in what appeared to be the fully "post" slavery moment of the 1930s and 1940s, the Marxist interpretive framework would have to be augmented by an experientially based mode of Black storytelling and theory-making that sounded the tenacious centrality of supposedly anachronistic modes of terror, economic dispossession, and racist subjection to the construction of American empire.²⁷

Again, my assertion of the syncretic aspects of Herndon's Black radicalism is not meant to diminish the critical role that Marxist theory and practice played in his life and those of thousands of other Black people who either joined the Party or supported it beginning in the 1930s. As suggested above, the critical organizing role played by the CPUSA at the time of the Scottsboro/Herndon cases is undeniable. However, the main campaigns of the Southern CP in the late-1920s and early-1930s illustrate the fact that—irrespective of the problematic top-down aspect of the Comintern's "Black Belt" edict—the theoretical concept of Black self-determination ended up creating a critical opening for the Party's practical organizing activities and theoretical analyses to be dictated *by*, rather than *to*, Black people. The Black radical Marxism of Herndon, William Patterson, Louise Thompson Patterson, Claudia Jones, Harry Haywood, B. D. Amis, and others produced an "epistemic break" from Marxist orthodoxy even as it often espoused the strident economic determinism of their era.²⁸ This situated mode of analysis exposed how white racism had infused the US social structure as its very base—and how this sedimentation of racist ideology had inflicted devastatingly material violence on the bodies of those belonging to a yet-to-be-free Black population. Indeed for Herndon and many other members of the Black Left, the real-world consequences of white supremacy as unleashed on both sides of the Mason-Dixon line made the concept of Black "self-determination" a matter of life and death praxis more so than a politically expedient theory (the Party officially abandoned the Black Belt thesis in 1935). Here what I am gesturing toward is how the CPUSA's Depression-era avowal of

Black self-determination actually helped to catalyze relatively autonomous Black revolutionary voices that dialectically pushed the boundaries of the Communist mode of social theorization to (and beyond) its limits vis-à-vis the materiality of race and the centrality of slavery within the US social order.²⁹

Legal Lynching, Black Neo-abolitionism

No moment within *Let Me Live* captures the modernity of supposedly obsolete modes of punishment and terror to American social life than Herndon's account of a lynching that occurred in rural Georgia in 1918. The story appears after Herndon's recollection of a series of Scottsboro-like stories in which Black men were lynched upon facing the time-honored accusation that they had raped a White woman. Herndon tells how he retrieved this particular lynching story in a back issue of the *Crisis*. In its unspeakability the story is suggestive of what Ida B. Wells had already argued at the turn of the twentieth century—that the right to dehumanize, kill, and torture Black people is often invoked on the slightest provocation; or, rather, that the only catalyst often required for the exercise of the right to kill Black people in apartheid America is the Blackness of the subject to be murdered. The story Herndon recalls is that of Hayes and Mary Turner, a sharecropping family who, like so many other Black families, were systematically robbed of their crop and placed in a situation of indebted servitude. After demanding that his landlord supply him the agreed upon share of the crop he and his wife had produced for 1918, Hayes's landlord threatened him with physical violence. Herndon describes the events that ensued after Hayes fled his home in fear of his life:

[His] landlord quickly organized a posse of hooligans and the most disreputable elements in the community gave chase to the runaway. The posse, *led by the County Sheriff*, caught up with Hayes Turner at the fork of the road near Barney. They strung him to a tree at the wayside where he hung for two days.

Herndon then revisits what happened to Mary Turner once she spoke of her intention of having her husband's murderers arrested:

When the lynch mob heard of her determination they decided they were going to teach her a lesson for such presumption. Although she was on the eight month of her pregnancy, they strung her from a tree and broke her neck. They hanged her by her feet and poured gasoline over her. As she burned . . . one maniac, wielding a hog-splitting knife, ripped her belly open and the little infant fell out. One of the lynchers stomped the infant with his hobnailed shoes into the earth. (68)³⁰

This moment casts a pall over Herndon's entire autobiography. And, significantly, it occurs at the moment in the text just before Herndon decides to become a member of the

Communist Party—timing that indicates the degree to which the Party offered Herndon and others subjected to such atrocities a viable political mechanism through which to channel personal rage into collective, grassroots organizing. However, this moment also represents an unspeakable antithesis to other aforementioned segments of the text in which Herndon evokes the universalizing discourse of economic determinism to argue for the substantively identical position of the White and Black worker in Southern society. As such, the lynching scene again forces us to confront the irrefutable differences between the capitalist state's sovereign right to exploit and dispossess *the worker*, and the white supremacist state's necropolitical right to kill, dehumanize, and desecrate *the nigger*. Moreover, Herndon's reference to the "posse of hooligans" who took part in the ritualized murder of the Turners illustrates how the prospects for White-Black political unification in the United States have been repeatedly outflanked by a more sedimented brand of national "worker solidarity" in the form of white supremacist ontology (Robinson 29-70; Wynter 216; Roediger). In its all-too-real violent manifestations on the bodies of Black people, this mode of collective, inter-class, White self-identification and cultural reproduction unveils the problematic nature of the orthodox Marxist contention that racism is simply a mode of "false consciousness." Functioning in a manner akin to the "blood-stained gate" in Frederick Douglass's 1845 narrative, the lynching of the Turners focalizes the degree to which spectacular forms of racist terror continued to function as quotidian and hyper-material facts of Black life and death in the Depression era. It also highlights the way in which what Sylvia Wynter describes as *ontological subordination* remained the constant companion of economic exploitation for the racially branded subject even after she had assumed precarious membership within the category of "free worker" ("On Disenchanting Discourse" 216).

However, Herndon's inclusion of the fact that the county sheriff participated as the "leader" of the Turner lynch mob signifies how this extra-legal spectacle represented more than an exceptional brand of private racial sadism. From Herndon's perspective, as one who faced political entombment within the Fulton Tower Death House—and who would eventually escape living/premature death on the chain gang—*extra-legal lynching* was a horrifying private consort and methodological foundation for what, by the time of his arrest in Atlanta in 1932, was the equally horrifying practice of legally sanctioned racial murder behind prison/jail walls. Rather than referring to this regime of publicly administered killing as "capital punishment," Herndon and other Black Communists such as William Patterson, B. D. Amis, and Harry Haywood (following Ida B. Wells a half-century earlier) de-euphemized the state's race-neutral terminology by describing this formation of mass death as *legal lynching*.³¹ Indeed by the time of his entombment in Fulton Tower's Death Row, Black people were being murdered by the state at over four times the annual rate (just over 800) that they were being lynched at the hands of private citizens (just under 200)—representing an almost exact inversion of the same statistics from the late 1890s when recorded private lynchings reached their all-time high.³²

That the drop in extra-legal lynchings was matched nearly body for body by a sharp increase in recorded legal murders of criminally stigmatized Black persons represents the degree to which the very white supremacist animus that informed the savage killing of the Turners in 1918 had completely infused the supposedly disinterested operation of the law by the time the call to save Herndon from the living death of the chain gang, and the



Officially recorded extra-legal and legal lynchings (state-inflicted executions) of Black people from the 1880s to the 1950s in the United States. Data courtesy of James Clarke. Graph reproduction courtesy of Jerry Barnes.

Scottsboro 9 from the biological death of the electric chair, became international rallying cries of the CPUSA in the early-1930s. Furthermore, the fatal convergence and cross-fertilization of extra-legal and legal terror from “Redemption” through the Depression (and beyond) indicate the degree to which Herndon’s political imprisonment occurred at a moment when the disruptive punitive methodologies of chattel slavery had completed a relative and always unfinished migration from the realm of plantation / customary law—as enacted by masters, overseers, patrollers, and private (White) citizen mobs—to the domain of penal/juridical law—as embodied by wardens, guards, sheriffs, judges, district attorneys, governors and other publically declared officers of the white supremacist state.

Herndon demonstrates this deadly articulation of private and public race terror in *Let Me Live* by setting up a parallel structure whereby nearly every moment of spectacular private racial violence such as the Turner lynching is mirrored by a description of the banal public terror enacted by racist courthouses, chain gangs, peon camps, prisons, and those whom he describes as “police-lynchers” (165). While he does offer an extensive discussion of the most famous case of would-be legal lynching contemporaneous to his own—that of the Scottsboro 9—he also introduces the cases of Black prisoners who never became cause *célèbres* for the American Left such as Richard Morris, Mose White, and Richard Simms. Herndon recalls sharing his death row cell with these three Atlanta teenagers before they were electrocuted by the state of Georgia in 1933. When one of the three soon-to-be legally

murdered boys, whose ages ranged from fifteen to seventeen, expressed confidence that legal “due process” would ultimately absolve them of the charge of being accessories to the murder of a White business owner in Atlanta, Herndon assumed the role of imprisoned political mentor: “Almost wearily I told him that he and the other two boys must not forget for one moment who they were. ‘You are Negroes and no Negro can expect justice from the white lynch courts’” (255). What Herndon’s aforementioned descriptions of mass racialized entombment and racist policing clearly underline, however, is that the death penalty in the case of Morris, White, and Simms was emblematic of an overall system of legalized terror endured by masses of Black people on the prison plantation, the chain gang, and the police-occupied domains of the “free world”—a murderous social structure in which the neo-slave’s experience of staying “alive” often amounted to an unendurable approximation of biological death.³³ In other words, from his experientially informed neo-abolitionist perspective, racialized imprisonment represented a state of *living execution* for which the chain gang was the ultimate, horrifying, emblem:

The months lengthened into years; the seasons came and went, and I began to lose all sense of time. Prisoners kept coming . . . Each new arrival told horrible and shameful stories of the chain gang for which I was headed. It was a dying by degrees, a slow nightmarish death that awaited me. (Herndon 269)³⁴

While the ILD political strategy of “mass pressure” ultimately liberated Herndon from Fulton Tower and allowed him to escape living and premature death on the Georgia chain gang, the Black radical maintained that his own individual freedom as a cause *célèbre* would be meaningless if mass pressure was not brought to bear on the overall system of terror, legal lynching, and neo-slavery that continued to lay waste to countless Black people well after he walked out of Fulton Tower as a triumphant hero of the American Left.³⁵

The Negro people, oppressed and enslaved as they are, will not remain silent and indifferent to such outrages. The Negro people have already shown that they are willing to die in defense of their rights. They will unite with the white workers, will show the ruling class that they will fight not only until Angelo Herndon is free, but until the very jails and chain gangs and the whole system of oppression and robbery are done away with. (Herndon 405)

In this respect, Herndon’s *Let Me Live* represents a Black radical prison abolitionist sounding that echoes through the works of later Black radical political prisoners such as Angela Davis in *If They Come in the Morning* (1971), in which Davis attempted to de-exceptionalize the plight of the overtly “political” Black prisoner:

One of the central theses of the book would be the need to reevaluate the traditional notion of “political prisoner,” as a result of the intensification of racism. Aside from the scores of men and women in prison because of their political beliefs and activities, there were many thousands more who had been framed or had received disproportionately long sentences for the sole reason that they were Black or Brown. (*Autobiography* 305)

Insofar as they moved from focusing simply on the plight of a particular cause *célèbre* to organizing around the *cause quotidienne* of collective Black political and social imprisonment, the experientially informed theoretical interventions of Herndon would lay the groundwork for modern narratives of neo-slavery and neo-abolitionism from the post World War II era through our current moment of mass incarceration and legally justified murder of Black people. Specifically, Herndon's abolitionism, Black Communism, and proto-Black nationalism helped initiate a shift from a liberal politics based on the identification of particular cases of "justice gone wrong" to a radical theorization of the ways in which racist policing and anti-Black jurisprudence constitute a structure of state criminality.³⁶ Indeed, Herndon's analysis of the non-exceptional aspect of his own case would end up resurfacing in the writing of fellow Black communist William Patterson, ahead of the latter's levying of the charge of genocide against the United States at the United Nations in 1951. After he initiated a study which found that Black people represented an overwhelming majority of the prison population in Virginia and other Southern states, Patterson had this to say: "State prisons in the South [are] really reservations, concentration camps for Black political prisoners. Millions of Black Americans are aware that when they leave home in the morning they may not return at night" (167).³⁷ This Black radical reckoning with the murderous and terroristic system of Southern "law and order" in the mid-twentieth century rings like a melancholic prophesy of our current national predicament of legal lynching and mass imprisonment from Sanford (FL), to Ferguson (MO), to Chicago (IL), to Cleveland (OH), to Baltimore (MD), to Staten Island (NY), to Waller County (TX), to North Charleston (SC), to St. Paul (MN), to Tulsa (OK), to San Diego (CA), to seemingly every other city and town in the United States.³⁸

Insofar as *Let Me Live* continues to re-sound charges of neo-slavery and legal lynching against the United States carceral state from the margins of the African American literary corpus in general, and the literary category of the neo-slave narrative in particular, it works in a manner similar to the prison slave song Herndon once picked up from an anonymous chain gang survivor in the all-Black death row of Atlanta's Fulton Tower jail on a night in 1934. It represents a haunting *lamentation* over an incalculable number of Black people who have been murdered outright by the white supremacist state since its inception as a genocidal colony of the British empire. It also represents an *insinuating voice of rebuke* to all those who would unhear the prison abolitionist call of "let me live" being issued at this very moment by over 2.3 million human beings currently entombed within United States prisons, jails, immigrant detention centers, and military prisons—formations of neo-slavery, racial capitalist internment, (neo)colonial repression, and mass living death situated in the South, the North, and worldwide.

NOTES

1. One example of the sort of support that Herndon received from around the world came in the form of a letter from Antonio Pichardo, General Secretary of the Young Communist League of Mexico, which read in part: "The entire Mexican youth will show that it knows how to raise the banner of struggle for your freedom . . . we promise you that you shall be freed by the strength of the youth movement of the United States, of the Caribbean and of South America and the entire world, that you shall be freed from your cell by the powerful struggle of the youth, white and Negro, Mestizo and

Indian, of all the colonial and semi-colonial countries.” Pichardo to Herndon, November 22, 1935. *Angelo Herndon Papers*, The Schomburg Center for Research in Black Culture, Harlem, NY. These words from Mexico City would prove prophetic, as Herndon was ultimately released on habeas corpus petition in a 5-4 Supreme Court Ruling in 1937. As in the case of Angela Davis nearly four decades later, Herndon’s freedom could not have been achieved without the internationalization of his case that was led by Black radical leaders such as William Patterson, who headed the CPUSA’s International Labor Defense (ILD). In fact, Patterson’s comrade and wife, Louise Thompson Patterson, served as chair of the New York Committee to Free Angela Davis over three decades after Herndon’s case (Gore 152).

2. With the term “Black Marxist” I am referring to the late Cedric Robinson’s seminal work, *Black Marxism*, in which he uses the term “racial capitalism” to highlight the materiality of race under slavery, colonialism, and Euro-American imperialism. In Robinson’s estimation, theorization of white supremacy as a material and structural phenomenon is not available within prevailing Marxist analyses that treat race as simply a “superstructural” outcome of economic relations, or a modality of “false consciousness.” In this light, the “Black” side of Robinson’s term *Black Marxist* refers to a mode of radical epistemology in its own right, not simply a mode of biological being.
3. See Rodríguez and Childs for works that join those of Joy James in centering the autobiographical and political writings of prisoners as engagements with US neo-slavery. For studies of the neo-slave narrative genre that consider the more commonly understood neo-slave narratives including the fictional works of authors such as Jones, Morrison, Butler, Ishmael Reed, and Sherley Anne Williams, see Bell, Rushdy, Rody, Mitchell, and Keizer. See Ross for a comparative treatment of *Let Me Live* as a generic fusion of the slave narrative, anti-Jim Crow “uplift autobiography,” and the Communist proletarian narrative. Since *Let Me Live* has been most often recognized as a Party-oriented proletarian narrative, I will not rehearse the many examples of what can be described as the narrative’s evocation of doctrinaire Marxism—namely in terms of economic determinism and notions of identity between White and Black “workers.” See note 29 for specific examples of this tendency. With this essay, I am interested in uncovering what has been lost in the presumptive reading of Herndon’s work as merely derivative of Euro-American Marxism—namely its immersion in forms of Black abolitionist narration and its largely untold identity as a progenitor of modern radical prison narratives. In what follows I pay particular attention to the moments in this ostensibly rigid, polemical text when Herndon’s Communist mode of narration gives way to a vernacular of Black abolition—and how this expressive shift tends to occur in moments of intensive racial terrorism and prison torture.
4. See Kelley, *Hammer*. See also, Painter, and Solomon (112-28). For studies of the central role of Black women in the CPUSA and other radical formations see Harris, Gore, and Davies.
5. In terms of debunking the myth that Black radicalism was a matter of a collective duping of a naïve Black Southern population by a “White” theory, it is important to note that Heywood Hall (Harry Haywood), a Black Communist and former member of the African Blood Brotherhood (ABB), was one of the crafters (along with a Soviet Communist named Charles Nasonov) of what became known as the “Black Belt thesis” at the Sixth Congress of the Comintern, in 1928 (Solomon 68-81; Robinson 218-27). However, as Cedric Robinson points out, the practical grounding of US Black nationalism far predated the Party’s call for Black self-determination: “in the background were [Marcus Garvey’s] UNIA and the [African Blood] Brotherhood. They had established the political and ideological preconditions for the party’s policies and its successes. It was the UNIA that had embodied the Black radical tradition and primed the Black masses with a sense of nationhood” (227).
6. See Du Bois for discussion of the centrality of Black abolitionist practice to the North winning the Civil War—how at the point when Lincoln was desperate for more soldiers, “the only additional troops that the North could depend on were 200,000 Negroes, for without them, as Lincoln said, the North could not have won the war” (80). For a more recent study that exchanges the Lincoln-as-Great-Emancipator myth for consideration of the pivotal role that Black people played in their own emancipation, see Berlin.
7. For an incisive discussion of the degree to which the current prison industrial complex amounts to a formation of racial genocide, see Rodríguez. The term “sounding” in reference to Black music and literature is borrowed from Baker.
8. See Kelley, *Hammer* and “Comrades.” For an example of the problematic treatment of Herndon as a naïve racial totem of the Party see Griffiths 615-36. For Griffiths, Herndon represented little more than a “posturing martyr” and a dishonest “provocateur”—a myopic assessment that allows him to treat *Let Me Live* as a polemical, derivative, and “ cliché-ridden” template for the fictional works of Wright and Ellison. While I find some of the connections that Griffiths draws between Herndon’s biography and Ellison’s and Wright’s writings to be intriguing, his piece completely elides the narrative and theoretical complexity of *Let Me Live*. For an assessment of the complexity of *Let Me*

Live as it relates specifically to literary genre, see Ross. And for a discussion of the ways in which Herndon's narrative poses a fundamental challenge to liberal interpretations of Constitutional law vis-à-vis the Herndon case and in respect to the US racial order in general, see Thomas.

9. As I will discuss in more detail, Herndon was convicted in January 1933 of "attempting to incite insurrection" against the state of Georgia—a statutory offense that originated with a law passed in the state in 1833 in respect to "slaves, Negroes, or free persons of color" accused of leading slave insurrections. *Herndon v. State*, 174 S.E. 597 (Ga. 1934). He would be sentenced to eighteen to twenty years on the chain gang. In establishing its case, the state presented evidence that Herndon had attempted to foment rebellion toward the end of establishing what the prosecuting attorney referred to in open court as a "nigger Soviet Republic in the Black Belt" (*Let Me Live* 228). Rather than presenting any evidence of Herndon's participation in any actual plans of armed rebellion, the state based its case on his purported revolutionary intentions as expressed in his membership in the Communist Party. It also pointed to his possession and reputed dissemination of incendiary literature including Unemployment council pamphlets, copies of the CP newspapers, the *Daily Worker* and the *Southern Worker*, and books such as George Padmore's *The Life and Struggles of Negro Toilers*, and Bishop William Montgomery Brown's *Communism and Christianity*. As Herndon lawyers Benjamin Davis, Jr. and John Greer pointed out, the case was clearly a political one given that the Communist Party was a legally established political organization in the state of Georgia in the early 1930s, and that Herndon had committed no acts that could any reasonable way be interpreted as insurrectionary (at least from a purely legal perspective). Through the organizing efforts of the ILD, and his own activist work both within the Atlanta Fulton Tower jail and while on bail, Herndon would appeal his original chain gang sentence at both the state and federal level, finally winning his freedom on a writ of habeas corpus petition in a 5-4 US Supreme Court vote in 1937. For the state Supreme Court case see, *Herndon v. Georgia*, No. 9871. For the US Supreme Court cases (his petition was denied on the basis of a technicality in the 1935 case), see *Herndon v. Georgia*, 295 U.S. 441 (1935), and *Herndon v. Lowry*, 301 U.S. 242 (1937). For more on this legal history see Thomas, Martin, and Herndon (193-407).
10. Equating to nearly \$260,000 in today's inflation-adjusted dollars, Herndon's \$15,000 bail was raised in less than twenty-three days. The successful bail drive represented a real victory for the ILD and a critically important opportunity for Herndon to address the public both in relation to his case and to that of the Scottsboro 9. For more on the ILD's handling of the Herndon case, as well as that of the Scottsboro 9, see Martin. The details presented here relative to the night in Darktown, Atlanta, derive from North (15-16).
11. John Spivak opens his article "You Cannot Kill the Working Class" by referencing the knowledge he gained from witnessing neo-slavery first-hand: "I know Georgia chain-gangs. And I know just how vicious the officials of the state of Georgia can be. The 18-20 year sentence which they gave Angelo Herndon . . . means only one thing. It means a death sentence" (3). The muckraking journalist was in a perfect position to speak in such detail regarding the murderous aspects of the Georgia chain gang given the fact that his exposé of this formation of US prison slavery, *Georgia Nigger* (1932), was published the same year as Herndon's conviction on charges of neo-slave insurrection.
12. This transcription is drawn from Herndon's recollection of his first introduction to the song in Fulton Tower's death row (Herndon 327-28). North supplies a slightly different transcription of Herndon's own performative version of the song in "Herndon is Back in Atlanta." The song represents a south-eastern variation of a song attributed to Huddie Ledbetter (of unknown original authorship) called "Take This Hammer," that contains the lines: "I don't want no cornbread and molasses / It hurts my pride." Asch Records 101, SC-102, New York City, 1942. However in the Lead Belly version the song's speaker ends on a note of militancy by announcing his plans to escape from the chain gang.
13. See John Lomax and Scarborough. Notwithstanding his now largely recognized status as one of the most important folk/blues virtuosos in US history, Lead Belly was exhibited by the Lomaxes in Northern academic and media culture as an embodiment of what Sylvia Wynter describes as the "Sambo/Nat [Turner] dichotomy"—as one part subservient plantation "darkey" and one part monstrous "Negro criminal." See Wynter, "Sambos." For a visual example of the Lomaxes' racist exhibition of Lead Belly to Northern White audiences, and the degree to which the white folkloric narrative of Black vernacular "discovery" pastoralized the scene of neo-slavery, see the *March of Time* newsreel, "Leadbelly," Vol. 1, Episode 2, March 8, 1935. As indicated in the newsreel, Lead Belly would end up working not only as an exotic musical showpiece for the Lomaxes, but as driver, cook, shoe-shine "boy," laundry-man, and butler for a \$1 per week "allowance"—an exploitative and dehumanizing servant positionality that limns the coercive dimensions of the Lomaxian folkloric method. On the violent nature of the White pastoralizing gaze relative to domains of enslavement see Hartman 52-53.

14. For analysis of this dynamic, see Hartman 52. Alan Lomax supplies one of the clearest representations of the liberal romantic racist portrayal of the so-called “work song” in the book version of *The Land Where the Blues Began* in which the White liberal/Leftist folklorist describes the form as “an African survival”—as a vestige of “Black Africa [where] there had never been either wheeled vehicles or animal transport. Thus from the glory days of Timbuktu to the time of Stanley and Livingstone, long lines of Black porters had conquered the savannahs and breached the jungles on foot with burdens on their backs” (154). Not only does the work song represent a refabrication of a natural “African” association of labor and song, but its performative dimensions register the “Negro’s” capacity to transmute intense labor into sexual pleasure: “Rocking [back and forth during work] seems to be, first and foremost a way to move heavy loads. That this movement also mimes sexual intercourse endows rocking with pleasurable associations. In a word, it is at the core of African cultural survival” (155). Here the collectivized terror, subjection, and rupture that informed the production of the neo-slave “work song” is submerged under Lomax’s primitivist, psycho-sexual, and pastoralizing gaze.
15. For important discussions of the “opacity” of Black sound within zones of Caribbean and US enslavement see Glissant 120-33; Hartman 17-48. In Hartman (following Glissant), recognition of opacity defies liberal white supremacist claims to semantic transparency and intellectual simplicity within sonic articulations of the Black captive. As Hartman notes: “this opacity, the subterranean and veiled character of slave song must be considered in relation to the dominative imposition of transparency and the degrading hypervisibility of the enslaved” (36). In my usage opacity does not imply unintelligibility. Indeed the abolitionist urgency of Herndon’s chain gang song is clear even at the level of its lyrics. However, when Herndon speaks of hearing a “lamentation over the dead” and “rebuke to the living” within the tonal contours of his fellow prisoner’s seemingly straight-forward chain gang song about individual, familial separation, we confront the fact that one’s position in the relative “free world” necessarily forecloses one’s ability to achieve full reckoning with the song’s *experiential level of meaning*. What is at stake here is the political import of recognizing that the complete range of Black captive experience as expressed in the register of captive sonic performance—or what Douglass describes as the slave song’s *testimonial tonality*—is necessarily unavailable, unknowable, and recessed for the un-enslaved even as “free” subjects take on the vitally necessary task of hearing what these (neo)slave songs still have to say.

The intimate relationship between Herndon and Douglass, and by extension between *Let Me Live* and the slave narrative in general is also registered in the fact that, as in the case of Douglass, Jacobs, and many other former slaves, White reviewers immediately called into the question Herndon’s authorship of his own autobiography upon its release. In a letter that he addressed to the editor of the *New York Herald Tribune*, Herndon included a section of such a review by a White reporter named Rose Feld: “Although [*Let Me Live*] has come out as [Herndon’s] autobiography, it is clear that, while the material is his, the writing was done by another hand. . . . this detracts from the integrity of the volume for the reader realizes that no man, white or colored, whose education stopped at 13 could produce such a polished exposition and narrative.” Herndon responds by stating: “What I would like to ask of Miss Feld is whether she knows it to be a fact that I have not written my book or whether she just surmised it through the process of mystical intuition. If she knows it to be a fact will she be good enough to tell me who wrote my book? If she will name my ghost then I shall be obliged to consider myself non-existent and my book a fantastic fiction which my imaginative and enterprising publishers are trying to foist upon a gullible public.” Tellingly, Herndon goes on to cite the iconic story of Douglass’s acquisition of literacy without the benefit of formal education; his use of literacy as a means of freedom; his rise to intellectual preeminence as a leader of the abolition movement; and his role as editor of the *North Star*, to assert authorship of his twentieth century neo-slave narrative. Angelo Herndon to Irita Van Doren, March 15, 1937, *Angelo Herndon Papers*, The Schomburg Center for Research in Black Culture, Harlem, NY.

16. “Since speech was forbidden, slaves camouflaged the word under the provocative intensity of the scream. No one could translate the meaning of what seemed to be nothing but a shout. It was taken to be nothing but the call of a wild animal. This is how the disposed man organized his speech by weaving into the apparently meaningless texture of extreme noise” (Glissant 124). Nathaniel Mackey expresses a similar reading of the limitless texture of subterranean meaning within the sonic register of blues: “One of the reasons the music so often goes over into nonspeech—moaning, humming, shouts, nonsense lyrics [is] that the realm of conventionally articulate speech is not sufficient for saying what needs to be said” (86).
17. Herndon’s Black radical prison autobiography represents one of the first examples of a Black prison narrative that played a central role in a campaign to liberate its writer/editor, most of which are associated with the Movement Era. See, for instance, George Jackson’s *Soledad Brother* (1970), and

Angela Davis's (with Bettina Aptheker) collection of her own writings and those of other Black political prisoners, *If They Come in the Morning* (1971).

18. For a brilliant reading of the degree to which haunting operates as a material and social force within racial capitalist patriarchal America and other domains of state criminality, see Gordon. See also Toni Morrison's *Beloved*, which uses the term "rememory" in reference to the haunted experience of Sethe, Paul D, and other characters, suggesting the undead nature of chattel slavery within the context of de jure freedom. For discussion of how the chain gang scene in Morrison's novel suggests how rememory goes much deeper than the realm of survivor psychology—that chattel slavery haunted its way into the experience of Black freedom at the level of penal practice and other forms of racial capitalist violence from 1865 to the prison industrial complex, see Childs 25-56. On the ways in which performance represents a modality of embodied redress for the enslaved, see Hartman 17-48.
19. For studies chronicling the Black subject's transition into prison slavery, or "involuntary servitude," following de jure emancipation, see Davis, "From the Prison of Slavery" 74-95; Lichtenstein 185; Oshinsky; Fierce; Mancini; and Blackmon. Notwithstanding its critical import, Blackmon's important study unfortunately joins many historiographies of the post-emancipation turn to Black "convict labor" in exceptionalizing neo-slavery as geographically limited to the Southern US and temporally restricted to moments before WWII.
20. For a discussion of the way in which Black imprisonment represented a lucrative public/private trade see, Wilson 541; Du Bois 698; Oshinsky; Blackmon; and Childs.
21. In *Slaves of the State*, I use this term to describe the dubious resurfacing of chattel slavery formations of punishment and imprisonment within the context of emancipation, namely within spaces such as the chain gang, peon camp, prison plantation, and penitentiary.
22. In her Black radical neo-slave narrative Assata Shakur joins many other Movement Era Black radical thinkers in expressing the degree to which official imprisonment is the zero degree of a generalized structure of social imprisonment for Black people in the United States: "The only difference between here [the prison] and the streets is that one is maximum security and the other is minimum security. The police patrol our communities just like guards patrol here. I don't have the faintest idea how it feels to be free" (60).
23. See Hartman; Robinson; Fanon; and Wynter. For Wynter, the social and philosophical conjuration of the "Negro" or "nigger" as zero-degree signifier of metaphysical (no)thingness and atavism registers the material and structural nature of white supremacy. She argues that "whilst Marxism's theory of economic subordination provided a dazzling set of explanatory hypotheses" for the Euro-American Left and members of the Black intelligentsia, it does not serve as comprehensive enough of an analytic for full-fledged encounter with the wholesale "ontological subordination" produced under slavery and colonialism ("On Disenchanting Discourse" 216).
24. For an excellent discussion of how the chain gang and other forms of neo-slavery represented a central component of the South's transition into industrial modernity rather than a social/legal anachronism based solely on agrarian unfree labor, see Lichtenstein.
25. The inclusion of Lock 18 and other zones of official and de facto peonage in the analysis of postbellum prison slavery drastically alters our conception of the genesis of mass imprisonment in the United States (remembering of course that pre-1865 chattel slavery represented the original prison industrial complex of the Western hemisphere).
26. One example of this universalizing language actually appears as Herndon recalls attending his first Unemployment Council meeting in Birmingham. He gives a transcription of a speech by the Council's lead organizer Frank Williams, in which Williams details the oppressed position of Black people as victims of racial terrorism while simultaneously attempting to convince the White workers in attendance of the "sameness" of their position relative to "the Negro": "The bosses tell the white workers that they are superior to Negroes, but can't you see that your conditions are the same as those of the Negro people? Thousands of white workers are today unemployed and suffering just as the Negro." Herndon expresses a similar sentiment in the same section of the autobiography: "In fact, the same vicious interests that were oppressing Negro workers were doing the same thing to white workers . . ." (76, 79). Herndon offers another example of Black-White worker identification later in the text when describing his attendance at a Convention of the Party's Unemployment Councils in Chicago: "the color line was ignored, indeed forgotten" among "the White and Negro workers" in attendance (95).
27. See Childs for discussion of the degree to which, as an economic, political, legal, ideological, cultural, and carceral system, chattel slavery would secrete across the fabled border of 1865 in the form of regional and national white supremacist systems of neo-slavery such as convict leasing, peonage, chain gangs, prison plantations, and penitentiaries. See also Davis, "From the Prison"; Fierce; Lichtenstein; Oshinsky; Blackmon; Hartman; and Rodríguez.

28. I am indebted to VèVè Clark for introducing me to Gaston Bachelard's concept of the "epistemic break."
29. The possibilities represented by the epistemic interventions of Black radicals such as Herndon, Jones, William and Louise Patterson, and Amis would not be fully realized by the Party namely given the fact it ultimately de-stressed campaigns of racial justice and dropped the self-determination thesis in respect to Black people in the US by 1935, advocating a "popular front" against fascism (though the theory would be briefly revived by certain members of the CPUSA leadership in the 1940s and 1950s) (Allen 223; Kelley, *Freedom* 50; Robinson 227). I wish to be clear here that in positing the import of the concept of self-determination to members of the Black Left I am not claiming that there was a universal avowal of the "Black Belt thesis"—or a unanimous desire for a Black nation state within the boundaries of the US. What I am attempting to indicate is the degree to which the concept of "self-determination" bore collective resonance for those whose relative stateless status—both before and after the winning of de jure of citizenship—has been at the very fulcrum of white supremacist nationalism and free White sociality from the inception of the US as a liberal slavocracy. In other words, the idea of being able to determine one's existence both at an individual and collective level would have staying power for members of a people whose very lives were jeopardized by the fact of being born. That organizations such as Malcolm X's Organization of Afro-American Unity (OAAU), the Black Panther Party (BPP), the Republic of New Africa (RNA), and the Black Liberation Army (BLA) would take up this pillar of Black nationalism in the decades following World War II is clear indication of the concept's centrality within Black radical thought.

I wish to be clear however that the Black Left's epistemic break with Marxist theory is not reducible to the issue of self-determination or the "nation within a nation" thesis. The works of Herndon and other Black radical thinkers exemplify how Black radical thought extended beyond the epistemic capacities of Euro- and White American Marxism on a number of key theoretical points such as the materiality of race and the centrality of slavery as a modern, rather than pre-capitalist mode of production. Another clear example of the Black Marxist break with Euro-American Marxism lies within the thinking of William Patterson, one of the most important Black leaders in the CPUSA. Although he remained a member of the Party through the end of his life, his theorization of US social relations took for granted the material and structural nature of racism. Through his decades of organizing around cases of legal/extra-legal lynching and Black mass imprisonment he would ultimately come up with the term "white capitalism" to describe US social relations—a term that prefigures Cedric Robinson's term "racial capitalism"—both of which stress the structural nature of white racist ideology and practice. See William Patterson, *The Man Who Cried Genocide* 165. See also Patterson's historical petition to the United Nations charging the US with the crime of racial genocide against Black people, *We Charge Genocide*.

30. While I am ever mindful of the dangers associated with the reproduction of such moments of sadistic spectacular violence—namely in respect to what Hartman describes as their tendency to disappear and/or normalize more quotidian operations of racial terror—I have chosen to unearth the Turners' lynching to suggest the fundamentally banal nature of spectacular violence as it was/is waged against the unfree postbellum Black subject within the racial capitalist misogynist state; and, more importantly, I do so in order to foreground Herndon's theoretical articulation of the degree to which such horrific scenes were rendered even more tenacious and socially acceptable when performed under the guise of "law and order." For Hartman's discussion of the fraught nature of narrative reproductions of the spectacle of racial violence, see *Scenes of Subjection* 3-4.
31. Though the term "legal lynching" had been deployed previous to the Scottsboro-Herndon era as a metaphorical rallying cry in the criminal syndicalism cases of White Communist and anarchist radicals in the northern US such as Tom Mooney, Ferdinando Sacco, and Bartolomeo Vanzetti, it had always been grounded in the material practices of extra-legal terror against the Black body in the southern US (Hill 112-61). The Black Communist application of the discourse of legal lynching to the cases of Herndon, the Scottsboro 9, Willie McGhee, the Martinsville 7, and others, thereby represented the term's de-metaphorization since each of these Black subjects only narrowly escaped extra-legal lynchings by White vigilante subjects and/or officers of the law before they were murdered or nearly murdered by the state. Furthermore, as Rebecca Hill argues, Ida B. Wells actually initiated the discourse of legal lynching during her anti-lynching campaigns in the late-nineteenth and early-twentieth centuries. Indeed Wells acted as the political mentor for B. D. Amis—a leading Black Communist and head of the CP-affiliated League of Struggle for Negro Rights—who played a leadership role in the CP's attempt at preventing the legal lynching of the Scottsboro 9, Herndon, and many other Black subjects in the South in the 1930s and 1940s. See Amis, *They Shall Not Die!*.

The term "legal lynching" has continued to operate as an important discursive weapon in the defense campaigns from the Movement Era (such as the Soledad Brothers case), through the cases

of modern Black political and social prisoners such as Mumia Abu-Jamal. Even though the death penalty has finally been dropped in Abu-Jamal's case, the state's desire to render him permanently immobilized through life imprisonment (he is in his 34th year of political imprisonment in Pennsylvania as I write this), illustrates the imbrications of biological death and what Abu-Jamal (following Herndon) calls the "slow death" of cellular internment. The term legal lynching also has dubious contemporary relevance given the current rate of legal and (often unprosecuted) police and vigilante murder of Black men, women, and children in the US at a rate of more than one killing per day. See Malcolm X Grassroots Movement, "Operation Ghetto Storm."

32. In his excellent study, Clarke also points to the fact that—while scores of Black men were legally and extra-legally murdered for the implied or official charge of raping White women—not one White man in US history has ever been executed for raping a Black woman (286).
33. On the law's transmutation of the living, rights bearing, individual into the "civilly dead," see Dayan.
34. Ida B. Wells articulated the fact that Black imprisonment amounted to a formation of legal lynching and neo-slavery in the late-nineteenth century: "The Convict Lease System and Lynch Law are twin infamies which flourish hand in hand in many of the United States. They are the two great outgrowths and results of the class legislation under which our people suffer to-day [with] able-bodied men to swell the state's number of slaves." Herndon's assessment of the death-simulating regime of the chain gang bears haunting similarity to that of Mumia Abu-Jamal in the latter's description of the situation of modern "life" imprisonment:

Here in the morgue-like holding pens of Pennsylvania's penitentiaries, 'life' literally sentences one to imprisonment for the length of one's natural lifespan, with no possibility of parole. 'Life' is thus but a grim metaphor for death, for only death releases one from its shackles. 'Life,' it might be said, is merely slow death. (40)

35. See note 9 above for the history of Herndon's legal case from its beginning at the state level in 1932 through the 5-4 Supreme Court case that finally allowed for his liberation.
36. After co-editing the journal *Negro Quarterly* with Ralph Ellison in 1942-1943, Herndon would be unceremoniously ejected from the CPUSA in 1944. While the Party spoke of this dismissal being partly due to Herndon's financial misdealing, it also attributed it to Herndon's turn to "Black nationalism"—that is, the very brand of "self-determining" political thought the Party had formerly advocated until the mid-1930s. "Angelo Herndon Not C.P. Member," *Daily Worker*, March 25, 1944.
37. Shortly before submitting *We Charge Genocide* to the United Nations in 1951, and just after conducting the study of racial demographics in the Southern prison system, Patterson and other members of the Civil Rights Congress (a CP-affiliated legal defense organization that replaced the ILD) would produce a pamphlet entitled "Genocide Under Color of Law"—a document that defined racialized imprisonment as a central component of the state's genocidal project vis-à-vis its nominally free Black subjects.

Here I am referring to the seemingly infinite procession of Black people murdered by the state and vigilantes in the US—a list of premature dead that began in the US context in 1619 when the first slave ship pulled into harbor at Jamestown, VA (and before over the Black Atlantic)—and one that in its most recent manifestations has been chronicled in social media culture with respect to the police/vigilante murder of those such as Trayvon Martin in Sanford, FL (2012); Michael Brown in Ferguson, MO (2014); Rekia Boyd and Laquan McDonald in Chicago, IL (2012, 2014); twelve year-old Tamir Rice in Cleveland, OH (2014); Freddie Gray in Baltimore, MD (2015); Sandra Bland in Waller County, Texas (2015); Eric Garner in Staten Island, NY (2014); Walter Scott in North Charleston, SC (2015); Terrence Crutcher in Tulsa, OK (2016); Philando Castile in a suburb of St. Paul, MN (2016); and Alfred Olango in a suburb of San Diego, CA (2016). I include Sandra Bland's name in this *very* partial list from the last five years to indicate that her subjection to racial profiling, arrest, and imprisonment by trooper Brian Encinia amounted to a de facto murder even as the state labeled her jail-cell hanging as a "suicide." Not only are Bland's family and supporters well within their rights (and historically informed wisdom) in suspecting that the scene of her death was actually a lynch scene—but, when looked at as a whole, the scores of "suicides" by prisoners throughout the country every year represent de facto legal lynchings given that white supremacist imprisonment is the condition of possibility for all such "self-inflicted" deaths. Moreover if, following incarcerated Black writers such as Harriet Jacobs, Angelo Herndon, and Mumia Abu-Jamal, we define Black chattelized incarceration as a form of living death, then the tabulation of those murdered by the racial capitalist misogynist state feels even more boundless. For an important account of the practice of legal lynching under the current US police state, see Malcolm X Grassroots Movement, "Operation Ghetto Storm."

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