

Security or Freedom: Black Muslim Prisoners' Fight for Religious Rights in the 1960s

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Paper

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As a student interested in law in history and law school, prison litigation has always intrigued me. Yet, I never had the chance to delve deeply into the issue. This year's NHD theme inspired me to research this topic. As I looked further, I found that the origins of prison litigation were far more specific than I had thought: African-American prisoners, particularly those who were Muslim, had pioneered prison litigation by taking up legal fights for religious rights that correctional facilities often denied. I realized that the black Muslim prisoners and religious rights were far more complex than the constitutional rights of prisoners and the responsibilities of the government to keep the public safe. This issue had racial and religious prejudice, 1960s politics and culture, and the American legal system interwoven into a patchwork that fit perfectly into the theme "Rights and Responsibilities." Before black Muslims began to file complaints, security was one of the only responsibilities the legal system had in regard to prisons. Black Muslim prisoners put upon the legal system another responsibility: to grant prisoners constitutional rights. However, the cultural and political state of 1960s America affected the courts' decision on whether or not to fulfill this responsibility.

I began my research by looking into secondary sources about black Muslim prison litigation, which led me to various case law. As I explored these cases in detail, I separated the ones that gave an unfavorable verdict to black Muslim prisoners from those that did not. Reading closely into the diction of the judicial opinions in these cases, I realized that there was much more going on behind the cases and that the historical backdrop to these cases was just as, or more important than the cases themselves. Thus, with the help of secondary sources, I began to look into prejudices against the NOI in the 60s, as well as the rise of liberalism. In my research, I came across FBI files, magazines, old articles, transcripts, pamphlets, and more. I utilized all of

these resources to illustrate how the NOI were treated by the government and how deep the biases against the group ran. Further, I explained why America was simultaneously in an era of liberalism. With these resources and my case law, I was able to show how a paradoxical decade affected the legal system's decision to uphold or deny constitutional rights.

I chose the paper format, as it aids me in logically explaining the complexities of the issue and is useful for going in-depth on the subject. After I chose my topic, I organized the outline and began the writing process. I consulted with my teachers throughout.

Black Muslim prisoners and their push for religious rights were invaluable to prison litigation, and enabled thousands of prisoners throughout history to fight against abusive institutions. The judicial opinions in cases of black Muslim prisoners also reveal the impact of society on the legal system, and depict how important historical context is to litigation.

I. Introduction

“BLACK MUSLIM WINS REVIEW OF PROTEST” read a *New York Times* article published on June 23rd, 1964.¹ Thomas Cooper, a black Muslim prisoner at the Illinois State Penitentiary, had been “denied permission to practice [Islam]” when “prisoners of other faiths were not similarly limited.”² After the District Court dismissed his case, Cooper faced the Court of Appeals. And in a landmark win for prison litigation, the Supreme Court reversed the District Court’s dismissal.³ Cooper’s case was a part of a larger trend; in the 1960s, incarcerated black Muslims began, in large numbers, to bring their cases to courts, stating that their religious rights had not been upheld in prisons.⁴ Some of these cases, such as Cooper’s, led to favorable verdicts for black Muslims’ religious rights, though most did not. However, the decisions made in these cases—more specifically, the judicial opinions of the Supreme Court—reveal where the legal system’s responsibilities lay in the culturally and politically complex decade. On one hand, several civil rights movements were gaining momentum and success, and liberalism had reached new heights; thus, some verdicts were lenient in granting black Muslim prisoners their religious rights. On the other hand, American society saw black Muslims as different and dangerous, prompting many other verdicts to deny black Muslim prisoners their religious rights. Regardless, it is impossible to fully understand the extent of the prejudices against black Muslims without understanding the prevalence of white Christian supremacy in the United States.

¹ Lewis, Anthony. “BLACK MUSLIM WINS REVIEW of PROTEST.” *The New York Times*, June 23, 1964. <https://www.nytimes.com/1964/06/23/archives/black-muslim-wins-review-of-protest.html>.

² Lewis, “BLACK MUSLIM WINS.”

³ Kobrick, Jake. “Eighth Amendment Prison Litigation | Federal Judicial Center.” Fjc.gov, 2021. <https://www.fjc.gov/history/spotlight-judicial-history/eighth-amendment-prison-litigation>.

⁴ Gershon, Livia. “What the Prisoners’ Rights Movement Owes to the Black Muslims of the 1960s.” JSTOR Daily, August 16, 2018. <https://daily.jstor.org/what-the-prisoners-rights-movement-owes-to-the-black-muslims-of-the-1960s/>.

II. White Christian Supremacy in the 1960s

The United States was founded and built by white Protestant Christians, and thus, white Christian supremacy has been present since its birth.⁵ Not only were the first colonists from England white Puritans, but many Native Americans were relocated and killed under a white Christian Supremacist logic that Europeans had a right to native land due to a cultural and physical ‘superiority.’⁶ This logic is evident in the words of the ninth president, William Harrison, who stated, “Is one of the fairest portions of the globe to remain in a state of nature, the haunt of a few wretched savages, when it seems destined by the Creator to give support to a large population and to be the seat of civilization?”⁷ The logic further persists in the later belief of Manifest Destiny, a belief that Americans (specifically white Protestant Christians) were a chosen people by God to populate the West;⁸ Manifest Destiny was used to justify the large displacements of Native Americans throughout the 19th century. White Christian supremacy persevered into the mid-1900s, especially in response to civil rights movements that had begun to spread. For instance, several white pastors of this period, such as Dr. Henry Lyon and Carey Daniel, melded white supremacy and Christianity. Lyon preached that he believed in “a separation of the races” but was “nonetheless a Christian,”⁹ while Daniel sermonized that the “Lord God Himself was the Original Segregationalist.”¹⁰ Both pastors are conspicuous examples

⁵ Jeannine Hill Fletcher. *The Sin of White Supremacy : Christianity, Racism, and Religious Diversity in America*. (Maryknoll, New York: Orbis Books, 2017), 44.

⁶ Fletcher, 46.

⁷ Owen, William. “Diary of William Owen from November 10, 1824 to April 20, 1825.” Edited by Joel Hiatt. The Library of Congress. The Bobbs-Merrill Company, 1906.
<https://www.loc.gov/resource/lhbhn.14024/?sp=265&st=text>.

⁸ Scott, Donald M. “The Religious Origins of Manifest Destiny, Divining America, TeacherServe©, National Humanities Center.” *nationalhumanitiescenter.org*, September 2013.
<https://nationalhumanitiescenter.org/tserve/nineteen/nkeyinfo/mandestiny.htm>.

⁹ Alabama Department of Archives & History. “Transcript of a Public Meeting Held by the Montgomery County Citizens’ Council at Garrett Coliseum.” June 8, 1961.
<https://digital.archives.alabama.gov/digital/collection/voices/id/3223>.

¹⁰ Carey, Daniel. “God the Original Segregationist.” *Preservica.com*, 1955.
https://usm.access.preservica.com/uncategorized/io_92ab5478-69b5-4763-ade2-a6a016b5d70c/.

of outspoken white Christian supremacy in the mid-1900s as a backlash to the push for equal rights by minority communities.

III. Nation of Islam in America and Liberalism

During the 1960s, many movements pushed for individual liberties. Among them was the black civil rights movement, whose influential Christian leaders, such as Rev. Martin Luther King Jr., promoted heavy Christian messaging of nonviolence, hope, and understanding towards oppressors. Juxtaposed with such peaceful groups were those with radical approaches, including the Nation of Islam (NOI), a group of African Americans adherent to a mix of Black Nationalist ideals and the Islamic religion.

Founded by Wallace D. Fard Muhammad in 1930, the NOI saw a rise in popularity in the 1960s and 1970s,¹¹ primarily due to its message of racial independence and various calls for the ‘black consciousness’ to break away from Christianity, which had been imposed upon African-Americans during slavery.¹² With such a radical approach, black Muslims were viewed as a larger threat to white Christian society than other civil rights movements of the time. One 1966 article published in the *Journal of Criminal Law and Criminology* compares the black Muslims to the KKK, stating that their philosophy was simply a “reversal” of the KKK’s.¹³ In 1955, the FBI produced a 321-page monograph on the NOI, in which the letter from the Special Agent in Charge (SAC) stated, “...As we know, though small, [the NOI] is an especially anti-American and violent Cult about which nothing is known by the average Agent...”¹⁴

¹¹ National Archives. “The Nation of Islam.” National Archives, August 25, 2016.

<https://www.archives.gov/research/african-americans/black-power/nation-of-islam>.

¹² PBS This Far by Faith. “African-American Muslims since 1975.” www.pbs.org, n.d.

https://www.pbs.org/thisfarbyfaith/journey_5/p_7.html.

¹³ Brown, Lee. “Black Muslims and the Police.” *Journal of Criminal Law and Criminology* 56, no. 1 (1965): 1.

<https://scholarlycommons.law.northwestern.edu/jclc/vol56/iss1/16>.

¹⁴ Federal Bureau of Investigation. “SUBJECT: NATION of ISLAM.” FBI Records: The Vault, 1955.

<https://vault.fbi.gov/Nation%20of%20Islam/Nation%20of%20Islam%20Part%2001/view>.

Furthermore, several comprehensive federal investigations commenced on the NOI, its Black Nationalist activity, and its individual members; one such investigation in 1972 regarded a Michigan youth development program that was allegedly “indoctrinat[ing] young blacks in the Ann Arbor area, in extremist type and hate type propaganda” by passing out Black Panther Party newspapers and hanging up Black Nationalist flags.¹⁵ However, although many instances of violence were attributed to the NOI, there is little to no evidence proving black Muslims were a real threat to national security, nor is there evidence proving that the group enacted mass violence against their known adversaries.¹⁶ The accusations of violence and security operations were more defense measures against an “un-American” group that entirely contradicted the white Christian norm in both race and religion rather than responses to a legitimate national threat.

Despite all this, the 1960s marked a peak in modern liberalism within American politics, culture, and law.¹⁷ The Great Society, a series of nationwide programs enacted from 1964 to 1968 by one of the most liberal presidents in U.S. history, Lyndon B. Johnson, promised to address issues such as civil rights, racial inequality, and poverty. The 89th Congress (1965-1967) was an extremely liberal House of Representatives, with 267 liberals and 168 conservatives.¹⁸ Ruling from 1953 to 1969, the Warren Court—the Supreme Court under Chief Justice Warren—is still considered one of the most liberal Supreme Courts in history; referred to as a “legal force to the repudiation of bigotry,”¹⁹ the Warren Court judged landmark cases such as *Brown v. Board of*

¹⁵ Federal Bureau of Investigation. “Extremist Activities in Model Cities Youth Development Program, Ann Arbor, Michigan.” United States Department of Justice, 1972. <https://s3.amazonaws.com/NARAprodstorage/opastorage/live/75/7409/6740975/content/arcmedia/foia/NW-37747/157-WF-5201-v-1-Extremist-Activities-in-Model-Cities-Youth-Development-Program/DOCID-31956723/DOCID-31956723.pdf>.

¹⁶ Lee, Martha F. “The Nation of Islam and Violence.” In *Violence and New Religious Movements*, 295–306. Oxford University Press, 2011. <https://doi.org/10.1093/acprof:oso/9780199735631.003.0014>.

¹⁷ W, Brands H. *The Strange Death of American Liberalism*. Yale University Press, 2001. <https://doi.org/10.2307/j.ctt1nq3fs>.

¹⁸ Nation's Business. “Your Election Year Choice: ACTION or APATHY.” *Nation's Business*, 1966. Hagley Digital Archives. https://digital.hagley.org/Nationbiz_196601#page/74/mode/2up.

¹⁹ Kornwitz, Jason. “Supreme Court of the '60s Lent ‘Legal Force to the Dissatisfaction with Bigotry.’” *Northeastern Global News*, November 9, 2015.

Education (1954), which ruled that racial segregation in schools violated the Fourteenth Amendment.

IV. Black Muslim Prisoners

During the 60s, black Muslims in prisons were vilified twofold by fellow inmates and correctional officers. In a 1961 *TIME* article, Maryland's superintendent of prisons stated that the black Muslim movement was growing "steadily stronger and more troublesome."²⁰ Although a partly true statement, as much of NOI recruitment took place in prisons, the interview reveals the antagonistic light in which black Muslim inmates were perceived. As black Muslim prisoners were frequently considered a threat to prison security, many facilities restricted the religious freedoms of the group, which led to a wave of NOI inmates from across the country filing legal complaints. Cases ensued, and the verdicts indicate much about the legal system's responsibilities in a period that both vilified minorities and began extending civil rights to marginalized groups. In this paradoxical climate, the judicial opinions and verdicts of some cases exhibited a greater need to prioritize the religious rights of black Muslim prisoners over protecting alleged breaches of prison security, while some decisions placed more responsibility in ensuring prison security than the inmates' constitutional rights.

V. Cases that Prioritized Prison Security

In re Ferguson (1961) was an early and important case of prison discrimination against black Muslims that exemplified the legal system's prioritization of the responsibility to secure

<https://news.northeastern.edu/2015/11/09/supreme-court-of-the-60s-lent-legal-force-to-the-dissatisfaction-with-bigotry/>.

²⁰ *TIME*. "Races: Recruits behind Bars." *TIME*. nextgen, March 31, 1961.
<https://time.com/archive/6809813/races-recruits-behind-bars/>.

prisons over the responsibility to provide freedom to worship for NOI followers. In this case, the petitioners (black Muslim inmates of the Folsom State Prison in California) claimed that their Fourteenth Amendment rights had been infringed upon. In response, the Supreme Court dismissed the petition, stating two intertwined main ideas in its judicial opinion that would persevere in future decisions denying the rights of black Muslims.

First, the court stated that black Muslims could not be granted religious rights because they were a threat to prison security. *In re Ferguson*'s judicial opinion articulated this point by emphasizing the group's belief in black supremacy, one of the most threatening aspects of the NOI to the white Christian norm: "It is apparent that the Muslim beliefs in black supremacy, and their reluctance to yield to any authority...present a serious threat to the maintenance of order in a crowded prison environment."²¹

Second, the Supreme Court wrote that it should not interfere with prison conduct and discipline to implement the rights of black Muslims. In *In re Ferguson*, the judicial opinion justified the inaction of the court by minimizing the problems brought forth (a breach of constitutional rights), stating, "But in the instant circumstances, the refusal to allow [black Muslims] to pursue their requested religious activities does not appear to amount to such extreme mistreatment, so as to warrant the application of whatever federal constitutional guarantees..."²²

Both the Supreme Court's belief that black Muslims were a serious threat to the prison system and its subsequent lack of action in pursuing black Muslim petitions clearly showed that the courts felt less responsibility to ensure religious rights and more responsibility to secure prisons

Later, in *Sostre v. McGinnis* (1964), black Muslim inmates of Attica State Prison, New York, claimed that corrections officers had denied them basic religious rights such as

²¹ *In re Ferguson*, 55 P.2d 663 (Cal.1961).

²² *In re*, 55 P.2d.

congregational worship, communication with ministers of faith, and religious publications. They petitioned the court to allow them all Islam-related religious rights and provisions. The judicial opinion in response to this petition revealed an explicit decision to value protecting prisons from the perceived threat of black Muslims more highly than protecting the constitutional rights of these prisoners. The court stated, “No romantic or sentimental view of constitutional rights or religion should induce a court to interfere with the necessary disciplinary regime established by the prison officials.”²³

This prioritization was visible in a more extreme form in the case of *Childs v. Pegelow* (1963). When brought as an appeal to the Supreme Court, this case re-examined the ruling of the District Court against the plaintiffs (black Muslim inmates at the Federal Reformatory at Lorton, Virginia) who had alleged that proper pork-free meals after sundown during Ramadan had not been delivered. The Supreme Court denied the appeal, stating in the judicial opinion, “[E]xcept in extreme cases, the courts will not interfere with the conduct of a prison, with the enforcement of its rules and regulations, or its discipline,”²⁴ implying that the inability of black Muslims to practice an integral part of their religion should not be considered an exception. Unlike *Sostre v. McGinnis*, which specifically states that courts should not intervene with prison conduct for “a romantic or sentimental view of constitutional rights,”²⁵ *Childs v. Pegelow* allowed for a more loose interpretation of what criteria should be met in a prisoner’s rights case for the legal system to take action against a prison’s status quo.

All of these cases demonstrate that some courts felt more responsibility to secure prisons from the perceived danger of black Muslims than to uphold religious rights. These decisions

²³ *Sostre v. McGinnis*, 334 F.2d 906 (2d Cir. 1964).

²⁴ *Childs v. Pegelow*, 321 F.2d 487 (4th Cir. 1963).

²⁵ *Sostre*, 334 F.2d.

were likely motivated by the exaggerated cultural perception of black Muslims as a dangerous, un-American group in opposition to the white Christian norm.

VI. Cases that Prioritized Religious Rights for Black Muslim Prisoners

However, in the same decade, liberalism became a prevalent feature of the legal system, resulting in a few favorable verdicts for black Muslim prisoners. These cases contained a common trend in their judicial opinions: correctional facilities suggested an alleged breach of prison security by black Muslim prisoners, which the courts did not acknowledge as sufficient evidence to deny their religious rights.

In *Banks v. Havener* (1964), black Muslim inmates at the District of Columbia Youth Center asserted that their rights guaranteed by the First and Fourteenth Amendments had been violated. Prison inmates had organized Islamic worship in the Youth Center when two violent riots against prison authority ensued, involving sixty inmates of several different races and religions. Although there was no evidence that black Muslim prisoners had led the riots, the director of the center believed otherwise. Subsequently, the director banned all Muslim inmates from engaging in formal religious activity, a decision based on his own biases towards black Muslims, whom he thought to be a “clear and present danger to the security of the institution.”²⁶ However, the court, finding no evidence that such religious beliefs had threatened prison security, ordered that NOI members be granted the right to worship without discrimination.

Howard v. Smyth (1966) also demonstrated the legal system’s decision to uphold constitutional rights. In this case, William Howard, a black Muslim, voiced his want of religious services for himself and other black Muslims to the superintendent of the Virginia State Penitentiary. When asked who the other adherents were, Howard refused to disclose (in fear of

²⁶ *Banks v. Havener*, 234 F. Supp. 27 (E.D. Va. 1964)

disciplinary action towards them), and the superintendent placed him in a maximum security unit of the penitentiary to “segregate” him “for the good of the institution.”²⁷ The court found that this punishment was unfounded and stated in its judicial opinion:

A prisoner is not bereft of all his rights. Included among those retained is an immunity from punishment for making a reasonable attempt to exercise his religion, even a religion that to some of us may seem strangely confused and irrational.²⁸

In this instance, the Supreme Court upheld the prisoners' religious rights instead of the prison's security. In this case, the superintendent *did* believe that Howard could be a danger to the prison. However, the court did not let the “un-American-ness” of the NOI affect the facts of the punishment against Howard. Instead, the court intentionally separated the racial and religious identity of the black Muslims from the realities of the case, even acknowledging that although the values of the NOI could seem “confused and irrational,” a prisoner’s alien identity did not make him “bereft of all his rights.”²⁹ By separating Howard’s identity from the case, the court prioritized the religious rights of black Muslim prisoners.

These decisions illustrate that the 1960s saw both the widespread vilification of black Muslims and a prevalence of liberalism in culture and law. In a few cases, such as the ones illustrated above, the responsibilities of the judiciary reflected this liberalism and prioritized the constitutional rights of black Muslim prisoners in its verdicts.

²⁷ *Howard v. Smyth*, 365 F.2d 428 (4th Cir. 1966)

²⁸ *Howard*, 365 F.2d.

²⁹ *Howard*, 365 F.2d.

VII. Conclusion

Black Muslim prisoners continued their legal fight for religious rights into the 1970s, and their persistence made them crucial actors in transforming the legal system's relationship with incarcerated offenders.³⁰ Before the 1960s, courts had taken a hands-off approach to injustice against prisoners, abusive correctional officers, and corrupt institutions that frequently did not uphold the First or Eighth Amendments.³¹ By utilizing the law and the courts (as opposed to violent protest uprisings), Black Muslim prisoners opened the door for prisoners to file civil rights cases against correctional facilities and officers. By the 1980s, thousands of prisoners were filing civil rights cases each year.³²

Beyond their contribution to prison litigation, the black Muslim prisoners' push for religious rights reveals that the legal system's responsibility to uphold constitutional rights was dependent on the cultural and political context of the 1960s—that legal bodies are not static, but contingent on societies they nest in.

³⁰ Smith, Christopher E. "Black Muslims and the Development of Prisoners' Rights." *Journal of Black Studies* 24, no. 2 (1993): 132. <https://doi.org/10.2307/2784648>.

³¹ Sigler, Robert T., and Chadwick L. Shook. "The Federal Judiciary and Corrections: Breaking the 'Hands-Off' Doctrine." *Criminal Justice Policy Review* 7, no. 3-4 (September 1995): 245. <https://doi.org/10.1177/088740349500700302>.

³² Gershon, "What the Prisoners' Rights Movement Owes."

Appendix A



A crowd of Nation of Islam members.

Gershon, Livia. "What the Prisoners' Rights Movement Owes to the Black Muslims of the 1960s." JSTOR Daily, August 16, 2018.

<https://daily.jstor.org/what-the-prisoners-rights-movement-owes-to-the-black-muslims-of-the-1960s/>.

Annotated Bibliography

Primary Sources

Alabama Department of Archives & History. "Transcript of a Public Meeting Held by the Montgomery County Citizens' Council at Garrett Coliseum.," June 8, 1961.
<https://digital.archives.alabama.gov/digital/collection/voices/id/3223>.

This transcript contains parts of pastor Dr. Henry Lyon's sermon, which I used to illustrate the prevalence of white Christian Supremacy in the 1960s. Reading Lyon's words helped me understand that many people in the '60s believed Christianity and white supremacy went hand in hand and thus regarded the NOI as an alien group.

Banks v. Havener, 234 F. Supp. 27 (E.D. Va. 1964)

I used the judicial opinion in this case to both give an example of a case that ruled in favor of black Muslim prisoners, and explain how the courts upheld religious rights by separating the 'unconventional' identity of NOI prisoners from the facts of the alleged breaches to prison security. Through the opinion, I was able to spot this trend of separating identity from threats to prison security. I also learned from this opinion that the courts had been influenced by the rise of liberalism.

Brown, Lee. "Black Muslims and the Police." *Journal of Criminal Law and Criminology* 56, no. 1 (1965): 1. <https://scholarlycommons.law.northwestern.edu/jclc/vol56/iss1/16>.

I used this paper about black Muslims and law enforcement to depict how the group was vilified by law enforcement during the 60s (this paper is written by a member of the police department at the time). The paper and its comparison of the NOI to the KKK contributed to my understanding of how violent the NOI was thought to be in the 60s.

Carey, Daniel. "God the Original Segregationist." Preservica.com, 1955.
https://usm.access.preservica.com/uncategorized/io_92ab5478-69b5-4763-ade2-a6a016b5d70c/.

Similarly to the Lyon Sermon, I used this primary source to illustrate the prevalence of white Christian Supremacy in the mid-1900s, and the resulting vilification of the NOI. This sermon gave me a deeper understanding of how some Christians justified their white Supremacist ideals by stating that *God* was a white Supremacist.

Childs v. Pegelow, 321 F.2d 487 (4th Cir. 1963).

I utilized the judicial opinion in this case to provide an example of how the Supreme Court upheld prison security over black Muslim prisoners' constitutional rights. This judicial opinion was an example of the court taking a step back in fear of losing prison security over black Muslim prisoners and their religious activities. For me, this judicial opinion solidified the idea that the courts had been influenced by the vilification of the NOI, and were thus reluctant to yield prison security to black Muslim prisoners.

Federal Bureau of Investigation. "Extremist Activities in Model Cities Youth Development Program, Ann Arbor, Michigan." United States Department of Justice, 1972.
<https://s3.amazonaws.com/NARAprdstorage/opastorage/live/75/7409/6740975/content/arcmedia/foia/NW-37747/157-WF-5201-v-1-Extremist-Activities-in-Model-Cities-Youth-Development-Program/DOCID-31956723/DOCID-31956723.pdf>.

I used this FBI Investigation to show that even the government had antagonized the NOI. This source was especially important in illustrating my point, as it was a government document that showed blatant examples of prejudice against the NOI. This primary source helped me understand that the NOI was not only considered 'un-American' in common American society, but also by the government. The extent to which the NOI was vilified helped me greatly in building my argument for cases that denied black Muslim prisoners' rights.

Federal Bureau of Investigation. "SUBJECT: NATION of ISLAM." FBI Records: The Vault, 1955.
<https://vault.fbi.gov/Nation%20of%20Islam/Nation%20of%20Islam%20Part%2001/view>

I used this FBI monograph to emphasize the attitude of the government towards the NOI in the mid-1900s. The monograph contained strong language that directly referred to the NOI as a danger to the welfare of America, something I was quite surprised by. This monograph also made me understand how strong the prejudice against the NOI was.

Howard v. Smyth, 365 F.2d 428 (4th Cir. 1966)

I used the judicial opinion in this case to further illustrate that some cases in the '60s were ruled in favor of black Muslim prisoners. The opinion in this case showed that the courts, in a time of liberalism, looked beyond the prejudice of the Superintendent and took responsibility to grant Howard his constitutional rights. This case more explicitly separated the NOI prisoners' identity from the facts of the case.

In re Ferguson, 55 P.2d 663 (Cal.1961).

The judicial opinion for this case was especially important as it was a glaring instance of the prioritization of prison security. Through investigating and writing about this case, which directly stated that black Muslim prisoners were a menace due to their beliefs, I became aware of the fact that many courts denied black Muslim prisoners their constitutional rights as they perceived the group as dangerous and a threat to prison security. While reading the opinion, I also became familiar with the fact that courts held a hands-off attitude when it came to prison litigation.

Lewis, Anthony. "BLACK MUSLIM WINS REVIEW of PROTEST." *The New York Times*, June 23, 1964.

<https://www.nytimes.com/1964/06/23/archives/black-muslim-wins-review-of-protest.html>.

I used this *New York Times* article as a hook to draw readers in and establish my ideas in the introduction. Through this article, I learned that the black Muslim prisoner litigation issue was large enough to be published in the *New York Times* in the 60s.

Nation's Business. "Your Election Year Choice: ACTION or APATHY." *Nation's Business*, 1966. Hagley Digital Archives. https://digital.hagley.org/Nationbiz_196601#page/74/mode/2up.

This magazine article gave statistics on the political alignments of the 89th House of Representatives. I used these statistics to illustrate the rise of liberalism in the 60s, as the magazine stated that there was a significantly unbalanced ratio between the Democrat and Republican representatives in the 89th House. This magazine article helped me understand how prevalent liberalism was in the '60s, especially in the government.

Owen, William. "Diary of William Owen from November 10, 1824 to April 20, 1825." Edited by Joel Hiatt. The Library of Congress. The Bobbs-Merrill Company, 1906. <https://www.loc.gov/resource/lhbtn.14024/?sp=265&st=text>.

I used this diary, which contains President Harrison's words, to enforce the idea that white Christian Supremacy was deeply rooted in American societies long before the 1900s. Through Harrison's words, I learned that white Christian Supremacy was rooted in the minds of many American leaders.

Sostre v. McGinnis, 334 F.2d 906 (2d Cir. 1964).

I used the judicial opinion in this case to further illustrate the courts' prioritization of prison security over the rights of black Muslim prisoners. Specifically, I used this case to illustrate the court's inactivity towards the religious rights it had a responsibility to uphold under the First Amendment. This judicial opinion helped me learn how the court was inactive in prison litigation.

TIME. "Races: Recruits behind Bars." TIME. nextgen, March 31, 1961. <https://time.com/archive/6809813/races-recruits-behind-bars/>.

This old TIME article about black Muslim prisoners provided evidence that NOI prisoners were thought of as trouble in correctional facilities. From this article, I learned what correctional officers thought of black Muslim prisoners, which was helpful for me in understanding why so many religious rights were denied.

Secondary Sources

Gershon, Livia. "What the Prisoners' Rights Movement Owes to the Black Muslims of the 1960s." JSTOR Daily, August 16, 2018. <https://daily.jstor.org/what-the-prisoners-rights-movement-owes-to-the-black-muslims-of-the-1960s/>.

This JSTOR Daily article emphasized the crucial role black Muslim prisoners played in prison litigation. I utilized statistics and other information from this article to confirm basic information about black Muslim prison litigation. Appendix A is from this source.

Jeannine Hill Fletcher. *The Sin of White Supremacy: Christianity, Racism, and Religious Diversity in America*. Maryknoll, New York: Orbis Books, 2017.

This book goes into depth about the origins and prevalence of white Christian Supremacy in the United States. I used this book to illustrate how profoundly white Christian Supremacy was embedded in American society since the country's birth.

Kobrick, Jake. "Eighth Amendment Prison Litigation | Federal Judicial Center." Fjc.gov, 2021. <https://www.fjc.gov/history/spotlight-judicial-history/eighth-amendment-prison-litigation>

I used this secondary source about the Eighth Amendment to explain the significance of Cooper's case, and introduce the impact of black Muslim prisoners' legal fight to prison litigation. From this source, I learned how important Cooper and other cases by black Muslim prisoners were to prison litigation.

Kornwitt, Jason. "Supreme Court of the '60s Lent 'Legal Force to the Dissatisfaction with Bigotry.'" Northeastern Global News, November 9, 2015. <https://news.northeastern.edu/2015/11/09/supreme-court-of-the-60s-lent-legal-force-to-the-dissatisfaction-with-bigotry/>.

This article comments on the Warren Court and its uncommon liberalism. I used this source to illustrate how liberal the Warren Court was in its time. The liberal nature of the Warren Court helped me establish my historical context on liberalism in the United States.

Lee, Martha F. "The Nation of Islam and Violence." In *Violence and New Religious Movements*, 295–306. Oxford University Press, 2011. <https://doi.org/10.1093/acprof:oso/9780199735631.003.0014>.

This paper was one of the most important sources I referenced in my essay, as I utilized this source to prove that, although the NOI were perceived to be dangerous and violent, in reality, they were not. Establishing that the danger of the NOI was a result of prejudice in a society rooted in white Christian Supremacy allowed me to proceed with my points about the courts and its perception of black Muslim prisoners. From this source, I learned that the bias and discrimination against the NOI was mostly prejudice and not based in truth.

National Archives. "The Nation of Islam." National Archives, August 25, 2016. <https://www.archives.gov/research/african-americans/black-power/nation-of-islam>.

This National Archives article provided me with basic information about the NOI. I used this article to support my statement that the NOI grew rapidly in the 1960s and 1970s. This article also informed me of the basic beliefs of the NOI and its founder.

PBS This Far by Faith. "African-American Muslims since 1975." www.pbs.org, n.d.
https://www.pbs.org/thisfarbyfaith/journey_5/p_7.html.

I used this PBD article to provide more context on the NOI, its differences from the Christian-focused civil rights movement, and why it did not fight for civil rights in parallel with the less radical, Christian civil rights movement. This article helped me learn more about the NOI.

Scott, Donald M. "The Religious Origins of Manifest Destiny, Divining America, TeacherServe©, National Humanities Center." nationalhumanitiescenter.org, September 2013. <https://nationalhumanitiescenter.org/tserve/nineteen/nkeyinfo/mandestiny.htm>.

I used this article to provide another example of white Christian Supremacy, as this article attributes both Christianity and white Supremacy as part of Manifest Destiny. I was able to solidify my understanding of white Christian Supremacy through this article, as I drew connections between Christianity and white Supremacy.

Sigler, Robert T., and Chadwick L. Shook. "The Federal Judiciary and Corrections: Breaking the 'Hands-Off' Doctrine." *Criminal Justice Policy Review* 7, no. 3-4 (September 1995): 245. <https://doi.org/10.1177/088740349500700302>.

This paper was another important source I used to exemplify the crucial role of black Muslim prisoners in prison litigation. From this source, I learned of a greater impact of black Muslim prisoners beyond their success in obtaining religious rights.

Smith, Christopher E. "Black Muslims and the Development of Prisoners' Rights." *Journal of Black Studies* 24, no. 2 (1993): 132. <https://doi.org/10.2307/2784648>.

This paper gave me a starting point in researching cases and analyzing them. With an extensive overview of the most significant cases filed by black Muslim prisoners, it was greatly informative for me, especially as it had summaries of the cases. I used this source to understand the general history of the black Muslim prisoners' litigation, and to support the claim that black Muslim prisoners were important to the transformation of prison litigation.

W, Brands H. *The Strange Death of American Liberalism*. Yale University Press, 2001.
<https://doi.org/10.2307/j.ctt1nq3fs>.

I used this book, which explains the rise and fall of liberalism in America, to gain an understanding of what made America so liberal during the 1960s. I also used it to support the claim that liberalism was prevalent in the '60s.