

Story: Prison Strike

What is it?

It is organized by Jailhouse Lawyers Speak who describe themselves on Twitter as an “incarcerated group of prisoner rights advocates.” This is their official Press Release that called for the protest that explains what they want and the nature of the protest:

PRESS RELEASE: NATIONAL PRISONERS STRIKE AUGUST 21st - SEPTEMBER 9th 2018

Men and women incarcerated in prisons across the nation declare a nationwide strike in response to the riot in Lee Correctional Institution, a maximum security prison in South Carolina. Seven comrades lost their lives during a senseless uprising that could have been avoided had the prison not been so overcrowded from the greed wrought by mass incarceration, and a lack of respect for human life that is embedded in our nation's penal ideology. These men and women are demanding humane living conditions, access to rehabilitation, sentencing reform and the end of modern day slavery.

These are the **NATIONAL DEMANDS** of the men and women in federal, immigration, and state prisons:

1. Immediate improvements to the conditions of prisons and prison policies that recognize the humanity of imprisoned men and women.
2. An immediate end to prison slavery. All persons imprisoned in any place of detention under United States jurisdiction must be paid the prevailing wage in their state or territory for their labor.
3. The Prison Litigation Reform Act must be rescinded, allowing imprisoned humans a proper channel to address grievances and violations of their rights.
4. The Truth in Sentencing Act and the Sentencing Reform Act must be rescinded so that imprisoned humans have a possibility of rehabilitation and parole. No human shall be sentenced to Death by Incarceration or serve any sentence without the possibility of parole.
5. An immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans. Black humans shall no longer be denied parole because the victim of the crime was white, which is a particular problem in southern states.
6. An immediate end to racist gang enhancement laws targeting Black and brown humans.
7. No imprisoned human shall be denied access to rehabilitation programs at their place of detention because of their label as a violent offender.
8. State prisons must be funded specifically to offer more rehabilitation services.
9. Pell grants must be reinstated in all US states and territories.
10. The voting rights of all confined citizens serving prison sentences, pretrial detainees, and so-called “ex-felons” must be counted. Representation is demanded. All voices count!

We all agree to spread this strike throughout the prisons of Ameri\$\$\$\$a! From August 21st to September 9th, 2018, men and women in prisons across the nation will strike in the following manner:

1. **Work Strikes:** Prisoners will not report to assigned jobs. Each place of detention will determine how long its strike will last. Some of these strikes may translate into a local list of demands designed to improve conditions and reduce harm within the prison.

2. **Sit-ins:** In certain prisons, men and women will engage in peaceful sit-in protests.

3. **Boycotts:** All spending should be halted. We ask those outside the walls not to make financial judgments for those inside. Men and women on the inside will inform you if they are participating in this boycott. We support the call of Free Alabama Movement Campaign to "Redistribute the Pain" 2018 as Bennu Hannibal Ra-Sun, formerly known as Melvin Ray has laid out (with the exception of refusing visitation). See these principles described here: <https://redistributethepain.wordpress.com/>.

4. **Hunger Strikes:** Men and women shall refuse to eat.

How You Can Help:

- Make the nation take a look at our demands. Demand action on our demands by contacting your local, state, and federal political representatives with these demands. Ask them where they stand.
- Spread the strike and word of the strike in every place of detention.
- Contact a supporting local organization to see how you can be supportive. If you are unsure of who to connect with, email millionsforprisonersmarch@gmail.com
- Be prepared by making contact with people in prison, family members of prisoners, and prisoner support organizations in your state to assist in notifying the public and media on strike conditions.
- Assist in our announced initiatives to have the votes of people in jail and prison counted in elections.

For the Media: Inquiries should be directed to prisonstrikemedia@gmail.com

Are the conditions really that bad?

The show notes has a link to a 39 page investigation by Disability Rights Oregon into a youth's detention facility called NORCOR, which has pictures and documentation of kids receiving disciplinary action for "looking around", having "hands above the waist," and "talking in the wing" on the way to lunch.

Snapshot: Disciplinary Infractions - "Looking Around"

Date: 4-5 Shift: Day Staff: _____

Comments: Poor effort Doing the minimum Worked hard
 Disrespectful Respectful Helpful
 Talking in line Hands above waist Looking around
 Focused on rules Example for others Other: _____

Education: Poor effort Good effort Excellent work Cross talking Other: _____

Recommendation: Level One Level Two IP / SP: Pass Fail

Snapshot: Shift Scorecard Example

Date: 5/6 Shift: Swing Staff: _____

Comments: Poor effort Doing the minimum Worked hard
 Disrespectful Respectful Helpful
 Talking in line Hands above waist Looking around
 Focused on rules Example for others Other: Kept Talking

Recommendation: Level One Level Two IP / SP: Pass Fail

The study included this excerpt:

Excerpt from NORCOR rules for youth:

- o Do NOT look out any windows.
- o You will not ask what time it is.
- o You will give a full effort in all activities.

Line movements:

- o During line movements, you will be on SILENCE and keep your hands down to your side.
- o You will look forward at all times. Do NOT look into any other rooms.
- o Do NOT move or touch any doors.
- o These rules are not tied to improved safety or facility security, and eliminate nearly all autonomy that kids have over the smallest choices involving their bodies.

Prison slavery, what is that?

(Prison Policy) “One major surprise: prisons appear to be paying incarcerated people *less* today than they were in 2001. The average of the minimum daily wages paid to incarcerated workers for non-industry prison jobs is now 86 cents, down from 93 cents reported in 2001. The average maximum daily wage for the same prison jobs has declined more significantly, from \$4.73 in 2001 to \$3.45 today.

What changed? At least seven states appear to have lowered their maximum wages, and South Carolina no longer pays wages for most regular prison jobs – assignments that paid up to \$4.80 per day in 2001. With a few rare exceptions, regular prison jobs are still unpaid in Alabama, Arkansas, Florida, Georgia, and Texas. Incarcerated people assigned to work for state-owned businesses earn between 33 cents and \$1.41 per hour on average – roughly twice as much as people assigned to regular prison jobs. Only about 6 percent of people incarcerated in state prisons earn these “higher” wages, however. An even tinier portion of incarcerated workers are eligible for “prevailing local wages” working for private businesses that contract with states through the PIE program.

The vast majority spend their days working in custodial, maintenance, grounds keeping, or food service jobs for the institutions that confine them. The wages listed above do not include any deductions, which in reality often leave incarcerated workers with less than half of their gross pay. In Massachusetts, for example, at least half of each paycheck goes into a savings account to pay for expenses after release. “Any and all funds” can be used to pay court-assessed fines, court costs, victim witness assessments, etc. New Mexico deducts 15-50% of each paycheck for a Crime Victims Reparations Fund, discharge money, and family support. These policies arguably serve legitimate purposes, but such deductions also mean that \$1 per day earned to make day-to-day life behind bars more bearable is really 50 cents (or even less).”

Why do they want to rescind the Prison Litigation Reform Act?

The Prison Litigation Reform Act States: “No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.” (You can’t bring any action to change to change prison conditions without first going through the prison administration itself first)

Why do they want to rescind the Sentencing Reform Act?

As part of the Comprehensive Crime Control Act of 1984, the Sentencing Reform Act eliminated Federal Parole.

Do black people really get harsher sentences than white people for the same crime?

(United States Sentencing Commission) “Consistent with its previous reports, the Commission found that sentence length continues to be associated with some demographic factors. In particular, after controlling for a wide variety of sentencing factors, the Commission found: Black male offenders continued to receive longer sentences than similarly situated White male offenders. Black male offenders received sentences on average 19.1 percent longer than similarly situated White male offenders during the Post-Report period (fiscal years 2012-2016), as they had for the prior four periods studied.”

What is a gang enhancement law?

(Shouse California Law Group) “Penal Code 186.22 PC is part of the "California Street Terrorism Enforcement and Prevention Act" – more commonly referred to as the California "STEP Act" or as California's street gang enhancement law.

The California street gang sentencing enhancement law actually has two main parts (only one of which is an actual sentence enhancement). These are:

1. Penal Code 186.22(a) PC, the crime of participation in a gang

This part of the law makes it a crime to participate in a street gang and assist in any felony criminal conduct by the gang's members.

The penalties for participation in a gang, in violation of Penal Code 186.22(a) PC, can include one (1) year in county jail... or a California felony sentence of sixteen (16) months, two (2) years or three (3) years in state prison.

2. Penal Code 186.22(b) PC, the gang sentencing enhancement.

This part of the law provides that anyone who commits a felony for the benefit of a gang will receive a mandatory prison sentence... *in addition and consecutive to* the penalty s/he receives for the underlying felony.

Depending on the circumstances of the offense, Penal Code 186.22(b) PC could mean an additional two (2) to fifteen (15) years, or even twenty-five (25)-years-to-life, in prison...even if you're not a gang member, and even if you aren't the individual who was most directly responsible for committing the underlying felony!”

Is it worth offering rehabilitation to violent offenders?

(The Atlantic) “Marcus Bullock is an incarceration-reform advocate who launched a painting company after his 2004 release from prison. As well, he is the founder and CEO of an app, Flikshop, that enables the imprisoned to receive email. Asked what proposition ought to be subject to more debate, he focused on the fate of criminals.

He wrote: In 1996, when I was arrested for a carjacking that was committed the night before, I never knew the difference between violent and non-violent crimes. I mean, using obvious context clues, even my then 15-year-old brain could figure out the probable definitions. But on a

surface level, most of the guys that I hung around in the neighborhoods where I grew up could probably testify to the same thing: if you commit a crime and get caught, you're going to jail. Period. No classification. No levels. There was murder, and then there was everything else. It never dawned on any of us during the nights that drug deals, riding in stolen cars, or being in a car with someone during a robbery were separate in the eyes of sentencing guidelines. Yup, there was a difference. Non-violent Offenders versus Violent Offenders. The judges knew it when they sentenced me. The jail knew it when they assessed me and placed me in a separate wing of the facility. The prisons knew it when they transferred me to maximum security facilities. My probation officer even knew it when she was instructed to supervise me intensively for 10 years after my release.

Even as I read about Obama's pardons this year, the headlines were sure to overstate that the pardons were only for non-violent offenders. As someone who was committed as a violent offender, I have to ask myself the question: Would my judge, prison psychologists, or probation officer have treated me differently had the police arrested me for the marijuana that we were consuming a few hours before the carjacking? Same Marcus. Same night. Maybe I'm wrong. Maybe the ramped up rehabilitation discussion should only be limited to non-violent guys. Maybe the longer sentences and throw-away-the-key rule still applies.

But then I read the stats surrounding recidivism rates. And I learn that 95% of these guys are coming home one day. Are we forgetting about a large population of returning citizens when we only address the needs of non-violent offenders? Does the classification of non-violent vs. violent offenders effect reentry? The verdict is still out; but if I were to describe a fear of mine within CJ Reform conversations, it would be that of forgetting about inclusion of those like me whom were sentenced to punishment and not rehabilitation.”

We are already broke, how can we afford rehabilitation?

(University of Pennsylvania) “Criminologists have shown that prison education classes drastically reduce the recidivism rate. In Ohio, for example, inmates who enroll in college classes have a re-offending rate of 18%, while prisoners who do not take college courses have a re-incarceration rate of 40%. Prisoners in New York who earn a college degree while incarcerated are almost half as likely to get arrested after release compared to inmates who do not earn a degree. By decreasing the re-offending rate, prison education programs ultimately save the state money. For example, from 2008 to 2009, Nevada decreased the state’s prison population by 1.6%, which saved the state \$38 million and prevented Nevada from spending \$1.2 billion on construction costs. When one fewer Nevadan inmate re-offends, the state saves \$22,000. Since about 40% of state inmates and 27% of federal inmates have not completed high school, prison education programs allow inmates to gain the necessary skills they will need to find work outside of prison.

In addition to educational opportunities, job-training programs in prison reduce the re-offending rate and prove to be cost-effective. For example, Minnesota’s work-release program, which

permits inmates to work in the community as they approach their release dates, lowers recidivism rates. Minnesota prisoners who participate in work-release programs are almost twice as likely to find work within the first couple years of release than inmates who do not have work experience. Prisoners who participate in work-release programs are 16% less likely to be rearrested and 17% less likely to be sent back to prison. From 2007 to 2011, Minnesota's work-release program saved the state \$1.25 million due to the decrease in the prison population. In clearer terms, for each inmate who participates in a work-release program, the state saves \$700 on average. Vocational training also allows ex-convicts to give back to society and boost the economy. Minnesota prisoners who received job training paid \$459,819 more in income taxes than those who did not get job training.

Furthermore, alcohol and drug addiction programs have been shown to help prisoners rebuild their lives, increasing the chances that ex-convicts remain outside of prison. The Center for Prisoner Health and Human Rights reports that about 50% of inmates have a substance use disorder. Although drug treatment programs are available in the majority of prisons, only 40% of drug-abusing state prisoners and about half of drug-abusing federal prisoners take part in these programs. Prisoners with drug addictions should be encouraged to participate in these programs because scholars have demonstrated that drug treatment programs save correctional facilities money over time. On average, it costs California prisons \$72 a day to incarcerate one prisoner. San Diego's drug treatment programs have been shown to prevent ex-convicts from returning to prison at a cost of only \$65 per day. While prisons saving \$7 per prisoner may not seem like much, prisons can save hundreds of thousands of dollars if the majority of prisoners with substance use disorders participate in treatment programs.

After examining the studies about the cost effectiveness of educational, vocational, and drug treatment programs, it should be a no-brainer for politicians to support policy that emboldens prisons to administer rehabilitation programs for their inmates. It is true that rehabilitation programs have an upfront cost, but policymakers must remember that in the long run, these programs greatly reduce recidivism and people's tax dollars. It should be evident to lawmakers that the benefits of prison rehabilitation programs, which include a better economy and safer communities, vastly outweigh the costs."

Prisoners can't get a Pell Grant?

(Pell Grant Eligibility) "You may not be eligible if you have been incarcerated at any point in the past" and "You may not be eligible if you have a drug-related offense on your record"

Prisoners can't vote? Even if they can't, why should they be allowed to vote?

(Fairvote) "All states except Maine and Vermont take away the right to vote of a person convicted of a felony (a "felon") while they are serving in prison (Demleitner (1999)). But most states do not return a felon's right to vote after they serve their sentence. In many states, including Florida, Iowa, Virginia, and Kentucky, ex-felons face a lengthy waiting period and must

appear in front of a board, and then go through a re-registration process to restore their voting rights.

Not only does it treat the franchise as a privilege that can be revoked instead of a fundamental political right (Karlan 2001), the disenfranchisement of felons may perpetuate the long history in the United States of minority voter suppression. Karlan notes that, by disproportionately taking away the right to vote in historically politically marginalized communities, the power of those communities to affect change electorally is diminished. Robert Preuhs (2001) argues that the impacts of disenfranchisement can reverberate through communities and may "accentuate... [the] perception of illegitimacy of our legal system among minority citizens" (746)."

Do non-violent campaigns even work?

(Psychology Today) "nonviolent campaigns have a 53% success rate and only about a 20% rate of complete failure. Things are reversed for violent campaigns, which were only successful 23% of the time, and complete failures about 60% of the time. Violent campaigns succeeded partially in about 10% of cases, again comparing unfavorably to nonviolent campaigns, which resulted in partial successes over 20% of the time.

Why the difference? ...there are several interlinked answers. First, nonviolent campaigns typically attract more participants, including women, elderly folks, and others who do not want to take on the risks or the moral burdens of running around with guns and explosives, but are willing to pass on information about government atrocities, and to engage in boycotts, strikes, or nonviolent protests. Second, when a tyrannical government acts to suppress a nonviolent movement, it is more likely to backfire. Government security forces don't want to fire on unarmed civilians, especially when the crowd might include their mothers, daughters, friends, and neighbors. And if unarmed civilians are attacked, other citizens are likely to mobilize, and the government loses support from the international community and from the other pillars of its own society, such as the local media and the financial sector.

When a government is overthrown nonviolently, the new government is more likely to be democratic, and less likely to itself be overthrown, as compared to those that won using guns and bombs.

All of this raises questions about the wisdom of government policies that involve sending arms to revolutionaries, who often replace the current violent and tyrannical government with another one (eliciting longstanding hatred for the governments that helped the current dictators take hold)."

Why haven't we heard more about it?

The group organizing the protest actually predicted little coverage of the event. A statement from Jailhouse Lawyers Speak (It's Going Down): "Do not expect to see major coverage of our

strike on the mainstream media. Definitely do not expect any prison officials to give you accurate or updated information. It's their jobs to make it all seem like a normal day of operations. The only time they will report an uprising is when it's full-blown beyond their control. At that point they will label it a riot. Prisoners will have to sneak out updates."

Part of the reasons the media might not want to touch on this is due to the organizations that run these jailhouses denying that any protest is taking place:

(New York Times) "Members of the public cannot witness what is going on inside a prison, inmates are limited in their ability to relay their accounts and corrections departments have little incentive to publicize discord." "Vicky Waters, a spokeswoman for the California Department of Corrections and Rehabilitation, said in an email. "I can tell you we have had no reported incidents or activities from inmates related to the national prison strike."

Activists said detainees at a federal Immigration and Customs Enforcement facility in Washington State were on a hunger strike. A department spokeswoman, Lori K. Haley, said Sunday that those were "false rumors."

Officials in Colorado, Florida, Georgia, Indiana, New York and South Carolina, where protest activity had either been reported or rumored, all denied on Sunday that anything was amiss at their facilities. Officials in Ohio, New Mexico and at the Federal Bureau of Prisons did not respond to requests for comment.

"There are no strikes occurring in Georgia," wrote Joan Heath, a corrections spokeswoman there."

(Huffington Post) "It's hard to tell how many prisoners are participating in work stoppages since prisons control inmates' communication with the outside world. Organizers have said there are confirmed strikes in several states, but corrections agencies have insisted nothing is happening." "There have been no reports of inmate work strikes" in any federal facilities, a Federal Bureau of Prisons spokesperson told HuffPost."

Question known liars. There is substantial proof of a protest.

(New York Times) "The inmates at North Carolina's Hyde Correctional Institution hung three banners from the prison fence last week as supporters gathered outside. One sign asked for better food; another requested parole; the third said, "In solidarity.""

There's also video from USA Today in the show notes where prisoners are flicking the lights in their cells on and off in response to the protesters in Brooklyn that you can find in the show notes.

There is the video you can see in our notes from the New York Times in which a prisoner refuses a burrito, and says the word, "Protest." In response, the officer knowingly replies, "Oh, you're hunger striking?". This is both evidence of the protest itself and an example of an officer who seems well aware of the protest going on.

The CBC (Canada) acknowledged the protests going on in their own prisons and candidly states that it started with our prison strike here in the U.S.:

(CBC) "A prison strike in the U.S. is spreading across the border, as inmates in Nova Scotia join advocates in calling for an end to conditions advocates are likening to slavery."

These are hard criminals, why do we care?

(Mic) "Why We Need Prison Reform: Victimless Crimes are 86% of the Federal Prison Population... The United States has the highest prison population rate in the world. Presently 756 per 100,000 of the national population is behind bars. This is in contrast to an average world per-capita prison population rate of 145 per 100,000 (158 per 100,000 if set against a world prison population of 10.65 million), based on 2008 United Nations population data. In other words, the U.S. incarcerates its citizens at a rate that is 5 times the world average... This means that the U.S. alone is responsible for holding roughly 15% of all the prisoners in the world. In other words, 1 in 42 Americans is under correctional supervision. This constitutes over 2% of the entire U.S. population. That percentage jumps up drastically if we limit the comparison to working aged adult males, of which there are around 100 million. Over 5% of the adult male population is under some form of correctional supervision, alternatively stated, 1 in 20 adult males are under correctional supervision in the U.S."

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