ISSUE 11 | Summer 2022

KEEP THE FIRES BURNING

A PUBLICATION BY AND FOR CALIFORNIA PRISONERS

Cole "Kong" Dorsey, In Memoriam

Our comrade, our beautiful homie, our friend Cole was snatched away from all of us on May 22. *He was only 41 and passed away without warning, leaving us in shock and grief. He was one of the founders of Oakland AboSol and had been with us the whole six years. Many of you may have written or talked to him, as he diligently picked up calls to us from the inside.*

We have been collecting and publishing memorials to Cole and we invite those who knew him to send us yours to be published on our website. May his memory be a blessing.

In Cole's own words, from an old instagram post:

Kong- why Kong?

Aside from being a childhood nickname I relate to the story.

Figuratively and literally.

First, Kong was captured and held a prisoner.

I was captured and imprisoned. Not for honorable activity or anything I'm proud of but it did change my life. Although he was chained he easily broke free when he wanted to.

I relate because you can lock me up physically but as long as I have access to books and reading/writing letters you can never imprison my mind.

Kong fell in love and was willing to die for his love. His love was Ann Darow.

My love is my passion. My passion is organizing for social revolution. My vehicle for that is Oakland AboSol. I'm willing to die for my love.

Finally, when Kong knew he was outnumbered and couldn't win he fought till his last breath. In the immortal words of Fred Hampton, when I die the last words on my lips will be, "I am a revolutionary".

"The Torch of Hope"

By FG

We will pass-on To The next Generation

A Lit fire

A will & passion for Life & Freedom

We will pass-on hope, Faith, and Perserverance

A Blue print of Action

Despair No More!

As the Torch of Hope Keeps Burning,

Into The era of a new Dawn,

Where We will roam freely.

We the decade of the 90's will set the tone,

For those to Hear of Life, Success, and Victory.

Challenges Conquered By the Educated & Informed.

Armed to the Tooth.

Led By the Flames of Hope

We will keep on Fighting until the Last pen goes Dry.

We will Fight for an Inner Freedom,

Chains of Steel Broken,

There is Strength in numbers & Solidarity.

———— ¡Asta La Victoria!

Art by Kevin "Rashid" Johnson

COVID / Conditions Reports

Here is an assortment of things that we're hearing from a variety of places. Please let us know if this tracks with your experience and don't hesitate to share your own:

"There may indeed be a small fringe of CO's holding out against vaccines, but the numbers we are seeing (anywhere from 30-150 staff members not reporting to work) suggests it's a much broader issue."

"The firsthand knowledge that I've received is that it's a statewide, CCPOA organized protest against body cams and pay cuts. The timing supports this, as both of these issues began (at least here at RJD) in April 2021, and immediately staff shortages became prevalent. Like literally the week after they got body cams."

"The cops are using precautions such as contact tracing to take extended leaves (probably with pay) it's essentially a strike in all but name…"

Addition: "We overheard some cops complaining that they can no longer take 'free COVID vacations' so their strike is for all purposes, over. Here in RJD we had almost 10 full days of program straight which we haven't seen in over 2 years."

'After The Hunger Strikes

By Ras' safidi- EL

What not many people know
is the life after the hunger strikes.
The punitive transfers from prison to
prison because one was the leader of the strike.
When the protestors have retired
and the reporters are in rest.
The real war has only begun,
Strikers don't get no rest.

Those who dare
speak up and speak out,
they have another thing coming.
For embarrassing the department, organizing that Hunger strike,
their reward is injustice resuming.

There's a Code of silence in all these Prisons, and the staff are employed to honor it.
All it takes is one wrong call with a social media corporation for inside leaders to be subject to punishment.
C.Os are enforcing it,
Their supervisors are promoting.
One could very well lose their lives after
the hunger strikes, for daring to dishonor it.

Punishment of a different kind.
Punishment of a different Time.
Punishment against my black soul
for being black with a black mind.
Though I aint black, I'm labled as that.
And suffer for at the same time.
Black dreams carry me,
away from all the silence.
All who are involved, at every level,
both Public and Private:
A crooked cop is a crooked cop,
no matter how we remodel it.
But the greater question is
their front line responders who reap
the benefits.

Crooked Doctors and Nasty nurses.
Mental health without the care,
After the hunger strikes are presumed over,
the black market is still there.
The medical racket is real estate,
Pharma Corps are the mafia chiefs.
Hunger strikers are concidered snitches,
thats why Yogi Pinell was murdered by the police.
After the Hunger strikes cops use medical to screwball leaders.
And if we refuse there medical systems,
the S.H.U term is they Quarantine us.

Coast to Coast! Santa Rita Hunger Strikers Send Solidarity to Rikers Island Strikers

In January of 2022, prisoners inside Alameda County Jail went on hunger strike for several weeks in response to an increase in the jail's commissary prices—the third price increase during the COVID-19 pandemic alone. Many people rely on commissary items for daily sustenance due to the poor quality and small portions of County food.

On the other side of the continent, hundreds of people incarcerated in NYC's Rikers Island jail simultaneously initiated a hunger strike against unsafe, unsanitary, and inhumane conditions. In close touch with outside supporters, the Santa Rita hunger strikers, spread out over four housing units, learned of the parallel struggle in NYC and jumped at the chance to send their support across the

country and into Rikers Island cells.

Prisoners in Santa Rita also mobilized community members to overwhelm the County Supervisors with phone calls expressing solidarity with strikers and relaying their demands. While the Sheriff and Supervisors refused to lower commissary prices, the strike strengthened structures of support over and under prison walls.

Here we share a collection of statements of solidarity statements (and advice) from hunger strikers who were incarcerated in Santa Rita Jail:

James Mallett:
"Keep fighting! Know your cause and know your limits. As a unit, you can achieve positive change even if you have to sacrifice your own body. It's not right for us to be treated unjustly just because we're prisoners, many innocent until proven guilty – we should be treated as such. Our sacrifice may be small, but in the future and for those behind us, the effects will be loud. They will have the changes we fought for."

Eric Rivera:
"I'm in solidarity with you as someone from New York myself. We share the same sentiments, the struggle is the same, and the underlying issues are the same. Follow the money in any situation – it's a litany of greed, and these institutions need to be held to account. We stand with you because it's the same everywhere."

Odell Jones:
"If you don't stand for something, you'll fall for anything. This is as good a cause as any. If you're not going to strike, don't discourage those who are."

Jeremy Daniels:
"If we don't stand for something, we'll fall for anything. Strikers in Rikers can be heard all the way over here on the west coast. Keep making loud noise. I get strength from knowing about strikers on the other side of the country."

Timothy Phillips:
"My friends and brothers, I hope this finds you well, or at the very least, brings you some solace. My name is Timothy and I am currently incarcerated at the Santa Rita Jail near Oakland, California. I just recently learned of your organized efforts to raise awareness to your valid grievances. I want to assure you that you guys are not alone and many of us here in Northern California stand with you during this perpetual struggle. We understand what you are going through – battling the wanton treatment and inhumane conditions inflicted by jail authorities. Keep in mind that personally speaking, I believe that hunger strikes can be a viable form of peaceful protest. I would humbly offer this added piece of advice: whichever tactics or strategies you undertake, it is vital to "organize" – which entails: effective communication, solidarity, support, and maybe some mutual compromising. The old adage, "teamwork makes the dream work" is very real! I want to close by letting all of you know that you are in our sincere thoughts and prayers. Our community activists and supporters are keeping us updated regularly as to how you guys are doing.

And finally, I'd like to share this very pertinent quote from Dr. King: "the true measure of a man is not where he stands during comfort and convenience, but rather where he stands during crisis and controversy."

'Mass Incarceration' as Misnomer

By Dylan Rodríguez

Reprinted from The Abolitionist (Summer 2016)

"Mass Incarceration" has become a misleading, largely useless, and potentially dan- gerous term—a newly designated keyword, if you will, in the steadily expanding politi- cal vocabulary of post-racialism. We must ask ourselves what "Mass Incarceration" has actually come to mean, to what uses this phrase is being deployed, and whether, in our incessant and perhaps under-examined use of this phrase, some of us are becom- ing unwitting accomplices to the very regime of U.S. state violence to which we profess to be radically opposed.

Who, exactly, is the "mass" in Mass Incarceration? If it is not the case—really, not even remotely, astronomically the case—that Euro-descended people and those racially marked as "white" are being criminalized, policed, and incarcerated en masse, that is, if the common sense usage of "Mass Incarceration" already presumes casual and official white innocence and de-criminalization, then isn't this phrase closer to being a clumsy liberal racist euphemism for Mass Black Incarceration—and in many geographies, Mass Brown Incarceration?

There is an emerging liberal-to-progressive commonsense about U.S. policing, criminalization, and human capture that uses the language of Mass Incarceration within a sometimes sterilized rhetoric of national shame, shared suffering, and racial disparity. No- tions of fundamental unfairness, systemic racial bias, and institu- tional dysfunction form the basis for numerous platforms advocating vigorous reforms of the criminal justice apparatus, largely by way of internal auditing, aggressive legal and policy shifts, and rearrangements of governmental infrastructure (e.g., "schools not prisons").

As Obama, et. al. sing alongside the liberal progressive chorus of demand for an end to Mass Incarceration, they simultaneously advocate for a redistribution of state resources away from prisons and toward the police.

What is largely beyond contestation is that this reform agenda rests on two widely shared premises: 1) that the current structure of US incarceration is bloated beyond reasonable, justifiable, or sustainable measure; and 2) that equal and rational treatment under the (criminal) law is both a feasible and desirable outcome of Mass Incarcera- tion's imminent reform. What is less clear, however, is whether those who subscribe to this commonsense formulation of liberal-progressive solutions are willing to concede that they may have radically misconceived the problem.

While we cannot reproduce them here, every conceivable statistical measure clearly demonstrates that the impact of the last four decades of state-planned criminological apocalypse is historically, fundamentally asymmetrical (for lucid and concise summa- tions of this evidence, see sentencingproject.org or criticalresistance.org, among many others). In other words, the post-racial euphemism of "Mass Incarceration" miserably fails to communicate how the racist and anti-Black form of the U.S. state is also its paradigmatic form, particularly in matters related to criminal justice policy and punishment.

Put another way, there is no "Mass Incarceration." The persistent use of this term is more than a semantic error, it is a political and conceptual sleight-of-hand with grave consequences: if language guides thought, action, and social vision, then there is an urgent need to dispose of this useless and potentially dangerous phrase and speak truth through a more descriptive, thoughtful activist vocabulary.

The twenty-year history of "Mass Incarceration's" entrance into the popular vocabulary illuminates the lurking dilemma at hand: While its etymological origins can be traced further back in time, the contemporary use of the phrase emerged in the mid-1990s, owing in significant part to the work of the National Criminal Justice Com- mission between 1994-1996. The NCJC generated a comprehensive analysis of what it then deemed "the largest and most frenetic correctional buildup of any country in the history of the world," and summarized its findings in the widely cited text The Real War on Crime, published by the mega-trade press HarperCollins. The terms Mass Incarceration, "mass imprisonment," and similar ones persisted through latter-1990s and early 2000s, surfacing in academic, activist, and public policy rhetoric as well as influential texts like Marc Mauer and Meda Chesney-Lind's 2002 anthology Invisible Punishment: The Collateral Consequences of Mass Imprisonment and, of course, Michelle Alexander's widely read, deeply flawed 2010 book The New Jim Crow: Mass Incarceration in the Age of Colorblindness.

Since the publication of Alexander's text, "Mass Incarceration" has not only entered the post-racial lexicon as a euphemism for racist criminalization and targeted, asym- metrical incarceration, it has also been absorbed into the operative language of the US government and its highest-profile representatives. Let us briefly consider three prominent examples of this creeping co-optation, spanning ten months in 2014-2015. US Attorney General Eric Holder's keynote address on "over-incarceration" at NYU Law School in September 2014 was one of the early indications of a reformist shift in the US state's internal deliberations on national criminal justice policy. Crucially, Holder's speech occurs just one month after the police killing of Michael Brown in Ferguson, MO, amidst an unfolding national revolt against anti-Black, racist police violence. Against this burgeoning climate of anti-racist protest, Holder panders to law enforcement in the same breath that he decries the "rise in incarceration and the escalating costs it has imposed on our country:"

> *We can all be proud of the progress that's been made at reducing the crime rate over the past two decades – thanks to the tireless work of prosecutors and the bravery of law enforcement officials across America.*

Soon after Holder's resignation from the Attorney General post, freshly declared Presidential candidate Hillary Clinton calls for a new era of criminal justice reform in an April 2015 speech at Columbia University. Echoing Holder's verbal genuflection to police power, Candidate Clinton laments the "era of mass incarceration" while lambasting the contemporaneous uprisings in Black Baltimore over the police torture and killing of Freddie Gray. Scolding the Baltimore protestors for "instigating further violence," "disrespecting the Gray family," and thus "compounding the tragedy of Freddie Gray's death," Clinton declares, "we must urgently begin to rebuild bonds of trust and respect among Americans, between police and citizens."

Not to be outdone, Pres. Barack Obama resoundingly hails the onset of carceral reform in a somewhat remarkable July 2015 address at the NAACP's national convention in Philadelphia. To a series of standing ovations, Obama declares, "our criminal justice system isn't… keeping us as safe as it should be. It is not as fair as it should be. Mass incarceration makes our country worse off, and we need to do something about it." Amplifying the Holder-Clinton script, Obama proclaims the need for more policing of African American communities, to the audible praise of the NAACP

crowd. Obama's subsequent historical mis-characterization of policing under US apartheid is peculiar at best:

> *Historically, in fact, the African American community oftentimes was under-po- liced rather than over-policed. Folks were very interested in containing the African American community so it couldn't leave segregated areas, but within those areas there wasn't enough police presence.*

Herein lies the punchline of the multiculturalist racial state's co-optation of the Mass Incarceration rhetoric and its conjoined reform agenda: as Obama, et. al. sing alongside the liberal-progressive chorus of demand for an end to Mass Incarceration, they simultaneously advocate for a redistribution of state resources away from prisons and toward the police. For Obama, the salve for rampant racist police violence and mount- ing popular revolt against the default prestige of the badge-and-gun is "hiring more police and giving them the resources that would allow them to do a more effective job community policing."

There is something lurking beneath this still-emerging liberal-progressive, and now official state reformist discourse of Mass Incarceration that is worth some critical, radical scrutiny.

We are witnessing the early stages of a subtle though potentially significant shift in the statecraft of policing: the reform of Mass Incarceration is becoming insidiously linked to calls for a kinder, gentler, and expanded form of law-and-order policing. This growing, technologically enhanced and body camera-strapped police power, in turn, implicitly promises to kill and maim fewer unarmed (Black and Brown) people, while also subjecting them to more effective forms of surveillance, control, and discipline (community policing or "peacekeeping"). Riding the wave of a Mass Incarceration reform renaissance, the multicultural racist state, in loose coalition with an ensemble of liberal-progressive consensus makers (professional activists, academics, nonprofit and foundation executives, policy think tanks, religious leaders), is building a refurbished pro-police national consensus by naturalizing the utterly bogus connection between de-carceration, "community safety," and expanded police capacity/power. This is a statecraft that intends to win hearts-and-minds even as it focuses its punitive, disciplinary crosshairs on those fitting the profile of "real criminals" (what- ever that might mean in a given time and place).

If the current political discourse on Mass Incarceration is allowed to remain intact, it is almost certain that the technologies and institutional reach of policing will increase, expand, and intensify even as the thing being called "Mass Incarceration" is subjected to reformist scrutiny from within and beyond the racial state.

Perhaps, then, it is the moment in which the public intellectuals and figureheads of the US state begin to deploy the allegedly critical language of Mass Incarceration that we must admit to ourselves that this term may have reached its point of explanatory and analytical obsolescence—that is, if it ever adequately explained and analyzed any- thing to begin with. It is becoming ever-clearer that the US racist state is both willing and capable of re-narrating the story of Mass Incarceration as a call for better, that is, more tolerable and consensus-building technologies of criminalization, policing, and incarceration.

The historical rhythm of US nation-building plays on the percussive terrors of domes- tic warfare and gendered racial criminalization (literally, the creation of crime and criminals through the raw material of racial- and gender-marked bodies). A spectrum of selective, targeted forms of incarceration—from Middle Passage slave ships and California missions to Mexican labor camps and federal supermax prisons—has produced multi-generational terror, suffering, and freedom struggle for populations at the underside of white American (and now multiculturalist, post-racial) civil society across its various phases of historical development.

In addition to challenging and ultimately dismantling the idiom of Mass Incarcera- tion, we must come to terms with the need for a more comprehensive, flexible criti- cal/activist language that does not fixate on prisons and jails—or even on "criminal justice"—as the exclusive sites of institutionalized racist state violence. Contemporary systems of human incarceration, from Pelican Bay to Guantanamo Bay, are insepa- rable from both 1) the growing ideological, institutional, and militarized regime of US policing and 2) the larger cultural-legal technologies of criminalization, including popular entertainment, corporate and social media, and the law itself.

Thus, the problem is not merely one of "incarceration," it is also a matter of an overlapping, symbiotic ensemble of institutions and systems that implicates the entire apparatus of the law-and-order United States as a form of asymmetrical, domestic war against criminalized people and places.

Certainly, the rebellions against police violence across the US over the last two years are forcing a partial disruption of classical white supremacist and anti-Black policing strategies such as those seen in places like Ferguson, MO and Baltimore, MD. Yet at the very same time, in response to this climate of protest and uprising, the statecraft of

criminal justice reform is premised on a strengthening and re-legitimation of police authority and prestige. As the phrase "Mass Incarceration" is absorbed into the operative language of the state, does it not become necessary to consider how this rhetoric is becoming more of an accomplice to the racist state than an effective language of opposition to it?

Poetic Justice

By Mr. 132

Editor's Note: Poem reprinted from KTFB #3 due to a misprinting of the author's pen name.

Several weapons at their disposal to ensure our compliance

Some say the food's the worst part but I'm sure it's the the tyrants

The first thing that I learned there's little hope in the air

A breeding ground for corruption and it grows everywhere

But we get television every day to help rot and tame us

Part of a pernicious strategy to turn us into lame ducks

A tiny cell I must call home that's even unfit for raccoons

I'm being generous when I say probably as big as your bathroom

There's dozens of prisons statewide and they're filled past capacity

Just a hint of some resistance and they tend to act drastically

Like pushing a pillow in our face to keep our voices muted

Gave some an inferiority complex with no choice but to do it

Chains of conformity that I'm resisting each and every day

To do what the next man does is a game that I rarely play

You may like the status quo but I see the need for a change

How can it be for the greater good when there's so many in pain

It's sad there's people out there that think it's just this

A term that some like to call an act of Poetic Justice

Fighting from Inside

By Charlotte Rosen

Editor's note: This is the first part of a longer piece that will be published in installations in the next newsletters.

In April 2018, people inc arcer ated at Lee Correctional Institution, a maximum-security prison in South Carolina, leaked a gruesome cell phone video to CBS News after a series of fights left seven people dead and at least seventeen others in need of outside medical attention.* According to an imprisoned witness of the riot, guards refused to intervene as "prisoners' bodies began stacking up" and did not return for hours, leaving the incarcerated to fend for themselves. One leaked image showed three dead bodies amassed, as if they were "roadkill," against a prison fence.

At a press conference the prison administration blamed this "mass casualty event" on warring gangs and an influx of "contraband"—namely cell phones—which supposedly allowed imprisoned people to "continue their criminal ways from behind bars." But, as those imprisoned at Lee contended, it was the prison administration who incited violence. The administration encouraged fights, repressed prisoner-led efforts to deescalate tension, and stoked racial and cultural divides between prisoners. Cell phones, people imprisoned in the South Carolina Department of Corrections told the independent outlet Shadowproof, were framed as the central problem so that guard neglect and abuse could go unrecorded in the future.

In response to this vulgar display of state-sanctioned violence, Jailhouse Lawyers Speak, a collective of imprisoned people organizing for prisoners' human rights, called for a national prisoners' strike. In several states, incarcerated people participated in work stoppages, sit-ins, boycotts, and hunger strikes over a period of nearly three weeks. The strike—and its corresponding list of ten demands for men and women in federal, immigration, and state facilities—received international media coverage, with outlets foregrounding organizers' calls for improving prison conditions, reinstating federal voting rights, and ending the regime of modern-day slavery that forces imprisoned people to work for minuscule pay. But there was one item on the list that received little attention: the demand for Congress to repeal the Prison Litigation Reform Act, or PLRA.

Little known to those not involved in prisoner-rights work, the PLRA went into effect in 1996 and creates significant hurdles for any incarcerated person who hopes to legally challenge the conditions of their incarceration.

In the decades leading up to its enactment, thousands of imprisoned people across the country filed civil rights suits alleging unconstitutional conditions and treatment. Only a small number of these suits made it past motions for dismissal. But these prisoner suits profoundly challenged an emergent but not-yet-settled carceral state. Some prisoners' petitions resulted in rulings that entire prison systems were unconstitutional. They also led to federal courts assuming management of state prisons and jails, placing limitations on bulging prison populations, ordering the release of prisoners, and even shuttering certain prisons. These suits created substantial complications for state and local legislators and correctional administrators: they shone a public spotlight on the otherwise-obscured brutality present in the nation's prisons and jails; they forced reforms and placed limits on the unfettered growth of prisoner populations; and they undermined the tough-on-crime ethos required for justifying neoliberal social policies and the upward transfer of wealth. At a moment when popular support for imprisoned people was fading and law- and-order politics was becoming increasingly ubiquitous, prisoners' legal activism posed a meaningful threat to the growth of the prison nation.

On paper, legislators passed the PLRA to halt what congresspeople erroneously called an epidemic of "meritless" prisoner- initiated lawsuits clogging court dockets. But the law's effect—crushing imprisoned people's access to the courts and limiting the federal courts' power to remedy heinous prison conditions, especially via population control orders—was to severely narrow a key terrain of struggle for imprisoned peo- ple fighting not only for relief from abusive treatment and inhumane conditions, but also against the expansion of an intensifying regime of racialized mass imprisonment. The history of prisoner litigation, then, is important both for its insights into shifting trends in civil rights litigation and for making sense of how the contemporary regime of racialized mass incarceration came to be.

For much of American history, the notion that the courts would recognize and sanction judicial review of imprisoned people's constitutional rights would have seemed far-fetched. Since at least the 19th century, the American court system repeatedly concluded that imprisoned people's claims had no standing in American courts. In Ruffin v. Commonwealth (1871), the Virginia Supreme Court ruled that prisoners were "civiliter mortuus"—civilly dead—and "slaves of the state" who lacked constitutional rights. This legal codification of prisoners' dehumanization, along with the federal courts' general hesitancy to intervene in matters deemed the jurisdiction of the states, justified a judicial tradition often referred to as a "hands-off" approach to prisoner rights. This tradition continued well into the 20th century.

The courts' hands-off attitude appeared ironclad until the early 1960s, when an organized group of Nation of Islam prisoners launched a series of political and legal challenges against prison administrators. In his history of Muslim prisoner litigation, Those Who Know Don't Say, the historian Garrett Felber writes that "Black prisoners saw the courts as a breach in the walls, which allowed them to express their claims before the world outside." Inspired by the innovation of Martin Sostre, a revolutionary organizer and jailhouse lawyer incarcerated in New York state, imprisoned Muslims filed claims based on Section 1983 of the Civil Rights Act of 1871, which allows individuals to sue the government for civil rights violations. Pairing their legal tactics with direct actions such as hunger strikes and taking over solitary confinement units, they sought rulings that would deem religious and other constitutional deprivations civil rights violations, making them eligible for a variety of forms of legal redress and relief.

Imprisoned Muslims faced a wave of losses in lower courts but soon secured a few critical gains. Their efforts came to a head in July 1962, when Thomas X. Cooper, a Black and Muslim man caged at Illinois's Stateville prison, filed a pro se suit (suits where individuals represent themselves without an attorney) charging that prison officials had unconstitutionally barred him from practicing his religion. Specifically, Cooper alleged they denied him access to a Koran and other religious works while he was placed in highly restricted solitary confinement after participating in ongoing protests and tussles with guards. As with scores of other Muslim pris- oner suits, Cooper initially hit a roadblock in the federal courts: the district court denied his petition—a decision upheld by the Seventh Circuit, which cited "Muslim beliefs in black supremacy and their reluctance to yield to any authority" as a "serious threat" to maintaining "order in a crowded prison environment." But in Cooper v. Pate (1964), the Supreme Court contended that Cooper's claims deserved a federal court hearing based on their merits, even as they refused to rule on those merits. It was a historic victory. One year later, as the historian Toussaint Losier has detailed, the same district judge who had dismissed Cooper's suit ruled that Cooper should, in fact, have access to the Koran, religious advisers, and Muslim services. These decisions enshrined the civil rights of imprisoned Muslims and imprisoned people generally across the nation, even as Cooper himself remained incapacitated in solitary confinement; notably the district judge's ruling refused his release.

Cooper marked the beginning of a new and powerful prisoner-led struggle in the courts. Across the country, incarcerated people filed a flurry of suits against prison

overcrowding, guard brutality, poor medical and mental health care, racial discrimination, lack of religious freedom and disability access, faulty or nonexistent grievance systems, and more, forcing the state to confront the racial fascism present in prisons and jails across the country. Between 1970 and 1995, prisoner civil rights filings in federal district courts increased from 2,245 to 39,053, or from approximately six to twenty-five filings per one thousand prisoners. By 1993, prisons in forty states, the District of Columbia, Puerto Rico, and the Virgin Islands had at one point been under some form of comprehensive court order to remedy overcrowding and reform unconstitutional conditions. As the National Conference of State Legislatures wrote in a 1985 report, "It is simpler to name the states that have not had the courts intervene in the operation of their state prison systems" than to name those that had.

At the same time as imprisoned people were beginning to exercise their legal rights, a looming but not-yet-determinate carceral future was emerging. Growing fears about rising crime, the widespread belief in the futility of the rehabilitation of "criminals," and white racial resentment against Black urban uprisings and the ascent of Black Power movements fueled support for tough-on-crime policies that expanded the carceral state. Beginning in the 1970s, a combination of expanded federal funding for local police, harsh sentencing and parole laws at the state level, and the intensification of a rhetoric that conflated Blackness with criminality produced a spike in incarceration rates. According to data from the Bureau of Justice Statistics, the number of imprisoned people in state and federal correctional facilities increased 720 percent between 1970 and 2010, jumping from just under 200,000 people to over 1.6 million. While Black people in America had always faced disproportionate imprisonment, the number of Black imprisoned people rose sharply and unequally in the late 20th century, with Black people constituting majorities in state and federal prisons despite being a minority population.

Although tough-on-crime politics theoretically assailed the very concept of prisoner rights, the retributive policies central to the law-and-order project also unwittingly created conditions that strengthened prisoners' claims of unconstitutional confinement. As states militarized police, passed mandatory minimums, eliminated or restricted parole, slowed executive clemency, and endorsed other tough measures, state prisons and local jails—some of which had been built nearly a century earlier—were suddenly filled with unprecedented and unsustainable numbers of imprisoned people. While not a new problem in corrections, prison overcrowding became endemic, making already bad and abusive conditions worse. It became commonplace to hear reports of two and even three incarcerated people crammed into cells "a little larger than a ping pong table," as was reported at Stateville in 1977. A 1983 New York Times investigation interviewed state prison officials and found that imprisoned people were "sleep- ing on floors" in eighteen states. By the end of 1986, thirty-two state prison systems and the federal prison system were operating with population levels equal to or more than their highest reported capacity, which is always the most generous accounting of prison's available beds. The state's desire to punish, in other words, dramatically outpaced their actual capacity to do so, providing imprisoned people new grounds on which to file suits against prison officials and state governments. Prison overcrowding magnified already appalling conditions, prompting imprisoned people to launch new and bolder legal challenges against the burgeoning prison nation. After a 1962 US Supreme Court Case, *Robinson v. California*, affirmed the applicability of the Eighth Amendment prohibition of cruel and unusual punishment to state governments, incarcerated people, lawyers, and sometimes even federal court judges increasingly sought to apply the Eighth Amendment to the entirety of a correctional facility's conditions of confinement.

The stakes of such a strategy were high: it was one thing for a prisoner to win an individual habeas corpus suit or constitutional protection against a discrete policy or form of mistreatment; it was another to deem the entire operation and administration of a correctional system unconstitutional. Such a decision could heighten public awareness of the structural violence of imprisonment and make it possible to reverse the appalling increase in prisoners that tough-on-crime policies wrought through population reductions, prison closures, and major institutional reforms.

As law-and-order politics ascended nationally, edging out once-mainstream support for prisoners and their resistance movements, prison litigation offered a formidable arena for incarcerated people to counter the seemingly inexorable expansion of racialized state repression. In exposing the unsustainability of carceral strategies, prison-conditions litigation authorized antiprison discourse and tactics and undermined the legitimacy of tough-on-crime politics and carceral institutions. The ability to secure court rulings that affirmed the unconstitutionality of a given state prison system—or, as was often the case, to negotiate a settlement requiring the state to make court-mandated reforms—served as a troublesome hurdle for carceral stakeholders wishing to imprison with impunity.

PART 2 IN NEXT ISSUE

EDITOR'S NOTE

As always, please submit your thoughts, writings, and feedback! We love hearing from you.

We try to publish the pieces we receive as they are, so we make little to no changes to selected pieces unless you ask us to edit your work. If you are able to, please consider submitting your writing through JPay, we'll add you to one of our accounts on request. We also anonymize all submissions from the inside per our editorial principles. Space is often limited, but even if we aren't able to publish your letter, it may spark important conversations.

We think the pieces here are thought-provoking and deserve to be read, though they may not always directly reflect the views of Oakland Abolition & Solidarity. Please send any stories, feedback, inquiries, analysis, responses, artwork, poetry, or anything else you'd like to share to:

Oakland Abolition & Solidarity
ATTN: Newsletter
PO BOX 12594
Oakland, CA 94604

** *We've received word that CDCr has restarted the orchestrated violence known as "reintegration." We're especially looking for short, personal narratives about how reintegration has affected you so we can publish them on the outside to try to help put a human face on the impact of these horrors that CDCr is committing.*