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KEEP THE FIRES BURNING

A NEWSLETTER BY AND FOR CALIFORNIA PRISONERS

Desde ahora en adelanta ofrecemos una versión de esta edición y las ediciones que vienen de ¡Que sigan los fuegos! Por favor escríbanos y le mandamos una copia.

P.O. Box 12594
Oakland, CA 94604

Editor's Note: Over the past couple years our group has taken a lot of hits but we're still here and building! We're in the process of trying to build our capacity back up to be able to answer more personal correspondence but for the time being we won't be able to respond to as many letters as we'd like. If you've written us and we haven't responded, please know that it's not personal and that if you want to write us again, please do! We read every letter even if we can't respond. We're working hard at increasing capacity again and will keep ya'll updated!

NEWS REEL

Ninth Circuit Court Rules Prison Can House Prisoners in Solitary Confinement for as Long as Prisons Like

By Claire Hsu, published in the Davis Vanguard August 28, 2023

SAN FRANCISCO, CA – The California Ninth Circuit Court ruled 3-0 this past week, permitting corrections and rehabilitation facilities to place prisoners in solitary confinement daily for extensive hours, reports the SF Chronicle.

The ruling undermines the 2015 settlement the California Department of Corrections and Rehabilitation (CDRC) and prisoners had instituted, agreeing to the hours one can be in solitary confinement and the conditions that determine that prisoners placed in solitude should be restricted to those who pose a danger to other inmates, according to the SF Chronicle.

A class action suit filed for prisoners of Pelican Bay State Prison, known as Ashker vs. Governor of California, by the Center for Constitutional Rights (CCR), claimed the state violated the 8th Amendment of the constitution, by keeping prisoners in confinement for an extended amount of time.

The prisoners also argued the state infringed their 5th Amendment rights because there is no clear explanation for why inmates are subject to the prison's Security Housing Unit (SHU).

According to the SF Chronicle, Jack Morris, a former inmate of Pelican Bay, states he was kept in solitary confinement for more than three decades because of his previous connections to a Mexican gang.

Morris said, "Everybody in there suffered in silence. I used to suffer panic attacks. You can't breathe or see clearly," reports the SF Chronicle.

Judge Claudia Wilken, a judge in the U.S. District Court in Oakland, is in charge of making sure prisons abide by the 2015 agreement, which originally denied the government's desire to not terminate the restraints because facilities were placing prisoners in confinement based on

alleged gang relations and crimes without concrete evidence, writes the SF Chronicle.

In May 2023, the CDCR responded with a petition to appeal the district court's conclusion, and the case was to be heard by the Ninth Circuit Court.

Pedro Calderon Michel, a representative of the CDCR, asserted plaintiffs "did not demonstrate a current and ongoing systematic violation and could not justify an extension of the settlement agreement," reports the SF Chronicle.

And, on Aug. 23, the Ninth Circuit Court, in a 3 to 0 ruling, concluded that facilities do not have to justify why they have decided to place someone in solitary confinement, writes SF Chronicle.

Judge Ryan Nelson, one of the judges who heard the case in the court of appeals, stated, "The constitution does not require prison officials to disclose every piece of information that an inmate might use in support of his defense," and that they are not obligated to present minimal evidence, according to SF Chronicles.

In 2020, the Ninth Circuit Court overturned the ruling of the district court in 2018, writes the Courthouse News, and that the CDCR had not breached the 2015 settlement.

One of the judges who presided over the case, Judge James Gwin, stated the government is only obligated to move a prisoner from solitary confinement to a different institution, details Courthouse News, adding the state is allowed to keep prisoners who they believe are a danger to others or themselves from living with and working out with the other prisoners in the same area.

In response to Judge Wilken's conclusion that the "walk-alone status" is unconstitutional because it keeps prisoners from socializing with others, the Ninth Circuit Court writes prisoners on "walk-alone status" may work out by themselves and they may socialize from the barred area, separated with fences, reports the Courthouse News.

Samuel Miller, a CCR attorney and the attorney for the class action suit, said, "We are disappointed the panel has decided the term general population can be defined by the prison system however they please," writes the Courthouse News, adding Judge Gwin said the 2015 settlement did not clarify the amount of time prisoners in solitary confinement are supposed to be out of it.

California officials have been working to advocate against concerns over solitary confinement practices, details the SF Chronicle.

For example, Assemblymember Chris Holden authored AB 2632, which determines a prisoner may be placed in solitary confinement for 15 days only and 45 days within a 180-day term. But, the bill was vetoed by Gov. Gavin Newsom, said the Chronicle.

According to CCR, Sitawa Nantambu Jamaa, involved in the class action suit, asserts, "The settlement is something that has to be continued because some of the things CDCR agreed to, they haven't accomplished. It's a constant struggle for our freedom."

10 Years Later After the Pelican Bay Hunger Strike

Editor's note: This is a piece we wrote and published to our outside supporters, we're including it here exactly as we published it.

It's been ten years since 29,000 prisoners organized a hunger strike at Pelican Bay in order to protest solitary confinement, all the way back in July 2013. This remains the longest prison hunger strike in California's history- and also an enduring example of what happens when the inside organizes autonomously against the state to get results. As one testimony from inside put it:

"Slowly but surely, people were released from solitary confinement. Immediately after, I felt like our living conditions improved. But more than anything, our protest showed how the power of unity was able to change an inflexible mindset."

Both the hunger strike and its longer arc of organizing in California provide us with a gentle reminder that prisoners are driving this movement to end solitary confinement, and the state offers no truly lasting, viable options. Ten years later, as recently as August, the California Ninth Circuit court, through a panel of three judges, ruled unanimously that CDCR facilitates can impose solitary confinement for as long as they choose to do so. Not only does this come on the heel of the ten year anniversary of the Pelican Bay hunger strike, it also directly undermines the Askher settlement from 2015, which targeted indefinite solitary confinement in the state of California. The Ninth Circuit ruling disregards the settlement completely, elaborating that prisons do not have to justify why prisoners are placed in solitary confinement and for how long they are placed.

Adjacently at the state front, the California Mandela Act, which restricts the length of solitary confinement to 15 days (or 45 days within a six month period), was delayed in the legislative process after being passed in both houses of the state legislature following a month after the court ruling. The bill is delayed to the end of the 2023 California legislative session. Gavin Newsom vetoed a similar measure to restrict solitary confinement a year ago. It's important to emphasize how aligned CDCR and Gavin Newsom are on the front of indefinite solitary confinement, to the point where to this day, they are still maneuvering to retain the carte blanche authority of prisons to isolate prisoners.

Legal strategies, even such as the Ashker settlement, require constant defense against the state, and even within the policymaking process, they require constant protection, advocacy, and devoted resources and time in order to remain available as remedies. The state can outpace organizing power on this front and always reliably roll back protections made as compromise or concession through the legal process. The Law, as we know it, whether by the spirit or letter of the law, is less defined by the slow march of reason and progress as advocated by liberalism and moreso contextualized by a desire for power and control. The law is defined by who is empowered to use it, and at the state level, it becomes an instrument of discipline, in order to repress collective power and movements against the state.

We send our regards and solidarity to the hunger strikers who participated ten years ago at Pelican Bay, including the ones who are free, and the ones who are no longer with us. With CDCR prisons still weaponizing solitary confinement on a wide scale, we still have a ways to go. But the hunger strike at Pelican Bay is one of many examples of inside organizing with collective hope for a better world and rebellion against state violence.

Report on Women's Prison Uprising in Arizona

Approximately 50 people in a women's prison in Arizona, ASPC Perryville, rose up on August 11, setting fires and destroying prison property, refusing movement back into boiling hot cells, and fighting back when guards gassed and pepper sprayed them. Temperatures inside the cells were over 90º, and some prisoners had been demanding that the temperatures be checked in their cells, but guards had refused.

Report on Takeover in Stillwater Prison in Minnesota

On September 3rd, approximately 100 prisoners in one living unit in a men's facility in Minnesota, Stillwater Prison, worked together to nonviolently take over the common area, ultimately lasting 7 hours and ending without violence. According to prisoners this was an impromptu response to high temperatures, no cooling, and no clean drinking water in the cells, along with access to showers, ice, phone calls, visitation, and recreation time being cut, especially over the weekend as guards went on vacation; prisoners were only removed from their cells to work.

STOP COP CAMPUS: Opposing the Construction of a New Playground for Bay Area Police

Some context from us editors at AboSol: This is a piece we wrote and are publishing to our supporters on the outside. We're sharing it here as well to keep ya'll informed and to hear what ya'll think.

In less than two months abolitionists in the bay area have learned about and began mobilizing against the imminent construction of a large-scale police infrastructure project in the city of San Pablo. In addition to being a new home for the city's police department, the project promises to be a "state of the art regional training center" for cops throughout the bay area. It will include a 20 lane gun range, K-9 training facility, simulator room, a drone tech center, and a "mental health crisis deployment office."

The project was set to break ground on August 10th. However, in the days leading up to the ceremony an opposition campaign was launched on social media promising a protest rally at the groundbreaking. Within hours the city announced the cancellation of the ceremony and as of now we have seen no plans to reschedule. To date construction has yet to commence, but the situation is no less urgent. The project unfortunately eluded the ire of radical and abolitionist groups for way too long, so options for stopping it will become more limited soon, but there is still lots of hope if we act fast!

Champions of the project argued in favor of it in a Dec 20, 2021 city council meeting citing the results of an annual municipal survey. Out of 300 respondents, a majority indicated a high value on public safety, and support for the project. However, It is not clear that the community at large was ever solicited or reached for public comment on the project itself. Furthermore, we have to state the obvious, that this is a regional training center that will provide instruction, training, development, and carceral capacity to police throughout the bay.

The Assistant City Manager was recently interviewed regarding the project. He frames San Pablo as a paragon of progressive policing values, and repeats the term "community policing" without context or explanation. However, like most jurisdictions in the US, San Pablo police have a track record of violence and escalation. In 2020, SPPD was sued for the choking of an unarmed 19 year old who was kneeling at the time he was detained. In 2017 San Pablo's police commander was arrested for domestic violence. Even as recently as Sept 8, San Pablo police were called to check on a man exhibiting symptoms of schizophrenia. The man did not want to interact with police, and after trying to evade them was tased, shot with bean bag rounds, and eventually shot in the leg with a live round.

In light of this shooting, and in light of the promised mental health deployment center within the cop campus project; we must continue to point out the infiltration of police violence and carceral logic into the fields of mental health. Contra Costa County's A3 plan to bolster its response capacity to mental health crises aims to have all county law enforcement trained within the year. It is unclear what this training will entail, it is clear however that escalatory behavior like this is not a matter of training. Police are not care workers, they are violence workers. County and city money could be going directly to bolstering the availability of mental healthcare resources instead of being given to cops. We will certainly be watching the A3 roll out and it's relationship with the Cop Campus project.

On the other side of Contra Costa County from the proposed site of Cop Campus, the culture of police is further exemplified. Ten current and former police officers of Antioch and Pittsburgh were indicted on federal charges in August after an eighteen month investigation into countless civil rights violations. We don't need more police, we don't need more jails, we don't need more cop facilities in our communities. San Pablo doesn't need a $43 million dollar playground for bay area police.

From the Penatentry To the County Jail

by Ras Safidi-El

For some time now comrades in oakland have asked this cell of leaders, what is to be said of the county jail level of organizing? For just as long as it's been asked we've remained silent as a consequence of really not having the space to establish dialogue with leaders at the county level. And though

many still do not have space, this statement goes to begin an open discussion to develop said space.

The Prison Abolitionist Movement in California is entering into a very trying stage. The police unions are re-organizing themselves and going into welfare workers and non-custody staff (Mailroom staff, Mental health / Healthcare Staff etc.) In short more people are selling out in favor of Cop Employment and police like jobs rather than deny the police system to be starved of personnel. The effect this has on the movement to end Institutionalization, Warehousing people in the name of Rehabilitation, and the true Human trafficking - Incarceration - more people will tend to support some form of police brutality.

From the people who apply for County employment: Janitors, Dining Hall Staff, Repairmen, Plumbers etc. All will contribute to the pro-police state that will in turn be the cause of a stronger prison Industry.

A Stronger Prison Industry is not in the favor of anyone who has come in contact with the system because the U.S. Criminal Justice System is designed in a way where once it has us then it never release control over us. Whether it be conditional release for community service, Restricted mobility under terms of GPS Tracking, or Indefinate Registrations as Gang affiliated, Sex Work, Arson, Or Weapons Specialist, FREE ain't FREE.

What's the use of following rules designed to cramp success or work jobs that provide a wage from which a livilyhood can be had? There is no use. The Courthouse, both the district attourney and the public defender, they are all in it together. They aim at sentencing and committing people in the County to the Department of Corrections and Rehabilitations, (CDCR) A agency that is currently under Re-construction. CDCR is literally out of order. Ever since COVID-19 first struck, and befor, all these prisons are Abandoned Housing areas. The County Courts, the D.A's office and The Public Defender's Office know it.

Just about everything that is required for individuals committed to CDCR to possibly parole is offered at the cost of humanity. CDCR is hiring inmates as an alternative to Prison Overcrowding, Excessive Sentencing and Wrongful Convictions. The catch is, due to union regulations and staffing conflicts over seniority post, staff will rarely have time to enjoy their alternative sentencing deal. Staff are held hostage at shift change as a result of laws that require the institutions be properly staffed for the safety of the public.

In short, Dont Accept The States offer to Transfer into CDCR custody. It will turn you into A State Employee with Zero benefits. Social Connections will not save you and nothing less than suicide is respected. The chances of escape is slim, as California prisons are Fire Proof science labs. They are designed to trap energy. Society is in such a high state of hipocracy that none will step forward to rescue you. Every institution within cdcr is a death camp. The writer of this statement is A dead man-woman walking, murdered by the state of CALIFORNIA at the age of sixteen. WE speak the truth. The cop gangs within CDCR are not only well and alive but they are more suffisticated than ever, thanks to the microphones and video cameras ordered by the Federal courts. Solitary confinement remains functional with the help of Mental Health Staff who order involuntary medication for those who refuse to enter into the Oz.

Individuals need to consider dismissing all state Appointed counsel, and force the prosecutors office to prove its jurisdiction to claim damages that make our Physical bodies, Organs, Mental faculties, Equal tendor to the so-called price of committing crime. Don't wait until your in the custody of a crapy records agency/company befor you become bold enough to be radical. Get in position to Question the judge, personally-privately, Bail yourself out and Close the Bogus case befor a new warrent (war-rent) Is placed on your birth certificate-Identity.

Once WE increase the culture of this line of systematic take over, WE can change our identity, print Death Certificates and join the same clubs that the Judges and Attorneys belong to.

There's more wiggle room in the County for Crawling underneath the bar, there's no telling who we'll meet with the right words spoken. But if WE allow our physical to be taken into custody at cdcr, not even the News Media Pressure will save us. Every second counts and Time aint nothing to be played with. Word is Bond.

Still Picking At That Unlock Key.

You Be the Judge
by D.B.

Its crazy to actually believe how other people who clearly don't know you have the audicity to think and wonder why certain people act the way they act, talk the way they talk, or do the things they do. Wondering why doesnt this person interact as the population does or be social like everybody else? But are quick to label them "antisocial" based on the fact he stays to himself. It's very fascinating how they can quickly come up with a conclusion about that individual prejudging them from a quick observation or reading what was previously documented deeming you a menace to society in their eyes.

What if that person is making the necessary changes in regards to being better, reframing from the trick knowledge and weak wisdom one was taught coming up and having true sincerity in ones heart, never receiving a booklet on how to but just diving all in head first

Would you call that true Maturity? We can say for example that everything was accurate at one point in that person's past life being antisocial, immature, just a problem but they say hypothetically those people take the time to actually converse with that individual having intellical conversation 9/10 That person judging would be shocked on how eloquent and timely mannered they are showing the utmost respect, having empathy and using the golden rule to whomever is encountering them regardless of who they are because they have the Knowledge Of Self....

So now the question to you is would you still have that same prejudged conclusion on that individual or you would give them the benefit of the doubt even if they can show and prove they are practicing what they preach.

Would you call that true rehabilitation?

Grim of United Struggle from Within

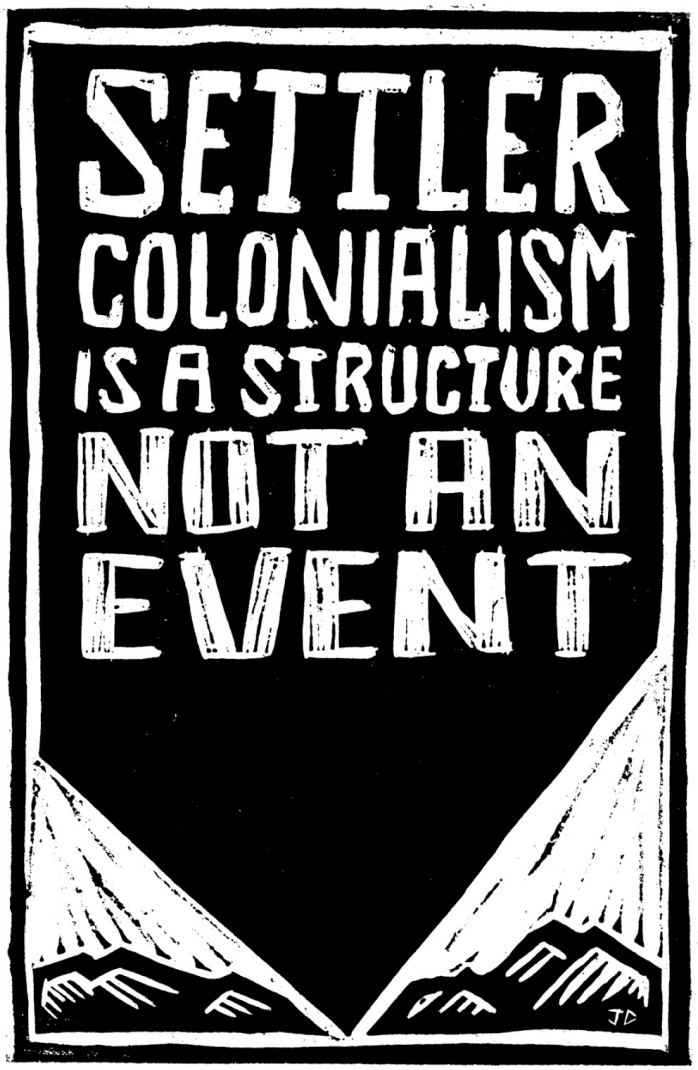
by G.M.

**This article is a further analysis into the themes covered in "Debunking the Norway Prison Model as Propaganda" available from Oakland AboSol*

For those trapped within the California gulag archipelago, talk of pretty boy politico Gov. Gavin Newsom (or as Oakland AboSol Comrade Brooke T. aptly labeled him, Mr. $400 Haircut) and his pet project/politically motivated publicity stunt, the so-called "San Quentin Rehabilitation Center" has garnered mixed reactions, to say the least, among the imprisoned lumpen.

Because of the vagueness of Newsoms' stated plans for the prison, those inside the belly of the beast and their outside comrades can only speculate. As prison systems across the United $nakes are spewing rhetoric about Norways' prisons, specifically Halden Prison, and the so-called "radical humaneness" of them, many within Our movements are buying into the pretty words of reformism and revisionism.

Here at Oakland AboSol and KTFB, we are not in the business of reforming the gulags, nor do we believe there is any way to make the caging of the poor and oppressed "more humane". Its' not possible. As impossible as CDCr actually implementing a "Norway prison model" in one, let alone all CDCr prisons, in anything but name only. To prove my



Art by Jared Davidson of a quote by Patrick Wolfe

point, lets do a quick analysis of what the differences, large and small, are between the Norwegian and U.$. prison systems and then decide, while being fully cognizant of the current political climate (with encroaching fascism coming from the MAGA losers, DeSantis' overtly anti-LGBTQ+, anti-immigrant, anti-wimmin, anti-New Afrikan/Chican@/ oppressed nation rhetoric, along with the rest of the right, and the sad mix of neoliberal reformists and opportunists using language and rhetoric co-opted from revolutionary movements past and present on the left) as well as our position living within a capitalist-imperialist, white supremacist patriarchal oppressor nation like Amerika, on whether a so-called "Norway Prison Model" is possible.

First and foremost, there is no death penalty in Norway, nor are there life sentences, or terms of life without parole (LWOP). Capital punishment for civilians was banned in the year 1902 (121 years ago!), while life sentences were abolished 42 years ago in 1981. This in itself would never happen in the U.$., let alone California, especially with the

still large section of the population in favor of "tough on crime" politics (e.g. look no further than San Francisco's horrid DA Brooke Jenkins and the current recall effort in Oakland against "progressive" DA Pamela Price), as well as the demonization of those with the state defined label "violent offender".

Next, there is no such thing as a banned books list in Norway, words and knowledge not being seen as a threat to the so-called "safety and security" of the institution. Also, where U.$. prison systems have extensive mail restrictions (even going as far as to ban all physical mail, outsourcing the function of the "mailroom" to for-profit digital mail vendors and mass surveillance apparatuses like Smart Communications, TextBehind, and JPay), Norway prisons have little if any restrictions on prisoner mail. Knowing how obsessed prisoncrats are with their precious safety and security, as well as their ongoing campaign of political repression and stifling of dissent, We can safely say this will not be changed. Architectually-wise, Norway prisons like Halden have modern furniture, couches, wood desks, tables, chairs, shelves, in both the common and living areas, with box-springs and real mattresses as well as a modern shared kitchen, complete with real kitchen knives and metal pots, pans, utensils, etc. Instead of a commissary there is a mini-grocery store, with an entire fresh fruit and produce section. Those incarcerated there also wear their own clothes, enjoy the use of the latest gaming consoles, have access to both pornographic videos and reading materials (magazines), and crazy as it may seem, have the ability to purchase sex toys. Lastly (though I could go on), prisoners are afforded private rooms for visiting, with condom dispensers in each, for the completely normal human function of making love with your spouse or significant other (these are regular visits, not so-called conjugal or family visits like CDCr has). Looking at the totality of differing conditions, while being fully aware that CDCr, as well as prison systems across occupied Turtle Island, would never in a million years implement any of the aforementioned policies/conditions of confinement, we come to the conclusion that Newsom can throw the original $20 mission, along with the now approved $380 million at whatever he wants, he can change the names of prisons to his hearts' content, and act like he really cares about reforming California's gulags (especially choosing San Quentin, a prison that has roughly 3000 volunteers coming inside per year, and runs more programs/classes currently than it has space for, not to mention the fact it was one of the first yards to implement the NDPF (50/50 yard) policy, merging GP and SNY prisoners that have hystorically been separated, causing San Quentin to now be no-good for GP prisoners to be on/transfer to), but the oppressed masses know unequivocally that Mr. $400 Haircut only cares about himself and furthering his political career, and cares nothing for the New Afrikan, Chican@, Indigenous, Asian/Pacific Islander, and poor white comrades languishing behind the walls.

Free the Prisoners, Burn the Prisons, Fuck the Propaganda!
Rest in Power Dr. Mutulu Shakur 8/8/1950-7/6/2023
~Black August 2023

Is The Prison Movement Obsolete? My Recent Dialogue with JR Valrey on the Future of the San Francisco Bay View Newspaper (2023)

by Kevin "Rashid" Johnson

Note from us editors at AboSol: Below is the full text of a message published elsewhere by Kevin "Rashid" Johnson, the prolific writer, artist, theorist, and Minister of Defense of the Revolutionary Intercommunal Black Panther Party who has now been incarcerated for over 20 years. Here he relates his discussion with JR Valrey, the new editor of the San Francisco Bay View national newspaper over recent changes. In short…

- *The Bay View will no longer be publishing a regular prison section devoted to the writings of people inside.*
- *We appreciate the principled discussion of differences undertaken by Rashid and consider it important to share not only to spread the conversation but to model and encourage principled and public debate on differences.*
- *In the spirit of principled differences, we will share that we at AboSol have our own differences with both Rashid's and JR's politics and positions..*
- *AboSol has worked at the Bay View as volunteers from 2017 to 2020 to process mail, has done a good bit over the years to build its own audience and platform, and has come to its own analysis not only of the dilemmas facing independent liberatory media generally but on the particular challenges the BV itself has faced. Maybe sometime we will share our own perspective but at the moment Rashid's and JR's conversation—not to mention your responses from behind the walls—are the priority.* ***Let us know what you think!***

Recently I had the benefit of communicating with Comrade JR Valrey, the new chief editor of the San Francisco Bay View Black national newspaper (SFBV). We shared some political views and tactics and our visions of the paper's role. He also shared his critiques of the paper as it looked before he came on, and his plans for it going forward. I appreciate that JR gave me this opportunity and found my input valuable enough to exchange ideas about the paper.

We agreed on a number of things and disagreed on others. Since my political practice is one informed by the interests and input of the masses, I thought it important to share the substance of our conversation with others and wanted to deepen my own thoughts on our discussion. I told him I intended to write this overview of our conversation and my further thoughts, and invited his response, which he gave his support and agreed to.

My main concern in exploring his thinking on the paper was based upon hearing from other prisoners who have contributed material to it over the years, that word was JR was cutting the prison section out of the paper altogether or culling it - a matter of no small concern since the SFBV has, for decades, been at the center of journalism, and helping to organize and inform us on the inside, about issues concerning prison-based resistance, and getting our voices out to the streets and building outside support for that resistance.

At the outset JR expressed concern that the paper had previously been serving as a platform for prisoners ''soapboxing" and publishing repeated articles about events in the prison movement from 2011 and 2013, which he expressed seeing as of little continued significance to the youth who we need to be reaching and organizing today.

He also expressed that excessive attention was previously given to prison issues when the bulk of the paper's readership is on the outside. He committed to giving space to submissions by certain established political prisoners for whom HE has a developed respect, while soundly rejecting those who he perceives as having agendas driven by ego and self-interest.

He shared a view that the paper had nearly fallen out of interest to its outside reader base and needed to be revived using a different approach to journalism. He expressed that in just the few months that he has been editor there has been a significant increase in demand and support for the paper on the streets, and mentioned several distinguished people who had developed interest in the paper.

My main point of agreement with JR is that the youth must be a major factor in any work directed at changing this oppressive social economic system, and the form of our political work must appeal to them. I disagreed of course with moving the paper away from featuring and supporting prison-related articles and the view that the prison struggles of the past are of little continued importance to today's struggles. I also believe it is important to allow the paper's readers to have some input in its content, that is if the paper is to serve as a voice of the people (Black people in particular) and a platform whose purpose is to inform, agitate and organize the people against the ills of the existing systems of control. Prisoners are a huge part of the oppressed communities, of the Black community, and have always played a huge and dialectical role in influencing our struggles against our oppression; which is also why keeping that history alive and building on it is important. Many of our community's greatest leaders were developed inside the prisons: from Malcolm X to George Jackson, James Yaki Sales (aka Atiba Shanna) and so on.

JR resisted ideas of allowing or considering the readership's input on the paper's content, expressing that he saw his editorial role as one to direct its readers not accept direction and input from them. I contrasted this with my own political perspective which is the Maoist Mass Line; a line that embraces the collective wisdom of the masses and their political leadership above the perceived 'genius' of any individual. (1) A line which sees as necessary the guiding role of a political party that is devoted to and led by the interests of the oppressed (ALL oppressed peoples - which of course includes the imprisoned). As Mao Tse-tung expressed:

''To be a genius is to be a bit more intelligent. But genius does not depend on one person or a few people. It depends on a party, the party which is the vanguard of the proletariat. Genius depends on the mass line, on collective wisdom." (2)

There is always a class perspective that influences the political approach and goals of people who aim to influence the people, and what sector of the people they aim to influence. There is the idealist approach and there is the materialist approach, the individualist line and the mass line, the ruling class perspective and the working class perspective. Only the materialist, mass and working class approach is devoted to the people and their true liberation. This is the approach that I feel has to have a hand in guiding the future direction of the SFBV if it to remain committed to agitating, educating and organizing the oppressed and aiding in our struggle to end the oppression of Black and all oppressed peoples. We are struggling for material change to meet people's material needs, for peace and security, for the future of the youth, not mere ideas in peoples heads. This I believe should be the guiding agenda of the paper, not how much revenue it can bring in, how much recognition it receives from middle and upper class Blacks, nor how many readers it has on the streets.

Dare to Struggle Dare to Win!

All Power to the People!

1. I detected some differences between JR's political line and mine in an interview I did with him some years back on the subject of Pan Afrikanism. See ''On Pan Afrikanism: Part One of an Interview with Comrade Rashid by JR Valrey (Block Report Radio) rashidmod.com/?p=2525

2. Mao Tse-tung, ''Talks On the Lin Piao Affair" (1971)

Art by Adria Fruitos

Fighting From Inside

By Charlotte Rosen

Editor's note: This is the final part of a three part serialization of this piece. The first part was published in KTFB issue #11 and the second in KTFB issue #13. Please write us if you want a full copy of the text or any copies of previous issues of Keep The Fires Burning.

Even at the time, imprisoned people and their supporters understood the devastating impact the PLRA would likely have on prisoner rights. As Prison Legal News wrote shortly after its passage,

> *As we come up on the 25th anniversary of the Attica uprising this September prisoners find themselves in essentially the same situation they did then: without adequate recourse to the courts or other forums in which to seek justice and equitable relief. It was the Attica uprising, with its attendant 43 deaths, that marked a turning point in the courts' until then, largely "hands off" attitude towards the constitutional rights of prisoners. To the extent that history repeats itself first as tragedy then as farce, Congress appears to have forgotten why the courts got involved in prison conditions to begin with.*

The barriers mounted by the PLRA were vast and specific, ensuring maximum enfeeblement of the once-dynamic realm of prisoner litigation.

First, the PLRA erected innumerable obstacles for imprisoned people seeking to bring forward and settle or win lawsuits regarding the conditions of their confinement. Specifically, to receive a monetary award, the PLRA placed the burden on prisoners to prove that they experienced "physical injury," discounting nonphysical forms of harm. An imprisoned person placed in long-term solitary confinement who only experienced extensive emotional and psychological distress could be deemed not entitled to monetary damages. The PLRA's new "exhaustion" requirement also forced the small class of people who could seek damages—those who had been physically harmed—to prove that they had tried all administrative remedies within their correctional institution before filing a federal court suit. If they made one mistake navigating their institution's convoluted prison grievance system, their case was dismissed. If they had three cases dismissed due to being "frivolous, malicious, or fail[ing] to state a claim upon which relief can be granted," they were required to pay their filing fee up front, rather than in more manageable installments. The filing fee is $350, an enormous sum for most incarcerated people. For the small few who made it over these hurdles, the PLRA then made it difficult to find a lawyer by decreasing the fees that attorneys could earn from prisoner-rights cases. And if all this was accomplished, and they found a lawyer, they still had only made it to court; there was no guarantee they would win.

Once in court, imprisoned people would find that the PLRA also severely limited a judge's ability to order relief and uphold

consent decrees. Most damningly, the PLRA empowered defendants (normally state officials and/or corrections officials) to move to terminate court-ordered remedies immediately if they were not "narrowly drawn." They could also move to end mandated relief just two years after a judge ordered it, undermining the courts' power to mitigate conditions long-term. As if this was not enough to disable the courts, the PLRA included even more specific restrictions on the courts' ability to impose "prisoner release orders": orders requiring a criminal punishment system to release prisoners, usually to remedy prison overcrowding. In short, the PLRA not only broadly limited federal judges' ability to order remedies; it also constrained the ability of the federal courts to decarcerate.

At a time when legislators on both sides of the aisle were doubling down on tough sentencing, ballooning prison populations to new and horrific heights, the PLRA's damage was extensive. Between 1995 and 2012, filings by imprisoned people took a nosedive, dropping 59 percent even as the number of imprisoned people in the nation increased by 135 percent. Numerous state and correctional defendants also terminated consent decrees that governed prison conditions. As Peter Sierra recently wrote while imprisoned at the California Correctional Institution, the PLRA requires "inmates to all but jump through a hoop engulfed in flames to file a [Section] 1983 civil lawsuit or a writ of habeas corpus to protest staff misconduct or prison conditions." It's little wonder that fewer imprisoned people are able and willing to take that leap.

To be sure, prison litigation has not entirely disappeared in the post-PLRA climate. In 2011, the Supreme Court ruled in Brown v. Plata that California's panel of three district judges was correct in ordering the state to reduce prison overcrowding by the end of 2013. At the time of the ruling, California's prison system was well over capacity; the system was built to house around eighty thousand people but held nearly double that number. Overcrowding exacerbated already inhumane systems of mental and physical health care in the prisons. In his majority opinion, Justice Kennedy quoted expert testimony from a former prison system medical director who found "extremely high" rates of "possibly preventable or preventable deaths"—between 2006 and 2007, a "possibly preventable death" occurred once every five to six days—and appeared to offer a firm rebuke to decades of anti-prisoner legal decision-making and policy making. "A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society," he wrote. But Brown v. Plata is the exception that proves the rule: the order by the three judges to reduce the prison population was the first since the PLRA's passage, in 1996. On the whole, the PLRA's ruthless hamstringing of prisoner rights and federal court oversight of prisons and jails perilously weakened once-valuable tools for slowing the growth of the prison nation.

Even in cases where judges handed down firm rulings regarding the unconstitutionality of prison conditions, the ultimate effects of prison-conditions litigation were always mixed. As is clear from the steady expansion of prison populations and new prisons in the late 20th century, judicial intervention ultimately failed to stop racialized mass imprisonment. Because federal courts had no jurisdiction over other arms of the criminal punishment system—such as the criminal courts, the legislature, or probation and parole boards—it was difficult for judges to order and lawyers to push for front-end measures that arguably would have been more radical and effective, such as reducing policing or abolishing mandatory sentencing. More problematic was the fact that court orders to remedy unconstitutional and overcrowded prison conditions were, in the end, just orders, and securing compliance from intransigent policy makers proved difficult. After a ruling or settlement was reached, imprisoned people were often reduced to little more than disempowered spectators, while judges, special masters, and lawyers made compromises that dictated the enforcement of court orders—and imprisoned people's fate. Population reduction orders often applied only to "nonviolent" prisoners and did not always mean unmitigated release; states could merely transfer prisoners to jails or place people on intensive and often just as criminalizing parole. Further, by codifying a set of standards considered "constitutional," prison litigation and federal court interventions normalized what Schlanger has called "lawful prisons," creating the false impression that prisons and jails can ever be ethical institutions and legitimizing legislators' continued pursuit of harsh sentencing and parole policies.

In another cruel twist, many prison officials welcomed prison-conditions litigation because it could just as easily push state legislators to augment correctional budgets and construct new prisons, rather than result in their dismantling. Correctional administrations and prison guards profited handsomely from being able to use the threat of litigation to force bigger budgets, justify tighter security over prisoners, and hire additional personnel. Many of the correctional systems that underwent wide-scale institutional reform simply mutated into more modern, technically constitutional forms of administrative violence, replete with heightened surveillance, extreme racialized repression, and supermax cells.

Even modestly decarceral reforms in the face of overcrowding crises faced a torrent of law-and-order backlash, often with the aid of sensationalized, cherry-picked, and racist media coverage of crimes committed by individuals freed by release mechanisms. In her study of Costello v. Wainwright (1975), in which incarcerated people in Florida challenged overcrowded conditions, the sociologist Heather Schoenfeld details how state policy makers even-

tually translated a court order to mitigate overcrowding into a directive to build more prisons after conservative politicians and victims' rights groups accused the state's early release program of endangering public safety. Similarly, in Philadelphia, the Philadelphia Daily News openly collaborated with the district attorney's office to pillory the prison population controls ordered by Judge Shapiro, creating a spurious narrative that the Harris releases fueled violent crime in the city. The pressure eventually led Judge Shapiro to eliminate the court-ordered population controls while the city moved ahead with building more prisons. In the end, carceral institutions emerged from the golden age of prison litigation more powerful, well-resourced, and organized than before. From this perspective, the realm of prison-conditions litigation may seem ultimately inconsequential, if not harmful to the project of decarceration.

But the sobering aftermath of prison-conditions litigation should not minimize the importance of upholding imprisoned people's access to the courts. During a period when the expansion of the prison system appeared inevitable, prison litigation created opportunities for imprisoned people and their allies to make the horrors of the United States' carceral future legible. They also pushed judges and government officials to not only end some of the most torturous penal practices but also to impose limits on prison populations, demonstrating that decarceration was possible and that mass imprisonment was not, in fact, the only way to deploy state resources in response to harm. That their efforts were frequently usurped by carceral legislators and prisoncrats does not prove that these openings could not have been exploited by stronger, prisoner-led social movements to demand more decarceral solutions.

When Jailhouse Lawyers Speak made repealing the PLRA the third demand of their 2018 prison strike, they did so because imprisoned people's freedom to file civil suits in federal court offered a critical venue for contesting and occasionally remedying a litany of abuses fundamental to imprisonment. The tactic also offered an elevated platform for publicizing the gruesome, anti-Black, and constitutionally specious realities inside the US penal system—which more than a few imprisoned people have argued are tantamount to that of a concentration camp—and for finding ways to channel state power in the service of destroying this pernicious institution. While the 2018 prison strike mobilized thousands of prisoners and broke into the mainstream, receiving coverage in outlets such as Vox and the New York Times, their demands remain unmet. But the call to repeal the PLRA has not gone entirely unnoticed. Democratic Congresswoman Ayanna Pressley's People's Justice Guarantee, which she introduced in 2019 and reintroduced in 2021, includes a provision that would repeal the PLRA.

Prison litigation alone was never, nor will it ever be, abolition. Even the most well-intended prisoner suits remain susceptible to cooptation or destruction by powerful carceral institutions and a host of punitive individuals and organizations invested in protecting them. As imprisoned Muslims knew back in the 1960s, litigation is not so much a silver bullet but a tactic to be pursued alongside mass political organizing and disruption, mutual aid, and principled anticapitalist and antiracist struggle. Should the PLRA be abolished, prison litigation can once again be used, as the executive director of the Abolitionist Law Center Robert Saleem Holbrook recently wrote, as a "conduit for resistance . . . a tool to aid in [oppressed peoples'] liberation." The history of prison litigation suggests that for such suits to achieve meaningfully decarceral ends, abo- litionists must pair legal action with mass community mobilizations to pressure judges and lawmakers to enact decarceral remedies and to shut down the inevitable tough-on-crime backlash that will follow. Such efforts must also include organizing across bars, rather than the lawyer-led processes of suits past — imprisoned and criminalized people hold essential insight into whether court-ordered reforms are truly decarceral and whether or not policy makers are actually enforcing them, since they feel its relief. Repealing the PLRA would move us toward an abolitionist horizon by striking against the vicious, dehumanizing logic at the heart of the carceral state: that the nation's colossal carceral apparatus is the only thinkable response to harm, and that imprisoned people are undeserving of rights and care and should be routinely subjected to premature death. +

EDITOR'S NOTE

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

When we select a piece we try to publish it close to as-is, so we make little or no changes unless you ask us to edit your work. 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 unfortunately can't respond to every letter though we read and appreciate every one.

We think the pieces here are thought-provoking and deserve to be read. There is a lot of advantage to disagreement, and we want these newsletters to be a space of developing dialogue and collaboration.