

# BLACK AUGUST MEMORIAL



## BLACK AUGUST RESISTANCE

Artwork by Kevin "Rashid" Johnson  
[rashidmod.com](http://rashidmod.com)



## PRISON STRIKE 2018

- **History and Endorsement from  
The Fire Inside Collective**
- **Call to action from  
Jailhouse Lawyers Speak**
- **Legal assistance documents from  
National Lawyer's Guild**

## AUGUST 21ST IS GOING TO BE LIT

This August we're expecting a firestorm of resistance and rebellion to rage through US prisons. Jailhouse Lawyer's Speak (JLS), The Incarcerated Worker's Organizing Committee (IWOC), and other groups in and out of prisons across the country have joined in another call for a national protest from August 21 to September 9, 2018. This will be the third call in as many years for national-level action against prison, and we think it will be the most significant and impactful.

Whether seeking abolition or reform, decarceration or policy change, the struggle against mass incarceration advances most when driven by direct action inside prisons. In recent years the prisoner resistance movement has been shaped by national-level coordination. Massive numbers of currently incarcerated people mobilize in response to these calls, despite communication restrictions and great risk for retaliation. This year, the call is already spreading widely and outside support is poised to rise and meet it. Ignoring or downplaying this call will leave the narrative of the anti-mass incarceration movement in the hands of people other than those most immediately and directly impacted.

The Fire Inside was inspired by the September 9, 2016 nationally coordinated strike and protest. We are a project of strategic development, collecting and circulating reflections, analysis and best practices from prisoner rebels and their supporters. Our support for the current call comes without hesitation, and should be no surprise, but it is not routine or casual. We want everyone to understand, we believe August 2018 is going to be lit. By that we mean: massive, transformative, world-changing.

We want to provide here not only our endorsement, but also some historical context, careful thoughts, and the reasons we believe this summer will see the stars align behind the rebels. This call can strike a blow like no other to the prison society and the US capitalist system in general. Please, get on it.

## HISTORY AND STRATEGY

The call originated with Jailhouse Lawyers Speak, a national collective of incarcerated people providing legal assistance and support to other prisoners. As of this writing, incarcerated rebels from 17 states have committed to participating. JLS had considered waiting until the next summer, but after the deadly uprisings at Lee correctional facility in South Carolina that cost seven prisoners' lives, they decided it was important and urgent to take collective action. Doing so allows imprisoned rebels to refocus the struggle onto degradations, oppression, and torture by the prison system, rather than horizontal violence between prisoners that has been sensationalized by the media and prison authorities.

Jailhouse Lawyers Speak chose August 21 – September 9 for its historical significance, but this choice also shows developing strategy. In 1971 George Jackson was assassinated by San Quentin guards on August 21st, and prisoners across the country responded with protests and defiance that culminated in the infamous September 9th take-over of Attica. This year, prison rebels will use those same dates for a sustained and equally transformational protest.

- |  |
|--|
| <input type="checkbox"/> Inadequate mental health care (including medication)  |
| <input type="checkbox"/> Lack of religious freedom   |
| <input type="checkbox"/> Retaliation/oppression for jailhouse lawyering  |
| <input type="checkbox"/> Environmental problems (such as food, drinking water, or mold issues)                                     |
| Please specify:  |
| <input type="checkbox"/> Excessive use of force/physical abuse   |
| <input type="checkbox"/> Hygiene/sanitation problems   |
| <input type="checkbox"/> Poor living conditions (including arbitrary security classification changes and ADA accommodation issues) |
| <input type="checkbox"/> Inadequate medical or surgical care (including medication)  |
| <input type="checkbox"/> Property loss (including theft or destruction of non-legal property by prison staff)                      |
| <input type="checkbox"/> Sexual assault/abuse/harassment   |
| <input type="checkbox"/> Other retaliation (Please specify:  |
| <input type="checkbox"/> Inhumane working Conditions (unfair job loss, slave labor/involuntary servitude, unsafe conditions, etc.) |

### PLEASE CHECK THE **ONE** BOX BELOW THAT DESCRIBES YOUR CONFIDENTIALITY PREFERENCES & CONSENT FOR DISCLOSURE OF THIS LEGAL DOCUMENT:

- ☐ I am submitting this affidavit ONLY to PLAN Attorney Paul Holdorf for safekeeping as evidence for possible future proceedings. It may not be disclosed further.
- ☐ I grant the Prisoners Legal Advocacy Network permission to share this form with NLG legal response teams who might want to provide support.

**PLEASE NOTE THAT INFORMATION FROM THIS AFFIDAVIT MAY BE USED FOR DATA COLLECTION PURPOSES**, SO THAT PLAN CAN KEEP TRACK OF TRENDS IN PRISONER RIGHTS VIOLATIONS. HOWEVER, ANY DATA COLLECTED WILL BE SEPARATED FROM YOUR IDENTIFYING INFORMATION TO PROTECT YOUR PRIVACY AND ONLY PLAN ATTORNEYS, OR INDIVIDUALS WORKING UNDER THEIR DIRECT SUPERVISION, WILL HAVE ACCESS TO THIS AFFIDAVIT. PURSUANT TO 28 U.S.C. § 1746, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

**SIGNATURE OF PERSON WHO COMPLETED THIS AFFIDAVIT:** \_

**EXECUTED ON (DATE THIS AFFIDAVIT WAS SIGNED):** \_

Send completed affidavit with attachments (if any) by way of **LEGAL MAIL** to: Mr. Paul S. Holdorf, Esq., Prisoners Legal Advocacy Network (PLAN), National Lawyers Guild – Delaware-New Jersey Chapter, 132 Nassau Street, Room 922, New York, NY 10038

**PLAN is unable to store any legal materials not directly related to alleged prison incidents. Such materials will be destroyed.**  
**PLAN cannot return document originals. This form does not replace prison grievance procedures, which must be exhausted for a complaint to be court actionable**

prisoners' legal documents. Therefore, completed forms should be mailed to PLAN or kept by the person who signs the form. Holding affidavit forms completed by others, or actively encouraging prisoners to complete an affidavit about a particular incident (as opposed to simply assisting someone who needs help completing the form), could violate prison policy. In addition to leading to disciplinary action, this could also prevent a court from considering completed affidavit forms about an incident as admissible evidence in any future proceeding. ***Please note that sending these forms to PLAN does not initiate or imply an attorney-client relationship.***

- Please do not send PLAN documents that you need to have returned to you. Please only mail photocopies of original documents that can be retained by PLAN.

**DE-NJ NLG PLAN looks forward to widening support for prisoners and protecting prisoners' rights through this program**

**NATIONAL LAWYERS GUILD – DELAWARE-NEW JERSEY CHAPTER  
PRISONERS LEGAL ADVOCACY NETWORK (PLAN)  
LEGAL OBSERVER AFFIDAVIT FOR PRISONERS & JAILHOUSE  
LAWYERS**

Name of person completing this affidavit:

Current mailing address (including id #): \_

Prison facility where the incident occurred (prison name & state):

Name(s) of prisoner(s) affected: \_

On what date(s) (or during what time period) did this incident occur? \_

Describe what happened, as you directly observed or experienced it (attach additional pages if necessary):

Describe where specifically in the facility the incident occurred. Would security cameras have recorded the event(s)?

Did anyone else witness this incident? If so, who? (please note if other witnesses are prisoners or staff.)

Please list the name(s) and job title(s) of prison official(s) who you witnessed playing an active role in the incident:

Please also list the name(s) and job title(s) of prison official(s) who you believe to be indirectly responsible for the incident (if any), and why this is your belief (attach additional pages if necessary):

What harm occurred as a direct result of this incident? (for example, injuries sustained; wrongful loss of job; removal from general population; loss of good time; facility transfer; prejudicial effect(s)/unfavorable court case outcome because of inability to access attorney or the court; etc.)

How did observing/experiencing this incident make you feel? (for example: powerless? Traumatized? Fearful for your safety?)

What prisoners rights violations occurred as direct results of incident? (please check all that apply.)

- |   |
|---|
| <input type="checkbox"/> Discrimination (Please specify whether based on race, religion, gender identity, etc.):                                  |
| <input type="checkbox"/> Deprivation of due process in disciplinary proceedings/wrongful loss of good time  |
| <input type="checkbox"/> Grievance procedure problems (such as obstructed access to forms or remedies)  |
| <input type="checkbox"/> Interference with community relations including (non-disciplinary) disruptions to social mail, telephone, and visitation |
| <input type="checkbox"/> Obstructed/lack of access to courts, lawyer, law library, legal mail, legal property, etc.                               |

Nineteen days of facility or state-wide work refusal, sit-downs, or lockdown will cost the system dearly, in terms of both money and legitimacy. Replacing 19 days of prisoner labor can cost millions, not to mention the cost of breaking occupations and repairing damaged facilities. This action can bankrupt not only prison systems, but entire state budgets. Exposing retaliation and drawing attention to horrendous conditions and routines also corrodes the prisons' public legitimacy. By the end of this protest period, any impacted government is likely to grant substantive concessions to prisoner demands, and to open their minds to harm-reducing reforms, alternatives, and policy changes. This is how direct action on the inside rapidly advances every aspect of the multi-pronged struggle against mass incarceration or for abolition everywhere.

## FUELING FIRES, STOKING FLAMES

A month after events at Lee Correctional led JLS to issue the call, 4 different factions at a prison in Missouri signed a truce and took action against the prison. They staged a sit-down protest, which then escalated to hot-wiring a forklift and using it to break into a prison factory the size of two football fields. There they destroyed the machines they're normally forced to work on. The connection with JLS's call was overt by "August 21" graffiti on the prison's walls, and a public statement that said "we are calling on all Gs to join us as one around the Nation on August 21. Stage more sit ins. Make peace for this..." In Angola (a former slave barracks turned notorious prison in Louisiana), prisoners also engaged in a massive strike.

Prisoners in Texas have also issued a call for outside support on Juneteenth (Tuesday June 19) of this year. Requesting "outreach activities [that] aim to put pressure on the prison system and build community support for ending mass incarceration," leading up to Juneteenth, a national abolitionist holiday. This call is reminiscent of the Free Alabama Movement's requests for outside demonstrations at McDonalds in March of 2015 or the Millions for Prisoners march in August of 2017. Building and visibly mobilizing outside support is essential to prison-rebels' tactical decisions and participation options.

Events in Missouri, Angola, Texas and other locations parallel the momentum building we saw preceding the history- making strike on September 9th, 2016. Starting in March of that year we saw multiple uprisings at Holman Correctional in Alabama, and an April strike in Texas. These events underscored a call for national action which resulted in the largest prison strike in history and the first to be nationally organized, with intense participation on both sides of the fences everywhere from Florida to Michigan to Oregon.

## LESSONS FROM 2016 AND 2017

Between September 9th 2016 and this year there have been multiple attempts to repeat and escalate national protest actions which had limited success for multiple reasons. Most notably, there was and continues to be intensive state repression against prison rebels and incarcerated leadership, but the J20 cases, trumpism, and fighting the alt-right additionally overshadowed other struggles and detracted from our outside support base. Despite those factors, the Millions for Prisoners weekend on August 19, 2017 led state prison officials in Florida and South Carolina to preemptively lock-down their entire state system, impacting over 121,000 prisoners, which actually doubles the nation-wide numbers from September 9, 2016. This event didn't gather as much national attention because it was limited to two states, it was unclear what would have happened inside if not for the lockdowns, and because it went down a week after the deadly Unite the Right conflagration in Charlottesville, VA. The weekend of August 19th saw Movement for

Black Lives call for solidarity with Charlottesville actions nationally, and a massive anti-fascist counter rally in Boston, which overshadowed the media attention that Millions for Prisoners was designed to generate.



*Illustration 1: Aftermath of 3 hour long uprising at Shirley Correctional near Boston, Jan 2017*

There are other important aspects of the Aug. 21st - Sep. 9th 2018 call-out and plan of action that differ from the September 9th 2016 nationwide strike. In 2016, prisoners expressed frustration over not knowing how long to maintain their strikes and struggled with determining their own locally relevant demands. In an effort to correct that, the strike organizers have issued national-level demands, as well as a distinct time frame. Most of the demands are not actionable items that prison authorities are able to grant, but rather they require deep legislative and cultural changes. We should not think of these as negotiation goals to pursue state by state with prison authorities, but rather as demands made by prison rebels of the racist Amerikkkan plantation system. Their demands include, but are not limited to:

- An immediate end to prison slavery.
- Rescind the Prison Litigation Reform Act, allowing imprisoned humans a proper channel to address grievances and rights violations
- Rescind the Truth in Sentencing Act and the Sentencing Reform Act, allowing for the possibility of parole
- An immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans.
- An immediate end to racist gang enhancement laws targeting Black and brown humans.
- No imprisoned human shall be denied access to rehabilitation programs at their place of detention because of their label as a violent offender.

regularly record over it before prisoners can take steps to prevent it. Prisoners are often segregated or transferred after an incident, which separates them from witnesses and complicates the exhaustion of remedies. Prisoners frequently report the confiscation of their legal property by correctional officers, or its disappearance, when they are moved to segregation or transferred. People inside commonly report their inability to exhaust remedies as required by the Prison Litigation Reform Act (PLRA), because staff refuse to give them the necessary forms, or because the prison rejects completed forms on policy-unsupported grounds. These examples establish what most prisoners know all too well: It is especially difficult to secure evidence and report rights violations from within prison. The Prisoner's Legal Advocacy Network (PLAN) administered by the National Lawyers Guild's (NLG) Delaware-New Jersey chapter has developed a Legal Observer Affidavit Form for Prisoners and Jailhouse Lawyers to help people inside document and report rights violations, corroborate their allegations through witness statements, and seek professional support.

**What it is:** A copy of this Affidavit form is enclosed here. Any prisoner can complete this form to document and report incidents of staff misconduct and rights violations they have personally witnessed, whether it happened to them or to another prisoner.

**How to use it:** The completed and signed affidavit can be sent to my attention, using legal mail, to protect privilege and lessen the risk of interception and/or retaliation that prisoners sometimes experience when reporting issues through monitored mail.

**What it accomplishes:** Logs that describe the details of an incident may constitute admissible evidence. As a signed affidavit, this form also preserves witness testimony. While courts and departments of correction might consider a prison official's testimony more credible than a prisoner's account, when multiple prisoners witness an event, their corroboration can lend credence to a prisoner's allegations. DE-NJ NLG PLAN will store these affidavits as evidence to protect them from loss or confiscation. The postmark on the mailing envelope will establish a foundation for this evidence, by proving when it was completed. If permission is granted on the form, DE-NJ NLG PLAN will inform legal teams, who may want to help, of the situation. DE-NJ NLG PLAN will also use information from these forms to determine where civil right violations are most often alleged by prisoners, and the kinds of violations that prisoners are most often reported. This data may help establish patterns and practices of rights violations for prisoners and legal teams alike.

*Please note that PLAN teams most often focus on documenting concerns and filing administrative complaints, not court actions, but affidavits like this one could support litigation you might choose to advance separately. As resources are limited, we cannot guarantee that all requests for support will be matched with a legal response team .*

**Things to avoid:**

- If you believe that your rights have been violated, it is critical that you "exhaust remedies" (file a grievance and all available appeals in accordance with prison policy). The PLRA states that prisoners must exhaust internal prison grievance procedures before a court can consider their concerns in most cases.
- This affidavit should be used to document only incidents you have personally witnessed or experienced, not events you have heard about from others.
- This tool can only serve its intended purpose if it is completed in ways that comply with prison policy. Blank forms can be photocopied and shared freely. It is permissible for jailhouse lawyers (JHLs) to inform prisoners of this legal resource and to help prisoners complete the form. However, the legal precedent that protects jailhouse lawyering does not expressly permit JHLs to store other

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: [redistributethepain.wordpress.com/](http://redistributethepain.wordpress.com/)

### 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](mailto: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](mailto:prisonstrikemedia@gmail.com)



## APPENDIX 2: PLAN Legal assistance



Prisoners Legal Advocacy Network (PLAN), National Lawyers Guild – Delaware-New Jersey Chapter

132 Nassau Street, Room 922, New York, NY 10038

### LEGAL OBSERVER AFFIDAVITS AFFORD PRISONERS A WAY TO DOCUMENT RIGHTS VIOLATIONS AND SEEK PROFESSIONAL SUPPORT

#### *Paul S. Holdorf, Esq., Supervising Attorney*

Prisoners face unique challenges when trying to prove the verity of their claims in civil rights cases, disciplinary proceedings, and other grievance procedures. Prisoners don't have the ability to photograph or video record incidents themselves. Although prisons are supposed to preserve video evidence when an incident occurs, in practice, they

- State prisons must be funded specifically to offer more rehabilitation services.
- Pell grants must be reinstated in all US states and territories.
- 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.

The call to action has more clarity and direction compared to the ambiguities of September 9th, 2016 (see attached appendix for the original call). The goal is not to hold out and win negotiations with officials, but to last those 19 days and punch the issue to the top of national political consciousness and agenda. JLS also cite the goal of turning political attention away from prisoners fighting each other, like the deadly riot at Lee correctional in South Carolina, and to use this moment instead to turn energies towards fighting the establishment

## OUTSIDE SUPPORT AND WHAT YOU CAN DO

### 1. Talk with and establish inside contacts.

Though Jailhouse Lawyer Speaks and other incarcerated rebels have spread the word through their networks, there are countless facilities in about 33 states that have not yet heard of the planned actions. Getting word in to folks on the inside will require some creativity to bypass mailroom censors. Ask your local IWOC branch or other groups doing prisoner support, they will have tips and ideas.

### 2. Provide your inside contact with this legal observer affidavit and legal contact

We've included a legal observer affidavit (see attached appendix), provided by the National Lawyers Guild PLAN team that all inside contacts could use. PLAN is asking everyone in a correctional facility who is witness to state repression, use of force, or violation of rights in response to collective protect action to fill out this form and return it to the address indicated on the form. They will keep people's names and contact information confidential and will be compiling the reports to establish patterns of violations and for use in any legal action taken against a facility or prison system. **Inside contacts should establish legal mail with the attorney listed on the legal observer affidavit before August 21st.**

At the bottom of page 2, there is an attorney listed with NLG PLAN. Inside contacts can establish correspondence with him through legal mail which is protected from most mailroom scrutiny, empowering inside contacts to safely write out about their experiences.

### 3. Follow JLS on Twitter and other alternative media projects.

Jailhouse Lawyer Speaks and affiliated outside support groups have a presence on twitter. You don't need an account to stay informed. Be sure to keep following these accounts, as they are particularly active in reporting: @jaillawsspeak, @iwoc\_oakland, @MI\_Abolition, @IWW\_IWOC, @SlaveryPrison, @IGD\_News, @FightXPrisons. In addition, make sure to follow the alternative media outlets It's Going Down, Shadowproof, Rustbelt Abolition Radio, the Final Straw, and more.

We also want to call your attention to Support Prisoner Resistance's updates on various prison uprisings and revolts at [supportprisonerresistance.net](http://supportprisonerresistance.net). This site will soon launch a timeline of contemporary prisoner-led actions from 2010 to the present, which is the first initiative of its kind and will demonstrate the scope and breadth of prison resistance among the world's largest prison population.

#### 4. Support Juneteenth call to action.

Incarcerated rebels in Texas and Florida affiliated with #OperationPush and the End Prison Slavery in Texas movement are calling for actions on Tuesday, June 19th 2018, also known as Juneteenth, to commemorate the abolition of slavery. Juneteenth marks the end of chattel slavery, but because white supremacy and racial terror have shifted to enactment through policing and prisons, we still struggle against antiblack racism and racialized capitalism. Our imprisoned comrades are fighting for: an end to slave labor, a stop to the profiteering off of prisoners, a decrease in the prison population, and environmental justice in the prison industrial complex. They are asking that communities plan outreach activities and build community support against imprisonment and torture, while simultaneously putting pressure on the prison system.

#### 5. Create and nurture strong support networks.

Tell everyone to watch for prisoner actions leading up to and during August 21st to September 9th. Publish prisoner letters on local conditions. Write up an analysis on prisoner support initiatives and your state or region's prison regime. Offer teach-ins about resistance to prison terror and incarceration as a tool of social control.

This is the moment to establish more connections and to build strong networks with which to resist the repression that will surely come August 21st to September 9th. We'll need to **organize phone trees** to coordinate call-ins on behalf of targeted prisoners. We'll need to **plan local events leading up to and during the 19 days of prisoner resistance**. We need to be prepared to **organize specific solidarity rallies and actions** with national-level activities to gain attention and excitement. We'll need to prepare and **better understand what the mailroom policies are in our state or region's prison system**. Some locations won't participate and we need to understand why and in what ways the prisons are restricting prisoners' access to these events or otherwise preemptively locking people down.

*Let's make these prison walls quake and tumble, Until they all fall down,*

*Signed in solidarity and fully endorsed by The Fire Inside Collective*

<https://fireinside.noblogs.org>

Read our zine online: <https://incarceratedworkers.org/fire-inside>



## Appendix 1: Jailhouse Lawyers Speak press release, April 23 2018

### National Prison Strike

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:

- **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.
- **Sit-ins:** In certain prisons, men and women will engage in peaceful sit – in protests.
- **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.
- **Hunger Strikes:** Men and women shall refuse to eat.