

nox library + detroit anarchist black cross

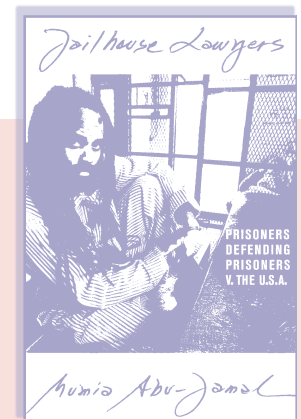
ABOLITIONIST STRATEGIES FOR SUPPORT

READING COMPANION & WORKBOOK



Jailhouse Lawyers:
Prisoners Defending
Prisoners v. the USA

Mumia Abu-Jamal



ABOUT MUMIA ABU-JAMAL

Mumia Abu-Jamal is an award-winning journalist, a former member of the Black Panther Party, and the most well-known political prisoner in the U.S.

Less well-known is the fact that he is also a father, a grandfather, and a loving husband. Mumia is a kind human being, and his humble spirit shows through his actions. He makes it a priority to uplift all others and the issues negatively impacting them with the power of his voice. He is the embodiment of Love.

Mumia is a victim. He was framed for the death of a Philadelphia police officer in December of 1981, which led to a corrupt trial imbued with the discrimination of known racist Judge Albert Sabo. At the scene of the incident and in the hospital following the incident, Mumia was a victim of severe police brutality. Mumia continues to suffer 40 years later due to corrupt police officers who coerced witnesses, falsified evidence, and fostered an environment of terror established and driven by the iron fist of the racist former mayor of Philadelphia, Frank Rizzo.

We have to remember to leave no one behind in our quest for a better world, especially one so profound as Mumia. Mumia Abu-Jamal is a victim of the arrogance of racism that has been the lifeblood of the criminal justice system. The framing of Mumia has been covered in many books, video productions, and songs, and you can find dozens of commentaries on the issue.

FREE MUMIA!

**Join the Detroit area
support group:**

tinyurl.com/freedom-meeting
1234FreedomNow@gmail.com



WHY STUDY THIS BOOK?

In his book *Jailhouse Lawyers: Prisoners Defending Prisoners v. the USA*, Mumia Abu-Jamal shares his experiences and wisdom on what happens when incarcerated people must navigate legal processes that are created by design to weigh in favor of a deeply racist carceral state.

As more and more people awaken to our corrupt sham of a justice system, we are grateful to Mumia for setting a foundation of first-hand account, detailed research, and extensive knowledge that will continue to build awareness and guide others on how to fight for their freedom.

Although we know that we can't rely on litigation to create fundamental changes, we believe that we must keep ourselves informed of how the legal system works, how it oppresses people, and how we can connect navigating it to the larger struggle. Our incarcerated neighbors don't have a choice. We believe that it is our civic duty to understand the structure of this system and how we can challenge it by building power through collective study and action.

Detroit Anarchist Black Cross

Detroit Anarchist Black Cross is a collective that supports those who are incarcerated within our communities. We advocate letter writing, court support, post release objectives, and support for families that are affected by the prison-industrial complex. We believe that all incarceration is political and that abolition is the only answer.

detroitabc.org | [@detroitabc](https://twitter.com/detroitabc)

nox library

Nox Library is a marxist grass-roots org made up of workers, students, and artists based in Detroit. We provide free literature distribution and host monthly study groups with the mission of building class consciousness in our community. Our focus is on art, class, race, and anti-imperialism.

noxlibrary.org | [@noxlibrary](https://twitter.com/noxlibrary)

PRE-READING EXERCISE

BEFORE YOU BEGIN READING, WRITE YOUR INTERPRETATION OF EACH OF THE QUOTES BELOW.

“But unfortunately, when you’re of the system, all you know is the system, and though folks think they be fighting against the system, because the only reference they know is the system, they’re doing as the system. For you see, the system can never change from bad to good, it can only go from bad to worse...”

JOHN AFRICA

“The master’s tools will never dismantle the master’s house. They may allow us to temporarily beat him at his own game, but they will never enable us to bring about genuine change.”

AUDRE LORD

ADDITIONAL RESOURCES

Guerrilla Litigation and Re-imagining Outside Support by Sean Swain
Sean Swain shares experiences and insights why traditional approaches to successful prisoner litigation are impossible and how developing an “irregular” or guerrilla approach to prisoner litigation can build momentum for radical change.
detroitabc.org/study-group

Love Not Phear
Love Not Phear is a movement of organizers dedicated to liberation and sovereignty for everyone, starting with Mumia Abu Jamal. The organization is focused on spreading love and challenging state fear by supporting our most vulnerable community members.
lovenotphear.com

The ‘Howl’ of Justice by Rand Gould
What does it mean to seek justice? Rand Gould reexamines the ways in which states have constructed their definitions of justice to ensure that unfair convictions cannot be successfully challenged.
detroitabc.org/study-group

One Lawyer. Five Years. 3,802 Cases.
In Detroit, court-appointed lawyers for the poor are encouraged to take on large caseloads at the expense of their clients, a new report says.
themarshallproject.org/2019/08/01/one-lawyer-five-years-3-802-cases

The Jailhouse Lawyer’s Handbook
The National Lawyer’s Guild’s guide for incarcerated people on how to bring a federal lawsuit to challenge poor conditions in prison or abuse by prison staff. Includes general information on U.S. legal systems, important court cases, and relevant legislation.
jailouselaw.org

preserved for eight years. The federal court's decision subjected TDOC to over 20 years of federal oversight and ongoing work to resolve all of the issues.

Prison Litigation Reform Act (PLRA)

In response to a wave of lawsuits brought by incarcerated people, the Clinton Administration swiftly passed the PLRA by disguising its sweeping policies as a minor clause on an appropriations bill. These policies would drastically impede the ability of incarcerated people to access the legal system by limiting the number of suits that prisoners could file, making it easier for courts to dismiss cases, and imposing impossible time limits on filing suits. Leading up to the passage of the PLRA, the media was instrumental in shaping public opinion by falsely portraying prisoner lawsuits as frivolous and laughable.

Sixth Amendment

The Sixth Amendment of the U.S. Constitution guarantees all criminal defendants the right to a lawyer. This extends to state courts who must provide an attorney for all indigent criminal defendants. However, this does not address anything about the quality of the attorney (see *Strickland v. Washington*).

street lawyer

Mumia refers to formally educated and certified lawyers as street lawyers. Street lawyers are often motivated by money; it is imbedded in their training in a profession that historically existed to serve the rich. Mumia observes that even the most conscientious lawyers "follow their training to acquiesce to, rather than to challenge, the imposition of repressive rules." (p. 150) In Detroit, courts can appoint street lawyers to undertake criminal defense cases when public defenders' offices can't meet capacity. These lawyers are paid per court event rather than by salary, encouraging lawyers to accumulate quick court appearances and avoiding the crucial but unpaid work needed for effective criminal defense.

Strickland v. Washington

After states began to set up systems to provide legal counsel to poor defendants, the quality of these services varied widely, with many programs facing inadequate funding and overworked lawyers that could not represent their clients effectively. However, in *Strickland v. Washington*, the court established a high bar for deeming a public defender as legally "ineffective", and that factors such as inattentiveness, mental disorder, substance use, or even absence could not be shown to affect the outcome of a case.

writ of habeas corpus

Habeas corpus is a protection set forth by the U.S. Constitution guaranteeing the fundamental right of an incarcerated person to dispute the legal basis for their confinement. In a writ of habeas corpus, the court orders a warden or other public officer produce to provide a valid reason for why the individual has been detained, and the court must decide whether the detainment is legal.

writ of certiorari

A writ of certiorari is a court process to seek judicial review of a decision of a lower court or government agency. In *Gideon v. Wainwright*, Gideon petitioned the U.S. Supreme Court to review his trial under the Florida Department of Corrections, which had denied his right to

CHAPTERS 1-2

WHAT IS THE LAW | WHAT "THE LAW" IS

What are our options when it comes to actions we can take to support incarcerated community members against injustices and abuses carried out by the prison-industrial complex?

Many of our expected actions involve navigating the various systems and processes that created these injustices and abuses to begin with.

What are some ways in which each of these available courses of action are difficult to navigate and ineffective?

Filing official complaints
(i.e. grievances)

Calling or emailing
corrections officials

Finding lawyers and/or
assisting with legal filings

Petitioning policymakers
to change laws

Alerting the media

on the prison litigation reform act (plra):

PRLA was a response to media fabrication that incarcerated people were over-burdening the courts with frivolous lawsuits.

What were three ways in which PRLA made it difficult for incarcerated people to navigate the justice system?



“Is it surprising that a nation that began its existence with Slave Codes, then continued for a century with an equally repressive set of Black Codes, would institute, by hook or by crook, Prisoner Codes? (p. 72)”

What did Mumia mean by this?

GLOSSARY

Gideon v. Wainwright

Gideon v. Wainwright ruled that states were required by the U.S. Constitution to provide lawyers to poor criminal defendants. Clarence Gideon, too poor to hire a lawyer, was forced to represent himself in Florida state courts, and hit with a five year sentence. While in prison, Gideon studied law books and petitioned the U.S. Supreme Court, arguing that the Florida Department of Corrections had violated his constitutional rights. The Court agreed to hear his case, assigned him a prominent attorney, and ruled unanimously that Gideon’s right to counsel, guaranteed by the Sixth Amendment, had in fact been violated.

grievance

Grievances are internal procedures through which an incarcerated person can attempt to resolve a complaint. In order to keep incarcerated people from filing lawsuits, the PLRA established a major provision where an incarcerated person would have to fully exhaust the grievance system before a lawsuit could be filed. In Michigan, exhausting the grievance system is a three step process that ultimately enforces no time limit for when the prison must issue its final response. Lawsuits that are filed without exhausting the full grievance process are immediately dismissed.

jailhouse lawyer

A jailhouse lawyer is an incarcerated person who typically has no formal legal training, but assists themselves or other incarcerated people in legal matters. Unlike their formally trained counterparts, jailhouse lawyers are not trained to be representatives of the state. Rather, jailhouse lawyers and their clients share the state as an adversary. They are also less constrained by time and money.

Mayberry v. Pennsylvania

Richard Mayberry, a prison lawyer legendary for his fiery, unhinged courtroom behavior, once threw a book at the judge during his criminal trial, among other verbal attacks and disruptive tactics. In *Mayberry v. Pennsylvania*, that same judge then sentenced Mayberry up to 22 years for contempt of court. Mayberry appealed this decision to the U.S. Supreme Court, who ruled that a neutral judge should have filled in for the ensuing contempt proceedings. Mayberry was given a new trial with a different judge.

Michigan Court of Claims

A court of limited jurisdiction that hears litigation against the State of Michigan and a way to bring cases to court without first exhausting the grievance process. Cases brought against Michigan prisons are paid for by MDOC’s operating budget. For example, *Cain v. MDOC* was tried from 1988 to 2003 and cost MDOC \$7.5 million.

Ruiz v. Estelle

Ruiz v. Estelle was a class action suit ruling that the horrific conditions in Texas were a violation of the Eighth Amendment of the U.S. Constitution. For attempting to sue Texas Department of Corrections, David Ruiz faced death threats, violence, and solitary confinement, but he

CHAPTERS 10-12

THE BEST OF THE BEST | THE WORST OF THE WORST | THE SOCIAL ROLE OF JAILHOUSE LAWYERS

Jailhouse lawyers must look beyond the state’s imprisoning bars, brick, and cement to build relationships with others in the so-called ‘free’ world to further and support social movements that spread liberating and progressive space within society. (p. 248)

In what ways does maintaining the disconnect between incarcerated and nonincarcerated people serve the carceral state’s interests?

brainstorm

How can we bridge the disconnect between those on the inside and those on the outside?

CHAPTERS 3-4

WHEN JAILHOUSE LAWYERS “REPRESENT” | WHAT ABOUT STREET LAWYERS

on the right to a fair trial:

It’s common for criminal defendants to receive poor legal counsel, as public defenders are stretched thin and not motivated by money. Does ineffective counsel violate one’s Sixth Amendment right to a lawyer and a fair trial? Strickland vs. Washington established “presumption of effectiveness”.

What did Strickland v. Washington establish?

What does this decision mean for a defendant’s Sixth Amendment rights?

Did you have an opinion on public defenders prior to reading, and how did it change after reading?

List some key characteristics that differentiate jailhouse lawyers and street lawyers:

Jailhouse Lawyers	Street Lawyers

on lawyers working against the system:

In the 1960's, a generation of progressive lawyers like William Kunstler rose from a historically conservative profession and challenged the system over civil rights, police brutality, and the Vietnam War. Although these lawyers ignited a liberal shift in the Bar, a price was paid for their tactics of using the legal process as a tool to dismantle that legal process itself. More repressive rules were imposed in the courtroom, and many lawyers were prosecuted for sedition, held in contempt of court, or disbarred.

“The point is, lawyers, even those among the most conscientious (like the ACLU), follow their training to acquiesce to, rather than to challenge, the imposition of repressive rules. (p. 149)”

What did Mumia mean by this?

CHAPTERS 5-9

THE JAILHOUSE LAWYERING OF MAYBERRY | A WOMAN'S WORK IN STATE HELL | THE RUIZ EFFECT | FROM "SOCIAL PRISONER" TO JAILHOUSE LAWYER TO REVOLUTIONARY | JAILHOUSE LAWYERS ON JAILHOUSE LAWYERS

What factors contributed to the success of each of these cases?

Mayberry v. Pennsylvania	
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Gideon v. Wainwright	
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Ruiz v. Estelle	
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further research:

What are some court cases in Michigan (or your state) that weighed in the favor of incarcerated people? _____
