JANE WTO:
Jail Solidarity, Law Collectives,
And the Global Justice Movement

By

Beverly Yuen Thompson

October 2005

Submitted to the Graduate Faculty of Political and Social Science of
the New School in partial fulfillment of the requirements for the
degree of Doctor of Philosophy.

Dissertation Committee:
Dr. Terry Williams
Dr. Andrew Arato
Dr. Jeffrey Goldfarb
Dr. Alice Crary
Dedication:

For Global Justice activists and freedom fighters everywhere.
For Mom, Dad, and Ron.
# Table of Contents

**TABLE OF CONTENTS**

1) **JANE WTO: JAIL SOLIDARITY RESISTANCE— A TACTICAL GENEALOGY**  
   Intro 1  
   Social Movement Theory, Tactical Diffusion, and Jail Solidarity 4  
   The Global Justice Movement and Jail Solidarity 9  
   The Anti-Nuclear Movement and Jail Solidarity 13  
   The Civil Rights Movement and the “Jail In” 17  
   The IWW, Soapboxing, and Free Speech Fights 20  
   The Law, Freedom of Speech, and the Right to Assemble 25  
   Police Repression of Social Movements 26  
   Conclusion 27  

2) **THE GLOBAL JUSTICE MOVEMENT'S USE OF JAIL SOLIDARITY AS A RESPONSE TO POLICE REPRESSION AND ARREST: AN ETHNOGRAPHIC STUDY**  
   Intro 30  
   Ethnographic Research Framework of Jail Solidarity 31  
   The Interview Process 33  
   Reframing Arrest as a Protest Tactic 39  
   High Risk Activism and Personal Experience 40  
   Mobilization Process 43  
   Legal support 46  
   Conclusion 48  

3) **JANE WTO: PROTEST ARRESTS, JAIL SOLIDARITY, AND DIRECT ACTION BEHIND BARS**  
   Intro 51  
   The School of the Americas (2001) 53  
   Workshops and Trainings 56  
   Arrest Scenarios 58  
   Consensus Decision Making 62  
   Solidarity 65  
   Noncompliance Tactics 67  
   Conclusion 81  

4) **IN THE BELLY OF THE BEAST:**  
   **THE STRUGGLE FOR FREEDOM OF SPEECH, IMPRISONED ACTIVISTS, AND COURT SOLIDARITY**  
   Intro 84  
   Freedom of Speech 86  
   Repressive Legislation 87  
   Rampart Police Station Protest (LA 2000) 89  
   Mass Arrest at Global Justice Protests 93  
   Effects of Jail on Activists 95  
   Court Solidarity 97  
   Coalitions with Prison Abolitionist Organizations 102
### Conclusion

#### 5) RADICAL LAW COLLECTIVES AND THE GLOBAL JUSTICE MOVEMENT

<table>
<thead>
<tr>
<th>Intro</th>
<th>107</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radical Law Collectives</td>
<td>110</td>
</tr>
<tr>
<td>DAN LEGAL</td>
<td>115</td>
</tr>
<tr>
<td>MIDNIGHT SPECIAL LAW COLLECTIVE</td>
<td>122</td>
</tr>
<tr>
<td>NEW YORK CITY PEOPLE’S LAW COLLECTIVE</td>
<td>127</td>
</tr>
<tr>
<td>Conclusion</td>
<td>133</td>
</tr>
</tbody>
</table>

#### 6) JAIL SOLIDARITY: EFFECTIVENESS AND OUTCOMES OF HIGH-RISK DIRECT ACTION

<table>
<thead>
<tr>
<th>Intro</th>
<th>135</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tactical Development History</td>
<td>137</td>
</tr>
<tr>
<td>Jail Solidarity</td>
<td>139</td>
</tr>
<tr>
<td>Court Solidarity</td>
<td>142</td>
</tr>
<tr>
<td>Law Collectives</td>
<td>144</td>
</tr>
<tr>
<td>Solidarity Forever</td>
<td>147</td>
</tr>
<tr>
<td>Outcomes of High Risk Activism</td>
<td>148</td>
</tr>
<tr>
<td>Race Coalitioning: Domestic and International</td>
<td>150</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>153</td>
</tr>
</tbody>
</table>

### REFERENCES

159
It is not the wrongs and crimes punishable by law that cause the greatest evil in the world. It is the *lawful* wrongs and unpunishable crimes, justified and protected by law and government, that fill the earth with misery and want, with strife and conflict, with class struggles, slaughter, and destruction.

--Alexander Berkman

**Intro**

Since the 1970s there have been “IMF riots” in affected, forcibly developing areas—Latin America, the Caribbean, Middle East, and Africa. These protests have been dynamically activated out of dire economic disasters: “some 146 austerity protests against multilaterally supported economic restructuring between 1976 and 1992 transpired globally” (Starr 2000, 46; O’Brien 2000, 173). Countries that relied heavily on World Bank and IMF loans have faced astronomical debt, devaluation of their currency, and an increasing inability to pay, impacting poor citizens the most. Structural Adjustment Programs that decimated local economies have been publicly resisted, often at the expense of severe repression: police brutality, imprisonment, and death (Yuen 2001, 6). However, an international network has developed, providing support and organized resistance to other movements against economic global domination.
The Zapitistas instigated their uprising in Mexico the day NAFTA went into effect—January 1, 1994—and sounded the alarm against neoliberalism (Tarrow & McAdam 2005, 137; Kolb 2005, 96; Marcos 2001). As Hardt & Negri argued in *Empire*, “perhaps the more capital extends its global networks of production and control, the more powerful any singular point of revolt can be” (2000, 58). The movement began sprouting up at those particular points. Because of this systematic fragility within global financial networks, a counteractive, parallel global social justice web of connections has provided an adversary.

Northern countries have been slow to acknowledge the economic, social, and environmental disasters that these international financial institutions have generated. Not until the WTO protests in Seattle 1999, were the Northern countries presented with images of 50,000 protesters, declaring a more sinister perspective on globalization. Suddenly, the crisis had reached the home country of the IMF and World Bank. Six hundred people were arrested after Marshal Law was established during the WTO protests; and more shocking, they refused to leave jail by withholding names until their charges were reduced or dropped. A protester encampment was constructed outside the jail for the duration of their imprisonment. With the pressure of this resistance, both internally and externally, their demands were ultimately granted. The tactic of “jail solidarity” appeared to be successful for countering police repression and mass arrest. During subsequent protests, this tactic continued to be utilized, in addition to “court solidarity,”
which resulted in hundreds of protesters synchronizing their court trials, 

demanding all constitutional rights: speedy trials, court appointed council, jury 

trials, and so on. Customarily, the system relies on plea bargains for ninety 

percent of cases—defendants waiving their rights—therefore, such exercising of 

rights cannot be provided by the system. For the protesters, the majority of cases 

were based on trumped up, impractical charges, and they were dropped. Radical 

law collectives were instrumental during jail and court proceedings, and remain 

central within the movement. This increased repression has infringed on 

constitutional rights of freedom of speech and assembly, and it is in this arena in 

which social movements and law collectives struggle. 

This direct action tactic of “jail solidarity” is the topic of this dissertation. Its 

forebears include: the anti-nuclear, Civil Rights, and Industrial Workers of the 

World (IWW) labor movements. By examining the historical development of jail 

and court solidarity tactics, an understanding can be gained, not only of historical 

development, but also, the advances of police and government repression. Many 

active participants of such movements do not recognize these historical 

predecessors and often question the genealogy of their tactical selections. 

Therefore, in this dissertation, I argue that high-risk tactics descend from diverse 

predecessor movements, they are revised as appropriate for the contemporary 

context, and that they rise and fall with protest cycles, quickly becoming 

ineffectual as authorities improve their repertoire of repression. For jail solidarity, 

this includes: opening supplementary jail facilities, military installations,
condemned prisons, bus terminals, and distant jails. For example, during the RNC 2000 in Philadelphia, the condemned prison Holmesburg was utilized, and during the RNC 2004 in New York, an old bus terminal on the Chelsea piers was opened for the arrested overflow, resulting in injuries from oil slicks and chemicals. Once the authorities have enhanced their abilities, the tactic begins its decline, until it is once again revived after being erased from the collective memory.

Social Movement Theory, Tactical Diffusion, and Jail Solidarity

Jail solidarity commences after activists are arrested for committing an act of civil disobedience—breaking an unjust law, blockading the flow of business, or an institutional convention. It “involves a conflict between the natural duty to comply…and the right to defend one’s liberties and to oppose injustice” (Arato & Cohen 1995, 573). Henry David Thoreau stated in the mid-1800s that few men, unfortunately, serve the state with their consciences, which thus becomes a function of social activism (1999, 268). Nonviolent civil disobedience establishes the willingness of the participants to accept personal sacrifice for their beliefs and may help neutralize repression (Brecher 2000, 113; Carter 1973, 9). In order to make the protest effective, “a sufficient number of group members” is necessary, along with “a good repertoire of collective action techniques,” and collective personal experiences (Gamson, Fireman, and Rytina 1982, 24). With larger numbers, “an uneasy coalition between groups favoring different tactics” can develop, complicating the unifying master ideological framework and collectivity, yet providing a necessary diversity.
Ideological frameworks and symbolism are not created anew by each movement, but rather they adopt “the language of previous struggles” (Melucci 1996, 207). By bridging historical frameworks, the message familiarly resonates within the political culture (Tarrow 1992, 190). From these recognizable ideologies and symbolic actions, the public can interpret these as challenges to “the dominant codes,” resonating with other movements domestically, internationally, or historically (Melucci 1989, 12; Melucci 1996, 382). For example, Henry David Thoreau’s 1849 essay on civil disobedience has inspired successors such as Gandhi and King, Jr., presenting a tactic of broad historical significance (Weisbrot 1991, 15). Civil disobedience tactics are espoused from predecessor actions, re-adopted after times of non-use, and innovated.

Arrest and brutality are ever-present threats for social movements, and this increases as more resistance is displayed. Jail solidarity attempts to mitigate arrest by utilize it as an auxiliary tactic. By withholding names and personal information, the authorities are unable to process protesters out of jail. They can only name them Jane and John Doe, or, as during the WTO protests, Jane and John WTO. Absent this vital, personal information, the protesters remain imprisoned, and with such numbers and solidarity resistance, this presence creates tremendous pressure. Authorities become increasingly willing to negotiate demands. Court solidarity can also be utilized to synchronize protesters’ court cases through not-guilty pleas. However, each situation is unique and should be assessed for particulars: some jails are willing to hold protesters indefinitely, and
some courts can entangle protesters in proceedings for years, thus squashing resistance (Lydersen 2001, 137). Jail solidarity tactics have also been utilized outside to support arrested leaders: rallies, tent cities, and media interest (Levy & Miller 1970, 242). Within minutes of Tom Hayden’s arrest during the Democratic National Convention in Chicago 1968, 500-1,000 protesters, led by Rennie Davis surrounded the jail and assisted in his release (Kusch 2004, 71).

The jail solidarity tactics are often based upon consensus decision-making processes, a tactic familiar to major movements of the left (Polletta 2002, 2; Epstein 2001, 8). Ideally, consensus-decision-making helps organize street action plans, direct action, and reduce tense situations inside jail. It embodies Tom Hayden’s concept of “direct democracy,” in which each participant can provide input, a diversity of ideas, and practices. However, when a small minority, perhaps even one person, “blocks” a decision, it goes no further—thus, decisions are easily railroaded, even by an aberrant personality or an undercover police officer. Consensus meetings tend to be incredibly lengthy, un-wielding, frustrating, and based upon self-indulgent, purposeless talk (Touraine 1971, 251). The Clamshell Alliance, fighting against nuclear weapons, called the process “consensus by attrition, which worked only for those who stayed long enough” (Downey 1986, 368). Jo Freeman, in her popular essay “The Tyranny of Structurelessness,” argues that this idea of consensus or structureless meetings hides inherent inequalities of the process while insisting upon its democratic nature, and has unwittingly created “the star system,” or unacknowledged
leadership (1973:292). Far from promoting democracy, meetings became a tyranny of the loudest, those who feel comfortable heatedly debating their issue, while others are silenced by such mannerisms. Francesca Polletta, on her study of the Student Nonviolent Coordinating Committee (SNCC), argues that consensus is a “cultural trapping’ of middle-class, white, progressive activism; in a sense, it is white” (2005, 272). Within SNCC, it became “associated with white freedom highs’ penchant for endless, unproductive talk” and soon thereafter, “it made sense to abandon that style” (ibid., 283). The appeal for some Civil Rights organizations for centralization and hierarchical structure came “to be seen as a bulwark against the dominance of whites in the organization” (ibid., 278). Therefore, while providing a good theoretical model of democracy, there are cultural trappings in which some groups excel in such communication models more so than others.

While large consensus meetings become un-wielding and unproductive, they prove more useful within small groups. Affinity groups, which retain a few, close-knit members, can thus engage in consensus processes efficiently. This structure provided security and accountability for individuals, a coordinated system for accomplishing tasks, gathering information, and further “reflects the needs of a sustaining social support system” (Gamson 1992, 63). In addition, the structure is flexible, responsive, and provides protection from police repression (Eigo 2002, 180; Smith 2002, 11; Bookchin 1971, 19-20). Affinity groups have been useful in an array of social movements and organizing styles, especially in the anti-
Vietnam war and anti-nuclear movements (Gamson 1992, 63). Murray Bookchin has been credited for introducing affinity groups “to the New Left in the mid-sixties…who found it in his studies of Spanish anarchism” (Epstein 1991, 66).

This rejuvenation of tactical developments, symbols, and protest frames follow the crests and falls of protest cycles. The “high point of the wave” often produces the appearance of apparently spontaneous collective action, yet it follows previously established traditions and organizational structures (Tarrow 1995, 93). These crests occur during heightened moments of conflict, greater frequency of contentious actions, geographic diffusion of the movement, and the bridging of master frames from past movements to contemporary social issues (Tarrow 1994, 155; Snow & Benford 1992, 141). While many tactical and rhetorical devices are dusted off and re-implemented from past movements, there are new innovations, often constructed at the margins, as Charles Tilly suggests (Tilly 1994, 28; Tarrow 1995, 94; Tarrow 2005, 126). These cycles of course, emphasize that “movements do not last forever, they come for a time, carve out their movement space, and get eventually ‘pulled’ back into the society, as the space they create gets occupied by other social forces” (Eyerman & Jamison 1991, 65).

These crests and falls of social movements and their tactical repertoire can elucidate the diffusion, tactical lineage, and re-introduction of frames and connections from past movements. This will be demonstrated in the following example of the adoption of jail and court solidarity between socially and
historically divergent movements in the United States, namely, the Global Justice, anti-nuclear, Civil Rights, and IWW radical labor movements. Moving from the most recent to the more historical movements, we can follow this tactic’s genealogy.

**The Global Justice Movement and Jail Solidarity**

During that second day of the WTO protests in Seattle of 1999, nearly 600 people had been arrested for defying the “no-protest zone” order, Marshal Law was hastily established, and the city attempted to reestablish control. The protesters had flooded the streets for two days, blockaded the doors to the ministerial, and placed their bodies on the line against uncontrolled global corporate trade. Hundreds more gathered outside of the jail, overflowing into the streets where they chanted in unison, beat on drums, and shared an intense sense of solidarity. Attorney Katya Komisaruk stood on a cement barricade and held a megaphone to her lips. She asked for the crowd to repeat after her, so as to spread her message to all those gathered. She announced that of the hundreds of people arrested on that day, most of them felt that the charges were unjust and wanted them reduced or dropped, and therefore, they were participating in jail solidarity. They demanded that all be released with these conditions—short of that, they would refuse to provide their names or cooperate with the jail system. This included refusing bail or release on their own recognizance. As the crowd listened to this statement, some jailed activists could see or hear the outside supporters from their jail cell windows, such as Sarah Kerr:
The people on the street were drumming and singing. They made a huge ring around the jail that we could see from our windows, so it was the most inspiring and empowering thing, and that was their job. They were keeping us going. And our job was to sit there (2002).

She describes the feeling of being one of the arrestees who refused to provide a name, and was thus referred to as “Jane”:

…They called us Jane and John WTO. It was an incredible moral and solidarity building gift that they gave us, because when you got moved from one room to another, you’d walk into a cell and people would say, ‘hi Jane.’ And it was like, we were all Jane, this instantly bonded and linked entity. And I remember distinctly, when they finally let us go and we had to give our names, the incredible feeling of vulnerability I got when I finally gave my name and left that security of being Jane (2002).

The unifying experience of sharing a name, uniform, and a reduction of individual identity assisted in the experience of solidarity, creating this singular entity: Jane WTO (Starhawk 2002, 26). This collective identity protected individuals from being singled out, charged and treated differently, and imprisoned longer. For example, if one individual has been singled out to remain in jail while others were released, the entire group would remain in solidarity. As arrestee Ruth Hunter states, “it’s really a matter of wanting to support each other, it’s not a matter of wanting to get arrested” (2002).

In Seattle, the strain that the Jane and John WTOs bestowed upon the jail proved to be overwhelming, and after a few days all were released. By pursuing their cases into the courts—utilizing court solidarity—the hundreds of charges were eventually dropped. When the activists demanded full trials collectively this overwhelmed the system. Nearly all the cases were dropped, thus providing more legitimacy for the activists’ resistance to their charges. This also aided the
subsequent civil suits. The activists celebrated their victory: optimistic that jail solidarity was a successful direct action tactic to counter mass arrests.

While some had been shocked at finding themselves in jail, others had attended workshops that trained them to utilize jail solidarity. The Ruckus Society provided “boot camps for hardcore activists, trained others in high-risk direct action tactics” (Cockburn 2000, 88). The Direct Action Network (DAN) offered months of training in various aspects of civil disobedience. Mary Caroline Cummins had decided to participate in an arrest action in Los Angeles during the DRC 2000, based upon the previous jail solidarity stories that she had heard:

I remember reading the stories during the IMF protests in DC, of people who were in jail. The whole idea of refusal, of not obeying, whether it was not going out of your cell or whatever, I just found that really cool. And also one of the reasons I decided to go to the jail was because of the jail solidarity, because it felt a lot safer to go to jail [with a group] (2001).

For those who had preemptively decided to participate in jail solidarity, they left their ID at home in order to better facilitate withholding their names:

Most people didn’t give their name and they gave us the jail bracelets, Jane and John WTO. One of the jail solidarity tactics was this: if you don’t take ID, it will work better. I had been prepared for that. I think some people had to hide their ID. But a lot of people were John WTO or Jane WTO (Moore 2002).

Another identity protecting tactic often utilized is called the “black bloc.” Comprised of affinity groups, the participants wear solid black clothes, handkerchiefs over their faces, and maintain constant movement to avoid police confrontation. Because of their visual presentation and stereotyped reputation, however, they often attract police attention and suffer arrests. Most participants
are young, autonomous anarchists. This tactic provides diversity to the movement that is often a point of contention with the more conventional non-violent pacifists. At the majority of mass protests, behavioral guidelines are implemented—no alcohol, drugs, violence, or property damage. Many autonomous thinkers object to rules and guidelines and dispute or disobey them. Because of their defiance, they are held responsible for the minor property damage; however, their reputation for such behavior far outweighs the reality (Kauffman 2001, 127). The black bloc tactic most directly descends from the German Autonomen, first used in the United States in the early 1990s (ibid., 126). While virtually unknown in the U.S., the Autonomen are prevalent in European social movements for housing takeovers, squatting, anti-nuclear campaigns, and anti-fascist movements. The Autonomen came to the militant forefront of Europe’s direct action anti-nuke movement in the early 1980s. While staging a live-in at the construction of a nuclear waste dump, they provoked a brutal ambush by over 8,000 police. In Italy, Ya Basta, or the White Overalls, are another autonomist tactic and/or organization that emerged from the defeat of the Italian revolutionary movement of the 1970s (Neale 2002, 21). And in Denmark, the famous squat Christiania, located on an old military base in the middle of Copenhagen, existed (and still exists) with approximately 1,000 inhabitants. All of these tactics—jail solidarity, consensus decision-making, affinity groups, and the black bloc—are based upon solidarity and trust. As will be demonstrated, the uses of jail and court solidarity in preceding movements were based upon action
discipline, solidarity, and inter-personal faith.

**The Anti-Nuclear Movement and Jail Solidarity**

In 1975, 28,000 protesters forced their way onto a proposed nuclear plant location in Whyl, Germany, opposing its construction (Epstein 1991, 61). They occupied the site for more than a year, which led to the eventual cancellation of the project (Downey 1986, 361). This action was an inspiration to anti-nuclear activists around the globe. In the United States, both mass movements against nuclear weapons and energy, and a more individual, faith-based Plowshares movement developed. The anti-nuclear movement had prophesized that only global destruction could result from a nuclear arms race, and therefore, must be stopped at any cost. Since 1980, the Plowshares movement inspired numerous individuals to act based upon their religious faith: trespassing onto nuclear military facilities, damaging control panels and nuclear weapons components, pouring blood on equipment, and otherwise symbolically presenting the equation of nuclear weapons with death (Moynihan & Solnit 2002, 131). Their inspiration is derived from “the Biblical exhortation to ‘beat swords into plowshares’” (Rosenblum 1984, 16). Many of the Plowshares participants have been priests, other church authorities, and devoutly religious people. “Paul and Carl Kabat were ordained Catholic priests in the Missionary Oblates of Mary Immaculate, a French order based in Rome. Both are in their 50s and are serving sentences of 10 and 18 years, respectively, for damaging the top of a missile silo during an antinuclear peace witness on November 12, 1984” (Pollak 1987, 21). For these
martyrs, they anticipate arrest and lengthy imprisonment, publicly presenting the discrepancy between disarmament and the brutal state response.

Katya Komisaruk, the lawyer-activist central in organizing the jail solidarity actions in Seattle, Washington DC, and Los Angeles (1999-2000), had also been a Plowshares activist. Initially, Katya Komisaruk had been involved with the movement against the Livermore Laboratory in the Bay Area. After developing more personal experience, she conducted an individual Plowshares action—“the white rose disarmament action:”

On June 2, 1987 Katya Komisaruk, walked through an unlocked gate leaving cookies and a bouquet of flowers for security guards and entered a satellite control facility named “NAVSTAR” at the Vandenberg AFB in Santa Barbara County, California. (“NAVSTAR” is the U.S. global positioning system of satellites. When fully operational, this system will consist of 18 orbiting satellites which will be able to provide the navigational and guidance signals to Trident II and other nuclear missiles as well as the Star Wars System, for a first-strike nuclear attack.) Once inside, she used a hammer, crowbar and cordless electric drill to damage panels of an IBM mainframe computer and a satellite dish on top of the building….The next morning she held a press conference at the Federal Building in San Francisco to explain her action whereupon she was taken into custody by the FBI. She was charged with sabotage and destruction of government property…On January 11, 1988 Katya was sentenced to 5 years in prison. (After two years) on February 9, 1990 Katya was released from prison and placed on probation for the duration of her 5-year sentence (Komisaruk 2001).

During a different anti-nuclear protest that she took part in, over one thousand activists were arrested, participated in jail solidarity, and demand equal treatment. For two weeks, the arrestees refused to appear at their arraignments until the court finally agreed to equal sentences (Dubrin 2001:63). During this time, “they disrupted the law enforcement operations of the state temporarily, but
also showed that the Alliance could act as a unified force for social change” (Downey 1986, 361). In 1975, during a heightened protest cycle, “illegal direct actions, especially site occupations, spread rapidly to local antinuclear efforts in many parts of the country, starting with the Clamshell Alliance, which opposed the Seabrook plant in New Hampshire” (Jasper 1997, 230; Unanimous 2001, 45). The organization’s first two occupations of plant sites transpired in August 1976. At the first, eighteen members were arrested, and at the second event, 180 were arrested. At both events, hundreds of people rallied outside the jails, providing additional support (Downey 1986, 361). These early actions prepared them for the large occupation in Seabrook during April 1977, at which 1,414 were arrested and held in National Guard armories for trespassing on the site of a nuclear power plant (Epstein 1991, 58; Downey 1986, 357). Their civil disobedience action endeavored to stop construction of the plant. The members participated in jail solidarity: they refused bail, continued their protest in the armories, captured national media attention, made decisions by consensus, and developed a strong sense of solidarity during their two week imprisonment (ibid., 357). This action “received extensive press coverage across the nation and turned Seabrook into a national symbol of opposition to nuclear power plants” (Barkan 1979, 24).

The Clamshell Alliance was based upon non-hierarchical organizational structure and autonomy that was easily adopted by the Global Justice movement. The organization practiced consensus decision-making, affinity group structure, and spokes-council meetings (Epstein 1991, 69; Downey 1986, 358). At mass
meetings, each affinity group representative—the spoke(s)—would speak on behalf of the group. Code names or first names were utilized to retain anonymity (and an affinity group name could be utilized as a surname). While the Clamshell Alliance split into two organizations in 1979, their master framework, organizational structure, and direct action tactics descended to other, similar organizations. The Abalone Alliance in California and the Crabshell Alliance in Washington were modeled on the Clamshell Alliance (Barkan 1979, 24). The Abalone Alliance was regional, similar to Clamshell, protesting a particular nuclear plant: “PG & E’s Diablo Canyon plant, near San Luis Obispo on the central Californian coast” (Epstein 1991, 92). During the Abalone’s 1981 occupation of the Diablo Canyon Plant, the Livermore Action Group was born inside the jail (ibid., 129). More nuclear plant actions proliferated: Vandenberg Air Force Base, Concord Naval Weapons Stations, even the San Francisco Financial District was targeted. “In 1978, SANE led the successful fight against the MX mobile missile deployment, which would have wreaked environmental mayhem in Nevada and Utah. In the early 1980s, the Nuclear Weapons Freeze campaign was born” (Thomas 2000, 41). In 1987, SANE/Freeze merged, and in 1993, changed its name to Peace Action (ibid., 41).

The nuclear disarmament movement arose during this rapid rise of militarization, at the height of a prolonged cold war: “sustained by bellicose rhetoric, surrogate wars and the global projection of power by the U.S. and the Soviet Union” (Benford 1993, 210). However, the issue rapidly lost the urgency
as nuclear plans decreased. “Between 1972 and 1983, over 100 nuclear units were
cancelled in the USA, which is almost half of all orders ever placed in this
country” (Joppke 1991, 47). This movement was also considered to lack an
“indigenous social basis to provide for continuity during phases of low
mobilization.” Because of these three factors, the movement declined, along with
public interest (ibid., 54).

**The Civil Rights Movement and the “Jail In”**

The Plowshares movement based their social commitments upon religious
faith, as did the Civil Rights Movement (Epstein 1991, 59). Dr. Martin Luther
King Jr., had been strongly influenced by the theories of nonviolent resistance
derived from the teachings of Mohandas K. Gandhi and Henry David Thoreau, in
addition to his Christian faith. At the age of fifteen, King entered Morehouse
College, and was influenced by Dr. Benjamin Elijah Mays, the sixth college
president, who had just returned from India as a disciple of Mahatma Gandhi. In
February 1959, Dr. King and his wife spent a month in India, studying Gandhi’s
theory of nonviolence while a guest as the then Prime Minister Jawaharlal Nehru.
Gandhian nonviolence, or *Satyagraha*, is characterized by prohibition of both
physical and psychological violence, active caring toward the opponent, and the
intention to convert. King popularized the Gandhian repertoire in the 1940s,
cloaked in contemporary religious language that resonated with the African
American community (Chabot 2000, 213). Many movement intellectuals that had
“read of Gandhi’s independence struggle in India” systematically taught these
techniques of nonviolent direct action (Eyerman 1991, 123). The extreme self-discipline necessary to suffer retaliation, was often difficult to maintain, thus necessitated extensive training and strong leadership. With the tools of Gandhian nonviolence at their disposal, the Civil Rights movement utilized “direct action to challenge the segregation of facilities,” interstate buses and local lunch counters (Carter 1973, 7). CORE and SNCC, among other organizations, made it “the policy in event of arrest to remain in jail rather than pay fines or bail out” and this was expected of the majority of participants (Peck 1968, 61; Eyerman & Jamison 1991, 130; McAdam 1982, 165). “The intention was to dramatize the oppressiveness of southern racism through mass jailings, while at the same time straining the law enforcement resources of the affected municipalities” (ibid., 165). And instead of amassing bankruptcy from high bails, serving the sentence would dramatically highlight injustice (Farmer 1968, 130). From Greensboro to Mississippi, the movement utilized the jail-in:

Nearly a year to the day after the first sit-in in Greensboro, Thomas Gaither led ten student demonstrators in the first widely noted “jail-in.” After a night’s detention in the Rock Hill jail, Gaither and his group had the judge pass sentence for their role in requesting service at two dime-store lunch counters: thirty days’ hard labor on a road gang or one-hundred-dollar fines. One defendant paid the fine, but the others shocked the judge by choosing jail without bail. “The only thing they had to beat us over the head with was a threat of sending us to jail,” Gaither explained. “So we disarmed them by using the only weapon we had left…. It upset them considerably” (Weisbrot 1991, 29).

In Jackson, the use of the jail-in was initiated in response to police brutality on the streets. The participants, mostly students, arrived to be arrested, and “this tactic succeeded in keeping a national spotlight on the action throughout the summer
and finally led to decisive federal action that enforced desegregated seating on interstate travel” (Tracy 1996, 120). In Mississippi, demanding equal treatment for all, a hunger strike led by women freedom riders was initiated. They also succeed in getting the men transferred to the more desired Parchman state penitentiary (Weisbrot 1991, 62). The campaign against segregation in Albany, led in part by Dr. W.G. Anderson, utilized several methods of nonviolence. Once they suffered numerous arrests, they utilized the jail-in. Dr. King had been arrested several times in that city, accepted imprisonment, and was disappointed, like Thoreau, to be bailed out by others and released.

Another tactic was enlisting school children in both marches and arrests (ibid., 70). During one march, “the children filled the streets with a joy that was untouched by the danger. Bull Connor ordered his hapless subordinates to lock them all up, but this was not so easy,” nonetheless, 900 children went to jail (ibid., 70). Dr. King personally led a mass march toward the Selma courthouse. He was arrested, along with his aide Ralph Abernathy and 770 demonstrators, most of them schoolchildren. The next day Clark’s deputies sent 550 more, largely young black marchers, to prison. The sheriff seemed not to recognize his part in King’s pageant of reform symbolism, in which every arrest became an indictment of the police, every beating a way to conscript new civil rights supporters among the mass of citizens (ibid., 133).

At the height of the sit-ins, “by the end of 1960, seventy thousand students, most of them black but, increasingly, some of them white, had sat-in and thirty-six hundred student demonstrators had been arrested and jailed” (Eyerman & Jamison 1991, 129). They were often arrested and charged with violations of ordinary
criminal laws, “so the criminal justice system could adamantly deny that there was anything political about the situation” (Zwerman & Steinhoff 2005, 95). The legal system provided another realm of struggle. More repressive laws were created to subvert integration. “Between 1955-1961, southern states adopted almost 200 statutes defying or seeking to evade Brown’s mandate” (Eskridge 2001, 471). Numerous lawyers were needed, and some organizations were available to protect protesters such as: the National Conference of Black Lawyers, the National Lawyers Guild, and the NAACP Legal Defense (Handler, Hollingsworth & Erlanger 1978, 44). In addition:

After a 1963 summer experience in the South assisting civil rights lawyers, 10 northern law students established the Law Students Civil Rights Research Council. The purpose of the organization was to make large numbers of law students available for civil rights work (Handler, Hollingsworth & Erlanger 1978, 28).

The enormous effort that the sit-ins, marches, and jail-ins consumed eventually reduced the numbers of arrestable volunteers, pro-bono lawyers, and finances. Progress had advanced against segregation and the racial climate of the country, to some extent. The jail-in tactic had been successful in contrasting the plight of the Civil Rights activists against the unconstitutional behavior of the state.

The IWW, Soapboxing, and Free Speech Fights

At the turn of the century, the Industrial Workers of the World, or Wobblies, utilize jail solidarity during their soapboxing and free speech fights. Created on June 27, 1905 at Brand’s Hall in Chicago, the IWW aimed to establish One Big Union of industrial workers: miners, loggers or “timber beasts,” factory
workers, transit workers, and so on. They also emphasized the importance of protecting marginalized workers, the “unorganizable” as they were referred (Fusfeld 1992, 46; Bird, Georgakas, & Shaffer 1985, 2; Renshaw 1999, 41). The majority of these workers were migratory immigrants, hitching rides on railway cars, and working seasonally. Because of their immigration status and migratory lifestyle, many did not have the right to vote and were excluded from this form of political influence (ibid., 131).

The IWW leadership “preached nonviolence and passive resistance,” often difficult to maintain against the violence of company police, strikebreakers, local police, and the National Guard (Fusfeld 1992, 48). The IWW organized from within industries, and conducted mass public forums on various organizing efforts through picketing, sit-down strikes, soapboxing, and demonstrating (ibid., 48). Their public soapboxing attracted the attention and resistance of businesses, which in turn persuaded city officials to pass ordinances banning IWW street speakers, often referred to as “move on laws” (Ferrell 2002, 25-6). To counteract this repression, the IWW would summon their footloose comrades to flood a particular area with copious amounts of soapboxers and arrestees.

These free speech fights gained publicity and sympathy for oppressed labor and issues such as the eight-hour workday (Renshaw 1999, 2). Beginning as educational labor speeches, the IWW fight soon extended to the protection of the Bill of Rights (Fusfeld 1992, 49; Bird, Georgakas, & Shaffer 1985, 8; Debs 2000, 31). In 1911, the IWW struggled for nine-months on a free speech battle and
attracted nationwide attention. Local merchants pressured the city council to prohibit soapboxing while the enlisted shock battalions of the IWW flooded the city jails (Preston Jr. 1994, 51). In 1908, organizers mounted soapboxes in front of employment agencies in Spokane, the beginning of such fights (Kornbluh 1998, 94). 150 were arrested by the second day, and over the month, over 600 Wobblies were “herded into crowded cells” (ibid., 94). Once the jail was filled, “an abandoned, unheated schoolhouse was used” (ibid., 95).

Political prisoners have difficulty being covert within jail, and thus their presence often stirs up interest. While Eugene V. Debs, an IWW leader, was in prison, he ran a campaign for President of the US, with the slogan “for president—convict No. 9653,” thus he was no stranger to the population (Debs 2000). Activists are atypical prisoners and are pitted against the general population, often through the distribution of privileges unavailable to others. Some IWW leaders were offered privileges. For most the answer was simple—they refused. During the Spokane Free speech fights, some leaders were offered steak and fried potatoes, but they retaliated with a hunger strike (Panzner 1998, 99). Also an unusual jail practice, the IWW members would conduct meetings, complete with elected committees, planned education programs, and circulated literature (Kornbluth 1998, 322; Leonard 1998, 122). They also fought to improve jail conditions through direct action (Kornbluh 1998, 322; Thompson 1993, 58). During one vote, members agreed that the jail food would be protested by throwing “the contents through the bars at the end of the corridors and frescoed
the walls and carpeted the stairs with it” (Leonard 1998, 122). During the Philadelphia RNC 2000, male activists also threw food into the corridor to protest their conditions.

The crowded prisons stalled the justice system: jails were at capacity, legal timetables were backlogged, and police overtime created an additional expense. In addition, outside activist pressure compounded the difficulty. During Joe Hill’s contested murder trial “Governor Spry was flooded with letters, telegrams, cards and petitions against his execution” (Foner [1965] 2000, 64). Also significant, “…the cumulated pressures on President Harding brought about the release of all political prisoners in federal jails by the end of 1923” (Kornbluth 1998, 325). Many would demand separate trials, lengthening court time (Leonard 1998, 125). Others were opposed to legal defense, “which they held was political action, deterring from organizational efforts” (Kornbluh 1998, 322). Still others acted as their own attorneys, attempting to cross-examine labor exploitation.

As the free speech movement waned, fewer and fewer volunteered to perform passive resistance in the face of unremitting brutality (Fusfeld 1992, 50). More extreme measures were now utilized against the IWW. On September 5, 1917, federal agents and local police raided every IWW office and headquarters throughout the country, including the homes of many IWW officials, in an incredible organized attack (ibid., 59; Kornbluth 1998, 318). This also functioned to weaken the organization and imprison leaders indefinitely. The ACLU was concerned with “censorship, deportation, and harassment of the IWW and other
labor groups” and thus offered their limited legal defense resources (Handler, Hollingsworth, & Erlanger 1978, 23).

During the First World War, the federal and state governments prosecuted approximately two thousand socialists, anarchists, and labor radicals “under laws that forbid virtually all criticism of the war, stifled dissent, and helped destroy the Industrial Workers of the World” (Barkan 1985, 1). In Chicago, during a highly publicized trial in 1918, ninety-nine IWW leaders were convicted on flimsy evidence, and given long prison sentences on charges of sabotage and conspiracy to obstruct the war (Fusfeld 1992, 59). In California, between 1919-24, five hundred arrests were made, and 164 Wobblies were sentenced to long imprisonment terms. The trials were “usually a farce, with the same three professional witnesses testifying in each case and often the same jurors appearing” (Renshaw 1999, 190-1). By the end of 1917, many IWW officials, including Big Bill Haywood, were in prison (Dubofsky 1968, 203). Haywood, however, jumped bail and moved to the Soviet Union in 1921, abandoning the comrades that he had encouraged to surrender (ibid., 204). Other federal laws were enacted: the Espionage Act of June 15, 1917, the Sedition Act of May 16, 1918, and the Palmer raids against the American left began (Fusfeld 1992, 58; Renshaw 1999, 191). The free speech struggles had outlived their usefulness by 1912, and later, membership had been reduced to a bare minimum. The organization was unable to meet the challenges of the Great Depression and New Deal. By 1924, the IWW had approached the end of its active lifespan.
All social movements rely on the legal protection of the First Amendment. It affects social movement culture tremendously (Eskridge, Jr. 2001, 420; Pound 1997, 16). When not upheld, social movements must utilize legal channels to continue demanding their constitutional rights. The criminal justice institution becomes another site of struggle (Barkan 1985, 14; McDonnell 1997, 919). The right to assemble and privacy have been encroached upon within the public sphere by anti-loitering laws, policing of protests, and massive surveillance. As Foucault had argued “our society is one not of spectacle, but of surveillance” (1977, 217). This refusal of privacy rights is often invoked with the justification of preventing terrorist attacks (bureaucratic and extreme airport searches, etc.), yet the price of suspending civil rights is often overlooked (Melucci 1996, 303; Cockburn, St. Clair & Sekula 2000, 11; Skolnick 1970, 249). Within this contested space, the public becomes a “site of motion for social change” (Ikegami 2000, 1003; Ferrell 2002, 14). For the Global Justice movement, this suspension of assembly rights has generated oppositional groups such as Critical Mass and Reclaim the Streets.

Similar to the anti-IWW laws, contemporary social movements continue to face such restriction: permit regulations, “no protest zones,” and Marshall Law (Baghosian 2004, 13; Sunstein 1995, 250). Anti-speech laws resonate with thought control laws: the Sedition Act of 1798 “made it a crime to criticize the government;” the Espionage act of 1917 made it a crime to “willfully utter, print, write, or publish any disloyal, profane scurrilous, or abusive language” about the
United States; and the Smith Act of 1940 criminalized the advocacy of
overthrowing the government (Chang 2002, 22-4). Like the image of the IWW
soapboxers arrested for reading the Bill of Rights, the government looses
legitimacy each time it violates its own laws to imprison those who speak for
social justice.

**Police Repression of Social Movements**

The police have played a central role in the repression of social
movements, through such efforts as the enforcement of anti-speech and anti-
thought laws (Porta & Reiter 1998, 1; Touraine 1971, 175). By going to jail to
defend the right to free speech, many activists argue that they are “imprisoned in
the name of liberty” (Vaneigem 2001, 169; Debs 2000). As Elizabeth Gurley
Flynn quoted “all roads to human liberty pass through prison!” (1973, 252).
Police guard space, round up and neutralizing “undesirables, outsiders, and
subversives,” and close down such venues of attraction—including sites of protest
(Ferrell 2002, 13). These policies promote the “view [that] protest [is] illegitimate
misbehavior, rather than as legitimate dissent against policies and practices that
might be wrong” (Skolnick 1970, 262; Marx 1979, 5). The enforcement of anti-
protest measures attempt to de-legitimize protesters before the public. By utilizing
“obscenely high bails, unconstitutional bans on assembly, pre-emptive strike
arrests and conspiracy charges”—they make the protesters appear guilty because
of such high penalty (Gonzalez 2001). Police have preemptively raided protester
convergence centers, seized necessary visual instruments, and justified their
actions with public safety concerns—supposedly searching for weapons construction evidence (Kauffman 2001, 128; Boghosian 2004, 19). Police guidelines justify an “escalation of force,” often swiftly rising after no crime or minor violations have been discovered (McPhail, Schweingruber & McCarthy 1998, 53). “Less-than-deadly” force has increasingly been utilized: baton charges, tear gas, rubber bullets, pepper spray, beatings, and horses (McPhail, McCarthy 2005, 4; Starhawk 2002, 43). Not only have the police studied nationwide protests and sharpened their repression techniques (Kusch 2004, 38; Desfor, Barndt, & Rahder 2002, 229; Straus 2001, 157). During tense scenarios, escalation into abuse and excessive violence is easy to predict, such as at the WTO protests (Amnesty International 1999, 1; Boghosian 2004, 69). When considered excessive and superfluous, police abuse can radicalize activists and fuel protest (Kusch 2004, 37; Buckman 1070, 154). It becomes apparent, in such moments, that the First Amendment becomes a cornerstone for social justice (Chang 2002, 11; Fish 1994, 123; Rubin 2001, 69; Shiffrin 1999, 91; Siegel 2001, 300; Eskridge, Jr. 2001, 479).

**Conclusion**

Jail solidarity, like affinity groups, and consensus decision-making, are not original tactics that spring forth with the Global Justice movement, but rather, they have a history that descends from various social movements. The IWW utilized soapboxing to spread the word about labor campaigns and these speeches resulted in mass arrests and jail solidarity resistance. The Civil Rights movement
suffered a great deal of arrests, and to emphasize the contrast between the disregard of the desegregation laws and the ruthless and lawless behavior of the police, they chose to reject bail and suffer their sentences. The anti-nuclear movement staged symbolic occupations of military bases and nuclear facilities, anticipating arrest, which fueled media and public attention with their excessive jail terms. And finally, the Global Justice movement faced many mass arrests at large-scale protests and has resisted with jail and court solidarity. These arrests are often unjust—evoking dusty, previously used laws, or spontaneously created new laws—such as those repressing the IWW, or the no-protest zones of the Global Justice movement. Therefore, these movements fight for freedom of speech and First Amendment rights simply because they cannot afford to do otherwise.

*Jane WTO* will explore in-depth, the practices of jail and court solidarity by the Global Justice movement. This research has covered the period between the WTO protests in 1999 and the Republican National Convention, August 2005, in New York. The research has been based on ethnographic fieldwork: participation at protests, arrested along with activists, working within the law collective office, waiting outside the jails, and exploring cyberspace. In addition, fifty arrested activists and law collective members were interviewed and provide experienced, personal voices to this work. The experience of arrest and interactions with the general population for protesters, has contributed to the persuade argument that networks should be drawn between the contemporary
abolitionist movement and the Global Justice agenda. And law collectives present ways in which the law can be challenged by implementing creative, anarchist legal theory practices. Unlike lawyers, legal workers are not confined with the boundaries of the legal profession and the bar. While fraternizing with liberal and radical lawyers, such as the ACLU and Lawyers Guild, law collective members remain autonomous, embedded within the activist community, and are able to assist in maintaining such radical tactics by enlightening and monitoring lawyers.

Like Sidney Tarrow’s protest cycles, movements and tactics decline as issues become less pertinent, repression becomes too violent and costly, membership dwindles, or when leaders are imprisoned, killed, or disgraced. Therefore, jail solidarity, like other tactical innovations, becomes less efficient and too widespread, therefore, its use is postponed. The movement itself becomes increasingly marginal, their actions routine, and the public interest decreases. Not long after, as other movements develop, their protests suddenly and forcefully jump back into the public consciousness—and tactics, such as jail solidarity, become radical new innovations, once again.
2) The Global Justice Movement’s Use of Jail Solidarity As A Response to Police Repression and Arrest: An Ethnographic Study

We walked across a police line. We negotiated with the police. And we had a list of demands to bring to the IMF and the World Bank. We said to the police that we had a right to have our voice heard in the meetings and that we were planning on crossing the police barricades. [The police line] was violating our First Amendment rights

--Cedar 2002

Intro

On April 17th, 2000, during protests against the IMF and World Bank annual meetings, approximately one hundred and sixty people were arrested. While some negotiated a symbolic line crossing with the police, others across Washington, D.C., were surrounded against their will and arrested. Both groups felt that their arrests violated their right to free speech and assembly, and therefore, continued their resistance inside the jail, to demand that their charges be dropped. Their resistance included collective decision-making to formulate their demands, which was followed by physical non-cooperation: withholding names to disobey processing and release procedures, and impromptu tactics such as singing in order to have their demands met. By withholding their names, the arrestees could not be processed in or out of jail, and therefore could not be released.
through bail or their own recognizance. Other resistance tactics were employed as needed in order to achieve smaller demands—such as avoiding individual isolation. This resistance assisted their demands—identical charges for all and reduced or dropped charges. Their jail solidarity efforts were soon proven successful, and the movement energy remained at its cycle crest. To capture such dramatic moments, ethnography provides an intimate insight into the events, personal experience, and voice of participants.

**Ethnographic Research Framework of Jail Solidarity**

The study of high-risk activism in general, and “jail solidarity” in particular, presents a research challenge. Studying comparatively clandestine experiences of sub-populations within social movements—their motivation, personal experience, mobilization process, reframing of arrest as a protest tactic, and perceived success—are difficult to establish. Detailed information on these high-risk activities, as presented by the participants, is difficult to discover within the social movement literature. Ethnography presents a useful methodology in establishing the high-risk participants’ self-understanding of their tactical selection and an ideological framework in which to place their experience. The experience of participants presents a defiant voice in opposition to the often-derogatory images within the mass media—providing the contextual explanation of personal motives that counteract mainstream presentations. While social movement literature and independent media often mention jail solidarity
incidentally, this ethnographic study is able to supplement a “thick description” through personal narratives and rich data of this under-examined practice.

This dissertation examines the use of direct action and non-cooperation inside the jail and court after protest arrests, referred to as jail solidarity. Through ethnographic methodology, this protest tactic has been examined as a tactical innovation during heightened protest cycles, specifically, within the Global Justice Movement in the US since 1999. Because this study focuses on the initial, heightened point of protest cycles, and tactical repertoire selection, the ethnographic framework of the study has drawn on the theories of Sidney Tarrow and Charles Tilly. Tarrow observed that the most disruptive tactics are most prominent at the initial stages of a protest cycle and the reaction of authorities both radicalize and institutionalize the process (della Porta 2002, 301). Charles Tilly has argued that tactical innovations are created on the margins, during heightened moments of such protest cycles (1994). Since this study examines the interaction between police, criminal justice authorities, and the movement, the range of events rarely extend beyond these unconventional forms of mobilization and solidarity episodes (Koopmans and Rucht 2002, 235).

I participated in nine protest episodes that transpired between 1999 and 2004: the WTO protest (Seattle, 30 Nov-3 Dec 1999), the Republican National Convention protest (Philadelphia, 31 July-3 Aug 2000), the IMF/World Bank protest (Washington, DC, 16-17 April 2000), the Democratic National Convention protest (Los Angeles 14-17 Aug 2000) and the most recent
Republican National Convention protest (NYC 29 Aug-2 Sept 2004). I was arrested and participated in jail solidarity at both the IMF/World Bank (DC 2000) and DNC (LA 2000) protests. In addition, I worked on protest legal assistance with Just Cause Legal Collective at the School of the Americas protest (Ft. Benning, GA, Nov 2001); and I assisted the NYC People’s Law Collective at the following protests: World Economic Forum (NYC, 31 Jan.-4 Feb. 2002), A20 anti-Afghan war/Palestinian Solidarity (Washington, DC, 20-24 April 2002), and IMF/World Bank (Washington, DC, 27-29 Sept. 2002). Finally, fifty telephone and/or in-person, in-depth interviews were conducted with arrestees and legal workers.

**The Interview Process**

The interview process was based upon a list of open-ended questions—after establishing informed consent, the research parameters, and a self-introduction. Surprisingly, there was an insignificant amount of suspicion about my identity and research motives. The participants were able to choose their own pseudonym for the text (Jackson 1990, 10). All information was kept under this assumed name and real names were never inputted into the data. In addition, demographic information was recorded—age, occupation, education level, and race. The participants represented a variety of background, but were overwhelmingly college-educated, white, middle-class—with an abundance of “professional” activists, who either worked for a social justice non-profit or expended a great deal of volunteer time at one. David A. Snow (et. al.) argues that
activists often “share the kinds of demographic and social characteristics that allow them to follow their interests and/or engage in exploratory behavior” (1980, 794).

The interview process began after September 2001, following the four main demonstrations, but prior to the participant observation with the law collectives. Beneficial initial contacts had been established, with which the interview process began. After each protest episode, a closed e-mail list serve was established for the arrestees, to remain in contact and monitor their subsequent court cases. The ‘call for interviews’ was sent to each list serve, forwarded to activist e-mail alert lists, and posted on websites, such as indymedia.org. Also, law collective members were notified of the study and interviewed. Once the process had been initiated, the snowballing, or word-of-mouth method, procured further interviewees. Kathleen M. Blee and Verta Taylor suggest that “sampling should strive for completeness...adding new interviewees until the topic is saturated, that is, the interviews are garnering the same kinds of narratives and interpretations” (2002, 100). Therefore, the diversity of experiences was sought after, as well as overlapping personal network connections and narratives (Weaver 2002).

Once interviewing, observation, and textual research were completed, the immense task of converting such information into a presentable text commenced. Such is “the task of methodology to explicate methods of turning observations into explanations, data into theory” (Burawoy 1991, 5). This task cultivates the
apprehension that “there is no direct correspondence between the world as experienced and the world as conveyed in a text, any more than there is a direct correspondence between the observer and the observed” (Van Maanen 1988, 8). Additionally, social scientists always, implicitly or explicitly “attribute a point of view, a perspective, and motives to the people whose actions we analyze” and therefore, the question becomes not one of avoiding this perspective, but “how accurately we do it” (Becker 1998, 14). While converting data into text and theoretical frameworks, ethnographers also face the danger of “adding too much structure, too much rationality, to ethnographic analysis” (Fleisher 1995, 7). These obstacles are considered during the process of writing. Ultimately, this becomes the challenge for the ethnographer—to describe as accurately as possible the field under study.

Because of this potential discrepancy between experience and text—in addition to the ethnographer’s relationship with the research subjects, and the potential conflict between the subjects’ self-understanding versus their representation—an “ethical hangover” may develop. This would represent “a persistent sense of guilt or unease over what is viewed as a betrayal of the people under study” (Lofland 1995, 28). This “ethical hangover” is augmented by the discrepancy between the idealized, official social movement rhetoric, and the actual experiences of the participants. Within the global justice movement, the language is one of global self-determination, equality, fairness, non-hierarchy, anti-racism, etc. It speaks of solidarity with the third world and a defense of the
local poor. However, this contrasts against the demographics of the US movement and their lack of connection with organizations that represent people of color and the poor. The narratives presented by the interviewees’ resonance with a general consistency of worldview, political ideology, and understanding of the movement. This could originate in the self-selection of similar participants, patterns of introduction into the movement, or the on-going induction process.

Participants attract like participants, and this contributes to a homogeneous assembly, especially in demographic composition. Race is a controversial issue within the Global Justice movement because of the discrepancy between official rhetoric and experience—creating an impediment for honesty, both within the movement and for the researcher (suffering from the “ethical hangover” of interviewee representation). Of the nearly 99% Caucasian participant sample, several individuals resisted self-identifying as white. Gail Griffin, a theorist on white privilege states that when whites are asked to “contemplate their own whiteness” there are several responses: angry resistance, assuming to be called white is an attack; avoidance and “digression into abstraction;” or blankness (1998, 4). The colorblind conceptualization on race allows whites to assume “race” only pertains to people of color, and that it does not effect, include, or concern them (Lucal 1996, 245). This perspective allows whites to be oblivious of race, a privilege that people of color lack.

Many activists subscribed to this colorblind ideology, in which racial issues and structural power are diminished, ignored, and unmentioned (Annie
Like racial obliviousness, colorblindness ignores structural racism and power dynamics inherent in racial divisions, and allows whites to erroneously assume that they have evolved beyond race—proclaiming that this ideology is “most beneficial to all people” (Hunter & Nettles 1999, 386). Yet ignoring race is not equivalent to racial equality and allows whiteness to remain central, while non-whites can be portrayed as honorably on par with whites because race is supposedly extinguished—which is ultimately never the case.

This colorblind ideology is omnipresent within the movement. The lack of connection with organizations of color is contentious, and the dominant white racial composition contributes to this distorted racial understanding. The activists attempt to rectify this distortion by organizing workshops on white privilege, or referring to the movement in general meetings as white, thus further alienating those people of color that might be present. The workshops might cover topics such as racism, discrepancy between risk-taking for whites and people of color, and the racial dynamics of jail. However, these workshops focus on personal understandings and relations, while espousing empty rhetoric on power structures behind institutional racism. These gathers allow whites to remain the central focus, discussing their own self-understanding rather than listening and learning from others in a respectful silence (ibid., 388).

When minorities are present, they are often treated in a tokenistic fashion, encouraged to be a representative for a certain working group (to exhibit their progressiveness) or simply as a person of color. Sometimes, these requests are
blatant—at meetings, people of color are asked to speak to balance out constant white male vocal domination, or are encouraged to engage with the media to present a skewed vision of the movement. As a mixed-race, Chinese and white ethnographer, I have painfully experienced and witnessed this behavior firsthand. People of color, Asians are discussed in such a generalized manner that I scrunch down in my seat, embarrassed and self-conscious. Approached by others and addressed as if my ethnicity dragged me along to the protest, as if my ethnicity represents an issue with which my person might not be concerned. Told that racial issues and people of color should be contained over there, or within this ideological discussion, ghettoized, but not universalized. In general made uncomfortable, like I do not belong. Thus, I can understand why the movement repels people of color, as such feelings would encourage defection. To examine this hypothesis further, I imagine a focus group comprised of people of color that would be involved in the movement—but aren’t; or that had been—but quit. With this population, the issue of racial exclusion could be skillful exhibited and perhaps, slowly rectified. Yet that occurrence is remote. I have discussed these issues at length with people of color who are involved in the movement and some have expressed that this environment is alienating and insulting. While the white activists wonder why people of color are not involved, they rarely reach out in a concrete, lasting fashion, to coalition with organizations of color on their issues and terms—yet expect tokenistic representatives to communicate a false, multiracial composition of the movement. While the workshops and discussions
are a beginning, the extreme defensiveness under the surface of concern needs to be deflated before the movement can mend the racial riffs.

**Reframing Arrest as a Protest Tactic**

For this ethnographic research, questions such as “consciousness raising (as a reframing activity), building collective identity…and fostering collective solidarity through strong mobilizing frames,” (Johnston 2002, 75) as well as the “micro-level processes” are raised (Buechler 1993, 225). In order for jail solidarity to be implemented, certain processes have to ensue, though these processes can vary—but each has to create a sense of unified positioning and strength through solidarity. For example, law collectives, through their pre-protest workshops, teach a sense of solidarity and how to operate in such a manner.

In this particular case, arrest is a solidarity-constructing event and the unjust charges promote a re-framing process that creates a rallying point of which to protest. The unity creates a strength, which can contest the glaring supremacy of the jail system. The jail system is dependant upon prisoners to submit in a particular, individualized, and demoralized manner, by accepting the terms of the institution—compliance, bail, and plea-bargaining. Therefore, jail solidarity presents a real challenge to the authorities, especially when unprepared for such resistance.

The leverage for solidarity arises because jails and courts, in order to run smoothly, rely on people to be passive and obedient. Jails expect prisoners to get in line and march where they’re told. Courts expect defendants to sit quietly and
give up their right to trial. Neither of these systems is set up to deal with large, organized groups of people who simply say, “No, I won’t.” So when people non-cooperate and negotiate as a group, the authorities may be forced to agree to their demands. Of course, the demands have to be ones that the jail authorities or the prosecutor are capable of meeting. Jail/court solidarity will not bring about an end to nuclear weapons or corporate globalization (Just Cause 2004). Resistance to authority and participating in jail solidarity can become an ideology re-framing exercise in and of itself. Cognitive frames present a unifying and guiding force for individuals and the group (Johnson 2002, 72; Benford 1993a, 678). “Interpretive frames” not only direct action, but define the problematic condition, construct meaning, legitimate tactical evolution, and procure recruits (Snow et. al. 1986, 477; Benford and Snow 2000, 615). The arrestees become “signifying agents,” producing symbolic meaning of their protest issue (i.e. sweatshops) and their subsequent arrest and imprisonment (i.e. repressing dissent) to an audience (Benford and Snow 2000, 613; Giugni 1998, 386). These messages are expressed through a “vocabulary of motive,” reframing issues and conflicts within the ideology of the movement perception (Benford 1993b, 200). This framing process also legitimized the utilization of jail solidarity, constructing the sub-group of the high-risk activists as sacrificial victims and pseudo-martyrs.

**High Risk Activism and Personal Experience**

Participants in high-risk activism and arrest actions become a self-selected minority or sub-culture within the larger movement. For them, a sense of honor
and status may accompany a political arrest, uniting this group, establishing an elite, cutting edge cadre (ibid., 210; Jasper 1997, 245; Thompson 1993, 58; Oppenheimer 1969, 66; Francisco 2005, 64). However, discrepancies may exist between races and classes on whether this is a badge they want to take on. For some, it represents tremendous barriers between them and their ability to survive the future—especially if the police already target them (Vellela 1988, 99).

Francesca Polletta questions how direct actionists establish these “movement identities on behalf of which people are willing to take high-risk action?” (1998, 429). Escalating personal events often precede a resolution that can justify increased self-jeopardy (i.e. witnessing police brutality, friends committed to high-risk activism). Polletta states that analyzing “movement narratives,” can contribute to this understanding, which, she argues, is a “mode of sociological analysis” (1998, 419-20; Franzosi 1998, 519). It is this high-risk context, culture, and personal experience that this study hopes to “thickly describe” (Geertz 1973, 14).

Often these participants have personal resources that provide a more intellectualized, or book-learned sense of corporate globalization processes, rather than personalized experience of third world degradation (Habermas 1968, 28; Melucci 1989, 35; Bookchin 1971, 25). In addition, the resources available to them often dictate the length and quality of their participation (Melucci 1989, 215). When they do have experiences with third world poverty, it is often from an
outside, sheltered perspective. With family from India, Erin Fischer was able to witness this social erosion, yet not exist under its domination:

I’d gone to Kenya and had seen the impact of the IMF and World Bank policies directly. Also, my family’s from India, one of the poorest states in India, which was very much effected by IMF policies. Because of those structural adjustment policies the education budget was cut by a third. Additionally, the water and air quality are being destroying (Fischer 2002).

For Agent 99, her ironic, chosen code name, she was curious to learn more, and thus found protest a beneficial learning arena:

I wanted to understand what was going on and felt so ignorant. The question of domestic and foreign policy was a mystery to me. And I felt that I learned more at the protest than anything I ever read. I knew I was against certain things but didn’t completely understand the details. I wanted to experience jail and see what it was like.... I heard your stories [about jail solidarity in DC] and that made me really interested. I was just inspired by that whole thing. I wanted to just throw myself into it (2001).

After her jail solidarity experience, Agent 99 considered it one of the most important for her personal development. Bert Klandermans discusses this “episodes of collective action have an enduring impact on the participants; their collective identities are formed and transformed” (1992, 93). This “enlargement of personal identity” results in “fulfillment and realization of self” (Gamson 1992, 56), enhancing the awareness that “individuals can affect their own destiny” and that of the social climate (Bookchin 1971, 20). Mayer Zald, aware of the importance of self-realization, calls attention to the fact that resource mobilization approaches “do not deal well with enthusiasm, spontaneity, and conversion experiences, or with the link between public opinion climates and social movement mobilization and outcomes” (1992, 329). This education on social and
tactical issues, personal-social awareness, and enthusiasm for high-risk action is imperative for large-scale mobilization processes.

**Mobilization Process**

Often the initial mobilization process for high-risk activism begins at the pre-protest workshops, on such topics as ‘jail solidarity,’ ‘know your rights,’ or on ‘direct action’—or participation in more comprehensive direct action training camps such as the Ruckus Society. Johana Shull, an arrestee at the WTO protest, attended a ‘jail solidarity’ workshop:

> I went through a non-violence and jail solidarity training at the convergence in Seattle. I just knew that it works. I learned the feelings to expect when I was arrested and how to physically protect myself and my friends to a certain extent (2001).

Not only were the participants at such workshops taught to consider arrest as a continuation of the protest, but also, the tactic spread between protesters, at other moments, such as on the police bus:

> One of the things that happened on the buses, was that people who had done legal training with the legal collective, gave mini-legal trainings. So from not knowing anything, by the time I got to the processing place, I’d been a part of a mini-workshop on jail solidarity and a ‘know your rights’ workshop. And also, because I’m Canadian, I questioned what I was going to do. And there was someone who even knew about immigration issues. And some of those people had been involved in the organizing but lots had been at workshops. I guess that’s one direct benefit of having legal collectives do so much educational work (Kerr 2002).

The decision to participate in jail solidarity could also be decided after the initial arrest, and maintained by rejuvenating, moving experiences. Sarah Kerr describes how symbols and actions heightened her sense of solidarity as she sat in the
Seattle jail after her arrest at the WTO protests:

The people on the street were drumming and singing, and making a huge ring around the jail that we could see from our windows. It was the most inspiring and empowering thing—and that was their job. They were keeping us going. And our job was to sit there (ibid.).

Also, solidarity can be maintained under brutal circumstances, strengthening unity because of the repression exercised against the activists. Experiencing such extreme repression can actually produce motives to participate “during and after participation” rather than beforehand (Polletta 1998, 421; Benford 1993b, 209). When authorities’ use of force become de-legitimated, it can “create corresponding forms of resistance” and shed light on the ways that the “law shapes and is constructed through political and other social processes” (Coutin 1995, 538). During the Republican National Convention (2000) in Philadelphia, the extreme brutality that transpired inside the jails legitimized violence and “other tactics that these individuals devise in response,” and exposed the violence inherent within the practice of law (ibid., 537). Many people were beaten, dragged naked, kicked, and slammed against walls and floors as the authorities attempted to regain control. Sumac, an arrestee, described the environment:

The whole environment felt very brutal, not like you were in this space of the law, which is what you might think, because you’re in its clutches. But you’re in this space outside and beyond the law, where they can do anything they want to do to you with impunity. And there’s nothing to protect you there. It was a feeling of extreme vulnerability. At one point, the officers had just sort of cursed us and said they would not try and communicate with us, basically, ‘you can go screw yourselves.’ That’s when the collective stress hit. And one person started wailing, then another person, and another person. And eventually everyone was
screaming at the top of their lungs, pounding the metal walls, stamping their feet, and like monkeys, climbing on the bars. It was this release of collective psychosis. And it was just unbelievable. And I just remember lying there, just hearing all this. It was like the negative “Om.”...It was the cry of pain, frustration and anger (2002).

In this example, the police’s response after their abuse ignited the protesters’ extreme frustration and despair. While they had previously conducted more disciplined resistance tactics—such as a hunger strike to achieve their goals of universal release—their inability to counteract the brutality subverted their insurgency. Other smaller instances of abuse could be remedied with equal resistance tactics. For example, during the IMF and World Bank protests in Washington, D.C., (2000), the group of arrestees rallied around a woman suffering from wrist pain due to the handcuffs:

She had a wrist problem and her wrists were bound. It was really painful for her. So we used solidarity tactics that we had learned in the training to encourage the police to remove the wrist bindings. Some of the tactics that were more aggressive didn’t work in that case. What ended up happening was, we kept bringing it up over and over again, through different people in the bus. And we just started singing these songs that they didn’t like. We kept trying different ways of getting their attention and asking them to remove the wrist cuffs. And eventually they did do it. They loosened them for her (Fischer 2002).

Episodes such as these exemplify the violence that can transpire during conflicts between police and protesters. These episodes can provoke violent, unorganized resistance on the part of the protesters, or disciplined strategies matched to the demand. These encounters exemplify the violence inherent in state power and they ways in which it shapes protester re-framing, motivation, and counterattack.
Legal support

The law collectives were not only instrumental in supporting all aspects of legal and court support, but they promoted and established a sense of solidarity that could be utilized in jail. Within this legal support subculture, there is a debate on whether jail solidarity should be taught and promoted, or merely supported when decided upon by participating activists. The collectives recognize their undue power to influence arrest tactics, and attempt to negate this to varying extents.

Katya Komisaruk, a leading protester defense attorney, was instrumental in promoting jail solidarity early on, during the WTO (1999), IMF/World Bank (2000), and Democratic National Convention protests (2000), at which she was a central, organizing lawyer. With her background in the anti-nuclear and Plowshares movements, for which she spent two years in prison, she had experienced successful jail solidarity tactics and intended to pass on this tactical repertoire to the movement genealogy. By presenting workshops and establishing legitimate legal offices for the protest, she was able to organize this collective response, in which participants felt a high probability of success (Klandermans 1984, 585).

In contrast, the NYC People’s Law Collective, aware of the potential for the legal team to unduly influence action planning, does not offer jail solidarity training unless specifically requested. They provide activists with all the relevant legal information, such as the difference between felony and misdemeanor
behavior, but do not participate in the planning. Their philosophy emphasized participants selecting their own tactical repertoire. At the World Economic Forum protests in NYC, 31 Jan-4 Feb 2002, the NYC PLC attended meetings to inform activists of NYC specific laws and jail capacities:

The PLC would often attend the protest planning meetings to update the activists on the local laws and potential arrest outcomes. Everyone was nervous and overtly cautious about the first mass demonstration since September 11th in New York City. The police had the public support, and for the most part, the activists did not. This could come back to brutally repress the activists, and this knowledge informed all aspects of the planning, whether it was verbalized or not. Additionally, there was a concern about possible jail solidarity actions. In New York City, there is a plethora of jail space, and activists could be held en mass for extended amounts of time if they decided to withhold their names. Therefore the legal team was publicizing this sort of information, so that activists could make more informed decisions (fieldnotes, February 2002).

Besides law collective support, the National Lawyers Guild (NLG) is also instrumental in providing mass defense for protesters. The organization trains legal observers, overwhelmingly law students, for documentation of abuse and arrest on the streets. While collaborating with the law collective members, the collectives remain independent and consist of activists, while the NLG has institutional accountability and a particular framework and guidelines to follow. Both street legal teams provide a similar service, but collective members regularly put themselves into more extreme danger, often resulting in their own arrest. At the IMF and World Bank protests in Washington, DC, 27-28 Sept. 2002, that is what transpired during a large gathering in the park:

NYC PLC members were also standing in the park, and I waved to them as the police line continued to tighten. Within three minutes the police had completely surrounded the park on all four sides, standing shoulder to
shoulder. The police sent activists around in circles saying they would be able to exit the park at the next corner, an outright lie. The police were not allowing anyone to leave the park and all the activists were detained. However, there was still the hope that they would eventually release the activists in small groups, a recurrent DC tactic. Scott and I stayed on the outside of the police line across the street and debated the possibilities of whether the police would arrest everyone or let them out after an hour or two of detainment, both of which had happened at previous demonstrations. Scott and I also maintained constant cell phone communication with Vanessa, Kam, and the NYC PLC members that were trapped in the park. The police began moving in after two hours or so, squeezing the activists into a smaller area and bringing out city metro buses. In a process that took hours, nearly five hundred people were arrested. Police Chief Ramsey was on site and refused to answer questions. There were 649 people arrested on this day alone at three different locations, including dozens at the snake march at Vermont Street NW (fieldnotes, September 2002).

These encounters educate activists and street legal teams to monitor police behavior for indications that signal detainment or violence. During these encounters, both the police, as well as activists, sharpen their tactical understanding for future protest episodes.

**Conclusion**

In the book *Ethnography at the Edge: Crime, Deviance, and Field Research*, the importance of observing high-risk subcultures is emphasized, it adds a deeper understanding of personal motivation and the grassroots organization of such behavior (Ferrell 1998). Tactical selection by activists can be improved by understanding the latest police response and successes and failures at other demonstrations, not only through statistical analysis of arrest numbers and time in jail, but by understanding the experiences of the protesters and their advice on jail solidarity. Like any street tactic, their utilization has a rate
of diminishing returns and cannot be consistently use, but rather, are cyclical in nature. The engagement of high-risk activism is benefited by the use of ethnography—capturing the details often overlooked by other reports, the experience and motivation of participants, and the processes that led to the engagement. It offers personal narrative and insight into individual commitment and solidarity. In this way, this dissertation can contribute to the study of high-risk activism by looking into one type of direct action tactic while linking it to other tactical innovations.

This chapter has attempted to describe the ethnographic methodology utilized to study high-risk activism and the use of jail solidarity tactics during protest arrests. Ethnographic methodology challenges established social movement theories and can contribute detailed, personal narrative, providing the “thick description” that Clifford Geertz describes (1973). The details of the methodology were described: participant observation with law collectives and at protests as well as fifty in-person or telephone interviews conducted with participants. From this data, certain information could be established: the reframing process of arrest as a protest tactic, the high-risk protest culture, and the importance of law collectives in providing support. The interview process was pursued until a saturation of information had occurred: social networks overlapped and narratives began generating the same type of information. Some of this information reflected ongoing issues within the movement, such as race. The ethnographic process can be accompanied by an “ethical hangover,”
generated by the discrepancy between the idealized representation of the social movement and the underlying reality of participants’ experiences. Jail solidarity has been a reoccurring tactic utilized by different movements, such as the IWW, Civil Rights Movement, anti-nuclear movement, and the free speech movement at Berkeley and therefore contains a dynamic history within a variety of social movements. It is a tactic that has been utilized by these diverse movements until its effectiveness is no longer present and more extreme repression sets in. However, it provides an interesting process of tactical innovation that can be illuminated through ethnographic research during those movements when it does flourish.
3) Jane WTO: 
Protest Arrests, Jail Solidarity, 
and Direct Action Behind Bars

Have you ever been to the D.C. jail  
At the very, very bottom of the justice system?  
There you’ll find quite a few resisters,  
who go by the name of Jane.  
If you do, that’s us,  
we’re Jane Doe.  
We crossed the line, got pepper sprayed  
and now we’re in cell ___.  
Solidarity. It’s working!  


Intro

While protests against neoliberalism have endured for as long as the financial institutions have been in existence—within countries most adversely affected—Seattle marked the expansion of global economic awareness to the hegemonic north. The WTO chose a liberal Northwestern city for its 1999 ministerial. It thus attracted diverse, social justice organizations to rally together against an increasingly global corporate existence. From the inception, there was a call to “shut down the WTO,” utilizing direct action to “bring the future into being—now” (Prokosch 2002, 119). New, decentralized networks were created to facilitate this call, such as the Direct Action Network, developed two months
before at the Ruckus Society camp—basic training for activists (Smith 2001, 7; Sellers 2001, 77). Following in quick succession, other anti-corporate globalization protests were organized over the next year: IMF and World Bank protests in April 2000, the Republican National Convention in August of 2000, and the Democratic Convention in August of 2000 (Lakey 2001, 153). During the previous annual IMF and World Bank meeting, only twenty-five people protested—one year later, there were “approximately 25,000 protesters. Clearly something had changed” (Danaher 2001, 7).

The global justice movement signified a new “protest cycle,” characterized by “new or transformed symbols, frames of meaning and ideologies that justify and dignify collective action and around which a following can be mobilized” (Tarrow 1995, 94). Symbols, organizations, and tactics are often recycled from past social movements and adapted within a transformed context (McAdam 1995, 218; Tarrow 1995, 93). This high-risk tactic has been used historically to drastically emphasize the contrast between social justice and state repression. For the Global Justice movement, it emphasized how the state and corporate power structures would rather arrest protest than have an alternative voice presented on globalization. At this ascendancy of renewed tactical and strategic repertoire, a rapid learning curve was developed from each “round of struggle,” regenerating flexibility at each stage (Lakey 2001, 153). However, just as new tactical innovations are exercised, authorities also develop “a particular repertoire of social control techniques” (Gamson, Fireman and Rytina 1982, 26).
Therefore, one must analyze not only the collective action techniques of challengers, but also the social control efforts of the authorities (ibid., 8).

This chapter begins with a vignette of the School of the Americas Protest (Ft. Benning, GA Nov. 2001) exemplifying jail solidarity. Other protest episodes are then compared against this example. Workshops and trainings often precede mass demonstrations, at which nonviolence tactics, discipline, history, and legal trainings are presented. Law collectives have been established to support the arrestees during their jail terms and court appearances. These collectives offer ‘know your rights’ and jail solidarity trainings before the major protests. Once activists are arrested, these tactics often spread on buses, in jail, and during court proceedings. Consensus meetings are utilized (even under difficult, imprisoned situations) to coordinate demands and tactics. These tactics include: rejecting bail, chanting/singing, physical non-cooperation, hunger strikes, and occasionally, unorganized and disadvantageous acts of rage and frustration. Like all tactical innovations, its “newness” soon wears off, authorities construct countermeasures, effectiveness wanes, and the protest cycles declines.

The School of the Americas (2001)

The School of the Americas (SoA), or, more recently reincarnated as the Western Hemisphere Institute for Security Cooperation (WHISC), is a U.S. military base in which Latin American paramilitary soldiers are trained in violent, domestic repression. It has been in operation since the end of W.W.II. For over fifteen years, protesters, especially Jesuit priests, nuns, and leader Father Roy,
have gathered outside of the gates. The SoA Watch coordinates the solemn, religious protest, which converges in Ft. Benning each November. A sea of white crosses arises during the reverent chanting of victims’ names. Then, hundreds of activists trespass onto the military base and perform a “die in,” during which they are promptly arrested. After only a few hours in jail, they receive a “ban and bar” letter, prohibiting their reentry onto the base from one to five years. Each year, many violate their “ban and bar” letter and endure six months in prison.

During the November 17-18 (2001) annual protest, the SoA Watch grappled with the post-September 11th political climate and considered cancellation. The PATRIOT ACT had just sped through the House and Senate, the Office of Homeland Security was created, and activists were on the defensive. Other protests had been canceled nationwide—the IMF/WB meeting and protest in Washington, D.C., (September 27, 2001), in addition to a protest against Taco Bell in Los Angeles by the Coalition of Immokalee Workers. Additionally, the city denied the SoA Watch a permit and a fence was constructed around Ft. Benning. Yet, President Bush’s anti-terrorist rhetoric could be directly applied to the practices of Ft. Benning, and the protest seemed appropriate: How could the United States fight terrorism while training them domestically?

The protest plans endured, albeit with increased direct action training, the recruitment of Just Cause Law Collective, and the use of jail solidarity, agreed upon during a marathon six-hour workshop. Their action: the construction of a “Global Village” during the solemn procession of victim remembrance, outside
the gates of the military base, with arrest anticipated. During the action the following day, arrests were not immediate and another concern arose: what if the activists were not arrested? Eventually, to their relief, buses and squad cars arrived with impressive amounts of riot police, and a short-lived standoff ensued. The police left, allowing the activists a momentary victory. Soon, reinforcements arrived en mass, and the thirty-three Global Villagers were subsequently loaded onto a bus. They remained in jail for two and a half days, practicing jail solidarity and non-cooperation tactics viciously: chanting, singing, going limp, and hunger striking. The judge, impressed with their audacity, described the arrestees as a lost army platoon, combating authorities within the concrete walls. During their arraignment the women read a statement:

Your Honor,
…We believe that we have a particular duty to demonstrate our rights to speak out against terror and oppression and to speak up for those who no longer have voices.
…We are builders of the global village, a village of peace and family and healing that stands as an alternative to the atrocities represented by Ft. Benning and the SoA. Like Martin Luther King Jr.’s beloved community, it is a village that is based on our vision of a future where everyone can live without fear, torture, poverty, and oppression.
…We cannot plead guilty to unlawful assembly essentially admitting that our 1st Amendment rights are null and void. Nor can we plead guilty to obstructing an officer when our actions were so grounded in nonviolence and our presence in front of the road was grounded in the U.S. constitution.
In Solidarity, …

By Tuesday morning, the activists settled—two misdemeanor charges: obstructing a roadway and an officer. While the initial three misdemeanor charges were expected to be dismissed, this was a disappointment. Outside the jail, a
festive crowd of puppets, family, friends, supporters, and the legal team anxiously awaited them. Refreshments and snacks were provided, breaking their two-and-a-half day hunger strike. For many, this was their first encounter with the criminal justice system. While demographically quite young (overwhelmingly teenagers), white, and college attending; the exposure to jail had been a crash course in racial and class oppression. One activist tellingly slips, “even in jail you can’t escape the racial issues.” Especially in jail, the racial and class dynamics were in shocking contrast to the demographics of the Global Villagers. One arrestee had experienced an eye-opening interaction with a black inmate, who told her in no uncertain terms: the protesters were receiving special treatment. The protester meekly replied, “we don’t ask for special treatment.” Another black inmate informed one activist, that this was the first time her coffee had included sweetener. Jail was a powerful, politicizing experience, both for the protesters and the general population. The general population were shown how their treatment could be so much better, if only they represented a different demographic (Davis 1998:62).

**Workshops and Trainings**

The protest at Ft. Benning, like the Global Justice protests, relied on large numbers of participants trained in non-violence and legal rights. As Martin Oppenheimer stated: “given the high risks involved, serious education must take place” (1969, 71). Jail solidarity only emerged at protests with extensive workshops on jail solidarity. They provided technical know-how, interactive
training, a commitment of numbers, and anecdotes of past actions (Gamson, Fireman, and Rytina 1982, 24, 87). Preceding the WTO protests, The Ruckus Society had trained 2,000 activists in street-style direct action: blockades, lockdowns, climbing, first aid, encounters with police, and surviving jail (Cockburn 2000, 88). Trainings are often provided at convergence centers, offered twice daily as the time nears (Njehu and Ambrose 2001, 48). Workshops re-frame the understanding of globalization, symbolism, encounters with police, and repression of free speech. Because of this repression of constitutional rights, resistance must be practiced to exemplify the injustice, and this is where jail solidarity becomes appropriate. The legal trainings of law collectives effectively “psyche up” the high-risk activists. It also becomes a fashionable tactic, well known, and an impressive means of earning “street-creds.” Sonja El Wakil, a participant trained by Midnight Special, states that she “became extremely aware of [her] rights, and learned to take care of [herself] legally” when encountering arrest or imprisonment (2001). Emboldened, she participated in the Rampart Police Station civil disobedience in Los Angeles (DNC 2000), was arrested, and subsequently spent six days practicing jail solidarity. Jonathan Moore participated in numerous trainings in Seattle, and was encouraged:

There were different workshops. I went to a jail solidarity training. Also, there was one that was oriented towards legal rights for non-citizens, at which I helped out and spoke. But I went to the non-violence training twice, because I have a teenage son and I wanted him to go to that one. One was on non-violence and tactics, describing sit-ins and such. And then there were public spokescouncil meetings, which I started attending on the last couple of days. And so, you could get a sense of [what’s going on]. I’m sure there were things being planned secretly but basically, it was
a pretty transparent process. I mean, I could have been a guy from the red squad walking in there and I would have heard everything, not that it’s that impressive. So there was just a high level of energy and commitment (2002).

These trainings provide the latest in tactical innovation, particular legal rights for each location, and also provide current changes “in the vulnerability of authorities,” and the shifting “political situations” (Tilly 2002, 109).

**Arrest Scenarios**

The circumstances surrounding arrests varied between symbolic, pre-planned actions, unanticipated sweeps, and convergence space raids. While the symbolic actions prepared for arrests, others, caught unawares, reacted with anger. In Seattle, the majority of arrests transpired within the “no-protest zone.”

Sarah Kerr, caught in this predicament, describes her arrest:

[We were in the] no entry zone and it was 5 o’clock, they wanted people off the streets. I joined this group of people that I thought was marching towards the church for a big event, and I was going that same direction. And all of a sudden, we were gassed and pepper sprayed, and pushed from a high visibility, traffic area to a very dark, quiet area and sat down. It took a while, but eventually we were all arrested, there were about 300 of us. They didn’t have buses for all of us, so they let the last 80 go—just one more indication of their loose legal interpretations. The police would put on their gas masks and we’d think, ‘oh my god, they’re gonna gas us,’ and then they’d take them off. They would line up shoulder to shoulder and bang their batons together and march toward us, and then they’d stop. Finally, the buses arrived and we were loaded up (2002).

In Washington, D.C., the day preceding the anti-IMF/WB mass action (2000), six hundred people at a peaceful rally supporting political prisoner Mumia Abu Jamal, were surrounded by police buses and arrested. On the same day, the police raided the convergence space where workshops were held (Starhawk 2001,
An activist standing at the police tape held a sign alerting fellow protesters and the general public: “excuse the delay, police repression under way.” Both arrests diminished the number of participants during the main event. Many of those preemptively arrested were untrained and unprepared to practice solidarity tactics and were soon released. They were unable to speak to a lawyer and signed citations (Komisaruk 2001). Had they practiced solidarity, the sheer numbers would have boosted the jail solidarity that began the next day. Other arrests transpired during subsequent days; some were chased down in the streets and surrounded while others were arrested at a symbolic line crossing:

The protesters managed to convince the police to move a couple of the barricades so that people could walk peacefully across the line and risk arrest. Because it had been a long period of negotiation, with everyone either sitting or standing in the pouring rain, we welcomed action of any kind. So hundreds of protesters proceeded across the police line and were met with plastic handcuffs and school buses waiting to take us all into custody (Hermes 2000).

Some protesters felt that symbolic arrest actions were ineffective, yet others were spontaneously compelled to participate. Michael Mossberg stated that protests are overwhelmingly symbolic, and thus, the aim is for publicity and “a mass mind change,” provoking a public questioning of the arrest and its rationale (2002). Others, encompassed within the safety of the group, decided to embark in the high-risk scenario. Margo Smith, a retired grandmother, decided to venture her first arrest and considered it “exhilarating, it felt that you were really committing yourself to the cause” (2001).
Preemptive arrests and raids were police (re)innovations, utilized at the August 2000 protest against the Republican National Convention in Philadelphia. The puppet warehouse at 41st Street and Haverford Avenue in West Philadelphia was raided, on the pretext of a permit, and internal police department memos that were not released publicly until court ordered by a judge—four months later on November 8, 2000 (McCoy 2000, B1, B8). Information had been gathered by police informants posed as protesters, as the department admitted to publicly on July 20, 2000 (Ginsberg 2000, A1, A12). This raid, under the guise of reported bomb and pepper spray manufacturing (actually, dinner making supplies), resulted in seventy-five arrests, the destruction of puppets, and seizure of personal property (Cockburn 2000, 104). Erik describes his arrest at the warehouse:

I was at the puppet warehouse, about to meet the rest of the clown block and radical cheerleaders. We heard helicopters starting to circle the building. And all of a sudden, there was a knock on the door. There was a line of police outside, with a battering ram. So we locked the door. There was some panic at first. People went to secure all the entrances. Everyone was in there working on art projects, puppets. The police were waiting to get a search warrant, and we were waiting for our lawyer to come, the head public defender in Philadelphia. He came in and said, ‘they’re going to come in, they have a search warrant.’ By then, we had a lot of media outside with cameras. We decided to show that we have nothing to hide so we came outside. We had costumed up and everything. Some kids had a bunch of puppets, so it was a good visual. And then we were arrested (2002).

Others were arrested while blocking intersections around City Hall a short while later, during the planned mass civil disobedience:

People started blocking intersections, getting in the street, and the cops started to roughly clear people out of the way and arrested them. And then they started clearing the sidewalk without any warning. They started coming in with their bikes, pushing people away. One cop got on his bike
and knocked into [my girlfriend] and she pushed him away. And then he charged her with assaulting an officer, a felony. I wasn’t even resisting and he pushed me to the ground, jumped on me, and charged me with blocking the streets. At my trial, for the charges of blocking the street, I wasn’t even in the street. I was on the sidewalk when I got arrested (Schnaar 2002).

Many of the arrested activists faced extended detainment within the buses, often queued together, before their processing. The police, for their part, were overwhelmed by the logistics. Further undermining their procedures, the physical non-cooperation in which the activist engaged, slowed the undertaking. They were demanding relief of minor discomforts (thirst, hunger, remaining together, nature calling) and lawyer access. While suffering the discomfort of being flexi-cuffed on buses for six to ten hours, the activists took advantage of this time to conduct impromptu consensus meetings. Locked in a bus behind a Seattle police station, Jonathan Moore said forty people on his bus were negotiating their terms of jail solidarity (2002). Other buses held signs in the window that read "stay on the bus," which they had done from ten in the morning till late evening. Already, physical resistance to the jail process had begun; other buses were rocking, pulsating with energy, and establishing a high standard for others (ibid.). Individuals that had not attended workshops were soon educated on consensus meeting processes, tactics, jail solidarity, and rights (Christian 2002). Entire buses agreed to practice jail solidarity (some defected), while individuals chose their level of physical resistance and risk. While many were determined to physically non-cooperate (not walk off the bus), many complied before the others were more forcefully removed (Moore 2002). The media swarmed around the buses,
attempting to communicate with the arrestees, before the police drove behind the building and secured seclusion (Christian 2002). The removal process became brutal once the cooperators walked off the bus; physical resisters were pepper sprayed and then dragged off, creating “a real panic fest” (ibid.).

In Philadelphia (RNC 2000), similar resistance was practiced in the middle of an August heat wave, during which arrestees were unable to obtain water and suffered many hours on the bus (Erik 2002). Sumac describes the violent scene he witnessed while detained on the bus:

People were really coping with heat exhaustion, dehydration, the pain of the cuffs, and then it became physically grueling. We were on the bus for seven hours, which seemed gratuitous, deliberate, and cruel. And I was on the bus with this very big guy, his nickname funny enough was Slim, and he had a seizure because he was hypoglycemic. We would have to pound and pound and scream in unison, “get him water, get him water!” or “We need a medic!” At one point, he just fainted. Then, two police stormed onto the bus and started tearing this guy away from us, dragging him down the isle. Everyone was screaming and wailing. Here we are trying to stay together and help each other out and we just let this guy get dragged away. We’re completely at their mercy. And by this point, half the people are crying, some people are almost convulsing, they’re so afraid (2002).

The bus experience provided the inaugural moment in which activists experience police repression and were actively educated on consensus meeting processes and the strengths and weaknesses of solidarity.

**Consensus Decision Making**

The consensus decision-making process has roots in the anti-nuclear movement, SNCC of the Civil Rights movement, the IWW, in Spanish style affinity group structures, and other historical, nonviolent social movements
Tom Hayden, an anti-Vietnam activist and a former member of SDS, describes “participatory democracy” as essential to social movements, “because you need to count on other people putting their bodies on the line with you” (Polletta 2002, 2). The Abalone Alliance, an anti-nuclear organization from the early 1980s, utilized consensus processes during blockades and within jail (Epstein 1991, 102). Consensus relies on the conviction that “when people share ownership of decision…their sense of solidarity and commitment is heightened” (Polletta 2002, 8; Gamson, Fireman and Rytina 1982, 17). Marina Sitrin argues, “for consensus to be effective, all those participating must be actively involved in the discussion process” (2004, 271). However, with the active involvement of thousands of protesters making real-time decisions, the process would break down. The process is most effective within small intimate groups, during heightened moments of solidarity (such as arrest), and with practice—otherwise, it can often breakdown during large meetings—a rigid adherence to the process often creates problems within nonviolent movements (Epstein 1991, 116; Guilloud 2001, 228).

As complex as consensus meetings can be under ideal circumstances, the process is further complicated once the activists are divided inside the jail. Occasionally, small groups—more rarely, the entire group—are able to meet with their lawyers to construct a strategy. In the case of Seattle, the arrestees wanted their charges reduced to an infraction before they provided their names for their release (Moore 2002). Consensus meetings were held before and after meetings
with the lawyer (Epstein 1991, 111; Smith 2001, 27). Also, each time the activists were ushered into large cells, reunited with the larger group, they would hold meetings (Moore 2002). These endless deliberations inspired a fifty-eight-year-old activist called Waldo to humorously concoct a homage to the process: “there ain’t no meeting like the jailhouse meeting, ’cuz the jailhouse meeting don’t stop!” (2002). Therefore, the process of communication between the activists and the lawyers took time (Marini 2001). In Philadelphia, the activists attempted to hold consensus meetings while in segregated cells, down the line:

We would designate cell number 6 as the facilitator, and then go cell by cell. If there was a decision to be made, there would be 10 minutes for people in their cells to confer. One thing we kept compulsively tallying was how many people were on hunger strike, and how many people were doing solidarity. So we would say, “how many in cell one are doing solidarity?” They responded, “4 of us.” Then someone would say, “all six—the whole cell,” and everybody would cheer. And we would compulsively take these tallies as a way to tap the pulse (Sumac 2002).

The women were also communicating in a similar fashion as they were segregated in their own cells:

We’re developing amazing communication skills for being in isolated cells. The women were really trying to communicate and stay in touch with each other. Everybody was calling out their jail number, their cell number, and would communicate that way. We would have a spokescouncil between the cells. We had some luck doing check-ins, “is everybody okay?” (Eli 2002).

One of the foremost motivations for early consensus meetings is to decide whether arrestees are willing to participate in jail solidarity or whether they would choose to leave jail as soon as possible.
Solidarity

We talked of “Solidarity,” a beautiful word in all languages. Stick together! Workers, unite! One for all and all for one! It was internationalism. It was also real Americanism—the first they had heard. “One nation indivisible, with liberty and justice for all.” They hadn’t found it here, but they were willingly fighting to create it (P. 135).

--Elizabeth Gurley Flynn (1955, r1973)

Participation in social movements, high-risk activism, and jail resistance, requires a strong sense of solidarity. It creates a collective identity in which the distinction between “individual and group interest” is undermined (Gamson 1992, 57). Preexisting strong social ties, such as friendships, activist organizations, and affinity groups, strengthen trust within the group (Gamson 1992, 61-63). This strong sense of solidarity is especially crucial for those who participate in “risky, consequential long-term enterprises” where the outcomes depend on the actions of others, and where there are strong incentives to meet commitments and encourage others to do the same (Tilly 2004, 134; Smith 2001, 11). Furthermore, participating in the high-risk activism itself induces a strong sense of solidarity—individuals are pulled together for the collective good (Gamson, Fireman and Rytina 1982, 7). During the Civil Rights sit-ins, the participants were in solidarity as they faced hostile crowds (Fisherman and Solomon 1968, 377). It works to protect individuals from these hostile situations—the challengers “confront the police as a unit,” requiring them to deal with the group as a whole instead of isolating individuals for punishment (Gamson, Fireman and Rytina 1982, 86).
In the case of jail solidarity, participants conceal their identities to thwart the ability of the police to properly process individual into, and out of, the jail, thus, exerting pressure upon the institution to recognize their demands. Individuals retain the power of revealing their names and being released from the jail when they so choose. To protect this anonymity, activists often select nicknames to be utilized during the process. During the Abalone Alliance meetings in the early 1980s, people utilized first names or aliases, and their affinity group name as a surname (Epstein 1991, 109). Withholding names provided the group with the time needed to construct their objectives through consensus meetings and to negotiate “the same charges for all” (Thomas 2000, 85; Cockburn 2000, 82). By withholding names, those arrested in Seattle were given wristbands with their jail number and a new name: Jane and John WTO (Delgado 2001). Because of the glut that the activists created inside the King County jail, others were not arrested on subsequent days, with the police unable to face further processing (Moore 2002).

Not everyone remained inside the jails, however. Some arrestees in Washington, D.C. (IMF/WB 2000), decided to pay the fifty-dollar fine and leave jail, still covered under the negotiated, reduced charge (Smith 2001; Kadd 2002). Some were “no-papered,” or simply released arbitrarily while others were held, in order to reduce the number of activists. However, those released often continued to participate in jail solidarity, through outside activities such as maintaining a jail
vigil, pressuring city officials, conducting interviews with the media, and continuing to publicize the incarceration.

**Noncompliance Tactics**

Once the terms of solidarity have been collectively established—the bar of acceptable charges for which the prisoners will surrender—demands are constructed. Often, connecting realistic demands to comparable tactics was a difficult endeavor. For example, demanding an end to capitalism, or, utilizing non-resistance tactics without connection to any demand, was inappropriately practiced. In Washington, D.C., it was apparent that these details had been overlooked until the activists found themselves sitting in jail cells:

We were realizing, before we had gotten arrested, nobody had been in consensus about what the demands would be for our release. We said we weren’t going to give our names, vague principle that nobody gets left behind, and everybody gets judged equally. But these were just a few things that had been outlined to us by [Midnight Special] in the spokes council meetings. We’d never consensed on what was the demarcation line. So again, we were left with two groups of Johns and one group of Janes, trying to figure out what was most important (Dave 2001).

In the end, Midnight Special was able to negotiate a minor infraction—a five-dollar jay walking ticket. Several factors played into this success, including an inside connection with the prosecutor’s office. As Paul Marini of Midnight Special explains:

DC was relatively quick and painless. In DC, we had an “in” with the prosecutor’s office. We were able to talk to the second in command at the office of the Corporation Council, the prosecutor’s office for DC [misdemeanors]…. The [prosecutors] were relatively flexible because the people who were in jail were putting a lot of pressure on them, not only through jail solidarity but also through the threat of court solidarity.
‘Cause they knew that if the plea bargain wasn’t agreed upon, then we’re going to court. And in court we would want a speedy trial, a court appointed lawyer, a jury trial, and so on. I think we kind of had them in a hard place. So we had much more luck with jail solidarity in DC (2001).

Once demands have been consensed upon within the group, appropriate, escalating tactics were developed. Already, the anonymity exerts tremendous pressure on the system. The tactics that were taught in pre-protest workshops were utilized with varying degrees of success: refusing bail, chanting, singing, physical non-cooperation, hunger strikes, and, less beneficial, acting out of rage. Ultimately, the demands included: reduction of charges, avoiding isolating individuals, no abuse, vegetarian food, lawyer visits, phone calls, and better treatment for the general population. Movements over the last century have differed on their perspective of jail treatment. For example, Wilmer J. Young, jailed during the anti-nuclear movement, maintained a framework of noble suffering for the cause:

It was a county jail, reasonably well run as such jails go. I did not feel the urge, as some sincerely do, to protest the jail treatment, particularly to make things difficult for the jailers. There is a place for protest against the cruelties of prisons, but I want to make it as clear as possible that what I was protesting was the building of a missile base, and that I was trying to bear witness to a way of life that renounces war. A cardinal point in nonviolent resistance to evil is willingness to take on oneself the chief part of the suffering, and taking it cheerfully (1968, 169).

This master frame is reflected in radical pacifism (Civil Rights, anti-war, anti-nuclear movements) and religious movements utilizing moral witnessing, such as the SoA Watch. In contrast, the contemporary anti-corporate globalization movement has protested treatment in jails for themselves and the general
population, demanding such things as vegan food and the resumption of general population’s benefits (medication, recreation, visitation rights, etc.).

Rejecting bail is one of the more powerful (and self-sacrificing) tactics in which activists can engage. To accept bail and go to court isolates individuals, who then become pressured to plea-bargain, accept charges, or probation. Some activists may invite the opportunity to discuss their political issue within the proceeding; however, such a defense is often thrown out of court. By refusing bail, the activists disarm the authorities’ most powerful weapon. It also highlights the persecution of activists within the public eye—some may wonder for what protesters are spending two weeks in jail. Also, activists may feel that paying bail is cooperating with an unjust system. Refusing bail is the fundamental tactic of jail solidarity and has been utilized by the IWW, the Civil Rights movement, and the anti-nuclear movement, among others. A year after the first Greensboro sit-ins during the Civil Rights movement, the first noted “jail-in” was led by Thomas Gaither:

After a night’s detention in the Rock Hill jail, Gaither and his group heard the judge pass sentence for their role in requesting service at two dime-store lunch counters: thirty days’ hard labor on a road gang or one-hundred-dollar fines. One defendant paid the fine, but the others shocked the judge by choosing jail without bail. “The only thing they had to beat us over the head with was a threat of sending us to jail,” Gaither explained. “So we disarmed them by using the only weapon we had left…. It upset them considerably” (Weisbrot 1991, 29).

The Civil Rights movement utilized this tactic profusely. It provided a moral high ground that gave public witness to the injustices of lengthy jail terms in exchange for lunch counter sit-ins. During the anti-nuclear movement, the crewmates of the
Golden Rule, voyaged into territory marked for weapons testing grounds, and were arrested. When the question of bail arose, “the amount was never determined because [their] attorneys made it clear that [they] would refuse it as a matter of principle” (Bigelow 1968, 156). However, because of the risky, sacrificial nature of this extreme tactic, consensus does not exist on its implementation. Many would prefer to leave jail and fight another day on the streets. Even Thurgood Marshall, the architect of the Brown victory, and NAACP leaders criticized the use of the jail-in tactics. Marshall commented, “if someone offers to get you out, man, get out” (Weisbrot 1991, 38). Yet others learned that a protest arrest record could function as a badge of honor within the movement (ibid., 24; Benford 1993, 210).

One of the more elusive tactics for the police to prohibit is that of chanting and singing. In addition to aggravating the guards, it provides a significant morale booster for the prisoners and reinforces solidarity. In the early 1900s, the IWW considered themselves a “singing movement,” complete with a red songbook (Bird, Georgakas, and Shaffer 1985). Christopher Day provides an example from Philadelphia (RNC 2000), in which the activists utilized the theme song of the IWW:

There was a lot of singing, a sort of butchered version of ‘solidarity forever,’ which seemed to consist entirely of the chorus. No one knew any of the other verses and none of the other verses being particularly applicable to the action or political outlook of the people involved. Make a mental note, ‘this movement needs a songbook.’ It’s a form of resistance that’s very hard for them to prevent, relatively non-threatening, and is a powerful morale lifter. I really think the trainings should include learning
two or three good songs. You can’t sing the chorus of solidarity forever for 48 hours, despite the valiant efforts of some to do so (2002).

In addition, Day relates how the activists were chanting in support of Mumia Abu Jamal, a political prisoner on death row in Philadelphia. Their street protests had been, in part, upon Mumia’s behalf:

There was this moment when they started the Mumia chant. He’s the most hated man in Philadelphia—at least by the police. And here we are—largely a bunch of white activists chanting, “brick by brick, wall by wall, we’re going to free Mumia Abu Jamal!” It was just deafening. There was no way you couldn’t hear it if you were in the prison. The other cellblocks were yelling it and pounding the walls. And I thought, ‘this is defiance.’ In sort of a poetic way, I hope Mumia can hear this. He’s going to hear about it, if he doesn’t hear it. For him to know that he’s not forgotten—we did this protest in part for him (ibid.).

Singing and chanting strengthened the activists’ spirit after suffering days of abuse and jail treatment. Furthermore, it provided some gratification in the bleak atmosphere. Stacey Falls described the skipping and singing that the women participated in, inside the Philadelphia jail:

A couple of the protesters were singing a song and this guard got really upset. He started yelling, “hey, stop singing! Don’t sing!” He was really angry that the protesters were having fun in jail. They were skipping in the hall and singing and he yelled, “you can’t skip here, this is jail!” (2002).

Kadd also describes how the women activists participating in defiant noise pollution, so loudly that the men could hear it on the other side of the wall:

The last day I was in there, they were faking orgasms in unison. It was just really brilliant, funny, and uplifting nonsense. These women were really resourceful. I mean, one time I was half-asleep and there was this shout, “we love you brothers!” When you’ve been in jail for four days and you’ve seen people being beaten and tortured, it means a lot. And to wake up to a cell full of people faking orgasms was just like, ‘okay, it’s not as bad as I think.’ In jail, this is crucial. People had a completely wonderful sense of humor. People on my cellblock were saying they wanted to use their phone call to
call a locksmith. And another guy said he was fed up and he wasn’t leaving jail until someone opened the door. You know, just really stupid stuff. But when you’re really bugged out, it meant the world (2002).

The global justice movement was enacting a historical tradition. The Civil Rights movement utilized uplifting spirituals, both on the streets and within jail cells. Since they had forsaken physical force, song provided a pious weapon, tapping into the healing power of black spirituals (Weisbrot 1991, 27). Like the women arrested in Washington, D.C., whose song opened this article, other women, arrested during the Civil Rights movement, created their own song. Three women that found themselves serving forty-nine days for sitting in at a Woolworth’s lunch counter in Florida, created the song “Fight On,”

Gone to the jail, without paying out bail
Justice will come right over the trail…
We’re fighting, we’re fighting, for a better land we know.
For the Constitution tells us so
Fight on, fight on (ibid., 27).

One of the best known Wobbly refrains sings, “Hallelujah, I’m a Bum: Springtime has come and I’m just out of jail, without any money, without any bail (Renshaw [1967] 1999, 89).

Physical non-cooperation entails more individual risk of retaliation and violence. While chanting and singing are performed as a group and individuals are more difficult to isolate—physical non-cooperation, such as going limp or resisting fingerprinting, places the individual in direct confrontation with authorities. Ideologically, it “involves a withdrawal of physical service from cooperation with a system which is evil from the viewpoint of the noncooperator”
(Fisherman and Solomon 1968, 399). Walking during an arrest, cooperating in the fingerprinting process, and providing personal information can be perceived as assisting an unjust system in the process of repression. Individuals choose their own personal level of physical resistance as they risk their personal safety and negotiate (often-unacknowledged) peer pressure. “Going limp” during arrests or transfers within the jails becomes a more “elite” version of resistance (Fisherman and Solomon 1968, 399). In Washington, D.C., resistance was discussed as a group, but in the end, individuals made their own decisions when face-to-face with the physical hindrance of a menacing police officer:

There was a discussion on the bus as to whether we should resist giving our fingerprints. We agreed to resist the procedure. But when it came down to the actual physical confrontation between you and the officer, the moment of resistance, I think only seven to ten of us resisted. And then we were sent to a separate room…. So the seven of us were in this room, and we were talking. We said, well everybody else is in jail and now we’re in this room because we thought we were doing something that everyone was going to do but not everybody’s doing it, so let’s reevaluate this. So we decided to give our fingerprints (Dave 2002).

The women in Washington, D.C. also negotiated their level of resistance as a group. During one episode, the women were transferred from one cell to the next, and decided to resist this process:

We decided that we liked our huge cage, didn’t want to go into smaller cells, didn’t know where we were going, and didn’t want to get split up. So we decided that we wouldn’t move from where we were. We had a meeting and some people decided that they wanted to walk out because they didn’t want to get hurt. The whole time the cops were threatening us. Our trip on the bus had been traumatizing [so people were scared]. Some walked out first, we didn’t want people to be brutalized ‘cause some decided not to walk out. And they started dragging us out, one by one, and would throw the person on the floor. [The guards] would stand around that person and try to intimidate the rest of us. They’d start saying, “better
walk or we’ll kick your ass.” They wound up dragging a person up the
stairs by one arm. It was pretty bad (Kristen 2002).

The physical resistance always courted retaliatory violence, shocking
activists, who continued to complain bitterly of their treatment. But the resistance
tactics continued to escalate, especially in situations where individuals were being
isolated or taken to court against their will. Originating in Washington, D.C., and
continuing in Philadelphia, the tactic of the “noodle party” had been established
for such moments—getting naked to insure the guards would not remove them
from their cells. In Washington, D.C., some women were clandestinely being
taken to court, and they resisted with the “noodle party” tactic, the name of which
would be shouted to the others. In this instance, the shocking tactic unnerved
astonished guards:

When they tried to come take people away, we all took off our uniform. A
public defender came in and they tried to drag a couple people away, to
force them to sign release papers. Five women took off their uniforms and
threw them over the balcony, went limp, and refused to cooperate. And the
guards were like, “what are they doing?” They had never seen anything
like this before. They went to court and refused to sign the papers. So they
got dragged right back. It worked (Cedar 2002).

After Washington, D.C., this tactic was recognized and offered as another tool in
the activist arsenal during workshops and training. In Philadelphia, where extreme
physical resistance was utilized and met with overwhelming violence, the tactic
was also employed. It was used in order to resist transfer out of their cells and was
met with grim results. Christopher Day recounts the brutal scene that he witnessed
during the men’s noodle party:
The first few people to do it went limp. And they got dragged and kicked in such a way that the first two guys came back with bloodied scrotums. It was pretty harsh. People were getting seriously kicked and scraped up in the genitals and it was really ugly. And I felt, there was a moment of truth that happened then, because you witnessed it. Someone was being dragged in front of all of us, brutalized. And after that, most people put on some clothes. Then, they began to process us. People continued to resist. Almost all resistance was dealt with pretty violently. They twisted people’s arms or fingers, were kicking or shoving—pain was used to get compliance. It became a house of terrors for a while (2002).

Once the activists settled into their jail cells and fought for their lowered charges and release, hunger strikes were utilized to exert even more pressure upon the jail. This historical, Gandhian tactic is coercive and often utilized after intense planning and an escalation of tactics. In Gandhian principle, it is a tactic of last resort, and should then be serious, fasting towards death. However, it often becomes a fashionable tactic, immediately resorted to once activists find themselves in jail, without a clear tie to a coherent demand. During the peace walks in Albany, Georgia, arrestees began to hunger strike when there was “little clarity as to why the walkers were fasting” (Walk Participants 1968, 237). The participants recount their hunger strike:

If we were arrested, we refused to eat. And within a period of time the authorities are faced with recognizing our rights and granting us our freedom or having on their hands people slowly dying of starvation, people who not only generate intense interest throughout the nation and even the world but stir the hearts of white citizens in Albany to doubt and misgivings. And it is expensive to hospitalize and force-feed twenty people. Within a few days, thousands of dollars must be committed. To be successful, the fast must be maintained steadily towards death by as many people as possible. They must be willing to endure emaciation, scurvy, extreme weakness, muscle deterioration, the pain of intravenous and tube feeding. They must be willing to risk fatal errors of judgement by police or doctors, or outbursts of violence from men driven to desperation by a
protest that they cannot suppress. The prolonged fast is our chief weapon (ibid., 215).

These twenty-two peace walkers fasted twenty-four days and some were admitted to the hospital (ibid., 215). The global justice activists have not face such lengthy periods of fasting, and participation was often intermittent. A few individuals should be “designated eaters” as Katya Komisaruk labeled them, to maintain the ability of the group to negotiate. Hunger striking should only be utilized to achieve a clearly defined goal and then, participated in completely. In Seattle, some participated for fashion and “street creds,” without a clear demand:

There were people who were hunger striking. Some people were separated from the rest of the group in single cells—and people were hunger striking to have them returned. And that didn’t seem like such a great idea, considering that most of us were already really hungry and in pretty rough shape. We needed a bit of sustenance. It just wasn’t particularly well thought out. A hunger strike is a pretty high-stakes technique to use, you have to be willing [to do it completely]. I didn’t think any of those conversations had been had to a sufficient degree. So I would say, in our cell there were maybe fifteen of us, and maybe four people were hunger striking (Kerr 2002).

Some of the men in Seattle also participated in the hunger strike their demands ranged from vegetarian meals to upholding constitutional rights.

Jonathan Moore describes one activist that was hunger striking for a diversity of goals:

Some people went on immediate hunger strikes—just on principle—or, just because the food wasn’t any good. So the guy in the cell next to me, a white guy with blond dreadlocks, put up all these signs [with his demands]. He demanded to see his lawyer, have his constitutional rights, and a vegetarian meal—all on the same sign. And the guard says, “listen man, just put one thing on the sign. The kitchen can make you a vegetarian meal—but the kitchen can’t make you a lawyer” (2002).
Many people went on hunger strike because there was not a vegan or vegetarian option on the jail menu (Christian 2002; Day 2002), or because they believed the food was drugged (Dave 2002). Most participants had never before fasted and were unaware of its impact, creating an environment especially tense between activists, once the hunger strike lasted for more than a few days. Additionally, outside public support is crucial for success, and in some cases, this had not been realized, increasing the ineffectiveness. In Philadelphia, some of the women argued for a thirst-strike out of frustration, which could potentially result in rapid death. Sara Marcus, a legal worker with R2K Legal, was informed of this development during her office shift as she spoke with prisoners:

They were passing information from one group to the next. One group would say, “we’re considering doing a hunger strike, what are the other groups planning?” A few of the women wanted to do a hunger and thirst strike. We said, “you can’t do that.” They replied, “we’re about to be separated, there’s nothing else we can do.” We said, “but you’ll pass out and be useless.” And one said, “are you telling me that you block the thirst strike?” Marina said, “yes, I’m blocking it.” But the arrestee was like, “screw you, you’re not in jail.” However, we had information that they didn’t. They don’t know that there’s no public support in the newspapers right now and they won’t have public opinion on their side. So, they may as well keep eating. But inside, people were thinking, ‘we have no control over anything else, the only thing we can do is to stop eating’ (2002).

The authorities did treat hunger strikes seriously. In Los Angeles (DNC 2000), the guards videotaped the arrestees refusing food, so as to limit their liability. They also provided “goodie bags” of chocolate bars and other sweet snacks to break the hunger strike (Agent 99 2001). Other wardens and guards pleaded with activists to eat.
As both tactics and emotions escalated during the continuing days of imprisonment, tactics became less anchored to a pragmatic goal, and began to express increasing frustration and anger. Even resistance tactics themselves, such as going limp, can be less about non-cooperation than “undertaken to harass the police and, more latently, to release feelings of frustration and hostility” (Fisherman and Solomon 1968, 399). Even the extreme tactical preference itself, can be selected to express unspoken “self-righteousness,” verging on “arrogance at times” (Walk Participants 1968, 237). Social movements, enduring extreme repression and violence, are not immune to this frustration. This is the reason for such emphasis on self-discipline training. The Gandhian repertoire demands discipline and the Civil Rights movements expected the same. “Everyone was suppose to suffer the anger of an opponent without retaliation, avoid the use of insults or any form of violence, willingly submit to arrest or punishment, and obey the orders of group leaders” (Chabot 2000, 205). However, by 1965, the Civil Rights activists were growing tired of professing love for brutal sheriffs and racist mobs. The mass saintliness that had sustained the nonviolent revolution was at last giving way to more common if less admirable human response—frustration, blind rage, and, perhaps inevitably, racial hatred (Weisbrot 1991, 186).

Yet, civil rights leaders perceived these lapses in discipline as detrimental to the movement. James Farmer confessed privately that this growing unruliness was based on a lack of training with the freedom riders (ibid., 186).
In Philadelphia, where global justice arrestees were held two weeks under extremely abusive conditions, frustration was clearly evident, and began motivating decisions:

At a certain point, solidarity ceased to be a tactic, and it became more an expression of frustration and defiance. So, it changed from being something that had any real legal relevance to being a way of saying, ‘yeah, I’m pissed off and with everybody else whose pissed off’ (Sumac 2002).

This frustration, in addition to the impact of the ongoing hunger strike, clouded the consensus meeting process. Instead of a rational debate on demands and tactics, the men wanted to retaliate against the abuse suffered through their own, non-violent, yet coercive tactics:

Ten minutes into the discussion, some alpha-male would loudly proclaim that they were going to do x, y, or z, as a challenge to everyone else. There was a general tendency to go for the most militant or extreme tactic that we could pull off under the circumstances. Regardless of whether it was appropriate, attached coherently to a demand, objective, or anything like that. Whoever could propose the most outrageous thing was likely to acquire a big following (Day 2002).

Under these conditions, frustration, anger, and rage could be expected, however, the larger cause requires extreme self-control, even under such provocative situations. During the sit-ins and freedom rides, activists were constantly beaten up, threatened, followed, and even killed; yet non-violence prevailed (Weisbrot 1991). The media captured images of protesters mauled by dogs, overthrown by fire hoses, or ejected from buses because of firebombs—it presented the extreme violence as one-sided (ibid.). The media portrays a different image of the anti-corporate globalization protests—violent anarchists
breaking windows—instead of representing the police violence, unconstitutional mass arrests, and jail abuse.

The peace walkers in Albany, Georgia, attempted to illustrate that the oppressive system had a flaw

a few people willing and able to couple prolonged, deliberately accepted suffering with an efficient medium of public communication and interpretation can generate enough sympathy in the hearts of their opponents and enough public support to make this carefully constructed machinery of oppression ineffective (Walk Participants 1968, 216).

There are discrepancies between the “nonviolent philosopher” and the “nonviolent technician.” The first tends to overlook difficulties from one situation to the next, while the latter is “more open to varying tactics with the situation” (Fisherman and Solomon 1968, 400). The direct action and jail solidarity of Seattle was more effective because it took the police off-guard, however, that is unlikely to happen again (Klein 2001, 153). Such tactics are only “creative” when they are fresh and “their effects wear off over time” (Freeman 1979, 186; Yuen 2001, 10). The police share findings nationwide, create counter-tactics, increase their budget, and increase “surveillance, pre-emptive strikes and illegal roundups” (Starhawk 2001, 56-7; Kreimer 2001, 164; Carlsson 2004, 240). Naomi Klein argues that pepper spray and water cannons foster a culture of fear (2002, 134; Thomas 2000, 217). Activists have come to expect repression as a normal counterbalance to protest: surveillance, intimidation, raids on warehouses, pre-emptive arrests, abuse, and excessive charges. Naomi Klein describes this new face of protester under repression:
In Washington, I met several nineteen-year-old activists who carried the requisite protective gear of swimming goggles and bandanas soaked in vinegar. It’s not that they were planning to attack a Starbucks, just that they’ve come to expect that getting gassed is what happens when you express your political views (2002, 122).

**Conclusion**

While tactical innovation and police repression continue to escalate, these become side attractions within the Global Justice movement. The fight for sustainable, just globalization is progressing on many fronts, and protests are just the symbolic, public presentation of the issue. Juan Gonzales argues that we don’t “need another Seattle,” by continuing to replicate this street theater around the world; but rather, tactics need to evolve and real change needs to emanate (2001, 82). However, within protest movements, jail solidarity evolves, incorporating different situations, and different city structures. “For jail solidarity to work, it must be well-coordinated, well thought out and rooted in the local community” (Lydersen 2001, 137). Instead of galvanizing more “drastic vanguard actions” to maintain media and public attention, the energy of the protests should also flow “back in the neighborhoods, schools and workplaces [where activists] came from, educating and organizing more recruits” (Gonzalez 2001b, 350; Reinsborough 2004, 153). Zahara Hecksher, arrested in Washington, D.C., and involved in the fight against the IMF and World Bank agrees:

We’re not doing this just so we can make puppets. We’re doing this because the World Bank is screwing over the world and making people suffer. And if we can’t find concrete ways of changing the Bank, the attitude becomes, ‘lets just have a puppet show.’ The World Bank isn’t going to change because we go to jail—the World Bank is going to change because they won’t get money unless they change. And us going to jail, it’s part of the educational
campaign for us and for the general public. But if it’s not connected to a broader strategy it’s not effective (2001).

Street protest demonstrates issues, the desired change, and presents the community involved in creating that alternative reality, however, it is not the alternative in itself, but a symbolic representation. Mass civil disobedience threatens to potentially become the “signature of the movement,” yet, an “inability to move beyond this tactic becomes a liability” (Epstein 2001:7).

This chapter has emphasized extreme protest behavior: street direct action, arrests, non-cooperation tactics behind bars, and court solidarity. This research was based upon participant observation: the author participated in protests, was arrested, worked with the law collectives, camped outside jails, and interviewed fifty arrestees and legal workers. Through the example of the SoA Watch in Georgia, a case study of jail solidarity was presented, which was then contrasted against experiences at other events. Each mass action had extensive amounts of preparatory work, and this included workshops and trainings for participants, during which they were educated on noncompliance and legal rights. Armed with such knowledge, many were willing to court arrest to illustrate the brutality that the desire for social justice prompts. The arrestees demanded reduced or dropped charges and fair treatment, short of that, they would not cooperate with the system. In order to synchronize such behavior, they conducted consensus meetings, both before the action, during their imprisonment, and at their court hearings. During these discussions, solidarity was established, tactical usage was decided upon, and demands were determined. The impact of jail solidarity is not
only apparent when demands are achieved, but also through the creation of group solidarity and personal development. Jail solidarity has been a successful, powerful tactic that the Global Justice movement has utilized. However, as each protest cycle continues, tactics become well known, routine, are familiar to the authorities, and attract less public attention. Therefore, like all practices, the usage declines and other tactics are re-developed. Jail solidarity has an impressive genealogy stemming from important social movements of the last century: the IWW, Civil Rights, and anti-nuclear movements. With each movement cycle, this tactic has been unearthed, modernized, and utilized for different social aims. While the Global Justice movement may have reached the culmination of jail solidarity usage, subsequent social movements will once again exhibit extreme resistance from inside their jail cells.
4) In the Belly of the Beast:
The Struggle for Freedom of Speech, 
Imprisoned activists, and Court Solidarity

…This is a statement from 22 women in solidarity in 231 C-Pod of the LA County Jail, 19 of whom are on hunger strike. We are local women, and women from around the country. We are in high spirits and feel good about what we're doing…

Those of us who were arrested at Wednesday's Rampart action [8/16] chose to risk our freedom to demand an end to police brutality, corruption, and racism in Rampart particularly and throughout the country. The Rampart scandal has been widely publicized--the falsified evidence and perjury that sent innocent people to jail, the execution-style murders by the police, and the illegal collaboration with INS [and LAPD] as in the case of political prisoner Alex Sanchez….We believe we had to risk arrest to address this injustice, since law enforcement is the source of the injustice…

Jane Doe Statement (LA August 19, 2000)

Intro

Since the WTO protests in Seattle (1999), the police have further encroached upon free speech and assembly rights, with increased instances of pre-emptive, mass arrests. In this chapter, the importance of First Amendment protections for social movements, and the ways in which these rights are infringed upon, will be examined. The Global Justice movement has faced repression during protests at global financial institution annual meetings, as well as political conventions. The movement has attempted to highlight the impact of
globalization upon developing countries: privatization of health care, water, electricity, the transition to an export economy that reduces domestic staples, increased sweatshop conditions in American-based factories, and the degradation of the environment. Domestically, industrial employment has gone south, wages have been reduced, poverty increased, imprisonment increased, and privatization has begun to encroach upon all areas of social services. In response to such messages, the movement has suffered mass arrests—and has countered with the tactic of “jail solidarity”—direct action behind bars. They remain imprisoned, their large numbers creating pressure, as their legal team negotiates their charges. This internal pressure—population quotas exceeded, disruption of routine, special treatment, and the expenses of overtime and facility-operating cost—often forces authorities to release activists.

If this is not achieved, activists often continue fighting their cases in court, months, and even years later. At this stage, the Global Justice movement utilizes “court solidarity”—the synchronizing of court cases. They demand all constitutional rights: speedy, jury trials, with court appointed counsel. In this way, the activists exercise their rights and create a glut of court cases that are impossible to process. They system has a fatal flaw: it is unable to both uphold rights and process cases, relying on detrimental plea bargains for ninety percent of cases. Imprisonment educates activists on the structures of power, criminalization of poverty, harsh drug sentencing, the desperate need for rehabilitation alternatives, and institutional racism and classism. During their imprisonment,
Global Justice activists were able to compare the severe circumstances of third world corporate domination against the domestic repression of the poor.

**Freedom of Speech**

Protest arrests achieve immediate police demands—removing activists from the streets and preventing disruption of the political event and urban consumer patterns. The police usually pile on the charges: resisting arrest, disorderly conduct, blocking traffic, obstructing a highway, obstructing justice, refusal to disperse, parading without a permit, conspiring to commit all of the above, or inciting a riot, (as one activist said, “the police have a thesaurus”). Conspiracy, often added on to initial charges, is a catch-all charge, “often used vindictively to conceal the absence of anything meaningful” (Lehman 1997, 229). Booking and jailing regulations are often violated: the mandatory time limit of processing misdemeanor charges, or the time limit in which to see a lawyer (Boghosian 2004). Initial treatment is often severe: hours sitting on buses, lack of food and water, exposure to the elements, lack of bathroom privileges, inability to make phone calls, or see lawyers. The numerous arrestees often cause relentless systematic backups as police departments are inadequately prepared to process such a number of people within a brief time period.

Often these unjust, excessively charged arrests, are reversed through court proceedings, where violations of First Amendment rights are often acknowledged and the majority of charges are usually dropped (Boghosian 2004:4). Such speech repression determines “who can speak and who cannot” (Sunstein 1995, 250).
Therefore, the First Amendment proves indispensable for those “who swim against the current” and “reject prevailing authority” (Shiffrin 1999, 10). The Constitution is perceived as a living document that reflects current social structures; and the procedure of constitutional interpretation becomes a “moral” and political execution (Rubin 2001, 69; Munger 2001, 12). Upholding such rights enforces the Constitution’s evolution to persevere with modern society. Social movements challenge and promote Constitutional review, both through protest and civil rights litigation, which demonstrates the “amenability to contestation” (Siegel 2001, 299-324). Through the process of Constitutional interpretation, there must, to some extent, exist a belief in the ability for justice to prevail.

Repressive Legislation

Challenger movements always run the risk of encountering severe repression. While movements develop tactical innovations, so too do the authorities. During the early 1900s, the Industrial Workers of the World (IWW) had their meetings raided, members arrested, imprisoned; and ultimately, became bankrupt due to court fees (Kristian 2004, 127). “Anarchist Squads” were later created for the purpose of repressing the IWW, and when this police organization “disbanded,” it simply transformed into the bomb squad (Kristian 2004, 192). “Between 1919 and 1925 the LAPD arrested 504 union organizers; 124 were convicted of ‘criminal syndicalism,’ a charge designed to stifle union activity and specifically targeting the IWW” (Kristian 2004, 127).
As laws were created against the IWW, other movements also faced newly-founded, or arbitrarily enforced laws. The notorious FBI program COINTELPRO (1956-1971) monitored subversive organizations, and was first tested against left-wing activists in Puerto Rico (Poitevin 2000, 90). COINTELPRO was successful in infiltrating a large number of left-wing (and right-wing) organizations, and in many cases, completely devastating them (Redden 2001, 67). Between 1967 and 1969, the Black Panthers suffered the murder of twenty-eights members by the police (Kristian 2004, 182). On December 4, 1969 at 4 a.m., fourteen police armed with sub-machine guns literally shot their way into Fred Hampton’s apartment, killing him and another man (Kristian 2004, 182). By the end of 1969, the movement had garnered enough blows to end their effectiveness: “thirty Panthers were charged with capital offenses, forty faced life imprisonment, fifty-five faced sentences of up to thirty years, and another 155 were either in jail or in hiding” (Kristian 2004, 114). The radical MOVE organization, committed to the teachings of John Africa, was attacked by police: they shot their way into the MOVE house and used a helicopter to bomb the building on May 13, 1985. Eleven people were killed, including five children, sixty-one homes were destroyed in the subsequent fire, and 250 people were left homeless (Kristian: 2004, 195). Elijah Muhammad and Muslim officials were also closely watched and harassed by the FBI during the 1940s (Nelson 2000, 107). When such police behavior becomes too apparent, programs disband or convert. COINTELPRO’s procedures created a paper trail that led to its eventual exposure (Kristian 2004,
In March 1971, a “Citizens Committee to Investigate the FBI” removed secret files from an FBI office in Media, Pennsylvania and released them to the press, thus instigating its demise (Glick 1989, 7). Such extreme harassment has radicalized many activists, including Malcolm X, Martin Luther King, Jr., Eldridge Cleaver, and Angela Davis (Atkins & Glick 1972, 66; Davis & Rodriguez 2000, 212).

**Rampart Police Station Protest (LA 2000)**

The Los Angeles Rampart police department has run a military-like operation within a poor area of the city, governing it with a tight, repressive fist. This 7.9 square mile section contains 189,716 people, is overwhelmingly poor, 37% of its population earns less than $15,00 a year, 79% self identify as Latino, 40% of the population report having zero to eight years of education, and only 17% report having some high school education (Grant 2003, 391).

In the late 1980s and 1990s, under Daryl Gates’s direction, “Operation Hammer” was initiated, and led to the sweeping arrest of more than 25,000 individuals, while fewer than 1,500 resulted in actual charges (DeSantis 1994, 28; Kelley 2000, 48). During the 1980s, the CRASH program was established—Community Resources Against Street Hoodlums—consisting of 12-20 “tightly bonded men” that habitually harassed suspected gang members on the street—often individuals who dressed or appeared in a particular fashion (Grant 2003, 392). A scandal broke when Rafael Perez, a member of the CRASH program, was arrested for stealing 6-8 pounds of cocaine from the evidence room (Economist
Perez admitted that the CRASH unit had perjured on hundreds of cases, conducted false arrests, fabricated evidence, covered up improper procedures, and maintained the blue wall of silence (Grant 2003, 388; Willwerth 1999, 44). “At one point Rafael Perez estimated that half of the reports he did between 1994 and 1998 were utter fabrications” (Grant 2003, 395; Economist 2000, 32). So far, forty of the criminal convictions have been reversed, hundreds more will be reviewed, and public defenders predict some 4,000 cases could be affected—20 officers have been relieved of duty, two fired, others placed under suspicion, and several are facing trial (Cohen 2000, 31; Rahtz 2003, 94; Wood 2000, 1; Tharp 2000, 38). The city faced $125 million in lawsuit penalties, for ninety-nine of the cases (Cockburn 2000b, 10). Additionally, the CRASH unit violated Special Order 40, which prohibits the police from corroborating individuals’ immigration status or cooperating with the INS (Grant 2003, 396). The officers regularly targeted witnesses and others for deportation (Cohen 2000, 31). Alex Sanchez—a member of the organization Homies Unidos, aimed at reforming gang members and fighting community violence—was held for deportation, allegedly for his political activity (ibid., 33). He became a defining figure for the subsequent protests.

The Rampart police station became a protest target during the DNC 2000 (Sanchez 2002). Several thousand marchers gathered at McArthur Park, walked through the 95° heat, and sat on the steps of the Rampart police station wearing white gags and raised their fists in the air. Hundreds of densely packed reporters
and photographers were on hand to document their action, providing media saturation worthy of LA (Cockburn, St. Clair & Sekula 2000, 96). Thirty-eight activists were arrested and participated in pre-planned jail solidarity. They remained in jail for six days as their charges were negotiated.

The women were placed in their own cellblock: a Prisoner on Display unit (POD). This is reminiscent of the philosophizing of Jeremy Bentham and Foucault on the “panopticon.” In 1791-94, Bentham actively campaigned for his model prison that he named The Panopticon. It was a structure in which jail cells were constructed around a central observation tower. Thick, concrete walls would separate each cell, backlit from windows, and were subjected to unperceivable observation. The observation room would not betray the presence of a viewer visibly or audibly. The Panopticon thus allows seeing without being seen. “It derives its power from the inmates’ internalization of the work of the watcher, the Panopticon succeeds whether or not there’s anyone in the guard tower” (Morris 2004, 74). Such asymmetry of seeing-without-being-seen is, in fact, the very essence of power for Foucault because ultimately, the power to dominate rests on the differential possession of knowledge: both the synoptic and the analytic.

These activists were also segregated from the general population, except for the brief encounters in courtroom holding cells. The corrections officers utilized rhetoric to create hostility between the two groups: the general population would rape the activists, and the activists were causing the current denial of privileges for the general population. During their rare interactions, the reality of poverty,
race and imprisonment was powerfully illustrated through their extreme, contrasting demographics (Vanessa 2001; Cummins 2001; Shull 2001). The general population was deprived and neglected—the activists were white. Both sides were quite curious about the other, and desired the ability to communicate (Fischer 2002). The activists treasured such interactions:

It was the first time we went into the holding cell for court and it was standing room only, so packed. We walked in there and they [the prisoners] were looking us up and down, checking us out. One of them asked us if we were protesters and we said ‘yes.’ And they asked ‘what were you protesting?’ We said, ‘police brutality.’ And there was silence. All of a sudden there was this collective outpouring from the women, they all wanted to tell us their stories (Vanessa 2001).

Such positive connections were exactly what the authorities feared. During this moment that Vanessa described, one general population prisoner stated that this was the first time she had witnessed all the women holding a centralized conversation. It became a group event, they collectively sang spirituals and shared stories. The activists pounded on the glass door, requesting pen and paper to write down the contact information and situations of the general prisoners. Authorities gathered outside the cell, watching the interaction with bewilderment. While they had anticipated conflict, they were dismayed at the potential diffusion of revolutionary fervor within their jail. Immediately, the groups were separated. The interactions provided the activists with a concrete connection with a population hard hit with class and race oppression. The general population prisoners were reinvigorated with hope. As one prisoner said, “my cellmate came back singing your radical songs.”
Mass Arrest at Global Justice Protests

Strategic collaboration between police departments on tactical suppression of protest is both common and expected. During the Chicago DNC convention of 1968, the New York and Chicago police had communicated about Columbia University protests as their model of suppression (Kusch 2004, 38). “By 1997 police brass from New Orleans, Indianapolis, Minneapolis, and Baltimore had all made the pilgrimage to Gotham or hired Bratton protégés such as John Timoney, John Linder, and Jack Maple as consultants” (Parenti 1999, 84). Police tactics have escalated: increasingly violence, reliant on mass arrests, and the trampling of speech rights (Della Porta & Tarrow 2005, 10; Clark et. Al 2005, 49; McPhail et. Al 1998, 53; Della Porta & Reiter 1998, 1; Urban America, Inc 1969, 1; Waskow 1970, 10,48; Skolnick 1970, 67; Amnesty 1999, 1). During the RNC 2004 in New York, a march led by the War Resisters League was arrested in its entirety—approximately 200 people—before they entered the street (Featherstone 2004, 5). “Security zones,” marshal law, citywide curfews, protest areas, and pens have all been used to secure convention areas and justify mass arrests (Komo 1999, 4; Chang 2004, 8). In Seattle, the mayor declared a civil emergency and created a “no protest zone” as the media spread images of protester violence (Cockburn 2000, 31). In Washington D.C. police seized “256 PCV pipes, 45 smaller pipes, 2 roles of chicken wire, 50 rolls of duct tape, gas masks, bolt cutters, chains, an electrical saw, and lock boxes” from the warehouse, attempting to portray the activists as criminals (Redden 2001, 143). Batons, pepper spray, and horses have
all been utilized by police (Dunn et. al. 2003, 30). While the media often damage representation of protesters, the police receive praise for their efforts (as Mayor Daley received after the 1968 Chicago DNC convention). The police in Seattle and Philadelphia were praised in local papers for their restraint, tactics, and restoration of order (Lindorff 2001, 252; Redden 2001, 147; Allen 2001, 34).

The arrestees’ encountered abuse within jail—a continuation from the streets—that reflects the normativity of institutional violence. Eli, a Philadelphia arrestee, describes one instance of brutality:

> We were behind plexi-glass watching everybody get fingerprinted and processed. It was just so horrible to see each person come in—if somebody decided not to walk—they were dragged in. It was really violent, treating people like they’re not even human. If someone was non-compliant, they would just beat the shit out of people. And so it was really hard to see that because I think a lot of us didn’t want to comply but it was so scary to watch what was happen to people. And it was hours and hours of watching, with each person you saw something terrible happen. The one thing that got me through the whole thing was that we kept on singing. We were told that people on the street could hear us. We didn’t want the guards to feel like they weren’t being watched (2002; Levy & Miller 1970, 5).

The brutality activists witnessed is common to general population prisoners. Amnesty International issued a statement on December 13, 1999, alleging that there were cases of restraint chair utilization (Cusac 2003, 225). General population prisoners have often been subjected to restraints and some “have died under questionable circumstances after being strapped into a restrain chair” (ibid., 216). In *Discipline and Punishment*, Michel Foucault suggests, “there remains a trace of ‘torture’ in the modern mechanisms of criminal justice—a trace that has not been entirely overcome, but which is enveloped, increasingly, by the non-
corporal nature of the penal system” (1977, 16). One general population prisoner begged an activist to make a public statement about the ongoing abuse: corrections officers were taking prisoners onto the elevators in order to conceal their beating. Violence is pervasive, yet hidden, creating a constant, ominous fear. However, there is also a weakness in such “dependence on force” (Derrida 1992, 31; Pound 1997, 20; Tilly 2003, 19; Melucci 1996, 266). When such extreme behavior occurs, it intensifies injustice frames, increases radicalization, and invites punitive legislation (Arendt 1969, 18; Skolnick 1970, 105; Kusch 2004, 37). Harvey Molotch argues:

> When authorities take illegal or morally questionable actions in a nonconsensual context, they run the risk of helping the movement should they be exposed. The government’s legitimacy and credibility may be damaged, and court cases may be filed because of illegal procedures (Molotch 1979, 118).

**Effects of Jail on Activists**

Activists are compelled to acknowledge a definite political dynamic to imprisonment when so many prisoners they encounter are poor minorities, many arrested on minor, non-violent drug charges (Krawczyk 2002, 25; Cockburn et. al. 2000, 102; Shepard & Hayduk 2002, 4). Like the Rampart police station protesters, others had similar interactions with the general population. Activists continued to have positive gatherings, especially the women. A definitely gender difference arose on this issue. The women were able to bond: share stories, survival tips, sing, construct demands, and discuss intimate details of their lives. Zahara Hechsher, arrested in Washington, D.C., stated:
We had our own cellblock and there were none of the general inmates. We had interactions with the inmates who were employees, because a lot of them worked in the jail. It was positive, because a lot of the inmates are really good people, and it was really educational, to see the reality of what they’re living through. And to realize that what we experience is nothing compared to what they deal with (2001).

The men were often more standoffish, the general population simmering with resentment at the occupation, the white men afraid of macho domination rituals. However, once this ice was broken, passionate conversations transpired. Dave described an interaction where the general population inquired about jail solidarity:

I’ll never forget this—it happened more than once—people would ask us, “why you here?” And we would reply, “well there’s this thing called the IMF and the World Bank…” And the [general population] guys would cut us off and say, “we know the IMF and the World Bank, we know the reason why you’re here. But the tactic, explain the tactic.” They were interested in jail solidarity. We said, “there’s people that are more active in the movement than others and they’re target as leaders. We basically don’t want anyone to be left behind. We don’t want anybody to be charged with a felony for a misdemeanor crime. We’re basically hanging here together so that everybody gets released at the same time, and or with the same charges.” And they said, “okay,”—that made sense to them. Once they understood the tactic—that it wasn’t just some poverty vacation for us—we were established (2002).

When the activists announce that their arrest was a result of social protest, especially police brutality, the general population became compelled to narrate their own stories, as we witnessed in the Rampart scenario (Hermes 2001; John 2002). Christopher Day, arrested in Seattle, Washington, D.C., and Los Angeles, heard such accounts:

We began to hear all these stories. It became harder and harder to talk about how badly we’d been treated. Awaiting trial for some could conceivably be six months, because they couldn’t make bail. And we were
able to get one a lawyer, which I think had the effect of winning us a lot of points with the population. So then we’re not just a bunch of smart-ass white kids, we’re smart-ass white kids who you can get something from (2002).

The general population, excited from their usual routine, encouraged by the idealism of the activists, and aware of the activists’ privilege, become hopeful that they can access assistance through such connections. Many of their cases are minor—especially compared to the upheaval that the activists create—yet they are unable to afford bail and their release. Therefore, they gain hope that the activists can either provide influence on their behalf, or attract public awareness to their own plight.

**Court Solidarity**

Out of hundreds of arrests in Seattle—only fourteen people faced felonies—and those were settled out of court. Ten misdemeanors went to trial and they resulted in fines, probation, or time served (Komo 1999; Lydersen 2001, 133). Others, unable to pursue their case in court, paid fines as well (Hunter 2002; Moore 2002). In Washington, D.C., during the April 16th 2000 protest against the IMF/World Bank, many people were randomly released after arrest, or had their cases dismissed (Dave 2002; Delgado 2001; Hermes 2002). In Washington, D.C., Approximately 157 activists participated in jail solidarity for nearly a week, overwhelming the jail system, and were released with a five-dollar jay walking ticket (Marini 2001; Komisaruk 2001; Hermes 2002). At the RNC 2000 in Philadelphia, a large number of people were released and nearly 400 people
participated in jail and court solidarity for reduced charges (ibid.; Falls 2002). During the DNC 2000 in Los Angeles, thirty-eight people participated in jail solidarity (most from the Rampart action), and spent six days in jail while negotiating with the prosecutor, Mr. Gluck. Soon, the charges were dropped. During the RNC 2004 in New York, approximately 1,821 people were arrested on minor misdemeanor charges and 90% of these cases were dropped (Maull 2005; Steinhauer 2004). A judge demanded that the protesters be processed within the legal time limit or be released, this resulted in a fine for the city, in addition to the lawsuits filed by the National Layers Guild (ibid.; Senter 2004, 13). “There is no question that major lawsuits…do force states and cities to alter their practices” (Chevigny 1995, 101). By the time activists have reached court, the precedent of previously dropped charges weakened the prosecutor’s case, the jail solidarity had worn down the system, and the threat of court solidarity was taken seriously.

Court solidarity provided a second phase of attack. Activists demand a speedy, jury trial, with public counsel, and often attempt a political defense, usually deemed irrelevant (Barkin 1980, 950; Krawczyk 2002, 8; Thomas 2000, 93; Komisaruk 2001; Sitrin 2001). This tactic is utilized to expose the political issues—and occasionally, to disrupt the court process—such as the antics utilized by the Chicago Eight trial after the DNC 1968 (Barkin 1080, 952). The defendants: Lee Weiner, John Froines, Abbie Hoffman, Rennie Davis, Jerry Rubin, Tom Hayden, David Dellinger, and for a moment, Bobby Seale, were charged with conspiracy of intent of causing riots at the convention. Abbie
Hoffman, especially, disrupted the court proceedings on numerous occasions: he blew a kiss to the jurors, held up a newspaper for the jury upon which the headlines announced the court proceedings when they had been ordered to avoid the media during the trial, he refused to rise when directed to do so, he laughed at the judge, made many unacceptable comments, danced around and bared his body to the court, and entered the court wearing judicial robes—then threw them on the ground and wiped his feet on them. During the trials of the RNC 2000 protesters in Philadelphia, many of the defendants presented political issues and disrupted the process with humor and commotion:

The best was our first appearance: we shut down the courtroom ‘cause we were all giving statements. Malcolm read from the little red book and the judge shut down the courtroom. But we refused to leave the courtroom. So they opened up another room so we could hold a meeting to make a collective decision. We decided to go back and tape our mouths while we had one person give a really strong statement. And it was pretty amazing (Scott 2001).

Kadd utilized a sock puppet to vocalize the group’s statement, since he had been arrested at the puppet warehouse with many others:

They held a status hearing and several hundred of us had to show up. At one point we were entitled to make a statement. A lot of people talked about Mumia, political prisoners, globalization, corporate domination of the political system, on and on. I took my sock off and borrowed a sharpie from somebody and drew a face on it. I decided that when my turn came, I was going to say that since they had shut down the puppet warehouse during the protest—and we felt the puppets had been silenced on the streets—I had arranged for one to speak on my behalf. The judge said, “that’s it, I’m not going to hear any more statements, I’m done.” But then he said, ‘I’ll hear one more statement, one person can make a statement.’ I made a statement, with duck tape over the hand puppet’s mouth. And I explained why the puppet was there with me, and that he was really pissed off about being silenced again. I made a personal statement, saying that I was raised with certain ideals—to respect life and be honest—and that’s
what I was pursuing in the streets when I was arrested. And it was pretty funny because even in court, we were still winning (2002).

During the court proceedings, outside support attracted further visibility, support, media attention, and provides the activists with the sense that “what they do matters in the world” (Molotch 1979, 73; Porta & Reiter 1998, 18; Levy & Miller 1970, 242). When Dr. King was arrested for “allegedly speeding in his car,” a crowd gathered outside the jail and he was soon released on bond (Gregg [1935] 1966, 39). When Angela Davis was arrested, there were demonstrations outside of the jail, chanting slogans loud enough for her to hear (Davis 1998, 29). During the DNC 1968 in Chicago, nearly a thousand supporters gathered outside of the jail in which Tom Hayden was held, resulting in his eventual release (Kusch 2004, 71). In Seattle, during the WTO demonstrations, several hundreds people gathered outside the jail on December 2nd, demanding lawyer access for the arrestees (Williams 2004, 206; Guilloud 2001, 225; Christian 2002). Vanessa was outside the Seattle jail:

It was amazing. I’ve never been a part of anything like that before, and it was true for a lot of people. I actually saw community in action—people were taking care of each other, there was so much food, cigarettes, water, and sharing. It started to rain and people were throwing up tarps, brought blankets and sleeping bags. They stayed there for four days (2001).

In Washington, D.C., during the IMF/World Bank protests (2000), people had camped in front of the jail until activists were released (Hermes 2000; Cedar 2001; Kadd 2002; Santoyo 2002). This vigil provided additional emotional support for the arrestees (Smith 2001, 28; Hermes 2002). The activists’ situation was also reported in the newspapers, which both activists and general population
prisoners read with great interest (Dave 2002). They also utilized direct action, such as blocking the police bus that attempted to take the activists to court (Dave 2001). Kris Hermes describes the scene:

Folks outside heard that the court was going to try and bring protesters before the judge in an attempt to secure people’s identities. We were forewarned that authorities would be forcing public defenders on those successfully taken to court. The word was that buses may try to transport them as early as 4 a.m. So, we met about what to do until early into the morning. We did decide that once we got word of buses making the move, we would chant, “Keep solidarity in court!” and hold up signs that said, “Fire your public defender!” (2002).

With such strong solidarity represented by the outside vigil, the final, joyous releases can be predicted (Hecksher 2001; Jen 2002; Cummins 2001). In Seattle, activists were released to a cheering crowd:

It was amazing. We had heard them drumming. We could see them if we stood on our tiptoes and looked out the window. I remember lying in bed thinking ‘I’m going to donate a drum to the direct action network because it was the thing that was keeping me going.’ They came with food, and the American Civil Liberties Union was there asking for statements and our story (Kerr 2002).

Some activists felt guilt upon release: their difficult, yet strengthening experience was over, and they would be separated from their solidarity sisters. Others experienced guilt about the general population whom would remain imprisoned and never experience such a celebrated release (Agent 99 2001). Mary Caroline Cummins describes this sentiment:

I remember looking back up at the windows and I could see people’s silhouettes. Seeing people watching us from their cell windows made me feel like shit. Our experience was not like having to be there for real, not being able to get out, not having people bringing you food upon release, and no television cameras documenting your arrest and release (2001).
Vanessa was also released along with Cummins and felt similarly distressed:

All of our friends out there, all this food, everybody was partying—it felt so good. At the same time it felt so wrong to be stuffing our faces, to be in the mist of all this love, while leaving behind thousands of people in jail. There was a waiting area for families, mostly window, and we were right in front of it. There was this woman in there that was really cool, she cleaned our POD, so we had some conversations with her. We gave her the food that the guards used to bribe us. She was inside this waiting area mopping the floor. I looked through the window and saw her. Wow, she recognized me. She was mouthing, “congratulations, so happy for you, I wish I was out there with you.” I just started to cry, it was really awful. In retrospect, I think the feast right in front is a bad idea. That’s bad manners. It’s like eating in front of starving people (2001).

**Coalitions with Prison Abolitionist Organizations**

Besides temporal protest actions, long-term community organizations designed to reform or abolish the prison industrial complex have flourished, in conjunction with the Global Justice movement. The Prison Moratorium Project, in coalition with the AFL-CIO intern program—organized a campaign against Sodexho Marriott—a cafeteria company that invested in private prisons, particularly the Corrections Corporation of America (Davis 2003, 97; Greene 2003, 141). “Within a year, the Dump Sodexho campaign had spread to more than 60 colleges…and the company had lost contracts at seven schools” (Pranis 2003, 157; Cray 2001, 4). Critical Resistance, established in 1998 by the Critical Resistance National Conference, had a mission: fighting against the prison industrial complex and the social factors that contributed to the rising imprisonment population (Critical Resistance eds. 2000, 6; Hames-Garcia 2004, 194; Chevigny 2000, 30). Schools/Homes Not Jails and Books Through Bars attempted to connect the Global Justice movement with practical contributions
towards prison improvement (ibid., 30; Sellers 2001, 74). “Homes Not Jails, San Francisco, physically takes control of vacant and abandoned housing in order to house homeless people” (Starr 2000, 62). The prison abolition movement has always framed the prison system as an institution that feeds on poverty, encourages homelessness, recidivism, and greater social problems. Yet the prison population continues to increase exponentially—while the United States only contains five percent of the world’s population, it incarcerates twenty five percent of the world’s prisoners (Critical Resistance Editors 2000, 1). As an established and growing area of grassroots organizing, the Global Justice movement would have no problems joining forces with such dynamic organizations.

**Conclusion**

The Global Justice movement has increasingly suffered First Amendment rights violations and unjust arrests—and has responded with jail solidarity. High bail, bans on assembly, pre-emptive arrests, and conspiracy charges have attempted to decrease movement participation (Gonzalez 2001, 351). “Every progressive movement has faced political repression, and every progressive movement has—and will—sweep it aside” (Berlet 2002, 276). The IWW and Civil Rights movement utilized political jujitsu: using arrest as a tactic against the system through resistance (Brecher 2000, 97). If they suffered arrest, they would remain in jail, thus presenting an unanticipated challenge to authorities. When faced with court proceedings, activists have countered with court solidarity: exercising their rights to speedy, jury trials, and court appointed lawyers. In this
way, they avoid inflated plea bargain deals, exercise their rights, present their issue to the public, and overflow court dockets. Overwhelmingly, inflated charges are reduced or dropped due to such pressure.

Some lessons have been learned from such tribulations. Dave, arrested in Washington, D.C., explains one lesson:

I think that’s one of the advantages these street clashes might have in sort of indoctrinating these middle class kids into the reality of social movement in these country. There’s brutal treatment being meted out there. Maybe if you’ve never experienced it first hand, you think you can just run out in the middle of the intersection and set fire to something and not deal with the consequences (2002).

Besides experiencing police brutality and abusive imprisonment, the movement has also learned that the risks of “being involved with direct action politics are much higher for people of color than for whites” (Yuen 2001, 16). And, more often than their white counterparts, people of color often understand that brutality is often administrated by the police and the prison industrial complex (Gonzalez 2001, 250). Therefore, the construction of an “alliance across racial lines, between the predominantly white movement against corporate globalization and the predominantly people of color movement against criminal injustice” is beneficial in establishing a “domestic analysis of corporate globalization and what effect it has on disenfranchised communities of color” (Barrow 2002, 145,151). “In short, people of color in the US provide an experiential link with the raw violence of capitalist globalization that would deepened immeasurably the level of critique and political power of the movement” (Yuen 2001, 15; Barrow 2002, 151).

The anti-corporate globalization movement could increase membership,
and foster applied, grassroots activism, by coalitioning with others on domestic class and racial issues. Many active, dynamic prison abolition organizations could provide powerful alliances: the Coalition Against Police Brutality, Malcolm X Grassroots Collective, Audre Lorde Project, Third Force, Third Eye Movement and SLAM!, among many others (Kaplan 2002, 50; Manigo 2001, 84). The Global Justice movement has often questioned, “how we can recruit people of color?” The real solution is based upon a respectful, mutual alliance between organizations. An analysis of corporate domination is incomplete without a practiced understanding of the issues and forces affecting communities of color in the United States. Until this is practiced, people of color will continue to feel excluded, underrepresented, and unfamiliar with the Global Justice movement.
5) Radical Law Collectives and The Global Justice Movement

An anarchist can surely be a good legal scholar. And if he is such, then indeed the Archimedean point of his convictions, which is outside the conventions and presuppositions which are so self-evident to us, can equip him to perceive problems in the fundamental postulates of legal theory which escape those who take them for granted. Fundamental doubt is the father of knowledge

--Weber (1949, 7)

Intro

Social movements’ literature has not given sufficient attention to the dynamics of arrest, imprisonment and court trials, or, the legal process of resistance, as it has to the precursory street protest activities (Eskridge 2001, 420). Recently, a new upsurge of law collectives have been established to support activists that face arrest and/or court proceedings due to protest actions and therefore, play an important role within social movement dynamics. For this chapter on law collectives, we may turn to the literature of Critical Legal Studies (CLS) for a theoretical framework, which has analyzed the legal establishment from a radical leftist perspective. The CLS field developed during the 1960s as an intellectual critique and challenge to standard legal theory. It utilized Critical
Theory of the Frankfurt School and has since come to incorporate some aspects of postmodern and deconstruction theory (Rubin 2001, 18; Cardarelli 1993, 504; Wicke 1992, 10). CLS has critiqued the law in terms of hegemony (Litowitz 2000, 516); the maintenance of class, gender, and race hierarchies (Siegel 2001; Crenshaw 1988; Russell 1994, 224); and the discrepancy “between the law in the books and the law in action” (Cardelli 1993, 525). On social movements, legal literature has primarily examined the substance of litigation and law reform efforts and their enforcement (or lack thereof) (Rubin 2001, 48; Coglianese 2001, 85). In both CLS and social movement literature, a distinction has been established between “insider” tactics such as law reform and “outsider” tactics such as direct action (Burstein 1991, 1203). For example, as Paul Burstein suggests, social movements should utilize both “proper channels as well as outsider tactics”—however, CLS theory has not analyzed the use of outsider tactics within proper channels—such as civil disobedience inside the jail and courts (1991, 1203). Since its practice in Seattle, jail solidarity has included such tactics as: withholding personal identification information so that processing is halted, included processing individuals out of jail; disobeying orders; and conducting hunger strikes. Within the CLS critique, Critical Race Theory has been centrally utilized for examining the impact of racism within social and legal channels, often relying on personal narrative as methodology (Rubin 2001, 62; Crenshaw 1988). An analysis of law collectives fits within the realms of CLS precisely because it provides a real world example of a dynamic leftist challenge
to the legal institution. While law collectives utilize the law, they do so with the outsider spirit of direct action and the objective of using the language of domination against itself. Law collectives seek to challenge the legitimacy of arrest and court tactics for protest suppression, hegemonic institutional practices, and to force the question of whether justice can be achieved through law.

More philosophically, for Jacques Derrida, justice remains a question: how can one work towards justice from a particular location or circumstance; and does justice even resides inside the boundaries of the law (Briggs 2001, 265; Valverde 1999, 657; Derrida 1992, 4)? Michel Foucault asks us not to examine why the legal system exerts power in the way that it does, but instead, to show how power and resistance are manifested through the details of interaction (Hunt and Wickham 1994, 120-4). This “strategic exercise of power” that the legal system has revealed, argues Jurgen Habermas, “requires legitimation” (1973, 19). This legitimation can only be established when “certain formal procedures fulfill material claims to justice under certain institutional boundary conditions” (ibid., 99). This legitimation necessarily needs to be upheld by civil society. However, once established, this legitimacy tends to “shrink to a belief in legality”—that justice can be institutionalized within the legal system (ibid., 98). Stanley Fish writes of two distinct ways in which the law retains legitimacy: the law “is always in the business of constructing the foundations on which it claims to rest and in the business of effacing all signs of that construction” (1994, 21). Second, “the law does not remain what it is because its every detail survives the passing of
time, but because in the wake of change society still looks to it for the performance of a particular task” (ibid., 23).

The act of civil disobedience re-situates the question of justice outside of the legal institution’s exclusive domain and asks it of civil society—or, “the people”—the supposed root of Constitutional power. Unjust laws are challenged through civil disobedience, which serves as “the pacesetter for long overdue corrections or innovations” of law (Arato 1995, 579). In addition, questions of constitutionality are transfigured within a “constitutional culture,” reinforced by the important “role that social movements play in the construction of constitutional meaning,” rarely recognized by official legal theory (Siegel 2001, 300-4). This chapter will consider the importance of social movements and their role in questioning the legitimacy of the legal institution through their challenging interactions within its boundaries—and within the “constitutional culture.” When the legal system upholds the rights of the oppressed or marginalized, it “increases the moral power of the law and the Constitution” and reaffirms its legitimacy (Munger 2001, 12).

**Radical Law Collectives**

Law collectives provide radical challenges within the realm of the institutional legal system for the defense of arrested activists. They publicly witness whether constitutional rights are practiced as the activists make their way through the channels of the criminal justice system (Siegel 2001, 300-4). Once activists are arrested, constitutional procedures become the point of contention
between the two parties. Activists—armed with the knowledge of their rights and the support of the law collective—push for their charges to be dropped and subsequent release by proving the unconstitutionality of their arrest or subsequent treatment. Meanwhile, the prosecutor attempts to charge them on as many counts as possible. Therefore, the battle is played within the lines and limits of the law. In these cases, the legitimacy of the activists’ complaints may be established through their ultimate acquittal or civil suit success. Or, their failure will be noted by the charges that remain.

“Right to legal aid and services are important means,” states Shadrack Gutto, “to protect the limited rights…and to pursue other rights and freedoms that are denied” to marginalized and oppressed groups (1993, 241). For the anti-corporate activists, the access to sufficient lawyers, which also understand and utilize their tactical strategies, has provided a resource challenge. During the Civil Rights struggle, the lack of adequate lawyers provided a hindrance to the movement; while the Vietnam protesters were able to employ a younger generation of radical lawyers that had since emerged onto the scene (Barkan 1985, 39, 89). This trend of liberal lawyers intent on protecting civil rights has continued to grow, and has provided contemporary social movements with their legal defense. The role of the law collectives is to provide this link with sympathetic (and pro bono) lawyers, so that movement resources can be allocated for other endeavors.
Law collectives differ from legal offices that provide legal information and representation in court on issues of poverty, discrimination, or social justice. Such offices are service providers that represent clients in courts but do not provide the preemptive, inclusive, extra-legal, and activist-oriented support that the law collectives offer. Examples of high profile, civil rights law offices include the Southern Poverty Law Center, founded in 1971. Located in Montgomery, AL, its first president was Julian Bond, a civil rights activist. They have represented unpopular pro bono cases that few others would accept: segregation, discrimination, the death penalty, hate groups, prison conditions, the confederate flag, and medical services for the poor. Legal Aid, a nationwide public defender office, provides for the right to council and particularly emphasizes “poverty law.” The Trial Lawyers for Public Justice, who represented the WTO civil suit won in 2003, also specialize in precedent-setting and socially significant civil litigation. The National Lawyers Guild (NLG) is both an activist and professional organization that represents socially significant legal cases. Their controversial cases have established their radical reputation. On account of their defense of Communist Party members during the McCarthy era raids, their radical taint even aggrieved the NAACP Legal Defense and Educational Fund—which refused to represent civil rights activists alongside them (ibid., 43). The NLG is the only legal organization that retains non-lawyer members: law students, legal workers, activists, and explicitly, law collective workers.
While law collectives may work in conjunction with organizations such as these—they provide different services than law offices—and their members are activists, not lawyers. This allows the freedom of conducting actions that may be barred for lawyers—and to explore the “extralegal factors that interact with and shape law’s constitutive power” (McCann 1992, 743). For radical lawyers, “the threat of disbarment remains a potent, if subtle, restraint on her behavior” (Barkan 1980, 107). Law collective members do not have similar restraints upon their abilities and remain intermediaries between arrestees and lawyers. While lawyers are paid (or pro bono) service providers, law collectives are volunteer information providers, teaching rights instead of providing the legal defense. Difficulties arise when activists expect law collectives to ‘do the work’ of their defense. Instead, law collectives provide the information that can lead the arrested activists to establish their own desired defense and select lawyers accordingly. Annie, of the NYC People’s Law Collective, described their frustration when expectations for service provision runs too high. She used an example from the World Economic Forum protest in New York City:

Most of the people that are complaining with the way things have been going are people who are not from New York, for the most part. They don’t really know us, so they really do treat us as some kind of service provider, and I personally resent that. I feel that some of these people expect the PLC to be some kind of entity that organizes them. But it’s their own job to organize themselves (2003).

The law collective is comprised foremost of self-selected activists interested in legal defense. While a core group may already exist, the event of a mass demonstration always brings in more temporary volunteers. As relationships
with lawyers are established, lawyers work in conjunction with, but are not members of the decision-making collective. While rarely an issue, lawyers are not usually collective members because their work is different from that of the collective, and their position may create an imbalance of power within the group. This situation would counteract the anarchist philosophy guiding law collective practice based upon equality, non-hierarchy and collective decision-making.

This ideology of anarchism and anti-authoritarianism underlies most collectives’ mission statements. While it may be difficult to reconcile the legal establishment with anarchist philosophy, the reality is that the law is a tool used against activists and a viable defense is needed. The I.W.W. feared entanglement in the courts for precisely this reason. They argued that “you cannot fight the masters with the legal weapons they have built for their own protection,” yet later in their career I.W.W.’s often found themselves on the wrong side of the law (Preston [1963] 1994, 19, 90). Indeed, they prompted federal repressive laws aimed explicitly at quelling their organization’s intentions: the Sedition Act and Espionage Act. Many of their members, especially aliens, notoriously lacking equal protection, sat in jail cells awaiting resolution on the flimsiest of cases. Therefore, while law collective members may debate the necessity of a criminal justice system from an anarchist perspective—they will certainly admit its real and unmitigated existence—and the need for defense against it. As Mac Scott of the NYC People’s Law Collective states:

We don’t believe the law can be used to create justice. There are a lot of lawyers out there that believe, if used properly, the law can be used to
create justice. We believe that justice, that social change, revolution, is
created on the street. And what we can do as legal activists is help protect
movements and people in movements, while they go about the real
business of creating change… The law is a heavy, heavy club wielded by
capitalists and racists and I don’t think we can use that club against those
people. I believe we can shelter movements and people under attack from
its blows to some degree. But that the only way that club is going to be
taken away from the ruler of this country and world, is through people
mobilizing on the streets (2001).

Therefore the law collectives view law from a defensive, strategic perspective.
The law is rarely used against the power elite of society to create justice in the
way that it is used against those at the bottom. While activists are on the defensive
within the legal realm, they rarely are in a position to put the legal system and
police on the defensive—their justice can only response to oppression (e.g., civil
suits)—it is rarely pre-emptive.

**DAN LEGAL**

Attorney Katya Komisaruk became a founding member of DAN Legal,
the law collectives established in Seattle for the WTO protests. She had
previously been involved in the anti-nuclear weapons movement of the early
1980s, working within such organizations as the Abalone Alliance, formed in
May of 1977. Her first exposure to direct action transpired outside of the
Livermore Weapons Laboratory, a nuclear facility in the Bay Area. At that time,
civil disobedience actions were performed at nuclear facilities that resulted in
mass arrest and jail solidarity. Komisaruk consulted lifelong activist friends from
those actions, for assistance on creating a new, preemptive legal defense strategy
for the Global Justice activists—jail solidarity was established as a potential
tactic, as it had been preformed over a decade before. Because of the participation of older activists, the handing down of a tactical repertoire was easy to establish. A direct genealogy was created between the anti-nuclear movement and the new anti-capitalist globalization movement (Gamson 1982, 24).

Reminiscent of the successful mass direct actions outside of nuclear plants in the 80s’, Komisaruk utilized her previous experiences to formulate the workshops and trainings for the WTO. She developed a “jail solidarity” and “know your rights” training for novices. Komisaruk spoke of her motivation:

I was a little disappointed after I became an attorney because there seemed to be smaller actions and people weren’t doing solidarity tactics—at least not on this large scale in the way I’d experienced it. It had been a really amazing time, but I thought maybe it was gone for good. So I was so happy to have a bar card and my memories of how it could work at that time. Many of the lawyers who had been on the legal teams back then were no longer available. And because of the personal experience I had and of many of the activists and organizers, like David Solnet and Starhawk, we were able to germinate this very old seed from the early 80’s. And now it’s growing really well in the new millennium (2001).

On Tuesday alone, the second day of mass action, 498 people had been arrested by entering the 50-block “security zone” established under Marshall Law. In addition, Seattle Mayor Paul Schell imposed a “limited curfew” through midnight Friday in the area immediately around the WTO meeting venues (KOMO staff, 1999). Because of the stringent enforcement that prompted the mass arrests, jail solidarity was established. Some arrestees had participated in the workshops and were prepared; others were Seattle citizens, motivated to participate because of their anger, or were simply swept up unwillingly. Of those that had participated in the jail solidarity trainings, the basic information was
easily transferred to others while on the police bus. When the streets finally
cleared of protesters and tear gas, 576 total people had been arrested and over
ninety percent of those arrested maintained solidarity practices. Komisaruk related
the negotiation process that occurred:

In Seattle, although there was great pressure exerted on the jail, the
prosecutor refused to negotiate. The activists were having spokescouncil
meetings in the jail. They realized that they had a real vulnerability: at least
half the people who were arrested in Seattle had not planned on doing the
action. Since these folks were all arrested on Tuesday, they stay in jail
Thursday, Friday, and through the weekend. But most of them had to get
back to work on Monday. Because of that time pressure, and because the
prosecutor was refusing to negotiate, the prisoners at the spokes councils
decided that the best strategy was to leave jail. They cut a deal where
everybody could get out of jail without having to post bail, which they were
able to negotiate—then fight the cases in court. The decision was made to
use the court solidarity tactics of insisting on a speedy trial with court
appointed council. In the state of Washington a speedy trial is within 90
days. The prosecutor insisted publicly in his interviews that he could
prosecute them all. But over the three months, fifty cases were dismissed, 20
more cases, 40 more cases, and like a pile of sand by the seaside, the cases
dwindled. Right before the 90 days expired, they brought six people to trial.
Of those six people, five were acquitted or dismissed, and only one was
found guilty and sentenced to probation. So it was an amazing victory for the
use of courtroom solidarity tactics (2001).

However, the success of court solidarity and the end result took three
months to obtain. Paul Marini of Midnight Special recounted the final months of
work, after the volunteers had vacated:

There was one legal team who set up the office and did the organizing,
throughout the action. But those people were not expecting 600 arrests and
three months of legal work. So what happened was that they just had other
lives to go back to—everybody left. So two weeks after folks got arrested,
almost everyone in the legal team had to leave. And so we were left with
one person, Katya Komisaruk—who just basically just put her entire life
on hold and stayed. Some of the other organizers who were in town also
worked on the legal team. And then a bunch of volunteers got very
involved like myself. So for that three months there were probably I would
say between 12 and 20 people who were working on the legal team at any

With so many court cases daunting the legal system, there was a
tremendous amount of work. While Komisaruk and the second round of
volunteers worked to maintain contact with the arrestees, organize their return to
court, and establish their defense; Seattle’s prosecutor and court docket was
flooded with an unfeasible number of cases. The court system relies on the plea
bargain to “dispose of a far larger number of cases than could ever be tried,” and
without this tool, the prosecutor was paralyzed (Finkelstein 1975, 311). Over 90
percent of criminal cases are settled by plea bargaining prior to trial, this means
only one in ten cases are heard before a judge or jury; and about 80 percent of
those that go to trial result in convictions (Mullally 2000, 18). Plea bargains save
the government the “expense and time of a trial, which can easily coast the state a
five-figure sum and weeks of court time…. If they had to give a trial to every
person they brought charges against there wouldn’t be enough judges, jurors, or
courtrooms to go around” (Boozhie [1988] 1999, 24). With ninety percent of
criminal cases settled by plea bargains, this effectively means that the prosecutor
retains tremendous amount of power over the defense attorney, which often
counsels their client to plea as well. And the prosecutor’s criminal sentence will
not only be decided by the case at hand, but will include other external factors
such as “voter preferences, courthouse customs, the prosecutor’s reputation as a
tough or lenient bargainer” (Stuntz 2004, 2554). Most importantly, the plea
bargain is a coercive tool against defendants to plea guilty—even if they are innocent. As Michael Kinsley argues:

The government offered the accused a deal: You get a lighter sentence if you save us the trouble of a trial. Or, to put it in a more sinister way: You get a heavier sentence if you insist on asserting your constitutional rights to a trial, to confront your accusers, to privacy from searches without probable cause, to avoid incriminating yourself, etc. (2002).

These processes negate the legal rights to which defendants are entitled and results in higher sentencing than would be expected from a judge or jury trial (Finkelstein 1975). Defendants often accept plea bargains under pressure—“the promise of leniency in sentencing, a reduced charge, or the desire to avoid pretrial detention” (ibid., 293). Samuel H. Pillsbury reminds us that the law promises a trial to all defendants and asks, “what kind of a right is it if its exercise can be penalized with extra prison time?” (1999, M-5). Prosecutors often overcharge a defendant by filing as many charges as possible so that some can be dropped during the plea-bargaining process (Mullally 2000, 143). Additionally, the employment of three strikes rules also works to coerce defendants to accept plea bargains, even when they are innocent. Two major Supreme Court cases upheld the constitutionality of plea-bargaining: Brady v. United States and Santobello v. New York. However, “the Supreme Court’s arguments for the practice manifest an assumption that those who are induced to plead guilty would, in any event, be convicted” (Finkelstein 1975, 294). But a major oversight of this decision is the “weak-case” problem, when defendants would be acquitted through a trial but are intimidated enough to take a plea (ibid., 295). And sometimes, “pressures to plead
guilty have been used to secure convictions that could have not otherwise be obtained” (ibid., 309). Because of these injustices, part of court solidarity tactics encourage utilizing all available constitutional rights that provide more guarantee of a fair trial. The sixth Amendment is most often violated in such instances and such constitutional rights are beneficial only through their exercise:

**Amendment VI:**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

By pleading not guilty, defendants have more chance of getting a fair hearing before a jury—often more conscious and independent than a judge—yet who also may “frequently act out of idiosyncratic ideological motives” against protesters (Siltala 2003, 125). Like prosecutors, public defenders are always overworked and anxious to dispose of their cases through plea-bargaining as well (Boozhie [1988] 1999, 30). Utilizing a public defender means that the defendant must still maintain vigilance and skepticism regarding the PD’s advice, especially when encouraging a plea bargain. Therefore, while these public servants may provide advice aimed at efficiency for the courts, they may not provide appropriate counsel for pursuing a trial or acquittal. Approximately 70 percent of defendants are unable to purchase a private lawyer who can afford to pursue cases through the bitter end of trial (Mullally 2000, 135). Private attorneys will have
more freedom to pursue trials, but the price will rise accordingly. Out of all the cases that went before a judge in Seattle, only three people plead guilty. Paul Marini explained:

Within 90 days they would have had to try 600 people. Now they don’t try 600 people in a year in Seattle. A very standard legal process is the plea bargain, reducing the energy put into arraigning trials. They offer really bad plea-bargains and expect that someone is going to take it. And from an individualistic point of view it makes a lot of sense. Because say, I get arrested, I’m from Nebraska, I can either accept the plea bargain, get a year of probation or $200 fine or whatever they were asking, then never have to think about it again. But if you have 600 people who are supporting each other, helping pay for each other’s airfare, giving people a place to stay, going to people’s pre-trials and hearings to give them emotional support. And having rallies, newspaper articles and media work around this—then you’re might think, I’m going to trial, I didn’t do anything wrong. And with that support it was much more likely that they go to trial. The number of trials is a huge pressure on the prosecutor to prepare the cases, and also on the court to schedule them. The other thing is everybody demanded court appointed lawyers, which is a scheduling nightmare. And so people used their rights, and it puts pressure on the system. Then the first court date got pushed back because the prosecutor wasn’t ready—then the second date. And they continued to push it back. They basically didn’t want to take all these cases to trial (2001).

Civil suits were filed in defense of the protesters against the excessive police brutality in October of 2000. The final ruling of the court took four years to be decided. The “U.S. District Judge Marsha Peachman ruled on December 29, 2003 that police had no probable cause when they arrested 157 protesters at First Avenue and Broad Street on December 1, 1999” (Clarridge 2003). They had been arrested on charges of pedestrian interference after their failure to disperse. The police had used the same photocopied arrest warrant—complete with inaccurate information—for all the arrestees that were booked in the holding center at the Navel Station Puget Sound at Sand Point (ibid.). The warrant had been signed by
one police lieutenant who later “acknowledged that he had not made a single arrest himself” (ibid.). The ruling stated that the city of Seattle was to pay $250,000 to protesters. The city had also established a WTO Committee, which produced a Final Report suggesting that large-scale arrests should be used instead of “less than lethal” force. The report argued that if “less than lethal force” was in danger of being used, arrests should be considered instead. However, that directly contradicts the court ruling against unjustified mass arrests and promotes no-probable-cause arrests. Perhaps they should have been given a copy of the Constitution to consider as well.

With their success in Seattle, DAN Legal transitioned from a temporary WTO legal collective, into a permanent, mobile collective with a new name: Midnight Special Law Collective. Their months in Seattle had proven their commitment to the movement and their abilities to defend protesters inside the jails and courts. Therefore, they naturally followed the movement to the following mass demonstrations: the IMF and World Bank protests in Washington DC, on April 16-17th of 2000 and the Democratic National Convention in Los Angeles, August 14-17, 2000.

**MIDNIGHT SPECIAL LAW COLLECTIVE**

The Midnight Special Law Collective is an independent non-profit organization dedicated to providing legal trainings and support to a wide range of activists participating in the struggle for social change… The MSLC helps to keep activists safe and fosters the strength and effectiveness of direct action by providing empowering legal trainings and support.
Finally “off the road” from the nationwide direct actions transpiring from 1999 to the fall of 2000, Midnight Special Law Collective settled down in Oakland, California and reassessed their organizational aim. Their work primarily centered on constitutional rights education and practice. The importance of the constitution and civil rights are always most important at moments of crises—when the temptation to override it arises—but that would immediately create delegitimization. The government threatens the right to free speech not only through property rights and exclusion, but also by using the “civil and criminal law to carry out the rights of exclusion” (Sunstein 1995, 250). That was exemplified during Seattle’s Marshall Law ruling or the use of “free speech zones” at other events.

While Critical Legal Studies may teach the theoretical “endless deconstruction of law” as Drucilla Cornell calls it—law collectives apply such theories in real world situations (1995, 246). Cornell argues that the “law, as a construct, is always deconstructable” and that this deconstruction “destabilizes the machine and exposes the cracks in the system” (ibid., 246). But while Cornell descends from the academic field of Critical Legal Studies; law collectives provide the street-level test, which enables theory to be applied to concrete situations. “One unifying theme in the Critical Legal Studies cannon,” argues theorist David D. Caudill, “is the concern with the ideological role of law in society—legal institutions and processes serve to legitimate hierarchies, to
support hegemonic structures, to hide inequalities and oppression” (1995, 34). Balakrishnan Rajagopal argues that a “social movement perspective” is necessary to analyze and interact with the law, and that this perspective also expands the understanding of social change to include “extra-institutional forms of mobilization” (2003, 234). Law collectives understand that social change is developed through a broad spectrum of activities—many of which transpire on the streets and in social movements—but justice also needs to be defended within the legal institution. While the CLS theorists provide great insight into the legal institution, they stop short of providing practical advice to the street-level practitioners.

Continuing their public legal education, Midnight Special began to offer their workshops to local social justice organizations. The law collective had become discouraged by their insular legal knowledge, which placed them in a position of authority and demand within the activist community. Instead, they wanted to generate independent, proficient legal knowledge in those communities. Phaedra Travis of Midnight Special, discussed the transition from mobility to their settlement in the Bay Area, and how this modification has altered the composition of their legal assistance:

Our work has changed some since we were on the road…. Our goal is to help people set up their own legal support so we don’t have to travel. Then people will have stable community support networks so that they can challenge the legal system more effectively (2001).

By educating others to do the work, their resources are able to extend exponentially. Paul Marini discussed how Midnight Special was able to support
two, bi-coastal actions with this method. He used actions in Burlington, Vermont and San Diego, California to provide his example:

We decided that instead of being a mobile legal team that travels around and does legal support and handles every single detail until we get burnt out, we would help local organizers set up a local legal team. Which is what we did for the Bio-Justice demonstrations in San Diego, June 24-27, 2001. We got the folks who were interested in legal work, helped them organize, set up the office, [taught] how to track arrests, the bureaucratic process, and all the details. And then just worked with them to actually make the decisions about what the legal team would actually do. So the Bio-Justice legal team was really collaboration between some really great local organizers and Midnight Special. And that is much more sustainable. Because now there’s twice as many people who can do legal support after that one action…. Also, we were involved in the legal support for the FTAA…. So instead of being what was kind of a hierarchical collective, we focused on getting everybody’s skills and comfort levels to the point where we were able to help the legal team in Burlington, Vermont, for Quebec, Canada and later in San Diego (2001).

Through assisting community organizations on their particular legal needs, these legal trainings are able to go beyond “know your rights” education and include everyday injustices outside of protest scenarios. This was exemplified through the partnership between Midnight Special and the local organization PUEBLO. Dan Spalding spoke of how Midnight Special approached this community organization:

We’re working with PUEBLO, People United for a Better Oakland and they’re a very forward thinking group, their projects include environmental justice, welfare reform, youth organizing, and police accountability. And it turns out that we have a lot of experience doing trainings and accountability work in a way that PUEBLO didn’t have. So now we’re working on this project and we’re really able to plug in and contribute to our community and really address the needs of everyday people (20 Oct. 2001).
This has also shifted the focus of their workshops from constitutional rights, to the discrepancy between the written law and its actual application in everyday street encounters. Human rights theorist Shadrack Gutto writes:

> The recognition that in real life situations, levels of disparity exist between the written law and what society demonstrates in actual legal relations in practice, is an important theoretical starting point for understanding the relationship between law, including human rights law, and society (1993, 401).

By arming citizens with the tools to understand their rights and how daily encounters may not reflect such attention to rights, other, more practical situational encounters can be rehearsed. For example, indignantly arguing with an officer about the right to privacy may result in unanticipated ends. Instead, one should gain the practical knowledge of dissipating further on-site abuses and acknowledge offenses in other, more effective formats. For example, PUEBLO has established a Citizen’s Review Police Board and maintains their own database of reported police abuse instead of relying on the government. In this way, citizens can report and record abuses without interacting with the bureaucratic encumbrance of the police department.

By combining ‘know your rights’ workshops for protest activity, as well as everyday community encounters with police, Midnight Special’s practices have expanded beyond the anti-corporate movement in which they were founded. They have achieved their goal by connecting movement resources to community issues. In this way, obtaining social justice is all the more feasible.
NEW YORK CITY PEOPLE’S LAW COLLECTIVE

Our work is founded on the principles of liberation, solidarity and mutual aid, consensus process and critical use of the law. We are anarchist, anti-racist, anti-sexist, and anti-capitalist. We are a part of the movements with which we work, not separate and detached. With these principles, we carry out our work of providing legal support, training, and education to people and groups engaged in radical action.

--New York City People’s Law Collective

The opening quote of this article by Max Weber best exemplifies the struggle of the New York City People’s Law Collective (NYC PLC). They were born within a mass demonstration, like DAN Legal and Midnight Special, and continue to work within radical activist circles as legal educators. Their grounding philosophy is decidedly anarchistic—a stance with which they introduce themselves. After the roundups of activists during the Republican National Convention in Philadelphia of August 2000, hundreds of arrestees sat in jail for upward of two weeks, witnessing intense police brutality. The RNC Legal Collective took the brunt of legal defense work in Philadelphia. But when the New York City activists returned home and prepared for their court defense, the PLC was created:

We act as a radical presence in the legal community, provide jail support for activists that have put themselves in peril, facilitate popular education and training on rights and legal issues, and assist other communities in organizing legal collectives of their own (New York City People’s Law Collective).

While their radical stance and anarchist identity does not differentiate them from other law collectives, the importance of exerting it does. Many primary meetings of the new collective antagonized over establishing their identity—
slogans and logos that would reflect their philosophy—anarchist legal support.

Acting as a bridge between the radical anarchist activist communities and a liberal legal community also strained the collective. But their loyalty has been demonstrated through their tireless efforts to keep activists out of jail, while soliciting the assistance of the sympathetic legal community of New York City—the National Lawyers Guild and Legal Aid. As Annie of the PLC described:

There was concern that we’re going to have trouble working within the legal context if we announce ourselves as anarchists. We felt that our main role is networking and protecting other anarchists, and that we should be looking to our activist community rather than looking to the law and the legal system for legitimacy. But at the beginning there was generally a feeling that we’re not going to be taken seriously by the legal community. And the issue of whether or not there should be lawyers in the collective was an issue, a big, big debate. But it goes without saying that you can have a collective without a lawyer (2003).

However, their constant street presence at demonstrations in New York, and in other Eastern cities, has made their “street legal” teams a familiar presence. Aside from the legal office and jail support, the PLC always provides a street presence, signified with their red armbands. They especially maintain their presence when any protester-police tension develops, so that they are on hand to provide information to possible arrestees as well as to record the interaction. Because of their front lines presence, many street legal teams have been arrested along with other demonstrators. While the National Lawyers Guild organizes their own “legal observers”—famous for their green hats—they are supposedly neutral and maintain a distance from contentious interactions.

It is entirely possible to use legal processes while remaining highly
skeptical of them (Gutto 1993, 417). Shadrack Gutto, theorizing in a way that would resonate with the PLC, states:

Capitalism will not work for an alternative system that might arm the laboring masses with sufficient legal weapons with which to struggle to advance and protect their revolutionary demands and needs….The ruling classes…socially engineer the oppressed classes to use law instead of more revolutionary means and methods for social change (ibid., 248).

A critical view of law provides perspective on the discrepancies between justice and the legal system. CLS theorists argue that the law is manipulated by the elites against the oppressed classes, and one manner in which this is accomplished is to entangle outsiders in expensive and alienating legal practices. Moving the struggle off the street and into the jail cell or courtroom does not temper the violence of the interaction—it only transfers it. Law, as a system of social control, is limited by its dependence on force (Pound [1942] 2002). As Jerry Leonard describes:

The use of particular legal rules, or the more generalized resort to legal rule systems in the effort to derive some set of principles embodied in them, is a concealed deployment of political force. These legal rules and their use are therefore not designed to temper violence, but, on the contrary, to satisfy it (1995, 142).

By moving the lynch mob into the jury box, or by establishing endless legal procedural hoops (permits, injunctions), only transfers the bloody street battle to the sterilized enclosure of the courtroom, it does not erase the injustice.

PLC’s cynicism of the legal system fuels their creative strategies. As Marina Sitrin of the PLC expressed, “the aim is about empowerment when confronted by the law, having creative thinking with respect to the law” (2001).
And Macdonald Scott of the PLC painted this picture of the law as a tool of repression:

The law is an M-16 that’s wielded by the rulers of this country—I’ve seen it used. It’s the primary tool and weapon used against activists, oppressed communities, and movements. And I want to know how it works—how we protect ourselves from it. Time and time again I’d see my friends jailed in movements. I’d seen poor people in native communities attacked by the law. And I couldn’t avoid the law. It came up every time I was working for justice. So I decided I really wanted to know how it worked (2001).

This self-defense against the law, that Macdonald Scott mentioned, includes knowledge of the law, not only the written statutes, but the spirit of legislation—the ways in which it is used, abused, and enforced. For this aim, the PLC has provided workshops on activist security culture and on important repressive legislation, such as the PATRIOT ACT. The PATRIOT ACT has created much anxiety in the liberal community about the rollback of civil rights. Yet, such repressive legislation has always been utilized against marginalized communities and its unconstitutional nature can, ultimately, be combated. By studying the PATRIOT ACT, it can be placed in historical context of repressive legislation. Ultimately, the fight for justice, even under the shadow of legal repression, is imperative. The strongest tool that the government wields is creating a fear in which people are too intimidated to continue struggling.

Historically, there has always been repressive legislation used to repress activists and civil rights. The Immigration Act of 1903 excluded or deported immigrants because of anarchist beliefs and associations (Preston [1963] 1994, 32). The 1917 Immigration Act continued this exclusion of anarchists or of those
who believed in the overthrow of the government. The Espionage Act of May 16, 1918 disloyally to the United States in times of war a crime, or to promote the success of enemies, to write or speak against the United States, or to “advocate any curtailment of production.” The Alien Registration Act of 1940, usually called the Smith Act because this anti-sedition section was authored by Representative Howard W. Smith of Virginia, was adopted as 54 Statutes at Large 670-671 (1940). The Act has been amended several times and can now be found as 18 U.S. Code § 2385 (2000). It states in part:

> Whoever knowingly or willfully advocates…overthrowing or destroying the government of the United States….Whoever…prints…any written…matter advocating… overthrowing…any government in the United States….Whoever organizes or helps… teach, advocate, or encourage… the overthrow or destruction of any such government….Shall be fined…or imprisoned not more than twenty years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction….

The McCarran-Walter Act of 1952 was established to register and monitor members of communist organizations, or communist supporters, and was not overturned until 1996. However, many of these provisions were transformed into the Antiterrorism and Effective Death Penalty Act (AEDPA), signed in 1996, replacing “communist” with “terrorist.” COINTELPRO (1956-1971) became famous as a contemporary FBI counterintelligence programs designed to neutralize political dissidents, once its cover began to unravel. It established massive surveillance on a broad range of political activist organizations with neutralization as the ultimate end. Because of this, the Black Panther’s suffered 768 arrests between May 1967 and December 1969 alone (Glick 1989, 55).
Finally, the PATRIOT ACT was established six weeks after the September 11th incident, yet written long before, and ushered in a broad-based domestic surveillance program under the guise of fighting terrorism, while diminishing judicial oversight and the usual checks and balances of government procedure.

For Foucault, this form of legislature is hardly surprising. He states simply, “our society is not one of spectacle, but of surveillance” and it is “a surveillance that makes it possible to qualify, to classify and to punish” (1977, 217, 184). This is the culture of state repression, as he calls it, “a new optics,” which he defines as:

An organ of generalized and constant oversight: everything must be observed, seen, transmitted: organization of a police force, instituting of a system of records (with individual files), establishment of a panopticism (1994, 35).

With such a culture of fear constantly reestablished by the latest en-vogue boogieman—seditious alien, communist, and now, terrorist—the panopticon justifies more repression, injustice, and isolating fear of activists. The endless input, classification, and utilization of information against citizens justifies more searches for information. Ultimately, this collection of information itself is the ends, while the sheer overload of data is impossible to systematize in a feasible manner. But this system, like the prison that Foucault theorizes, is a failure that breeds grander failure as its central purpose. Police surveillance supplies offenders for prison as a commodity, transforms them into delinquents, and causing recidivism, which ignites the cycle of imprisonment and prison industrial expansion (1977, 282). He argues that the “failure of policing as legal governance
leads to more policing as legal governance” (Hunt 1994, 129). In short, police and legal repression justify their own existence.

The PLC overviews the ways in which the PATRIOT ACT implemented against activist organizations: monitoring activities, members, gathering information and attempts to neutralize groups. They provide examples of surveillance techniques so activists can be educated on avoiding self-incrimination and security. Marina Sitrin states, “when you’re faced with really repressive laws, you need creative ways you can resist them” (2001). These creative ways of resistance are the culture of law collectives.

Besides the outright repression of activist organizations and perceived leaders, these laws act to repress activity, membership, and public interest. They create a culture of fear, in which individuals are too afraid to mobilize into the streets, especially with personal vulnerabilities. While there may be a temptation for agitators to lessen their involvement or ignore the legislation, a thorough understanding of it can strengthen defense—especially when the left understands the law legislation better than the oblivious authors themselves. Mac Scott had described the law as a weapon from which activists need to be shielded so that they can go about the business of creating change. That shield is the law collective.

**Conclusion**

A successful social movement demands a competent and socially supportive law collective, in addition to progressive and pro bono lawyers. Such
collective has developed alongside major movements that have faced severe
police repression and extended involvement within the criminal justice system.
The NAACP Legal Defense, National Lawyers Guild, and Legal Aid have been
instrumental in providing legal support for social justice movements. The
development of Critical Legal Studies within legal theory has amended and
further developed liberal trends by interrogating and placing subjugated identities
at the center of analysis. While these legal theorists and lawyer practitioners may
institute these claims within systematic channels to their full extent, they are
limited by their bar card and professional capacity. With the examples of DAN
Legal, Midnight Special and the NYC People’s Law Collective, we are presented
with agitators not encumbered with licensed restraints. Therefore, law collectives
are able to put into practice the theories of Critical Legal Studies to their full
extent. Many collective members retain their anarchist identities and this provides
them with the cynicism that fuels both their disbelief of possible systematic
justice and their understanding that this state weapon, while detested and
deconstructed, provides one of the most potent adversities that the movement may
face.
6) Jail Solidarity: Effectiveness and Outcomes of High-Risk Direct Action

Once in a generation you can catch the ruling class off guard. Then you spend the next twenty years paying for it.

**Intro**

Henry David Thoreau argued over a century and a half ago: “under a government which imprisoned any unjustly, the true place for a just man is also a prison” (1999, 275). This has emerged as a mantra for high-risk direct actionists of the Global Justice movement. During mass arrests, such activists have retaliated by continuing to protest behind bars. Jail and court solidarity tactics provides a small, usually self-selected subgroup of protesters, with a tactic to challenge their imprisonment—while within it. They refuse to cooperate—even refusing release—until their demands are met: reduced or dropped charges and equal treatment. Such practices entail high-risk: protesters are often trained in direct action, legal rights, willing to take personal risks, and follow through with their actions. When the element of surprise, large numbers, and insufficient jail facilities are aligned—they often succeed in achieving their demands—however, the elements can defy them as well. In order to succeed in this battle against the
state, while incarcerated within it, activists demand excellent legal representation—both politically supportive and inexpensive. To fill this need, a law collective movement has organically developed. These collectives attract activist legal workers that provide coordination between arrestees and others. They establish a phone number for arrestees and their concerned family and friends to share information, staff legal offices, liaison with lawyers, provide street legal teams, ‘know your rights’ workshops, and written materials.

In this chapter, we will assess the overall picture of jail and court solidarity as utilized by the Global Justice movement. Chapter one presented a tactical history of such direct action, as practiced by the IWW, Civil Rights, and anti-nuclear movements. While different social contexts shaped each movement and its tactical repertoire, each movement imprinted different possibility for jail solidarity resistance. The experiences of the imprisoned Global Justice activists resonate with previous movements, both in resistance and repression. The tactic of utilizing song is highlighted as an example of creative jail solidarity. Transgressing rituals of court procedure became another tactic for court solidarity. The IWW disapproved of cooperating with the legal system, and many represented themselves. The Civil Rights movement accepted punishment over fines, disarming the authorities of a significant tool of compliance. The Global Justice movement disrupted court proceedings by making political statements out of turn, demanding extra assistance, and continuing with lengthy, ongoing cases. Such resistance is based upon a strong sense of solidarity, which will also be
examined. Finally, the Global Justice movement has faced recent outcomes of their high-risk actions, both anticipated and not. Once the activists were imprisoned, they were encountered with another domestic, social issue: jails were discriminately filled with people of color and the poor. Therefore, this issue joined the movement platform, and pointed towards a possible connection between social organizations of people of color and the global south, thus ensuring a growing, mass base of support and a truly diverse coalition.

**Tactical Development History**

Many social movements have utilized civil disobedience—breaking an unjust law—to express their social message. This is often received with force, arrest, and the enforcement of laws aimed at criminalizing resistance. Movements have had to organize counter tactics for self-defense. Such has been the role of jail and court solidarity.

The IWW’s forcefully practiced solidarity as they soapboxed in towns where they worked or organized, spreading messages of particular labor campaigns. They held public meetings in parks and public spaces, to recruit members and gain exposure. Their highly visible antics attracted the attention of the police and business owners, and soon, laws against soapboxing were enacted. IWW members nationwide heeded calls to flood particular cities, stealing rides on boxcars, anxious to be arrested for the cause. One after the other, IWW members were arrested as they mounted their pedestal. They continued until the jail was full.
The Civil Rights movement faced extreme repression during its many campaigns: desegregation of interstate bus lines, lunch counter sit-ins, voter registration drives, and so on. Their adversaries were comprised of vigilante groups, backed by the police. Because of this volatile context, movement leadership demanded strict personal discipline: love the enemy, accept punishment without retaliatory violence, and when arrested, reject bail and symbolize the injustice. Once arrested, the participants suffered their punishment rather than pay fines, and were able to disarm the state of their primary weapon of surrender.

The anti-nuclear movement staged mass civil disobedience actions that resulted in hundreds, or thousands of arrests. They carefully pre-planned their action: trespassing onto military nuclear bases to protest the use or construction of such plants, utilizing jail solidarity. They were able to attract attention to potential local perils and challenge the arms race logic. When they were farmed out to local jails, they refused to provide names or leave jail until their charges were reduced, thus attracting a great deal of media attention.

Jail solidarity tactics have erupted forcefully within these movements, demanding intense energy, numbers, planning, and legal support. While taking the authorities unawares, the tactic has been successful, turning the legal process on its head. However, once the authorities developed their own counterattack, and as the movement dwindled in arrest volunteers, legal support, and public attention, the tactic often fell into disuse. However, as it was erased from the collective
consciousness, its power rejuvenated, so that upon its latter return, it was taken by surprise, once again.

**Jail Solidarity**

JOHN DOE STATEMENT

We are in jail for doing nonviolent civil disobedience, because our freedom is diminished by the diminishment of others. The Democratic and Republican parties have brought us a society riddled with corporate influence, environmental destruction, racism, sexism, homophobia and other injustices. These individual issues are symptoms of the larger structural problem of corporate power and the selling of democracy at the expense of family and communities.…

8/19/00, DNC Los Angeles

While in jail, the reason for arrest becomes of interest to the media—and public statements work powerfully to spread the cause of dissent. Visibly, the public is presented with the question, ‘does such a social message garner speech repression, mass arrests, and days in jail?’ And when the public is informed of the organized resistance against such inflated charges, the question resonates with more force: ‘is resistance justified?’

The activists enter the surreal world of Goffman’s “total institution:” each aspect of personal control is eliminated, life is on a regulated schedule, and escape is nearly impossible (1961). Foucault presented European prison history within gruesome, gothic dungeon chamber filled with hooded torturers; and argues that this trace of primordial brutality always lingers (1977). The role of surveillance works as an omnipotent potential of observation, creating a self-censorship that demands acquiescence (1977, 108). Surveillance is a significant tool for the
operation and business plan of the prison industrial complex: street surveillance provides the jails with criminals, internal surveillance increases their penalties, and such repression creates an increased probability of recidivism (Foucault 1977, 282). A significant part of activist mass arrest is continued surveillance: compiling activists’ names, creating a public record, creating a group of future surveillance targets, and gathering organization information. When activists refuse to provide names or information, this identification process is rendered impotent—for a while.

To counteract the all-regulated atmosphere of the total institution, activists sing. While a more “passive” tactics, it alters the emotional bleakness, resonates resistance within the halls, and unsettles corrections officers. The usual noise of the jail reinforces the forces of power and domination: imprisoning bars clanking, officer shouting demands and orders, incessant chatter, inmates screaming and muttering—in short, deafening white noise—that insures no peace. Solidarity songs interrupt this institutional, auditory assault.

All jail solidarity movements have employed this particular tactic. The IWW developed a complete red songbook, “to fan the flames of discontent” (Renshaw 1999, 89). During free speech fights in Missoula, the jail overflow was redirected into a makeshift cell underneath the firehouse, unbearable with the smell of horse excrement. In order to protest such conditions, the IWW prisoners protested by song and speech, night and day. They were directly across the street from the city’s main hotel and the guests complained of the uproar. The court was nearby and its proceedings were disrupted by the noise (Flynn 1973, 104).
During a labor strike in Greensburg, Pennsylvania, a group of women, complete with babies in arm, were arrested and sentenced to thirty days in jail. Mother Jones advised them “Sing to the babies all night long!” (Flynn 1973, 89). Upon heeding her advice, the women were soon released, having disturbed the local neighbors in the town.

During the Civil Rights movement, “spirituals alluding to freedom lent the power of black cultural tradition to the sit-in campaigns,” especially if they were transported to a jail (Weisbrot 1991, 27). After sitting in at a Woolworth’s lunch counter, three women were arrested and served forty-nine days in a Florida jail. During their imprisonment, they wrote a popular song entitled “Fight On:”

Gone to the jail, without paying our bail  
Justice will come right over the trail…  
We’re fighting, we’re fighting,  
for a better land we know.  
For the Constitution tells us so (ibid., 27).

Christopher Day, a Global Justice activist, argues that “this movement needs a songbook,” after he endured 48 hours of “a sort of butchered version of solidarity forever, consisting mainly of the chorus” (2002). He felt song provided an important form of resistance that is “very hard to prevent,” is non-threatening, and a powerful morale lifter (ibid.). He does, however, fear another imprisonment with verse-lacking, untrained singers.

The general population hears such songs and cannot help but experience a different sentiment than that which the “white noise” always provokes. Someone within these oppressive walls has found it in their spirits to sing defiance, and
perhaps it could be infectious. They discover the activists are imprisoned for speaking about justice.

During their imprisonment, the overwhelmingly white, middle class activists are confronted with the politics of prison: people of color and poor people comprise the majority of the population, exposing biased laws aimed at controlling these populations. Corrections officers segregate the activists, while encouraging fear of one another through foreboding rhetoric. The privilege of the activists is painfully obvious, and therefore, they attempt to demand better treatment for the general population as well: stop the lockdown. When there are interactions between the groups, it has often spirited and beneficial to both parties. The activists are educated about repression far greater than their own; the general population is spiritually inspired, often writing their own list of demands. The connections between globalization and the repressive prison institution, aimed at neutralizing socially threatening populations, are highlighted. Having experienced a connection with this population, activists often incorporate prison reform within their social justice platform, and relate global oppression to domestic subjugation.

**Court Solidarity**

Released from jail, the trial becomes “a social movement activity in its own right” (Zwerman & Steinhoff 2005, 96). Represented by the press and tried by a jury, the activists appeal for justice (Barkin 1980, 945). If their actions cannot be justified, can their cause be publicly defended? Betty Krawczyk, a Canadian environmentalist acknowledges that the means cannot justify the ends in
court:

We are hauled into this courtroom before you, sir, all eight of us, but we are forbidden to speak of why we are here, we can’t talk about the Elaho Valley, about the thousand-year-old Douglas fir trees that are being clear-cut as we speak by International Forest Products, commonly known as Interfor (2002, 8).

Activists believe the means can justify the ends, because their broken law represents injustice (Solnit 2004, xiv). Therefore, a political defense becomes central—appealing beyond the courts—to the people. If deemed irrelevant for the courts, at least it can become a public record. As Steven Barkin observes:

They must also decide whether their primary goal will be to win an acquittal and avoid imprisonment or a fine, or, instead, to use the proceedings as a forum to inform the jury and the public of the political circumstances surrounding the case (1985, 15).

Others, disillusioned that courts can be utilized as a forum for public education or justice, have made mockeries of the proceedings, such as the Chicago 7 defendants. Arrested in 1969 for conspiracy to incite riots during the DNC in Chicago, the defendants, especially Abbie Hoffman, incurred hundreds of contempt charges: not standing, wearing judicial robes himself, making unacceptable comments, speaking inappropriately to the jury, and so on. During the RNC in Philadelphia, the Global Justice activists disrupted their many court proceedings. During the moment in which the judge accepted statements, the activists, like IWW soapbox orators, mounted the stand and presented political rhetoric: read from Mao’s red book, gave personal narratives, or put the court on the defensive. A sock puppet presented the final statement: “why had the puppet warehouse been raided?”
The numerous court cases in Philadelphia challenged solidarity. Arrestees lived nationwide, the cases were often canceled and rescheduled, they were costly, and the misdemeanor charges may have been less significant than the fight, for many of them. The R2K Legal Collective organized and maintained communication with the arrestees, organized consensus meetings regionally, and provided skimpy stipends for travel. The IWW “feared entanglement in the courts, believing “you cannot fight the masters with the legal weapons they have built for their own protection” (Preston 1994, 90). Some IWW members represented themselves, distrusting lawyers, and not trusting the systematic processes. However, a disbelief in the system does not render it invisible, and the punishments meted out are tangible. Many IWW leaders suffered from their contemptuous behavior towards the courts: they were sentenced to lengthy terms. Others accepted their punishment instead of fighting their charges so viciously, such as the Civil Rights movement. For most, professional, sympathetic, and pro-bono lawyers were necessary for the vitality of the movement.

**Law Collectives**

Obtaining competent, inexpensive, and large-scale legal defense has remained a challenge for social movements (Barkin 1980, 946). For unpopular organizations, such as the Socialist Party, legal support can be difficult to obtain. During the Civil Rights struggle, the NAACP Legal Defense Fund was unwilling to be associated with the socialists; less they compromise their reputation. The NAACP provided legal defense for the Civil Rights movement, “challenging
segregation statutes and police repression of demonstrators” (Weisbrot 1991, 35). However, the NAACP leaders, “who endorsed student actions derided the Gandhian jail-in tactics as impractical,” encouraging students to leave jail quickly, in Nashville, April 1960 (ibid., 38). Relationships between nationwide civil rights lawyers and local law collectives developed into its own field:

later in the 1970s, after the exposure of government abuses of power in repressing movements during the 1960s, a new generation of radical lawyers took the lead in forming “law collectives” and new defense committees to pursue new litigation on behalf of political prisoners who had been the target of these abuses of power (Zwerman & Steinhoff 2005, 97).

Law collectives were radical social agitators, preferring “clients” that were “political activists, radicals, students, and other youth in varying forms of alternative culture” (Handler, Hollinsworth, & Erlanger 1978, 44).

Law collective development was swift within the Global Justice movement. From the beginning of the mass demonstrations in Seattle, Dan Legal was created to provide legal training and monitoring. Katya Komisaruk, a veteran of the anti-nuclear movement, was familiar with jail solidarity tactics and felt it would be a successful tool for Seattle. The fervor for resistance spread, especially between the bewildered arrestees, who fought against their excessive charges with jail solidarity, practiced over a five-day period. As the cases made their way through the court system, ninety-five percent of charges were dropped. The collective changed its name to Midnight Special and hit the road and followed the movement:
After Seattle we decided that we should take the show on the road. We have good experience and work very well together so we transformed from Direct Action Network Legal Team to Midnight Special Law Collective. We traveled as a group to DC and we went out only a couple of weeks before the action. We organized an office and did solidarity trainings (Marini 2001).

After organizing the legal defense at subsequent protests: the IMF/World Bank in Washington DC, (April 2000), and the DNC in Los Angeles (2000), they were burnt out. Their dominance had created an unhealthy dependency within the movement. More beneficial, they could train locally in each city, establish other collectives, and multiply such organizations.

We decided that instead of being a mobile legal that handles every detail until we get burnt out, leaving nothing in each town; we would help organize local legal teams. We did this for the bio-justice demonstrations in San Diego in June 2001. We attracted interested folks, helped them organize: set up an office, track arrests, handle the bureaucratic process, and all other details. The bio-justice legal team was a collaboration between great local organizers and Midnight Special—much more sustainable. Now there are twice as many people who can do legal support after one action…. We were also involved in the legal support for the FTAA 2001 at the same time. So instead of being a hierarchical collective, we focused on getting everybody’s skills and comfort levels to the point where we were able to assist both the legal team in Burlington, Vermont, for Quebec organizing, and San Diego (ibid.).

During the RNC in Philadelphia, the R2K Law Collective had been established for the protest, quickly overwhelmed by the unexpected police brutality inside the jails. They later changed their name to Up Against the Law Legal Collective. After the RNC 2000 in Philadelphia, the New York City People’s Law Collective (NYC PLC) was created to assist the organizing efforts of arrestees’ ongoing court cases. They became a central legal force within east coast Global Justice movements. Marina Sitrin stated that the aim of their work
was the empowerment of Global Justice activists when “confronted by the law” (2001). The PLC website echoes this sentiment:

we act as a radical presence in the legal community, provide jail support for activists that have put themselves in peril, facilitate popular education and training on rights and legal issues, and assist other communities in organizing legal collectives of their own (2000).

Mac Scott, a founder of NYC PLC and the membership coordinator for the NYC National Lawyers Guild, presents a more dynamic examination of their law collective’s role within the Global Justice movement:

We’re an anarchist collective and I think that’s important to state outright. The difference between us and a lot of other legal bodies—we don’t believe the law can be used to create justice. We believe that justice is created on the street. What we can do is people in movements as they go about the real business of creating change. The law is a heavy, heavy club wielded by capitalists and racists and I don’t think we can use that club against them. We can shelter movements from its blows to some degrees. The only way that club is going to be taken away from the rulers is through people mobilizing on the streets (2001).

**Solidarity Forever**

The central unifying force behind the effectiveness of jail and court solidarity is solidarity—the recognition that actors belong to “the same social unit,” if only temporarily (Melucci 1996, 23; Melucci 1989, 29; Gamson, Fireman & Rytina 1982, 22). Consciousness raising, and a unified, collective identity often precede high-risk endeavors (Klandermans 1992, 92). Affinity groups and networks are often established through “preexisting social relationships,” constructed temporarily within planning workshops, by movement leaders, or by political
rhetoric (Gamson 1992, 61; Tilly 2002, 50). Solidarity is a social construction, strategically crafted:

It is normally the spokespeople, the ideologists who speak on behalf of other participants, who place most emphasis on unity. But careful observation reveals the chronic tensions and differences within the fabric of the movements. Collective actors invest an enormous quantity of resources in the on-going game of solidarity. They spend a great deal of time and energy discussing who they are, what they should become and which people have the right to decide that (Melucci 1989, 218).

Solidarity plays an important role in “facilitating the mobilization process” and sustaining high-risk activities that would otherwise invite excessive personal consequence (Useem 1980, 357). Tom Hayden, the SDS member that “popularized the slogan ‘participatory democracy’” argues that the role of solidarity is to provide safety: “you need to count on other people putting their bodies on the line with you” (Polletta 2002, 2). The outcome of such high-risk behavior depends “significantly on the performances of other persons,” and creates personal incentives for individuals to meet their commitments and encourage others (Tilly 2004, 134; Gamson 1992, 62). In turn, this collective risk-taking, especially when faced with violence, reaffirms unity, thus creating a cycle of strength (Fisherman & Solomon 1968, 377).

**Outcomes of High Risk Activism**

What is the significance of direct action for the Global Justice movement? “It creates a potential for social change by releasing new energy and determination and encouraging social imagination” (Carter 1973, 159). It also creates a “new sense of entitlement [for activists] that may lead to strengthened feelings of legal
and political competence, increase their expectations for change, and spur them into action” (Barkin 1980, 948). As one Global Justice activist expresses:

I feel that we accomplished our goals. I feel that the jail solidarity worked. I have to tell you, the day that we left, the entire cellblock was singing solidarity forever. I’ll never forget that. And I feel that we were able to bring attention to the IMF and the World Bank—that was the point of getting arrested in the first place. A lot of Americans who didn’t know before, at least know what the IMF and World Bank are now (Dave 2002).

Direct action creates a sense of solidarity between participants, presents issues to the public, and challenges a target.

Direct action presents messages through attention-grabbing street theater, which becomes conversation currency within the public (Klein 2004, 256). Actual laws, conditions, or policies, can be affected and amended through protest. The IWW improved conditions for migratory workers: the eight-hour workday, increased safety measures, and more job protection. The Civil Rights movement instigated the enforcement of anti-segregation laws and the protection of black voters (Epstein 2001, 6). The anti-nuclear movement gained support to abolish the nuclear bomb and energy plants (Barkan 1979, 27). The Global Justice movement has increased awareness of the dark side of corporate globalization and exposed many particular issues that demanded immediate solutions. It halted the Multilateral Agreement on Investment (MIA) meeting, and “forced the adoption of a treaty on genetically engineered products” (Brecher 2000, 26). People have realized their strength and ability to fight global entities through international connections and solidarity—a “globalization from below,” as Jeremy Brecher has coined it.
For the Global Justice movement, real change counteracting the World Bank and IMF policies are imperative: enforcing social regulations, fighting sweatshops and modern slavery, encouraging alternative practices, and sanctioning destructive corporations. Globally, grassroots organizing has constructed real, local alternatives against corporate domination, and have addressed the impact of structural adjustments and ballooning national debts. Poverty is sharpening, water, energy, and education are being privatized, AIDS has become an epidemic, and essential human needs go unfulfilled. Many activists have deep, ongoing commitments to global justice, as professional non-profit workers or dedicated volunteers. Therefore, mass actions provide rejuvenation, connection, and triumph for the foot-soldiers engaged in the politics of everyday life.

**Race Coalitioning: Domestic and International**

Race remains contentious within the Global Justice movement, and interracial solidarity is weak (Vellela 1998, 86). Many white activists subscribe to a colorblind mentality, in which: institutional power is erased, racial identity is eradicated, and white normatively remains (Annie 2003; Griffin 1998; Hunter 2002; Hunter & Nettles 1999; Lucal 1996). These racial ideologies attempt to alleviate white guilt and alienate people of color. In the US, the percentage of people of color within the Global Justice movement “remains around five percent of the total” (Martinez 2002, 81), “despite the fact that people of color are often the ones hardest hit by capitalist globalization” (Luu 2002, 78). Roberto Maestas, director of the Centro de la Raza in Seattle, says not one person of color appeared
as a spokesperson within planning meetings (Martinez 2002, 82). At these meetings, activists often refer to themselves as a white movement, discuss “recruiting” people of color, and organize workshops on white privilege (Starhawk 2002, 179). While the idea of recruiting people of color reinforces the idea that whites must educate or liberate people of color, real attempts to coalition remain insignificant (Spalding 2001). People of color are actively organizing around crucial intersections of oppression, areas that are often overlooked or trivialized by the Global Justice movement. By focusing on these issues in a dedicated fashion, real links can be forged, and the movement can connect globalization theory to genuine local issues (Barrow 2002, 145; Solnit 2004, xv). “People of color in the US provide an experiential link with the raw violence of capitalist globalization that would deepened immeasurably the level of critique and political power of the movement” (Yuen 2001, 15).

This undeveloped domestic connection foreshadows weak links with international organizations in the global south. While the DNC 2000 protests in Los Angeles organized daily marches around community issues, other mass protests “were unable to link global struggles with community struggles here in the United States” (Levin 2002, 140). Domestic issues, as well, should be connected to global struggles, promoting a “deepening global alliance of workers, students, farmers, youth, indigenous people, and immigrants” (Yuen 2001, 7). Seattle has often been portrayed as a beginning to the Global Justice movement, however, even in Europe ATTAC was established in October 1998 by Le Monde
diplomatique (Cassen 2005, 152). ATTAC is a movement promoting the Tobin tax, to slow the impact of global financial speculation upon nations (Cassen 2004, 154). The global south had been fighting against global financial institutions for thirty years, witnessing the devastating impact of policies upon their countries. The movements in the global south have suffered tremendous violence incomparable to the north, thousands and thousands of deaths, beatings, arrests, and repression, unacknowledged or unknown by the north. While Carlo Guillani was hailed as one of the first martyrs for the Global Justice movement during the G8 summit in Genoa 2001, “three students were killed in Papua New Guinea protesting a World Bank privatization scheme” (Klein 2002, 151). Before Seattle, the NAFTA inspired large-scale uprising of the Zapatistas was recognized internationally on January 1, 1994 (Desfor, Barndt & Rahder 2002, xvii). Their action provided an example of “affirm[ing] local struggles while simultaneously inviting an exploration of larger networks”—such as their strong utilization of the Internet (Perlstein 2001, 336). Mexico had suffered thirteen sectoral and structural adjustment loans from the World Bank between 1980 and 1991, more than any other country. The policies pressured the country to prioritize export trade, at the expense of providing food domestically (McCulligh 2002, 65). In Brazil, beginning around 1978-1983, the Movimiento Sim Terre (Landless Rural Workers’ Movement) has become the largest direct action movement in the world. Since 1984, they’ve enabled hundreds of thousands of very poor people to reclaim unused land and start settlements that the government, in time, is forced to legalize (Starhawk 2002, 166; Stedile 2004).
The annual World Social Forum—developed opposite the World Economic Forum in Davos, Switzerland—has become the Global Justice movement’s international conference on grassroots “globalization from below” (Brecher 2000; Klein 2002, 193). By forging links, both between whites and people of color in the U.S., as well as between organizations within the global north and south, a true resistance against the circuits of corporate rule can be combated.

**Conclusion**

“The study of social movement outcomes cannot avoid taking into account the political context in which they operate,” the tactical repertoire, and the balance of successes and failures (Giugni 1998, 380). Studying high-risk direct action demands an ethnographic approach—uncovering the hidden details not reported in quantitative studies or journalistic stories. Alain Touraine called this analysis “a sociology of action” or “sociological intervention” (1981, 222). In order to uncover these expeditious happenings, the researcher needs to be on-premises, involved, experienced, and trusted by the participants.

During the five days I spent sitting in the Washington DC county jail (April 2000), I found myself suddenly interested in this particular direct action practice—especially when it became apparent that the participants could not identify its history. While activists sit in jail, they gain a deep understanding of the importance of legal protection. Therefore, law collectives are central to the movement. Because of this, I volunteered with Midnight Special, Just Cause, and
NYC People’s Law Collective. As an insider, I was able to obtain fifty in-depth interviews with participants and law collective members, adding a crucial ingredient to ethnographic research—voice. These participants were also overwhelmingly white, middle class, college educated, and book-learned on corporate globalization. During an interview, when asked “What’s your response to those who say these activists are white middle-class kids with authority complexes about their parents?” John Sellers, a leader of the Ruckus Society (activist boot camp), replies,” we are who we are. We can’t escape where we’ve come from” (Sellers 2004, 178). However, he does recognize the important question remains “how do we get more white faces in solidarity with movements central to people of color?” (ibid., 179).

While many organizations of the south are further constructing and enacting alternatives to globalization, as well as the “third world within,” deep connections between those in the north and south have not been rigorously developed. Differences between groups need to be acknowledged, accepted, and strategize, instead of used against potential allies. The social location from which one develops powerfully constructs ones’ worldly perspective, and this may be difficult to bridge between those who buy cheap products, and those who work to death producing them. Globalization becomes a continuation of “colonization, imperialism and western-style development” (Barndt 1999, 20; Held 1995, 18; Bales 1999); “a new logic and structure of rule—in short, a new form of sovereignty.” It is Americanization, Empire, or A Runaway World (George 2004;
Hardt & Negri 2000; Giddens 2000). Therefore, the movements of different locations will employ different tactics, strategies, and rhetoric, which will most forcefully and recognizably resonate within their public. Northern and southern activists may attack the same target from different angles, from both the home and host countries. But the ways in which they differ, requires respect. For some loan recipient countries—the fight begins on desperately contested land—residents versus corporate miners, dam builders, urban developers. Protests in the south often aim for a particular, practical, and local demand: numerous dam protests in India or the protests against land seizure by the U’wa indigenous community who threatened mass suicide. For northern movements, the lessons of the IMF policies become more symbolic, aimed at rejecting privilege, consumerism, and products. As Patrick Reinsborough states, “The ability to choose your issue is a privilege. Most people involved in resistance are born into their community’s struggle for survival (2004, 175).

The ways in which the Global Justice movement could gain an understanding of deep, structural inequalities, and work more closely with southern activists would include strong engagements with local, struggling communities. However, the movement within the United States is young, and the initial eruption of mass protests has relied on symbolism, public education, and interrupting meetings. Within the national context of protests, such tactics resonate within social movement recognition, and follow historical predecessors. Juan Gonzales emphasizes the importance of historical lessons:
What is important is to learn the lessons of how other movements rose, what caused them to decline, the internal problems that they could or could not overcome, as well as the external repression and conditions of the society that led to their decline (2001, 80).

In this dissertation, the tactical repertoire of the Global Justice movement has been compared against those of the IWW, Civil Rights, and anti-nuclear movements. The IWW provided valuable lessons for organizing ‘the unorganizable’ across industrial sectors, presenting labor cases to the public, and gaining a dedicated membership. Like the ‘summit hoppers’ of the Global Justice movement, the IWW members heeded calls to flood a city—and its jail. Its own energy collapsed into itself toward the end: it was impossible to maintain a footloose, train hopping, migrant working, disheveled army that undertook high risks. Both the IWW and Civil Rights movement was comprised of the oppressed populations themselves; whereas, the Global Justice movement presents symbolic representations of the impact of globalization upon those in the “third world.”

Also, while the anti-nuclear movement argued that everyone becomes a potential target of nuclear annihilation, it therefore fell victim to the free rider problem. Unable to define a distinct population that should maintain the movement during times of waning public interest—membership dwindled. Both the IWW and Civil Rights movement were able to dramatize the discrepancy between their demand for justice and their incurred treatment upon the population effected. The Civil Rights movement exhibited extreme discipline: facing violence from vigilantes and the police while attempting to “love the enemy.” Suffering extreme violence became another tactic. It portrayed the movement on moral high ground,
diligently suffering ugly abuse for the hope of an integrated ideal. Such images electrified the public. The anti-nuclear movement culmination with the arms race as it vividly illustrated the potential death of the planet. Yet the movement dissolved as the issue lessened, and trust in the military rebounded.

Time spend in jail provided an insight into a hidden area of injustice for the freedom fighters—the politics of imprisonment. Placed within Bentham’s panopticon, the activists faced constant surveillance, a controlling, yet hidden gaze. General population prisoners wasted away for petty crimes and lack of bail—poverty was the main crime. Life was routinized: awakened at four a.m. for breakfast, breaks, counts, and recreation. Yet, this routine provided an Achilles heel—noncompliance could interrupt the schedule. The general population prisoners suffered these disruptions with impatience, such direct action did not further their cause, only their aggravation. The activists wore down the corrections officers in order to support their demands: reduced or dropped charges. These dynamics portrayed the demographic contrast between the general population and the activists: the latter had a legal team synchronizing their defense with their internal disruptions.

Law collectives have been invaluable for social movement actors. The general population suffer the lackluster defense of public defenders: they are encouraged to plea bargain to save the courts time and money, regardless of their innocence or guilt. The activists, however, retained liberal lawyers that supported their jail solidarity and incorporated such activity within their legal strategy.
While the general population suffered the plea bargain offered, the activists demanded all rights: speedy, jury trial with public defenders (guided by their legal team). When in contempt of court, activists have continued to make a mockery of court proceedings; whereas individual criminals would face harsher repercussions.

Solidarity has been the foundation upon which high-risk tactics could be sustained. Individuals would be hard pressed to enter such peril alone. It is this collectivity that has been the central focus: the ability for a large-scale defense against the criminal justice institutions to be undertaken with two primary tools: solidarity and numbers. Such a defense—jail and court solidarity—has tested the spiritual strength of activists, as they continue direct action tactics (singing, physical non-cooperation) to demand their charges be dropped or reduced. Success has resonated because charges have been dropped, civil suits judged in their favor, public support has been gained, and connections with other movements have developed. The Global Justice movement has dramatically presented their strength of solidarity on the streets, behind bars, inside courtrooms, and has achieved ongoing success, in the fight for socially and economically just globalization.
References


Bookchin, Murray. Post-Scarcity Anarchism. Berkeley: The Ramparts Press,
1971.


Cedar, Personal interview with author, March 17, 2002.


Cohen, Adam. Gangsta Cops.” Time 155 (March 6, 2000). http://www.time.com/time/archive/preview/0,10987,996265,00.html


Eli, Personal interview with author, June 8, 2002.


Falls, Stacey, Personal interview with author, May 2, 2002.


Fish, Stanley. There’s No Such Thing As Free Speech...And It’s a Good Thing


Hunter, Ruth, Personal interview with author, June 2, 2002.


Jen, Personal interview with author, April 22, 2002.

John, Personal interview with author, June 1, 2002.


Kadd, Personal interview with author, April 17, 2002.


Kerr, Sarah, Personal interview with author, October 9, 2002.


Kristen, Personal interview with author, April 13, 2002.


Lehman, Godfrey D. We the Jury...The Impact of Jurors on Our Basic Freedoms. Amherst, New York: Prometheus Books, 1997.


Marcus, Sara, Personal interview with author, June 1, 2002.


Mossberg, Michael. Personal interview with author, April 6, 2002.


Rubin, Edward L. “Passing Through the Door: Social Movement Literature and

Sanchez, Oscar, Personal interview with author, April 2, 2002.

Santoyo, Marlene, Personal interview with author, April 6, 2002.

Schnaar, Steve, Personal interview with author, April 13, 2002.


Shull, Johana, Personal interview with author, November 9, 2001.


Spalding, Dan, Personal interview with author, October 20, 2001.


Travis, Phaedra, Personal interview with author, October 26, 2001.


Waldo, Personal interview with author, April 3, 2002.


Weaver, Eli, Personal interview with author, June 8, 2002.


