

Legal solidarity tactics

What is Legal Solidarity?

Legal Solidarity is a strategy that uses group decision-making and action to protect people when they are being held in the legal system.

Jails and courts are designed to make people feel powerless. By using solidarity tactics – making legal decisions as a group, acting in unity with each other, and committing yourselves to safeguarding every arrestee's interests – you can gain more control over what happens to you in the jails and courts. Legal Solidarity has been used effectively for decades in the civil rights, peace, environmental, and global justice movements, among others.

Understanding the theory and tools of Legal Solidarity – its practical objectives, using tactics and demands, and distinguishing between Jail and Court Solidarity– is crucial to using these tools effectively.

Objectives of Legal Solidarity

If you are considering using Legal Solidarity, it's important to know what your specific goals are and which tactics will help you achieve those goals. Specific goals should be under the more general goal of taking care of each other.

People should be ready to use solidarity to take care of everyone, but should be especially on the lookout for people who may be more likely to suffer discrimination: women, minors, people on temporary protection visas, Aboriginal people who are seen as leaders; people who go limp or use more militant tactics, transgender or queer people, people who dress punk or who wear all black, people on probation or parole and people with prior arrests or convictions.

Tactics and demands

A **tactic** is something you do (e.g. chant incessantly). A **demand** is something you want (some water). You use tactics to get demands met ("We're going to chant incessantly unless you bring us some water.")

Matching tactics to demands is one key to successful Legal Solidarity. A group using solidarity should come up with a set of demands and corresponding tactics. It's crucial to make sure the authority (police, guard, judge, prosecutor, etc.) you are making a demand to can meet that demand **and** is affected by your tactic. If not, you are unlikely to accomplish anything.

Another key to successful Legal Solidarity is **clear communication** of your tactics and demands to authorities. For example, if a cell-full of people starts screaming without both telling a guard their reason and

making a demand, the guard won't understand why they are shouting and what to do to make them stop. The group needs to get the guard's attention and then have one or two elected spokespersons clearly communicate specific demands.

Finally, when using tactics and demands, it's important to follow through on your promises. If you don't, you establish a lack of trust that jeopardises all future negotiations.

Below are lists of common demands and tactics that have been used in police custody and courts.

Some demands in police custody:

- ?? give an injured or ill person immediate medical attention
- ?? bring some water
- ?? return a person who has been separated
- ?? allow group visits with the legal team/lawyer

Some solidarity/non-cooperation tactics that have been used include:

- ?? not bringing ID and refusing to give name or address
- ?? refusing to sign bail
- ?? chanting, singing or dancing incessantly
- ?? refusing to follow orders
- ?? going limp
- ?? stripping

Groups should talk in advance about which demands and which types of tactics they want to use.

It's not necessary for everyone in the group to participate in a given tactic in order for it to work. However, you need enough people participating in a given tactic for it to be effective. *Creativity and flexibility are the keys to successful tactics.*

Jail Solidarity

Generally speaking, you are engaging in Jail Solidarity when you are in custody of police or jail guards and are using the Jail Solidarity non-cooperation tactics like those described above (going limp, etc.). Your actions in Jail Solidarity directly affect the police, jail guards, and jail administration.

Though one of the most visible and potentially empowering aspects of Legal Solidarity is physical non-cooperation in custody, non-cooperation is not done for its own sake. **Only use non-cooperation or acts of resistance to take care of each other.**

Brutality at the hands of police and guards has occurred and is dangerous. By using non-cooperation tactics, you risk aggravating police and guards. Activists can really get hurt. In addition, physical non-cooperation (e.g. going limp) could result in charges of resisting an officer.

Non-cooperation need not be just physical. One tactic typically associated with Jail Solidarity is withholding your names upon arrest. The police usually won't release people who they can't find again.

Some activist groups that have been in jail and nameless have found that they:

- 1) stay together;
- 2) clog the jails;
- 3) can keep known organisers and legally vulnerable people from being targeted for mistreatment or more severe charges;
- 4) make the paperwork hard; and
- 5) appear to the jails, prosecutor and media as one unified group. Keeping a committed group in the jails until demands are met is central to the tactics of Jail Solidarity.

Court Solidarity

Using the Court Solidarity tactics listed above directly affects the prosecutor and the courts. This is important to remember because the prosecutor has the power to negotiate or even drop charges. A court also has the power to consider the extent to which you cooperated with authorities during the course of the investigation and the extent of your remorse (if any) for the crime committed.

Court Solidarity involves people working together to fight their legal battles in court. Some activists have found that strength of numbers before the court has been successful in:

- 1) getting everyone's charges dismissed, or
- 2) negotiating a reduction or alteration to charges that is agreed to by everyone, will cover everyone and will not have a harsher impact on targeted individuals, or
- 3) vigorously fighting individual cases and working as a group to help everyone mount a strong defence.

Legal Solidarity

Jail and Court Solidarity use different tactics but with the same end goal in mind – taking care of each other. They can be used separately but are most effective when used together. A typical Legal Solidarity timeline looks like this:

- 1) A group of activists gets arrested. They begin using Jail Solidarity by refusing to give their names and by using physical non-cooperation to keep people together and safe.

- 2) The activists begin using Court Solidarity by having the legal team communicate the proposed demands and the Court Solidarity tactics (pleading not guilty, demanding a jury trial, etc.) to the prosecutor.

The prosecutor agrees to negotiate -OR-

- 3) After a few days, it becomes clear that Jail Solidarity isn't being effective, or people are unable to stay in jail any longer. The activists decide to give their names and leave jail as a strong group rather than a weak trickle. Jail Solidarity is now over and all efforts are focused on Court Solidarity.

Support

Legal Solidarity is not only carried out by the people in jail or facing trial, but also by supporters.

Support is critical for the success of Legal Solidarity. Helping with support is a good way for people who had to negotiate charges individually, had to leave jail, or couldn't get arrested to maintain their connection with the rest of the group. Activists have used various methods to organise jail and court support.

Voluntary and individual decisions

The use of Legal Solidarity tactics should not keep anyone from participating in the action. Not everyone can stay in jail. Not everyone can go to court. Give support to those who cannot take part. The strength of solidarity comes from the voluntary agreement of everyone who takes part in it. Just because someone needs to leave jail does *not* mean that they have "broken" solidarity.

Solidarity is based on consensus and it's easier to reach consensus on tactics and demands if you listen closely to all points of view before launching proposals. This is especially important when working in a group with diverse races, classes, sexual orientations, politics, etc.

You may wish to resist pressure from the police, jail authorities or any lawyers to make rushed decisions. If you're being rushed, bargain for more time. After all, sometimes it has been simpler for the authorities to give another fifteen minutes to come to consensus than for them to carry a bus-full or room-full of limp bodies. (It's a good idea to agree on using such tactics *before* there is a crisis.)

One problem activists face is that information provided by the police and even lawyers regarding the conduct of other activists is inaccurate. These may include information that all your friends have gone home and you're the only one still in jail, or that it is illegal to refuse to answer questions.

Make sure you base your decisions on reliable information received from someone you trust. When you get separated in jail, you feel really alone and it becomes very easy to believe what they're telling

you. This is normal, but stick with whatever decision you made with the group and trust that everyone else is doing the same.

Much of this section is based on materials written or compiled by Katya Komisark and can be found at the Midnight Special Law Collective website <http://www.midnightspecial.net/>

Fasting

Fasting in jail can be a powerful tactic, but it's very dangerous and should be used only as a last resort and when well researched. People with current or chronic medical conditions should not fast. Previous or current heavy drug or alcohol users also should not fast. You should clearly understand the medical implications of fasting. When in doubt, *do not fast*.

Some activists have reported that the effects of fasting can be felt in less than 12 hours. Effects reportedly include headache, dizziness, confusion, coating on the tongue, chills, lethargy, mood swings and weight loss. Hunger pangs can be intense for a period of time but disappear for most people after several days. Expect to be mentally slow, cloudy, and moody. In light of these effects a few people could refrain from fasting so they can act as caretakers and facilitators.

Your body goes through an intense detoxification process during a fast. Here are suggestions by activists to minimise harmful effects and discomfort:

- ?? Drink plenty of water. Remember; keep your pee pale in jail. If your urine turns dark, stop fasting.
- ?? Shower as often as possible.
- ?? Brush your skin with a rough towel to help remove toxins.
- ?? Your tongue also excretes toxins, so brush it and your teeth often.
- ?? Try to keep yourself warm at all times. If possible, sneak extra sets of clothes, towels or sheets to hide under your jail uniform.
- ?? Slow down!
- ?? Be clear before you start your fast. You will not think as clearly after.
- ?? Develop a system ahead of time which allows you to stop someone's fast without undermining them (e.g. after someone passes out twice, they have to stop fasting).

Even when only one person is fasting in jail, it has worked well when decided through consensus with your affinity or legal support group. If demands are attached to the fast, question whether the demands can be met in the time you are willing to fast.

Fasts also work best when done within a well-organised, supported and publicised framework. There are many things supporters can do to help, such as publicising the fast or fasting themselves outside the jail. The public can become involved and sometimes even guards become concerned.