# NC v Marlborough EW

## OFF

### 1

#### First off, the rights NC-

#### I negate.

#### The burden of the affirmative is to demonstrate that the right to strike is unconditional. The affirmative must prove that an unconditional right to strike is necessary and sufficient and give a plausible reason for why the right has to be unconditional as opposed to strengthened or reformed. It is not the burden of the negative to disprove the affirmative- they must proactively justify why it has to be unconditional. This entails providing a minimally plausible theory of rights and the conditions to what could make a right count as an unconditional right

#### I contend the right to strike cannot be unconditional for 3 reasons.

#### First, forfeiture. Human rights are expressions of reciprocity which implies you can forfeit them by failing to respect others’ human rights- that explains why war and punishment are just and proves why rights are not prima facie unconditional

Miller, 12 -- Professor of Political Theory at the University of Oxford a

[David Miller, Official Fellow of Nuffield College, Oxford, Are Human Rights Conditional? CSSJ Working Papers Series, SJ020

September 2012. Centre for the Study of Social Justice Department of Politics and International Relations, <https://www.politics.ox.ac.uk/materials/centres/social-justice/working-papers/SJ020_Miller_Are%20Human%20Rights%20Conditional%20final%20draft.pdf>, 11-21-21]

We usually think of human rights as attaching unconditionally to all human beings. Bracketing off, as I shall do throughout this article, the issue of children’s rights (which raises the question of the conditions under which a person can claim the full set of human rights), we see human rights as claims that do not have to be earned. You have them simply by virtue of your humanity without having to do anything special to be awarded them. Different theories are put forward to explain which feature or features of human beings ground the ascription to them of human rights, but the relevant features are supposed to be universally shared. Human rights are also often said to be inalienable: they are not things that a person can lose by virtue of the way she acts.2 These two thoughts taken together amount to the claim that human rights are unconditional: they do not have to be earned, and they cannot be alienated.

That is how we regard human rights in theory, but our practice seems to be different. We act in ways that deny people at least some of their human rights, and we claim to be justified in doing so. In particular we wage wars in which people are killed and wounded, seemingly violating their rights to life and bodily integrity; and we punish people by imprisoning them, seemingly violating their right to freedom of movement as well as a whole host of others. A few might say that, for this very reason, such practices cannot be justified. But much more commonly it is believed that under the right circumstances warfare can be just, and likewise custodial punishment, and so on the face of it we appear to believe that human rights are not unconditional after all. Either, it seems, they can be lost entirely, or at least there are circumstances in which they can easily be overridden. This then generates the problem that my article addresses: how can we announce in our manifestos that human rights are held unconditionally by all human beings, while in our everyday practice – fighting wars or punishing criminals – we appear to violate them without being troubled by the fact.3 Is there some way to reconcile these two positions? In particular, do we need to distinguish between human rights that really are unconditional – cannot be lost no matter what their bearer does – and others that may be forfeited by acting in certain ways?

Continues:

Let me now attempt to retrace the steps in the argument I have presented. I began from what one might call the naïve view of human rights, which is that they are rights that all human beings hold unconditionally, simply by virtue of being human and regardless of their conduct. This is probably the view that many of us would be inclined to take at first glance. But if we left it at that, it would first of all make nonsense of a good deal of our actual practice. Even those who hold pacifist views from a conviction that killing in war is always an unjustifiable violation of the rights of those killed would probably concede that it was permissible to punish criminals in ways that would otherwise count as violating their rights, subject to the usual riders about due process. Now one might bite this bullet too and outlaw most of the forms of punishment we currently use on human rights grounds. But second, there is surely something paradoxical about treating human rights as entirely exempt from the requirements of reciprocity that otherwise pervade our moral life. That is, much (perhaps most) of our moral behaviour consists in complying with moral rules on the assumption that others are going to comply with them too, and this in turn implies that we have to be willing to do something to sanction non-compliers. Why, then, should it be any different when human rights are involved? Human rights correspond to some of the most important duties that human beings owe to one another. So we should be very reluctant to violate them, but by the same token, we have reason to apply heavy penalties to persistent violators. If we could find penalties that were severe enough but that still left all of the human rights of the violators intact, that might be ideal, but equally it is not clear on what grounds one who deliberately violates the human rights of others can complain when some of his own rights are taken away in turn.

In addressing this question, my main proposal has been that once we see human rights in this way as subject to requirements of reciprocity, we have to introduce and use the idea of forfeiture. When people act in ways that reveal a clear disposition not to recognize the human rights of others, they forfeit some rights of their own. The rest of us are released from the specific duties that correspond to these rights, and in this way practices such as imprisonment for serious crimes become permissible. I have gone a little way, though not far enough, in exploring how forfeiture occurs and how we can judge which rights are forfeited.

#### Second, rights conflicts. All rights are circumscribed by others. The right to freedom is limited to using that freedom to harm others; the right to life cannot be so absolute that it never allows for self-defense, or the sacrifice of one to save millions; and the right to free speech doesn’t justify death threats. The fact that rights give way to other rights in some circumstances and not in others proves that no right is so strong as to be unconditional.

#### Third, positive rights. The right to strike involves making positive claims on others- demanding wages by the employers despite not working, denying other workers the right to replace them, and restricting the employers’ freedom to fire their employees are just a few examples of positive claims being made against others. Those cannot be absolute since positive rights, by definition, infringe on others’ negative rights.

#### Thus, I negate.

### 2

#### Second off is the kritik-

#### The labor that the incarcerated are forced to perform is slave labor. The entire aff proves this. Incarcerated laborers are often forced to work, receive laughable or no payment, are abused, dehumanized, and subject to deplorable working conditions. The 1AC continues the troubling legacy of using the euphemism of “worker” to describe slave labor, which is pervasive in US education and society. This trend is all too present in the US educational system. Vote neg to reject this gross mischaracterization of the labor performed by the incarcerated.

Isensee 15 (Lauren Isensee Senior Reporter and Editor, I'm a reporter and editor who loves to collaborate to tell stories with a big impact. I cover education with a focus on equity and personal narrative. I'm passionate about personal growth for my team and myself and a strong believer in the power of public media.), “Why Calling Slaves 'Workers' Is More Than An Editing Error”, NPR ED, NCS, 10/23/2015, <https://www.npr.org/sections/ed/2015/10/23/450826208/why-calling-slaves-workers-is-more-than-an-editing-error>

Coby Burren was reading his textbook, sitting in geography class at Pearland High School near Houston, when he noticed a troubling caption. The 15-year-old quickly took a picture with his phone and sent it to his mother. Next to a map of the United States describing "patterns of immigration," it read that the Atlantic slave trade brought "millions of workers from Africa to the southern United States to work on agricultural plantations." "We was real hard workers wasn't we," Coby texted, adding a sarcastic emoji. Coby caught a textbook error that had been missed by several editorial layers, starting with mega publisher McGraw-Hill Education, followed by the official textbook reviewers and, finally, members of the Texas Board of Education who have the final say on materials like this. Roni Dean-Burren, Coby's mother, is a former teacher pursuing her doctorate at the University of Houston. For her, "that word — 'workers' — was an attempt to erase that hard writing that slavery has had on the paper of our society." She points out that, while the book describes many Europeans immigrating as indentured servants, she found no mention in this lesson of Africans forced to the U.S. as slaves. Several weeks ago, Dean-Burren blasted the publisher in an online video that's been viewed nearly 2 million times. For her, the caption's language speaks to larger issues of social justice and the Black Lives Matter movement. "[The slaves'] stories, their lives, their bodies — they didn't matter enough to call it what it was," she says. The story has renewed a national debate about how textbooks deal with race and slavery — especially the power of language and grammar as tools to interpret history, already a subjective area to teach. Dean-Burren posted this video online after learning her son's geography textbook called slaves "workers" and it went viral. YouTube Dean-Burren also has begun scrutinizing other books. "And there are other mistakes," she recently posted on social media. "I'm looking at the U.S. history books right now. There are some word choices in these books that I think most people would find problematic. We can do better, so let's!" Both the publisher and Texas officials have agreed that the caption was inappropriate. But it's not clear if or how much the adoption process for new textbooks will change. In the past year, Texas textbooks have been criticized for listing Moses as a Founding Father and for downplaying slavery as a cause of the Civil War. Those issues stemmed from the learning standards that the Texas State Board of Education sets to guide publishers. But David Levin, CEO of McGraw-Hill Education, believes this mistake was an editorial error and not a problem with the standards or what he calls a "transparent" adoption process. "It was a terrible error, and the minute we saw it we said, 'We've got to sort it out,' " Levin says. There are 100,000 copies of the book in Texas, tens of thousands more around the country, and the company is scrambling to fix the problem. It will ship corrected copies to schools for free, or it will provide a sticker to cover the caption, along with a lesson plan about the cultural context of language. While Levin stands behind the rest of McGraw-Hill Education's materials, he admits they need to review their books more carefully. In particular, the CEO wants more "cold reads." Those evaluate individual lessons on a standalone basis, which is basically what Coby Burren did when he spotted the error. In Texas, some state officials are considering how to improve their textbook adoption process. One idea is to have more diversity among reviewers who are nominated by the state board. "Everybody admits it shouldn't have happened, so let's figure out how to prevent it in the future," says Thomas Ratliff, vice chair of the Texas Board of Education. The board's 15 elected members approve the final materials for 5 million Texas students. Still, Ratliff, a Republican, found 16 other references to slavery in the geography book that he believes were accurate. He says the story of that one, problematic caption has "gotten blown out of proportion." Dean-Burren disagrees. She's concerned about the words textbooks use — or don't — to teach our nation's rich history. Still, she's proud of her son and the lesson he's learned. "He knows that his voice matters," Dean-Burren says, "and that he'll be heard."

### 3

#### Third off is the counterplan-

#### Counterplan: The United States should amend Section 26 of the US tax code to redefine labor performed in a penal institution as employment.

#### That is crucial to prisoner empowerment- AND reduces recidivism

Bozelko, 17 -- Founder and writer of Prison Diaries

[Chandra Bozelko, served more than six years at the York Correctional Institution, "Give Working Prisoners Dignity — and Decent Wages," National Review, 1-11-17, https://www.nationalreview.com/2017/01/prison-labor-laws-wages/, accessed 11-21-21]

As many as 24,000 prisoners in facilities across the country engaged in a work stoppage this fall to protest the low, or even nonexistent, wages that incarcerated people are paid for their work. The country’s largest-ever prisoner strike now seems to have disintegrated, with their demands unmet.

The most likely reason why the strike failed is that the prisoners are protesting the wrong thing. In trying to define prison labor as slavery, they’ve ignored the fact that it technically isn’t employment, either. Redefining prison labor as legal employment could reform the system in meaningful and lasting ways, more effectively than trying to convince people that it’s slavery.

Certainly, prison labor walks and quacks like slavery. The Prison Policy Initiative found that the average inmate’s wage is 93 cents an hour — and can go as low as 16 cents — when they’re employed by private companies that use prison labor. I was a correctional laborer for almost six years, working in a prison kitchen. After deductions, I earned between $5.25 and $8.75 per week.

As someone with intimate knowledge of the system, I know that prison labor is mostly misunderstood by the public. The first misconception is that all prison labor is the same. In fact, there are two types of prison jobs. First, there are ones like mine, where inmates work for the prison, and the employer — the government — doesn’t make a profit per se off prisoners’ backs, though it holds down expenses by paying little or nothing to get essential tasks done.

Then there are jobs under the Prison Industry Enhancement (PIE) program, in which inmates are employed by a private business that has contracted with local correctional authorities for low-cost labor. This second type of jobs holds much more potential for reform in ways that will help inmates.

All contracts between private companies and prisons for inmate labor must abide by PIE program rules, as established under the Percy Amendment to the Justice Improvement Act. Championed by Senator Charles Percy (R., Ill.), who had just seen how idleness became deadly in the 1978 Pontiac prison riot, the law and the PIE program require private companies that use prison labor to pay inmates the prevailing minimum wage.

In addition to the minimum wage, other conditions imposed by the Percy Amendment are that local labor-union officials must be consulted, and must agree that local non-convict labor is unaffected, and that goods produced in the prison must be from an industry that isn’t experiencing local unemployment.

Of all the unions in the United States, only the IWW supported the recent prisoner strike. Other groups in the AFL-CIO kept mum, because this kind of slavery gets their blessing.

If union bosses approve of the minimum-wage setup for the PIE program, why are inmates’ wages so low? The net wages earned by inmates skim the surface of slavery because many deductions — “LFOs,” or legal financial obligations, such as taxes, restitution, room and board, and other costs associated with the prisoner’s criminal processing and incarceration, which the prisoner can be made to repay — can eat away as much as 80 percent of a prisoner’s paycheck.

Whether theses deductions are used wisely by the state governments that collect them is debatable. Taking 80 percent of someone’s pay seems excessive and unreasonable; even court orders to garnish wages don’t go that far.

What isn’t up for discussion is the fact that a PIE employer already pays minimum wage for inmates. No wonder the strike achieved little; prisoners were demanding what they already get, at least in terms of what employers pay per hour.

But just because the fight for minimum wage for prisoners was won years ago by a federal statute — one that actually doesn’t benefit inmates much at all — doesn’t mean that hope for reform, or at least more satisfied correctional populations, is lost.

The most obvious solution to low wages for prisoners is to reform the regulations governing LFOs and how much can be taken from inmate pay. The likelihood of this happening is low; policies that soak justice-involved people are politically popular because they appear to alleviate people’s tax burdens.

Although private businesses in the PIE program are required to adhere to wage laws, they are exempted from certain sections of the tax code, namely unemployment taxes. They can get away with this because Section 26 U.S.C. 3306(c)(21) of the tax code states that any service performed in a penal institution isn’t considered employment. To a former prison laborer like me, this definition is much more dehumanizing than any low wage. This law tells an inmate that what she does at her prison job doesn’t matter, regardless of what she’s paid. It’s one thing to be devalued; it’s another to be denied outright. That’s what this exemption does to all of the reliable, invaluable services that inmates provide to others.

If prisoners’ work were defined as employment in the nation’s tax code and companies in the PIE program were required to pay unemployment taxes, returning citizens could file claims for unemployment benefits when they left prison and improve their chances at success in society.

Increasing a released prisoner’s access to cash reduced the first-day recidivism to zero, with no increase in crime later.

Of prisoners who recidivate within five years of their release, 37 percent get arrested within six months. Researchers studying “first-day recidivism” and the amount of “gate money” provided to discharging inmates have found that reducing “liquidity constraints” on discharged prisoners (i.e. giving them more cash) helps them avoid reoffending.

In fact, increasing a returning citizen’s access to cash reduced the first-day recidivism to zero, with no increase in crime later. Unemployment checks — benefits that an inmate has already earned, as opposed to the various entitlement programs that we use in place of meaningful job training and placement for people leaving custody — could buoy reentrants who are assimilating into society until they find a job.

Of course, redefining prison labor would increase costs for companies participating in the PIE program, perhaps enough to make these jobs go away entirely when the company has to lay out even more money to pay unemployment taxes. Yet I think many businesses won’t quit over this increased cost. Some of them already pay a federal unemployment tax for prison employees, even though they aren’t required to do so. It’s unlikely that an increased cost will deter companies from employing prisoners, since participation in the PIE program has advantages beyond what they pay, namely a captive and pliable workforce.

Imagine how much more recidivism could be reduced if these private companies were forced to acknowledge their incarcerated workers as employees — and pay the tax associated with hiring people and having them work for the company. It’s a much more likely scenario than getting anyone to admit that prison labor is slavery, and it could have a positive impact on incarcerated people’s lives where it really counts — outside the prison, where 95 percent of inmates will end up one day.

Of course, defining prison labor as employment wouldn’t have helped workers like me, whose midget pay stubs were never large enough to qualify for unemployment insurance, or inmate workers in places like Texas and Arkansas, where they are paid literally nothing. That’s pure slavery, untempered by union officials’ willful neglect.

Even if we raise the low and absent wages of certain prisoners, those payments will get chipped away by LFOs, just as they do for other prisoners who earn minimum wage from private companies. The only other option is to dismantle the entire prison labor system — which is ostensibly the goal of pleas to repeal the clause of the 13th Amendment that allows forced convict labor — and what will that accomplish?

Some people argue that letting inmates escape work requirements will free them to engage in more rehabilitative programming. I know from experience that prisoners are already required to leave their jobs for these self-help groups. It’s not as if a working prisoner can’t access rehabilitative assistance.

And that rehabilitative programming — school or group therapy — is being taken advantage of by many inmates. Hard statistics on the number of inmate laborers are difficult to obtain, but only an estimated 900,000 of our nation’s 2.3 million people in correctional facilities work within them. Excluding the 80,000 people held in solitary confinement, who aren’t allowed to work, that leaves about 1.3 million who found the freedom do something other than work behind bars.

At their root, prison labor problems aren’t always economic. What inmates are saying when they complain that prison labor is slavery is that they feel undervalued and dehumanized. This most recent prisoner strike was about mattering to others as equals, as people, and not being seen as lifeless targets for exploitation. Once people feel like they count — as more than just names on a population sheet — complaints about prison labor won’t necessarily abate, but they will change, and incarcerated people will start demanding the reforms that can actually help them.

Getting Congress to amend the tax code and define even unpaid prison labor as employment in the coming session would trade the language of oppression — calling what inmates do slavery — for the language of power — calling their activity employment — and change prisoners’ mindsets and views of themselves. In addition to changing prisoners’ self-concept, allowing them to collect unemployment benefits can change their ability to support themselves when they leave custody and help them remain law-abiding and free.

### 4

#### Fourth off is topicality-

#### A topical affirmative would defend that workers, in general, deserve an unconditional right to strike

#### The missing modifier means it’s a generic term. Linguistics, logic, and common usage prove.

Bile 87

Bile, Jeff (Former head coach of Southern Illinois University, where he coached 4 consecutive national championship). "When the Whole is Greater than the sum of the Parts: The Implications of Holistic Resolutional Focus". In CEDA Yearbook. Vol. 8, Edt., Brenda Logue. JDN. 1987.

The second rationale for holistic focus is that generic interpretation is **most compatible** with “rules" of interpretation in light of a "missing modifier." Most of us would consider the proposition “birds can fly" as true even though we are aware of some that can’t, because we intuitively insert the generic modifier "most” in front of birds" or "typically/ generally" in front of "fly." This intuition is semantically “correct." Linguist John Lyons (1981) argues: What is meant by 'generic' may be seen by considering such sets of sentences as the following: 1) The lion is a friendly beast. 2) A lion is a friendly beast. 3) Lions are friendly beasts. Each of these sentences may be used to assert a generic proposition: i.e. a proposition which says something, not about this or that group of lions or about any particular individual lion, but about the class of lions as such . . .' (p. 193). Lyons continues by indicating that the "kind of adverbal modifier that suggests itself for insertion" is one "that approximates in meaning to ‘generally,’ 'typically,’ ‘characteristically,’ or ‘normally’" (p. 195). While semantic rules support generic interpretation, the field of logic provides additional supportive “rules." Logicians tend to interpret "indesignate form" propositions with missing quantification modifiers as universal or as expressing "group tendency" (Barnstable. 1975). Van Der Auwera (1985. p. 188) argues that when choosing "between the generic or the non-generic or particular" reading of the statement “A whale lives in the sea," that **in "most contexts," the "preferred interpretation" is generic.** He further argues that while interpretation should be guided by context that **there "are some cases**, however, **where the choice is independent of context**." He gives the statement “Kangaroos have no tails” as a statement which “is **always generic**.” Logical conventions would certainly reject a particularized topic rendering.

#### Vote neg for precision. The neg interp is the one with the best explanatory power for why the topic has precisely the wording that it does. “Workers” was used without a modifier because the Bile evidence indicates that’s the most common way to express a generic generalization. By contrast, the aff interp can’t explain why if the topic is about plans it isn’t worded as “the right of some workers to strike” or “that there are workers with the right to strike” which would mean the same as the aff’s interp but less ambiguously.

#### Precision is a ceiling, not a floor. You should vote for the most intuitive and straightforward reading, not just any one that is minimally plausible, because the fundamental function of the topic is to keep everyone on the exact same page when coordinating research expectations, and that breaks down if each person has their own pet interp they think is most pragmatic.

#### Second is Limits. The economy is massive and has dozens of sectors, compounded by the fact that there are hundreds of governments where those economic conditions change. The neg interp solves by reciprocally limiting both sides to core topic principles. That also solves PICs, because my interp doesn’t mandate that the aff defend workers categorically, just generically, so isolated exceptions wouldn’t negate. Any tiny PIC loses to “perm do the CP” in the neg interp because it still affirms on balance

#### Drop the debater—the damage was done and I can’t regive the 1NC after a 1AR shift. Use competing interps; it avoids arbitrariness and judge intervention.

## CASE

### Presumption

#### Now the case-

#### Vote negative on presumption- they have zero “unconditional key” warrant- it doesn’t show up in any of their evidence. All of their ev is just about how prisoners lack basic labor protections now or how prisoners should not be paid starvation wages. NONE of that is a warrant for “unconditionality key”! This is the aff’s burden of proof- they must prove that an unconditional right to strike is necessary and sufficient.

### Turn

#### Prisoner backlash- prisons will retaliate and strip prisoners of basic rights- AND aff can’t solve- they will plant evidence and fabricate excuses to crackdown

Hitt, 18 -- Power Trip reporter at the Daily Beast

[Tarpley, "Prisons Retaliate Against Inmates Protesting ‘Modern Slavery’," Daily Beast, 8-27-18, https://www.thedailybeast.com/prisons-are-already-retaliating-against-inmates-protesting-modern-slavery, accessed 11-17-21]

Inmates are already experiencing retaliation for alleged participation in the nation-wide prison strike that launched August 21, representatives from the prison labor advocacy group Incarcerated Workers Organizing Committee (IWOC) told The Daily Beast.

The strike, organized by a prisoners’ rights group called Jailhouse Lawyers Speak and backed by IWOC, started Tuesday and will run until September 9. The strikers are calling for an immediate end to what they call “modern slavery,” a prison labor system that forces inmates to work for as little as four cents per hour, as well as nine other demands, detailed in a statement from April.

As part of the protest, participants are implementing a range of nonviolent tactics, including boycotts on work, collect phone calls, commissary snacks, package purchases, and electronic visitation—the major economic drivers of prison budgets.

But only three days into the strike, inmates are already facing backlash from correction officers.

Two Florida incarcerated men were sentenced to 18 months of “close management,” a Florida legal term for a kind of solitary confinement, according to IWOC spokesperson and organizer Karen Smith. A third inmate claims he was also confined, subject to three room raids, and had his personal mail confiscated, Smith Said. The Florida Department of Corrections says the inmate was never confined.

Julius Smith, a 30-year-old man serving 20 years at Santa Rosa Correctional Institution was sentenced to close management for alleged participation in organizing the strike. The charge against Julius stems from a cell phone and homemade weapon that guards allegedly found in his bunk, which the inmate claims were planted. The cell phone was on the ground, just thrown near his bunk, Smith told The Daily Beast.

Ezzial Williams, an inmate serving 10 years at Union Correctional Institution, was also placed in close management in the weeks before the strike began for “inciting a riot” related to the protest.

“Close Management is akin to solitary confinement and Ezzial is held in a 9x7 cell for 23 hours a day,” IWOC wrote on their website. “Ezzial would greatly appreciate mail and could use stamps and writing supplies.” For one hour per day, Williams is allowed to leave his cell to walk around in a caged outdoor area, Smith said.

In a statement emailed to the Daily Beast, a spokesperson from the Florida Department of Corrections wrote that there are “many factors” that contribute to an inmate’s movement to close management.

“Inmates are often moved if they commit acts that threaten the safety of others, threaten the security of the institution, or demonstrate an inability to live in the general population without abusing the rights and privileges of others,” the spokesperson wrote. “Inmate Smith was moved for multiple disciplinary infractions. Inmate Williams was moved for behavior that posed a security risk to staff and inmates.”

A third inmate, Corey Sutton, a 21-year-old housed at Franklin Correctional Institution, was sentenced to 58 years at the age of 14 for a sexual battery charge he says he didn’t commit. Tuesday, Sutton’s mother told IWOC that he was placed in “confinement” for charges of alleged gang activity and participation in the strike. The Florida Department of Corrections claims the boy was never confined.

Sutton says the complaints against him were based on an email he sent to his mother earlier this month which made reference to “black August,” a month-long celebration of black history started in the 1970’s by black liberation activists, Smith told The Daily Beast.

The group has so far only made the three individuals names public on their website, but there are likely more out there, Smith said. Inmates face substantial risks for coming forward with their stories.

“It’s dicey game to make people’s names public,” Smith said. “Once their names are out, they can get more heat on them. And if they’re in a position where they are fighting an allegation it can be pretty difficult.”

#### That also takes out aff solvency- prisons circumvent by punishing prisoners with false reports- AND they’ll initiate lockdowns, cut communication lines, transfer strike leaders, bribe prisoners, and break up strikes without criminalizing the strikes themselves

Nam-Sonenstein, 18 -- Publishing Editor at Shadowproof and columnist at Prison Protest

[Brian Nam-Sonenstein, "Florida Officials Deny Operation PUSH Is Ongoing, Even As They Retaliate Against Prisoners," Shadowproof, 1-25-18, https://shadowproof.com/2018/01/25/operation-push-update/, accessed 11-18-21]

Kevin “Rashid” Johnson, an activist and intellectual incarcerated at Florida State Prison, was charged with “inciting or attempting to incite a riot” five days before a nonviolent prison labor strike and boycott known as Operation PUSH.

A disciplinary report filed on January 10 states Warden Barry Reddish sent an article Johnson wrote about Operation PUSH and a “series of other articles” on the action to an administrative lieutenant. The article made “numerous allegations of mistreatment of inmates at Florida state prison and proclaims Florida to be the worst prison system of the four various states [where] he’s been incarcerated.”

It does not specify which passages specifically incited a riot and at no point does Johnson’s article include a call to action.

In an “emergency note” Johnson sent to his lawyers on January 19, he alleged Florida Department of Correction (FDC) officials tortured him.

“Am being literally tortured in retaliation for article on prison strike and conditions \*by the warden\*,” Johnson wrote. “No heat. Cell like \*outside\*, temp in 30s. Toilet doesn’t work. Window to outside doesn’t close and cold air blowing in cell.”

“Its daytime and so cold can barely write,” he wrote.

His supporters fear for his life and are asking members of the public to call Florida State Prison and demand they move him to a safer cell immediately.

“Nowhere is anyone told to do anything,” Johnson wrote in response to the riot charge. “It is only a piece of journalism, which is constitutionally protected exercise of speech and press. Also FDC prisoners have no internet access, so how is something published online inciting prisoners?”

Johnson’s article runs through the demands and motivations behind Operation PUSH. He describes slave labor conditions, violence and abuse, and a lack of medical care in the Florida system, connecting these conditions to the establishment of the state’s first penitentiary just three years after slavery was abolished for all with the ratification of the 13th Amendment (excluding those convicted of felonies).

He uses his own experiences over the last six months in the Florida prison system as context for Operation PUSH and compares it to three other states where he has been incarcerated.

“I can personally attest that conditions here are among the worst I’ve seen,” Johnson writes.

The department has a record of corruption and deception, Johnson notes, pointing to the 2012 murder of Darren Rainey by corrections officers.

Rainey was a mentally ill prisoner who burned to death because officers locked him in a shower rigged to reach 160 degrees Fahrenheit—40 degrees above the state limit—and then covered it up. His death led to further revelations about death, corruption, and abuse across the Florida prison system.

Data released this year shows the number of prisoner deaths in Florida rose 20 percent to 428 deaths in 2017, even as the number of prisoners declined. By comparison, more incarcerated people died in Florida prisons last year than have been executed in all of the United States since 2007.

Johnson called the riot charge “retaliation, plain and simple, for publicizing abusive conditions.”

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On January 15, when Operation PUSH was to begin (and also the day after Johnson’s disciplinary report), FDC canceled visitation at three facilities : Blackwater Correctional Institution, Everglades Correctional Institution and the Reception and Medical Center (RMC).

When the day arrived, RMC went on lockdown and sources indicate staffing levels were tripled at that facility. Around 50 protesters gathered outside to show solidarity with striking prisoners. Similar demonstrations took place around the state and in other parts of the country. News of Operation PUSH and its demands spread across U.S. and international media, including several mainstream outlets, like Newsweek and the Guardian.

The following day, as abolitionist scholar and activist Angela Davis announced her support of Operation PUSH at a speech in Florida, outside organizers for the Incarcerated Workers Organizing Committee (IWOC) reported they lost communication with their sources on the inside. (IWOC is a chapter organization under the Industrial Workers of the World that seeks to unionize incarcerated people and serves as a liaison for their political organizing.)

“The only logical answer is repression tactics,” IWOC organizers declared. Lockdowns and shakedowns had likely interrupted lines of communication. At least two organizers were thrown in solitary confinement “without reason,” and dozens more were isolated in the days before the strike began.

Meanwhile, a large protest assembled outside FDC headquarters in Tallahassee. Protesters took over the lobby for several hours, demanding a meeting with department head Julie Jones to present the demands and call for an end to the retaliation.

Around 3:00 PM, police officers attempted to break up the protest. One activist with the anti-racist organization The Dream Defenders was arrested and charged with property damage/criminal mischief of $1000 or more, resisting an officer, and trespassing. She was bonded out of jail later that night. Several others were injured in the scuffle as police tried to eject protesters from the building.

FDC made some of its first statements about Operation PUSH the next day, acknowledging the arrest and alleging “protesters became increasingly disruptive and breached the doors into a secure area of the building.”

“In attempt to enter the secure area, protesters battered FDC staff,” they claimed. FDC also said there was “no interruption to daily operations” and denied any prisoner resistance took place.

Meanwhile, Supporting Prisoners And Real Change (SPARC), which is a platform for Florida prisoners and families in Florida, reported “key organizers” were placed in solitary confinement and faced investigation for “no reason given.”

IWOC reported the Avon Park facility deactivated prison phones on the second day of the protest, “denying these political prisoners their right to inform their loved ones that they are safe.” They said “dozens” of suspected organizers were now in isolation.

Solidarity actions continued around the country. On January 19, members of Workers World held a teach-in on prison abolition and documentary film screening in Georgia. There were banner drops in Omaha, Nebraska, earlier that morning.

SPARC released a list of over 150 organizations, who expressed solidarity with Operation PUSH on January 20.

On January 22, outside activists flooded FDC phone lines with a call-in action demanding the department recognize prisoner demands. In response, the department released another statement denying any protest was happening and said normal operations continued in all prisons across the state.

“Despite recent reports, prisons and institutions across the state have had no interruption to daily operations. There were no inmate work stoppages or strikes,” the statement read.

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Publicly, FDC insists there is no Operation PUSH inside its facilities. Yet incarcerated people have reported “active participation or repression of some sort” in at least sixteen state prisons.

SPARC argues this is part of FDC’s strategy of severing communication to “create the perception of inactivity and break the spirits of those participating in the strike.” Incarcerated organizers have expressed the importance of solidarity and communication with those on the outside, both for morale and for protection, for many years.

FDC threatened organizers with “harsher retaliation” if they corresponded or in some cases merely received literature from advocacy groups like IWOC and Fight Toxic Prisons.

Lockdowns, disconnected phone lines, and mass searches interrupted lines of communication, and incarcerated people suspected of organizing resistance were split up and transferred to other facilities.

Multiple incarcerated people reported being given a choice: work with the FDC against Operation PUSH and receive a transfer to a so-called “sweeter” work camp. Otherwise, face solitary confinement for corresponding with organizers on the outside.

Prison officials used gang designations to stifle the nonviolent protest, labeling suspected organizers as members of a Security Threat Group (STG). This classification level subjects prisoners to further isolation, surveillance, harassment, and loss of rights and privileges.

In an interview with the website It’s Going Down, IWOC organizer Karen Smith said suspects were investigated and charged for using contraband phones. Investigators in some cases went so far as to decide certain social media posts were tied to particular individuals even if they didn’t have a phone.

Smith called the repression “harsh and complete.” The FDC is watching social media pages and keeping close tabs on people who receive literature from outside groups, she said.

FDC’s reaction to Operation PUSH is somewhat of a departure from how the state handled prisoner resistance in recent years.

When protesters changed their tactics for Operation PUSH to focus on a nonviolent economic protest, the FDC changed theirs, too, engaging in what SPARC called “low-intensity, psychological warfare rather than blunt force.” Given the authoritarian nature of prison systems, which are afforded total obscurity and practically unlimited control over prisoner movement and communication, the FDC is well positioned to adapt its forms of repression.

“It should come as no surprise that the [FDC] can’t be trusted to report strikes occurring in Florida state prisons, just as they have been lying, or to borrow from a PUSH prisoner, ‘using wordplay,’ around the rip-off of their canteen prices,” SPARC wrote. “They have been working for weeks to eliminate the chance of the strike’s success. Claiming that it never existed is another tactic for trying to stop it. Never trust the oppressors to adequately report the facts.”

SPARC found that building outside support in advance, which prisoners felt was necessary to boost morale and participation in Operation PUSH, “provided ample notification and time for the [FDC] to bribe, threaten, and gather scab labor.”