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Book Review by Kiilu Nyasha

JAILHOUSE LAWYERS: Prisoners Defending Prisoners v. The U.S.A. by Mumia Abu-Jamal

The first of its kind, Mumia has written a book that is, paradoxically, both revolutionary and conservative.

It's revolutionary because it breaks new ground enlightening us about the courageous, unorthodox resistance to the system (and its inherent injustices) posed by *jailhouse lawyers*.

It's conservative because, as Mumia points out, "...jailhouse lawyers often unwittingly serve the interests of the state by propagating the illusion of 'justice' and 'equity' in a system devoted to neither." They create "illusions of legal options as pathways to both individual and collective liberation."

Citing the famed attorney, Clarence Darrow, Mumia quotes from his 1902 address: "The laws are really organized for the protection of the men who rule the world. They were never organized or enforced to do justice. We have no system for doing justice, not the slightest in the world."

Quoting Mumia, "There is an ancient Latin saying...*Rex no potest peccare* – 'The King can do no wrong.'...[S]ubstitute 'the state' for 'the King' and it fits perfectly."

Elaborating on the law's inherent conservatism, Mumia discusses the "penchant for precedence, which ties today's legal reasoning irrevocably to the past." In Toward an American Revolution, he notes, Jerry Fresia provides a portrait of three *founding fathers*, one of whom was a lawyer, that details their enormous wealth derived largely from the ownership of hundreds of African slaves. They were the first three presidents of the U.S.A., George Washington, John Adams, and Thomas Jefferson.

The first chapters of the book discuss "Learning the Law" and "What 'the Law' Is."

Jailhouse lawyers, like Mumia himself, make use of prison law libraries, correspondence courses, and books ordered or borrowed. But their main source of instruction comes from other jailhouse lawyers with more experience and knowledge. However, recounting a pre-prison conversation, Mumia notes how some of these jailhouse lawyers "go crazy" because "they really believe in the System, and this System always betray those that believe in it!" (Mike Africa) Indeed he later witnessed a fellow prisoner who insisted the Pennsylvania Supreme Court "gotta grant me relief!....." "It's in black and white!" When relief was NOT granted, he snapped.

Pointing out that *what is law* depends on *who you ask*, Mumia quotes Rousseau and Marx, respectively: "Law is an invention of the strong to chain and rule the weak." It's "the will of [one] class made into a law for all." He goes on to remind us of the pro-slavery rulings of a Supreme Court justice, Thomas Ruffin, who wrote, "The power of

the master must be absolute, to render the submission of the slave perfect.” He notes the reemergence of the Slave Codes as Black Codes, that (as pointed out in the infamous *Dred Scott* case) determined that *citizens* were categorically *white* and that [Blacks] “*had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.*”

“The law is a tool of class domination and...racial domination as well....But the law...can be readily and quickly changed,” writes Mumia. For example, in the wake of a flood of media stories about frivolous prisoner lawsuits (later proved to be falsehoods or exaggerations), in 1996, then President Clinton obtained passage of the Prison Litigation Reform Act, which like his welfare reform legislation subverted the rights of the poor and strengthened state power.

The importance, indeed the urgency in many cases, of jailhouse lawyering cannot be overstated. Take, e.g., the experience of jailhouse lawyer Running Bear: “His most important achievements...Helping three people to get their death sentences overturned...He describes ‘hearing a kid yell up to me that the Pa. Supreme Court has just overturned his capital case based on a brief I wrote....Saving someone’s life via pen and paper is a rewarding and unforgettable experience.’”

The first jailhouse lawyer I met personally in 1971 was Ruchell Cinque Magee. He had won for himself a second trial in 1965 of his original 1963 conviction which he summed up as the state “using fraud to hide fraud.” Under nearly constant persecution, Magee was known to have helped a myriad of prisoners win their release through writs and petitions. He also initiated a wrongful death civil suit in the case of Fred Billingsley, a California prisoner murdered by guards in 1970. After the case was taken up by outside attorneys, a large settlement was won for the Billingsley family.

While illuminating the achievements of jailhouse lawyers – “During the 1960s and 1970s, jailhouse lawyers were primarily responsible for the recognition and enforcement of prisoners’ civil rights “ – Mumia also exposes the “*hustlers in hell*” and the “*snitches.*” He describes them as “the worst of the worst.”

Also criticized are “street lawyers,” (professional licensed attorneys) who are often derelict in their duties to defend the indigent, but are nevertheless protected by the Courts. “A lawyer may be drunk, inattentive, stoned on coke or scag, absent from the trial, or crazy as a loon – but s/he aint legally ‘ineffective.’ Such are the bitter fruits of *Strickland’s* ‘presumption of effectiveness.’” Cases of such malevolent behavior are detailed, as well as those of sheer incompetence. “Most criminal lawyers are lost when taken out of their limited field of ‘criminal law.’ I had to explain the Anti-Terrorist and Effective Death Penalty law [Clinton: 1996] to at least ten lawyers who viewed themselves as ‘experts’ in their fields.”

In summary, as Mumia states in his *Preface*, “This is the story of law learned not in the ivory towers....It is law learned...in the hidden dungeons of America – the Prisonhouse of Nations....It is law learned in a stew of bitterness, under the constant threat of violence...written with stubs of pencils...with grit, glimmerings of brilliance, and with clear knowledge that retaliation is right outside the cell door. It is a different perspective

on the law, written from the bottom, with a faint hope that a right may be wronged, an injustice redressed. It is Hard Law.”

The most fun I had reading this book involved the trial of John and Mo Africa who represented themselves while in the Philadelphia County Jail – and won!

I recommend this book to all who are interested in justice and its denial, prisoners and their loved ones, courage and consciousness, equality and freedom.