PROTECTING OUR WATER

LEGAL STRATEGIES FOR MOVEMENT ACTIVISTS



BOOK 3: POST-ACTION

★ PIPELINE LEGAL ACTION NETWORK ★

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Protecting Our Water
Legal Strategies for Movement Activists
Book 3: Post-Action
Pipeline Legal Action Network

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Bde Ota Otunwe, Mni Sota Makoce, aka "Minneapolis, Minnesota"
Occupied Oceti Ŝakowiŋ homeland and Anishinaabe territory

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POST-ACTION LEGAL STRATEGIES

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INTRODUCTION

This workbook has been put together by Pipeline Legal Action Network (PLAN). We are legal workers and legal support organizers who want to help build a movement committed to anti-colonial and anti-extractive practices and policies. Our aim in creating this workbook is to help you strategize effectively and mitigate the risks inherent in direct action and confrontational activism necessary in furthering this movement. Our work stems from Line 3 struggles on occupied Anishinaabe and Oceti Ŝakowiŋ land in Minnesota, and can be applied to many different contexts. Our work is rooted in the following principles:

We are committed to restoring a paradigm that recognizes humanity's dependence on our shared and living Earth. We join in resisting extractive industries and colonization. We respect the inherent autonomy and sovereignty of Indigenous peoples. We recognize that we are on stolen land and that Line 3 is one example of ongoing colonization.

We embrace the concept of abundance and are committed to centering relationships as part of this vision. We promote non-competition within this ecosystem of resistance. We humbly seek to share space in this struggle and welcome other groups engaged in anti-colonial and anti-extractive efforts. We strive to practice the values and visions we desire for the future, today.

Our work will expand the possibility for transformative action by pushing back against repression and reducing the harm caused by the legal system. The legal system is a colonial imposition and an essential tool for those wishing to consolidate power, wealth, and control. We will equip water protectors with additional knowledge and resources to strengthen movement against the extractive industry and reduce the harm associated with criminal charges.

We will prioritize organizational structures that support individual autonomy while acting in ways that honor our interdependence. We will support groups and individuals in making their own informed decisions by decentralizing information, power, and resources.

Our work will be rooted in a respect for a diversity of tactics in our shared struggle to stop Line 3 and end the fossil fuel era. We recognize that the state takes advantage of tactical differences to divide

movements. Movements that include diverse tactics are resilient in the same way diverse ecosystems are resilient.

We see oppression as intertwined and systemic. We commit to work to end all relationships of domination and subjugation, including but not limited to those rooted in hetero-patriarchy, racism, classism, colonialism, antisemitism, and transphobia.

We reject the narrative of "workers versus environmentalists." Climate catastrophe disproportionately impacts poor and working people. If the system requires us to sell our future to survive today, then the system must be changed.

Our work is movement work and our solidarity is with those who stand with their comrades and movement. We will not support those who undermine movement through state collaboration.

This workbook has been written with these principles in mind. Everyone's situation is unique, and we aim to help you make the best choices for you and your community in the specific situation in which you find yourselves.

We have written this book from our experience in the movement to Stop Line 3, but we are informed by anti-repression work in a wide breadth of areas. So while our writing is tailored to anti-colonial, anti-extractive struggles, the lessons to protect yourself and your group will apply to activists in different contexts confronting the US legal system. We always welcome feedback (PLANLine3@gmail.com).

We are grateful to the following organizations, their volunteers, and staff for helping to bring this workbook to you through direct effort and also teaching and collaboration over the years:

American Civil Liberties Union
Anarchist Black Cross
Center for Constitutional Rights
Civil Liberties Defense Center
Climate Disobedience Center
Electronic Frontier Foundation
Freshet Collective
Law for Black Lives
Legal Rights Center

Midnight Special Law Collective
Mutant Legal Collective
National Lawyers Guild
NYC People's Law Collective
Stokes Collective
Tilted Scales Collective
Training for Change
Water Protector Legal Collective

A NEW START

> "I was only a working-class boy from a Nationalist[1] ghetto. But it is repression that creates the revolutionary spirit of freedom."
>
> —Bobby Sands[2]

After the action and the immediate work of getting folks out of jail,[3] take stock of your situation with fresh eyes. How have your goals or the terrain changed? In the pre-action phase, people often choose who they're organizing with. With small actions, sometimes this same core group of people who organized the action then become the arrestees and their supporters. With larger actions, post-arrest organizing often involves a whole new set of people, chosen at random. Who gets arrested and thrown together may be more based on the perceptions of police and the State—or may be totally random—than it is on the actual relationships between comrades.

As a result, the organizational structure used to plan the action will often be different than the structure used to plan post-action legal support. Because we in PLAN **prioritize structures that support individual autonomy while acting in ways that honor interdependence,**[4] we want folks who are most impacted by decisions to be centered in organizing to make those decisions. In practice, achieving this goal means shifting the group from a structure that centers action planners to one that centers the defendants and their closest comrades.

The pace of the work can also shift dramatically. Things are often moving quickly during an action and in the immediate aftermath of arrest, confinement, bail, and release. Adrenaline and cortisol are likely helping you handle the stress you have been under during the action, but staying in this heightened place as the legal proceedings drag on can be hard on the mind and body and harmful to others. When people spring into post-action legal support in the same heightened state as they did the action itself, they are likely to burn out

---

[1] In the modern American context, Nationalism is often thought of as synonymous with Fascism. As in many anti-colonial struggles, Irish nationalism is a nationalist political movement which, in its broadest sense, asserts that the people of a land should govern themselves as a sovereign state.

[2] Bobby Sands was a member of the Provisional Irish Republican Army who died on hunger strike while imprisoned in Northern Ireland in 1981.

[3] If not everyone is out of jail, you will likely need to continue to provide some jail support while organizing the folks who have been released. In some cases, arrestees may be in for a long time and their continued support will need to be a part of ongoing organizing efforts.

[4] See the Introduction on page vii for our Principles.

quickly. You need to figure out how to maintain momentum without causing unnecessary stress. You are moving from an hours/days-long effort to a months/years-long process. The more that people can slow down and stay with it for the long haul, the stronger you will be. This is both an individual and a cultural shift.

In Workbook 2, you set up a time and place for an **all-arrestee meeting.** Now you need to prepare for and hold that meeting.

In this section, we will cover:

- **All-Arrestee Meetings:** Preparing for and holding the meeting(s) with ideas to help arrestees feel supported and empowered.
- **Ongoing Arrestee/Defendant Organizing:** Building participatory defendant-centered organizing bodies that break down the daunting work into manageable components.
- **Attorney Coordination:** Organizing attorneys and legal resources.

ALL-ARRESTEE MEETING

The first few all-arrestee meetings may be the most consequential phase in the post-action organizing. This is where defendants begin to understand the ramifications of their charges and imagine what is possible for fighting back. You will want to have all your ducks in a row and your best facilitators prepped and ready. The all-arrestee meeting takes a magical blend of concrete knowledge and information, along with more esoteric, inspiring, and empowering skills.

A NOTE ON SECURITY

Who is going to be in the room and what information is important to share? What information is important to NOT share or is extraneous to the organizing at hand? Inexperienced arrestees may not have the background to make these judgment calls. Part of your job may be to set the boundaries and keep a firm hand on what people discuss in this space.[5]

ARRESTEE GOALS

We describe **goals** in Workbook 1 as "specific, measurable, achievable, realistic, and time-bound."[6] Apply this framework to your all-arrestee meetings to shape your priorities. Remember you are just at the beginning

[5]See pages 44 for more on security culture and minimizing exposure.
[6]*Protecting Our Water; Legal Strategies for Movement Activists Book 1: Pre-Action*, Goals, page 14.

of a long process, and you can only move as fast as the arrestees are prepared to go.

Often the arrestees need their most pressing concerns addressed before they can focus on organizing. Getting folks to participate in political organizing when they don't understand what the next steps are in their case is nearly impossible. Be prepared to make a major part of the first all-arrestee meeting about **addressing concerns** and talking through the **next steps** in the legal/court process. This will likely mean inviting a lawyer with criminal law experience in the jurisdiction where most charges were filed. It will likely also include a legal organizer who can lay out the groundwork that has been done (if any) that this group can build on, such as **legal funds, attorney coordination systems, communication and meeting infrastructure,** or future **educational events.**[7] Having a skilled facilitator for this first meeting is crucial for building trust between defendants and supporters, and incentivizing defendants to continue meeting and organizing as a group.[8]

Skilled Facilitation Keeps Our Movement Healthy, Growing, And Winning

Why do we need skilled facilitators? They can help us focus on the goals of **building a movement committed to anti-colonial and anti-extractive practices** and policies. Help us share power by sharing information, distributing the work, and ensuring that we all have a stake in the outcomes. **Skilled facilitation can move us toward creating a community that takes care of ourselves and each other,** while fighting for structural changes to increase the care and decrease the oppressive violence in the world overall. Together, we engage in direct action, fight for policy changes to move power back to the community, undermine the repressive colonial criminal legal system, and simultaneously create a nurturance culture[9] or culture of care that reflects the world we are trying to build. This is what a healthy movement can do. **Our organizing focuses on concrete tasks**—like writing solidarity statements, getting to know each other, and developing working groups. As we take

[7]Prepare the attorney who will be speaking appropriately; it's easy to go into a lot of detail early on, and this approach can easily overwhelm and/or confuse first-time defendants. Have them focus on the basics as well as the timeline. If arrestees have very specific legal questions, encourage them to side-bar with an attorney privately. Different attorneys may also have different ideas about the ethical rules around speaking with represented defendants. You may need to come up with creative solutions to get that need met.

[8]See more on good facilitation on pages 12–13.

[9]https://norasamaran.com/2016/02/11/the-opposite-of-rape-culture-is-nurturance-culture-2/

on these tasks, **we share power and pay attention to the vibes** of the meetings, the ways the group makes decisions, how we handle conflicts among the group, and what other issues and struggles are impacting people. We make changes as needed. **Paying attention to the process of the group will help us achieve our goals. Both goals and processes must be tracked.**

Hopefully, once the major concerns are addressed, and defendants understand that they will have strong support from comrades, they will be ready to begin laying the foundation for **ongoing defendant organizing.** In many modern mass defense cases there can end up being a lot of pressure on defendants, who may have never been in this situation or have even done much organizing, to spearhead strategic decisions with their case. They may need a lot of guidance, research, and one-on-one problem solving to feel equipped to make decisions. Know that you don't need to have it all figured out by the end of the first meeting. It is important to leave with a few next steps to enhance the organizing skills as well as community among the defendants. Try to track: **how are the next steps you are taking also building shared group commitments and solidarity** amongst defendants (solidarity statements, social mixers, collaborations); **what is the basic structure** of how folks imagine working together to be greater than the sum of their parts, while breaking down the larger desires into manageable tasks (developing working groups or other structures such as committees or spokes councils); **how is defendant leadership**[10] **being built** (defendants sharing facilitating future meetings, leading working groups, taking over tasks from the action-concurrent legal workers). You may not get as far as you hope in building the defendants' self-organizing skills and that's okay. At this stage **getting far is not as important as getting there together.**

To be successful you must **inspire defendants to engage.** We have seen organizing fall short and fail to build a critical mass of defendant involvement. Sometimes this is because things seem so put together that defendants felt their input was unnecessary and that others had the bases covered. At other times things were too open and defendants felt overwhelmed without a clear skeleton to build on or menu of options to choose from. If you are successful, **defendants** will end the meeting **feeling supported and powerful, and understanding that *their participation is essential* to success.**

[10]We use the term *leadership* not as synonymous with authority but as an effort to name the constellation of skills, knowledge, wisdom, and grace that helps folks powerfully and compassionately lean into their own agency and responsibility.

BUILDING AN AGENDA



No two agendas are going to be exactly the same. They should **be responsive to the needs of the individuals, the collective whole, and the ongoing campaign** (if any). A smaller group of individuals who know each other well and have prior experience with being arrested are going to have different needs than a random assortment of folks who showed up to their first protest and were mass arrested. There are some best practices that we offer here as a starting place.

- **Gather:** Taking time at the beginning of the agenda to **"build the container"**[11] pays off in both building group identity and bringing people into a space of focus and collaboration. What works for the culture of one group or campaign may be different than what works for others, so think about what are accessible practices that are going to get everyone connected. Consider go-rounds, pair or small group shares, an expressive movement, or a primal scream. This space might also include a land acknowledgment or other **setting of group norms.** Time keeping and breaks may be good norms to consider.

[11] *Container* here refers to the atmosphere and articulated guidelines that a group co-creates; that sets a meeting space apart from the rest of life.

THINK IT THROUGH

Land Acknowledgments: A well-meaning gesture where participants begin an event by acknowledging the Indigenous Nation(s) whose homelands the gathering takes place on. This practice runs the risk of being a virtue-signaling performance, especially when not paired with meaningful, ongoing commitments to anti-colonial practices.[12]

Perhaps a more active and engaging approach is to pose the following questions:

1. What have you done for LandBack?

_____
_____
_____

2. What have you done to promote Indigenous organizers, thinkers, and worldviews?

_____
_____
_____

3. How have you been listening to the people who have been listening to the land and water the longest?

_____
_____
_____

[12]See Appendix A for more information on Land Acknowledgment, See Appendix G LandBack Resources.

- **Agenda review:** Especially when folks are nervous about getting their needs and goals met, taking time for an agenda review can **let folks know that there will be a designated time for meeting those needs,** so they can focus on what is in front of them. You are co-creating space, so it's important to **be flexible** if folks have concerns about the agenda, though it is also okay to ask folks to try going along with your plan.
- **Brief history/updates:** This is basically: "where we are at and how we got here." You might invite a respected organizer to do this, or maybe someone from the Jail Support crew, or ask a defendant who has shown they want to organize to do this. It will likely include things like the number of arrests and charges, and what the legal support structure looks like so far.
- **Legal system and questions:** Have someone with experience in the legal system talk through the next steps in the system to help defendants set their expectations. It can be helpful to have a visual diagram of the full legal process so that all of the defendants know what to expect and where they will have decisions to make. If you know what some of the common questions or concerns are, try to answer them up front or use a facilitation tool like writing questions on cards, a whiteboard, or a digital space to help find common themes so that you can address the biggest issues all at once.

SOME LEGAL PROCESS TERMS

Indictment. A document stating the probable cause for and the charges against a defendant in adult court. In some jurisdictions someone can only be indicted by a grand jury. Other names for charging documents may include **complaint** or **information.**

Voir Dire/Jury selection. The process by which prospective jurors are questioned and may be eliminated.

Plea Bargain/Agreement/Deal. A negotiation between the defendant and the prosecutor.

Felony. The most serious category of criminal offenses, with penalties of imprisonment ranging from a year and a day to life, or in some states, punishable by death. In Minnesota, it is a crime punishable by imprisonment of more than one year, with or without a fine.

Misdemeanor. A criminal violation that is less serious than a Felony. Some jurisdictions divide Misdemeanors into different levels such as petty/gross or A/B/C.

Acquittal. The finding of not guilty.

Conviction. A finding of guilty.

Omnibus hearings. The purpose is to resolve legal issues before trial, more specifically may be referred to as Rasmussen Hearing, Contested Omnibus Hearing, Short Omnibus Hearing or Florence Hearing,

Pretrial Motions. Requests made to the Court. May be done in writing or in person as part of a hearing.

Discovery. Discovery is the formal pre-trial process where parties in a lawsuit exchange information, evidence, and witness lists to prevent surprises at trial.

Continuance for Dismissal/Continuance without Prosecution. There is no plea of guilt entered. A case is continued for a specific length of time on conditions set by the court, and if violated the process begins over again.

Stay of adjudication/imposition/execution. Different mechanisms by which potential prison time is limited pending the completion of probationary requirements.

For arrest process terms see the *Protecting Our Water Legal Strategies for Movement Activists Book 2: Concurrent.* See page 32.

At some point, open the meeting up to general questions. That could be during this section of the meeting, or you could circle back to questions at the end of the agenda. If it is during this section of the meeting, make sure to keep folks focused on legal questions applicable to the large group, and don't let folks drift into the particulars of their own situations. As a rule of thumb, folks shouldn't be talking in this large group about what happened in the action BEFORE they were arrested. It can be helpful to have some spaces set up in the future where folks can have a private meeting with a lawyer for specific and individualized questions or concerns, especially about vulnerabilities such as immigration, gender, prior criminal history, or unique factual circumstances of a person's arrest.[13]

- **Visioning examples:** Often arrestees haven't been in this sort of situation before. It can be helpful to give some examples of defense campaigns people have been a part of in the past. The best examples are local, recent, and successful. Ask people who were part of those cases to come and speak about them at your meeting. It is important to understand that successful campaigns are NOT meant to be replicated exactly. Success will depend on adjusting to unique circumstances and responding to changing conditions. The most important takeaway should be the strategic thinking involved in choosing the tactics, not the tactics themselves. Hopefully these examples can get people thinking about their own situation and make the following section, where strategy is discussed, a little easier.
- **Defendant organizing — goals, strategy, structure:** While this item may feel the least urgent to the arrestees, it may actually be the most important. To ensure a co-created space, getting arrestee involvement and buy-in into the structure is critical. You are not doing this for arrestees, you are doing it with them. You are likely an arrestee yourself. There are a lot of different tools for effective goal setting and strategy. Collective strategy is collaborative and considers diverse interests, but agrees on shared values, and some combination of shared or mutually supportive goals. Collective strategy can represent a powerful approach for sharing resources, expertise and perspective. **The group doesn't need to have a fully fleshed-out strategy or goals by the end of this meeting, but it would be great if there is a start and a shared understanding**

[13]See the section on attorney recruitment, vetting and onboarding on pages 35–36.



of their importance. Work to have some basic structure and a plan for figuring the rest out with concrete next steps. Research and understand what vulnerabilities and points of intervention may exist in the court system you're up against and what opportunities may exist for you to collectively push on them. This often looks like forming working groups and developing proposals for a future meeting. Make sure there are solid, even perhaps redundant, ways to be in touch and agreements around the next meeting and who is responsible for what.

- **Group agreements/commitment to joint defense:** Working together as codefendants ("joint defense") requires the group to agree on a few basic principles. The bare minimum cornerstone agreement of joint defense is that no one will snitch[14] or throw anyone else under the bus[15] to benefit their own case. This does NOT mean that everyone has to agree to make all the same choices in their case. Some people may wish to go to trial, others may wish to take a non-cooperating plea deal, and these two paths both further the group's and individual defendants' goals. Arrestees should all understand what joint defense means, and commit to protecting

[14]Snitching is knowingly giving information or otherwise contributing to an authority's ability to punish or hold power over another, often for personal gain or to avoid negative consequences. We don't always treat people as snitches if they, out of ignorance, share information they regret by not asserting their rights at an in-custody interview We certainly do not treat people as snitches just because they take a non-cooperating plea agreement.

[15]This could look like forcing a codefendant to testify who wishes to remain silent, invoking a legal defense that involves blaming others, or pressuring codefendants to lie on the stand and thus risk perjury charges.

each other's legal well-being at the outset of the first all-arrestee meeting. If people are sharing attorneys, or the attorneys are working together, this commitment will likely be formalized in a written agreement later on, but people need to have a firm understanding of what it means to work together at the outset.

- **Review:** After your main agenda discussions, briefly review the **agreed-upon next steps and commitments.** Who are the point people? When and where are the working group meetings? Where and how will information about defendant support and upcoming meetings be stored, shared, and updated? This is especially important if your arrestee group doesn't have a lot of experience in organizing and collective decision-making.
- **Closing:** Hopefully, folks are feeling less stressed and have some clarity on how they are going to take back some power. You want folks to **leave feeling glad that they participated and wanting to continue in the work.** It can be helpful to name some strengths and gratitudes. Consider pairing something personal, like asking the person next to them what they are most excited about, with something collective, like a popular chant.

MEETING LOGISTICS

The increase in virtual meeting capabilities gives us more tools with which to organize, each with their own benefits and drawbacks. Remote meetings are typically more accessible to a broader range of people, but require access to technology and provide less opportunity for relationship-building and informal social connection. Who do your logistic choices exclude or disadvantage? How will their needs be lifted up? Carefully consider what will work best for the particular defendants. It is important to consider all of the below items in addressing the meeting logistics. Consider security issues when using all digital applications.

HOW TO FACILITATE A MEETING

Facilitating an all-arrestee meeting can be hard. It can be helpful to **have a team of folks taking turns facilitating or taking on different support roles.** For example, if you are having arrestees write down questions on cards for a question and answer session, you may want someone who will pass out the cards, collect them, and go through them to group common questions. You may have someone in your crew who is better at facilitating a Q&A and keeping stack while someone else might be better at nurturing or inspiring people to contribute ideas for next steps.

The facilitator is not the leader or authority in a meeting. The facilitator doesn't make decisions, but helps the group move through the agenda toward achieving participants' goals. The facilitator's responsibility is not to individuals or a subgroup within the structure, but rather to the work itself. They shouldn't talk the most in the meeting. Someone who has strong feelings about the topics, or is in active conflict with others in the group, may not be the best candidate to facilitate the meeting. When facilitating, remember that you are with friends, comrades, people who like and respect you, and you do not need to prove your value to the group–it is inherent. You are helping to draw out others' best ideas to move the movement forward. This is part of **organizing to build shared power.**

Training For Change,[16] a training and capacity-building organization for activists and organizers, has many great tools and resources to learn about organizing, including facilitating meetings; understanding the role of a facilitator; and up-skilling your crew. There are ideas in the appendix from Training for Change and more resources on their website.

MEETING FACILITATION TIPS

1. Arrange (before the meeting) to have somebody else present each item.
2. Encourage the expression of various viewpoints–the more important the decision, the more important it is to have all pertinent information (facts, feelings, and opinions) on the table.
3. Expect differences of opinion–when handled well, they can contribute greatly to creative solutions.

[16]Training for Change, https://www.trainingforchange.org/training_tools/meeting-facilitation-the-no-magic-method/

4. Be suspicious of agreements reached too easily–test to make sure that people really do agree on essential points.
5. Don't let the discussion continue between two people, but ask for comments from others. After all, it is the group that needs to make the decisions and carry them out.
6. As much as possible, hold people to speaking for themselves only and to be specific when they refer to others. Ask for a rephrase when you hear: "some people say," "we all know," or "they would not listen." Even though establishing norms for disagreement can be uncomfortable, especially at first, these practices build trust in the long run.
7. Keep looking for minor points of agreement and state them–this helps morale.
8. Encourage people to think of fresh solutions as well as to look for possible compromises.
9. In tense situations or when solutions are hard to reach, remember humor, affirmation, quick games for energy, change of places, small groups, silence, etc.
10. When you test for consensus, state in question form everything that you think participants agree on. Be specific: "Do we agree that we'll meet on Tuesday evenings for the next two months and that a facilitator will be found at each meeting to function for the next one?" Do NOT merely refer to a previous statement: "Do you all agree that we should do it the way it was just suggested?"
11. Silence is not a Yes. The participants need to be conscious of making agreements with each other.
12. If you find yourself drawn into the discussion in support of a particular position, it would be preferable to step aside as facilitator until the next agenda item. This can be arranged beforehand.
13. Almost any meeting will benefit from quick breaks in the proceedings—energy injections—provided by short songs, a common stretch, etc.

ONGOING ARRESTEE / DEFENDANT[17] ORGANIZING

We want to be clear that **solidarity amongst defendants isn't just about sharing resources and collaborating around logistics. It is also about building shared power.** We don't just fight repression in the courts. Our adversaries want us to confine our fights to the terrain of their choosing, but we are not bound by this. Political organizing for power, and effectively welding that power, is the best way to build more internal capacity. Folks need to feel like they are winning and effective, not just fending off State violence.

Crass

The Community RNC Arrestee Support Structure (CRASS) was an organizing container that was developed in the aftermath of the 2008 Republican National Convention protests in Saint Paul, Minnesota. CRASS brought together organizers, arrestees/defendants, and radical legal workers to build an arrestee-led coalition against repression.

CRASS used the seeds of pre-action and action-concurrent legal work as well as the strength of the broad-based coalitions that had been built and strengthened in the leadup to the RNC to bring together a wide array of folks. What is notable about this style of working is the way that the organizers and radical legal workers who had already been building power and solidarity used what they had built to support the organizing of arrestees and defendants. This "power with" approach made the movement stronger by sharing skills and knowledge and creating space for the personal relationships that are the backbone of solidarity.

Because CRASS was thinking strategically about fighting repression and movement building, they spent time not only on direct defendant support tasks like fundraising and lawyer coordination, but they also helped victims of police violence file civil claims, wrote thank you cards to donors and supporters, and helped hold anti-repression educational events. CRASS positioned itself as a place for folks to come together and so was a force multiplier. CRASS didn't fight over space or turf in the organizing world with other organizations, it supported them and worked to make sure others had the opportunity to be greater than the sum of their parts.

[17] Not all "arrestees" end up getting formally charged with crimes and thus becoming "defendants." Often arrestees who are not charged have less of a stake in continued organizing. This isn't always true, such as folks who experienced significant violence. Centering defendants is more about our general experience with the work. We encourage you to organize with whoever shows up to meet your shared goals.



Perhaps the greatest longstanding gift of CRASS is that they had a "Zine-Archive Working Group" that recorded not only what they did, but also what they were thinking and why. How their actions supported their goals and were aligned with their values. The zine they created, "UNTITLED, or What to do When Everyone Gets Arrested," is a must read for anyone trying to organize post-action legal solidarity. This Workbook draws heavily from it both directly and as a part of our common legacy.

Hopefully, you have come out of the first all-arrestee meetings with some clarity on the main goals and concerns of your arrestee group. If you don't yet have a structure for decision-making and collaboration, you will want to be moving in that direction. You will lose energy quickly if folks feel it's too hard to plug in or decision-making is too cumbersome.

Simultaneously, check in about who hasn't been showing up. Is the organizing space dominated by people with more access to privilege? Why might that be? How are you reaching out to people? What relationships existed before the action? Even in movement spaces, who shows up usually has a lot to do with social relationships and peoples' day-to-day lives.

CULTURAL COMPETENCY IN ORGANIZING

Have organizers and defendants done their homework across class, race, and culture? Are people expecting other arrestees to educate them about Indigenous sovereignty, language, or culture? Are there aspects of the group culture or norms that are anti-Black? Is the organizing space exhausting to some people, so they are not showing up? Are there reasonable supports the group could put in place to make the space accessible to everyone, such as child care, transportation support, meals, masking requirements, or a meeting location change? Do keep in mind that not everyone will want to participate. It is important to work WITH each other and be willing to meet folks where they are, but it isn't your job to chase after everyone. **We must all share a responsibility to rise to the moment in which we find ourselves.** This is a balance.

The defendant organizing body is the primary way that defendants collaborate to meet their needs. This keeps defendants centered as the most impacted individuals. There will likely be subgroups of defendants and arrestees based on other affinities. It's important not to stifle other organizing by insisting that the defendant organizing body is the only legitimate way to organize. At the same time, we focus on building mass defendant-led organizations because we believe that change is more likely when we can build power together and act in concert to be greater than the sum of our parts, and also because this style of organizing prefigures[18] the kind of world we want to live in; where people collaborate across differences and **hold power horizontally and collectively.**

There are some common structures used to maximize horizontalism[19] in arrestee organizing. These structures help folks who want to work horizontally. They DON'T prevent coercion or power hoarding–no organizing model is perfect all the time. Sometimes it feels like picking a model is more about picking the problems you are willing to deal with than it is about how the model itself functions. Maintain a willingness to revisit your structure if that advances your strategy without abandoning your vision. Horizontal organizing can increase communication, autonomy and creativity. But it has the risk of creating confusion, lack of clear leadership, and difficulty tracking multiple strategies and tactics.

[18] *Prefigures* definition: an early indication or version of something. Imagine beforehand (before an action or event; in advance).

[19] *Horizontalism* definition: A political or social theory or system that advocates the equitable distribution of power in a society.

ORGANIZING STRUCTURE

We find the most commonly useful structures are **General Assemblies, Steering Committees,** and **Spokes Councils.** You may also decide to use these structures in combination.

A **General Assembly** (GA) is a meeting of all stakeholders. The all-arrestee meeting is an example of a GA. They work great for setting big-picture goals and making decisions when you need mass buy-in. With large arrestee groups, it can be hard to get into details, and having working groups that meet outside the GA is essential. You can use GAs at the beginning of your organizing when there is a lot of interest, energy, and need, but participation starts to drop off after a while because the large meetings are cumbersome and time-consuming.

Steering Committees are groups that the general assembly may form to help move along the GA's goals between large meetings. A steering committee relies on fewer folks tracking the big picture, so can be helpful if the work is complex and needs to be divided into many small parts. There is a danger in centralizing even low-level decision-making in this way, so a steering committee must be **accessible and transparent.** Effective steering committees have **clear limits and a clear mandate.** The steering committee is "steering" the group through the strategies set by the larger whole. It can be useful to continue to have occasional general assemblies to make bigger decisions and check in on the work of the steering committee.

Similarly, a **Spokes Council** allows for greater participation with fewer folks required to track the big picture. We previously discussed the Spokes Council model in Workbook 1 as a tool for pre-action organizing. In post-action organizing, spokes councils are often a mix of working group representatives and other defendant affinity spaces. For example, one of the spokes councils organized around Line 3 post-action legal support had representatives from different working groups as well as support crews from the different protest camps.

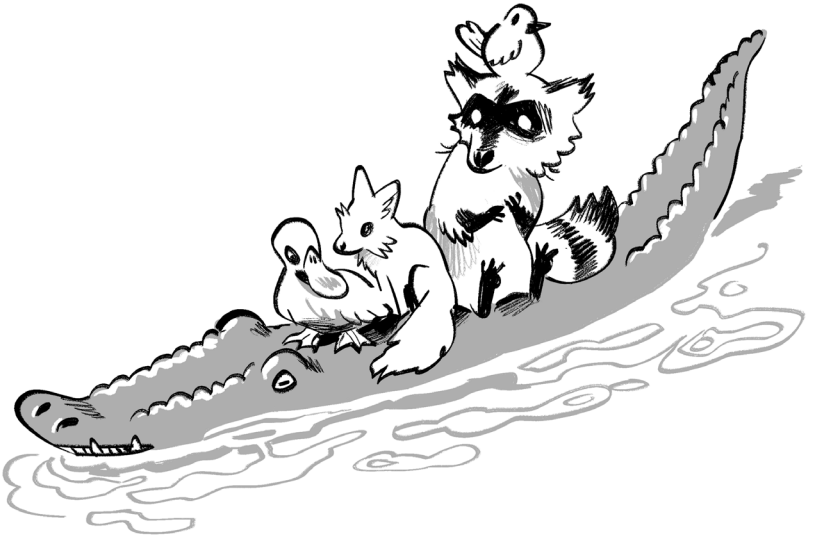
Some working groups or types of working groups you may want to have include:

- Legal information/strategy/data tracking[20]
- Logistics/material support for arrestees/hospitality
- Court watch/court support (note-taking, reporting back, strategic attendance)

[20]While we prioritize transparency and information sharing, it may be necessary to keep some legal information confidential and firewalled between criminal legal support, civil litigation support, and other general or political support teams. Your infrastructure and working groups should take this into account.

- Inreach/vibes
- Finance committee
- Attorney coordination
- Felony (or other special/high-risk subgroup) support
- Civil litigation/FOIAs/Other legal and repression issues
- Legal support (if there is a continued and ongoing campaign)
- Treaty rights (if there are treaty rights issues)
- Pro se (if some arrestees want to represent themselves)
- Media/messaging

You may have different groups than are listed here, and the specific groups may change over time as you gain or lose participation. You might need to make some adjustments if working groups start doing redundant work, for example, if your court support group is working on organizing rides to court and you also already have a transportation element to your logistics/hospitality group. Folks might end up being unnecessarily redundant if they aren't in sufficient connection and collaboration. If you are dealing with multiple arrest dates or an ongoing campaign, there may also be benefits to having folks arrested as part of the same incident have space to organize together.



ORGANIZE BASED ON MEETING YOUR GOALS

Commonly, when a decentralized struggle begins, we see folks show up with an offering. Perhaps they are interested in sharing food or they have street medic skills to offer. This can be useful and a beautiful show of solidarity. It can also end up putting preferred tactics ahead of goals. You are more likely to achieve your desired outcome if you focus on what your goals are and prioritize working on tactics that will implement your strategy towards meeting your goals. While it can be true that having folks show up and share food is better than not having them there at all, try to keep goals focused on organizing at the cornerstone of your work. Maybe there are goals related to reducing the repression of the most targeted people, or maybe your goal is to leave no one without support. With clear goals it is much easier to focus your energy.

There are a lot of different ways to conceptualize the work; based on goals (legal, personal, political), targets (defendants, lawyers, movement, public, adversaries), or arenas (media, community, court, etc). These ways of looking at the work can clarify the web of work and the interrelation of working groups. For example, court support needs information from attorney coordination to know how to plan for court. Then, to get the most out of court support, collaboration is needed with any political pressure campaign.

COMMON WORK

In the next few sections, we are going to discuss some common work done by defendant and arrestee organizations, especially in mass defense scenarios.

INTERNAL ORGANIZATION

Being organized is key. Folks who do the day-to-day work of facilitating meetings, building agendas, securing space, and making sure everyone has the details they need are critical and often invisible when meetings go well, and blamed when things are going poorly. While ideally all defendants will be involved in organizing and the responsibilities of organizing will rotate and be taught to everyone, this is frequently becoming less and less the case. If you are **a defendant or the comrade of a defendant, how can you help shape the support structure?** Organizing is a shared responsibility. It's also a skill worth practicing and developing. If you don't have a lot of organizing experience, now

is a great chance to get some. It will support your work long past the resolution of your case.

JOINT DEFENSE



Joint defense is a legal strategy where a group of codefendants decide to work together to defend their cases, and agree at a minimum not to subject each other to any legal risks without consent. This does NOT mean that people using a joint defense strategy must all choose the same tactics or strategy: some defendants may choose to go all the way to trial and others may attempt to negotiate a plea—all while remaining in solidarity with the team. Being values-aligned is the number one most important point of unity for a joint defense team.

Part of organizing together is using **solidarity to influence the legal case.** This power certainly influences your legal strategy in the courtroom, but it is important to think expansively about how this power can be used. The State gives us "rights" in the legal system and a highly scripted procedure with narrowly defined "wins," but through organizing we can break this script, protect each other, and broaden our sphere of influence beyond the verdict. Some of these methods are tried and true amongst movement defendants, but highly unconventional to courts (and even mainstream defense attorneys). One common starting point for launching a joint defense is to have codefendants and their attorneys enter into a Joint Defense Agreement (JDA).[21] This agreement allows the team to streamline effort and share

resources. It also helps for building a legal strategy that fits within your values and complements political strategy and other efforts outside the courtroom. Be sure to discuss joint defense thoroughly as a group, preferably with input from people who have done this before, but be strategic (and very limited) in whether or how any information about the joint defense agreement is publicized.

Many attorneys are hesitant to operate in Joint Defense configurations, especially where multiple defendants are sharing the same attorney. Public defenders are typically prohibited from representing more than one codefendant, but can still be part of a joint defense team with their one client. One radical public defender paired with one codefendant, working with a larger group of defendants and a movement attorney, plus a few pro se defendants, is a common configuration for a joint defense team.

Judges, too, may push back on defendants working together in a system where people are expected to compete for scarce freedom, i.e., snitch. They might hold extra hearings or require your lawyers to submit filings to defend your right to share attorneys with your codefendants. The prosecutor will likely push back on any sign of joint defense, too, because they will want to turn you against each other to strengthen their case.

Sometimes, attorneys can form a team in advance and offer to represent a group who were arrested altogether. Other times, defendants already have attorneys and it becomes the role of the defendants and their supporters to convince their attorneys to work together. For this, it can be helpful to have a crew of folks tracking this effort. This includes building a consensus amongst defendants as to the best strategies, getting the lawyers on board, and moving strategy to action. Some questions to consider are: What is a critical mass of defendants for your strategy? How will you deal with reluctant lawyers? How will you handle disagreement, especially if it comes from well respected movement lawyers or movement "leaders"? **Try to find strategies that build solidarity but don't require 100 percent compliance.** For example, filing pretrial motions can create pressure on the system, but may also require in-person court appearances that disproportionately drain resources for out-of-state defendants and their supporters. Local defendants filing these motions benefits everyone, and not every defendant needs to join every motion for the motion to be successful.

[21] A Joint Defense Agreement (JDA) is a written document created to support codefendants to coordinate strategies, pool resources, exchange information, reduce osts, and maintain a unified front while preserving the attorney-client confidentiality and work product privileges.

Bullying reluctant defendants into compliance or to adopt a uniform tactic is a destructive strategy that tends to run contrary to our values and also be ineffective.

Collectively Leveraging Your Rights to a Trial

Plea bargains are a way to resolve a criminal case without going to trial. They happen through a formal agreement made by the prosecution and the defense. Under normal circumstances, 90 percent or more of all criminal cases are resolved through a plea bargain. That's why prosecutors normally expect to take a very small number of cases to trial; prosecutors' immense power and control over the legal proceedings, such as the ability to overcharge a defendant with a terrifying felony, to threaten sentence enhancements, and to generally enjoy more leeway and influence with the judge than the defense, forces defendants to accept crappy plea deals instead of risking the consequences of a conviction. An individual acting alone often has little leverage to fight back unless they're rich.

However, when faced with scores or hundreds of defendants who refuse to waive any of their legal rights (such as the right to a speedy trial, a jury trial, and the full suite of pretrial motions and hearings to which they are legally entitled), this can create intense pressure on prosecutors to offer better plea deals or drop charges. Depending on the jurisdiction and the number of people in solidarity with each other as defendants, these and other collective strategies can procedurally "break" the courts.

While risks should be collectively discussed, assessed, and consented to, this type of procedural non-cooperation can result in more positive legal outcomes for the most vulnerable defendants. Depending on numbers, when enough people fully and collectively assert their rights it can disrupt the normal operation of things, incentivizing prosecutors and courts to resolve cases in ways they might not otherwise be inclined to.

It can help to do research on jurisdictions, judges, speedy trial rules, the amount of cases tried per year, local prosecutors, and public defenders before using this type of mass non-cooperation legal strategy, but it can also be organized out of necessity. It should be noted that non-cooperating plea bargains in and of themselves are not bad; the terms of the deal are what's important. Codefendants should discuss both what terms they'd be willing to negotiate for in a collective plea deal and what type of offers they wouldn't accept. Sometimes, a

plea deal IS a win. Strategic messaging can bolster a positive movement narrative: "see, the State tried to intimidate me with the threat of decades in prison, and I was able to plead out, serve a month, and move on with my activism." Celebrating defendants who are able to take non-cooperating plea deals that free them from the criminal system is arguably just as important (although rarely done) as celebrating glamorous wins at trial, in terms of its impact on increasing the risk tolerance and resilience of future arrestees.

POLITICAL CAMPAIGN

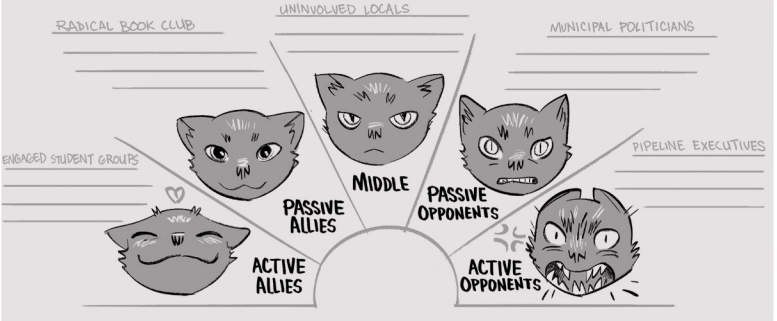
If we are simply trying to escape the State's repressive tactics, they have no reason to not throw everything they can at us and see what sticks. Having campaigns that create costs for the powerful—politically, financially, socially, etc.—disincentivizes repression, builds the power of our movements, and is often the part of the work that most excites people and keeps capacity flowing in. There is great satisfaction when the prosecutor going after you and your friends gets a demotion, the cops get fired, or the company's stock price bottoms out. We aren't bound by the siloed arenas of struggle they try to force us into. Find ways to not just resist, but to advance! Have a part of your organizing include developing a detailed and comprehensive strategy to build power and push back.

That said, part of how we respect each other's political capacity is NOT by mounting a campaign we don't expect to win just to have something to do. If you are going to ask folks to support your campaign, then take winning it seriously. If you don't think you can win something to make it worth the effort, make a different plan.

THINK IT THROUGH

Spectrum of Allies is a study of the barometer of social forces and groups who are the most dedicated opponents or those who are the most active supporters of our movements. This exercise encourages us to keep in mind that it is not necessary to move everyone over to our point of view, and how we deal with a constituency will depend on where on the spectrum they are situated.[22]

As a group, work together to identify your greatest opponents and your closest allies and individuals or groups that are in between. Enter them on the blanks in the corresponding sections above. If a constituency seems to fall into more than one wedge, break the group down to describe a subgroup that fits inside one wedge.



Now brainstorm strategies and supporting tactics for moving a group at least one wedge closer to the allies' side. Write down these strategies and tactics below using extra paper if needed.

Active Allies [name of constituency] (for example: engaged student groups)_____
Strategies (for example: capacity building, increasing cohesion)
_____
Tactics (for example: a training or think tank, visioning circle, workshops on new skills)
_____
_____
_____

Passive Allies [name of constituency]_____
Strategies (for example: mobilizing, empowering, activating)
_____

[22]Training for Change "Spectrum of Allies Tool," https://show.pics.io/preview/61f2ff4e9409dd00128aa91c

Tactics (for example: a petition or postcard campaign that give a simple action, or a training or workshop that increases the confidence in taking action)

_____
_____
_____

Fence Sitters [name of constituency]_____
Strategies (for example: educate, win over)

_____
Tactics (for example: table at their event, ask to speak to their social justice group, invite to public educational event on issue, gather emails and invite to low risk actions, opinion pieces)

_____
_____
_____

Passive Opponents [name of constituency] _____
Strategies (for example: wedge, find common ground, don't provoke to action) _____
Tactics: (for example: town hall highlighting commonalities and criticizing active opponents, exposing bad acts of active opponents.)

_____
_____
_____

Active Opponents [name of constituency] _____
Strategies (for example: demobilize, neutralize, isolate)

_____
Tactics: (for example: picket line that slows harm causing business, understand their motives and create disincentives and double binds)

_____
_____
_____

COURT SUPPORT

The court process is slow. But then, after several months of slogging along, a court hearing can change things quickly. There are several components to court support that you may want to consider. There is **basic support for defendants.** Making sure they have rides, emotional support, a good night's sleep, and clothes or other supplies to be successful. It can be helpful to have a good **court watcher or note-taker.** This person or team can support the work of defendants and attorneys by recording what happens in the hearing so that the folks at the defense table can keep their heads in the game. Also, their notes can be used to share with folks who can't attend (or those that do but have a hard time following what is happening).

There are also **political campaign opportunities** at court. It is more likely that the media and other power players will already be there. They may have plans to try to make the story go a particular way. Having a rally or press conference can help you take control over the larger narrative. Inviting media you know to be sympathetic to request permission to record or livestream might give your perspective an edge though it comes at the cost of some privacy. Mobilizing folks to attend court also **lets the judge and prosecutor know that people are watching** and they need to follow the rules. That said, not every hearing needs to be a huge spectacle. You don't want to burn out your supporters by asking them to come to court every week. **Ask folks to show up when you believe it will be the most impactful** and then do the work to make the most out of those moments.[23]

OTHER REPRESSION CONCERNS

Depending on how ongoing the campaign is that you are a part of, it may end up that the defendant support crew is one of the few places where anti-repression organizing is happening. It might make sense for your crew to take on supporting other repression concerns, especially those related to policing and legal issues. These might include **Civil cases for rights violations** or police misconduct, **grand jury resistance** education, **anti-doxing** support, or other types of legal support around **immigration, housing, family court,** etc. Talk about

[23]When defendants are asking for court support, **make sure that court supporters are invited to show up in a way that supports the defense team's legal strategy.** When the defendants are having a "circus trial," meaning absurdity is part of their strategy, a rowdy crew of court supporters are often a boost to the delicious chaos. When the defendants are trying to make legal arguments that a judge or jury take seriously, that same rowdy crew of court supporters might undermine defendants' likelihood of success.

what you are seeing. How is the State trying to undermine our movements? Where can you act to push back and keep our movements strong?

FINANCES

How we deal with money in the movement is fraught and complicated. There are often competing values at play alongside unspoken or unrecognized feelings. Knowing that money is a lightning rod for conflict often leads folks to be more secretive about it. We understand this instinct but believe it is, ultimately, counterproductive. It is true that the state knowing about your funds could mean they get brought up in court. Oftentimes, because of public fundraisers or court procedures like posting bail, the judge and prosecutor are tuned into your access to funding anyway. It is true that political reactionaries might put you under a microscope. But this is the nature of struggle and **choosing to take a transparent stand can inoculate your work from the toxic drama around money** that has taken down many otherwise hard-working crews.



STARTING A LEGAL FUND

A legal fund needs to **be fully integrated and accountable to the rest of the legal support network and the movement**. Folks who are on the board for a fund or otherwise controlling finances need to participate broadly in legal support in other ways. This helps them verify information about particular cases, learn how likely certain scenarios are, and have access to the database system where case information is housed. Most importantly, it builds relationships with everyone else who has a stake in the funds so they know and trust the work of the fund. Having strong defendant representation in managing the legal fund is helpful.

Deciding on the scope of what your legal fund will cover is important. Three main areas of financial need when it comes to legal support are **bail funds, attorney/legal fees, and court support.** During Line 3 resistance, the legal fund tried to cover all three of these categories. Depending on the number of defendants, these fees will rack up! Consider your fundraising capabilities, the worst possible outcomes for defendants, and where you're willing to set boundaries.

As you decide your scope, **the legal ramifications of each type of financial support will differ.** Managing systems for all these types of support can be cumbersome.

Paying bail will often require large sums of cash that can be paid directly to jails, and you'll be involved in a revolving-door system with the state that will require paperwork and diligence to get that money back eventually. The National Lawyers Guild and the National Bail Fund Network have a best practices guide on Legal Defense Funds and Bail Funds.[24] A bail fund may already exist in your area—consider partnering with them, with clear expectations from all sides.

[24]"Best Practices Guide For Setting Up a Legal Defense Fund" by National Lawyers Guild and National Bail Fund Network, https://www.nlg.org/new-resource-best-practices-guide-for-setting-up-a-legal-defense-fund

Paying attorneys may require paperwork like W-9s. You will need to **negotiate ahead of time what you are planning to pay attorneys**—and consider what you will pay for. Will you pay less for pre-trial hearings and only pay a certain amount above that if a case goes to trial? Will it be a flat rate or an hourly fee? Will you pay for filing fees or witnesses? A financial relationship with attorneys is wildly different from a financial relationship with defendants or the state. You need to state your terms well ahead of time to get ahead of the big questions that could come back around to bite you later.[25] Get this agreement in writing as a retainer agreement.

Paying money for **Court Support** requires strong boundaries with defendants ahead of time. Make it clear what your categories of support are, and don't deviate if you can. Hopefully defendants are helping set the parameters for using funds. Holding true to that is part of solidarity and consensus. If you are giving people over $600, you will be required to fill out a W-9 for them as well.



Part of being transparent and accountable is **having a low barrier to entry and access.** Keep the requirements (and paperwork) simple, to avoid further stressing defendants. Making sure meetings are open

[25]See the section on Paying Attorneys in the Movement on pages 31–32.

and welcoming and what happens at them is clearly communicated is also a part of this.

In general your infrastructure should be scaled to the fund's size. Small funds can likely be managed without special software or corporate status. However, some organizations have had to rapidly expand to hold funds after an explosion of interest.[26] You may have to account for **taxes** to be paid on any end of year profit, and you will need to answer questions about **whether to incorporate, get a fiscal agent, or remain an informal organization.**

It is worth having multiple fail-safes for accessing the money. Many activists face money troubles, which can flare up in times of conflict or despair that often accompany struggle and repression. It is important to consider who has access to the money. This can be a hard conversation to have. There are many comrades who can be trusted to have your back in the streets, but it would be unwise to give them access to the funds. This isn't a value judgment on them or their commitment to struggle.

If the fund is responsible for fundraising for itself, this can be hard. **Most attention and funds come in while there is media attention on an action.** Think critically about how much fundraising capacity you have before you make commitments. Understand that when the campaign is over, there will still be a major need for funds to continue the legal cases, while raising funds will become more difficult.

Lastly, consider what you might do with excess funds. Fundraising and need rarely match up evenly. Remember, this money is movement money to help fight repression. Consider sending any leftover funds to another campaign facing repression.

HOLDING MONEY

Because PLAN started as a container for pre-action education and support, we had little need for funds. We made an early decision to NOT hold funds and to encourage folks to donate to the individual camp bail/legal funds. If we had something we needed money for, we would either support each other personally (with gas money or meeting snacks etc.) or fundraise for a specific item. We would quickly spend the funds (like printing costs for these workbooks) and stop fundraising.[27] Capitalism thrives on constant growth, and the idea that

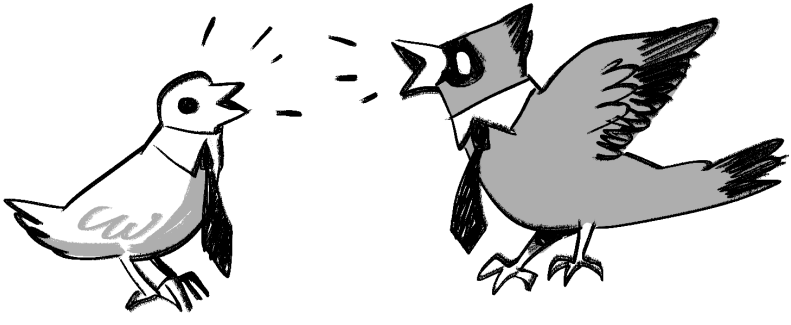
[26] This happened with the Freshet Collective during Standing Rock as well as the Minnesota Freedom Fund and Black Visions Collective in Minnesota during the George Floyd rebellion.

[27] Later, some defendants and organizers believed there was a need for a more broad Legal Defense Fund. Some members of PLAN along with other organizers and defendants started the Line 3 Legal Defense Fund (L3LDF). PLAN never had a bank account or financial footprint.

the more money we have, the better work we can do and the more successful we will be. This isn't always the case. It is okay to turn down donations or encourage people to donate elsewhere if you aren't prepared to hold the money or use it in a transparent and responsible way.

PAYING ATTORNEYS IN THE MOVEMENT

Paying attorneys is new in the history of the movement. Movement attorneys of the 1960s throughout the 1980s were rarely paid for their movement work in the criminal arena, and often recovered some funds by representing people with civil lawsuits. There was a strong value amongst those attorneys that **getting paid was not the reason for doing this aspect of movement work,** and they often took other paying cases so their economic circumstances and privileges allowed them to live in line with those values.



Early legal defense funds of the 1960s and 70s used their resources to pay investigators, court fees, defendant and attorney per diem and travel costs, and sometimes organizer expenses. Sometimes houses were rented for legal workers to live in together, paid for by the legal defense funds. Beginning in the 1990s, movement attorneys began asking to be paid and often encouraged legal defense funds to raise money for their legal fees. This worked if **the attorneys used their own networks to raise funds for the legal defense funds.**[28] Defendants don't often have networks that can raise the funds attorneys want. Since the 2000s, there have been non-profit law firms[29] that hire attorneys to represent causes

[28]The Wounded Knee Defense Offense Committee, which included the lawyers working on the Wounded Knee cases, didn't take money from the American Indian Movement. The lawyers fundraised for themselves and each other using their connections because they had more access to wealth.

and raise money to support their non-profit organization as well as pay the attorneys.[30]

In the end, you may not have the option to have free private representation by an experienced and qualified attorney on your case. Consider applying for a public defender–these attorneys often have better politics and more courtroom experience than their private counterparts. You may have to compromise and direct some funds to attorney fees. It is certainly okay to make a pragmatic decision to do what you need to do to meet your broader goals. **Be mindful in how you are determining who is getting compensated for their work** and why, and communicate that clearly. If movement-committed lawyers (and legal workers) are working hard for free while a private attorney is getting paid to do less, it can lead to resentment.

Finally, while attorneys often have more access to wealth than the activists they are representing, that isn't always true. **If your attorneys have a commitment to movement, treat them as comrades.** If you are asking them to put in hundreds of hours more than other folks working on the campaign, it may be comradely to provide a stipend for their work. Just as you might provide some financial support for the person who sets aside time to drive the foodshare van every day or the organizer bottom-lining the clerical tasks that no one else wants to do, lawyering can be a LOT of labor and is not a bottomless well of capacity.

[29] Some organizations like the Civil Liberties Defense Center, the People's Law Office, and more recently the Water Protector Legal Collective and Climate Defense Project have found ways to support movement attorneys by forming non-profit organizations.

[30] It is no coincidence that lawyers are becoming more expensive and less accessible: current public law school tuition has increased over fivefold since 1985, adjusting for inflation. Law School tuition trends, https://www.lawhub.org/trends/tuition.

THINK IT THROUGH

Knowing what our shared values are around **using money in the movement** can help us more easily guide practical decisions when needed. Here are some questions to get your crew thinking about your values around money.

Have conversations about relationships related to money and wealth along with conversations about **historical relationships to money.** Practice compassion and building trust through storytelling and consent building.

Boots-on-the-ground grassroots movements will attract non-profits and funders who show up intending to help but can cause a lot of harm through money. If you are part of a non-profit or a funder, what is your relationship like with people on the ground?

_____
_____
_____

If you are not part of a non-profit, do you or your comrades have any communication with these groups?

_____
_____
_____

What would they need to know about the work you're doing?

_____
_____
_____

What kind of mutual aid support and continued relationship are you going to have between people and organizations when you move to the next fight?

_____
_____
_____

What historical traumas have been done by institutions to those most impacted by oppression and how has money and wealth been a part of this?

_____
_____
_____

Solidarity Building in the Broader Community
What are the different systems in your community of distributing money? How can the system you create support building solidarity? (ie., a legal defense system that's mutual aid with defendants and their comrades deeply involved rather than a service model where non-profits and "professionals" come in to do the work).

_____
_____
_____

Can you develop a system that isn't centering non-profits (even if they are a part of things)? Can you develop on-the-ground community guidelines and homegrown containers for money?

_____
_____
_____

When we start planning an action, how do we begin thinking and talking about money, early on?

_____
_____
_____

Who is getting paid? In our ideal movement, how would we compensate people?

_____
_____
_____

If you are a group that has money, can you work with other groups to be transparent about money and where it is going?

_____
_____
_____

ATTORNEY COORDINATION



In a typical case, a single defendant seeks out an individual attorney to represent them. In political cases, you may want to be strategic in how you pair attorneys and build your legal team. While you may be lucky enough to have a National Lawyers Guild chapter with a mass defense coordinator who can help with this, **attorney coordination NEEDS to have involvement from the defendant support crew** to be sure the goals and values of the defendants are represented in how decisions are made. In large mass defense moments, it can be hard to find enough "movement attorneys" to do all the work. An attorney coordination team can help reach out beyond the usual channels to bring in more attorneys.

Make an early decision about whether your legal organizing team will seek and find lawyers for all arrestees, some arrestees, or no arrestees. It can be difficult to deliver on a promise to find everyone a lawyer. Providing some, but not enough, attorneys can sometimes mean that support goes to those with more resources—a dynamic we are struggling to change.

Attorney coordination often involves a few key parts or phases:

- Recruitment: At this stage, folks are doing mass call-outs and events designed around building attorney interest in the work and sometimes following up on individual leads. It is also a good idea to check with lawyers you trust about other lawyers who have expressed an interest in assisting.
- Screening: A quick background check to make sure there are no obvious conflicts and that people are who they say they are. This might include sorting some folks into experience levels or license status.



- Vetting: Interested attorneys are met with, ideally by a defendant group or solidarity crew, to make sure they can work in concert with the defendants' values or any joint defense agreements.
- Onboarding: The goal of onboarding is to help attorneys, clerks, and legal workers obtain a grounding in movement history, principles, and tools to help them become ready to assist defendants as quickly as possible. This can also serve as a place for norm-setting and a touchpoint to return to for accountability if lawyers' actions do not align with this vision in the future.
- Assigning: Use agreed-upon rubrics or values to begin placing defendants with attorneys.[31] Share the defendant's case number with the attorney and tell them to expect contact from the defendant (prospective client). It may be against the lawyer's code of conduct to "solicit" clients, so make sure the defendant knows that they need to reach out to the attorney to finalize the relationship. Assigning attorneys is a relationship dance. There may be relationships that don't work out and a new pairing will need to be made. It's important to do the work to find a good fit, and also, remind defendants that there may be limited options and that lawyers are humans too and never "perfect."

[31]For Line 3, rubrics were decided by the assigning team that included defendants. We prioritized Indigenous defendants, those with gross misdemeanors and felonies. We also tried to match attorneys and defendants within a month of a request or a denial for a public defender. We communicated with both attorneys and defendants issues about paying attorneys, low bono, pro bono, and other options.

ROVER

During the Line 3 actions, about 1,000 people were arrested and we needed to have a scalable system for recruiting, vetting, onboarding, and assigning lawyers. We primarily organized ourselves into a work group called ROVer (Recruitment, Onboarding, and Vetting) with separate groups assigning attorneys to defendants and assigning law clerks to attorneys, issues, or projects.

Lawyers were vetted by defendants and screened by legal workers as well as onboarded by legal workers, defendants, and other attorneys. This working group had to communicate relevant information to the assignments team so that defendants were able to connect with attorneys for representation.

We encouraged those who qualified for public defenders to take a PD due to limited resources. The attorney coordination team did outreach to public defenders disconnected from the Line 3 movement to offer political education and the chance to collaborate. Some water protectors also sought out their own representation.

During the Line 3 onboarding process, we included orienting new lawyers to concepts of Indigenous leadership, female leadership, and two-spirit leadership, as well as the Anishinaabe 7 Sacred Teachings. We had monthly attorney meetings where attorneys discussed legal strategies and more experienced attorneys offered their experience and ideas to the newer or younger attorneys. It was also seen as a place where we were trying to build attorney commitment to movement work in hopes that our pool of movement attorneys would grow.

Some of the key things we considered:

- Movement lawyers serve the movement: Movement lawyers seek to dismantle society-imposed power dynamics, they follow the direction of the movement, and lawyers participate humbly in all movement objectives, including those not law-related.
- Confidentiality: Information discussed within the movement is strictly confidential and must be preserved as such for the safety of all members—lawyers must also follow the rules of confidentiality concerning client confidentiality while also collaborating on legal strategies with other lawyers within the movement.
- Advocacy must be zealous and movement-aligned: Lawyers, legal workers, and other advocates should pursue the movement's goals passionately and comprehensively. Lawyers are bound to represent their clients interests. For a political client, the movement's interests are their interests, or there is a lot of overlap.

It is important to note that some defendants will opt out of a movement-assigned attorney and will find someone independently. Try to be open to sharing resources and engaging in political education with all the attorneys who show up, even if their path to the work is different.

Any lawyers who you decide are not a good fit to be assigned to a defendant ought to be thought of as a possible ally. Often this is a mutual decision. They were interested enough to reach out and send you a resume and speak with you. Have a phone call with them and be honest with them, and thank them for their offer to help.[32]

What Does a Movement Attorney Do?

There are varying definitions of movement attorneys. Law 4 Black Lives defines movement lawyering as **"taking direction from directly impacted communities and from organizers,** as opposed to imposing our leadership or expertise as legal advocates. It means building the power of the people, not the power of the law."[33] Midnight Special Law Collective taught that "Movement model" legal support involves both the client and the attorney working together towards a **shared primary goal—furthering the cause.** The defendant's consent should be at the center of all decisions, but the key with movement attorneys is the non-hierarchical partnership and the shared motivations. Defendants asking critical questions, looking for answers, growing a robust community of legal organizers and movement lawyers, and building relationships with front-line activists is the art of movement legal work.

OTHER WORK YOU MAY CONSIDER

Ultimately your work is going to be unique. It will be at its best when it is responsive to the needs of defendants, because it includes those defendants organizing with an eye towards shared goals and strategy. Some other types of work that defendant organizing or support groups have done include regular legal/lawyer office hours, regular community events, cross-pollinating solidarity events with other groups, and defendant housing/hospitality for folks who need to travel from out of town. There are always limitations to capacity of time, experience, energy, and conflicting personal agendas as well as being bound by material conditions. Your creativity in meeting needs and solving problems can be unbridled.

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[32] See the Spectrum of allies on page 24.

[33] See http://www.law4blacklives.org/resond.

BEING A DEFENDANT

> "Our solidarity inside and outside the courtroom saved us and protected each other."[34]
>
> —Dylan Petrohilos, J20 defendant

Being a defendant can be scary and isolating. The system is designed to make it so, and it wants you to react by feeling small, afraid, and alone—to win your capitulation. When you see the systemic pressures as tools to intimidate you away from making change, you can choose to stand up.

While all of our work is built off of the work of comrades before and alongside us, for this section we are especially drawing off of the Tilted Scales Collective's book, *A Titled Guide to Being a Defendant.* Much of this section summarizes those ideas with some slight updating. During the aftermath of the George Floyd Uprising in 2020, we bought copies of the book in bulk to give out to defendants, and we encourage you to pick up a copy or download the free online PDF.[35] If you or someone you care about is a political defendant, or if you are interested in helping and understanding the position of political defendants, we strongly encourage you to read the book and not depend on our notes.

In the previous section, we discussed broader defendant organizing. While we strongly encourage all defendants to partake in collective organizing, we now want to reflect on the specific and personal needs of individual defendants.

In this section, we will cover:

- **Goal Setting:** Considering personal, political, and legal goals.
- **Building Repression Resilience:** Positioning ourselves to be strong in the face of a myriad of outcomes.
- **Creating Positive Outcomes:** In the courts, community, and organizing.

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[34] All but twenty-one of over two hundred defendants refused to take plea deals, and no one cooperated with the state against another protester.

[35] *A Tilted Guide to Being A Defendant* by Tilted Scales Collective, https://files.libcom.org/files/atiltedguide-web-1.pdf

GOAL SETTING

In Workbook 1,[36] we discussed the basics of clarifying goals and strategies for your action. The fact is, targets of repression can face a high personal cost. We encourage you to get clear on your **political** goals around your case, but also to take time to consider your **personal** goals. The more you can make these goals explicit, the better informed your **legal** goals will be and the more you can collaborate with your comrades to find complementary strategies.

- Personal: What consequences are you most hoping to avoid? What are the impacts on your family commitments, health, immigration status, job prospects, finances, and mental and social well-being–both of the ongoing legal process and of any potential outcomes?[37] While we focus on, and are inspired by, using the experience of repression to build power and win some sort of victory, there are a lot of valid reasons to resolve your case quickly and get out of an unfair system.
- Political: How do you want to position yourself and your charges in relation to revolutionary struggle? What are the strengths and liabilities of your case for your movement? How do you make sure the legal battle doesn't subtract from other political issues you care about? How will your situation shape power and precedent?
- Legal:[38] What court outcome do you want? Are you trying to avoid prison, or would you rather serve time than be on extended probation? Are there certain convictions that would more drastically impact your work, housing, or immigration situation? Is there a group plea deal that better supports more vulnerable codefendants? What precedent could you set (good or bad) with your case?

[36] *Protecting Our Water; Legal Strategies for Movement Activists Book 1: Pre-Action*, page 13.

[37] See CONSEQUENCES OF CONVICTION in the COMMON LEGAL OUTCOMES section for more discussion of collateral consequences.

[38] NOTE: "going to trial" or "filing a motion to dismiss" are NOT legal goals, those are tactics to support goals like "drawing attention to the campaign" or "avoiding a conviction."

BE CLEAR ABOUT YOUR GOALS

A common pitfall is to conflate a "tactic" with a "goal." We've noticed in recent years that people often rush to choose legal tactics first, and those tactics become rigid at the expense of furthering personal and movement goals. For example, during the aftermath of the Line 3 fight, we saw disastrous consequences for a joint defense configuration when people were told to go to trial at all costs. A few attorneys reinforced this narrative. A team of defendants, legal workers, and movement attorneys had to work extra hard to counter this tactic reverence, and with their tremendous efforts they pressured the State to offer felony and misdemeanor defendants alike a non-cooperating plea deal. Quite a few people turned that deal down, went to trial, lost, and now have felony or gross misdemeanor convictions that could easily have been avoided. It is difficult to have discussions about if these convictions were "worth it" if we can't name exactly what it is we are trying to achieve.

The most important takeaway here is NOT "always take a plea deal if it's good" or "always go to trial." What is important is to **get clear about what you're trying to accomplish before you decide what moves you're making,** and to always be open to adapting your strategy as you go. We should be wide open to insights, feedback, and especially criticism from people we're accountable to–particularly people who are Indigenous and/or Black and/or who otherwise tend to be tokenized–but looking to someone to be told what to do perpetuates this tokenizing and abdicates our shared responsibility to educate ourselves. It is our responsibility to develop our own critical thinking skills and political analysis.

Sometimes your goals will conflict. There are no magic solutions. It is up to you to work through these goals and make the best decisions for yourself and your comrades. You may also find them interdependent. For example, you are willing to pay a personal cost for political gains, but if there isn't a clear path to achieve your political goals, the personal cost may begin to seem less worth it.



BUILDING REPRESSION RESILIENCE[39]

In Workbook 2,[40] we define repression as **"the collection of methods the State and other reactionary forces use to fight against change."** When we say "repression resilience," we are referring to all the practices that help us stay strong knowing that repression is inevitable. This includes both proactive and responsive practices. It includes reducing the impact of repressive efforts, making the most out of risk exposure, and pushing back to create consequences for those that target our movements. It is cultural and also strategic.

While we focus in these workbooks primarily on legal repression, that is, the use of the legal system as an apparatus of repression, in this section we want to first zoom out and make sure it is clear that repression can and does include other categories outside the legal system such as:

- **Violence:** Physical force, or its threat used both to stop immediate action as well as to immobilize through trauma.

[39]We, and others with whom we collaborate, often interchangeably use the terms "anti-repression," "counter repression," and "repression resilience." While the ideas mostly overlap, they are different prisms through which to look at the work. For this context we want to focus more deeply on the idea of Repression Resilience, what it looks like, and how we can build it. We chose here to use Repression Resilience because we believe it foregrounds our work to build and maintain strong movements which may include harm reduction, fighting back, or something else entirely.

[40]*Protecting Our Water; Legal Strategies for Movement Activists, Book 2: Concurrent.*

- **Disruption:** Creating fear or distrust, and amplifying disorganizing forces in a group. For example, this can look like conspicuous surveillance meant to chill action, or like undercovers who constantly derail meetings.
- **Media/Social Media:** Using misinformation to discredit and isolate movements from the support they need to grow.

It's important to bring these other forces of repression into the conversation here because, ultimately, being resilient in dealing with only one type of repression may help you in that one area. But your most dangerous adversaries will be attempting to fight you where you are most vulnerable. This means preparing in all areas.

There are a few primary ways we have seen movements successfully build repression resilience:

CREATING POSITIVE OUTCOMES

Surviving the kidnapping, caging, and subsequent uncertainty of a legal case is punishment. System actors pretend that being arrested and/or charged with a crime is no big deal. "You are presumed innocent and have due process so we will get to the truth and if you are acquitted, well, no harm done, right?" WRONG! Every day in the United States, people are arrested and end up losing their jobs, their housing, milestones with their loved ones, along with other life disruptions, without ever being convicted of a crime. The emotional impact of a pending charge cannot be understated. The State leverages both the initial act of being snatched off the street, and the subsequent process of being stuck in the system fighting for your freedom, to keep activists out of commission. We see jails holding activists as long as they can without charges, knowing full well that they have nothing to charge them with, to keep them off the street. Information from law enforcement after the 2008 RNC in Saint Paul, Minnesota, called this being in "disruption mode."[41] In more extreme cases the system is used as a targeted disruptive tactic, such as in the case of the Panther 21[42] who were held in custody to disrupt New York Black Panther organizing. The Panther 21 were eventually acquitted of all charges.

Based on the circumstances of your case and the movements you are a part of, the repression you are facing may have you back

[41]G.W. Shulz, "Assessing RNC Police Tactics, Part 1 of 2." Center for Investigative Reporting. September 1, 2009. http://centerforinvestigativereporting.org/articles/assessingrncpolicetacticspart1of2.

[42]Case of Panther 21: https://search.freedomarchives.org/search.php?view_collection=124

on your heels and primarily doing harm reduction. This is common and understandable, but does little to disincentivize future repression. While many of the tools we are presenting are useful in harm reduction strategies, the exciting work of repression resilience comes from working to come out ahead on the balance sheet. Ideally making gains both for the defendants personally and for the movement as a whole.

While it can make sense to group tasks into distinct categories such as "court," "media," and "event organizing," it is important to remember that **one of our greatest strengths is our ability to move fluidly between different arenas towards common goals.**

MINIMIZING EXPOSURE

The primary way we see folks react to fears of repression is by minimizing exposure. Some of these impulses are reactive and counter-organizing. **It is important to work to discern the difference between what practices of exposure minimization build towards your success versus undermining it.** For example, a public campaign where no one knows each other's names and people are discouraged from having conversations about what brought them to the work because of security concerns is less likely to be successful because connection and understanding are an important part of a public campaign. This is why goal setting and strategizing are so important. Taking calculated risks without overexposing oneself is a cornerstone of **Security Culture.**[43] To keep with the same example, not everyone in the public campaign needs to know all the details of an upcoming action if they aren't planning to participate.

Indirect Bragging

One common Security Culture violation is **indirect bragging.** There is a common experience in movement spaces where folks who are newer to the movement and are part of an emerging campaign hold a high degree of secrecy about who they are and where they came from, while then making strong, unnecessary allusions to more "edgy" organizing they are doing. This is backwards, the worst of both worlds, and is often done out of insecurity or status-seeking/aura-farming. We need more demonstrations of our commitment to the vulnerability and grunt work that it takes to win. We need to build movements where participants know they are inherently valuable, not disposable, without first having to prove their worth.

[43] Kira Kelley, "Connection as Security Culture," Climate Defense Project, https://climatedefenseproject.org/connection-as-security-culture/

The other part of minimizing exposure is to **choose the tactics to meet your goals that create the least exposure** to repression (all else being equal). While in the broader ecosystem of resistance, you may want to see a diversity of tactics, it is wise to seek out every gain you can from the less risky tactics. As you expose yourself to more risk (if necessary), be sure **you are laying the groundwork to make larger and more critical gains so that any repression you may face comes out sum positive** when all is said and done. For example, if your goal is to build awareness for your campaign, you may draw just as much attention through tabling outside the grocery store as by blocking traffic, without as much risk of dealing with police, tickets, court, or fines.

Lastly, in Workbook 1, we offered some basic Know Your Rights information.[44] **Knowing and asserting your rights in dealing with law enforcement is another critical way to minimize exposure to legal repression.** While asserting your rights may be inconvenient in the moment, and could lead to some temporary hassles, lawyers all agree that it is far safer to do so, for yourself and your community, in the long run.

REVOLUTIONARY ADAPTABILITY

Our progress towards liberation depends on our ability to adjust. This means asking questions like: **How can we set ourselves up to weather the risks we cannot avoid?** How can we embrace the uncertainty and loss of control that comes from being targets of repression? We are often encouraged to think catastrophically about the consequences of getting arrested, because for so many people arrests can and do lead to a cascade of losses—of employment, housing, children, future job prospects, etc. **Revolutionary adaptability means both leaning into community in order to distribute the burdens of being criminalized, and also letting go of rigid attachment towards what the future will look like.**

A major roadblock for repression resilience often comes from rigid attachment to life going a specific way in the future. This creates a vulnerability when that image is threatened. In our experience, this is more common in middle/upper-class radicals and folks in or recently out of college. There is deeply personal work that can be done to build resiliency. There are big questions and smaller, more personal ones. What makes a good life? What living situation supports the work you want to do in the world? What kind of person do you want to be in the world? If your circumstances changed, could you let go and adjust your plans to live that good life and be that person in a different way?

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[44] *Protecting Our Water; Legal Strategies for Movement Activists Book 1: Pre-Action*, page 1.

For example, if you are attached to becoming a nurse and working in a big emergency room and that is the only way you can be satisfied with your life then any threat of a conviction that would keep you from legally being allowed to do that job, or a doxing campaign that would make you a less desirable candidate, would effectively neutralize you as a revolutionary.

If there are changes to your life that you are NOT willing to accept, consider engaging in rigorous threat modeling to develop the best means to safeguard those things. You can use the threat modeling worksheets in Workbook 1.[45]

This is NOT a framework to bully yourself or others into taking risks you aren't prepared for. It may be that you are a better asset to the community being able to be an ER nurse than you are participating in a high-risk action of minimal strategic value. We are trying to make explicit something we all do much of the time—by bringing specific attention to it, we can lean into this lack of attachment.

Raised by Radicals[46]

Frida Berrigan was born in 1974 to parents who were founders and active in the Plowshares Movement, an anti-nuclear and Christian pacifist movement that advocates active resistance to war. Frida has estimated that her parents spent eleven of their twenty-nine years of marriage incarcerated for anti-war activities, which obviously affected family life. In her memoir she recalls both parents accidentally being arrested at the same time when she was three and her brother just one; community members cared for the children for the seven months that both parents were incarcerated. In this community they witnessed "dialogue and disagreement with their parents, grappling with resistance, with faith and community life."

Frida wanted to have children, and wanted them to have a bit more stability than she had; and she wanted to stay true to herself as a radical rebel. Having flexible work, a partner whose work is also flexible, and building relationships with a lot of values-aligned folks, who support each other to find ways to make movement change, has helped her stay true to her values and continue to work for peace. "I was getting to know my kid," says Frida. "Struggling with the question who am I when I am not an activist, an organizer, an energetic and creative homemaker, and all of the other roles I have carved out for myself?

[45] See *Protecting Our Water; Legal Strategies for Movement Activists Book 1: Pre-Action*, page 14.

[46] F. Berrigan, *It Runs in the Family: On Being Raised by Radicals and Growing into Religious Motherhood,* Orr Press, 2014.

Who am I, when all it seems I am doing is taking care of this infant? . . . I fully embrace and enjoy my new role as a mother and to integrate the new responsibilities, graces and challenges into the person I already am."

Today, Frida is an activist in affordable housing and convener of a land trust, a member of the Connecticut Center for the Prohibition of Nuclear Weapons, she is a columnist for Waging Nonviolence, she teaches a first year seminar on disarmament, and she is an urban farmer. She has been arrested about twenty times.

BUILDING COMMUNITY POWER

Perhaps the greatest antidote to repression is **more organizing: spotlighting the repression and strengthening relationships in your community.** Your adversaries will be working to manipulate the system and there will often be unexpected repression. The goal of repression is to neutralize you. The great thing about continuing to organize is that it both **builds your power to resist and push back against repression, AND ALSO builds the power of your movements overall.** When done well, this organizing strengthens your community in ways that outlast the specific instance of repression. In this way, it is also the greatest deterrent for our adversaries. If the state fears that extreme repressive measures will backfire and lead to more action, they are less likely to choose those tactics. If individuals executing the repressive apparatus understand that they will face political pressure, including losing their job or the derailing of their careers, they will be less likely to advocate for increased repression.

Pushing back isn't always easy. Sometimes it means working with folks with whom resisting repression might feel like your only common ground. Some believe this means they need to water down their politics or react by leaning into a "perfect victim" narrative to gain support (which can backfire when potential "bad facts" come to light). While this workbook is not an effort to push a specific theory of change or organizing style, we want to encourage folks, as best as they are able, to stay true to themselves while also maintaining humility, honesty, and transparency. You may find that you are supported because of shared goals around your case regardless of your deeper motivating politics. Find ways to embrace everyone's imperfections—supporters and defendants—and articulate yourself honestly to build true support.

Clearly articulating yourself is certainly made harder if you have restrictions on what you can talk about based on the circumstances of your legal case. However, one of the upsides of a broad-based anti-repression movement is that folks who are not implicated or a

part of your case can speak about your situation to help build support, making a clear argument for its importance.

J20 Arrestee Collective Defense

The J20 protests in Washington, DC on January 20, 2017, were marked by mass demonstrations against Donald Trump's first inauguration. There were direct actions, including some property damage. In about half an hour, the police "kettled" and mass arrested over 230 people. Charged with misdemeanors and felonies including inciting a riot and conspiracy, the defendants faced aggressive and controversial prosecutions. In response, anarchists and other allied supporters across the country organized a decentralized legal and political campaign to fight the charges. This wasn't always easy, as most of the defendants had no pre-established relationships with each other and lived in disparate geographic locations. Around 90 percent of the defendants fought their charges, and trials began relatively quickly (by early winter the same year). Many defendants committed to standing in solidarity with each other by not talking to the police or prosecutors and refusing to take plea agreements that would implicate others. Defendants were grouped together in trial blocks of roughly 6 defendants, with trial dates spread out over about a year. As the first trial started, supporters and defendants scheduled for future trial blocks organized robust support, including housing, food, transportation, herbal care, and media, social media, and political messaging campaigns. The first trial resulted in full acquittals for all the defendants in that trial block, which was a major blow to the prosecution's overall narrative and trial strategy. Over time, the government's case fully unraveled due to lack of evidence, the lead prosecutor got caught withholding evidence, and the defendants' coordinated refusal to cooperate. A jury fully acquitted the second trial group. Within months, the prosecutor dropped all charges against the remaining defendants, including the ones they had publicly accused of damaging property. The J20 case became a powerful example of collective defense, one of many cases of activists resisting state repression through solidarity and organizing.

CRIMINAL PROCESS/PROCEDURE

As a defendant, you are the primary individual at the intersection of your criminal case and the political movements you are a part of. The state is attempting to repress the movement by targeting you. It is important that you, and the comrades working closest with you, **have a strong working understanding of the criminal process in the**

jurisdiction where you are charged. This will likely be one of your first conversations with your lawyer, and the specifics vary from place to place. The process will almost certainly involve pre-trial hearings and motions and you will want to understand the primary purpose of each.

In Workbook 2 we discussed "Opportunities For Interruption" from arrest to arraignment.[47] While you will likely choose different tactics for engaging in the legal system, you are again identifying the times and places where you can shape change. These opportunities will likely be influenced by the schedule of your court dates, as well as other legal deadlines. They will also likely be influenced by any political/pressure campaign you are running related to your case. If the broader movement/campaign that your arrest was a part of is ongoing, events in that realm may also influence your opportunities to shape change. For example, a filing in court that exposes police misconduct can draw fresh attention to your campaign and be used to build greater turnout for an action. Similarly, a march for the goals of the broader campaign could end at the courthouse for your hearing and flood the courthouse to increase pressure on the state to drop the charges.

ONGOING ACCOUNTABLE RELATIONS WITH PEOPLE IN PRISON

While many of us have been arrested before, or we have accompanied criminalized loved ones through their legal process, this is not true for a significant number of activist defendants. Especially for defendants from more privileged backgrounds, their own arrests and court dates might be their first time in a jail or a courtroom. This can be a jarring learning experience, even for activists who are critical of prisons and police, as the brutal reality of these systems collides with internalized expectations of justice and fairness.

For example, some protestors are shocked to learn about the concept of "restitution"—where the state forces the defendant to pay money; sometimes giving tens or hundreds of thousands of dollars to the very industry that the defendant was protesting. We should be indignant about how unfair this system is, but we also need to keep things in perspective. Millions of people experience more acute forms of this violence without the same public support that movements offer to political defendants. There are people serving life sentences right

[47] *Water Protectors Guide to Legal Issues: Concurrent Action Book 2*, page 36.

now whose commissary funds get garnished any time they have more than thirty dollars on their books per month, which is barely enough to cover basic toiletries, and who will be paying restitution back until they die.

Defendants' shock at how horrid these systems are can also be hard for their legal supporters to handle, especially those who have been directly impacted by court and prison violence. How empty the right to a "speedy trial" often is, how unfair it might feel that the judge won't let you talk about fossil fuels at your court date, how little control you have over anything at all while behind bars; these are all both frustrating to experience firsthand, and also not unique to any individual defendant. We are so much more powerful, strategic, resilient, and intersectional when we understand the day-to-day operations of the systems that oppress us.

This underscores the importance of being in accountable ongoing relationships with people in prison. We need to center the fight for prison and police abolition as an integral component of our organizing, regardless of the reason they are in prison.

CONFLICT AND DISAGREEMENT AMONG CO-DEFENDANTS

You are likely to have at least some goals that are different from those of your co-defendants. Perhaps some of you would rather be on probation than go to jail, while others would rather do time and get out of the system ASAP. Solidarity doesn't mean being the same, it means working to find ways that your goals can align. We sometimes see one part of a group of arrestees feeling strongly about what they think the goals should be. Their clarity and some forceful rhetoric can pull people on board even if they don't share the same goals. Maybe they are afraid to go against the grain, or maybe they haven't figured their own goals out yet. These folks, with less buy-in to the stated goals, then start to disappear or start peeling off and doing other things that make sense for their lives but may come as a surprise to the group. **Taking time to help folks name their goals, without judgment, and then finding space of commonality will pay off by building dependable comrades.**

THINK IT THROUGH

Preparing for a Courageous Conversation and Addressing Pain Points:

The following exercises are taken from *Turning Towards Each Other: A Conflict Workbook*.[48]

Perhaps your group has some active conflict you want to deal with. Maybe you just want to practice with something low stakes—or even fictional. Conflict engagement is like a muscle. You need to work it to keep it strong and you will be better with extreme lifts if you have had plenty of practice with smaller ones.

Preparing for a Courageous Conversation: Courageous conversations are when we take risks to name and hear potentially difficult truths. It's an essential way to practice turning towards each other. These reflections are intended to help us prepare well for difficult conversations.

Instructions: This worksheet can help you collect your thoughts, emotions, and energy before you approach someone else with a potentially difficult conversation.

Purpose (why): What do I hope this conversation will make possible?

_____
_____
_____

What are my **core needs** underneath the tension I feel?

_____
_____
_____

My own stories: What am I telling myself about this situation? How might my emotional history be shaping or influencing these stories? Is there anything I want to ask the other person to clarify?

_____
_____
_____

[48] *Turning Towards Each Other: A Conflict Workbook*, https://communityresourcehub.org/resource/turning-towards-each-other-a-conflict-workbook/

What can I do to **support myself** in this conversation?

_____

_____

_____

What's **my fear** about this conversation? What would help me meet that fear in a grounded way?

_____

_____

_____

What do I want to **listen** for in this conversation? What will support me to be open to hear potentially difficult truths?

_____

_____

_____

How could **love** show up in this conversation?

_____

_____

_____

Addressing Pain Points: Bringing up what's not working in real-time is the best way to prevent future conflict. Having these conversations again and again builds trust and deepens group resiliency.

Begin by resourcing yourself and preparing for a courageous conversation above. When you're ready for the conversation, here's a resource for how to go about it!

Feedback Giver: Begin with an **affirmation** of shared commitment as a context.	"I know we both care about . . ."
Giver: **Share** specifics of what activated the pain points and underlying needs using this handy nonviolent communication method.	"When I (see, hear) . . ." "I feel (a real emotion) . . ." "Because I need/value . . ."

Giver: Share further **impacts:** group, personal, or goal-related consequences.	"And that impacted me/the group/our goals in this way . . ."
Giver: Express **curiosity.** Find out what might be underlying this behavior; check your assumptions and possible projections.	"Is there something going on?" "The story I'm telling myself is . . ." "Is there any truth in that . . .?"
Giver: Share concrete actions and **requests** kindly, without demanding.	"Would you be willing to . . ." or "What would make it possible for you to . . ."
Receiver: Check that you understand by confirming what you heard and asking clarifying questions.	"So, when you see . . . you feel . . . because you need . . .?" "Can you say more about what you mean by . . . ?" "Can you give an example?"
Receiver: We all know intent is different than impact, focus on acknowledging impact and **apologizing**[49] for it.	"I hear you experienced (name and acknowledge specific impact) . . ." "I'm sorry I contributed to/ created that impact . . ."
Receiver: **Respond** to questions and ask if they want relevant context (**offer** it only if it's welcomed. Check with yourself that you are not motivated by defensiveness.	"Re: your curiosity . . ." "Would you like to hear about other background as to why that happened . . ."
Both: Explore **options** and land on what makes sense for both of you re: requests. Agree on and **commit** to next steps.	"Is the request something that will work for you?" Might it work with adjustments? What do you need to meet my request?

[49] *How to give a Good Apology.* https://leavingevidence.wordpress.com/2019/12/18/how-to-give-a-good-apology-part-1-the-four-parts-of-accountability/

BUILDING A SUPPORT COMMITTEE

A Support Committee, also sometimes called a "defense committee," **is a small group who commits to helping a defendant with logistical, emotional, and political support while they fight their case or serve time.** This could include fundraising for fees or commissary, supporting political campaigns, and/or handling affairs for the incarcerated person that they cannot manage while locked up.

Through most of this workbook we have been working off the hope that you are coming to this work as part of a broader campaign with legal and arrestee support structures. Often this is not the case and you will need to build your own support committee. It may also be that you are a part of a smaller group of defendants within the larger group that has reason to band together more tightly and intentionally, for example folks charged as organizers, folks facing higher level charges, or folks with specific concerns based on other factors like immigration status or gender identity.

There may be a lot of reasons folks want to support you. They may not share your exact ideals or tactical preferences, but something in your situation will speak to them politically. **Trusting in people's personal integrity is more important than perfect political alignment.** Yes, you want people who will work to understand your politics and political reasoning, but someone who disagrees with you on the finer points of your politics but is willing to speak about your case in a compelling way, and to show up consistently for you and your family, is way more valuable that someone who shares your exact ideas if they can't be depended on to follow through on commitments in high stakes situations. Your support committee ideally should have a good relationship with your attorney, especially if you are pursuing an appeal, or at a minimum with a movement-aligned attorney who can advise them on legal questions that might come up while you are serving your sentence.

Remember that your support committee members aren't your personal servants. **They have their own political goals** that they are meeting through supporting you, usually on a volunteer basis. If you are rude to them and demand that they do all the grunt work that you don't feel like doing, they probably won't last long. Build a respectful comradeship and let them know you are grateful for their support and take their political goals seriously.

Aside from the personal strength that comes from having a support committee at your back, **your support committee is more free to talk openly and publicly about your case** (provided they aren't co-defendants or potential witnesses) with less negative impact on your legal

situation. Anything you say publicly is potential evidence against you in court. Someone who supports you and doesn't have personal knowledge of the events leading to your arrest can talk more freely about your case, their opinions on it, and why they support you, with less risk that their statements will be used adversely in court.

The Amistad Revolt

In July 1839, **a group of Mende people, who had been kidnapped from West Africa** in violation of treaties against the Atlantic slave trade, took control of the ship meant to carry them to slavery, **La Amistad.** They were eventually arrested. There were several legal claims made about and against them: whether they were free people or property, and to whom they belonged; whether they had committed crimes by taking over the ship and killing the captain, etc. There were international pressures from the Spanish government to return the Mende captives to Cuba, which became the preferred option of then-president Martin Van Buren.

With the help of **progressive lawyers, Quakers, and Abolitionists,** and the strength of will of the Mende captives, a strong legal team was formed. The team included representation by former president John Quincy Adams and support from linguist James Covey to bring into the public record the direct experience of the captives. Simultaneously the political and media engine of the Abolitionist movement took up advocacy for the freedom of the Mende captives, bringing to bear the shift in popular sentiment against chattel slavery.

When the cases were all resolved and the Mende ordered to be set free, their supporters helped fundraise for passage back to Africa. Like many such cases, **being set free at the end does not provide "justice"** for what the Mende endured. What is clear is that the sometimes disparate goals and politics of several groups converged to support the liberation of the Amistad rebels. As far as we know, **this is the first example of the modern defense committee and support campaign we use today.**

BEYOND THE COURT CASE

> I can say that my time inside was tolerable because I could stand by the decisions I'd made, before my indictment and after. With the wisdom of hindsight, I may have realized I would do some things differently, but I had acted in accordance with my conscience in the moment, and that's probably the best I can ever ask of myself.
>
> —Rebecca Rubin[50]

Eventually your (and/or your comrades') case will end. If you aren't acquitted, you will likely have to continue paying some price. Maybe you will appeal. Maybe you will have extended probation and have to deal with a probation officer or potential revocation of your probation. You may have to spend time in jail or prison; maybe even a long time.

In this section we will cover:

- **Dealing with Common Legal Outcomes:** Fines, probation, incarceration, and other consequences.
- **Long-term Prisoner Support:** Being there for folks through their legal consequences.
- **Sharing Your Knowledge and Experience:** Increase your political and personal gains by teaching and collaborating with others.

DEALING WITH COMMON LEGAL OUTCOMES

If you work to foreground political goals with others, it is important that those comrades and movements assist as much as possible with shouldering the burden of your legal consequences. This is NOT something that should be seen as selfishness. You are setting an example for those that come after you. **Allowing others to help you communicates to**

[50] *Rattling The Cages: Oral Histories of North American Political Prisoners.* Rubin received a five-year sentence for involvement in actions in support of the Earth Liberation Front.

folks coming after you that they aren't going to be alone if they make bold political choices. Receive support with grace and gratitude.

On the other extreme, **avoid entitlement.** You are responsible for your choices. Folks WANTING to support you is a sign of good organizing. When you find yourself tempted to bully, shame, or demand something from others, understand that any temporary tactical achievements come with corrosive anti-organizing side effects. How can people give informed (and revocable) consent to supporting you? Consider how you can combine receiving support with showing gratitude. For example, if you aren't otherwise restricted in your ability to move and associate, you could bottomline cooking your own fundraising dinner and thank the people that contribute.

FINES, FEES, AND RESTITUTION

Fines, fees, and restitution are often assessed as part of a sentence. There are all kinds of fees in different jurisdictions. In some situations you can ask a judge to give you an alternative to a fine, like community service hours at a certified 501(c)(3) nonprofit. This is more likely in a plea deal, but can happen after a trial. If you are able to do community service in lieu of a fine, it can be a great opportunity to look back at the people and organizations who have supported you thus far and use your needed volunteer hours to support the mission of those groups.

In more **extreme situations, folks have been assessed restitution that is so high they will never be able to pay it.** For example, defendants from the Green Scare[51] owe millions of dollars in restitution for arsons, or BLA[52] members who were forced to pay restitution to the families of police officers who were killed. If you have an unpayable amount of restitution, you may have a long road of negotiations and renegotiations ahead of you. The government can garnish wages, take your tax refund, or put liens on you or your valuables. The specifics of how the government will try to extract restitution from you and how you might push back in these extreme situations is beyond what we will cover here. If you are in this situation, seek further legal and movement advice from lawyers and/or defendants who have dealt with these issues in the past.

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[51] "Green Scare" is a term used to describe the early 2000s federal attacks on environmental movements. The term was popularized by Will Potter in his book, *Green is the New Red*.

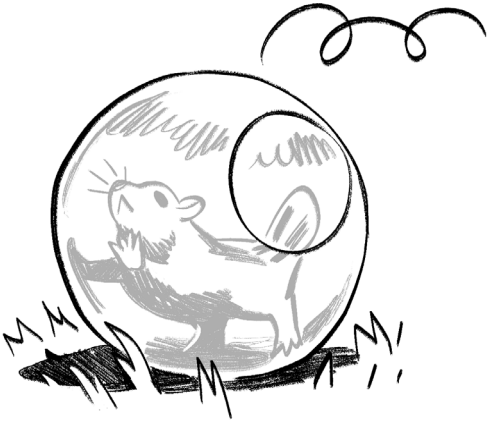
[52] The Black Liberation Army grew out of the Black Panther Party and Republic of New Africa that took up arms for the liberation and self-determination of Black people in the United States.

JAIL AND PRISON



Jail and prison are often the most frightening consequences. No one wants to be locked in a cage (though some people may choose a shorter jail sentence over a longer probationary one). Some jurisdictions allow you to do a short sentence on a series of weekends. If you have a longer in-custody sentence, you will want to work to build a long-term prisoner support crew to have your back while you do your time. **Pack your support crew with folks that you have strong relationships with** and want to be in touch with such as family and close comrades. If you expect ongoing legal needs, such as appeals or civil rights lawsuits, make sure you have some folks who can help you connect and communicate with lawyers. If you need financial support for legal fees or commissary, or political support for a call-in or other project, have a solid organizer or two that you know shares your passion. If this is your first experience of jail or prison, consider channeling your frustration at how horrible it is into ongoing and long-term prisoner support and organizing.

PROBATION AND PAROLE

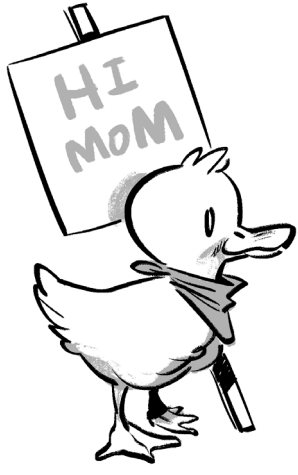


Probation and parole can feel like purgatory. You are better able to see (most of your) loved ones and support yourself financially. You can eat better food and be more comfortable. But you may still have serious restrictions on your freedom, such as who you can socialize with, where you can go and when, and/or what you can put in your body. You may also have to report to a probation or parole officer, and you may be required to allow law enforcement into your personal space. Offering friendship and purpose can be some of the most important ways to support folks under supervision. They often get stuck in a place where they are overlooked because they don't need as much, but they still aren't able to fully participate in movement and community.

COLLATERAL CONSEQUENCES OF CONVICTIONS

Lastly, **some convictions have secondary consequences** such as loss of voting rights or the right to own a firearm. Some convictions restrict your ability to get certain types of jobs. There may be countries that won't allow you entry based on your criminal record. If you aren't a US citizen, there may be immigration consequences. Beware that not ALL lawyers fully understand ALL collateral consequences. Consider additionally seeking out someone who shares your circumstances and has been through this before.

PROVIDING LONG-TERM PRISONER SUPPORT



It can be frustrating to be stuck inside and not able to do all the things you need to do to take care of yourself. For example, most businesses or government offices won't accept calls from prisons. Any phone line that starts with an automated menu is totally inaccessible. Any service that is accessed through a website is off limits. So, if you have concerns about your tax returns, your mortgage payment, etc., you will need to give all of your information to a trusted supporter to help you figure it out. Please remember that time moves differently inside and outside of prison walls. Folks who have done prisoner support work know that it can take many hours to take care of a prisoner's to-do list. Trying to support a prisoner's political and personal work while also taking care of your own life has led to a lot of burnout, failure, and resentment. *The Tilted Guide to Being a Defendant* and *Rattling The Cages: Oral Histories of North American Political Prisoners*[53] both have amazing stories of prison survival and are highly recommended whether you are facing prison or want to better understand what prisoners from your movement have gone through and have to teach.

If you are providing support for a prisoner, the most important thing you can do is be honest with yourself and the person you are supporting regarding your capacity, willingness, and boundaries. It

[53] *Rattling The Cages: Oral Histories of North American Political Prisoners*, https://www.zinnedproject.org/materials/rattling-the-cages

can be hard to have these conversations with folks in prison because of the stark contrast in the levels of oppression you and they are facing. But the fact is, you need to be able to manage your own life commitments, such as a job or family, and you can't just give your life over to support another person, no matter how bad things are for them. It is simply not realistic. We have elders in prison who had a lot of support for the first few years but who, over time, have drifted from the headlines and the front of people's minds and are now, if they are lucky, supported by a skeleton crew. This is at least partially due to the burnout that comes from pouring energy into prisoner support in an unbalanced way. It leads to conflict and joylessness.

There are many people and groups who have done this work before. **Consider reaching out to a prisoner support crew whose work you admire.** If you don't know where to start, you can look for an Anarchist Black Cross[54] chapter or Jericho Movement[55] chapter in your area. Additionally, many abolitionist pen pal collectives[56] have compiled resources and guidance for navigating the power dynamics of inside-outside relationships. Jericho Movement organizers have been doing this work for many decades. These organizers and supporters are an amazing source of wisdom and a great cornerstone for multigenerational organizing efforts.

The Gendered Nature of Prisoner Support

Risk-taking is a trait associated with masculine socialization, and care work is a trait associated with feminine socialization. Of course the ways that people are surveilled and criminalized also heavily depends on race and class, in addition to gender. This leads to a phenomenon where many arrestees and prisoners, especially those serving longer sentences, are men. This is of course not universally true—people of all genders are taking risks, facing repression, and serving time. However, a vastly disproportionate number of people on support committees are cis women and trans and/or nonbinary people, and many are also people of color. This complicates existing power dynamics between prisoners and their supporters by adding another layer that reinforces the idea that women and queer people, especially those who are also BIPOC, are expected to perform emotional and logistical labor for men. Consider this a personalized invitation to the men reading this

[54] Anarchist Black Cross, abcf.net

[55] Jericho Movement, https://www.thejerichomovement.com

[56] https://letterbyletternhvt.blogspot.com

workbook to join in the care work that is integral to our movements and in which (white) men's overall absence is conspicuous. Whether this means forming or joining a support committee or writing regularly to a prison penpal, we could really use more people sharing this load.

SHARING YOUR KNOWLEDGE AND EXPERIENCE



Part of seeking the most gains we can out of the risks people take and the repression they face means being willing to share your knowledge and experience to grow movements and make them stronger and smarter. This can look like writing or speaking on your own, contributing to anthologies, speaking on panels, or just being a contact who folks can reach out to when they are facing something similar and are trying to wrap their head around it. **Make the state regret forcing you to learn about its system by passing on what you learned so we all can keep fighting smarter.** It's as simple as that. It is common for folks who have faced repression to make repression resilience activism, prisoner support, or abolitionist organizing a cornerstone of their ongoing work in the world. If you handle yourself with integrity through this process, you will have no problem finding comrades who want to work with you.

CLOSING

This final workbook in the series Protecting Our Water; Legal Strategies for Movement Activists has been several years in the writing and designing. We are finishing the book in the early days of the repressive US presidency of 2025–2028. This year has begun with hundreds of proposed injustices to the land, the planet, trans folks, Indigenous folks, immigrants, the working class, and all of us except the billionaire oligarchs who are in power. It continues to be a critical time to build our movements. We will continue to be hopeful because of those of you who reach out to these workbooks, join with your comrades, and keep fighting for justice for all people and for the water. Water is Life.

There really isn't a way to measure how many people DON'T face repression because of things they learned before taking action. Our experience is that most folks risking serious repression for their activism haven't fully thought through what they might face or how they will deal with it. With each new wave and escalation of live-streamed state and corporate violence, new people flood to the movement; and they face repression. We have to learn from people who have been through this before. We have to take care of each other through the learning process. And to love each other through and for our mistakes and all our imperfect responses to the onslaught we are weathering, and as part of the world we are figuring out how to build together. That is, at its core, the purpose of these workbooks.

We hope that these workbooks can set you on a path of proactive planning to resist repression, and also can guide your impulses and critical thinking skills when things go sideways fast and you have to improvise. Consider this an invitation to share your own ideas and innovations, to share what you are learning about repression resilience, and about strong movements and prefiguring the world we're fighting for. Maybe you have ideas and can write your own workbook to propel us in a new and better direction?

Margaret Killjoy recently wrote:[57]

> [O]ne thing I've learned by reading history is that things can always get worse. There's not actually a bottom we can hit. There's bad and there's worse and there's worser, but there isn't worsest. (Or, you know, to use vaguely correct grammar, there's no "worst.") It's terrifying to realize there's no limit to how much suffering can exist in the world, but it's also . . . hear me out . . . strangely something that can help our optimism.

[57] https://margaretkilljoy.substack.com/p/revolutions-are-built-on-failure

Because if there's no limit to suffering, then all of the suffering that isn't happening right now is because of the incredible amounts of effort put in by literally billions of people to make sure that the suffering isn't worse. We are succeeding at stopping an infinite amount of suffering, even if we aren't succeeding at stopping all suffering.

A better world is always possible, because a worse world is always possible. There is this grand drama that's been playing out since probably the beginning of humanity but certainly since the beginning of empire, the state, hierarchy, capitalism, and all of that shit. There's a grand drama between oppression and liberation, and all of us are actors in that drama whether we conceive of ourselves that way or not.

So I can tell you a better world is possible, and I can tell you that fighting for a better world has immediate value. Even when we don't "win" and create some utopian society, we "win" because through our actions we can often prevent at least some level of suffering. Our victories are hard to measure, because we don't live in the even worse world we would live in if it weren't for the collective work we all put in.

We in PLAN hope these workbooks can be a part of building a world with less suffering. A world where the forces for liberation win more and lose less (both in frequency and degree). There is no winning without fighting, and we are honored to fight alongside you for the world of our dreams.

TO PRISONERS

Gwendolyn Elisabeth Brooks

I call for your cultivation of strength in the dark.
Dark gardening
in the vertigo cold.
In the hot paralysis.
Under the wolves and coyotes of particular silences.
Where it is dry.
Where it is dry.
I call for you
cultivation of victory Over
long blows that you want to give and blows you are going to get.

Over
what wants to crumble you down, to sicken
you. I call for you
cultivation of strength to heal and enhance
in the non-cheering dark,
in the many many mornings-after;
in the chalk and choke.

APPENDIX A

THINKING ABOUT LAND ACKNOWLEDGMENT

How can you increase the visibility of native people in your community? Can you do this without it being performative or an empty gesture?

Who are the Indigenous people of the land you are on?
Learn about the Treaties that were made between the Indian Nations and the US or Canada. Write the name(s) of the treaties and what nations, the year they were signed, and who signed them.

What are the Native names for your organizing area? What are the native names of the lakes, rivers, and burial grounds nearby?

See Appendix G, page 77, for more resources about LandBack.

Who are some of the different Indigenous leaders in your community? Consider many types of leadership and make space for them to share what they think about land acknowledgment. Do they have suggestions for your group?

CAUTION: Land Acknowledgment is a tactic, not a goal. Its use is in the service of larger goals which may include broader sovereignty and liberation of Native people, reparations, and reclamation of stolen land. Performing a land acknowledgement to virtue signal or to check the box on your meeting agenda may not actually be useful. Be skeptical of governmental agencies or capitalists co-opting land acknowledgements to shield themselves from criticism of their part in Native Genocide.

APPENDIX B

PRACTICE EXERCISE: STEPPING STONES[58]

Use the following Training for Change exercise with your crew (seven to twelve people) to practice your facilitation.

Imagine a river that your team is trying to cross. Use twelve-inch by twelve-inch pieces of rug, cardboard, or other objects people can stand on to create "Stepping Stones." Mark the "shore" of the river with tape, rope, or other items, at least twenty-five feet wide.

Explain the rules for your team (it can be helpful to have a summary written out/posted on a wall.):

- The goal is to get your entire team across the river safely and together.
- The only resource you can use is the limited number of "stepping stones" which will float away if nobody is touching them. No external props can be used.
- The stepping stones/pieces of rug must AT ALL TIMES be in the physical touch of a team member. In other words, you can't toss the stone into the river and then step on it; you must place your foot while still holding it lest it be swept away. As many team members can be on a stone at one time as you choose.
- If anyone falls into the river, the entire team immediately goes back to heal the person.
- All team members must be in physical touch with each other when crossing the river.
- If the "naval patrol boat" comes within sight, the team must hasten back to the shore and try again after it's passed. [Facilitator: you may declare that it's gotten too dark to try again and that the game is over. Failing to meet this challenge can be a big learning opportunity.]

[58] "Training for Change Stepping Stones" (PDF). https://show.pics.io/preview/61fad9174a53600013966a3b

DEBRIEF EXERCISE

Debrief with the goals of the group in mind. While debriefing, **harvest learnings.** Practice doing this by writing down the main ideas on paper on the wall or inviting people to write on Post-It notes and place them on the wall for everyone to see and draw on later. Use the following questions to engage the group in debriefing.

- How was that for you?
- Were there differences in how you reacted in the beginning, middle, and toward the end?
- What were some of the feelings you experienced during that challenge?
- Did you change your strategy? Why/why not?
- What worked to keep you on track? How did you communicate? Who had to pay attention to what?
- What was most stressful? What happened when you made a mistake? How did the group react? What did you do with your feelings?
- What was it like to have to touch each other so closely? How did you handle it to maintain appropriate personal boundaries?

DEBRIEF FACILITATION

Invite the participants to debrief the facilitation. Use their answers to help you improve your facilitation skills and make notes of your strengths and areas to work on. Use the applicable tips from Training for Change listed in Tips for Facilitating on page 12. Especially consider:

- Was the facilitator adequately prepared?
- Did the facilitator encourage the expression of various viewpoints and make sure there was ranging participation?
- Did the facilitator successfully pull out and note points of agreement?
- Did the facilitator inject points of levity or breaks to keep up energy?
- Did the participants end the exercise feeling like they harvested useful lessons?

APPENDIX C

LEARNING TOGETHER CONFLICT TRANSFORMATION

LEARNING TOGETHER

Practicing feedback is an investment in shared purpose. It strengthens our relationships and helps us do better at what we want to do.[59] How might our group incorporate regular feedback into the ways we work together?

GIVING FEEDBACK

Regular & Timely Feedback is strongest when the experience is fresh. Plus, if we do it often, in low-stakes situations, we'll get comfortable doing it, and it'll be easier to do it in higher-stakes situations.

Descriptive Feedback uses language like *I saw, I heard, I noticed . . .* and uses verbs to describe the action you observed. This grounds your observations in specifics.

Appreciative Feedback about what works is incredibly useful, especially when we let each other know why or how it worked well.

Constructive Feedback offers specific suggestions to get stronger. Language like *I wish . . .* or *What if . . .* can be helpful to communicate options.

RECEIVING FEEDBACK

Consider it a Gift. Your teammate took time and energy to support your learning. They may have also taken emotional risks to share their experience with you.

Listen Actively. Start by seeking to understand what they're saying. Ask clarifying questions. Summarize what you heard to check that you're understanding.

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[59] Jovida Ross, Weyam Ghadbian, and Shirien Damra, *Turning Towards Each Other: A Conflict Workbook*, 40–45. Parts of this publication may be quoted or used as long as the authors are duly recognized. No part of this publication may be reproduced or transmitted for commercial purpose without prior permission.

Kernal of Truth Feedback is not the absolute truth, it is one perspective. If most of what your teammate shared feels strange to you, look for what you can learn from it, even if it's a small piece.

Work with it. Look for opportunities to apply the lesson you heard in the feedback. Even small adjustments can create big changes, over time.

APPENDIX D

SAMPLE GUIDELINES FOR DISTRIBUTING MONEY TO DEFENDANTS

This was used by Line 3 Legal Defense Fund. These guidelines only apply to defendants.

PRE-TRIAL HEARINGS

Transportation for arrestees for court appearances	
In-state	• Gas
Out-of-state (or more than 350 miles one-way from courthouse) *Request a brief explanation of why attendance at the hearing/ trial is desired or necessary	• Airplane ticket • Gas (if by car, in-state expenses) • Car rental (only if attempts for comrades to support ridesharing fails).
Lodging for arrestees for court appearances	
In-state	• No support
Out-of-state (or more than 350 miles one-way from courthouse) *Request a brief explanation of why attendance at the hearing/ trial is desired or necessary	• A reasonably priced motel if no local place to stay is possible. As of March 2021, this is approximately $70-$100 a night. If you have no local connections, please state so and we can try to connect you with local institutions/ houses.
Organizing expenses	
Up to $100 in reimbursements for organizing expenses, on a case-by-case basis.	

Transportation for arrestees	
In-state	• Gas
Out-of-state (or more than 350 miles one-way from courthouse) *Request a brief explanation of why attendance at the hearing/ trial is desired or necessary	• Airplane ticket (if necessary) • Gas (if by car, in-state expenses) • Car rental (only if attempts for comrades to support with ridesharing fails).
Lodging for arrestees	
In-state and out-of-state	• A reasonably priced motel if no local place to stay is possible. As of March 2021, this is approximately $70-$100 a night. If you have no local connections, please state so and we can try to connect you with local institutions/ houses.
Organizing expenses	
Up to $200 in reimbursements for organizing expenses, on a case-by-case basis.	

ADDITIONAL EXPENSES

If you have incurred additional expenses such as commissary from time spent in jail, restitution, or other tickets and fines, please reach out. We have not finalized our guidelines on these expenses yet, but we are happy to talk through them with you.

APPENDIX E

ATTORNEY SCREENING QUESTIONS

(These are the screening questions used by the LINE 3 ROVer team)

This is an invitation for you to defend clients who identify as water protectors in the movement to stop Line 3, the oil pipeline expansion and renovation project to "replace" the existing Line 3 that brings tar-sands oil from Alberta, Canada to the shore of Lake Superior in Superior, Wisconsin. The need is significant. There are currently about 50 attorneys and there are more than 900 arrestees.

1. Arrestees are in Aitkin County, Itasca County, Hubbard County, Cass County, Clearwater County, and Carlton County. **If cases go to an in-person trial, are you willing to travel to these counties?**
2. To date, most of the charges are at a misdemeanor or gross misdemeanor level, with only a few felonies. **What level of charges are you interested in taking on?**
3. **Could you tell me a little about your background? How long have you been an attorney and what kinds of criminal cases have you handled?**
4. **Have you taken on clients who have a political agenda? Have you done any movement work? Do you have any experience with treaty rights? Do you have an interest in these kinds of cases?**
5. **What is your view of the Line 3 pipeline, the position of keeping oil in the soil, moving toward alternative energy sources, and the climate crisis?**
6. Our approach to legal work centers arrestees and their political aims and organizing as defendants. Arrestees have ideas about how they want to be defended. Some of them will not want to take a plea deal; they will want to go to trial. They may want to attempt a climate necessity defense or a treaty rights defense. **Can you be ready to go to trial for clients with these interests?**
7. **We will need a copy of your resume; can you easily get that to me?**
8. **Are there any issues with your license? Have you ever been reported for an ethics violation? If we do a background check, what do you think we will find out?**

APPENDIX F

ATTORNEY VETTING QUESTIONS

(These are the vetting questions used by the LINE 3 ROVer team)

Best asked by defendants and not by legal organizers who aren't defendants.

1. **Why are you interested in this work?**
    - What do you think about fossil fuels/climate change?
    - Tell us about your views on Indigenous sovereignty.
    - How do you feel about the use of police and the court system to criminalize people's movements and dissent?

2. **Explain defendant organizing** What do you think of defendant organizing?

3. Tell us about a time when you disagreed with a client on a legal approach. How did you navigate the situation?

4. What is your experience with representing clients who hold one or multiple intersecting marginalized identities? How would you advocate for clients who belong to marginalized groups?

5. **How do you build trust with your clients? Especially clients who hold marginalized identities (trans, queer, Indigenous, low-income, etc.) and are now being forced to interact with a system that is perpetuating violence against them?**

APPENDIX G

LANDBACK RESOURCES

LandBack Bibliography - If you want to think more deeply about Land Acknowledgment, consider that what you are really doing is thinking about LandBack. Here are some resources for study.

Estes, Nick. *Our History Is the Future: Standing Rock versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance.* Verso Press, 2019.

Gilio-Whitaker, Dina. *As Long As Grass Grows: The Indigenous Fight for Environmental Justice, from Colonization to Standing Rock.* Beacon Press, 2019.

Giovale, Hilary. *Becoming a Good Relative: Calling White Settlers towards Truth, Healing and Repair.* Green Writers Press, 2024.

Hall, Louis Karoniataken. *The Mohawk Warrior Society: A Handbook for Survival.* PM Press, 2023.

Hill, Gord. *The 500 Years of Resistance Comic Book.* Arsenal Pulp Press, 2010.

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