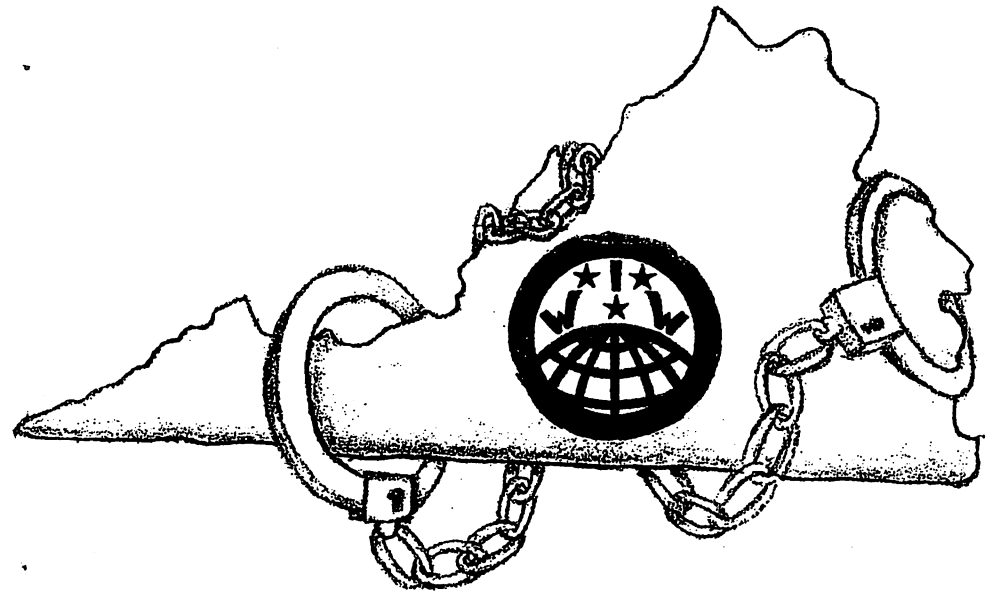


THE FREE VIRGINIA MOVEMENT



The 85% law equals genocide and must be abolished!

Reinstate parole now!!!



IN SOLIDARITY WITH THE  
FREE ALABAMA AND MISSISSIPPI MOVEMENTS

## OUR PURPOSE

The Free Virginia Movement (FVM) is a Industrial Workers of the World (IWW)-supported, Inside-Out, multi-racial statewide movement, founded and run by people currently incarcerated in Virginia prisons and sentenced under the so-called "no-parole" or "85%" law.

The function and purpose of the FVM is to organize all 85% law prisoners into one political bloc or movement so that we can effectively oppose & challenge excessive sentences, long-term incarceration & mass incarceration as a result of abolition of parole and the implementation of truth-in-sentencing laws enacted by the VA General Assembly back in 1994; and unjust, inhumane & oppressive prison conditions which endangers, jeopardizes and hinders our spiritual, physical, mental & emotional health & well-being and which runs counter to our growth and rehabilitation efforts here in the VA Department of (In)Corrections. \*We put the prefix "In" in front of Corrections as our acknowledgement that most of the policies and procedures of the VA Dept. of Corrections in regards to prisoners are in fact incorrect\*

## OUR ORGANIZING STRATEGY

The FVM seeks to bring the entire VA prisoner class sentenced under the 85% law and outside Human Rights & Prison Advocacy Groups together across Racial, Gender, Ideological, Religious & Geographical lines- thereby creating a cross-denominational United Front unlike anything ever seen in the VA prison system.

At every stage of the struggle we have petitioned the courts, filed grievances and patiently waited for the VA State Government & Courts and

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## THE STRUGGLE CONTINUES



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hard work, like cooking, cleaning, maintenance, or slaving in VA DOC-VCE sweatshops just to keep the money flowing to make a profit and to offset the costs associated with this system of 35,000 prisoners.

Now is the time for ALL Virginia prisoners to UNITE as one under the Free Virginia Movement. Now is the time to ACT! Let's SIEZE THE MOMENT on September 1, 2016!

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During an interview, a wise man once stated:

"The greatest mistake of the movement has been trying to organize a sleeping people around specific goals. You have to wake the people up first, then you'll get action."

"Wake them up to their exploitation", the interviewer asked.

"No", the wise man replied, "to their humanity, to their own worth."

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WE should ALL agree that we deserve to be treated like human beings- with justice, fairness and basic human rights. So, being that WE are not treated like human beings; are not afforded justice and fairness, and our self-worth and human rights are consistently trampled upon, WE MUST rebel on September 1, 2016 through January 1, 2017.

the VA DOC to take corrective action in the most humble of methods. But just like the institution of chattel slavery, mass incarceration is in essence an economic system which uses human beings as its nuts & bolts. Therefore, our new approach must be Economically-based. As such, in the event our concerns and pleas for redress of our grievances continue to fall on death ears while the VA State Government, the VA DOC & private corporations like JPAY, KEEFE COMMISSARY, GLOBAL TEL LINK, etc. continue to benefit from our exploitation and long-term confinement, we agree that it may be necessary to engage in a statewide, proactive, peaceful & nonviolent collective work/hunger strikes, boycotts, or any other DIRECT ACTION to compel the VA State Government and the VA DOC to be more receptive to our concerns & demands listed below. The accumulation of wealth & the oppression & social control of New Afrikans (Blacks), Mexicans, Latin@s, Asians, and poor whites is the motive behind mass incarceration here in Virginia. Therefore, an economic response will be our most effective strategy, beginning September 1, 2016.

#### OUR GOALS (What We Want)

1..The Reinstatement of Parole for all incarcerated people currently serving a sentence under the so-called 85% law by Repealing VA Code Section 53.1-165.1 and 53.1-202.3, and Restoring parole eligibility under VA Code Sections 53.1-151 through 53.1-155; and Good Conduct Allowance under VA Code Section 53.1-201. The above Restoration of Parole and Good Conduct Allowance must be Retroactively applied to ALL incarcerated people currently serving sentences under the 85% law.

2. The Amendment and Reenactment of VA Code Section 19.2-303 so that ALL people currently incarcerated in the VA Dept. of (In)Correct-

ions can petition the Court that heard his/her case for a suspension/reduction/modification of the unserved portion of the sentence after 1) serving a base minimum of twenty (20) consecutive years in prison and, 2) after the completion of an Education/Rehabilitation/Reentry Preparedness Program. The Amendment and Reenactment of VA Code Section 19.2-303 must be Retroactively applied to ALL people currently incarcerated in the VA DOC.

3. The Amendment and Reenactment of VA Code Section 19.2-298.01(B) & (F) so that the sentencing Court must provide an adequate written explanation when it sentences a defendant outside (over) the recommended sentencing guidelines to allow for meaningful appellate review of said sentence ; to promote the perception of fair sentencing and to provide an appellate remedy when Courts imposes sentences that are ten (10) years or more outside (over) the recommended sentencing guidelines. The Amendment and Reenactment of VA Code Section 19.2-298.01 (B) and (F) must be Retroactively applied to ALL people currently serving sentences under the 85% law for whom the guidelines were created.

4. The Amendment and Reenactment of VA Code Section 53.1-40.01 so that the qualifying age for consideration of early geriatric release (so-called parole) is the age of 55 or older and who has served at least five years of the sentence imposed or the age of 50 years or older and who has served at least ten years of the sentence imposed. The Amendment and Reenactment of VA Code Section must be Retroactively applied to ALL people currently incarcerated in the VA Dept. of (In)Corrections.

5. The Amendment and Reenactment of VA Code Section 53.1-43.1 so that ALL income, profits, etc. gained by the VA DOC as a result of investing interests gained from inmate funds in

4. If you have comrades/friends/ associates at other Virginia prisons/institutions/facilities, find a way to send word to them that beginning September 1, 2016 through January 1, 2017, the IWW/IWOC and the Free Virginia Movement is calling for a collective/coordinated statewide work stoppage/strike and other forms of DIRECT ACTION. Get you family or friends on the outside to post this movement on social media.

### CONCLUSION

The VA DOC is operating over budget. The state is bleeding money. Our family, friends and concerned citizens on the outside, as well as community organizations and several state and local politicians are advocating for the reinstatement of parole. There is a nationwide push on both the state and federal level for criminal justice reform. But so-called reform will not come easily here in Virginia as evidence by the Parole Review Commission refusal to recommend the reinstatement of parole even though that was the main reason the Commission was established in the first place. WE must agitate from the Inside while the issue of mass incarceration and criminal justice reform remain a hot topic nationwide.

The theory is that if ALL Virginia prisoner-workers stop working and just SHUT DOWN, the VA DOC will collapse because the state (and VA DOC) will have to pay a fair minimum wage to all prison (state) employees to do the same jobs that prisoners were doing for a slave wage (.27 to .45 cents/hour); either the state will have to spend more money (which it don't have) to hire more correctional officers to do the extra work or correctional officers will start quitting from having to perform the extra

UNITE and ORGANIZE peacefully and non-violently across racial, social, religious, gender, religious and geographical lines inside ALL Virginia prisons to bring about substantive change via coordinated work strikes, sit-downs, boycotts, hunger strikes, etc. beginning September 1, 2016 through January 1, 2017. WE HAVE NOTHING TO LOSE BUT OUR CHAINS!

### HOW YOU CAN GET INVOLVED

1. Educate as many prisoners as you can at your prison, institution, facility, etc. about the Free Virginia Movement. Start a FVM chapter where you are at and conduct strategizing sessions about how to organize a work strike.

2. Use this pamphlet as an agitational and organizing tool to spread the work about this Movement. If you can, make copies of this pamphlet and pass them out to other prisoners, especially prisoner-workers. WE must build popular opinion about the need to engage in DIRECT ACTION. That way, on September 1, 2016, WE will all be on the same page. With this collective, coordinated work strike, WE can (and will) shut the whole prison system down. But be aware of informants/infiltrators who will rat on you to the administration. WE cannot afford to have this Movement compromised or sabotaged before it starts.

3. This Movement is an autonomous collective, so it belongs to ALL Virginia prisoners. If you have additional issues you feel this Movement should address or champion, send them to FVM, c/o J. Bolling, P.O. Box 5236, Midlothian, Virginia 23112. Write to the IWW/IWOC and request FREE membership at P.O. Box 414304, Kansas City, Missouri 64141.

bonds and federally-insured investments, be used SOLELY for the purpose of prisoners' rehabilitation, education, treatment, recreation, etc., and NOT for the benefit of the VA State Government or VA DOC officials.

6. The Amendment and Reenactment of VA Code Section 53.1-43.1 so that in addition to any prisoner who has been sentenced to be executed or is serving a life sentence, any prisoner who is serving a de facto "numerical" life sentence of fifty (50) years or more under the 85% law, shall be exempt from the withholding and depositing ten (10) percent of his/her incoming funds into a savings/trust account

7. The Abolition/Repeal of any VA Dept. of (In)Correction policy, practice and procedure which endangers our spiritual, physical, mental and emotional health and well-being, and which runs counter to our rehabilitative efforts, including, but not limited to: A) VA DOC's Operating Procedure (OP) 601.6(IV)(c)(14) which prohibits prisoners from completing more than one Career and Technical Education Program (CTE); B) VA DOC's O.P. 601.6 (IV)(c)(9) which discriminates against prisoners with lengthy sentences who desire to enroll in a CTE program by placing said prisoner on a separate "long list" where it may take years to enroll in a CTE program; C) VA DOCs "cost saving" practice of assigning one inmate to multiple job (work) assignments which hinders other inmates from being assigned to job (work) assignment "to learn job skills and develop good work habits and attitudes that [we] can apply to jobs after [we] are released," quoting VA DOCs O.P. 841.1 (IV)(B)(4); D) VA DOCs racially and politically motivated practice of censoring/disapproving books, newspapers, magazines, newsletters, etc. which are geared towards an African-American, Leftist, Radical and Progressive audience; E)

VA DOCs "cost saving" practice of denying Hepatitis C positive inmates FULL access to FDA-approved drugs like Harvoni, Sovaldi, etc. which has a 95% cure rate in as little as eight (8) weeks; F) VA DOCs "cost saving" practice of regularly feedings/serving inmates cheap soy, processed and other synthetic meats which are known by the FDA to cause various forms of cancer if consumed on a regular (prolonged) basis; G) VA DOCs counter-productive and "cost saving" practice of not providing up-to-date technology-based educational & career programs. VA DOCs current educational & career programming are like relics of the past when compared to programs offered to American citizens out in the general public. VA prisons must move towards a technological educational & career programming system, and to not do so, is a disservice to VA inmates and the communities we'll eventually return to. Therefore, educational & career (vocational) training must be up-to-date and resemble as closely as possible that of educational & career training offered to the average American citizen so as to prepare inmates for the conditions of normal occupational life; H) VA DOCs prohibition against allowing inmates to purchase and possess Swintec Clear Cabinet Typewriters (or some other model typewriter) through the commissary or a private vendor. This typewriter is sanctioned by the American Correctional Association (ACA) and is allowed for purchase by inmates in federal and state prisons in 38 states.

#### WHY THE FREE VIRGINIA MOVEMENT

##### **Violent Offender Incarceration & Truth-in-Sentencing Incentive Grants and the 85 % Law in Virginia**

A federal law known as the Violent Crime Control and Law Enforcement Act of 1994

was required to provide an interim report to Governor McAuliffe no later than November 2, 2015, with a final report due by December 4, 2015.

Seeing that a total of five public meetings were held by the Commission where the ideas, opinions, concerns and comments of families and friends of prisoners and other concerned citizens citizens, members of the public and other community organizations in favor of parole reinstatement/reform repeatedly fell on deaf ears; Seeing that the Commission and its three subcommittees chose not to recommend reinstating parole because state Republicans appointed to the Commission were openly hostile to the idea of reinstating parole and even vowed that parole will never be reinstated so as so long as Republicans constitute the majority in the General Assembly, and because "The Commission [and its three subcommittees] did not specifically address reinstating discretionary parole due to the limited time for the Commission and the interrelated and complex issue (including incomplete data), which made this issue difficult to address in the time period allowed," Commission's Final Report and Recommendation, December 4, 2015, page 5; Seeing that the Commission's Report is final; Seeing that Republicans will constitute the majority in the Virginia General Assembly for the foreseeable future; And as result, seeing that mass incarceration, overcrowded and understaffed prisons, draconian truth-in-sentencing sentences; no parole (85%) law, long-term incarceration with no realistic opportunity for release, cutbacks to rehabilitative/educational/treatment programs, and the VA Dept. of (In)Corrections' policies, practices and procedures designed to intentionally aggravate the suffering inherent in our incarceration WILL PERSIST UNLESS WE ACT, it is time WE

ssion to "address five significant priorities related to Parole Reform:

1) Conduct a Review of Previous Goals and Subsequent Outcomes. The Commission shall review whether abolishing parole achieved the intended goals of preventing new felony offenses, reducing crime, and reducing recidivism. The Commission's analysis shall include, at a minimum, a qualitative analysis of pre- and post-1995 trends in crime rates, incarceration rates, sentence lengths, and recidivism rates.

2) Examine the Cost of Parole Reform/Abolition. The Commission shall conduct an analysis of the fiscal impact abolishing parole has had on the Commonwealth, as well as an analysis of societal costs on communities and families from longer incarceration.

3) Evaluate the Best Practices of Other States. The Commission shall research and evaluate what policies and practices has proven successful or unsuccessful in other states, and explore the application of the most successful approaches in the Commonwealth.

4) Recommend Other Mediation Strategies. The Commission shall examine what other approaches could be used to achieve similar results in terms of preventing new felony offenses, reducing crime, and recidivism? Virginia must pursue cost-saving, evidence-based, and multifaceted approaches to reducing crime while also improving outcomes for offenders, families and communities.

5) Provide Recommendations to Address Public Safety Challenges. The Commission shall provide its recommendation on how Virginia may best position itself to address the public safety challenges resulting from changes to parole. These final recommendations shall include any proposed legislative or executive branch actions necessary, as well as any potential private sector engagement...."

Per this Executive Order #44, the Commission

(VCCLEA) included a provision called the Violent Offender Incarceration and Truth-in-Sentencing incentive grants (VOITIS) which provided grants (funding) to state and local correctional systems to expand their capacity to incarcerate violent offenders and impose longer and more determinate sentences. VOITIS, codified into federal law as Title 42, U.S.C.S Sections 13701, 13702, 13703 and 13704, was sponsored and introduced to the U.S. Congress by former Representative Jack Brooks (TX-9) and signed into law the following year by then-President Bill Clinton.

Before states could qualify for VOITIS grants, they were required to pass (adopt) truth-in-sentencing legislation which effectively abolished parole and mandated prisoners convicted of a class 1 felony to "serve not less than 85 percent of the sentence imposed..." citing Title 42, U.S.C.S. Section 13704.

Lacking the funds necessary to construct more prisons to account for its expanding prison population, VOITIS provided Virginia with the incentive to abolish parole and implement the 85% law for crimes committed on or after January 1, 1995. This legislation (House Bill No. 5001) was sponsored and introduced in the 1994 General Assembly Session by then-Republican Delegate Randy Forbes and signed into law by then-Republican racist Governor George Allen. It must be noted that this bill passed in the General Assembly with little resistance at a time when both the House and Senate was controlled by Democrats.

House Bill No. 5001 was codified into law as Virginia Code Annotated (VA Code) 53.1-165.1. Consequently, the amount of good time credits prisoners could earn to reduce the period of our incarceration for good behavior was reduced from a maximum of thirty days credit for each thirty days served per VA Code 53.1-201 (before parole was abolished) down to a maximum of

four and one-half days credits for each thirty days served under VA Code 53.1-202 (after parole was abolished). Prior to the abolition of parole and the dramatic reduction in good time credits, Virginia's prison population was approximately 18,000. As of 2013, the prison population has ballooned to almost 40,000.

Between 1996 and 1998, twenty-eight states that enacted truth-in-sentencing legislation collectively received over \$680 million in VOITIS grants, according to the U.S. Dept. of Justice, Office of Justice Programs. Fifteen out of twenty-seven states that received VOITIS grants in 1997 indicated that these grants were either a key or partial factor in their enactment of truth-in-sentencing legislation which requires prisoners to serve 85% of his/her sentence, including Virginia.

Between 1996 and 1998, Virginia alone received a total of \$11,201,786 in VOITIS grants which was put towards the construction of two new maximum and two new super-maximum security prisons in rural white parts of Virginia: Sussex 1 State Prison, Sussex 2 State Prison, Red Onion State Prison and Wallens Ridge State Prison. All four of these new "state-of-the-art" prisons began accepting warm bodies in 1997 and 1998, many of them contracted from out of state.

Because of tough-on-crime policies like Three Strikes, Mandatory Minimums, Truth-in-Sentencing and the abolition of parole, the overall U.S. prison population has increased 700% between 1970 and 2010. As a result, the U.S. has the largest prison population- at 2.5 million- in the world.

In Virginia, New Afrikans (Blacks) make up only 20% of the overall state population, but a whopping 60% of the prison population; And, almost all prisoners come from poor or working-class communities.

Tough-on-crime policies like those mentioned

above represents a gross racial and social injustice deeply embedded within America's criminal (in)justice system and working-class citizens are left to foot the bill for mass incarceration to the tune of \$80 billion nationwide.

### ECONOMIC IMPACT

As of 2014, the Virginia Dept. of (In)Corrections' annual operating budget has grown to over \$1 billion, which is paid with tax dollars as well as with capital generated from the cheap slave labor of prisoners who toil in Virginia Correctional Enterprises (VCE)-operated sweatshops, disciplinary fines, kickbacks from Keefe Commissary, Global Tel Link, JPay, etc. and the interests gained from prisoners Savings Accounts.

It costs almost \$30,000 a year to keep long-term, rehabilitated prisoners locked up for crimes many of us committed in our youth.

A question that we collectively demand an answer to, is: If Virginia stopped receiving VOITIS grants in 2007, and VOITIS grants were a key or partial factor in Virginia's decision to abolish parole and implement the 85% law, why are WE are we still forced to serve 85% of our sentences?

The abolition of parole has not significantly prevented, reduced or deterred crime any more than it did prior to 1995, but has succeeded only in increasing the prison population and the VA Dept. of (In)Corrections' annual operating budget to one of the highest in the country, while also confining long-term, rehabilitated prisoners for decades with no realistic opportunity for release.

On June 24, 2015, Virginia Governor Terry McAuliffe sought to correct (or at best, correct) these problems when he signed Executive Order #44, creating the Parole Review Commi-