

Hunger and Hope: Lessons from Hunger Strikes for Movement Lawyering in Prisons
By Helen C. Malley[†]

Abstract

As the practice of movement lawyering grows across the country, attorneys and organizers alike are increasingly evaluating how to engage in such advocacy in carceral environments. This Note endeavors to address that question by examining lawyers' historical role in prisoner hunger strikes, one of the most common forms of collective action in prison. Organizing its analysis around the four principal components of a strike—empowerment, communication, impact, and solidarity—it identifies several promising practices for future movement lawyers seeking to support social movements in prisons.

Table of Contents

<i>Introduction</i>	1
<i>I. Empowerment</i>	5
<i>II. Communication</i>	9
<i>III. Impact</i>	12
<i>IV. Solidarity</i>	14
<i>Conclusion</i>	18

[†] This Note is indebted to the advocates and activists who made this project possible. My greatest thanks to Baher Azmy, Jim Clinton, Gerard McNamara, and Brian Nelson for all their guidance and support. For their invaluable feedback during the editing process, I am also deeply grateful to the Editors of the *Yale Journal of Law and Liberation*, including Al Brady, Iesha Phillips, Berto Sicard, and Nathan Williams. All errors are my own.

“A captive does not possess any realistic means to send his messages to the world other than to strike. . . . Freedom should be much more precious for the human being than all the desires on earth. And we should never give it up regardless of how expensive the price may be.” – Tariq Ba Odah, Guantánamo Bay¹

“Our solicitor . . . played a vital role in helping to maintain contact between the hunger strikers and [movement leadership], as well as linking with our contacts outside. . . . My own visits with him were an immense relief from the pressure chamber of the Blocks – even a visit with no real news to relate, a quiet relaxed yarn with a patient man prepared to listen.” – Brendan “Bik” McFarlane, Long Kesh (H-Block) Detention Centre²

Introduction

In 2007, Tariq Ba Odah undertook a nine-year hunger strike to protest the injustice of his detention at Guantánamo Bay.³ His strike entailed unthinkable pain and a high risk of death. However, Ba Odah felt a moral imperative to take on these risks to bring attention to the inhumanity of his indefinite detention without charge.⁴ Twenty-six years prior, the same moral imperative was felt at Long Kesh when nearly two dozen Irish Republican prisoners undertook a hunger strike to protest their detention and criminalization by the British government. Tariq Ba Odah and Brendan McFarlane’s words frame this Note in order to surface a critical question: how can lawyers support their clients’ efforts to strike and organize in carceral environments?

The nature of both organizing and lawyering in carceral contexts differs significantly from such practices in the outside world. For example, the state severely limits prisoners’⁵ ability to

¹ *Ba Odah v. Obama*, CTR. CONST. RTS., <https://ccrjustice.org/home/what-we-do/our-cases/ba-odah-v-obama> [<https://perma.cc/DCA8-KZ9Z>].

² NOR MEEKLY SERVE MY TIME: THE H-BLOCK STRUGGLE 1976-1981 at 163-64 (Brian Campbell, Laurence McKeown, Felim O’Hagan eds., 1994) [hereinafter NOR MEEKLY SERVE MY TIME]. While McFarlane did not undertake a hunger strike himself due to the nature of his charges, *see id.* at 111, he served as the Irish Republican Army (IRA) Officer Commanding at Long Kesh and was one of the principal organizers of the hunger strike in 1981. *Id.* at 139.

³ *Hunger Striker Whose Weight Dropped to 74 Lbs Released from Guantánamo to Saudi Arabia*, CTR. CONST. RTS. (April 16, 2016), <https://ccrjustice.org/home/press-center/press-releases/hunger-striker-whose-weight-dropped-74-lbs-released-guant-namo-0> [<https://perma.cc/F43J-RLLH>].

⁴ *Id.*

⁵ There is no overarching consensus on what term should be used to refer to individuals held in detention by the state. *See* Blair Hickman, *Inmate. Prisoner. Other. Discussed.*, THE MARSHALL PROJECT (Apr. 3, 2015),

freely associate while they are incarcerated,⁶ and attorneys representing imprisoned clients often experience heightened difficulty meeting with them in a timely and confidential manner.⁷ Consequently, movement-lawyering techniques that are effective in the outside world do not always transfer to carceral contexts.

However, by examining the role of lawyers in prisoner hunger strikes, we can discern strategies for bringing the tools of movement lawyering into prisons today. Past practitioners have defined “movement lawyering” as lawyering that “supports and advances social movements, defined as the building and exercise of collective power, led by the most directly impacted, to achieve systemic[,] institutional[,] and cultural change.”⁸ The goal of movement lawyering is thus not necessarily to win individual cases,⁹ but rather to build collective power and effect societal change.¹⁰

<https://www.themarshallproject.org/2015/04/03/inmate-prisoner-other-discussed> [<https://perma.cc/LZ9Z-VNBV>]. In this Note, I follow the lead of Black & Pink (a U.S.-based abolitionist organization) and use the term “prisoner” to emphasize the political and lived reality of those imprisoned by the state. See Jason Lydon, Kamaria Carrington, Hana Low, Reed Miller & Mahsa Yazdy, *Coming Out of Concrete Closets a Report on Black & Pink’s National LGBTQ Prisoner Survey*, BLACK & PINK 13 (2015), <https://search.issue4lab.org/resource/coming-out-of-concrete-closets-a-report-on-black-and-pink-s-national-lgbtq-prisoner-survey.html> [<https://perma.cc/7ZYA-9S48>] (“Given that there was no general agreement on terminology from respondents, we use the word ‘prisoner’ as an identifying term for all incarcerated individuals. We intentionally use the term ‘prisoner’ as it connects to the political reality of incarceration and aligns with the history of the Prisoner Rights Movement.”).

⁶ See generally Grace Li, *Associations in Prison*, 13 U.C. IRVINE L. REV. 1119 (2023) (noting both the limits on the right to association in prison and how existing prisoner associations have overcome those limits).

⁷ See, e.g., *Preserving Incarcerated Persons’ Attorney-Client Privilege in the 21st Century*, NAT’L ASS’N OF CRIM. DEF. LAW. (2020), <https://www.law.berkeley.edu/wp-content/uploads/2020/12/20201210-NACDL-SamuelsClinic-PrivilegedEmailReport.pdf> [<https://perma.cc/776V-3ZRH>].

⁸ Betty Hung, *Movement Lawyering as Rebellious Lawyering: Advocating with Humility, Love and Courage*, 23 CLINICAL L. REV. 663, 664 (2017).

⁹ Indeed, litigation is but *one* tool in the movement lawyer’s toolbox. See Daniel J. Canon, *The Ethics of Assisting Incarcerated People With Collective Action*, 67 ST. LOUIS U. L.J. 203, 207 (2023) (“Although collective action by incarcerated people tends to be hobbled every step of the way by administrators and largely ignored by the general public, it may hold more promise for meaningful systemic reform than ‘top-down’ solutions like litigation or legislative changes.”); see also DAVID BERESFORD, *TEN MEN DEAD: THE STORY OF THE 1981 HUNGER STRIKE* 110-13 (4th ed. 2022) (discussing Irish hunger strikers’ decision against resorting to international litigation).

¹⁰ See *What We Can Do: Movement Lawyering in Moments of Crisis*, L. FOR BLACK LIVES, <http://www.law4blacklives.org/respond> [<https://perma.cc/9DRD-SNNH>] (“Movement lawyering . . . means building the power of the people, not the power of the law.”).

As a common mode of collective action in prison,¹¹ hunger strikes provide a particularly useful case study for movement building and lawyering in carceral contexts. During a hunger strike, prisoners collectively reclaim control over their bodies by asserting exclusive authority over what they consume.¹² Such strikes are “a profound act of agency over the only thing [individuals] have control over in prison—their body.”¹³ Strikers then use the public platform generated by their strike to draw attention to the broader injustices of their incarceration. This step is often accomplished by issuing a list of demands to the prison that, if met, would end the strike.¹⁴ Through the issuance of such demands, the strikers place the ability to *end* the strike with prison officials and, in so doing, position the state as responsible for the life and death of the people it incarcerates.¹⁵

In his recent study of prison hunger strikes, historian Nayan Shah distills the hunger strike into three elements. First, the strike represents “the prisoner’s personal and political defiance of the state, with the purpose of laying claim to [the] rights the striker has been denied.”¹⁶ In short, it entails the fundamental *empowerment* of the striker through the reclamation of their physical person. Second, the strike *communicates*—“it speaks to prison authorities and . . . cross[es] the

¹¹ In 2023, there were at least fifteen different hunger strikes in U.S. detention facilities, including in Ohio, Louisiana, Illinois, California, Washington, and Texas. For more information, visit *A Chronicle of Prisoner Unrest Across the US and Canada*, PERILOUS CHRONICLE, <https://perilouschronicle.com/> [<https://perma.cc/6FKE-X2FQ>].

¹² See, e.g., NAYAN SHAH, REFUSAL TO EAT: A CENTURY OF PRISON HUNGER STRIKES 158 (2022).

¹³ Discussion with Baher Azmy, Legal Director, Center for Constitutional Rights (May 20, 2023).

¹⁴ See, e.g., *The Guantánamo Prisoner Hunger Strikes & Protests: February 2002 – August 2005*, CTR. CONST. RTS. 10 (2005), <https://ccrjustice.org/files/Final%20Hunger%20Strike%20Report%20Sept%202005.pdf> [<https://perma.cc/R5VA-D5SV>] (detailing the Guantánamo hunger strikers’ list of demands); *Prisoners’ Demands*, PRISONER HUNGER STRIKER SOLIDARITY (Apr. 3 2011), <https://prisonershungerstrikesolidarity.wordpress.com/education/the-prisoners-demands-2/> [<https://perma.cc/95WD-L6BB>] (detailing the Pelican Bay hunger strikers’ list of demands); William Borders, *In Ulster, 5 ‘Simple Demands’ Defy Simple Solution*, N.Y. TIMES, May 25, 1981 (detailing the Long Kesh hunger strikers’ demands).

¹⁵ The underlying logic of this kind of responsibility shifting dates back to medieval Ireland, which recognized a right to achieve justice through starvation, or *cealachan*. Cealachan was the ability of an individual to fast on the doorstep of the person who committed an injustice against them as a means of seeking compensation or restitution for that harm. If the faster passed away, the person at whose door they starved would be responsible for their death and required to compensate their surviving family. BERESFORD, *supra* note 9, at 6.

¹⁶ SHAH, *supra* note 12, at 2-3.

prison barrier to reach the public outside.”¹⁷ Lastly, the hunger strike generates an *impact*, as it seeks to ensure that “the prisoner and his or her self-starvation matter to whoever hears of it.”¹⁸ Together, these three elements generate the power of the prisoners’ hunger strike as an advocacy tool.

In addition to Shah’s three elements, legal practitioners identify a fourth element of the hunger strike: *solidarity*. Baher Azmy, the Legal Director of the Center for Constitutional Rights, explained that “striking is a communal struggle under [the] harshest conditions . . . people have to do it together and in recognition of the pain and principle they are enduring.”¹⁹ Such solidarity is often built not only among strikers, but also between them and the outside world. By communicating the aims of their strike to the public, hunger strikers can build solidarity with other stakeholders around the world and raise greater awareness of their overarching movement. To understand the full import of the strike, it is therefore critical that we recognize the centrality of both internal *and* external solidarity to its power.

Through an examination of past hunger strikes, this Note explores the role of lawyers in advancing prisoner-led movements in order to extrapolate broader strategies for movement lawyering in carceral contexts. Past U.S. legal scholars have refrained from exploring the roles of lawyers in prisoner-led movements, assuming that the history of such efforts was relatively thin.²⁰ However, when we adopt a more contemporary and global viewpoint, several fruitful examples of

¹⁷ *Id.* at 3.

¹⁸ *Id.*

¹⁹ Discussion with Baher Azmy, Legal Director, Center for Constitutional Rights (May 20, 2023).

²⁰ See Canon, *supra* note 9, at 224 (“Unfortunately, at this point in history there is little to speak of when it comes to lawyers assisting incarcerated people in organizing efforts.”). *But cf.* Note, *Striking the Right Balance: Toward a Better Understanding of Prison Strikes*, 132 HARV. L. REV. 1490 (2019) (discussing the history of prison striking writ large, as opposed to lawyers’ roles in supporting such strikes).

lawyers advocating and engaging with imprisoned hunger strikers come to light, including the hunger strikes organized at Long Kesh, Pelican Bay, Guantánamo Bay, and Tamms prisons.²¹

Each of the following Parts draws upon these examples to illustrate how lawyers can support the advancement of the foundational elements of the hunger strike: empowerment, communication, impact, and solidarity. Where relevant, each Part also highlights the challenges faced by lawyers seeking to support hunger strikers, including the difficulty of balancing competing ethical obligations and the various forms of state backlash to organizing in prisons. The Note then concludes by distilling the key lessons on how lawyers can help advance the goals of—and remain accountable to—collective movements in prison.

I. Empowerment

The first element of the hunger strike is empowerment. Through their strike, the individual reasserts their autonomy over their physical person.²² One role of the movement lawyer is thus to preserve the autonomy—and with it the decision-making power—of their client.

The challenge of the lawyer's role here should not be underestimated. In the context of a hunger strike, honoring the agency and autonomy of one's client could result in their death or significant bodily harm.²³ However, it is precisely because of these risks that hunger strikes are

²¹ This list of hunger strikes is by no means exhaustive. *See supra* note 11. Additionally, while the above examples largely come from prisons, hunger strikes are also common at other sites of state detention. *See, e.g.*, Raja Abdulrahim, 'Preparing to Die': Palestinian Detainees Turn Hunger Into Weapon, N.Y. TIMES, Aug. 11, 2022 (discussing hunger strikes led by those held in indefinite administrative detention in Israel); Matt Stevens, ICE Force-Feeds Detainees Who Are on Hunger Strike, N.Y. TIMES, Jan. 31, 2019 (discussing hunger strikes led by those held in immigration detention in the United States).

²² *Cf.* SHAH, *supra* note 12, at 2.

²³ The scale of these risks inevitably places the attorney in an ethical and emotional dilemma. *See e.g.*, NOR MEEKLY SERVE MY TIME, *supra* note 2, at 163. The attorney's position is further complicated by broader questions of professional responsibility in the context of movement lawyering. *See, e.g.*, Susan D. Carle & Scott L. Cummings, *A Reflection on the Ethics of Movement Lawyering*, 31 GEO. J. LEGAL ETHICS 447, 450-52 (2018) (raising the question of how movement lawyers should handle conflicts between their individual client's interests and the interests of the movement); Canon, *supra* note 9, at 229-35 (2023) (discussing the extent to which a lawyer can facilitate collective action or civil disobedience under the Model Rules of Professional responsibility). An extended exploration of the professional obligations held by an attorney in the context of hunger strikes is beyond the scope of this Note; however, such an exploration could be a useful place for future inquiry.

never undertaken lightly. As one striker explained, “[t]o use one’s own body as both the weapon and the battle ground is something that is only considered as a last resort.”²⁴ Hunger strikers are acutely aware of the risks involved.²⁵ As counsel for the strikers, the movement lawyer’s role is to preserve their client’s autonomous decision-making power, including both their ability to begin and to call off their hunger strike.

For example, lawyers can discuss with their clients the possibility of using existing legal tools—such as a Power of Attorney—to preserve their hunger strike. However, the decision of whether to use such tools remains with the client. The hunger strikes at Long Kesh prison offer a particularly illustrative example of how this balance can be struck. In 1976, the British government began classifying Irish Republican political prisoners as “criminals” during the Conflict between Northern Ireland and Britain.²⁶ This policy endeavored to frame the movement for Irish independence as a “criminal enterprise”²⁷ and denied Irish Republican prisoners access to Special Category Status, which had previously granted them heightened protections within the prison system.²⁸ The following five years were met with a series of prisoner-led protests against this policy of criminalization, culminating in the hunger strikes at Long Kesh in 1981.²⁹ Lasting over

²⁴ Martin Ferris, *Imprisoned in the Republic of Ireland*, in A SHARED STRUGGLE: STORIES OF PALESTINIAN & IRISH HUNGER STRIKERS 167 (Norma Hashim & Yousef M. Aljamal eds., 2021) [hereinafter A SHARED STRUGGLE]; see also NOR MEEKLY SERVE MY TIME, *supra* note 2, at 106 (“We were left with no other course of action but hunger strike. The Brits had closed all avenues to solutions [and] . . . [t]he protest had to escalate if we were to get anywhere . . .”).

²⁵ See sources cited *supra* note 24. Recognizing and respecting the expertise of one’s client is a key tenet of movement lawyering more broadly. See William P. Quigley, *Ten Ways of Looking at Movement Lawyering*, 5 HOW. HUM. & CIV. RTS. L. REV. 23, 38 (2020) (“Directly impacted people and communities are best positioned to realize the injustices they face. In addition to being the most knowledgeable, they are more motivated to challenge injustices than anyone else.”).

²⁶ BERESFORD, *supra* note 9, at 15.

²⁷ Tommy McKearney, *Five Demands*, in A SHARED STRUGGLE, *supra* note 24, at 216.

²⁸ See Anna Bryson, Kieran McEvoy & Allely Albert, *Political Prisoners and the Irish Conflict 100 Years On*, 60 HOWARD J. CRIME & JUST. 79, 83 (2021) (discussing the rights that accompanied Special Category Status, including the ability to engage with state officials through preexisting Irish Republican Army leadership structures).

²⁹ For example, under the new British policy of criminalization, prisons attempted to force Irish Republican prisoners to wear the common prison uniform, rather than their own clothing. However, Irish Republican prisoners

seven months, the hunger strikes at Long Kesh shifted the tides in the Conflict and continue to retain a prominent place in Irish memory to this day.³⁰

In the later months of the hunger strike, some of the family members of the strikers pledged to intervene to end their relative's strike by authorizing medical intervention if they lapsed into a coma. In response, solicitor Patrick Finucane, one of the primary attorneys representing the strikers during the Conflict, explored the possibility of drafting a Power of Attorney to protect the strikers' wishes. Such a document would legally assign decision-making power over the strikers' medical care to a friend or relative who would respect their strike and refrain from authorizing medical intervention.³¹ In doing so, a Power of Attorney would serve as a legal vehicle for maintaining the strikers' ability to continue their protest, despite potentially life-threatening conditions.

The decision of whether to *use* such a legal tool, however, still rested with the client. In the case of Long Kesh, the strikers ultimately decided against drafting a Power of Attorney. They agreed that if a relative did elect to medically intervene in someone's strike, that person could return to his strike in the future if he wished.³²

By discussing—but not unilaterally imposing—the option of a Power of Attorney, Finucane and his team exemplified a client-centered approach to hunger-strike lawyering. Under such an approach, the client serves as “the primary decision-maker in the relationship[,]” with

refused to don the prison uniform and instead resorted to wrapping themselves in blankets. Tommy McKearney, *Five Demands*, in *A SHARED STRUGGLE*, *supra* note 27, at 216-17; *see also* NOR MEEKLY SERVE MY TIME, *supra* note 2, at 94, 106 (discussing the transition from the Blanket Protests to the hunger strike).

³⁰ Danny Morrison, *Introduction*, in *A SHARED STRUGGLE*, *supra* note 24, at 38-39.

³¹ Mike Ritchie, Address at Trinity College (Feb. 14, 2009), in *PATRICK FINUCANE: HIS LIFE AND HIS LEGACY*, 2009, at 33, <https://madden-finucane.com/files/2016/01/conference2009february14report.pdf> [<https://perma.cc/4GCM-LWHP>].

³² BERESFORD, *supra* note 9, at 401. Several family members did ultimately authorize medical intervention on behalf of their striking relative. *See, e.g.*, Laurence McKeown, *So Much Went Unspoken*, in *A SHARED STRUGGLE*, *supra* note 24, at 115-16 (describing McKeown's relationship with his mother during his hunger strike and, ultimately, her decision to authorize medical intervention after he lapsed into a coma).

whom attorneys collaboratively develop a legal strategy.³³ By taking this client-centered approach, Finucane and his team ensured that their clients remained in control of their legal process and empowered within the attorney-client relationship. The legal team identified potential courses of action, such as using a Power of Attorney to preserve the strike; however, the decision-making power remained with the strikers.

A related lesson on empowering clients within the attorney-client relationship can also be found in the Center for Constitutional Rights' (CCR) relationship with the strikers at Pelican Bay. In July 2011, thousands of prisoners in California undertook a hunger strike to protest the conditions of solitary confinement at Pelican Bay State Prison. Todd Ashker, one of the strike's lead organizers, reached out to CCR to ask if they would assist with a class action suit building upon the strike's demands.³⁴ CCR moved quickly to craft an amended complaint with the express strategy of using the litigation and surrounding opportunities for advocacy to advance the political organizing happening among the strikers.

Throughout this process, CCR attorneys consistently met with the strike organizers to discuss their legal strategy.³⁵ For example, when the prison moved a portion of the plaintiff class out of solitary confinement, a question emerged about whether to redefine the class in the lawsuit.³⁶ On the one hand, supplementing the complaint could result in significant delays for the case (posing a serious health risk to those who remained in solitary and continued to strike). On the other hand, the original complaint would not cover those who were moved out of solitary

³³ Dina Francesca Haynes, *Client-Centered Human Rights Advocacy*, 13 CLINICAL L. REV. 379, 393 (2006).

³⁴ Jules Lobel, *Participatory Litigation: A New Framework for Impact Lawyering*, 74 STAN. L. REV. 87, 91 (2022).

³⁵ *Id.* at 92.

³⁶ *Id.* at 132. CCR's approach to this question has since been termed participatory litigation, as the attorneys at CCR "actively involved the plaintiffs in all aspects of the suit [including] choosing class representatives, deciding on claims to present, making important tactical decisions, negotiating and ratifying a settlement agreement, and monitoring the settlement decree." *Id.* at 92.

confinement. The attorneys brought this question to the strike organizers, who collectively agreed that the priority should be ensuring that the class covered *everyone*.³⁷

Based on this direction, the lawyers at CCR proposed a bifurcated approach to the judge: the Pelican Bay case would go to trial on the original two classes, and then the plaintiffs would try a supplemental claim on behalf of a third class (those moved out of solitary) if they prevailed at their initial trial.³⁸ The judge accepted this proposal, ensuring that the suit would ultimately cover everyone. Thus, by adopting a participatory approach, CCR attorneys empowered the strikers at Pelican Bay to help shape the litigation and ensure that it met the needs of their broader movement.

A key component of preserving the empowering quality of the hunger strike is preserving the client's decision-making power. This power encompasses both the client's control over their strike, as well as their input in any legal advocacy that arises from it. Adopting a client-centered, participatory approach thus serves as one way in which movement lawyers can ensure such empowerment for their clients.

II. Communication

The second element of the hunger strike is its communicative power. As Shah explains in his monograph, *Refusal to Eat*:

Communication carries the hunger strike over the threshold from the prison to outside. Witnesses—lawyers, journalists, advocates, family, and sometimes other prisoners—can bear witness to the striker's condition, both describing their own experiences in engaging with the striker and representing the striker to others.³⁹

While lawyers' access to imprisoned clients may be limited in comparison to their access to other clients, lawyers nonetheless have more access to people in prison than the lay population. As such,

³⁷ *Id.* at 133.

³⁸ *Id.*

³⁹ SHAH, *supra* note 12, at 10.

lawyers are uniquely well-positioned to facilitate communication between imprisoned strikers and the outside world.⁴⁰

For example, lawyers can use the primacy of the attorney-client relationship to combat efforts by the state to isolate hunger strikers. Returning to the example of Long Kesh, after the death of the first striker, Bobby Sands, the prison sought to impose a *de facto* policy of incommunicado detention and denied all access to the remaining imprisoned strikers.⁴¹ Finucane, however, was committed to ensuring that visits with the strikers would continue. He soon realized that none of his clients had written a will. Consequently, he used the strikers' entitlement to the drafting of a will as grounds for gaining entry back into the prisons.⁴² In this way, "the simple right of all persons to record a last will and testament forced the authorities to reverse their policy of incommunicado detention" and allow attorneys back into Long Kesh.⁴³

Lawyers can also bring suits against the government that articulate parallel claims to the strike. In doing so, lawyers can help amplify the strikers' demands against the state itself. For example, Tariq Ba Odah's litigation with CCR allowed him to directly challenge the President of the United States regarding his indefinite confinement. Even the case caption itself—*Tariq Ba Odah v. Barack Obama*—became a mode of both communication and empowerment, as it articulated Ba Odah's objection to his arbitrary detention directly against the head of state.⁴⁴ In

⁴⁰ For example, the quotation from Tariq Ba Odah used in this Note's epigraph was transmitted to the outside world by his attorneys at the Center for Constitutional Rights. Discussion with Baher Azmy, Legal Director, Center for Constitutional Rights (May 20, 2023); *Tariq Ba Odah*, CTR. CONST. RTS. (Feb. 6, 2015), <https://ccrjustice.org/tariq-ba-odah> [<https://perma.cc/6F23-6KMT>]; see also BERESFORD, *supra* note 9, at 33, 157-58 (describing how lawyers were used to carry messages between movement organizers across prison walls).

⁴¹ Geraldine Finucane, Address at Trinity College (Feb. 14, 2009), in PATRICK FINUCANE: HIS LIFE AND HIS LEGACY, 2009, at 21, <https://madden-finucane.com/files/2016/01/conference2009february14report.pdf> [<https://perma.cc/4GCM-LWHP>] [hereinafter Finucane Address].

⁴² *Id.*; see also NOR MEEKLY SERVE MY TIME, *supra* note 2, at 247 (describing McKeown's experience drafting his will with Finucane).

⁴³ Finucane Address, *supra* note 41, at 21.

⁴⁴ Discussion with Baher Azmy, Legal Director, Center for Constitutional Rights (May 20, 2023).

this way, Ba Odah and his attorney were able to use his hunger strike and concurrent litigation to communicate the injustice of his detention directly to the state itself.⁴⁵

Lastly, lawyers can amplify the voices of the strikers and convey their humanity to the outside world. Past hunger strikers consistently identified this kind of public-facing communication as the most critical for the success of their strikes.⁴⁶ Such communications can employ a variety of strategies—including placing client-authored articles in local newspapers⁴⁷ and organizing public readings of clients' writings⁴⁸—in order to share the perspectives of strikers with a larger audience.

Most notably, lawyers can repurpose the mechanics of litigation itself to amplify their client's voices. Depositions, for example, can serve as a platform for impacted communities to share their stories. In the case of Pelican Bay, CCR elected to record their depositions in order to share the plaintiffs' experiences in solitary confinement with a broader public.⁴⁹ These depositions quickly became a key advocacy tool for drawing attention to the humanity of the strikers and the brutality of their experiences in solitary.⁵⁰ CCR and the hunger strikers then built upon this

⁴⁵ Ba Odah's hunger strike ultimately resulted in a motion for release, as the prison staff at Guantánamo could no longer credibly treat him for his starvation. Ba Odah was ultimately released from Guantánamo in April of 2016, nearly a decade after his hunger strike began. *See Ba Odah v. Obama*, *supra* note 1.

⁴⁶ *See, e.g.,* A SHARED STRUGGLE, *supra* note 24, at 147, 150, 167.

⁴⁷ During the Pelican Bay strikes, CCR worked with Gabriel Reyes—one of the ten named plaintiffs in the lawsuit that accompanied the strike—to publish an op-ed in the *SF Gate* on the same day that they filed their amended complaint. Lobel, *supra* note 34, at 123-24 (citing Gabriel Reyes, Opinion, *The Crime of Punishment at Pelican Bay State Prison*, SFGATE (updated Nov. 27, 2012, 2:41 PM), <https://www.sfgate.com/opinion/openforum/article/the-crime-of-punishment-at-pelican-bay-state-3597332.php> [<https://perma.cc/KZF2-KJLS>]).

⁴⁸ In 2013, CCR organized a public reading by Mia Farrow of a letter written by Tariq Ba Odah. *See* Nina Wolpov, *When Will Obama Release a Man Who Has Spent Eight Years on a Hunger Strike?*, REFINERY29 (Aug. 13, 2015), <https://www.refinery29.com/en-us/2015/08/92241/tariq-ba-odah-hunger-strike> [<https://perma.cc/2DZ4-BG2Y>].

⁴⁹ Lobel, *supra* note 34, at 124.

⁵⁰ *Id.* Excerpts from the depositions themselves even made it to the front-page of the *New York Times*. *See* Erica Goode, *Solitary Confinement: Punished for Life*, N.Y. TIMES (Aug. 3, 2015), <https://www.nytimes.com/2015/08/04/health/solitary-confinement-mental-illness.html>.

advocacy further in a comprehensive media campaign, which gained national and international support.⁵¹

By facilitating communication between movement organizers and the outside world, attorneys can amplify the organizers' message about the inhumanity and injustice of their confinement and ultimately help garner public support for the broader aims of their movement.⁵²

III. Impact

Shah recognizes the third element of the hunger strike as its *impact*. Hunger strikes can be understood as a physical “externalization of the hunger strikers’ individual and collective vision.”⁵³ However, the movement for achieving that vision often continues long after the strike has formally concluded.⁵⁴ In the wake of a hunger strike, it is critical that lawyers continue to support ongoing advocacy efforts led by movement organizers.

Namely, lawyers can continue to engage with strike organizers through litigation, related national or international advocacy, and direct professional partnerships. A key example of this kind of long-term, engaged advocacy is the closure of Tamms Supermax Prison in Illinois. In 2000, 169 out of the 176 men incarcerated at Tamms declared a hunger strike to bring attention to the

⁵¹ See generally Lobel, *supra* note 34, at 124 (describing how the CCR team used the litigation to amplify the voices of the strikers); *Ba Odah v. Obama*, *supra* note 1 (detailing the domestic and international outreach done by CCR in conjunction with Ba Odah’s hunger strikes). For additional instances of global support for Ba Odah, see Press Release, Amnesty International, *Less Than 75 Pounds and Never Charged With a Crime, Tariq Ba Odah May Die at Guantanamo* (Aug. 14, 2015), <https://www.amnestyusa.org/press-releases/less-than-75-pounds-and-never-charged-with-a-crime-tariq-ba-odah-may-die-at-guantanamo/> [<https://perma.cc/X96L-P4ZV>]; Laura Pitter, *Dispatches: Obama Administration Getting in its Own Way of Closing Gitmo*, HUM. RTS. WATCH (Aug. 19, 2015), <https://www.hrw.org/news/2015/08/19/dispatches-obama-administration-getting-its-own-way-closing-gitmo> [<https://perma.cc/NZA3-VYXF>].

⁵² In the case of Pelican Bay, the strike and litigation were ultimately able to help shift public opinion on solitary confinement more broadly. See Margaret Winter, *Is This the Beginning of the End for Solitary Confinement in the United States?*, ACLU: NEWS & COMMENTARY (Sept. 23, 2015), <https://www.aclu.org/news/prisoners-rights/beginning-end-solitary-confinement-united-states> [<https://perma.cc/LL6E-UGH6>].

⁵³ SHAH, *supra* note 12, at 19.

⁵⁴ *Id.*

prison's horrific conditions.⁵⁵ The strike itself lasted 36 days;⁵⁶ however, the movement to close Tamms lasted over 13 years.⁵⁷ Following the strike, lawyers at Uptown People's Law Center (UPLC) partnered with the men incarcerated at Tamms to bring litigation against the State of Illinois regarding the prison's conditions⁵⁸ and engaged in international advocacy with the United Nation's Special Rapporteur on Torture Juan Méndez.⁵⁹ UPLC also formally hired Brian Nelson, one of the original organizers of the Tamms hunger strike, following his release in 2010.⁶⁰ Nelson continued the movement to close Tamms and helped maintain open communication between UPLC lawyers and movement organizers still incarcerated at Tamms. In 2013, the closure of Tamms Supermax served as a testament to the strength of a sustained movement organized between lawyers and advocates on the inside.

The state may try to dilute the vitality of the strike by distancing its organizers from subsequent advocacy stages; however, lawyers can take active steps to ensure that organizers remain involved throughout the legal advocacy process. Returning to the example of the Pelican Bay litigation, attorneys took several measures to ensure that the strikers were able to participate

⁵⁵ *Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences: Hearing Before the Subcomm. on the Const., C.R., & Hum. Rts. of the S. Comm. on the Judiciary*, 112th Cong. 323, 325 (2012) (statement of Brian Nelson).

⁵⁶ Associated Press, *Last of Tamms Inmates Call Off the Hunger Strike*, *SOUTHEAST MISSOURIAN*, June 8, 2000, at 4A (on file with author).

⁵⁷ Alan Mills, *Refusing to Disappear: Prisoners at Tamms and Their Families Conducted a Sustained Advocacy Campaign to Shut This "Supermax" Down*, *ACLU* (Jan. 4, 2013), <https://www.aclu.org/news/smart-justice/refusing-disappear-prisoners-tamms-and-their-families> [<https://perma.cc/D8SW-JXEE>]; *Tamms Supermaximum Security Prison Now Closed*, *AMNESTY INT'L*, <https://www.amnestyusa.org/victories/tamms-supermaximum-security-prison-now-closed/> [<https://perma.cc/QNB8-ES7P>] (last visited April 21, 2024).

⁵⁸ *Westerfer v. Snyder*, *UPTOWN PEOPLE'S L. CTR.*, <https://www.uplcchicago.org/what-we-do/prison/westfer-v-snyder.html> [<https://perma.cc/43KM-QJY6>] (last visited April 21, 2024).

⁵⁹ See Letter from U.N. Special Rapporteur on Torture to the United States, U.N. Doc. AL G/SO 214 (53-24) USA 16/2011 (Sept. 16, 2011), available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=22130> [<https://perma.cc/G4P9-XTBN>]; see also Letter from Brian Nelson to Juan Mendez (May 21, 2012), available at <https://solitarywatch.org/wp-content/uploads/2012/06/brian-nelson-peoples-uptown-law-center-survivor-of-solitary-confinement.pdf> [<https://perma.cc/UC7V-MVU5>].

⁶⁰ Joseph Shapiro, *From Solitary to the Streets: Released Inmates Get Little Help*, *NPR* (June 11, 2015), <https://www.npr.org/2015/06/11/413208055/from-solitary-to-the-streets-released-inmates-get-little-help> [<https://perma.cc/6ENN-4UBJ>].

in later stages of the litigation.⁶¹ For example, the CCR attorneys negotiated a settlement provision that required prisoner participation in the settlement monitoring process. And, when the California Department of Corrections refused to comply with the terms of their agreement, CCR attorneys successfully petitioned to have several plaintiff representatives present at the judicial conference on the matter.⁶² Lawyers for imprisoned movement organizers can thus take meaningful steps to ensure the continued participation of the strikers in the legal efforts to effectuate their strike's aims.

The long-term impacts of a hunger strike often take years—if not decades—to achieve. Therefore, at every stage of the advocacy following a strike, lawyers can and should use the tools at their disposal to ensure the continued participation of the strikers. This participation can come in a multitude of forms, including the formal hiring of strikers at legal organizations and the use of lawyers' positionality in the legal system to create space for strikers at the negotiating table.

IV. Solidarity

The final—and perhaps most fundamental—element of the hunger strike is solidarity. Collective participation in the strike is an essential part of its power-building. It is through the shared refusal to eat that hunger strikers induce “a sense of collective existence and solidarity as a prisoner class.”⁶³ Across all the examples detailed above, this shared refusal is what made the hunger strike a sustainable and impactful advocacy tool. At Tamms, what began as a hunger strike of a small contingent of men in April of 2000, became a strike of over 95% of the prison population

⁶¹ Lobel, *supra* note 34, 142-49.

⁶² *Id.* at 145-47.

⁶³ *Id.* at 110 (quoting Lisa Guenther, *Political Action at the End of the World: Hannah Arendt and the California Prison Hunger Strikes*, 4 CAN. J. HUM. RTS. 33, 35 (2015)).

by May 1, 2000.⁶⁴ Similarly, the hunger strike at Pelican Bay ultimately included 30,000 prisoners, making it the largest prison hunger strike in United States history.⁶⁵

A degree of solidarity within a prisoner class often predates the initiation of a hunger strike. In some instances, solidarity exists among the strikers even prior to their incarceration. The strike at Long Kesh fell into this category, as the participants had already been brought together through their participation in past Irish Republican activism.⁶⁶ More often, however, it is the experience of incarceration that brings the strikers together and forms the basis for their bond. The strikers at Pelican Bay, for example, had no preexisting personal or ideological connection. In fact, when the four lead organizers of the strike first met, they were deeply wary of each other.⁶⁷ However, in speaking with one another about their incarceration and their collective treatment in solitary confinement, the men began to conceive of themselves as “all members of a single prisoner class.”⁶⁸ It was the creation of this shared identity as *one class* that ultimately formed the basis and power for their hunger strike.⁶⁹

The role of the lawyer in a hunger strike is thus not to create solidarity *within* the class—such solidarity often already exists. Rather, the primary role of the lawyer is to help generate solidarity between the strikers and the outside world. For example, just over a decade before Tariq

⁶⁴ See *Reassessing Solitary Confinement: The Human Rights, Fiscal, and Public Safety Consequences: Hearing Before the Subcomm. on the Const., C.R., & Hum. Rts. of the S. Comm. on the Judiciary*, 112th Cong. 323, 325 (2012) (statement of Brian Nelson) (“In April of 2000, I along with several other men at Tamms came together on a hunger strike to bring attention to the terrible conditions at Tamms. On May 1, 2000, approximately 169 men out of 176 at Tamms declared a Hunger Strike in solidarity or refused their meals.”).

⁶⁵ Victoria Law, “*We Are Not the Worst of the Worst*”: *One Year Later, What’s Changed for Pelican Bay’s Hunger Strikers?*, SOLITARY WATCH (July 7, 2014), <https://solitarywatch.com/2014/07/07/worst-worst-one-year-later-whats-changed-pelican-bays-hunger-strikers/> [https://perma.cc/G6BD-ZRW2].

⁶⁶ Paul Howard, *The Long Kesh Hunger Strikers: 25 Years Later*, 33 SOC. JUST. 69, 73, 76, 79-80, 82, 85, 89 (2006).

⁶⁷ Benjamin Wallace-Wells, *The Plot From Solitary*, N.Y. MAG. (Feb. 21, 2014), <https://nymag.com/news/features/solitary-secure-housing-units-2014-2/> [https://perma.cc/HMY3-88J9].

⁶⁸ *Id.*

⁶⁹ *Id.* The construction of this prisoner class can also transcend the walls of a single prison. For example, the Pelican Bay organizers’ decision to strike was, in part, inspired by Bobby Sands’s writings on his experience in the strikes at Long Kesh prison. *Id.*

Ba Odah's hunger strike, a group of Haitian refugees detained at Guantánamo Bay engaged in a hunger strike to protest their unjust detention.⁷⁰ Despite making a campaign promise to lift the exclusionary ban against HIV-positive refugees, President Clinton refused to do so once elected. Instead, he forced HIV-positive refugees to remain indefinitely detained at Guantánamo.⁷¹ While litigating on behalf of this detained class, a group of clinical law students organized a student hunger strike in solidarity with their clients.⁷² The movement soon spread to other law schools across the United States, as students vowed to take up the fast in solidarity with those striking at Guantánamo.⁷³ Through this parallel action, the clinical team was able to raise greater awareness about the refugees' ongoing detention at Guantánamo.⁷⁴

By helping amplify the message of the prisoners' hunger strike, lawyers can also facilitate solidarity across impacted communities. Director Azmy, for example, noted that during the hunger strikes at Pelican Bay the strikers expressly declared solidarity with hunger strikers held in Guantánamo Bay.⁷⁵ Both coalitions of strikers were represented by CCR, allowing their legal teams to facilitate solidarity-building efforts between them and highlight parallels between their movements for a broader public audience.⁷⁶

⁷⁰ Victoria Clawson, Elizabeth Detweiler & Laura Ho, *Litigating as Law Students: An Inside Look at Haitian Centers Council*, 103 YALE L.J. 2337, 2349 (1994).

⁷¹ *Id.* at 2348-49.

⁷² *Id.* at 2377-78.

⁷³ See Nadine Brozan, *Chronicle: A Fast in Support of Haitian Refugees Moves From Yale to Harvard*, N.Y. TIMES, Mar. 12, 1993, at B6 (on file with author).

⁷⁴ Clawson, Detweiler & Ho, *supra* note 70, at 2377-78. The value of this kind of solidarity should not be underestimated. See Canon, *supra* note 9, at 219 (“[T]here is an immense, unquantifiable value when an ‘institutional’ figure like an attorney acts in solidarity with an incarcerated person.”).

⁷⁵ Discussion with Baher Azmy, Legal Director, Center for Constitutional Rights (May 20, 2023).

⁷⁶ In their written testimony to the Inter-American Commission on Human Rights, for example, CCR highlighted the similarities between the strikes at Pelican Bay and Guantánamo Bay to demonstrate the inhumanity of solitary confinement writ large. CTR. CONST. RTS., HUMAN RIGHTS AND SOLITARY CONFINEMENT IN THE AMERICAS: THEMATIC HEARING BEFORE THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS 5 (March 12, 2013), <https://ccrjustice.org/files/CCR%20Written%20Testimony%20to%20IACHR%20on%20Solitary%20Confinement-20130308-Final.pdf> [<https://perma.cc/JNN5-QNUQ>] (“Placing prisoners in these devastating conditions for years at a time—whether at Pelican Bay . . . or in Guantánamo Bay—exposes those prisoners to a significant risk of descending into irreversible mental illness. . . . Solitary confinement strips human beings of their basic dignity and humanity, and simply violates contemporary standards of human decency.”).

Solidarity across impacted communities not only helps boost the morale of the strikers by reminding them that they are not alone but also advances broader movement goals by exposing how the violence experienced by both communities is endemic to a broader system. Cross-facility solidarity can highlight the fact that the issues in one prison are not unique, but rather are an intrinsic element of the carceral system. For example, the dehumanization and degrading treatment experienced by those held in solitary confinement at Pelican Bay bore unmistakable similarities to the confinement experienced by those held at Guantánamo.⁷⁷ Additionally, international solidarity can draw greater attention to parallels across sociopolitical movements. Irish and Palestinian hunger strikers, for example, have long stood in solidarity with one another,⁷⁸ endeavoring to raise awareness about their shared experience of the “suffering and pain associated with occupation.”⁷⁹ By facilitating solidarity-building efforts between hunger strikers, movement lawyers can thus help reveal the broader connections between concurrent social movements.

Publicly endorsing these movement goals is not without risk. In the past, lawyers viewed as supporting their clients’ broader movement goals have been attacked organizationally and individually.⁸⁰ In the context of hunger-strike movements, national governments have labeled groups advocating on behalf of imprisoned hunger strikers as terrorist organizations,⁸¹ and

⁷⁷ *Id.*

⁷⁸ A SHARED STRUGGLE, *supra* note 24, at 18 (“Irish revolutionaries . . . have a robust solidarity movement that regards Palestinian freedom as one of the incomplete aspects of their own struggle.”); *see, e.g.*, Connla Young, *Republican Prisoners to Take Part on 24-Hunger Strike in Support of Palestinian Inmates*, THE IRISH NEWS (Nov. 23, 2023), https://www.irishnews.com/news/northernirelandnews/2023/11/23/news/republican_prisoners_to_take_part_on_24-hunger_strike_in_support_of_palestinian_inmates-3795990/ [<https://perma.cc/7M97-9EEP>].

⁷⁹ Danny Morrison, *Introduction*, in A SHARED STRUGGLE, *supra* note 24, at 36.

⁸⁰ *See* Catherine L. Fisk, *Movement Lawyers: The Tension Between Solidarity and Independence*, 97 IND. L.J. 755, 758 (2022) (discussing how the “law has responded to lawyer activism . . . [by] disciplin[ing] or ostraciz[ing] lawyers for the *fact* of their representation of controversial clients as well as their *tactics*” (emphasis in original)); *see also id.* at 763 (describing the “steep personal price” paid by lawyers supporting labor-movement clients in the mid-twentieth century).

⁸¹ For example, in 2021, the Addameer Prisoner Support and Human Rights Association was designated a “terrorist organisation” by the Israeli Minister of Defence. Several United Nations human rights experts, Human Rights

individual attorneys representing hunger strikers have been targeted personally.⁸² In the face of such risks, solidarity becomes all the more important. As past scholars have noted, “[m]ovement identity, solidarity, and social bonds can help individuals resist and challenge authority,” when they are otherwise faced with retaliation and repression.⁸³ For both lawyers and clients alike, building a shared sense of solidarity and empowerment helps reduce one’s sense of vulnerability to threats from outside actors.⁸⁴ In this way, the strength and fortitude of a movement can be directly traced back to its grounding in solidarity.

Conclusion

Prisons—in the United States and around the world—are critical sites of both grave injustice and radical collective organizing. As we consider the future of movement lawyering, it is essential that we also consider how lawyers can help support and advance existing movements in carceral environments. This Note endeavored to identify several lessons in such advocacy, by drawing upon historical examples of prison lawyering during hunger strikes. These lessons include:

1. ***Consider preexisting legal tools as potential mechanisms to maintain and bolster the power of the collective action.*** From both the perspective of the striker and the state, a

Watch, and Amnesty International condemned this decision as an attack on human rights. See Press Release, United Nations, UN Experts Condemn Israel’s Designation of Palestinian Human Rights Defenders as Terrorist Organisations (Oct. 25, 2021), <https://www.ohchr.org/en/press-releases/2021/10/un-experts-condemn-israels-designation-palestinian-human-rights-defenders> [<https://perma.cc/JXC9-PDDC>]; *Israel/Palestine: Designation of Palestinian Rights Groups as Terrorists*, HUM. RTS. WATCH. (Oct. 22, 2021), <https://www.hrw.org/news/2021/10/22/israel/palestine-designation-palestinian-rights-groups-terrorists#> [<https://perma.cc/X7SC-2MCM>] (joint statement with Amnesty International).

⁸² For example, in 1989, Patrick Finucane—who represented the Irish Republican hunger strikers at Long Kesh prison—was tragically assassinated by a pro-British paramilitary group. Joaquin P. Terceno III, *Burying the Truth: The Murder of Belfast Human Rights Lawyer Patrick Finucane and Britain’s “Secret” Public Inquiries*, 74 FORDHAM L. REV. 3297, 3297 (2006).

⁸³ Kate Andrias & Benjamin I. Sachs, *Constructing Countervailing Power: Law and Organizing in an Era of Political Inequality*, 130 YALE L. J. 546, 620 (2021).

⁸⁴ William H. Simon, *Visions of Practice in Legal Thought*, 36 STAN. L. REV. 469, 483-84 (1984) (“The experience of confronting their adversary together in circumstances where he was obliged to acknowledge them as a group and as other than subordinates and to account to them in some minimal way increased their sense of solidarity with each other and reduced their sense of vulnerability to their adversary. It intensified the sense of each of them of a common interest in collective practice, a sense which both made them more willing to become vulnerable to each other and empowered them in relation to the adversary.”).

key component of the hunger strike is the empowerment that it entails. Consequently, the state may seek to turn the strike into a source of disempowerment, attempting to coerce strikers to break their strike or using the strike as grounds to isolate the striker further. However, existing legal documents can be a means of circumventing these efforts. For example, lawyers can suggest using a Power of Attorney to protect the striker's ability to strike⁸⁵ or drafting a will to prevent incommunicado detention.⁸⁶

2. ***Preserve the attorney-client relationship as a site of empowerment.*** Key to the definition of movement lawyering is the furtherance of “social movements . . . led by the most directly impacted.”⁸⁷ Therefore, the goals of the movement and the client should structure the legal advocacy, not vice versa. To that end, movement lawyers should preserve their clients’ decision-making power by maintaining a client-centered and participatory approach to their advocacy.⁸⁸ For example, movement lawyers can directly involve clients in tactical legal decisions such as how to define the prison class⁸⁹ and whether to bring a suit in conjunction with the collective action at all.⁹⁰
3. ***Harness the communicative power of routine legal practices.*** A fundamental element of any action is communication. As a result of their relative positionality and access to the public sphere, lawyers are particularly well-equipped to facilitate communication between incarcerated organizers and the outside world. Using routine legal practices—such as the creation of a case caption⁹¹ or the taking of a deposition⁹²—lawyers can help communicate the stakes of the strike directly to the broader public.
4. ***Continue to support and advance the broader aims of the movement in the aftermath of a given action.*** Collective actions are often one piece of a broader movement—such as movements to end solitary confinement or close a Supermax prison. Lawyers for the organizers of such actions should continue to help advance these goals, even following the formal conclusion of the action itself. This kind of continued advocacy can involve not only litigation⁹³ and monitoring settlement decrees,⁹⁴ but also broader international advocacy before human rights bodies.⁹⁵
5. ***Foster solidarity between your clients and the outside world.*** While the organizers inside the prison have already generated solidarity among themselves, building

⁸⁵ See, e.g., text accompanying *supra* notes 31-32 (discussing Finucane’s proposal to use a Power of Attorney to ensure that family members did not intervene in a hunger strike).

⁸⁶ See e.g., text accompanying *supra* notes 41-43 (discussing Finucane’s use of wills to gain entrance into prisons).

⁸⁷ Hung, *supra* note 8, at 664 (emphasis added).

⁸⁸ Haynes, *supra* note 33, at 393.

⁸⁹ See, e.g., text accompanying *supra* notes 34-38 (analyzing discussions on how to define the class in the Pelican Bay litigation).

⁹⁰ See, e.g., *supra* note 9 (discussing the decision *not* to bring litigation in conjunction with the Long Kesh strike).

⁹¹ See, e.g., text accompanying *supra* notes 44-45 (discussing the crafting of the caption in Ba Odah’s case).

⁹² See, e.g., text accompanying *supra* notes 50-51 (discussing the use of depositions in the Pelican Bay advocacy).

⁹³ See, e.g., text accompanying *supra* note 58 (discussing the litigation filed by Uptown People’s Law Center (UPLC) to close Tamms Supermax prison).

⁹⁴ See, e.g., text accompanying *supra* notes 61-62 (discussing monitoring the Pelican Bay settlement decrees).

⁹⁵ See, e.g., text accompanying *supra* note 59 (discussing UPLC and Brian Nelson’s advocacy with the Special Rapporteur on Torture, Juan Méndez).

solidarity with the outside world can help raise greater awareness and maximize the impact of the collective action. Through their positionality in the outside world and representation of several constituencies of clients, lawyers have access to key avenues for building such solidarity. For example, lawyers can organize collective actions in the outside world that amplify their client's message and connect their clients with other similarly impacted individuals engaging in similar advocacy to raise greater awareness about their shared cause.

While these lessons arose in the context of hunger strikes, my hope is that they can nonetheless provide a generative starting point for lawyering in support of other prisoner-led movements in the future.