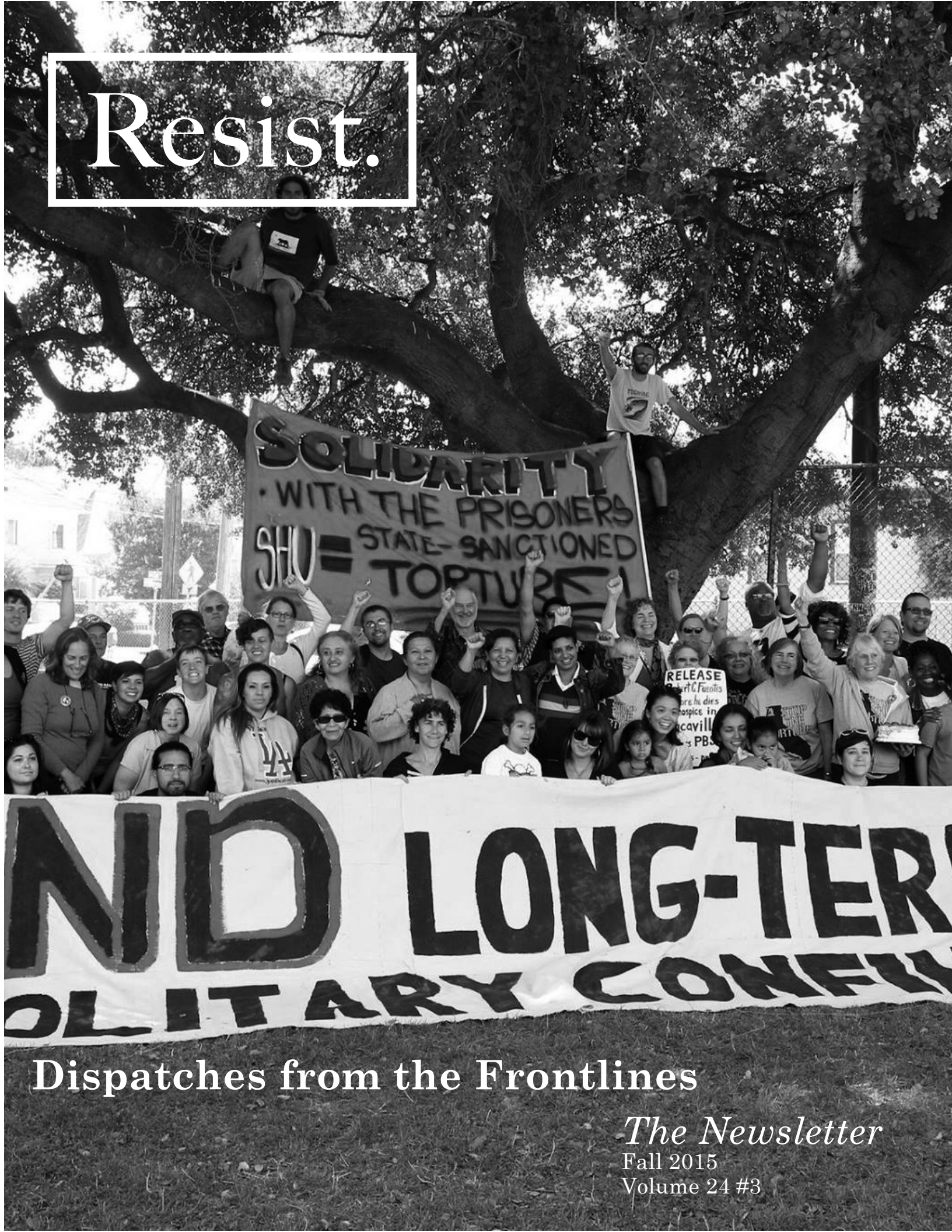


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Dispatches from the Frontlines

The Newsletter
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Volume 24 #3

Agreement Reached in Ashker v. Brown Ends Indeterminate Long-term Solitary Confinement in California, Among Other Gains for Prisoners

By *Prisoner Hunger Strike Solidarity Coalition*

California prisoners locked in isolation achieved a groundbreaking legal victory in their ongoing struggle against the use of solitary confinement. A settlement was reached in the federal class action suit *Ashker v. Brown*, originally filed in 2012, effectively ending indefinite long-term solitary confinement, and greatly limiting the prison administration's ability to use the practice, widely seen as a form of torture. The lawsuit was brought on behalf of prisoners held in Pelican Bay State Prison's infamous Security Housing Units (SHU) for more than 10 years, where they spend 23 hours a day or more in their cells with little to no access to family visits, outdoor time, or any kind of programming.

"From the historic prisoner-led hunger strikes of 2011 and 2013, to the work of families, loved ones, and advocate, this settlement is a direct result of our grassroots organizing, both inside and outside prison walls," said Dolores

Canales of California Families Against Solitary Confinement (CFASC), and mother of a prisoner in Pelican Bay. "This legal victory is huge, but is not the end of our fight – it will only make the struggle against solitary and imprisonment everywhere stronger." The 2011 and 2013 hunger strikes gained widespread international attention that for the first time in recent years put solitary confinement under mainstream scrutiny.

Currently, many prisoners are in solitary because of their "status" – having been associated with political ideologies or gang affiliation. However, this settlement does away with the status-based system, leaving solitary as an option only in cases of serious behavioral rule violations. Furthermore, the settlement limits the amount of time a prisoner may be held in solitary, and sets a two year Step-Down Program for the release of current solitary prisoners into the prison general population.

It is estimated that between 1,500 and 2,000 prisoners will be released from SHU within one year of this

settlement. A higher security general population unit will be created for a small number of cases where people have been in SHU for more than 10 years and have a recent serious rule violation.

"Despite the repeated attempts by the prison regime to break the prisoners' strength, they have remained unified in this fight," said Marie Levin of CFASC and sister of a prisoner representative named in the lawsuit. "The Agreement to End Hostilities and the

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Photo: Steve Rhodes

While those incarcerated bravely led the way, activists organizing in solidarity on the outside were also crucial to this victory.

Statement of Plaintiffs on Settlement of Ashker v. Governor of California

By Todd Ashker, Sitawa Nantambu Jamaa, Luis Esquivel, George Franc, Richard Johnson, Paul Redd, Gabriel Reyes, George Ruiz, Danny Troxell

This settlement represents a monumental victory for prisoners and an important step toward our goal of ending solitary confinement in California, and across the country. California's agreement to abandon indeterminate SHU confinement based on gang affiliation demonstrates the power of unity and collective action. This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters.

Our movement rests on a foundation of unity: our Agreement to End Hostilities. It is our hope that this groundbreaking agreement to end the violence between the various ethnic groups in California prisons will inspire not only state prisoners, but also jail detainees, county prisoners and our communities on the street, to oppose ethnic and racial violence. From this foundation, the prisoners' human rights movement is awakening the conscience of the nation to recognize that we are fellow human beings. As the recent statements of President Obama and of Justice Kennedy illustrate, the nation is turning against solitary confinement. We celebrate this victory while, at the

same time, we recognize that achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle. We are fully committed to that effort, and invite you to join us.

Todd Ashker
Sitawa Nantambu Jamaa
Luis Esquivel
George Franco
Richard Johnson
Paul Redd
Gabriel Reyes
George Ruiz
Danny Troxell

Summary of Ashker v. Governor of California Settlement Terms

By Center for Constitutional Rights

When Ashker v. Governor was first filed as a class action in 2012, thousands of prisoners across the state of California languished in prolonged solitary confinement in Security Housing Units (SHU). At Pelican Bay State Prison alone, more than 500 prisoners had been held in the SHU for over 10 years, and 78 prisoners had been there for more than 20 years. They were warehoused in cramped, windowless concrete cells for almost 24 hours a day with no phone calls, infrequent visits through plexiglass preventing physical contact, meager rehabilitative opportunities, and no opportunity for normal social interaction with other prisoners. Their indefinite and prolonged confinement in this torturous isolation was based not on any actual misconduct but on vague and tenuous allegations of affiliation with a gang. Prisoners were routinely placed in prolonged solitary confinement for simply appearing on a list of gang members found in another

prisoner's cell, or possessing allegedly gang-related artwork and tattoos.

In 2015, the plaintiffs agreed to a far-reaching settlement that fundamentally alters all aspects of this cruel and unconstitutional regime. The agreement will dramatically reduce the current solitary confinement population and should have a lasting impact on the population going forward; end the practice of isolating prisoners who have not violated prison rules; cap the length of time a prisoner can spend in solitary confinement at Pelican Bay; and provide a restrictive but not isolating alternative for the minority of prisoners who continue to violate prison rules on behalf of a gang.

1. The settlement transforms California's use of solitary confinement from a status-based system to a behavior-based system.

Under California's old regime, prisoners identified as gang affiliates were sent to SHU for an indefinite term based merely on their gang affiliation, regardless of whether they had ever

violated a prison rule. The settlement transforms California's use of solitary confinement from a status-based system to a behavior-based system: from now on, California will only send gang-validated prisoners to SHU if they are found guilty, at a hearing, of a serious "SHU-eligible" rule violation. These violations are now limited to the same violations that send non-gang-validated prisoners to the SHU: murder, violence against persons, threats to kill or assault, weapons possession, distribution of controlled substances, escape, disturbance, riot or strike, harassment, gang activity that leads to a serious rule violation, serious theft or destruction of property, extortion or bribery, certain sexual misconduct, and related attempts or conspiracy.

2. Validated gang affiliates who are found guilty of a SHU-eligible offense will enter a quicker two-year SHU step-down program for return to general population after serving their

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Ben & Jerry's Commits to Work with Vermont Dairy Workers to Adopt Milk with Dignity Program in Supply Chain

By Migrant Justice

Congratulations to everyone! We are a strong team. We have seen that we have a lot of power! By organizing and defining what we want we achieved this big step forward as workers. ¡Si Se Puede!

-Jessica Ramirez, Migrant Justice Farmworker Coordinating Committee.

If you haven't heard already we

ment to further detail and realize the essential elements of Migrant Justice's Milk with Dignity program that will be adopted within Ben & Jerry's Northeast dairy supply chain."

So, in Burlington, Vermont our June 20th "March and Rally for Dignity" took a much more festive tone than expected, with nearly 200 people marching and singing through the streets: "Get up! Get Down! Milk with Dignity's Coming to Town!"

Folks are asking: "What happened? Did you win? What's next?"

First, it's not over — we've only just begun! With this agreement farmworkers have secured a permanent seat and voice at the table to negotiate directly with Ben & Jerry's in order to hash out and then adopt the five essential elements of our Milk with Dignity framework in their supply chain.

Now our work is to ensure that the program is designed and then opera-



reached an important agreement with Ben & Jerry's on the evening before 17 Milk with Dignity solidarity actions were planned at scoop shops across the nation!

This is a major step forward towards securing the fundamental human rights of farmworkers in Ben & Jerry's supply chain. The heart of our agreement reads:

"This document represents Ben & Jerry's commitment to work with Migrant Justice towards a written agree-

Farmworkers could not have taken this big step forward without your support. Your petition signatures, your willingness to organize solidarity actions across the country, your hosting of talks and presentations, organizations that signed on in support of campaign, you who spread the word on social media, you who made phone calls at the office, you who drove farmworkers to meetings acting in solidarity with Vermont dairy workers, is what made the difference.

tionalized to truly ensure your Chubby Hubby is delivered to you in a way that respects farmworker's rights! So, we will be at the table with Ben & Jerry's working on this agreement in the coming weeks and months and will be in touch with updates and ways to keep speaking up for farmworker's rights!

"Power concedes nothing without a demand. It never did and it never will."- Frederick Douglas

It wasn't until Migrant Justice pub-

lically launched our campaign on May 1 that we truly got the full attention of Ben & Jerry's. Last December when we first presented our Milk with Dignity Program we were essentially told that we were barking up the wrong tree and our intentions were even called into question. Our proposal was not taken seriously and farmworkers felt disrespected.

We continued, for the next several months, to work behind the scenes asking again and again to meet with CEO Jostein Solheim in order to present our program in more depth. But it wasn't until we created a public conversation about farmworkers' campaign for respect and dignity in Ben & Jerry's supply chain and called for a national day of Milk with Dignity actions on

June 20th that farmworkers got the full attention of Ben & Jerry's.

In the final week leading up to the June 20th actions it was clear Ben & Jerry's had heard farmworkers call to action and recognized the need to prioritize this conversation. As the clock ticked towards June 20th the tone shifted and then in the afternoon of July 19th we reached an agreement that demonstrates Ben & Jerry's has truly committed to work with farmworkers to ensure their rights are respected in their supply chain.

Your petition signatures, your willingness to organize actions across the country, your organizations that supported our campaign and spread the word all made a difference! We look forward to working with Ben & Jerry's

towards securing fundamental human rights for farmworkers in their supply chain!

Migrant Justice is a Resist grantee. Their mission is "to build the voice, capacity, and power of the farmworker community and engage community partners to organize for economic justice and human rights. We gather the farmworker community to discuss and analyze shared problems and to envision collective solutions. Through this ongoing investment in leadership development, members deepen their skills in community education and organizing for long-term systemic change." For more information visit www.migrantjustice.net.

Missoulians Stop Coal Train

By *Blue Skies Campaign*

On Thursday, September 17th, members of Northern Rockies Rising Tide and Blue Skies Campaign staged a peaceful blockade in order to prevent a coal train from entering the Missoula rail yard in an act of nonviolent protest against Montana coal export projects that threaten the health of rail line communities and the global climate. The action is part of a wider nationwide movement called Flood the System, which is mobilizing people across the US this fall to call for real climate solutions in the lead-up to December's UN climate change negotiations in Paris.

Two community members, Lee Van

de Water and Shannon Curry, locked their arms together and refused to move for the mile long coal train. With other

hour, preventing it from moving towards its west coast destination. After refusing to leave and going limp, both were cited and released for trespassing.

"We refuse to let such a beautiful place be completely destroyed," stated blockader Shannon Curry.

Lee Van de Water added, "we're acting today because no one in power has made a meaningful effort to address the extraction and consumption of fossil fuels.

The groups present were drawing attention to the role that the state of Montana plays in curbing any further rise in global temperatures. The pool of carbon present in Montana coal is a significant portion of the remaining coal that needs to be left in the ground, which many world scientists



Photo: Blue Skies Campaign

participants, Lee and Shannon were able to hold space on the tracks for an

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Special Prosecutor by Executive Order

Justice Committee in New York City Makes History



On July 9th, after several trips to Albany, press conferences, meetings, petition drives, call-ins and more, Governor Cuomo signed an executive order for a special prosecutor that covers unarmed New Yorkers killed by police (including when killed in custody), cases where a weapon is in dispute, and cases where someone was armed but did not pose a threat to the police. Although this campaign is not over, before we move forward toward securing legislation that creates an independent special prosecutors office, we will first stop to celebrate this historic moment. Stay tuned.

Agreement Reached in Ashker v. Brown

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unity of the prisoners are crucial to this victory, and will continue to play a significant role in their ongoing struggle.” The Agreement to End Hostilities is an historic document put out by prisoner representatives in Pelican Bay in 2012 calling on all prisoners to build unity and cease hostilities between racial groups.

Prisoner representatives and their legal counsel will regularly meet with California Department of Corrections and Rehabilitation officials as well as with Federal Magistrate Judge Nandor Vadas, who is tasked with overseeing the reforms, to insure that the settle-

ment terms are being implemented.

“Without the hunger strikes and without the Agreement to End Hostilities to bring California’s prisoners together and commit to risking their lives— by being willing to die for their cause by starving for 60 days, we would not have this settlement today,” said Anne Weills of Siegel and Yee, co-counsel in the case. “It will improve the living conditions for thousands of men and women and no longer have them languishing for decades in the hole at Pelican Bay.”

“This victory was achieved by the efforts of people in prison, their families and loved ones, lawyers, and outside supporters,” said the prisoners represented in the settlement in a joint statement. “We celebrate this victory

while at the same time, we recognize that achieving our goal of fundamentally transforming the criminal justice system and stopping the practice of warehousing people in prison will be a protracted struggle.”

The Prisoner Hunger Strike Solidarity coalition is a Resist grantee and is “made up of grassroots organizations, family members, formerly incarcerated people, lawyers, and individuals—formed in 2011 to amplify the voices of CA prisoners on hunger strike striving to achieve their Five Core Human Rights Demands. The coalition continues to work in solidarity with CA prisoners and their families to amplify prisoners’ voices and end the torture that is solitary confinement.

Summary of Ashker v. Brown
continued from page three

determinate SHU term.

Prisoners validated as gang affiliates in California used to face indefinite SHU confinement, with a review for possible release to general population only once every six years. Even when such reviews occurred, a single piece of evidence of alleged continued gang affiliation led to another six years of solitary confinement. That evidence was often as problematic as the original evidence used to send them to SHU – for example, a book, a poem, or a tattoo that was deemed to be gang-related. As a result, California held more people in solitary confinement, for longer periods of time, than any other state in the country.

The Center for Constitutional Rights (CCR) is dedicated to advancing and

protecting the rights guaranteed by the US Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. CCR was a Resist grantee in the 1980s.

Missoulians Stop Coal Train
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agree is the most important step in minimizing the predicted effects of climate change.

While world leaders continue to fail to agree on a just and effective climate deal, and politicians like Montana's US Senator Steve Daines deny the scientific reality of human-caused climate change, groups like Rising Tide and Blue Skies Campaign are confronting

the root causes of the climate crisis by calling for an end to the extraction and combustion of coal, oil, and other fossil fuels.

Actions against coal train traffic have taken place twice before on railroad property in Missoula, in March and August of last year. Thursday's action was an escalation of nonviolent tactics, creating momentum that the groups involved in the protest hope will continue far into the fall.

Blue Skies Campaign, a Resist grantee, "is using creative direct action and grassroots organizing tactics to build a movement for a better future. Our goal is to protect the great State of Montana and its citizens from pollution caused by the mining, transport, burning, and export of coal, while building a sustainable and resilient economy."

Support the Forefront of the Movement for Social Justice

Your contribution to Resist supports hundreds of activist groups resisting, organizing, and building a better world. We will never have the money that those in power have, but Resist believes in a simple equation: a little bit of support plus grassroots creativity and passion can equal radical social change.

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Dispatches from the Frontlines



March and Rally for Dignity

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- Migrant Justice