

Center For Constitutional Rights

Criminal Justice Issues and Prisoners' Rights

<https://ccrjustice.org/home/blog/2017/10/13/statement-prisoner-representatives-second-anniversary-ashker-v-brown-settlement>

Public Facing Advocacy Writing

The CCR blog

Oct 14, 2017 marks the 2 year anniversary of the approval of the *Ashker* settlement. We celebrate our victory in the *Ashker* case, in which virtually all of the over 1600 prisoners then languishing in indeterminate SHU were released to General Population. This victory was achieved through 3 hunger strikes and the non-violent legal and political action of thousands of California prisoners, their families, supporters, and their attorneys.

However, unfortunately our general monitoring is due to run out after two years unless the Court grants an extension. We believe that CDCR is still engaged in constitutional violations that deny prisoners due process and seeks to put us back in the hole, for many, indeterminately under the guise of Administrative SHU. Our attorneys will seek an extension of the agreement due to CDCR's systemic violations of the constitution. We don't know what the court will do, but we do know that prisoners and their families have to re-energize our human rights movement to fight against the continuing violations of our rights. Examples are:

We must stand together, not only for ourselves, but for future generations of prisoners, so that they don't have to go through the years of torture that we had to. We need all prisoners young and old -to make our collective outcry public to ensure that the victory that we have won is not reversed by CDCR behind closed doors. Ultimately, we are the ones who are responsible for leading the struggle for justice and fair treatment of prisoners. That is why we entered into the historic Agreement to End Hostilities, and why it is so important that the prisoner class continue to stand by and support that agreement. We cannot allow our victories to be nullified by CDCR's abuse of power, and may have to commit ourselves to non-violent peaceful struggle if CDCR continues on its present path.

We need everyone - prisoners, their families and the public - to send comments on CDCR's proposed regulations to staff@aol.ca.gov, send emails and letters urging Gov. Brown to sign Assembly Bill 1308, make sure that prisoner complaints about unfair treatment are publicized, and to work together to rebuild our prisoners human rights movement.

We cannot let CDCR increase its use of prolonged solitary confinement either by misusing confidential information to place prisoners in SHU on phony conspiracy charges, or through increasing the use of Administrative SHU. As the Supreme Court stated over one hundred years ago in the 1879 case of *Wilkerson v. Utah*, it is safe to affirm that punishment of torture and all others in the same line of unnecessary cruelty are forbidden by that [the Eighth] Amendment. The admired historian Howard Zinn noted the application of that decision to the modern SHU: All we need then, is general recognition that to imprison a person inside a cage, to deprive that person of human companionship, of mother and father and wife and children and friends, to treat that person as a subordinate creature, to subject that person to daily humiliation and reminder of his or her own powerlessness in the face of authority is indeed torture and thus falls within the decision of the Supreme Court a hundred years ago.

[View the discussion thread.](#)

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