

# Coalition For Prisoners' Rights Newsletter

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April 2018

## 2 Years of SHU Settlement

The second anniversary of the approval of the California prisoners' settlement in the case of *Asker v. Brown* was in October of 2017. This victory provided that virtually all of the over 1,600 California prisoners being held in indeterminate SHU housing would be released to General Population. The struggle to accomplish this included three hunger strikes, and the non-violent legal and political actions of thousands of prisoners, their families, supporters, and attorneys. The fight against the continuing violations of the settlement must continue.

Specific issues include:

- > Continued misuse of Confidential Information to place prisoners back in SHU.
- > The lack of out-of-cell time, programming and vocational programs in Level 4 prisons.
- > The denial of parole to lifers and Prop 57 prisoners who have clean records.
- > The turning of transitional Restrictive Custody General Population Units into ones where it is either debrief or die.
- > New regulations which give the ICC discretion to put people back in the SHU.

The prisoner representatives call for all to stand together both now and for future generations of prisoners to avoid further years of more torture. Comments should be sent on CDCR's proposed regulations to [staff@aol.ca.gov](mailto:staff@aol.ca.gov) and to governor Brown to sign Assembly Bill 1308. Everyone must work to make sure that prisoner complaints about unfair treatment are publicized, and to work together to rebuild our prisoners' human rights movement.

In addition, all must work to keep the CDCR from increasing its use of prolonged solitary confinement. The 1879 *Wilkerson v Utah* Supreme Court decision stated in part "it is safe to affirm that punishment of torture and all others in the same line of unnecessary cruelty are forbidden by the Eighth Amendment." Which moved the historian Howard Zinn to comment more recently: "to imprison a person in a cage, to subject that person to daily humiliation humiliation and reminder of their powerlessness is indeed torture."

## WHEN IS IT TORTURE?

According to Juan Méndez, the U.N. special rapporteur ("a person who compiles and presents reports") on torture, "11 months under conditions of solitary confinement (regardless of the name given to this regime by the prison authorities) constitutes at a minimum cruel, inhuman and degrading treatment in violation of Article 16 of the convention against torture." Méndez has also stated that conditions of solitary confinement should never exceed 15 consecutive days.

Atul Gawande, a physician who has studied the effects of solitary confinement has said, "The science of what happens to people deprived of social contact is they have to fight for their sanity. And many lose their sanity....We are social beings in our physiology....Is solitary confinement, the way we're practicing it now, torture?....I describe the cases of both hostages and people who are in prisons--and conclude that, number one, those experiences are not different. They're the same. Number two, you can't conclude that it's not torture."

To confirm the above points, Chelsea Manning reports that, out of her seven years of imprisonment, she was initially held in solitary confinement in a cage inside a tent for two months and subsequently imprisoned in another facility for nine more months of solitary confinement by the U.S. military before being given a 35 year sentence. She was granted clemency in 2017.

Of her initial conditions of confinement she recently commented: "This is a practice that needs to be ended everywhere, regardless of what you think may justify the circumstances. Nothing justifies doing this to any human being."

Manning goes on to point out: "It's not just the military, it's not just the intelligence community. It's the justice system. It's immigration. All these systems are overlapping, and they're suffocating people. We need to stop these systems. We need to push back on all of them. People are suffering. People have been building this whirling death machine of power for decades now."

## Presidente R. Castro de Cuba: discurso final

El presidente saliente Raúl Castro de Cuba ofreció el 19 de abril de 2018 su discurso final ante la Asamblea Nacional tras entregarle el poder a su sucesor, Miguel Díaz-Canel. "Desde la llegada al poder del actual presidente de los Estados Unidos ha ocurrido un deliberado retroceso de las relaciones entre Cuba y los Estados Unidos, y prevalece un tono agresivo y amenazador en las declaraciones de dicho gobierno. El imperialismo norteamericano crea conflictos que generan oleadas de refugiados. Sigue políticas represivas, racistas y discriminatorias contra los inmigrantes. Construye muros, militariza fronteras, hace aún más derrochadores e insostenibles los patrones de producción y consumo, y obstaculiza la cooperación en el enfrentamiento al cambio climático."

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To receive the CPR Newsletter by postal mail monthly, send us up to 12 self-addressed, stamped envelopes (with the CPR return address).

Keep sending us address changes and renewal requests in order for us to maintain our only permanent mailing list--the one for our January holiday card/new calendar--as accurately as possible.

Also, note that the correct address to be sure to reach us at is: PO Box 1911, Santa Fe NM 87504. Some resource address listings are incorrect in this regard.

And still: NONE OF US ARE LAWYERS OR LEGAL WORKERS; for our protection, please do not mark envelopes addressed to us as "Legal Mail."

Many, many thanks to the Real Cost of Prisons Project for posting our Newsletter on-line for free downloading and distribution. It is at:

[www.realcostofprisonsproject.org](http://www.realcostofprisonsproject.org)--this is a GREAT site! Thank you for all your support!

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### The American Prison Writing Archive (APWA)

The APWA is a digital archive of non-fiction essays by incarcerated people writing about their experiences inside. The APWA features prison witness by all who have firsthand experience of prison conditions and seeks robust representation of all such voices. For more information write to: APWA, Hamilton College, 198 College Hill Road, Clinton NY 13323. Or to: <http://www.dhinitiative.org/projects/apwa>

All submitted essays must draw on firsthand experience and should be limited to a maximum of 5,000 words (15 double-spaced pages). We seek the widest possible gathering of U.S. prison writing and will read, scan, and transcribe essays into the APWA on a continuing basis.

## Bail Bond Exploitation?

The use of commercial bail has grown into a \$2 billion industry. Bond agents have become the "payday lenders" of the court system--appearing to offer quick relief to desperate customers at high prices. When bond clients cannot afford to pay the bond company's fee to get them out, the agents simply loan them the money, allowing them to go on a "payment plan."

Bond agents have powers that most other commercial lenders do not. They are supposed to return their clients to jail if they skip court or do something illegal. But some states give them the leeway to arrest their clients for any reason--or none.

A bond agent can, in many instances, jail someone for missing a payment. In Tennessee, defendants have complained of shakedowns in which bond agents demanded extra payments. A judge held two bond agents in contempt for intercepting a defendant on his way to court and sending him, instead, to jail. Many do not know that they do not have to go with their bond agent unless there is a warrant out for their arrest.

The bond agents avoid being held responsible for their clients' failure to appear in court in such cases because they "divert" the defendants from court dates for cases *unrelated* to the ones for which they had bailed them out. Such agents also do things like adding charges by the day for unordered ankle monitors. Relatives have also been charged as much as \$1,000 extra for having their money walked to the courthouse. Cars put up as collateral for bail bonds have been confiscated without notice. And on it goes...

## Back on Schedule

An Albany New York judge ruled on April 20 that Herman Bell was, in fact, eligible for parole after 44 years in prison and on his eighth try. This was despite the opposition of the widow of one of those he had been convicted of killing. Bell stated in his March parole board hearing: "The person I was then, if that person was to come into this room, during this interview, I couldn't recognize that person."

Bell, 70, has been scheduled for release on April 27.

\* \* \* BLACK LIVES MATTER \* \* \*