

# **Prisoner Human Rights Movement**

## **BLUE PRINT**

The declaration on protection of all persons from being subjected to torture and other cruel, inhuman or degrading treatment or punishment was adopted by the United Nations General Assembly in its resolution 3452 (XXX) of December 9, 1975. The Declaration contains 12 Articles, the first of which defines the term "torture" as: "Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining his or a third person's information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons."

**FREEDOM OUTREACH PRODUCTION**

**December 1, 2015**

## **PRISONER HUMAN RIGHTS MOVEMENT**

We are beacons of collective building, while clearly understanding that We, the beacons, must take a protracted internal and external retrospective analysis of our present-day prisons' concrete conditions to forge our Prisoner Human Rights Movement (PHRM) onward into the next stage of development, thereby exposing California Department of Correction and Rehabilitation (CDCr)/United States Prison System of Cultural Discrimination against our Prisoner Class. This is why our lives must be embedded in our determined human rights laws, based on our constructive development of the continuous liberation struggle via our scientific methods and laws. Therefore, through our Prisoner Class, the concrete conditions in each prison/U.S. prisons shall be constructed through our Prisoner Human Rights Movement.

- PRISONER HUMAN RIGHTS MOVEMENT ("PHRM") - 4 Principle Negotiators ("PN's")
- PRISONER HUMAN RIGHTS MOVEMENT ("PHRM") - 20 Representatives ("Reps")
- PRISONER HUMAN RIGHTS MOVEMENT ("PHRM") - Local Councils ("LC's")
- ASHKER v. BROWN CLASS PLAINTIFFS

### **Background:**

The Prisoner Human Rights Movement (PHRM) Principle Negotiators (PN's) are: Arturo Castellanos (C17275), Sitawa Nantambu Jamaa (Dewberry) (C35671), Todd Ashker (C58191), and George Franco (D46556), who have been the Principle Negotiators of our protracted struggle for all California Prisoners' rights within the 33 prisons. We have each been negotiating on behalf of all Prisoners with the offices of CDCr Secretary J. Beard, Undersecretary S. Kernan, Director K. Harrington (D.I.A.) and R. Diaz (Deputy D.I.A.), all members of CDCr; California Attorney General's Office; California Federal Judges; and California Legislators since May 20, 2011 to the present. (See Appendix #7 & #8)

The major changes within CDCr since 2011 to the present have been a result of prisoners' willingness to acknowledge the PHRM and the PN's ability to navigate through the concrete conditions of our current environment (that is, Prison). We serve the hard core interests of all Prisoners, regardless of race or geographical location here in California. The four of us serve all of California's hundred thousand plus Prisoners in all aspects of our common Human Rights and interests, as we shall challenge all corrupt California prison employees, etc. violating and depriving us of our rights. (See Appendix #1, #2, #3, #4, & #5)

We are responsible for: listening to the Complaints of Prisoners on the State level and assisting all PHRM Local Councils to correct the local corrupt prison officials, by seeing to it that all

PHRM LC's do effective monitoring, investigating, and correcting the denials of all Prisoners' Rights; improving the constructive programs/conditions; stopping the government's illegal acts of retaliation, corruption, and anti-prisoner rights culture of all G.P.s, Ad Seg's, and the various women's and men's prisons on all fronts. (See Appendix #4, #5)

We work closely with the various Lawyers who represent *Ashker v. Brown* Class Plaintiffs. (See Appendix #2)

The Prisoner Human Rights Movement (PHRM) Representatives (Reps) are: Gabriel Huerta, Louis Powell, Danny Troxell, Antonio Guillen, Paul Redd, Alfred Sandoval, Ronnie Yandell, J. Mario Perez, Y. Iyapo-I (Alexander), Fernando Bermudez, Frank Clement, and Donald Lee Moran.

The *Ashker v. Brown* Class Plaintiffs represent all California Women and Men prisoners in CDCr to end long term Solitary Confinement in the State. (See Appendix #1 and #5)

The Prisoners Human Rights Movement continues the struggle by taking our Human Rights issues to the United Nations (U.N.).

### **I. MONITORING REPORTS ON 33 STATE PRISONS:**

The PHRM Local Councils are those representatives at the 33 California prisons. They work together to deal with local Prisoners' contradictions, for we oppose any opposition to the *Agreement to End Hostilities*. (See Appendix #1) The PHRM Local Councils seek to obtain and provide to the Plaintiffs' Counsel (Anne Cappella, Esq., Pelican Bay Class Action Correspondence, Weil, Gotshal & Manges, 201 Redwood Shores, CA 94065; Anne Butterfield Weills, Attorney, 499 14th St. Suite., 300, Oakland, CA 94612; Carol Strickman Attorney, 1540 Market St, Suite 490, San Francisco, CA 94103), the following information:

Prison Warden: \_\_\_\_\_; Deputy Warden: \_\_\_\_\_;  
Prison Associate Warden of GP: \_\_\_\_\_;  
Facility Captain: \_\_\_\_\_;  
Facility Lieutenants: \_\_\_\_\_; \_\_\_\_\_;  
Facility Sergeants: \_\_\_\_\_; \_\_\_\_\_;  
Facility Correctional Counselor I: \_\_\_\_\_;  
Facility Correctional Counselors II: \_\_\_\_\_; \_\_\_\_\_.

The Plaintiffs' Counsel will submit the Local Councils' prison monitoring issues to the Principle Monitors for investigative review. The Principle Monitors will then submit their reports to Plaintiffs' Counsel for submission to the Government/Court. (See Appendix #4)

### **II. MONITORING IMPLEMENTATION OF THE ASHKER v. BROWN SETTLEMENT AGREEMENT**

As stipulated under the terms of the Settlement, the PHRM- PN's Castellanos, Jamaa (Dewberry), Ashker and Franco will retain their hard-won seats at the table to regularly meet with California Executive CDCr prison officials to review the progress of the Settlement Agreement; to

discuss General Population (G.P.) programming; to review the development and structure of the step-down program during September 2015, through and to December 2016, for enhanced and improved programming; and to Monitor Prison Conditions, inclusive of putting procedures in place to secure Human Rights. (See Appendix #4)

For this stipulation to have meaningful authenticity in both its legally-binding Settlement and Compliance, as well as its real, practical and effective impact on the concrete conditions throughout the California prison system- Prisons/Institutions/Facilities, etc.- it is essential that some critical preliminary matters be discussed between the PHRM Local Councils (and their respective cultural classes of Men's, Women's, and G.P. Populations) and their Coalition Support Teams, who can then unify their collective solidarity Human Rights Braintrust (via established Hunger Strike processing channel) to:

- (a) Establish the manner upon which the "Progress" of the Settlement will be monitored/assessed/reviewed with CDCr and determined to be acceptable as "progress" or non-progress utilizing the methods of patterns and practices of the same violations, five (5) or more cases of independent violations.
- (b) Establish the non-existence of programs at your respective Institutions/Facilities such as: denial of full yard and dayroom, phone access, etc. as well as prospective "programming" (identified as needed) and proposed to CDCr (via Coalition-Legal/Mediation Teams). (See Appendix #6 (B): Issues/Matters of Concern)
- (c) Monitor and report on the functional implementation of investigating prison conditions and CDCr employees, holding their feet to the fire and letting CDCr employees know that they are not above the *Ashker v. Brown* Settlement Agreement. In addition, we shall gather all available information relevant to the terms of the Settlement, and for our Federal Due Process and our Human Rights to be protected against all forms of substantial retaliation. We will identify any CDCr, CCPOA, OCS, ISU, and IGI actions not in compliance with the various terms of the Settlement and which involve acts of Harassment, Discrimination, etc. and foment/promote, manipulate and support CDCr, CCPOA and OCS's long tradition of racial hostilities and violence.

### **III. INSTITUTING THE "AGREEMENT TO END HOSTILITIES"**

There are various aspects to our PHRM, as Principle Negotiators, Reps, Plaintiffs and Local Councils, to which we are all Prisoner Activists fighting for our Human Rights that CDCr and all those employees who have (and continue to) participate in wickedly dehumanizing us (Prisoner Activists).

It has become abundantly clear, and should be known by the various General Population (G.P.) mainlines, that their respective locations should continue to be creative. Because we (Prisoner Activists) know that there are a few creative resourceful efforts that can be initiated to lay a workable plan of action. While each prison location has varying factors/contradictions that

have an adverse effect upon us, we will have to factor these matters into consideration as we put forth the following:

#### **IV.\* "LEGAL" PHRM PRISON ACTIVISM EDUCATION PACKETS**

Establish the connecting of our *Five (5) Core Demands, Agreement to End Hostilities* and *Class Action Civil Rights Lawsuit* – which affect Solitary Confinement (SHU & AdSeg.), and Women and Men G.P. mainlines – by first uniting like minded women/men (of all races) around the *Agreement to End Hostilities* (A.E.H.). At their respective Law Libraries, they can prepare a “*Know Your Rights*” educational packet. [*Similar to the one attached as Appendix #9 (A). See **Appendix** for address to send for it.*] *Share this awareness information within all of California women's and men's prisons throughout this system.*

**\*WE SEEK SUPPORTERS FROM THE INSIDE & OUTSIDE RELIGIOUS COMMUNITY, EDUCATING THEM TO THE AGREEMENT AND UNCONSTITUTIONAL/ HUMAN RIGHTS VIOLATIONS.**

Also, educate the Prisoners on their legal rights to oppose CDCr’s Security Threat Group (STG) scheme, including their rights to refrain from saying/doing and/or writing anything that they do not want to, such as CDCr’s “Journals” (part of Step Down Program scheme) which violate their Constitutional Rights under the State and Federal Constitutions' FREE SPEECH Clauses. (See *U.S. Constitution Amendment 1 [Annotated]; and CA Constitution, Article 1, Section 2 [Annotated, "Prior restraints"]* Also see *Appendix #9(B)*).

#### **V. \*FREEDOM OUTREACH**

The Freedom Outreach is the official clearinghouse for our Prisoner Human Rights Movement to provide our informational packets on California prisons' corruption. We shall educate each other daily, concerning our Interests and Rights to be treated like Human Beings throughout this prison system. We shall no longer tolerate being targeted and mistreated like an animal.

We, the PHRM, clearly understand the importance of our Family Unity, Family Reconnection and Rehabilitation of Self.

We encourage all people to request a copy of this booklet: “**Prisoner Human Rights Movement Blue Print**” from the below “**Freedom Outreach**” address, providing that you cover the cost for the mailing, by sending either eleven dollars and fifty cents (\$11.50) or the equivalent in postage stamps and mail it to:

**Freedom Outreach/PHRM  
Fruitvale Station  
PO Box 7359  
Oakland, CA 94601-3023**

The Prisoner Human Rights Movement, PHRM, poses these three (3) questions below to CDCr Prisoners, so that we can share with the world about the harsh treatment and Sensory Deprivations personally experienced over 5, 15, 30+ years. We seek your factual stories within the scope of CDCr's Control Units and General Population. We accept donated articles and artworks for Freedom Outreach's book project and fundraising purposes. We do not need any articles to exceed six (6) single-sided (typed) pages per article. In addition, we expect you to follow the above instruction on the Page Limit, or your article will be rejected. All donated materials become the property of "Freedom Outreach" forthwith.

Here are the questions:

- 1. What did you do to survive the Horrible and Dehumanizing mental and emotional torture over "X" years?**
- 2. What was your first reaction to the first 30 days of your being released out of Solitary Confinement?**
- 3. Upon your release to the General Population were you afforded all of your Due Process, Equal Protection and Procedural Due Process rights? Please explain whether you received them or not.**

The following PUBLICATIONS are recommended reading:

- ***San Francisco Bay View Newspaper***: 4917 Third St, San Francisco, CA 94124
- ***The Abolitionist***: c/o Critical Resistance, 1904 Franklin St, Suite 504, Oakland, CA 94612
- ***Prison Focus***: 1904 Franklin St, Suite 507, Oakland, CA 94612
- ***PHSS News***: 1904 Franklin St, Suite 507, Oakland, CA 94612
- ***The Fire Inside Newsletter***: 1540 Market St, Room 490, San Francisco, CA 94102

The following BOOKS are recommended reading:

- ***The Golden Gulag*** by Ruth Wilson-Gilmore
- ***Building a Movement to End the New Jim Crow*** by Daniel Hunter
- ***The New Jim Crow*** by Michelle Alexander

## **CONCLUSION**

In July 2015, President Barack Obama became the first U.S. President to denounce the use of Solitary Confinement. Locking people up alone for years or decades, Obama said "...is not going to make us safer. That's not going to make us stronger. And if these individuals are ultimately released, how are they ever going to adapt?" (See New York Times article "*Solitary Confinement is Cruel and Too Common*," by the Editorial Board, 9/02/15).

In our statement issued, following the September 1, 2015 Class Action Settlement legal victory, Plaintiffs collectively stated:

"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 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 (above) and of U.S. Supreme Court 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. 9/01/15.

## APPENDIX

All Appendices can be found at [www.prisonerhumanrightsmovement.org](http://www.prisonerhumanrightsmovement.org)

- #1 - (A) [Five Core Demands](#) (issued 4/3/11)  
(B) [Agreement to End Hostilities](#) (8/12/2012)
  
- #2 - [Second Amended Complaint](#), filed 5/30/2012 (*Ashker v. Brown*)
  
- #3 - [Supplemental Complaint](#), filed 3/11/2015 (*Ashker v. Brown*)
  
- #4 - [Settlement Agreement](#), filed 9/1/2015 (*Ashker v. Brown*)
  
- #5 - [PHRM Principle Negotiators' Statements on 2nd Anniversary of the Agreement to End Hostilities](#)
  
- #6 - (A) [Example PHRM Monitoring Report w/ Exhibit](#)  
(B) [Example Monitoring Record](#)
  
- #7 - (A) [CA Assembly Public Safety Committee Legislative Hearing- CDCr SHU policy](#) (8/23/2011)  
(B) [CA Joint Legislative Hearing on CA Solitary Confinement](#) (10/9/2013)
  
- #8 - Mediation team publications
  - (A) [Mediation Team Memorandum on Meetings with CDCr Officials, \(3/26/12\)](#)
  - (B) [Mediation Team Memorandum on Meetings with CDCr Officials, \(3/15/13\)](#)
  - (C) [Mediation Team Memorandum on meetings with CDCr Officials, \(2/20/15\)](#)
  
- #9 - **PHRM LEGAL- PRISON ACTIVISM EDUCATION Packets\***:
  - (A) [Learn to Protect Your Rights](#)
  - (B) [Memorandum on Unconstitutionality of CDCr's STG/SDP](#) (Feb. 2015)

**\* To receive Educational Materials (Appendix #9)**

**Write to:** Freedom Outreach/PHRM  
Fruitvale Station  
PO Box 7359  
Oakland, CA 94601-3023