

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2010/01/22/americas-most-isolated-man-sues-the-bureau-of-prisoners/>

Campaign and Advocacy

close

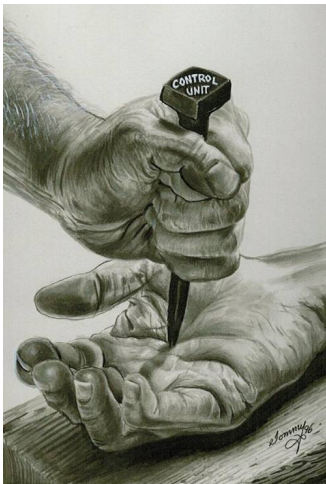
Search

close

close

by [James Ridgeway and Jean Casella](#) | January 22, 2010

Tommy Silverstein has spent 26 years in federal supermax prisons under a no human contact order. Now, with the help of students at the University of Denver's law school, he is one of a handful of prisoners who are challenging long-term solitary confinement on Constitutional grounds.



Silverstein, now 57, was first sent to San Quentin for armed robbery in 1971, when he was 19. By age 23 he was in Leavenworth, where he was active in the Aryan Brotherhood. After his conviction for the murder of a fellow prisoner (which was later overturned), he ended up in the control unit of the federal penitentiary in Marion, Illinois. There he was convicted of killing two more prisoners, and then a guard, whom he managed to stab while being walked, in shackles, back from the shower. Back at Leavenworth, Terrible Tommy was placed in a remote underground cell known as the Silverstein Suite, where he remained until 2005, when he was transferred to the U.S. Penitentiary Administrative Maximum in Colorado, better known as ADX.

Alan Prendergast has been reporting on ADX for more than a decade for Denver's weekly *Westword*, and in 2007 he wrote the definitive piece on Tommy Silverstein, called [The Caged Life](#). As he describes it:

Located two miles outside of the high-desert town of Florence, ADX is the most secure prison in the country, a hunkered-down maze of locks, alarms and electronic surveillance, designed to house gang leaders, terrorists, drug lords and other high-risk prisoners in profound isolation. Its current guest list is a who's who of enemies of the state, including Unabomber Ted Kaczynski, shoe bomber Richard Reid, plane bomber Dandeniso Mosquera, abortion clinic bomber Eric Rudolph and double-agent Robert Hanssen.

When it opened in 1994, ADX was hailed as the solution to security flaws at even the highest levels of the federal prison system. Much of the justification for building the place stemmed from official outrage at the brutal murders of two guards in the control unit of the federal pen in Marion, Illinois, during a single 24-hour period in 1983. The first of those killings was committed by Thomas Silverstein, who was already facing multiple life sentences for previous bloodshed at Marion. The slaying of corrections officer Merle Clutter placed Silverstein under a no human contact order that has prevailed ever since, and it gave the Bureau of Prisons the perfect rationale for building its high-tech supermax. Although he never bunked there until 2005, you could call ADX the House that Tommy Built.

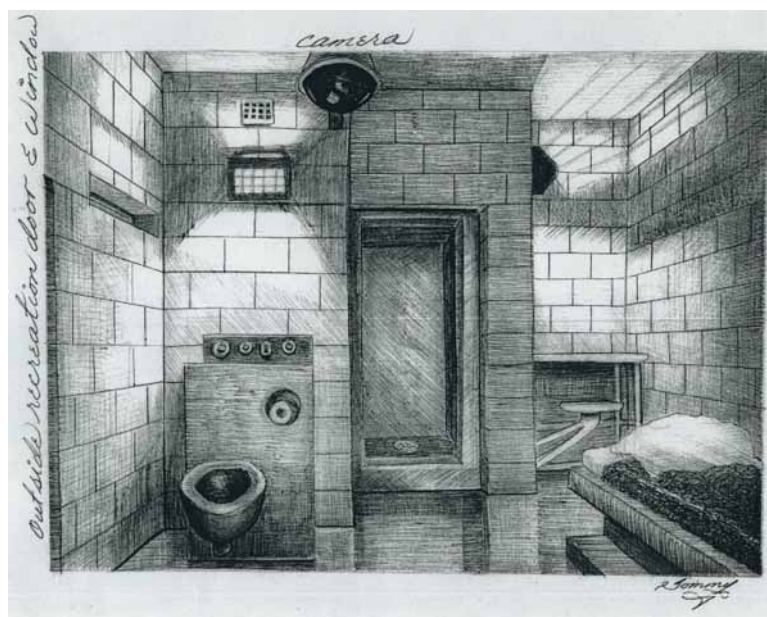
Even within ADX, Silverstein is in a special restrictive unit where only one other prisoner, World Trade Center bomber Ramsey Yusuf, is housed, and where there is virtually no contact with prison staff. The man once branded [America's most dangerous prisoner](#) is now described, on a web site maintained by his supporters, as its [most isolated man](#) (which, with the exception of terrorism suspects [held under SAMs](#), he may well be).

Silverstein claims he is also a changed man. He has taught himself to read, write, and draw in prison, and is an accomplished artist. He says he's learned self-control, and he hasn't had a disciplinary writeup in 20 years. The BOP shrinks chalk it up as me being so isolated I haven't anyone to fight with, he wrote to Alan Prendergast, but they're totally oblivious to all the petty BS that I could go off on if I chose to. I can toss a turd and cup of piss with the best of em if I desired. What are they going to do, lock me up?

But students at the University of Denver's Sturm College of Law, who [filed a suit on his behalf](#) in federal court in late 2007, aren't claiming that Tommy Silverstein is now a nice guy. [They're arguing](#) that his conditions of confinement constitute cruel and unusual punishment, in violation of the Eighth Amendment to the Constitution, and also violate his Fifth Amendment right to due process. The [suit filed](#) by Civil Rights Law Clinic at DU, which has also represented other ADX inmates, alleges that the government's deliberate indifference has resulted in Plaintiff suffering deprivations that cause mental harm that goes beyond the boundaries of what most human beings can psychologically tolerate.

Like the federal lawsuit filed on behalf of the [Angola 3 in Louisiana](#), the suit challenges not just solitary confinement, per se, but the kind of solitary confinement that has become more and more prevalent in America's supermax prisons: extreme and effectively permanent isolation, which stretches over decades and offers inmates no hope of ever earning their way into a less restrictive environment. These suits implicitly challenge Americans to think about the issue of torture in our own backyards. Laura Rovner, DU professor who is working with students on the Silverstein suit, told the [Denver Post](#): When we think about people being waterboarded overseas by our government, the idea of sitting in a cell with three meals a day doesn't seem that bad. But that doesn't account for the scars you can't see or the devastating human erosion.

As slow constant peeling of the skin, stripping of the flesh, the nerve-wracking sound of water dripping from a leaky faucet in the still of the night while you're trying to sleep. Drip, drip, drip, the minutes, hours, days, weeks, months, years, constantly drip away with no end or relief in sight.



James Ridgeway (1936-2021) was the founder and co-director of Solitary Watch. An investigative journalist for over 60 years, he served as Washington Correspondent for the Village Voice and Mother Jones, reporting domestically on subjects ranging from electoral politics to corporate malfeasance to the rise of the racist far-right, and abroad from Central America, Northern Ireland, Eastern Europe, Haiti, and the former Yugoslavia. Earlier, he wrote for The New Republic and Ramparts, and his work appeared in dozens of other publications. He was the co-director of two films and author of 20 books, including a forthcoming posthumous edition of his groundbreaking 1991 work on the far right, Blood in the Face. Jean Casella is the director of Solitary Watch. She has also published work in The Guardian, The Nation, and Mother Jones, and is co-editor of the book Hell Is a Very Small Place: Voices from Solitary Confinement. She has received a Soros Justice Media Fellowship and an Alicia Patterson Fellowship. She tweets [@solitarywatch](#).

Accurate information and authentic storytelling can serve as powerful antidotes to ignorance and injustice. We have helped generate public awareness, mainstream media attention, and informed policymaking on what was once an invisible domestic human rights crisis.

Only with your support can we continue this groundbreaking work, shining light into the darkest corners of the U.S. criminal punishment system.

by [Juan Moreno Haines](#)

October 25, 2022

by [Solitary Watch Guest Author](#)

October 13, 2022

by [Vaidya Gullapalli](#)

September 29, 2022

Solitary Watch encourages comments and welcomes a range of ideas, opinions, debates, and respectful disagreement. We do not allow

name-calling, bullying, cursing, or personal attacks of any kind. Any embedded links should be to information relevant to the conversation. Comments that violate these guidelines will be removed, and repeat offenders will be blocked. Thank you for your cooperation.

Im glad to see the the drawing of Jesuss hand being nailed to the cross at the top of this page. Its symbolic of the never-ending suffering Silverstein brought to the families of all his murder victims. Its also a good counter balance to the sniveling of the wackos who feel sorry for him instead of his victims and their families.

Tommy did what he had to do..Kill or be killed .its survival of the fittest.thats for sure.In jail only the strong survive..

This is unfortunate, on all sides,but I must say Ive never been in prison, but have seen in my almost 65 years of life, mean people In places of authority.Ive seen in the ARMY, Ive seen it in the work place, and have been a victim of mean people in the work place.I worked & retired from a utility company, I can believe, if those same mean people were in a prison environment, they would turn up the heat, on the way they treat people, in helpless positions.make no mistake, .they ARE out there, in the guise of good working people, trying to do their job..Im not saying, read them bedtime storiesIm saying : why poke the caged let them be, ..

I knew Silverstein from the time he came Leavenworth in the 70s until I retired in 2000. He was then and if he was able to now, a killer and a convict who cannot deal with any authority. Silverstein made his bones with 2 other inmates when they killed Atwood in Acellhouse. Why was he murdered? Because his wife refused to smuggle drugs into the USP to pay for her ,husbands drug debt. The ABs were co,nitrated to kill Atwood and the killing was assigned to Silverstein. Articles said Silverstein was in restraints when he murdered the officer. That is true, except that he stopped in front of another inmates cell and that in,ate re moved his restraints (which were just handcuffs and his a hands were in front of him) . The officer never threatened Silverstein He did not allow Silverstein to intimate him.

One writer said Silverstein changed and during the Atlanta Cuban Riots he did not kill any staff members. This did not ha.ppen because of his changed ways, but rather the Cubans after releasing him from his secured cell gave him different drugs and then restrained him and unread him over to the FBI. thats why he didnt kill anyone during those trying times. Oh did I forget to say that I was there during the riots.

After that he was transferred back to Leavenworth until the Adx opened.

Silverstein is a killer as Robert Stroud was and like Stroud he needs to be away from other inmates and staff alike.

That is Silverstein.

I still feel a little unsettled to agree with your post. But I do agree with you and I can understand you feeling the same unsettling feeling towards me! I was an inmate in Lompoc USP and Victorville USP from the year 1997 to 2008.

You need to read more carefully It was not his parents but Victors Im referring to when I answered Richard it had nothing to do with Silversteins parents. And Victor had made no one a victim. Youd have to read from the beginning to understand why that came up.

But read his comment about that on December 16, 2010 at 6:30 pm:

<http://solitarywatch.com/2010/01/22/americas-most-isolated-man-sues-the-bureau-of-prisoners/#comment-1453>

@Richard

No Victor had no will and since he had no wife or kids, his parents would have received his assets (over (200k) but they also died within months of his death. So his estate went to the state to cover their dying days.

No ashes, no money, and no notification was given to his two full siblings or his two half brothers of whom I am one.

His parents were both hospitalized so they posted a notice on the door of his father which no one read until after his own death. (We did not live nearby.) When we all learned of our parents death we called the prison to inform our brother but were told that Victor had died months before. Was there a link to his parents death? I fear they might have died with a broken hearts when the letters stopped. His father died soon after fathers day.

You fear Terrible Tommys parents may have died of broken hearts? And some children might have been sad on Fathers Day? Do you mourn equally for the parents and children of Silversteins victims? How many sad Fathers Days has Silverstein caused by his murders of Danny Atwell, Robert Chapelle, Raymond Smith, and Merle Clutts? If ever a monster deserved execution, it is Silverstein. Get a grip, man.

Ya know what, did his parents murder those people or did he? Why couldnt they have died of broken hearts. Their hearts were probably filled with sorrow to learn of what their once sweet baby boy had done. How about you open your mind and loosen your grip man just because someone breaks the law doesnt mean their parents were in on it. They hurt as much or more than the victims families do. I will pray for you as well. For, not too. Remember, you arent perfect your not God.

His body was cremated and the ashes tossed into the Pacific Ocean before we were informed of his passing. Did that man have a will? Dont the prison authorities have liability if they cremate someone like that?

Why werent you in contact with him?

Funny how everyone in prison is either innocent or a changed man

@Daniel, funny? Hes 61 you think hes not different than when he was 23?

So only people in prison dont change after 30 years? is that what you believe?

@LeRoy feel sorry thats ridiculous Im appalled our country gets away with torturing its citizens its our rights even yurs to NOT be tortured if in prison. this expense of isolation saves no lives nor does it protect society it simply lines pockets of those that work there which is probably you getting a paycheck at the expense of a human beings mind. Shame on you.

@LeRoy Malinkovitch

Opinions are like belly buttons we all have them and your entitled to yours.

But mere speculation is not enough to condemn a man to such treatment for life.

And youre right many of the readers on here do automatically side with the law and order crowd, mostly because the BOP has largely controlled the information flow.

Cos call him a racist, so how can he deny it? Well look at his art work and you do not find any sign that he is a racist. COs call him a mad man then they also say he hasnt lost his mind in solitary in order to justify keeping him there longer. The system has such Catch 22s for everything.

I notice you didnt say that you are not connected to law enforcement.

Appart from 2 or 3 of us genuine supporters on here of this man, I tend to think the Negative comments are coming from ex or currently serving COs, it just shows that they are just following a Mantra layed down by other older COs, an ongoing Vendetta against Tommy, their words are meaningless and dont fool any right minded free thinking person.

All these comments recently bringing this article and the other article from 2 yrs ago back to life and the current holding and mutilation of his mail is proof for his case this is premeditated torture of Tom personally.

I think Silverstein is a strong argument for the death penalty. Perhaps the only reason he hasnt killed anyone else in so many years is because he has been caged up away from other potential victims. And I dont think one has to be associated with law enforcement to feel this way anymore than one has to be an ex-con to feel sorry for Silverstein.

@8forever

In that case that last comment makes sense. Just in time for his 61st birthday too. Wish him a happy one for me.

@CYA yes of course I will thank you.

@8forever

Good question. I rarely see such critical comments on other high profile cases. I would imagine most have ties to the police or COs.

@CYA Well its unanimous BJ, u,& me all believe exactly the same thing. Well the appeal was just filed.

@LeRoy Malinkovitch

Are you referring to the almost 30 years of clean disciplinary record or his actions prior to 1983. Do you realize that time span is almost half of this mans life? Speaking for myself I am far from being young or an idealistic law student. The only way anyone could truly understand Silversteins actions is if they were in Marions H block during the early 1980s.

@CYA well said Rather than a comment Where are theses people coming from on these old posts of Tommy? Very strange. Im suspicious of their origin.

I guess if I were an idealistic young law student, I too might be innocent enough to believe that Silversteins words speak louder than his actions.

<http://solitarywatch.com/?s=silverstein%27s+declaration>

@jstevens

Opening minds is a good thing because when you say with no emotion or regret taking another human beings life! it must be because you have never read the true story of this man.

Read Silversteins declaration in the link above along with the comments under it. You will learn that in the kill or be killed world of Marion he acted only when his life was repeatedly threatened. Even so, he has often expressed his remorse for doing so.

So if you have an open mind, read the facts of the case. Dont dismiss them out of hand but try to imagine that you too are trapped like a tethered animal in a slaughter house but trying to stay alive. Then ask yourself what would you be willing to do to survive?

Two documented attempts were made on Silversteins life by Cadillac Smith before he killed him.

Would we be having this conversation if he had not acted before a third attempt?

As for Clutts he made things personal between them. According to one respected high ranking guard in Leavenworth this was a grave error (no bun intended.)

Clutts knew the risk because his trainer was similarly killed when he was a young guard.

Maybe his poor training lead him astray but Silverstein claims Clutts repeatedly threatened his life by letting Silversteins prison rivals out of their cells to get at him.

Indeed Cutts held the keys to his own fate too.

Ask yourself why he only went after Clutts and not the other guards. It is all there so keep an open mind.

Amen! He didnt have a choice Im sure and he paid with a price higher than his life.

what if the people he killed were your sons or daughters or mothers or fathers or sister or brother would you feel the same ? with no emotion or regret taking another human beings life! not siding with either party , just being opening your minds for thought

@jstevens if you read all the comments and his story youd see this is about a prison gang war like soldiers not someone killing an innocent person on the street for lust, money or revenge.. no gain in these murders save personal safety.

I will never understand the need / desire of some folks who get their jollies controlling every aspect of someone elses lifeSilverstein

But he sure can understand ending peoples lives, the ultimate control.

F.Y.I. Tom is not in solitary confinement anymore he is in PC.

@James lovelt comment Im sending it to T.
Thank you the encouragement goes along way.
he is an amazing man.

I commend Mr. Silverstein for the personal strength and courage he demonstrates in the face of inconceivable adversity. To even give a shit about evolving into a more decent human being, let alone constantly strive toward that end, is remarkable, to say the least. Better man than I.

To Dave: We all feel for the family of his victims as does Silverstein himself.

On June 26th 2010
06:54:50 AM

Silverstein wrote this to another bitter citizen on his web site.

Yes, I regret murdering the men I have! The older I get the more non-nonsensical violence is to me, regardless of who and what it involves.

Prison is full of young guys itching to prove their manhood, but sadly, it is through violence and based on a phony display of machismo, instead of how responsible one is for his actions and how kind and caring he is toward his fellow man and what a good provider and father/husband/lover etc you are to your family/love ones, etc.

Truth be told, many of us resort to violence, since were afraid of appearing weak and losing face, not cause we enjoy or and want to hurt someone. At least that was the case with me, I wasnt man enough to retreat and lacked the internal strength to risk appearing unmanly, not only egotistically speaking, but theres a legit reason for exhibiting a strong persona in an environment full of predatory males who will definitely exploit the least sign of meekness, which brings about a slew of other unmentioned problems for those who cant defend themselves.

Thats one reason why Im not bothered when some free folks lambaste me, cause they reveal their ignorance about the reality of prison and what it takes to survive. Most of my self righteous naysayers who spew their pious disapproval from the comfort of their soft and safe armchairs wouldnt last a in a super-max penitentiary if theyre unwilling to do what it takes to survive the ceaseless madness in here. I dont respond in kind to my haters since its part of my own evolution.

Not only do I now realize that violence begets violence, I have worked on me ego for many years and know that no-one else defines who and what I am, unless I let em. Its my ego instigating a reaction when attacked but I wont indulge it plus its bad Karma to hate others or wish em ill, and takes time and energy and robs you of peace of mind, that I no longer spend on people who are odious toward me, my supporters.

I regret not realizing all this before! It really hit home since I have been housed in this sorry excuse for G.P. (general population) and hear/see some knuckle-heads get snared into the same old crap that I used to also run head on into and can now understand how it can and should be dealt with and avoided. My life is filled with regrets, Im not one of those bone-heads afraid to admit mistakes and even boast that if they had to do it all over again, they wouldnt change anything. Yet on the other hand, our life experience molds who we are, for better or worse, and the pain we endure truly builds character and lets us know what were really made of Ive learned my limitations and realize why Isolation is used as a means of Torture and punishment, since I doubt that anyone subjected to it leaves unscathed! What makes it so dangerous, is the pain and lasting damage it inflicts on its prey, behind the veil of silence and little or, no obvious visual signs. Sorta kin to Chinese water torture. It may look harmless enough, but after a while, that slow, constant drip of water on ones forehead, is maddening and excruciating. I usually dont elaborate on Psychological and physical effects suffered after 26 years of Isolation, cause even though I try to disguise my situation as best as I can without causing personally assigned censor to reject it, some folks interpret it as me seeking sympathy and whining about my plight, which is one less excuse I wanted to give them to slight me about.

However I rebuff that now and will reveal more of the effects that I endure instead of concentrating on the constructional aspect, so those

reading this may understand that my situation is even more macabre than you all may have already concluded! When you see that these folks not only know how this affects me, they continue doing it! Like some of my naysayers, they're (BOP) of the same analogy that think I deserve it and lack the right to complain about it. These are the type of administrators that over-see my grievances. The same people that created this hell-hole are the same and only people that I'm allowed to appeal to! Talk about a Kangaroo court. I regret this (punishment/consequential) aspect of my past actions! I was rather near sighted in my younger years, little did I know then, that I'd still be dealing with these same issues 26 years later, still causing all those involved with me and the men I killed pain and loss. I was very selfish and self-centered back then, not to mention self destructive, figuring it's my life and what I did only affected me and those combatants I clashed with. This isn't a Monastery of brotherly love, it's a war zone, caged jungle, where only the strong survive, perfunctorily speaking! That's where my naysayers expose their lack of insight, when they accuse me of killing innocent men, with families etc. Never mind these guys were gunning for me and we all knew the score, no innocent party was involved, not inside anyway, the innocent ones were/are those who love us. They're the real victims who suffer the madness we inflict on each other in here. It wasn't till years later that I fully understood the harm I caused my loved ones, starting with learning what hell my kids endured after I came to prison and seeing my beloved sister have a nervous breakdown after visiting me when I first arrived here! As hurtful as it was, it was telling to see how she reacted to the type of issues I'm forced to deal with 24/7 and how she always advises me to deal with it from a loving and accepting place, but she was ready to behead a few folks after just an hour or 2.

I regret the pain I put the Guards family through, that I saw in Court on sentencing day! After years of incarceration of just seeing Guards and cons, I lost sight of the world beyond these bars and walls and that aspect of it didn't come to mind. I suspect few soldiers would go to war if they all had to eat dinner with each other's kin folk the night before. But alone on the battlefield, is another story, if you get my meaning. I regret living with the haunting awareness that I'm the sole cause of a family member's loss! I've lost most of my family and several good long time friends and mates through the years and know how much it hurts! So don't like knowing I caused that same pain for others to endure constantly!

For what it's worth, that's one reason I renounce any form of violence now, and why I've planned to make something positive of the mess I've caused instead of continuing to stomp down that path to hell as before. I regret not being able to make amends, if you rob someone, you can repay 'em, if you hurt someone, you can apologize, but when you take another man's life, you can't give it back! And can't apologize!

What little I'm able to share with my family, I'm always reminded that they can no longer do that with theirs. All of the men I'm housed with have committed murder, and the older ones all are haunted by it and I'm sure the younger guys will experience it also one day, if they have a conscience and haven't already. Which is odd since at the time, I suspect we were all gun-ho and felt whatever our reasoning was for doing it, was justified. That's what gets me about folks who say if I got out, that I'd kill again and dare my supporters to put me up in their house if they want me out that badly, some can't seem to differentiate between guys battling it out in prison cell-block and foolishly asserting that I'd go out and murder and rape my supporters' families if I were let out!

I regret the loves I have lost i.e. broke apart from along the way with some meaningful women who I couldn't be there for and consequently parted ways from, due to no fault of their own. Prison and time apart takes its toll!

I flushed my life down the toilet, along with the others I've hurt, which may cause some folks to realize, that something very serious must have been unfolding

for me at the time to knowingly do what I did, contrary to what a few folks think, i.e. that I just woke up on the wrong side of the bed one gloomy day and started to indiscriminately attack some saints who just happened to be on my tier at the time, passing out blessings to the choirboys with me.

Well hopefully this answered your questions.
I welcome your opinion, meanwhile, take care.

Tommy

The last post he made was this.

To those it may concern,

Several kind hearted and concerned supporters often ask how I've managed to hang in there all these years without going stir crazy and maintain clean conduct for over 22 years.

To which the BOP authorities sadly credit their draconian restrictions and harsh confinement.

1) To admit that IVE CHANGED from the impulsive reactionary that I once was and no longer let folks push my buttons as easily as before, it's one thing to say IVE CHANGED and another to SHOW IT when I refrain from lashing out at those who insult me and my supporters.

Actually, I usually DON'T even have to REFRAIN that suggests they've invoked a negative response in me that I need to control, I rarely take offense anymore, so it DOESN'T effect me enough to even feel a desire to rebuke (in kind) to acknowledge this, BOP will have to concede that I really SHOULDN'T be treated as the perceived THREAT they propagate, in order to continue making my life the living hell that they've vowed to do back in 1983, since they can't kill me.

2) To admit that I've changed, undermines their ploy of crediting my confinement for my exemplary record since 1983 !

This isn't only absurd, but shows the extent they'll LIE to justify what they're doing, cause all these so called administrative professionals who claim to base their decisions on SOUND CORRECTIONAL JUDGMENT, all know that guys here go to the hole regularly, so these conditions/restrictions FAIL to prevent guys from getting shot (given an incident report) at any given time.

3) plus, when youre on BOPs st list, they wont give you credit for any good done, cause theyve created a false persona of you that they need to maintain so they can keep you on their st list. Ive been in isolation 27 years, 22 years clean conduct, so my record is evident of how theyre IGNORING my obvious change so they can maintain the status quo.

Unfortunately, Ive succumb to several inflictions associated with long term confinement, which is inevitable! You just CANT confine a human being in conditions that Ive endured 27 YEARS without it causing irreversible psychological, emotional, and physical ailments! Im NOT immune from my very hostile and hateful environment, and have the psychological wounds and scars to prove it and Im not sure that its even possible to be immune from this extreme type of isolation/restrictions/psychological attacks etc.

How does one become immune from feeling the effects of torture?

Tommy

On October 10th 2010
11:23:04 AM

Im also sorry to hear about your murdered friend! Thats one of the things that eat at me, knowing Im the cause of other peoples loved ones feeling as you do regardless of why it happened, which doesnt seem to matter now. It did, and Im truly sorry for it! Plus I hurt own loved ones!

Reading truly opens your mind to many things and gives you a different point of view, writing helps to communicate with words instead of fists and has connected me to folks I wouldnt have otherwise. Its lead me to a spirituality Id not have known had I not read what all I have, its one reason I no longer think, act criminally, I can go on and on, but the bottom line is that Im a different person than I used to be I made the effort, these places are filled with guys who just sit on their anus and do time and dont learn a thing nor want to and are worse than when they came in.

NO ONE should be isolated from others, especially for 27 years, its cruel, sadistic and inhumane. Is this the example you want to set for the rest of the world and your kids? This is how America tortures those of us you deem worthy and deserving of it? What my spirituality has taught me is that when we mistreat one, we mistreat ALL and Karma has a way of biting you when you least expect, so just wishing ill on others bears consequence. Thats one reason you wont ever see me respond in kind to some of my more hateful naysayers, so in actuality, due to my past mistakes, it has made me far more cognitive than those who wish me ill. When you punish a man before say, flogging, how many lashes is punishment enough for his crime, and when does it become just for cruelty sake? Even tho you dont feel his pain, at what point do you say STOP, hes had enough? Or do you think it should continue until he drops dead and what lesson is had then, but for that ridiculous religious axiom of AN EYE FOR AN EYE, that consequently leaves everyone blind!

My 22 years clean time and writings should confirm my rehabbed efforts to anyone who cares to look with unbiased eyes, never the less, your prison system prevents us from doing anything like that. The system you hail does NOT even pretend to REHAB anyone anymore, they boast that its ALL about punishment and warehousing, I rehabbed myself, via my own initiative, they DONT allow us to work, nor create our own income, nor educate us, they turn us into beggars and unskilled/uneducated populace and then kick us out prison gates when our time is done to fend for ourselves and then wonder why the recidivist rate is through the roof.

On October 9th 2010
06:19:54 AM

I suspect, many of my detractors are selective about who they deem worthy/deserving to inflict violence upon, its OK when they do it, but shame on anyone else who does.

Im a 58 year old man now, who hasnt had a shot (incident report) in 22 years, I suspect even tho my detractors may wanna see me rot in this hole, its NOT cause they actually think Im a threat, but for our usual naysayers who think they have a profound rebuttal when they ask folks like you to let me come live with you or and move next door if you think Im not the monster that BOP portrays me to be. Everyone that actually KNOWS me, wouldnt hesitate to take me in theyre also intelligent enough to not believe in the bogeyman since they reached the age of maturity.

@ Dave did you see how the CO taunted a caged man. I know COs that put feces and urine in inmate food and threaten abuse strip encourage rape kill inmates so shut up. or admit what you jerks do to these men, who after all are men. If Tom had wanted to he could have killed other COs that day this was a personal thing that that man did to Tom , Had Clutts just been putting bread on the table he would have gone to work and done his job not go to work to torture another human being. Id rather haveTom in my house or neighborhood than you.

He could have killed guards in Atlanta during the riot but he did not. Most COs were little kids that got pickedon or deviants that pulled wings off butterflies. you are Ridiculos.

Its easy for you to love a changed man, I worked the BOP, and I saw how he murdered my fellow Officer. Im older and i did not know him but not one of you talks about his children, who lost a father doing nothing but putting bread on the table. When will you get togeather and provide for his children, oh thats right you like poor tommys story. He only killed a couple of people. The story here is you have not seen the pictures of the officer he stabbed over 30 times. I mean poor tommy is ok now. Fine then take him home to your family and then shut your mouth.

Staffers, concerned about Tommy Silversteins outsized rep among white inmates, did their best to harass him or get him killed. The chief culprit according to Tom was Corrections Officer or CO Merle Clutts.

Silverstein has said Clutts threatened to set him up to be killed by other inmates.

Silverstein perceived the COs threat to be credible and this is what forced him to take action against Clutts. On October 22, 1983, Silverstein stabbed Clutts to death.

Hours later, Silversteins friend Clayton Fountain attacked three more guards in the control unit, fatally wounding Robert L. Hoffman Sr.

Unlike Fountain, Tom did not attack the other two COs escorting him. Stating This is not a cop thing its personal.

The bureaus response was to forge ahead with the long-considered plan to turn all of Marion into a control unit while whisking Silverstein and Fountain into even more restricted quarters.

At the trial the judge refused Toms request for a psychiatrist evaluation. Silverstein wanted the psychiatrist to testify about the possible affects of Cluttss harassment and threats on his psyche.

<http://www.projectposner.org/case/1985/768F2d790#>

The law requires that a defendant in killing a person reasonably believed that he or someone else was in imminent danger of being killed or suffering great bodily injury.

The law also requires that the amount of force used was no more than a reasonable person would believe is necessary in the same situation. Using more force than was reasonable makes a killing unjustified. Even if a jury decides that a defendants use of force was unreasonable, it still may decide to convict that person of a less serious charge.

Other factors for the jury to consider are the background and character of the victim and the background and character of the defendant, the circumstances surrounding where the alleged crime occurred, the amount or repetition of the force used, the relationship between the people involved, and the actions of an accused person immediately after the alleged crime are factors that can affect whether a jury believes someone acted in self-defense.

Legal instructions available for judges to provide to juries include a statement regarding a legal doctrine known as imperfect self-defense, which was established in a state Supreme Court decision almost 30 years ago.

According to jury rules, a murder charge can be knocked down to voluntary manslaughter which carries a lesser sentence if a defendant believed he was in life-threatening danger, even if that belief was unreasonable.

Cases of imperfect self-defense come up more often and rarely is there a case with a perfect self-defense argument.

In claiming imperfect self-defense the argument stresses ones state of mind, if ones intentions are only for the purpose of self-defense then the degree of force used should be irrelevant.

Here is a recent graphic true example of why Silverstein felt that he had to act against Clutts.

http://en.wikipedia.org/wiki/John_McCullah

On February 3, 2005, Richard Allen Delano, a convicted methamphetamine dealer, grabbed CO Erin Sharmas arm through a food slot, bruising it. She then said to him, Youre a dead man. She received minor first aid treatment and was sent home for the rest of the day.

On March 1, Delano, who had a reputation as a snitch was transferred into a cell with John Javilo Animal McCullah, a convicted murderer who had assaulted all previous cellmates. Prior to the transfer, witnesses overheard Sharma encouraging McCullah to attack Delano, but to do so on a day when she was not at work.

On March 4, while Sharma was on a three-day vacation, Delano was beaten into a coma, dying 13 days later.

Sharma was charged with depriving Delano of his civil rights by conspiring to have him killed, and with violating his Constitutional right not to be subjected to cruel and unusual punishment.

At the federal trial in Orlando, the prosecution showed that Sharma and an alleged corrections officer co-conspirator knew that McCullah, who had been placed on special single-cell hold status, was likely to assault Delano.

In his opening statement, federal prosecutor Douglas Kern told the jury that putting Delano into a cell with McCullah was like putting a sheep in a cage with a wolf. Kern described Sharma as the puppet master, and McCullah as her puppet.

Following the fatal assault, McCullah was assigned to finish his life sentence at ADX. Yes near Tommy.

During Sharmas trial, agent Raby testified that it was Michael Kennedy, Sharmas supervisor at Coleman, who proposed the cell transfer, believing that McCullah would give Delano a good [butt] kicking and head-knocking.

The one inmate that Tom admits to killing had twice tried to kill him. And as Tom said afterward Everyone knew it and they did nothing to keep us apart. They wanted one of us to kill the other.

And was it then so far fetched that Silverstein believed he might actually be set up by the CO Clutts to be killed?

I have passed this to CNN,MSN,NBC,CBS,ABC

To whom it may concern, 7/13/10

Just a mere observation, commentary on the recent media hoop la over the actress Lindsey Lohans 90 day county jail sentence and so called reporters continuing to ask us (public) whether or not celebrities receive preferential treatment, opposed to us commoners, and if the time fits her so called crime, aside from them cramming a camera lens and microphone in every crevice that they can on the poor girl, it reveals far MORE about them than it does her personal strife and struggles, that I fail to find what some folks are so fascinated byor is

it media manipulation, telling us, this is what we should pay attention to while they IGNORE (on purpose!) real issues of the day. The media as well as courts/jails (the system) of course treat celebrities differently, the FACT they lamely even ask such an asinine question as this, shows how out of touch they are with the realities we peasants toy in. If they bothered to do their job and investigate, records of the unknown will speak for itself.

The FACT, they decry her 90 day bit, followed by superficial concern if shell be able to HANDLE IT without mentally crashing, is what inspired me to put pen to paper and ask, why arent they this frickin concerned about the 1000s of us prisoners buried alive in these cement tombs for years on end and forced to endure harsher treatments than shell endure. They give her (celebrities) preferential treatment by rising this 90 day issue. Dont get me wrong, I dont fault the celebrities, they pay good money to get the sweetest deals possible, so theyre just playin according to how our JUST US system is set up. The rich and famous sail through any and all of their judicial rough seas and the poor and nobodies sink and drown, no mystery to that, at least not to those of us who really know (from experience not propaganda) how U.S. justice functions.

Lady justice is probably depicted as wearing a BLIND FOLD so she can claim ignorance when and if shes ever made to tell who fills her scales with the most gold when asked to judge a case.

Id just like our judicial system/media to live up to their self serving grandiose rhetoric, where by, there is EQUAL justice under the law for ALL and where the media puppeteers STOP pretending not to know how the U.S. JUST US system operates, and spend more time rectifying it, than stalking young actresses who have their own problems to wrestle with and I know this is asking the impossible, but acknowledge the absurdity, callousness, in raising the psychological harm done on celebrity subjected to 90 days in a jail cell, vs the DECADES some of us nobodies have endured without even a raised brow from any of the systems lackeys, except for exploitation purpose sin one of their phoney concocted specials, that propagate the regurgitated script/party line that assigns us each a role to portray, which is directed to surely produce one, and only one impression on their viewing audience, i.e. that they who run and support this corrupt, broken and sadistic are the white hats and those they shackle are irredeemable and not worth a second thought nor flicker of concern, regardless of the type cruel and unusual treatment they subject us to, in the name of their B.S. SECURITY and their SOUND CORRECTIONAL JUDGEMENT.

I wish Lindsey and her family well and believe any and all drug issues belong in the hands of the professionals who are trained and able to deal with the problem of substance abuse/usage. Not in a court of law and prosecuted) but thats another can of worms that ill leave closed for now.

Tom Silverstein

P.S.

Many kind hearted and caring souls often ask me what they can do for me, since my case is correctly in court, I advise em to hold off until we see how it plays out.

However, for now, you can send kites to all the TV stations and tabloids who are exploiting the Lohans, and ask them to explain how they can make such a fuss over an actress spending 90 days in a cell (which i doubt will be the full 90 days) while IGNORING the decades some supermax prisoners are forced to endure, If 90 days causes them to question how shell fair mentally, then they must realize what effects years on end do to us none celebrities!

Tom wrote me on the 5th hes fine. Such relief. Hes well as opposed to ill. How fine can u be, eh?

alan, I havent heard from Tommy is what you wrote really happening to him?

can you please email me with an update?

Renee

the response above was to alan not jared jared is one of the naive

Jared, I believe these things that you wrote, the men in prison are not safe. And for the naive people who condemn Tommy and others like him just make me sick they need to open their eyes about the reality of prison I am so glad you posted.

Jared: First, I for one have had someone murdered in my family. I had a nonviolent younger half brother die in the SHU at Soledad, CA. Since he died close to his release date we believe the guards killed him or had him killed. His body was cremated and the ashes tossed into the Pacific Ocean before we were informed of his passing. Only after the death of his bedridden father and mother a few months later did his surviving family members learn of his demise.

Now as for Silverstein being a murderer, yes he has killed two men that he claims were out to kill him. Tom admits killing Raymond Cadillac Smith, the national leader of the D.C. Blacks prison gang. But why this, man who was from another prison, was placed into the control unit in Marion near Silversteins cell is a question unanswered. From the moment Smith arrived in the control unit, prison logs show that he began trying to kill Silverstein. So Silverstein got to the guy first. However I am sure you are not concerned about Cadillac. Now after admitting killing Cadillac and believing that Clutts was out to get him killed he also murdered Clutts. This murder Tom now says he deeply regrets.

The other two he claims he had nothing to do with. Why he would admit to two murders and not the other two is an open question unless he really did not kill them. One murder charge was dropped in the end and the other one is why Cadillac was trying to kill him.

If you are a guard or in law enforcement I can understand your hatred but if youre just a normal citizen you need to weigh what your response would be under the extreme circumstances found in prison life.

Many of these men went in as nonviolent drug abusers but what someone is forced to do in the system is unpredictable. Maybe just maybe the beef between Tom and Clutts was over something we know nothing about and may never know about. Many in law enforcement are neither nonviolent nor innocent when they tangle with these men. Many guards are just as dirty and violent as the men they watch over. And anyone in law enforcement knows about at least one dirty officer.

Regardless of the truth to any of this torture is something the US should not participate in.

And the evidence is just the opposite it creates more violence. You need to read more closely the posts and hopefully with an open mind.

Toms condition seems to be deteriorating rapidly according to BJ his web site sponsor. His letters responding to supporters and detractors are few and far between as of late. One supporter just receive a rambling 10 page letter in which his hand writing varied widely as he had bad days and better ones. Depression has set in since his transfer to this new wing to be near others. Be careful what you ask for. Now the noise of the mentally ill men around him is dragging him into their madness. I too found this to be the most disturbing aspect of the hole. I only spent weeks at a time and I knew there was an end but these men spend years in limbo. Imagine after 20 some years in the Silverstein Suite he was able to maintain his sanity only to begin to lose it amongst company. The man needs a life preserver before it is too late.

Hes a murderer! How many people should have to die at his hands, before we give him the death penalty? These bleeding heart liberals wont understand what is to have your liberties taken until they or their family member is a victim of a violent crime. Then well see how much they care about a murderers rights. Thomas Jefferson intended us to follow a system of your right to stretch your arm, ends where the next guys face begins, well this guys has extended his knife weilding hand into four faces, when is enough, enough?

I am friends with a dear man in ADX at Florence. He has been stuck in one of these cages for about 6 years. He is slowly losing his mind. You know what makes it worse? It is nearly *impossible* to get approved to visit one of these inmates. Some of them cant even see their own Mothers. America must get an education about this kind of incarceration. I remember a time where I thought this was the best thing boy have I changed my tune. Thank God for this lawsuit!!!! I hope you win!

This is the latest post on Silversteins web site. <http://www.tommysilverstein.bravehost.com>

The University of Denvers Civil Rights Clinic had a lower-court victory in a very interesting case:

Im very happy to report a significant prisoners rights victory from the Civil Rights Clinic. We represent Tommy Silverstein, a federal prisoner who has been held in solitary confinement for the past 27 years. In 2007, we filed suit on behalf of Mr. Silverstein challenging several of his conditions of confinement against the federal Bureau of Prisons. We filed claims arguing that Mr. Silverstein had not received due process during his long detention. Yet, most significantly, we claimed that the Governments indefinite imprisonment of him under no human contact status constitutes cruel and unusual punishment in violation of the Eighth Amendment. This morning, the Honorable Philip A. Brimmer in the U.S. District Court for the District of Colorado held that Mr. Silversteins procedural due process claim is allowed to proceed (for both injunctive relief and damages), as is his Eighth Amendment claim for injunctive relief (the damages claims were dismissed on QI grounds). The decision on the Eighth Amendment is one of only two or three in the entire country where a court has held that solitary confinement alone is enough to state a claim for cruel and unusual punishment, even absent mental illness or other physical harm. We anticipate and hope that this decision will have a positive impact on the ability of litigators across the country to challenge the disturbing trend of holding individuals in solitary confinement indefinitely.

I was there when gene was killed

lord the pain that he feels everyday i know his pain nothing hurts like long term solitary all we see is this flag of the free but no one looks at the scars we make sher we didnt blow up thare home but we still in meny ways are just like those we call tarerest if we are to judge others round us and tell them to be like us should we not look at are self first then we are not seting a good role model we showing that torcher is ok if you dont call it torcher bit it is still sher where not brakeing legs or gasing them all no at least those had the mersy of death no we hold them keep them a live for as long as we can to live out thare life in solitary that is hell death is kind at that point god take pity on those fools who call this justice and do so to thare brothers sisters and kids for even the tarest are famly even those who lived befor us where one strand of dna we all famly dosent make what they did right but look thow thares minds as they do nonjudgementaly blowing us all up is rong but usa so is solitary at least a bob kills fast solitary takes it toll its time and the effets never go away fully sher we past whipping but we still mentaly doing it flesh heals at least scars of solitary never do

I think everyone interested in Toms case should visit the site of The Hot House author Pete Earley. Take note of what he and others say that have investigated this mans case. Here is a recent post.

<http://www.petearley.com/blog/?p=73>

I can not believe the things I read. This is a person, I am a person, There are so many issues at work here my prayer is that there will be justice for Tommy and for our other countrymen that have been abused by the system. These are our people. Not immagrants, or terrorists, Tommy once a kid just left to be cruelly tortured in his own country. What good is our constitution? Tommys story of injustice and deprivation of rights is just one in hundreds I have read. It resounds in my mind the Constitution and it means virtually nothing. Whats to keep this from happening to you or me?

Tommy posted this Oct 27th, 2008 addressed to a supporter named Alice on his transfer. It speaks for itself.

But it is not gotten much better since the article, on the contrary, it is worse in some respects. I am in an old PC (protective custody) unit, that was deemed a REGULAR unit prior to my arrival, except the P.Cs remained, but for the 10 or so high profile guys they have sprinkled in, so these rats do what rats do, try to better their lot by informing on everyone around them, particularly yours truly, even though I dont do anything, they make things up to squeal on)-: also, PCs tend to run their mouth behind locked doors, so lots of bar battles occur for hours and days on end, as one rat tries to outsmart another rat, and convince em that he is the baddest since he is louder and can shout louder etc. Then there is the guys going stir crazy and on psych meds, who do likewise, but for other reasons, they bang, shout and constantly go off cuz they cannot take the endless confinement! Making sleep and concentration impossible for everyone else. According to LAW and BOPs own policy, they are not even supposed to be here cuz the experts have determined this type of confinement is so psychologically damaging that the mentally ill shouldnt be subjected to itbut since when does prisoncrats and this Govt. Obey the laws they condemn others for violating. I am allowed less property and outside rec, than before and around folks I cannot stand with exception or to call it paranoia, but I wouldnt put it passed em to purposely surround me with mentally ill prisoners, just to drive me nuts 24 7! Along with rats that keep a watchful eye on me 24 7 so aside from the isolation, it is actually better to be alone

than put up with unbearable racket and flesh eating parasites day in day out!

You are absolutely correct about being sure my move wasnt done out of compassion for me nor an understanding of how the BOP wasnt following the basic tenant of REHABILITATION but rather to throw a bone to critics to shut em upjust as you noted, I screw up, they send me back to isolation, which is rather hard not to do since they are really petty here, and some Guards really like to be Guards if you catch my drift. I will never understand the need / desire of some folks who get their jollies controlling every aspect of someone elses lifeeven within a cage 24 7

P.O. Box 11374
Washington, DC 20008

info@solitarywatch.org

Solitary Watch

Copyright 2022, Solitary Watch

Read about [rights and permissions](#).



Solitary Watch News