

Solitary Watch

Criminal Justice Issues and Prisoners' Rights

<https://solitarywatch.org/2013/09/25/federal-appeals-court-considers-tommy-silversteins-30-years-extreme-solitary-confinement/>

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by [Jean Casella](#) | September 25, 2013

Thomas Silverstein has been called the most dangerous prisoner in America, based on several prison murders that took place 30 years ago. He has also been called America's most isolated man, based on the conditions in which he has lived during those 30 years. Conditions which, Silverstein and his lawyers contend, clearly constitute cruel and unusual punishment.

Silverstein's closely watched lawsuit, a groundbreaking Constitutional challenge to solitary confinement, had another day in court yesterday as attorney Laura Rovner argued his case before a federal appeals court. A detailed story on the appeal and its significance appeared in the [Colorado Independent](#), written by [longtime solitary watcher](#) (and now *Independent* editor) Susan Greene.

By law, you get 15 minutes to argue in the U.S. Tenth Circuit Court of Appeals. The rules are the rules.

Yet that rule comes across as painfully ironic in the case of a man who has spent a million times that limit 15,778,470 minutes and counting in prison isolation. Tommy Silverstein, 61, has lived in solitary confinement nearly half his life, and longer than any other prisoner held by the federal government.

Silverstein won't be allowed to visit Denver's Byron White Courthouse on Tuesday to challenge the U.S. District Court ruling that said he has been unharmed by living for 30 years alone in a cell that's smaller than a wheelchair-accessible parking spot or a Chevy Suburban. Silverstein says he gets less than a minute per day of human contact, mainly in the form of officers passing food trays in and out of the slot in his cell door or asking Rec? guard-speak for would you like to go outside? They mean for an hour in an isolated exercise cage known among prisoners as a dog run.

Silverstein is no choir boy. He robbed a bank as a young man. He was later convicted of killing two men in prison. And he led the Aryan Brotherhood, a national prison gang, through the early 1980s.

In 1983, he fatally stabbed officer Merle Clutts at the U.S. Penitentiary in Marion, Illinois. That killing coincided with another murder of a guard by a prisoner that same day at Marion, which had replaced Alcatraz as the federal government's highest security prison. Those murders punctuated a rash of prison violence that decade and led to a national movement to build supermax prisons made up exclusively of solitary confinement cells for prisoners who, like Silverstein, were deemed to be the worst of the worst. The U.S. Bureau of Prisons built its supermax, the United States Penitentiary, Administrative Maximum Facility commonly referred to as ADX in Florence, Colorado. Known as the crown jewel of the federal system, ADX is considered the most secure prison on the planet. No one has ever escaped.

Greene details the conditions in which Silverstein has lived for the last three decades in a series of supermax prisons. Those conditions were described by Silverstein himself in a lengthy brief, which [we reported on here](#). Then Greene describes the issues at hand in the federal appeal.

Two top national prison experts said the conditions Silverstein has endured are the most severe they've ever encountered.

Not only has he been subjected to the most extreme forms of isolation I have ever seen placed in housing units that were literally designed to isolate him as completely as possible from other human beings but he also has been confined in these places for an extraordinary length of time, wrote Dr. Craig Haney, a psychology professor at the University of California, Santa Cruz, who has studied solitary confinement for 30 years.

Steve Martin, another noted prison expert, wrote: The level of near total isolation from all human contact is unprecedented in my 38 years experience in corrections, which includes experience with numerous death rows and ultra-high security facilities across the U.S.

Laura Rovner, director of the student law clinic at the University of Denver, is Silverstein's longtime lawyer who has worked with several crews of law students representing him. On Tuesday, she'll challenge a 2011 U.S. District Court decision that upheld the Bureau of

Prisons assertions that Silversteins decades in solitary havent deprived him of lifes basic necessities. Judge Philip Brimmer sided with the BOPs lawyers from U.S. Attorney John Walshs office that the case shouldnt go to trial.

Walshs office refused comment on the case.

The question before the three-judge appeals panel Tuesday morning will be whether there are factual issues in dispute that would warrant a trial. Among those are:

The Bureaus claim that 30 years in isolation havent harmed Silverstein. Experts who have evaluated him have found extensive evidence of depression, cognitive impairment, memory loss, hallucinations, severe anxiety disorder, panic attacks that make him breathless and shaky in the company of others, and paranoia that leads him to hear voices whispering to him through vents.

The Bureaus assertion that Silverstein is too dangerous to lessen the extreme solitary confinement conditions in which he is housed. Silversteins lawyers challenge this argument based on the two best predictors of a prisoners future dangerousness. One is age. At 61, Silverstein has statistically aged out as posing a risk of violence. Another predictor is recent behavior. His prison record has been clean for more than two decades.

Rovner will argue that Silverstein should have his day in court to determine whether 30 years in extreme isolation amounts to cruel and unusual punishment. Silverstein is not requesting anyone to lift his three life sentences. Rather, having spent years studying Buddhism in prison, he wants to demonstrate at trial that he has changed. He also wants a shot at working his way out of solitary and some day dining and playing checkers with other prisoners and hugging his two children.

I am quickly becoming an old man. I spend most of my days crocheting items for my family and my legal counsel and working on my artwork. It is hard to reconcile the [Bureaus] description of me as frightening and scary, when the people who see me here know I am a man peering through bifocals trying to count the number of stitches to make an afghan, he wrote. Its hard, if not impossible, for me to prove what is actually in my mind and what is not. All I can do is ask that others look at my current behavior and explain that it reflects my intention never to act violently again, ever. I know the consequences both to myself and others that will follow. And, more importantly, I know that this is not who I wish to be.

For Rovner and the dozens of D.U. law clinic students who over the years have revolved on and off of his case, Silverstein is an amiable and grateful client who crochets hats, mittens, scarves and blankets for them and their relatives. When he has art supplies, he uses pastels and paint to make them artwork.

That said, and despite his public apologies for his crimes, a three-time prison killer and former Aryan Brotherhood leader isnt the most sympathetic figure in the growing national movement to end long-term solitary confinement. Silversteins case pivots not on redemption but on what, given all the research on the psychological harm of extreme isolation, is deemed to be cruel and unusual treatment of prisoners.

The 8th Amendment is about what we as a society are willing to sanction as punishment. It has built into it this notion of evolving standards decency that mark the progress of a maturing society, Rovnersaid. The amendment doesnt just protect people who are catatonic or floridly psychotic. It protects people from being harmed by the minimal civilized measure of lifes necessities, especially for what has been an unthinkable period of time.

In 2011, Juan Mendez, the United Nations special rapporteur on torture, issued a statement calling for an absolute prohibition of solitary confinement beyond fifteen days. He has asked, but not been allowed to tour ADX. The prison is the subject of a federal class action lawsuit about how it treats its mentally ill prisoners, some of whom starve themselves, self-mutilate to the point of cutting off their testicles or, as was the case with prisoner Robert Knott earlier this month, hang themselves with bed sheets.

Mental health professionals, state legislatures and human rights organizations have condemned prolonged isolation, which is defined by the American Psychiatric Association as a period greater than three to four weeks.

Given that four weeks of solitary confinement was described as potentially harmful, the 30-year duration in this case compels scrutiny. If shorter periods of solitary confinement have resulted in psychological distress and symptoms, it is not unreasonable to assume that substantially longer durations provide a greater risk of serious health consequences, several national groups and experts wrote the court on Silversteins behalf.

A division of the U.S. Justice Department, under the federal Civil Rights of Institutionalized Persons Act (CRIPA), has investigated and found violations of state prisons for the overuse of solitary confinement. Perhaps the greatest irony about Silversteins case is that solitary confinement as practiced by the Bureau of Prisons, also an arm of the Justice Department, is exempt from that civil rights divisions review.

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

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Yes, it could be argued, but it could also be argued that he would've stayed a bank robber and never become a murderer if not for the prison environment he was subjected to. Prisons have come a long way, but people haven't. I've done time in a federal prison for marijuana, and though there are some decent prison cops, there are also some who are just as evil as some of the prisoners, if not more so. Power corrupts. This was all in the early 80s, allow him a visit from his family before he dies.

Yes, it could be argued, but it could also be argued that he would've never become a murderer if not for the inhumane treatment he was subjected to. I've done time in a federal prison for marijuana, and though there are some decent prison cops, there are also some who are just as evil as some of the prisoners, if not more so. Power corrupts. This was all in the early 80s, allow him a visit from his family before he dies.

It can be argued the only reason his record is clean is due to his no human contact order.

He was responsible for FIVE homicides inside prison, one of which was a corrections officer that Silverstein stalked for several years before killing him. Others have glossed over his leadership of one of the most brutal prison gangs this country has, the Aryan Brotherhood.

Age usually is an indicator of less aggression, but are YOU willing to share a room with him for a week to verify this? I wouldn't.

I say, let him rot in isolation. He has no redeeming value other than the couple dollars worth of chemicals his body contains. You want to cry and sniffle, do it for his victims, not for the killer he is.

I hope one day they let the man out of this isolation. He has a positive attitude and has been conduct clear for 20 years.

Thank you for this positive comment.

Yes Barri American should be ashamed totally inhumane

<http://www.npr.org/2014/05/26/315259623/in-california-life-with-parole-increasingly-leads-to-freedom>

In California, Life With Parole Increasingly Leads To Freedom

by SCOTT SHAFER

May 26, 2014 4:06 PM ET

For Older Parolees, A Low Rate Of Recidivism

A study by the Stanford Criminal Justice Center found that among murderers paroled in California, fewer than one percent were returned to prison for new felonies. The main reason? Paroled lifers are typically older, and therefore much less likely to commit violent crimes.

Associate Warden Jeff Lawson says that as more and more lifers are granted parole and leave prison, the inmates here are taking notice.

Most of these guys understand there is a light at the end of the tunnel now, so it just helps improve the overall environment for them, Lawson says. And it gets the ones who were maybe straddling the fence to actually get off the fence and get on the right side.

Even they realize that men change given hope.

Why didn't someone think about that back in '83, when they insisted on putting Cadilac Smith on the same range as Tommy, despite knowing Smith had already made 2 failed attempts at killing Tommy, might just have saved 3 Decades in solitary for that man.

America should be ashamed of the BOP the way it treats its charges.

Latest appeal results 5-2014 <http://www.ca10.uscourts.gov/opinions/12/12-1450.pdf>

Let me first state that I am no supporter of any gang or of the murders they commit.

But I find the five references in this summary of judgment to Silverstein's IMPROVED CONDITIONS AT ADX, a place former warden Robert Hood described as A CLEAN VERSION OF HELL.

I don't know what hell is, but I do know the assumption would be, for a free person, it's pretty close to it, Hood told 60 Minutes.

as being hollow to say the least.

But I am also glad to see that the ASSOCIATION OF BLACK PSYCHOLOGISTS and THE MENTAL HEALTH PROJECT OF THE URBAN JUSTICE CENTER have both realized that everyone has a stake in this case. If the system can hold Silverstein in such conditions for decades they can hold others as well. One can only hope that the interracial solidarity of the Pelican Bay hunger strikers

inmates takes hold elsewhere.

Page 13: Members of the D.C. Blacks (now known as the D.C. Crew) and the Aryan Brotherhood must be separated in all federal prisons, and no influential member of either gang is allowed to interact in the open prison population.

So according to this brief a policy of separation already exists which means the BOP could have chose to isolate Silverstein from both gangs.

They say as much here:

Page 14: According to this expert, the only means for the BOP to protect him is to undergo a formal debriefing and enter protective custody; however, he has not indicated his interest in such a process.

And here:

Page 45: In order for the BOP to protect him he must enter protective custody.

What they reveal then is that they have the means to protect him but what they want in exchange is to have a death warrant placed on the man along with any close family members by forcing him to debrief.

In their latest denial of relief for Silverstein, they expose the long delays after transferring Silverstein to ADX, and then their ever so slight easing his conditions to be no more than legal maneuvers to win their case. (Im referring to the Six Year Statute of Limitations the BOP claimed beginning in November 1983 on his appeal for relief.)

The brief states as much here: the district court determined Mr. Silversteins Eighth Amendment request for injunctive relief was limited to the conditions imposed after his July 2005 transfer to ADX Florence, and not his prior confinement at Leavenworth because he had not shown he is likely to be subject to those conditions again.

This brief also brought up another similar example of such tactics here:

http://scholar.google.com/scholar_case?case=6528759266723565666&hl=en&as_sdt=6&as_vis=1&oi=scholarrr

Robert Lee Griffin has been imprisoned since 1970. This appeal addresses the security housing unit aspect of his confinement, not the confinement itself.

ANALYSIS

Procedurally, this case is a mess.

In 2006 when the district court ordered the prison system to let Griffin out of the Pelican Bay SHU, California did not have physical custody of Griffin. He was a defendant in a massive federal RICO case.

U.S. District Judge James Ware, wrote, The crushing conditions of the SHU present an overwhelming incentive for an inmate to embrace the risk of debriefing, He called Roberts time in the SHU a shockingly long period of time and said the state presented no evidence that he continued active [gang] participation while confined in the SHU. . . .

Further confinement is tantamount to indefinite administrative segregation for silence an intolerable practice in modern society.

The judge ordered the state to release Robert from the SHU immediately.

The new Rico indictment accused Griffin of being active in an Aryan Brotherhood conspiracy. Griffins defense to this charge focused on his claim to have withdrawn from active Aryan Brotherhood membership. He has made this claim since at least 1991, when he published a public notice in a California newspaper saying, I, Robert Lee Griffin, declare to all parties: I am not a member of a prison gang nor am I involved in criminal activity. I have no desire to be associated with either and denounce both.

In 2007, after spending about five years in federal prison and after being given a life sentence on his RICO conviction, Griffin was sent back to the California prison system. Prison officials put him in the Administrative Segregation Unit (ASU), not the SHU, at Pelican Bay.

In 2008 Griffin filed a motion to enforce the 2006 order that he be released from the Pelican Bay SHU. In response to Griffins motion, the district court directed a magistrate judge to investigate whether or not Griffins confinement in the Pelican Bay ASU was a violation of the courts 2006 order that Griffin be released from the Pelican Bay SHU.

The magistrate judge concluded that the prison system was violating the 2006 order, because the ASU was similar to and in some ways more restrictive than the SHU. He stated that Griffins 2008 revalidation was perfunctory and did not relieve [prison officials] of their failure to comply with the courts [2006] order.

In July 2009, the district court adopted the magistrate judges report and ordered the prison to immediately transfer Petitioner to the general population or to housing that is less restrictive than the SHU or the ASU.

In 2009, before the district court ordered Griffin released from the Pelican Bay ASU, prison officials transferred Griffin to a different prison, California State Prison, Corcoran, where they housed him in the Corcoran SHU. Griffin claimed that this move was in violation of the 2006 and 2009 orders.

BERZON, Circuit Judge, dissenting:

Three times in 2006, 2009, and 2010 the district court ordered state officials (California or the State) to release Robert L. Griffin from

segregated housing conditions. Three times, state officials defied that command. California could have appealed the district courts substantive rulings to us at least twice: after the 2006 Order requiring Griffins release, and after the district court in 2010 declined to grant a Federal Rule of Civil Procedure 60(b) motion for relief from that order. But it did not.

The authorities also won this case!

The use of such transparent tactics only shows that the authorities are willing to win these cases at any cost.

I believe that the growth in mandatory life sentences without the possibility of parole has been proven to have removed any deterrent to engaging in prison gang violence. This violence in turn has necessitated the use of high security prisons in response to such violence. However the fear of any further violence by these older men is probably unwarranted. People usually mellow with age and even if they do not their bodies deteriorate to the point that they would be unwise to start anything with the younger inmate population. As for being a target we should attempt to educate inmates on the circular nature of such actions. In any case Silverstein probably believes it is worth the risk of a sudden violent death then to rot in a cell over decades.

Neal, I work at a maximum sec. prison and know how this works. I in no way condone his killing of a guard or another prisoner. However, we have to show a modicum of respect for the prisoners. If not, the odds of ending up like Klutts go up exponentially. The way you talk about them being monsters, I would watch my back if I were you.

Well Mrs. Powers as you know working in this field you have to watch your back constantly which I do. Furthermore I expect the worse and welcome the best but I call it like I see it. Maybe you havent witnessed some of the horrible things that I have inside of a maximum institution but if you would of you could clearly see how ones outlook towards a violent inmate might be. Go through a riot or two and Im sure you would think differently or better yet work a week or two with me and you would change too.

First of all I do not condone murder but I can understand the motives. No doubt the two murders Silverstein acknowledges committing are hard to read about. But what can drive a man to commit such horrific acts?

(Pete Earley wrote in The Hot House:

Page 393: Referring to Clutts and Silverstein, Ralph Seever, a legendary lieutenant explained, you never want, the relationship to get personal. He warned.

Whenever an inmate believes for some reason that the natural conflict between convicts and officers is personal, his ego is at stake, and in a penitentiary, image is a thousand times more important than reality.

In an audio recording of an interview conducted by Pete Earley, Silverstein explains his own motives for Clutts:

16:25 Silverstein: I think he was just selling me wolf tickets. But he didnt know I was taking him serious.

AS MANY KILLINGS THAT I HAVE SEEN WHEN SOMEONE SAYS HE IS GOING TO KILL YOU, YOU CANT SIT BACK AND SAY AWE IT AINT NOTHING AND DO NOTHING.

When somebody has gone that far especially when youre telling him you dont want no trouble why dont you get off my case.

You know, I PLEADED WITH THAT GUY

On Line 58 of his declaration Silverstein wrote After I killed Smith, I lived in constant fear of reprisals. It was in this frame of mind, and believing I was in a life-threatening situation, that on October 22, 1983, I killed Officer Clutts.

Unbelievable you say? Then why was Smith, a known close associate of Chappelles, moved from another institution and placed near Silversteins cell, then allowed to remain there even after making two documented attempts on Silversteins life?

There is also no evidence in his art work of racism. If he held racist views surely it would manifest itself in his art.

On his blog he has berated a real racist telling him he had Mexicans in his own family that he loved.

Not everything is cut and dry. You can find evil on both sides of those doors.

With me being a ranking officer in a correctional facility I totally agree with how this animal is being treated. 1) he was in a racial gang (AB) 2) he murdered another inmate and 3) to top it off he murdered an officer. True we are not here to punish inmates but to house them and feel they are doing that. They are not beating him or depriving him of his civil liberties. In fact they are giving this inmate (for lack of better words)to much.he doesnt need a t.v. or his own personal recreation area and no dont kill him or give him the means of killing himself (a watch) he would be getting the easy way out. Let him rott in jail.he should never be able to see the light of day or be granted to breathe the same air as I do. I figured I might be a little partial since I work in the system so I asked my mate whom has a brother incarcerated and her views are similar to mines. On top of everything he killed an offical and will kill again if given the opportunity!

QUOTE With me being a ranking officer in a correctional facility I totally agree with how this animal is being treated. UNQUOTE

In my opinion the only animal that is present are you!

A ranking officer in a correctional facility who refers to an inmate put into his care as an animal

Its a good thing that I do not know what facility you are a ranking officer in, or what your name is, because when I would have that knowledge I would most certainly file the most serious complaints against you!

You are, in my opinion, one of those individuals who should be arrested, prosecuted and sentenced to death as no penal system should have such anti-social, such anti-human individual working in it!

Were we see inhumane treatment of prisoners all around the world, and as Americans stand up against such atrocities, we should be more

aware of creatures like this Neal, who within our own borders, and on American soil are just doing what we are appalled about when it happens in other countries, namely disrespect and inhumane treatment and consideration of inmates!

If this sort of thinking is common practice among so-called ranking officers of correctional facilities then I for one feel that that our correctional system is worse than rotten, it is more worse than the systems in countries where there are totally no human rights upheld! Then our system is sicker than sick, and more rotten than rotten, and any claim of being better than the lowest of lowest 3d world countries is an utter lie, and every American should be ashamed that we ever have sent out soldiers to other countries to bring our values and norms!

When we are claiming that the standards we bring to other countries and cultures as being the best but maintain values and norms as spoken out by this Neal person I feel deeply, and utterly ashamed as an American!

Well Adrian I am sorry that you have such atrocious views of myself and my beliefs, but I am entitled to my opinion and with saying that it has nothing to do with the way I carry out my job. Fact of the matter is this particular individual/coward is a racist and murdered one of my fellow officers. So yes I feel strongly about him and how he feels his living accommodations are being met. I bet you wouldn't last one hour in the trenches with me. I deal with some of America's worst at the less favorable time in their life so keep your derogatory remarks about me at bay and stay in your perfect little world with wall street problems.

The video and it is the same guard quoted in the Slate article.

<http://www.youtube.com/watch?v=-E08GHKCPK4>

http://www.slate.com/blogs/crime/2013/10/23/marion_prison_lockdown_thomas_silverstein_how_a_1983_murder_created_america.html?utm_content=bufferfe4d2&utm_source=buffer&utm_medium=twitter&utm_campaign=Buffer

How a 1983 Murder Created America's Terrible Supermax-Prison Culture

By Justin Peters

Excerpts:

In 1983 Marion was the toughest penitentiary in the federal prison system. The worst of those were put in Marion's control unit. Getting placed in the control unit was akin to being buried alive. Inmates were confined to their small cells for almost 23 hours a day. When they left their cells, they were shackled, guarded, and under constant surveillance.

Thomas Silverstein and Clayton Fountain were two of those prisoners who bore watching.

(So I ask how did they manage to kill Smith? Indeed the lapse in security that allowed all these murders to take place, in what was the most secure facility in the bureau conjures up conspiracy theories.

Smith's murder is not denied by Silverstein but was only committed after Raymond Cadillac Smith had failed in two documented attempts to kill Silverstein.

Afterward from the Slate article)

Silverstein thought he was being unduly harassed by Marion corrections officers, especially a guard named Merle Clutts.

(Pete Earley wrote in *The Hot House*:

Page 393: Referring to Clutts and Silverstein, Ralph Seever, a legendary lieutenant explained, you never want, the relationship to get personal. He warned.

Whenever an inmate believes for some reason that the natural conflict between convicts and officers is personal, his ego is at stake, and in a penitentiary, image is a thousand times more important than reality.

Page 233 *The Hot House*:

To this day, Silverstein claims that Clutts set out to break him by harassing him in a dozen petty ways that most guards learn early in their careers.

In an audio recording of an interview conducted by Earley, Silverstein explains his own motives:

16:25 Silverstein: I think he was just selling me wolf tickets. But he didn't know I was taking him serious.

AS MANY KILLINGS THAT I HAVE SEEN WHEN SOMEONE SAYS HE IS GOING TO KILL YOU, YOU CAN'T SIT BACK AND SAY AWE IT AIN'T NOTHING AND DO NOTHING.

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On Line 58 of his declaration Silverstein wrote After I killed Smith, I lived in constant fear of reprisals. It was in this frame of mind, and believing I was in a life-threatening situation, that on October 22, 1983, I killed Officer Clutts.

Unbelievable you say? Then why was Smith, a known close associate of Chappelles, moved from another institution and placed near Silverstein's cell, then allowed to remain there even after making two documented attempts on Silverstein's life?

Indeed the lapse in security that allowed all these murders to take place, in what was the most secure facility in the bureau conjures up

conspiracy theories.)

From Slates article:

The message the two men sent was clear: Even the tightest security restrictions werent enough to control them.

Marion officials accepted the challenge. Five days later, guards sent a message of their own, locking down the prison and allegedly exacting a measure of revenge against its inmates. In 1990 a former Marion C.O. named David Hale discussed the aftermath with Mother Jones:

I cant describe to youI never seen beatings like that. At least fifty guys got it, maybe more. I was only involved in seven or eight, but there was beatings every day there for a while. I had inmates ask me how long this madness was going to last. And I said, from what I seen, it better be a permanent lockdown, because when you beat a man like that, hes gonna retaliate.

(Oops so there in lays the motive;

When you abuse and threaten a human being you can expect him to retaliate.)

Now this next line from Slate is enlightening.

Putting Marion in permanent lockdown was an idea that had been discussed for years, and now it came to pass.

(In fact as the Angola 3 case so infamously shows many were already under such conditions for a decade by the time Clutts was murdered.

Silverstein and Fountain just made the decision more politically correct.

One clearly imagine a conspiracy to eliminate two Jailbirds with one stone in the decision to place known rivals next to each other and keep them close even after two incidents. It has even been claimed by one guard that the management was behind the lapse security precautions that contributed to the murders of the two COs. The necessary event needed to justify the complete lockdown. There is a Youtube video of a Marion guard making this claim. Anything is possible I guess.)

This article has a bit more info on Knott along with some art work that Tom would like.

<http://www.coloradoindependent.com/144376/supermax-prisoner-robert-knott-finds-family-after-death>

The feds were similarly unresponsive to Brocious when she asked what to do with the body. She had been told, as had others, that Knott had no next of kin.

It apparently took the prison 11 days to contact Strick, the only person on Knotts contact list. It was she, not prison officials, who found Knotts family in Winnebago, Nebraska.

Elizabeth Pliss, Knotts half sister, had known from her mother with whom she reunited in 2007 before her mothers death that somewhere she had a half brother named Robert. But neither knew what happened to him.

In one phone call, Strick told Pliss about her connection to Knott, his background as a child, his criminal history, his challenges living with a mental illness during 18 years of extreme solitary confinement, and his suicide.

Pliss burst into tears during that phone call and in many subsequent calls about the brother she never met. Sadness turns to anger when she describes a call from ADX trying to piece together basic information about a man it had imprisoned since 1995, the year the Internet entered public consciousness.

How does someone get so lost that nobody knows who you are? Its sad. Its just very sad, she said.

I asked the same question when I lost my brother.

<http://www.theatlantic.com/national/archive/2013/09/did-the-wrong-man-spend-40-years-in-solitary-confinement/279930/>

Cohens latest article explains how the system drags it feet and plays games to avoid reversing embarrassing errors and exposing the trickery they use to avoid doing the right thing.

They seem to hope that all these people die before they get relief.

Unfortunately for the rest of those held in these conditions their case dies with them.

Background from this site:

Inside ADX Supermax, Part 1: A Bloody Nightmare
September 12, 2013 By Sal Rodriguez

Harold Cunningham wrote:

There was a bloody war going on in Marion when I arrived there, a place I should have never been sent to,..The war was racial, blacks against whites. The Aryan Brotherhood was warring with D.C. inmates.

It was a very dangerous environment, one wrong move and you could lose your life. I was lucky, it was like living in a concrete jungle and only the strong survive. But to survive you have to become an animal and I became a monster that no one dared to fuck with.

The environment at the Federal prison at Marion Illinois, when Silverstein arrived there was no different.

Between January 1980 and October 1983, there were more serious disturbances at Marion than at any other prison, including fourteen escape attempts, ten group uprisings, fifty-eight serious inmate-on-inmate assaults, thirty-three attacks on staff, and nine murders.

Line 46 of Silversteins declaration:

There was significant conflict between staff and prisoners at Marion.

Line 48: I feared attacks on my life at all times from both prisoners and staff.

Then on lines 49-59 Silverstein gives his own account for the three murders he has been convicted of. (He admits to just two of the three.)

Victim Robert Marvin Chappelle was also a convicted killer.

The following information was extracted from the court record:

On November 22, 1981, at 7:15 p.m. guards discovered the body of Robert Marvin Chappelle a member of the D.C. Blacks prison gang.

Silverstein was brought to trial for the murder and pleaded not guilty.

During the trial, inmate Norman Matthews testimony seemed to confirm Silversteins innocence.

When called to the stand to testify Norman Matthews was asked whether he could remember November 22, 1981, he replied, It was the day I killed Chappelle.

Without this confession Silverstein was found guilty.

The second murder is not denied by Silverstein but was only committed after Raymond Cadillac Smith the national leader of the D.C. Blacks prison gang had failed in two documented attempts to kill Silverstein.

Smith had been convicted for armed kidnapping, armed robbery, extortion, and assault with a dangerous weapon, and sentenced to an effective term of 6-18 years.

In prison he was known as a Moorish Science of America gladiator, nick named the Sword of Justice.

At least one who knew him claims, Men in prison feared him, both inmate and guard.

Silverstein said I tried to tell Cadillac that I didnt kill Chappelle, but he didnt believe me and bragged that he was going to kill me,

Silverstein recalled. Everyone knew what was going on and no one did anything to keep us apart. The guards wanted one of us to kill the other.

Enter Officer Merle Clutts.

Pete Earley wrote in The Hot House:

Page 393: Referring to Clutts and Silverstein, Ralph Seever, a legendary lieutenant explained, you never want, the relationship to get personal. He warned.

Whenever an inmate believes for some reason that the natural conflict between convicts and officers is personal, his ego is at stake, and in a penitentiary, image is a thousand times more important than reality.

Page 233 The Hot House:

To this day, Silverstein claims that Clutts set out to break him by harassing him in a dozen petty ways that most guards learn early in their careers.

In an audio recording of an interview conducted by Earley, Silverstein explains his own motives:

16:25 Silverstein: I think he was just selling me wolf tickets. But he didnt know I was taking him serious.

AS MANY KILLINGS THAT I HAVE SEEN WHEN SOMEONE SAYS HE IS GOING TO KILL YOU, YOU CANT SIT BACK AND SAY AWE IT AINT NOTHING AND DO NOTHING.

When somebody has gone that far especially when youre telling him you dont want no trouble why dont you get off my case.

You know, I PLEADED WITH THAT GUY

Officer Clutts also knew there were possible consequences of this harassment for he had learned this lesson the hard way early into his career in an event that foretold his own demise.

On January 26, 1969, Officer Merle E. Clutts found the body of his superior, Senior Officer Vern M. Jarvis, in a utility closet. Jarvis had been stabbed 26 times.

The murder of Jarvis was committed by James K. Marshall also a convicted bank robber with a 25 year sentence. The motive, Officer Jarvis had confiscated Marshalls candy, fruit and magazines then placed him in segregation.

Silverstein later testified that he had killed Clutts because the guard was planning to let other inmates out of their cells to kill him.

On Line 58 of his declaration Silverstein wrote After I killed Smith, I lived in constant fear of reprisals. It was in this frame of mind, and believing I was in a life-threatening situation, that on October 22, 1983, I killed Officer Clutts.

(Unbelievable you say? Then why was Smith, a known close associate of Chappelles, moved from another institution and placed near Silversteins cell, then allowed to remain there even after making two documented attempts on Silversteins life?)

Indeed the lapse in security that allowed all these murders to take place, in what was the most secure facility in the bureau conjures up conspiracy theories.

Like Marshall before him, Silverstein received a life sentence.

This is where the similarities between the two cases end.

On March 29, 1972 Marshall was transferred to Oregon Department of Corrections and was later paroled from his federal sentence in 1982.

However Silversteins life sentence came with a no human contact order attached to it and with no achievable release date therefore he will die in prison.

In his recent apology to the world Silverstein wrote:

Line 59 of his declaration Silverstein proclaims:

Even writing this declaration, I feel my words of regret are inadequate to explain the remorse I feel. There is no justification for my actions. (Last part from Line 11)

But there is logic in Silversteins actions, even if only understandable by others that have been trapped like tethered animals in a slaughterhouse!

T has not let them beat him but his mind, sight, memory, are affect by this isolation. I have passed SW address to T he had not realized he could write to you guys, he is doing a book review that I have to get typed before anyone sees it. Its a 15 page hand written review of the book the ADX psychologist gave him Where ever you go there you are the last suicide was on Ts tier/unit and I would absolutely bet that a scene he describe to me that a prisoner was upset trying to get his point over to the Fed psychologist I have a feeling this is the suicide man Knox. There is no therapy there some drugs and a book as mentioned above Which I find ridiculous. And nothing being done about these souls looking for help in a world w/out people. The decision of yesterdays argument has not happened yet.

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