

USP ADMINISTRATIVE MAXIMUM  
FLORENCE, COLORADO  
INFORMAL RESOLUTION FORM

Inmate Name: Silverstein  
Unit: Z

Reg. No. 14634-116  
Date: 6-11-06

NOTICE TO INMATE: You are advised that normally prior to filing a Request for Administrative Remedy, (BP-DIR-13), you **must** attempt to informally resolve your complaint through your Correctional Counselor. Please follow the three steps listed below:

1. State your complaint: Prohibiting me from speaking to other prisoners for the past 23 years.
2. State what actions you have made to informally resolve this complaint: Spoke with my counselor and case manager.
3. State what resolution you expect: Be allowed to talk with other prisoners.

Date: 6/11/06

Correctional Counselor's Comments (Steps to Resolve): A review of your complaint has been conducted. There is only one other inmate currently house in your range. For administrative as well as security reasons, you are not to communicate with this inmate. Further, the communication with other inmates is the unit disrupts the good orderly running of the Institution. Accordingly, your request is denied.

Counselor's Signature: JEA  
Unit Manager's Review:

Date: 6-15-06  
Date: 6-13-06

BOP CLAIMS THAT I'M NOT IN "SOLITARY CONFINEMENT" B/C THEY DO NOT ACKNOWLEDGE IT. WORD SEMANTICS. THIS ADMINISTRATIVE REMEDY REVIEWS THE TRUTH IN THEIR OWN DOUBLE SPEAK.  
TOMMY

8-9-18

1 OF 9 PAGES

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P.8 is correct, there is only one other prisoner on the only four cell range here at Florence that is kept. Since 1983 I've been isolated from other prisoners. Then on July 12, 05 I was moved from U.S.P. Leavenworth to the most secure and repressive range here and perhaps the BOP despite 19 years exemplary conduct. I was able to barely shout to the other prisoner at the other end through the thick walled enclosed box car type cells that impede normal conversation. Shortly after my arrival, a partial wall and sound proof door was put between us with two cells on my side and a recreation yard and visiting booth and two cells, visiting booth and recreation yard on his end. I guess my 23 years in total isolation isn't satisfying enough for some folks who have made sure my isolation continues, proving that I am being punished for good conduct under ploy of security reasons. Yet they fail to say how exactly me talking with other prisoners is disruptive to the good orderly running of the institution – especially since these four cells are the only ones equipped with 24/7 camera-audio surveillance so staff hear every word and see every move. So a rational connection between me communicating with fellow prisoners and disrupting the oh mighty good orderly running of ADX, in the absence of any factual record, is insufficient for evaluating such an allegation and is speculative and unsupported.

Prisoners here and elsewhere are able to talk in America. This isn't Siberia, Russia nor Saddams Abu Ghraib prison. There is no iron curtain drawn between the constitution and the prisoners of this country. (Wolff v McDonnell, 418 U.S. 539,555-56,945,C+2963,2974,41L-Ed,2d 935 (1974); Wolfish, Supra, 441 U.S. A+520,995 CT AT 1861; Jones v Diamond 636F. 2d1364,1368 (5<sup>th</sup> Cir), Cert. denied 452 U.S.959,1015 G+3106,69L. Ed.2d 970 (1981).

What exactly makes monitored free speech more disruptive than the other 2.3 million U.S. prison population. It clearly isn't but this cruel prohibition serves as evidence that

- a) BOP officials are going out of their way to make my life the living hell as vowed one BOP official in the hot house BK p6 226-7 "When an inmate kills a guard, he must be punished, we can't execute Silverstein, so we have no choice but to make his life a living hell".
- b) Their intention is to drive me insane since their method of confinement is the same modus operandi used in torture and condemned by the United Nations Convention against torture: "Any act by which severe pain or suffering, whether physical or mental... or any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other acting in an official capacity. It does not include pain or suffering arising only from inherent in or incidental to lawful sanctions".  
Human rights watch, psychiatrist, the courts and U.S. constitution condemn cruelty and unusual punishment. This confinement is basically a second sentence. The first one being by the courts with the privilege of public defense and the second one completely outside the public eye and totally at the mercy and whims of prisoncrats. "When punishment bears no relationship to the crime, it ceases to be punishment and becomes torment for its own sake – itself an anti-human crime."
- c) The arbitrary, capricious, retaliatory and indifference to the suffering they continue to inflict on me and the extremes they've gone to keep me totally isolated and deprived of all social/human stimulus.
- d) I found no rule prohibiting prisoners from talking. On the contrary, according to the unit officer inmate evaluation behavioural rating scale form, prisoners are evaluated based upon their interaction with others, but I'm denied that opportunity.

The Department of Correction's own psychiatrists and psychologists, the Clinical Director of Psychiatry and the esteemed Harvard University and even the U.S. Federal Courts have acknowledged and ruled that solitary confinement causes sensory deprivation, which, in turn causes "substantial psychological damage." This is not a theory – it is a fact. It affects everyone in different ways, but it does affect everyone. The following are examples of the common effects and degrees of isolation/sensory deprivation : paranoia, anxiety, depression, aggression, psychosis.

The goal of these units is clearly to disable prisoners through spiritual, psychological and/or physical breakdown.

Dr. Stuart Grassin, an expert on the results of living in extended isolation, has commented at length on the psychiatric harm that can come to people subjected to long term isolation. He interviewed people who began to cut themselves just so they can "feel" something and reports panic attacks and a progressive inability to tolerate ordinary stimulation. Isolation has been documented as a cause of paranoia, problems with impulse control, extreme motor restlessness, delusions, suspiciousness and depression. "I have treated a number of ex-control unit prisoners who come out with serious symptoms of post-traumatic stress."

The European Parliament investigated and determined solitary confinement was "... a form of unnecessary oppression which can be a form of psychological torture."

Criminal Law SS77, 78 – cruel and unusual punishment – what constitutes – applicability to states 4. The eighth amendments ban on inflicting cruel and unusual punishments, made applicable to the states by the fourteenth amendment , proscribes more than physically barbarous punishments; it prohibits penalties that are grossly disproportionate to the offense, as well as those that transgress today's broad and idealistic concepts of dignity, civilized standards, humanity and decency, which BOP ignores.

Criminal Law SS79,80 – cruel and unusual punishment – confinement in prison – isolation cell 5. Confinement in a prison or in an isolation cell is a form of punishment subject to scrutiny under eighth amendment standards.

7. Prisons key 4(1) Prison Authorities are not afforded unbridled discretion to bend prison regulations for a newsworthy inmate.

Wolfish, Supra, at 538,995 c+ at 1873 ... If evidence of punishment is lacking, this court must determine if the restriction is "reasonably related " to a legitimate objective or constitutes an exaggerated response.

U.S. Supreme Court report 57 I Ed 2d page 532 (7) C F Meachum v Fano, 427 us 215, 49L ed 2d 451 96s ct 2532 It is equally plain, however, that the length of confinement cannot be ignored in deciding whether the confinement meets constitutional standards (437 US 687).

The negative mental health effects of isolated confinement have long been well known. More than a century ago, the U.S. Supreme Court acknowledged the devastating effects of prolonged isolation even on "normal prisoners." The court referred to "solitary confinement" as one of the techniques of "physical and mental torture" that have been used by Governments to coerce confessions. Chamber v Florida 309 U.S. 227,237 8(1940) The pathological effects of isolated confinement perse are also well documented in the psychiatric literature, see eg. Terry Kupers, Prison Madness: The mental health crisis behind bars and what we must do about it 56-64 (1999) (Describing "SHU Syndrome"). Grassian , Psychopathological Effects of Solitary Confinement, 140 am j Psychiatry 1450 (1983). See eg. Miller Ex. Rel. Jones V Stewart, 231 F 3d 1248,1252 (9<sup>th</sup> Cir 2000) ( "It is well accepted that conditions such as those present in the SMU II..... can cause psychological decompensation to the point that individuals may become incompetent.")

Date: 6-22-06

Received ADX Warden's Office Jun 29 2006

CASE NUMBER: 418452 – F1

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**BP-229 RESPONSE**

**Case Number: 418452-F1**

**Name: SILVERSTEIN, Thomas**

**Register Number: 14634-116**

Your request for Administrative Remedy dated June 22, 2006, and received in this office on June 29, 2006, has been reviewed. You claim your isolation in the Special Housing Unit amounts to cruel and unusual punishment. You make no specific request for relief.

A review of the issue raised in your Request for Administrative Remedy has been conducted. The results of the review revealed you are treated in a humane and fair manner by ADX Florence staff. Specifically, you are provided your basic needs such as food and medical care. You have daily contact with staff members and have access to a television, radio and reading materials. In summary, we find that you have daily human contact and that you are not treated in a cruel and unusual manner.

As you requested no specific relief, this response is for informational purposes only. In the event you are not satisfied with this response and wish to appeal, you may do so within 20 calendar days of this response by submitting a BP-230(13) to the Regional Director, Federal Bureau of Prisons, North Central Regional Office, Gateway Complex, Tower II, 8<sup>th</sup> Floor, 400 State Avenue, Kansas City, Kansas 66101-2492.

R. Wiley, Warden

Date: Jul 11 2006

SILVERSTEIN, THOMAS. E.  
(LAST NAME, FIRST, MIDDLE INITIAL)

14634-116  
(REG. NO.)

Z  
(UNIT)

FLORENCE  
(INSTITUTION)

BP9 states I made no specific request for relief. I request placement in general population. My tormentors (those who continue to keep me isolated) be charged with crimes against humanity, abuse of their authority, violating my right to be free of torture and cruel and unusual punishment. It's absurd that those administrators keeping me isolated are the same lot supposedly "reviewing" my grievances and have audacity to claim I'm treated in a humane and fair manner. Preventing me from talking with other prisoners, along with previously mentioned demeaning and oppressive circumstances, unlike other ADX prisoners are subjected to, is not "fair"! It's discriminatory, cruel and unusual and retaliatory, even by the pathetic draconian Florence standards.

As far as the TV-Radio combo that only plays a few channels ie. Mexican, rap, hip hop, country, reggae, classical and religious-Christian indoctrination, isn't my choice. Nor does a TV/radio/reading compensate for human interaction.

BP9 claims I have daily human contact with staff and not treated in a cruel and unusual manner. It's ridiculous to ~~x~~ call a nameless guard that shoves a food tray through the hole in the door three times daily, while a second guard, armed with a baton, posed in an attack stance ready to assault me, a source of meaningful "human contact."

This semantical response reveals the administrators incompetency or/and revengefulness for ignoring the injurious effects of long term isolation noted in BP9 by experts on the subject, and illustrates their indifference and lack of empathy for the cruel and unusual environment that they've created and force me to endure. It's like punchin' someone in their mouth, knockin' out a couple of teeth and when the victim cries out in pain, the bully tells 'em to shut up and says it doesn't hurt since he (bully) doesn't feel anything. This callous reply reflects the same perverse mentality of the ABU GHR-AIB? guards in Iraq, who sadistically posed in photos smiling and giving thumbs up signs as they brutalized the prisoners in their care! I suspect they didn't perceive their reprehensible actions as cruel and unusual either. That's why an independent monitor is called for, since this administration is too biased with their own agenda to change the status quo!

For reasons stated here, I ask that my request be granted. Thank u!

7/17/06

Jul 21 2006

(5)

Aug 15 2006

CASE NUMBER: 418452 - R1



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Admin Remedy Number: 418452-R1

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This is in response to your Regional Administrative Remedy Appeal dated July 17, 2006, in which you allege you are being subjected to cruel and unusual punishment by being housed in isolation in the Special Housing Unit. You request an independent review of your situation.

We have reviewed your appeal and the Warden's response dated July 11, 2006. Your confinement in the Special Housing Unit is deemed appropriate based on your repetitive history of institution violence and the need for enhanced security measures. Despite your housing restrictions, you are treated in a fair and humane manner. Your status is thoroughly reviewed every six months by institution and Regional Office staff and annually by agency Executive Staff; therefore, additional review is not warranted.

Your Regional Administrative Remedy Appeal is denied.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

8.14.06  
Date

Michael K. Nalley, Regional Director

(6)

SILVERSTEIN, THOMAS. E.  
(LAST NAME, FIRST, MIDDLE INITIAL)

14634-116  
(REG. NO.)

2  
(UNIT)

FLORENCE  
(INSTITUTION)

I reiterate previous comments in my BP9 & 10 since they were not addressed. Instead, I was given the usual pat response lacking direction for redress. BP10 claims my confinement is appropriate based on my repetitive history of violence and need for enhanced security measures. I would like the arbitrator to cite one disciplinary infraction. I've received the past 20 years. Since I've not gotten any, the ploy of my "repetitive" history of violence and need for enhanced security measures is baseless and antiquated at best, but certainly misleading. Totally isolating me for 23 years is not being treated in a fair and humane manner. Just saying it, does not validate it.

This is the problem with having to seek redress from the same administrators that created my isolation status. It's meaningless, with no exit directive.

Example: Mr Nalley states my status is thoroughly reviewed every 6 months. Since it's obvious 20 years clean time hasn't changed my lot – contrarily, its gotten worse with my transfer from U.S.P. LVN to Florence ADX in 2005. So what exactly is "reviewed" and the criteria for release from said status? What do you want me to do to participate in the step down programs? I have worked on various personal issues since 1983 by taking numerous courses, recorded in my C-file, which have been helpful because it's contributed to my exemplary record. I ask to be relieved from ADX so that I may have access to friends/family, resources i.e. more courses/classes, more constructive exercise, meaningful work/activities.

I request that I be given an opportunity and should I breach the conditions of such respite, in any manner that contravenes or threatens the routine/peace/regime of the facility, then I fully expect to return to ADX. Thank you.

CASE NUMBER: 418452

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Administrative Remedy Number 418452-A1  
Part B - Response

You contend the conditions of your confinement constitute cruel and unusual punishment. You request to be released to the general inmate population and that certain staff be prosecuted for subjecting you to inhumane conditions.

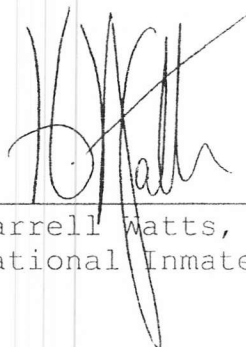
Our review of this matter reveals both the Warden and Regional Director have adequately addressed your concerns. You are serving three consecutive life terms plus 45 years for bank robbery and murder, including the murder of Bureau of Prisons' staff. You are a member of a disruptive group and an escape risk.

Your heinous criminal and institutional behavior warrant a highly individualized and restrictive environment. Your current housing scenario is considered to be the best balance between your rights and privileges as an inmate and the orderly operation of the Bureau of Prisons, your safety, as well as the safety of staff and other inmates. Your housing is reviewed regularly by Bureau of Prisons' staff. Release to the general inmate population is not warranted. No discipline of staff is contemplated.

Your appeal is denied.

November 8, 2006

Date



Harrell Watts, Administrator  
National Inmate Appeals