

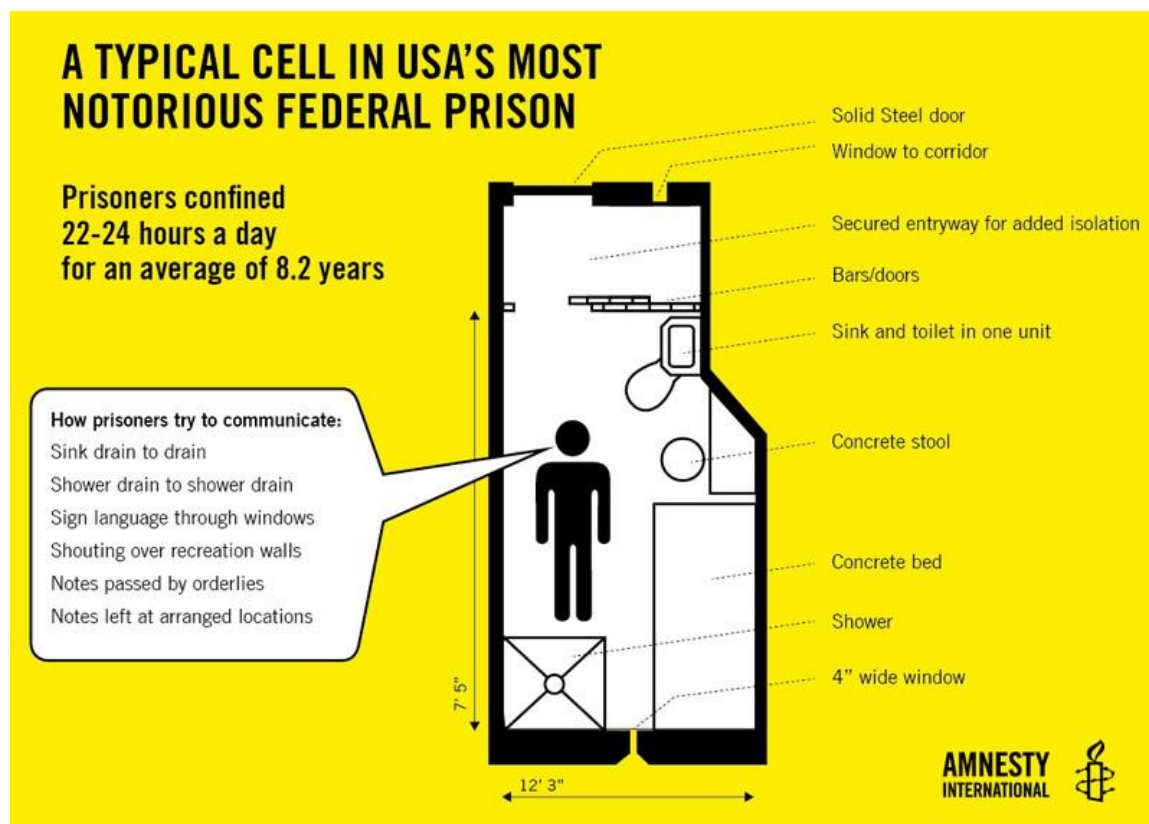
CONCERNED CITIZEN

# The Evolution of the Supermax

Via The War on Drugs  
Alan

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1955 - 2019



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# Preface

The 1960's was one of the most tumultuous decades in our nation's history and nowhere was it more turbulent than in California's Department of Corrections and Rehabilitation (C.D.C.R.). In 1960 whites were still about 70 percent of C.D.C.R.'s population and with such a numerical advantage whites felt little racial tension. Both factors would change radically by the latter half of the 1960's. In fact, by the mid-1960's California's San Quentin Prison, located on San Francisco Bay, had become the epicenter of a prison race war for the control of its prison yard. And by the time the "Summer of Love" arrived in 1967 every peaceful-flower-child that arrived there had a cross to bear. As he walked, bound in his chains, through the cruel gauntlet that is San Quentin Prison, sadistic guards on one side and leering sexual predators on the other, he may have paused with a tear in his eye to look beyond the ominous watchtowers towards the sky to ask, "Why has thou forsaken me? While just outside its walls the "New Left" had established what has since become known as "California's Radical Prison Movement" in support of the civil rights of prisoners.

Even as the casualty count, of inmate on inmate violence increased as the decade ended, it had been almost twenty years since a guard had been killed in a California prison, but that would also change by January 1970. What took place in the C.D.C.R. over this period of time was still reverberating throughout the whole U.S. prison system as I wrote this.

The decade of the 1960's had begun with the domestic terror of the Ku Klux Klan (KKK) on the far right and ended with the bombings of the Weather Underground Organization (WUO)

on the far left. The watershed moment of this maelstrom occurred on November 22, 1963 when President Kennedy was assassinated.

Another notable event of 1963 was, George Wallace's "Inaugural Address" on January 14, 1963 following his election for Governor of Alabama. The speech is most famous for the phrase "**segregation now, segregation tomorrow, segregation forever.**" Wallace wasn't referring to, "**Administration Segregation**", (a prison disciplinary solitary confinement unit), but he might as well have been, because the atmosphere in which Wallace and others like him fostered is indirectly responsible for the formation of race based prison gangs whose members now fill these units".

# **“Shocking Story of Approved Killing in Mississippi”**

On January 24, 1956, Look Magazine published the confessions of J.W. Milam and Roy Bryant.

## **Killers' Confession**

"Well, what else could we do? He was hopeless. I'm no bully; I never hurt a nigger in my life. I like niggers -- in their place -- I know how to work 'em. But I just decided it was time a few people got put on notice. As long as I live and can do anything about it, niggers are gonna stay in their place. Niggers ain't gonna vote where I live. If they did, they'd control the government. They ain't gonna go to school with my kids. And when a nigger gets close to mentioning sex with a white woman, he's tired o' livin'. I'm likely to kill him. Me and my folks fought for this country, and we got some rights. I stood there in that shed and listened to that nigger throw that poison at me, and I just made up my mind. 'Chicago boy,' I said, 'I'm tired of 'em sending your kind down here to stir up trouble. Goddam you, I'm going to make an example of you -nigger- just so everybody can know how me and my folks stand.'"

J. W. "Big" Milam

*"Last September in Sumner, Miss., a petit jury found the youth's (Emmitt Till's) admitted abductors not guilty of murder. In November, in Greenwood, a grand jury declined to indict them for kidnapping....Milam and Bryant will not be tried again; but as landless white men in the Mississippi Delta, and bearing the mark of Cain, they will come to regard the dark morning of August 28, 1955, as the most unfortunate of their lives. "*

William Bradford Huie

**Both men later died of cancer without serving any time in prison.**

<http://www.emmettillmurder.com/Look%201957.html> [http://www.pbs.org/wgbh/amex/till/sfeature/sf\\_look\\_confession.html](http://www.pbs.org/wgbh/amex/till/sfeature/sf_look_confession.html)

The arrest of Rosa Parks in Montgomery, Alabama on December 1, 1955 had resulted in a black boycott of Montgomery's public buses. This boycott did not end until the buses were desegregated on December 21, 1956. Up until the desegregation order was given African American communities were closely following the case.

Parks arrest and young Emmett Till murder, along with other similar incidents were still fresh on the minds of all African Americans as the new decade began. Like open sores, the wounds festered, as blacks waited for justice. Looking back on this period of time it seems reasonable to believe that many if not most African Americans felt a fair measure of hostility towards white society as we entered into the decade of the 60's.

## Hypocrisy Exposed

In the midst of the “Berlin Crisis one day in mid-September of 1961, President Kennedy gave an address at the U.N. on our nation’s opposition to the newly constructed “Berlin Wall” now encircling West Berlin. The president’s argument was the West Berliners’ freedom was under attack and as Lillian Hellman had written, two decades before, in Act 2 of “Watch on the Rhine”: ***“For every man that lives without freedom, the rest of us must face the guilt.”***

Here on the home front a series of quite hazardous, interracial, “Freedom Rides” into the “Heart of Dixie” had begun on May 4<sup>th</sup> “and had just resulted in regulations being issued by the Interstate Commerce Commission prohibiting segregation in the bus and train stations nationwide. Ten years later Freedom Rider, John Raines would take part in the 1971 break-in at the FBI’s Media, PA office. The small band of activists to which he belonged later released a select portion of the files that they had illegally removed from the FBI office to the media. These files revealed the existence of the FBI Director J. Edgar Hoover’s **“Counter Intelligence Program, or COINTELPRO.**

Hoover had watched from the late 1950’s through the mid-1960s as Malcolm X had emerged as a leader rallying the nation’s Blacks. The Nation of Islam’s teachings of “Black Supremacy” that he so eloquently preached resonated in the minds of many, if not all Blacks, held in prison. The message only grew stronger after Malcolm X’s assassination on February 21, 1965 ironically by members of the Nation of Islam itself.

Hoover’s greatest fear after the founding of the Black Panthers on October 15, 1966 in Oakland, CA was that the Panthers would join forces with the Black Muslims. So Hoover included the two radical groups along with the KKK and other extremists in COINTELPRO, to disrupt any cooperation between them.

Raines's disclosure ultimately resulted in a Senate investigation headed by Frank Church of Idaho which later discredited the program in 1976.

The Senate found that the FBI's methods were unconstitutional. Rather than helping to eliminate the racial injustice found, especially in the south during this era, the FBI was actually hindering the efforts of civil rights organizations to bring about change.



# **The Assassination of President John F. Kennedy (U FK)**

*“I must be free from the power of little men who, in the name of my country, punish loyal service to it.”*

*General Edwin A. Walker*

Contrary to the almost saintly image that he holds today, President Kennedy had many detractors while he was alive, chief among them Kennedy’s own Vice President Johnson (LBJ) and a two star General Edwin A. Walker.

Kennedy had asked for General Walker’s resignation from the military for engaging in political activism while serving on active duty in the military, a violation of the Hatch Act, but General Walker viewed himself and those who believed as he did as “super patriots.” On Nov. 2, 1961, the **super patriot** ended his 30-year military career under pressure from the Kennedy administration and voluntarily forfeited his retirement stating, *“I must be free from the power of little men who, in the name of my country, punish loyal service to it.”*

While the country read about the glamorous lives of Jackie and Jack Kennedy, Walker appeared on the Dec. 4, 1961, cover of *Newsweek* magazine headlined **“Thunder on the Right.”**

In September 1962 after the deadly riots that had erupted in Oxford, Mississippi over the enrollment of James Meredith, an African American, at the all white University of Mississippi, Walker went to Oxford and further incited the protesters with these words, *“This is the conspiracy of the crucifixion by anti-Christ conspirators of the Supreme Court in their denial of prayer and their betrayal of a nation.”*

With that said, things turned ugly at Ole Miss, as 35 federal marshals were shot, and at least two people were killed. **Attorney General Robert Kennedy then ordered Walker be arrested and charged with insurrection.**

While in custody for five days at a psychiatric detention facility **the ex-general claimed he was a political prisoner.** After posting a \$50,000 bond he was released and when Walker arrived back home at Dallas's "Love Field", a crowd of around 200 supporters greeted him beneath billowing Confederate flags and a banner that read "**Walker for President 64.**" A grand jury later declined to indict him, and **the charges were dismissed.**

One outrageous example of just how much Walker and his associates disliked Kennedy is that around 5,000 copies of this flyer accusing Kennedy of a wide range of offenses were distributed in Dallas in November 1963 in advance of the President's scheduled visit.



## WANTED FOR TREASON

**THIS MAN** is wanted for treasonous activities against the United States:

1. Betraying the Constitution (which he swore to uphold):  
He is turning the sovereignty of the U. S. over to the communist controlled United Nations.  
He is betraying our friends (Cuba, Katanga, Portugal) and befriending our enemies (Russia, Yugoslavia, Poland).
2. He has been **WRONG** on innumerable issues affecting the security of the U.S. (United Nations-Berlin wall-Missile removal-Cuba-Wheat deals-Test Ban Treaty, etc.)
3. He has been lax in enforcing Communist Registration laws.
4. He has given support and encouragement to the Communist inspired racial riots.
5. He has illegally invaded a sovereign State with federal troops.
6. He has consistently appointed Anti-Christians to Federal office: Upholds the Supreme Court in its Anti-Christian rulings.  
Aliens and known Communists abound in Federal offices.
7. He has been caught in fantastic **LIES** to the American people (including personal ones like his previous marriage and divorce).

Then the unthinkable happened, President John F. Kennedy (JFK) was shot and killed on November 22, 1963 in Dallas, Texas. For weeks after JFK's assassination, I would pause outside the local liquor store each morning on the way to elementary school to read the headlines of the aftermath. There was the arrest of Lee Harvey Oswald and his subsequent murder by Jack Ruby in Dallas. The swearing in of Vice President Johnson on "Air Force One" standing beside Jacqueline Kennedy, who still wore her blood stained cloths, and finally the stately funeral of her husband. With each new article an uneasy sense of a sinister conspiracy grew in the nation's population.

Later the Warren Commission investigation of Kennedy's assassination tracked the origin of those flyers to Walker's aide Robert Surrey.

In an interesting twist of fate, Oswald had first attempted to kill, the extreme rightwing, General Walker in his Dallas home on the evening of April 10, of 1963 but Oswald's single shot had missed hitting the much closer and stationary target.

Examining the line of sight from the alley, one cop told Walker, "He couldn't have missed you." And yet Oswald had missed.

Walker, who was openly disdainful of President Kennedy, wanted him replaced with someone who would support the Vietnam War while Johnson believed that he could never win a national election. And it is said that Kennedy openly worried what would happen if he was killed and the Presidency was passed to Johnson so he was thinking of a replacement for the vice president. As Robert Caro states in his biography of LBJ:

*"Two events ensured that Kennedy would not, in fact could not, have run again with Johnson. An intrepid investigator, Senator John J. Williams of Delaware, had begun to reveal*

*the financial and sexual scandals of Johnson's longtime Senate sidekick, Bobby Baker. That investigation would reveal Johnson's intimate involvement in Baker's misdeeds.*

*Moreover, Life magazine was assembling a large investigative team to get to the bottom of Johnson's mysterious finances—how, receiving just government pay over the years, he had become a multimillionaire with the help of Texas oil buddies. Both those time bombs were furiously ticking as Johnson and Kennedy took off for their five-city tour of Texas.*

*In fact, at the very time when the shots were fired at Kennedy in Dallas, a House committee was hearing testimony on the Baker affair and the Life team was meeting to map its strategy. **Johnson's whole future was rescued by the bullets that killed Kennedy.** Unable to attack a new president in a time of crisis, Life abandoned its search into his records and the House contained the Johnson aspects of its Baker probe."*

*Caro claims, "The crucial thing with Lyndon Johnson and the Kennedys was his relationship with Robert Kennedy. **There was a real hatred there.** When Johnson is Jack Kennedy's vice president Robert Kennedy systematically sets out to humiliate Johnson. The Kennedys mocked him — they called him 'Rufus Corn Pone' or 'Uncle Corn Pone' and Lady Bird Johnson was his little pork chop."*

*Both LBJ and Walker had their own reasons to hate Kennedy but as Robert Caro states in his biography of LBJ "**the relationship between the Kennedy and Johnson is perhaps the greatest blood feud of American politics in the twentieth century.**"*

*Rodger Stone, who would later serve in President Nixon's administration, co-authored a book titled "The Man who Killed Kennedy- the case against LBJ.*

In the book it is claimed that Johnson, a congressman at the time, instructed Richard Nixon, also a congressman at the time, to hire Jack Ruby onto the House of Representatives payroll in 1947. **Ruby, whose real name was Jacob Leon Rubenstein**, moved from Chicago to Dallas in 1947, the same year Stone alleges that Nixon put him on the House payroll at Johnson's request.

Later on he claims that *'LBJ and Gov. John Connally micro-managed JFK's Dallas schedule and demanded the route thru Dealy Plaza where the motorcade came to a full stop and LBJ had JFK killed.'* Adding, *'they had no interest in JFK stops in Austin or Houston!'* Of course we all know that Jack Ruby, the son of Polish Orthodox Jews, **went on to kill Oswald while Oswald was in police custody.**

Some conspiracy theorists openly speculated at the time that the mob had assigned Ruby the task of coordinating police officers, which he had ties with, to murder Oswald while in their custody. When Ruby was unable to accomplish this task the mob issued an ultimatum, **finish the job or forfeit your life.** The then White House Correspondent Seth Kantor's later wrote in his book **"Who Was Jack Ruby?"** *"The mob was Ruby's friend. And Ruby could well have been paying off an IOU the day he was used to kill Lee Harvey Oswald. 'I have been used for a purpose,' the way Ruby expressed it to Chief Justice Warren in their June 7, 1967 session. It would not have been hard for the mob to maneuver Ruby through the ranks of a few negotiable police [to kill Oswald]."*

Kennedy's detractors were not only domestic however. After President Kennedy took office in 1961 his administration had aggressively confronted the Israelis about a suspected nuclear reactor site near the Israeli town of Beersheeba. The site had first been noticed in a 1958 U2 flyover of the area and assessed by US intelligence then as a probable nuclear reactor site.



After gathering further intelligence on the site known as Dimona the US determined in 1960 that it was indeed a nuclear related facility.

Concerned about nuclear proliferation every high-level meeting and communication between the new US administration and the Israeli government contained a demand for an inspection of Dimona. Finally, in a personal letter dated May 18, 1963, Kennedy threatened Israel with total isolation unless inspectors were allowed into Dimona and again on June 15, 1963 he warned, *"This Government's commitment to and support of Israel could be seriously jeopardized."* if Israel refused to allow inspections. Inspectors were subsequently allowed in but with strict limitations placed upon them. These restrictions meant the inspections were ultimately ineffective which greatly frustrated President Kennedy. Five months after sending this letter President Kennedy once again rattled the Israelis by defending the right of return of 800,000 Palestinian refugees to Israel by calling for the implementation of United Nations Resolution 194 on November 20, 1963; two days later, President Kennedy was shot dead. When one considers that Lord Moyne, the British minister of state was assassinated in Cairo on November 6, 1944, for what his attackers viewed as his role in restricting Palestine immigration of Jews such a suggestion must have alarmed this same group of assassins. (The assassination of Lord Moyne was carried out by the terrorist group Lehi also known as the Stern Gang after its founder Avraham Stern.)

Ronen Bergman, author of the book "Rise And Kill First: The Secret History Of Israel's Targeted Assassinations," claims that four months after statehood and a day after The UN mediator Folke Bernadotte submitted his own plan obliging the Jewish state to take back Arab refugees he too was assassinated. Folke Bernadotte's long-term peace plan had also

recommended that Jerusalem should be in Arab territory and that it should be under international supervision something the Israeli's found even more intolerable.

Both Folke Bernadotte, who was charged with bringing peace to a Holy Land, and his chief UN observer Colonel Andre Serot, a decorated French hero of two world wars, were assassinated by Lehi. The hit took place on 17 September 1948 in what is now the Jewish-occupied district of Katamon in West Jerusalem.

Disguised as regular soldiers Lehi extremists pulled their jeep in front of the convoy forcing the lead car to stop. The occupants in the lead car believing that it was a military check point pulled out their papers. Then one of the extremists walked back to the car carrying the two diplomats and pushed the barrel of his German-made Schmeisser MP40 sub-machine gun through the open rear window of the UN diplomats, and pumped six bullets into the chest, throat and left arm of the aristocrat and another 18 into the body of the French colonel sitting on his left.

After assuming his office President Johnson chose to discontinue the inspections and to just look the other way. Later on, following LBJ's lead, President Nixon went on to accept Israel's de facto nuclear status as long as it remained secret. This compromise remained in effect right up until March 2015 when President Obama released Pentagon papers detailing Israel's nuclear weapon capabilities on the heels of the Prime Minister of Israel, Netanyahu's speech to the US Congress in which he laid out his opposition to ongoing negotiations with Iran over their own nuclear ambitions. Without consulting President Obama, John Boehner, the Speaker of the US House of Representatives, had invited Netanyahu, to detail his concerns about any deal. Needless to say this did not sit well with the President prompting this humorous quip by him, "*I look so old John Boehner's already invited Netanyahu to speak at my funeral.*" at the White



House Correspondence Dinner a month later. The Pentagon Papers noted that much of Israel's technology is based on extrapolations of U.S. equipment and ideas indicating some collaboration with, or spying on high level US assets.

People have been puzzled ever since the assassination as to how Oswald, acting alone, could have managed to hit Kennedy and wound Connally while they traveled down the road but could not hit Walker sitting stationary at his desk. Many Americans have come to believe that their government has suppressed the truth about what actually happened which has created a fertile atmosphere for conspiracy theories to thrive.

**One theory that quickly surfaced was that Israeli Prime Minister David Ben-Gurion had ordered the assassination and that Jewish mobster Meyer Lansky, the cofounder of Murder Inc., had organized the hit aided by Vice President Lyndon B. Johnson.**

Lansky's team of Jewish hit-men is said to be the deadliest in American history responsible for hundreds of **"unsolved murders"**. Lansky had earlier sought refuge in Israel when fleeing prosecution for racketeering. He was later extradited but acquitted.

<http://www.amc.com/shows/the-making-of-the-mob-new-york/video-extras/season-01/episode-03/talked-about-scene-episode-103-the-making-of-the-mob-new-york-king-of-new-york-2>

<http://www.amc.com/shows/the-making-of-the-mob-new-york/season-1/episode-03-king-of-new-york>

One related case is the disappearance of the House Majority Leader Hale Boggs plane on October 16, 1972 over Alaska. Conspiracy theorists were quick to claim that the Democrat had been assassinated in order to silence him. Boggs, who had served on the Warren Commission

investigating the Kennedy assassination, they believed, was killed because he was about to declare that he didn't believe in the lone-gunman theory contained in the Warren Report. Regarding the “**single-bullet theory**”, which is also part of the report, Boggs was already on record as saying “**I had strong doubts about it.**” More outspoken critics have since dubbed it the **magic-bullet theory**.

But U.S. House of Representative **Nicholas Joseph Begich, Sr.** (April 6, 1932 – October 16, 1972) of Alaska was also on board Boggs's plane when it went missing.

On March 4, 1974, 16 months and 16 days after her husband's plane vanished Mrs. Pegge Begich was remarried to a Mafia-connected killer and serial bomber named Jerry Max Pasley in Arizona.

Pasley, who has since admitted to multiple bombings for the mob had caught the attention of Joe Bonanno's son, **Salvatore 'Bill' Bonanno** who introduced him to his father. Bill has been quoted as saying that he watched the Ruby's hit on Oswald on TV and immediately recognized the assassin as an associate of Chicago mobster Sam Giancana.

In 1960 Sam Giancana had been lead to believe, during a meeting with his old bootlegging associate Joe Kennedy Sr., that if he helped elect Kennedy's son, that he'd have a friend in the White House that would protect him from future prosecution by the government.

Later when the Catholic JFK went on to narrowly defeated Hubert Humphrey, a beloved long term union supporter, in the West Virginia primary with a heavily protestant population, with the help of the mob, Humphrey withdrew from the presidential race. It was the most important victory of JFK's campaign.

However some believe that the presidency was really won in Chicago, with the help of the Democratic machine, and the labor unions under Giancana's influence. But once in office

JFK appointed his brother Robert to be Attorney General who immediately began targeting the Mafia, and in particular Sam Giancana, for prosecution. The mob now felt they had been betrayed and given their history of violent reprisals they were prime suspects in JFK's assassination. Giancana was later murdered in Chicago on June 19, 1975 shortly before he was scheduled to appear before the Church Committee investigating any possible mob collusion with the CIA in the assassination of JFK and/or the attempted assassinations of President Fidel Castro of Cuba.

Another Chicago mobster by the name of **Johnny" Roselli** went on to testify before the committee on the 24<sup>th</sup> of June and would reappear on September 22<sup>nd</sup> about the CIA plan to kill Castro called Operation Mongoose. On April 23, 1976 Roselli was recalled before the committee to testify about a possible conspiracy to kill JFK. After testifying, and before the committee could recall him, Roselli went missing on July 28 and on August 9, 1976; Roselli's decomposing body was found in a 55-gallon steel fuel drum floating in Dumfoundling Bay near Miami, Florida. Some have speculated ever since that Roselli's testimony led to his murder.

After papers stolen from the FBI's Media, PA office were released by John Raines which exposed the existence of Hoover's "**Counter Intelligence Program**", the House Majority Leader Hale Boggs took to the House floor in April 1971 to condemn the FBI's "Gestapo" tactics of spying on Americans. Hoover was now under siege and regarded as too old for the job and the last thing he needed was for the FBI to be implicated in a bombing spree. But that is exactly what Pasley who worked as a paid FBI informant would later claim. Pasley reported to Special Agent David Hale whom he claimed wanted to instigate a mob war between Joe Bonanno and Pete Licavoli by having their homes bombed. Hale denied the claim, but resigned his FBI post.

Pasley has also claimed that he was given a locked briefcase in Tucson in 1972 by a Bonanno lieutenant and told to take it to Anchorage where he handed it off to two men then returned to Arizona.

A year later Pasley moved to Anchorage and met up with Nick Begich's widow Pegge, it seems the two had associated with some of the same people in AZ. They were wed within a year and she then made Pasley a co-owner of a bar that she and one of the men that Pasley had given the locked briefcase to in 1972 owned.

According to a transcript of Pasley's confession, he was fishing one day with the partner when the man got drunk and began talking about the briefcase Joe Bonanno allegedly sent to Alaska. It was "a fucking bomb," the man said, according to Pasley—a high-tech bomb. The man also admitted to putting the bomb aboard the congressmen's plane, Pasley claimed. The investigators sitting there were stunned. "That would be so fuckin' heavy," one says. "I mean, that's **like killin' the president**, for Christ's sake."

In an interview with the FBI in 1995 Pasley named the primary perpetrators of the alleged bombing, and said he met the brother of one of the men in Anchorage. The brother was murdered in Anchorage 27 days after Pasley spoke with the agents. He was shot to death by a cab driver under suspicious circumstances, but the driver was not charged.

While there is reasonable doubt as to the existence of a conspiracy in the assassination of JFK there is no doubt that his death had altered the mindset of masses of Americans. We will never know if there was a conspiracy in Texas, AZ, or Alaska but the possibility still raises eyebrows even today.

# Black Rage Explodes

*"There's a battle outside  
And it is ragin'  
It'll soon shake your windows  
And rattle your walls*

*For the times they are a-changin'!"*

*Bob Dylan, 1964*

More than 55 years ago on July 16<sup>th</sup>, 1964, a race riot erupted in Harlem over the shooting death of a 15 year old Afro-American teenager. The Harlem riot was quickly followed by other such disturbances in Rochester, New York, Chicago, Illinois, Philadelphia, Pennsylvania and three N.J. cities, Elizabeth, Paterson, and Jersey City, in July, and August. Some black activists viewed the then recently released hit song **"Dancing in the Streets"**, by Martha and the Vandellas, as a covert call for such demonstrations because the cities mentioned in the lyrics had large disaffected Afro-American populations.

The following year the now infamous Watts riot of August 11 – 17, 1965 erupted. Although there had been no death to ignite the Watts riot there had been simmering resentment in the overwhelmingly African American community of the police department's heavy handed tactics employed against them. Therefore when police officers attempted to arrest an African American male for driving while intoxicated an angry crowd soon grew and events snowballed out of control. The California Eagle, a major African-American, Los Angeles newspaper of the time, claimed that resentment had built up between the police and the black community due to an extortion racket set up by the police to bilk the black music clubs.

The black gangs of Los Angeles at this time, gangs like the Gladiators, Businessmen and Slausons, were believed to have been formed in the 1940's and 50's in response to attacks on blacks by white gangs whenever blacks had entered white neighborhoods or schools. These

gangs were the predecessors of the Crips and the Bloods which, although hostile towards each other, are all equally hostile towards whites. Today, the Crips and the Bloods are major players in the racially based prison gang wars.

Then on September 28, 1966 the Hunters Point, San Francisco, CA government housing projects comprised of mostly laid-off southern black immigrants, erupted into a major riot after a white policeman, shot and killed an unarmed sixteen-year-old black youth, as he fled the scene of a stolen car.

The Black Panther Party was founded less than a month later just across the Bay in Oakland, CA on October 15, 1966.

According to the documentary film “Bastards of the Party” by Cle Sloan, one member of the Slausons Gang, a man by the name of Alprentice "Bunchy" Carter, later became the founder of the Southern California branch of the Black Panthers.

The inflammatory rhetoric of the Black Muslims, and the Black Panther Party, amongst others was toxic for race relations. Whites recoiled as these radical groups focused their verbal attacks on the whole social structure of white society. Young, impoverished, black teenagers were especially susceptible to this incitement and eager to join in the resistance. All of these events had factored into the creation of a volatile atmosphere in the nation’s correctional systems. So as the penal system began rapidly filling its beds with these angry militant young men their wrath was increasingly being redirected towards their white peers locked up with them.

These “Black Militants” loudly preached their racially divisive message and proclaimed that, “Any assault by a white on a black should be followed by immediate reprisal. Any white would do for a victim.” And just as violence begets violence the reverse was also true. Thus an

endless cycle of violence began in earnest with the San Quentin race riot of January 1967. What has followed ever since is an endless cycle of racially motivated violent retaliation on the nation's prison yards. In this intensely hostile atmosphere non-violent inmates were increasingly feeling **like tethered animals in a slaughterhouse.**

Martin Luther King, the leading voice for seeking change through non-violent means was then silenced by an assassin in Memphis, TN on April 4, 1968, so Blacks were now increasingly turning to violence on the streets as a means to gain their civil rights. Racial tensions rose to new heights as James Earl Ray, a white man, was arrested in a London airport for MLK's murder in June 8, 1968.

Yet one year later, on June 15, 1969 Hoover declared **"The Black Panther Party, without question, represents the greatest threat to the internal security of the country."**

## **Beyond San Quentin's Walls**

*“Don’t look for a Black Panther to kill you. Look for some little hippie girl sitting out there with her knitting. She’s the one who’s going to blow you away.”*

*San Quentin Associate Warden’s, directive to correctional officers.*

*Eric Cummins*

### ***P.226 The Rise and Fall of California’s Radical Prison Movement***

On January 12-16, 1967, a group of black prisoners, led by militant Muslims, called a strike to demand better jobs and training for black inmates. Militants warned away anyone who dared approach the gateway to the prison industries. Three black inmates were attacked and beaten up and a white inmate was beaten then knifed to death. The news of the stabbing death polarized the inmate population on racial lines. A race riot seemed inevitable, so a shakedown was conducted which turned up 1,500 pounds of weapons.

The New left rejoiced when in 1969 a Berkley policeman by the name of Ronald Tsukamoto was shot to death and in a show of support for prisoners, the radical Weathermen organization bombed a California Department of Corrections office in San Francisco.

A few extremists on the Left went much further. In October 1972, a group of white leftist Bay Area radicals engineered a prison escape for an inmate near Chino’s California Institution for Men.

A car transporting the inmate to court was stopped by two vehicles of the Venceremos group, a gunfight erupted, and a guard was killed.

Nearly a half century after the riots in Hunters Point the conditions of its resident’s lives have only gotten bleaker according to Kevin Epps, a resident of Hunters Point for over 30 years.



Epps searched for the source of this disintegration in a documentary project called "Straight Outta Hunters Point."

The Kumi prison gang, the Swahili word for the number 10 (the sum of digits of San Francisco's area code, 415), has since become one of the major players amongst the ever growing number of gangs found in California's state prison system. Kumi was founded in Folsom State Prison in the 1960's.

# **The Symbolism of Folsom Prison's Architecture**

*“There was just one designated maximum-custody, and that was Folsom, postmarked Represa.”*

*Page 247 “Education of a Felon” Edward Bunker*

The roads surrounding Folsom Prison, are winding, tree lined, country roads, the beauty of which stands in stark contrast to that of the dreary granite walls of Folsom Prison. This pastoral, rolling countryside, on the western slope of the Sierras, is forever associated with the California's gold rush, but it is also home to many correctional facilities.

These correctional facilities have resulted in a gold rush of a different sort, where big money is being made off the misery of inmates. When one arrives at Folsom you can't help but marvel at the sight of its, imposing granite walls, and large central turret. Built in 1880, this affect is no coincidence, but the deliberate goal of Folsom's designers. The castellated, militant, architectural style, of Folsom Prison, was designed to both project a sense of protective security for the law abiding public, and at the same time intimidate any potential wrong doers among them. Old and cold, the walls of Folsom do indeed seem like the walls of a medieval fortress, with glaring, armed guards looking down from the central turret near the large entry gate.



**John Haviland**, the most famous and internationally influential prison architect of all time, had pioneered this idea of using a prisons architectural style to evoke certain emotions from both the inmates and the public at large. Haviland had studied architecture in London in the early 1800's under professor James Elmes who, in lecturing on prison design said, "The external aspect **should be made as gloomy and melancholy as possible.**" Haviland's most infamous design is Philadelphia's Eastern State Penitentiary (E.S.P.) which opened in 1829, and was at the time the largest and most expensive public structure in the country. When seeking designs for the prison the commissioners had went on record as saying that, "The exterior of the solitary prison **should exhibit as much as possible great strength and convey to the mind a cheerless blank indicative of the misery which awaits the unhappy being that enters within its walls.**" Thus when Haviland submitted his design he chose a gloomy, Gothic style that **accented the security and the punitive nature of imprisonment.**

In the decades following the opening of Philadelphia's, Eastern State Penitentiary (ESP), Americans began a building boom of a variety of public institutions; penitentiaries for the

criminal, asylums for the insane, almshouses for the poor, orphan asylums for homeless children, and reformatories for delinquents. Absent other social service programs these institutions became the preferred solution to the problems of poverty, crime, delinquency, and insanity.

Besides ESP John Haviland also designed, Harrisburg State Hospital (HSH) known at the time as the Pennsylvania State Lunatic Hospital which opened in 1851. Fellow Quaker **Dr. Thomas S. Kirkbride, M. D.** had been in his second year of medical school in Philadelphia when ESP opened its gates and was one of the trustee's appointed by the governor for the hospital project.

**Dorothea Dix** an influential social reformer in the 19<sup>th</sup> century worked closely with Kirkbride. While visiting a jail in 1841 to teach Sunday school, she had witnessed the appalling treatment of the mentally ill who were forced to live in the company of common criminals.

Outraged, Dix convinced the legislatures of many states to construct public asylums. Dix and Kirkbride formed a friendship that resulted in a proliferation of asylums based on the “**Kirkbride Plan**”.

Ever since, prisons and asylums have shared common methodologies of confinement. Both were sold to the public as being therapeutic, as opposed to simple custodial institutions, but neither system has been successful as abuse, neglect, and mismanagement, soon replaced the reformers high ideals.

Then, beginning in the early 1950s, there was a major push for the deinstitutionalization of the mentally ill after the abuse carried out in these mental asylums had been exposed. Some of the mental patients ended up in privately run nursing homes using the new 1965 social welfare

program, Medicaid, but undoubtedly many others landed in prisons over time creating a growing mental health crisis in these institutions.

Today the mentally ill are over represented in solitary confinement units where their condition only worsens. The ill effects of solitary confinement became well known after the failed experiment in Walnut-Street Penitentiary, in Philadelphia, in 1787. Even so they went on to design ESP specifically for Solitary Confinement. It was later noted in a U. S. Supreme Court on March 3, 1890 that under such conditions, **“a considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community. “**

Nearly a century after this Supreme Court finding the first supermax prison opened for business in Crescent City, CA. Pelican Bay State Prison was specially designed as a supermax prison with isolation of troublesome inmates in mind. **The Pelican Bay Security Housing Unit,** which cost California taxpayers a quarter of a billion dollars, is perhaps the most notorious state run supermax prison. **Pelican Bay’s design most resembles the architecture pioneered at Eastern State Penitentiary, PA. From the air it is clearly a modern version of the Philadelphia prison: Its hub-and-spokes design taken directly from John Haviland's 19th-century architectural plan.** Inmates in the SHU (known as "the shoe") are kept in their cells close to 24 hours a day. As at Eastern State Penitentiary, inmates eat in their cells and exercise in isolated attached yards. But even at ESP, each prisoner had access to an enclosed garden,

received writing and handicraft materials, and was allowed frequent visits with clergy and other moral reformers.

(SHU prisoners, who spend an average of 5 years in isolation, are permitted no visitors, spend 22 ½ hours/day in a windowless steel cell, and are deprived of all belongings and all contact with the outside world).

After the **United States Penitentiary, Administrative Maximum Facility (ADX)** in Florence, Colorado opened for business in November 1994 this concept spread rapidly across the country leading to the current crisis where tens of thousands are held for years, many for decades, within concrete tombs designed for maximum sensory deprivation.

Robert Hood, who was the warden at ADX, nicknamed the Alcatraz of the Rockies, from 2002 until 2005 has called ADX, “**A clean version of hell.**” on CBS’s “60 Minutes” program airing on June 21, 2009.

<http://www.cbsnews.com/videos/a-clean-version-of-hell/>

Since ADX Florence first opened for business in November 1994 it had been the only level 6 prison in the federal system. However the BOP has now retrofitted, and staffed USP/ADX Thomson in rural Illinois allocating 50 million dollars in the 2014 budget to turn it into another “ADX”. The State of Illinois had sold this new, but never opened prison, to the US Government because of necessary budget cut backs brought on by the Great Recession. USP/ADX Thomson was scheduled to receive high security inmates in December 2019.

As I write this 44 states are holding over 25,000 inmates in supermax prisons that resemble **Pelican Bay**. Another 81,622 are in some kind of restricted housing under similar conditions. Second only to the federal government, California holds about 6,000 inmates in solitary confinement with thousands more locked down in double bunked cells. Of these 400

have qualified for a 2012 pilot program to transition them back to the general population but only a little over 150 have actually made the that transition.

One hundred and twenty five years after that Supreme Court finding the legal battle in the U. S. continues even while the international community condemns the practice.

## **California Medical Facility, Vacaville**

*“Because the underclass is forced to commit crimes to live; imprisonment itself is a political crime and the criminal a political prisoner.”*

One example of a state prison/mental health facility is Vacaville’s, California Medical Facility (CMF), which first opened its gates in 1955. Sirhan Sirhan was transferred to CMF after killing Bobby Kennedy on June 5, 1968 in a ballroom of The Ambassador Hotel in Los Angeles, CA.

The SLA (Symbionese Liberation Army), a violent revolutionary foco group, would arise out of Vacaville’s Black Culture Association’s newly formed militant wing, the Unisight Committee (UC). The UC had been established by Donald DeFreeze, alias Clinque Mtume.

The SLA, Venceremos Brigade, Black Guerrilla Family and the Weathermen were all part of the Bay Area’s New Left militant movement advocating for the overthrow of the government and the freeing of all political prisoners. Their message was simple, because the underclass is forced to commit crimes to live; imprisonment itself is a political crime and the criminal a political prisoner. The message was well received in prison, primarily by blacks, where these new revolutionary convicts developed their ideology in secret political study groups, and by 1970 they were committing secret, retaliatory gang-style slayings aimed at changing the way power was distributed in the prison. All these groups saw themselves as the vanguard troops of the revolution and they went on an offensive on the outside with targeted assassinations, bank robberies and the bombing of the Department of Corrections offices, along with other symbols of the enemy. By May 21, 1970 the Weathermen had went as far as to issue a “Declaration of War”, against the U.S. government.



DeFreeze had just arrived in 1969 on an armed robbery and assault charge. By 1973 the group was said to be responsible for two murders of officials inside and outside of prison. The SLA would go on to kidnap Patty Hearst, the daughter of the newspaper titan William Randolph Hearst, from her Berkeley apartment.

Later in May 17, 1974 Mtume died in a fiery blast at a Los Angeles house after tear gas and 5,371 rounds of ammunition had been fired into it by police. Hearst who had apparently since joined the group was filmed robbing a bank with other members. Patty Hearst was later arrested in September of 1975 in San Francisco, and convicted of the bank robbery on March 20, 1976. After serving 22 months in prison she was released February 1, 1979. "General Field Marshal Cinque" was the only African-American member of the SLA which had more than a few white-female, members.

## **Baton Rouge, LA**

*Southern man better keep your head*

*Don't forget what your good book said*

*Southern change gonna come at last*

*Now your crosses are burning fast*

*Southern man I saw cotton and I saw black*

*Tall white mansions and little shacks...*

*Neil Young's, lyrics to "Southern Man" March, 1970*

On July 31, 1969, the National Guard was called into Baton Rouge to quell a race riot.

The riot had erupted soon after the funeral of James Oliney, an African American male, who had been shot by Ray Breaux, a white police officer.

There is a stark contrast between Louisiana's Governor Fox Mc Keithen's, quick decision to send in 500 National Guard troops to quell the riot, to that of California's Edmund G. "Pat" Brown, during the Watts riot of 1965.

W.W. "Woody" Dumas, then the Mayor of Baton Rouge, made an early appearance on the local television channel to state his position. His response went something like this "*I have declared a 7:30 PM curfew for the city until further notice. No one, I say no one is to leave their homes. I don't care if your black, white or in between if your ass is on the street it's mine.*" With this said Louisiana's 500 National Guard troops backed up by armor immediately moved into the state capital and the riot was short lived. Although Baton Rouge would still experience sporadic acts of violence, protests at Municipal Buildings and "selective buying" protests for weeks to come no wide spread damage was incurred. This contrasted sharply to the events during the

Watts riot which saw five days of violence, looting and burning of the city. The Watts riot had begun on Wednesday August 11, 1965 and ended on Sunday August 15. The first troops had arrived at 10:00 PM Friday night and two days later the remainder of the 40th Armored Division of the National Guard was sent in. By then the riot had caused \$200 million in damage.



The classic film “Easy Rider” a story about two biker’s hazardous road trip from Los Angeles to New Orleans to attend the Mardi Gras was released on July 14, 1969 and gives you a feel for the time and place. During the trip they wind up stopping at a rural cafe/diner in Morganza, LA which is not too far from Angola Prison which is near Baton Rouge.

While “Lets Turkey Trot” by Little Eva plays on the jukebox, the locals react to the biker’s presence. No professional actors were used in this scene other than the stars. The rest were just local citizens that were told to use their own words, after being told the bikers were outlaws and rapists.

Feeling threatened by the "Yankee queers" and their alternative, non-conformist lifestyle, the narrow-minded Deputy and a local farmer wearing a yellow Cat hat suggest eliminating them:

Deputy: What'cha think we ought to do with 'em?

Cat Man: I don't damn know, but I don't think they'll make the parish line.

This movie scene would later become my “Exhibit A” when attempting to convey the 1969 atmosphere there.

The historic **Woodstock Music & Art Fair**, billed as **Three Days of Piece & Music**, was held from August 15 to 18, 1969 on a 600 acre, dairy farm in Bethel, New York.

On October 6, 1969, the Weathermen blew up the statue commemorating the policemen killed in the 1886 Haymarket Riot in Chicago, Illinois.

Two days later the SDS-Weathermen’s “**Days of Rage**” protest under the slogan “**Bring the War Home**” was held in Chicago, Illinois October 8-11, 1969.

Woodstock was a success while the Weathermen’s violent actions in Chicago failed to advance their goals.

# **The Correctional Training Facility at Soledad**

*“When the prison doors are opened, the real dragons will fly out.”*

*Ho Chi Minh*

The legendary George Lester Jackson, prison number A-63837, commonly referred to today as the Dragon, (from the Ho Chi Minh’s quote above) was sent down to Soledad from San Quentin in January of 1968. He would later be charged with killing a guard in retaliation for the shooting deaths of three black inmates. The inmates had been shot by a lone white guard during a brawl three days prior in what is now known as “The Soledad Incident” of January 13, 1970. Jackson along with two “Soledad Brothers”, as they were called by the press at the time, would dominate the newspapers of the era.

Jackson had cofounded the very violent **Black Guerilla Family** prison gang in 1966 and following the “Soledad Incident” his Marxist-Leninist, revolutionary, ideology and guerilla foco tactics, took hold on both sides of the prison walls and resulted in the deaths of nine more prison guards and 24 inmates over the next year earning him the rank of **Field Marshal in the Black Panther Party**.

On August 21, 1971, Jackson himself died a violent death in San Quentin’s Adjustment Center, reportedly during an escape attempt. Three guards and two white building tenders also died in what is now called the “Bloodiest Day” in San Quentin’s history, after being repeatedly stabbed and having their throats cut. Three other, similarly wounded, guards would recover. Jackson’s coconspirators were known as The San Quentin Six and would go on to dominate the news cycle during their trials. The legend is that when Jackson released his fellow AC revolutionary convicts, he shouted, “The **Dragon** has come!”

## California Men's Colony

*"Consider my situation. I was a 49-year-old man facing life in prison for encouraging people to face up to new options with courage and intelligence. The American government was being run by Richard Nixon, Spiro Agnew, John Ehrlichman, Robert Haldeman, G. Gordon Liddy, John Mitchell, J. Edgar Hoover and other cynical flouters of the democratic process. Would you have let men like these keep you in prison for life for your ideas?"*

*Flashbacks, autobiography of Timothy Leary*

Huey Newton, the cofounder of the Black Panthers, was sent to California Men's Colony in San Luis Obispo County in 1969 to serve a 2-15 year sentence for voluntary manslaughter of an Oakland police officer that had pulled him over. Newton's conviction was later overturned on appeal in May 27, 1970 and he was released on \$50,000 bail on August 8, 1970, to await a new trial.

Ironically Newton's release was only one month before **Timothy Leary** escaped from the institution's low security section. The **Ex-Harvard Professor** had been serving two 10 year sentences in C.M.C. both for marijuana possession. Leary had first taken responsibility in 1965 for three roaches, and a matchbox of weed found in his car on the Texas, Mexico border near Laredo after being denied entry into Mexico. Leary was traveling with his two children and girlfriend at the time. Let out on bond Leary was rearrested in December 1968 after two joints were found in his possession. He claimed they had been planted by the officer. Regardless the difference between the two crimes and their penalties is amazing.

Leary had escaped with the help of members of the radical Weathermen organization who had prearranged to have him smuggled out of the U.S. to Algeria where he joined Eldridge Cleaver, and the Black Panther Party's "government in exile." Not too long after his arrival Leary had to flee to Switzerland when Cleaver attempted to extort him. From Switzerland he

traveled to Beirut, Lebanon and finally to Kabul Afghanistan where he was captured and brought back to the US.

Once in the states Leary was returned to C.M.C. where he spent four months in solitary confinement. Then Leary, the original LSD guru, was transferred to Folsom Prison's Solitary Confinement Unit and ironically housed in the cell next to Charles Manson, who told him, "*I've been waiting to talk to you for years.*" Manson was the cult leader of a small band of followers that called themselves "**The Family**", Under Manson's direction the cult were all heavily using LSD, as well as other mind altering drugs, when they carried out several notorious murders in the late 1960s. These murders inspired a movie and book both titled *Helter Skelter*.

Manson continued: "*Now we have plenty of time. We were all your students, you know. You had everyone looking up to you. You could have led people anywhere you wanted ... And you didn't tell them what to do. That's what I could never figure out... Why didn't you? I've wanted to ask you that for years.*"

*L: That was the point. I didn't want to impose my realities. The idea is that everybody takes responsibility for his nervous system, creates his own reality. Anything else is brainwashing.*

*M: That was your mistake. No one wants responsibility. Everyone wants to be told what to do, what to believe, what's really true and really real."* At least that seemed to be the Families reality.

After another four months in the hole Leary was released into Folsom's general population. Then he was transferred to Vacaville where he spent another five months in the hole. Leary was eventually released by CA Gov. Jerry Brown in May 1976 after cooperating with the Fed's investigation of the Weathermen.

Leary's early release was primarily a repudiation of the government's conduct, alluded to in the quote above taken from his autobiography *Flashbacks*, i.e. the Watergate break-in, and other such illegal activities directed towards civil rights groups.

If Dr. Leary were sentenced today would he feel any better about serving his time under President Trump's watch? Ask yourself this question, has Trump's presidency helped or eroded the public's confidence in our legal system and how has the president affected race relations?

Upon Leary's death on May 30, 1996 the New York Times reported, "Dr. Tim" was accused of sending many young people off on bad drug trips, for which Richard Nixon called him "**the most dangerous man in America.**"

The result of such thinking was the "War on Drugs", under which new sentencing guidelines drove a dramatic rise in incarceration of drug offenders. The state penal system currently has 13 times the 1980 levels of drug offenders while in the Federal system around half are convicted on drug charges. Like Leary, most were not convicted for high levels of drugs nor did they have priors for violent offences.



# The Gates of the Abyss Are Opened Wider

In 1970 the Comprehensive Drug Abuse Prevention and Control Act set the legal foundation for the government's “**War on Drugs**”, first declared by President Richard Nixon, but which had actually begun under President LBJ with the passing of the Omnibus Crime Control and Safe Street Act of 1968.

The Edward Byrne memorial Justice Assistant Grant program which grew out of the Omnibus Act has since become the cornerstone of a massive federal assistance program to wage this war. The resulting flood of cash from these grants has inadvertently created huge incentives for those receiving the funds to increase arrests, prosecutions, and incarceration.

Politicians were eager to build their tough on crime image and the media sought higher ratings as they both focused their attention on inner city crime where an abundance of crimes of opportunity were highly visible. The result was greater resources were allocated to fight inner city crime in the form of policemen, squad cars, communication equipment, and crime labs than rural areas. These resources resulted in a greater number of arrests and convictions of minorities.

Once arrested efforts were made to hold onto suspects. So in 1984 Congress replaced the Bail Reform Act of 1966, which had based release on bail solely upon the risk of flight, with new bail law which allowed for pre-trial detention of individuals based upon their danger to the community; persons charged with a crime of violence, an offense for which the maximum sentence is life imprisonment or death, **certain drug offenses for which the maximum offense is greater than 10 years**, repeat felony offenders, or those suspected of witness tampering could be held without bail after a special hearing to determine if the defendant fell into one or more of

these categories. Those that did were at an obvious disadvantage in mounting an effective defense.

That same year congress passed The Sentencing Reform Act, which under President Reagan established the United States Sentencing Commission which in turn established guidelines enacted in 1987 to alleviate sentencing disparities. These guidelines provided for determinate sentencing at the time that the sentence was imposed, as opposed to indeterminate sentencing, which would later be determined by a parole commission after the prisoner had already started serving his or her sentence. As part of the guidelines, Federal parole was abolished.

**The Sentencing Reform Act was followed by the Anti-Drug Abuse Act of 1986,** which set mandatory minimum sentences for drugs, including marijuana. Under this act the same mandated minimum sentence of 5 years without parole was established for the possession of 5 grams of crack cocaine as for 500 grams of powder cocaine. Crack cocaine was primarily consumed by Blacks and powder cocaine by Whites.

(This 100:1 disparity was later reduced to 18:1 by the Fair Sentencing Act of 2010.)

The first President George Bush maintained President Reagan's hard line, when he created the First National Drug Control Strategy to establish policies, priorities, and objectives to eradicate illicit drugs issued by the Office of National Drug Control in 1989.

With a National War on Drugs Strategy firmly in place an evolution of changes resulted in weakening the prisoner's chance of mounting an affective defense.

An inadequate defense leaves a defendant at the mercy of what the U.S. Supreme Court has called the "machinery" of law enforcement. In acknowledgment of this vulnerability the 1963 Supreme Court's ruling on Gideon v. Wainwright established the constitutional right of

criminal defendants to an attorney, even if they had no money to pay for one. When *Gideon v. Wainwright* was decided, fewer than half of all defendants were poor currently over 80 percent are. In the 1969, there were less than 200,000 people in prisons.

<http://www.bjs.gov/content/pub/pdf/sfp2585.pdf> Today, we have 2.3 million people in jails and prisons so our need for lawyers is much greater. But this increased need is not being met so we find that over 90% of all cases in this country are being resolved by a plea deal.

Twenty years after *Gideon*, *Strickland v. Washington* created minimal standards for a lawyer's conduct; we've discovered over time that they had been set too low. Even the U.S. Department of Justice has found that the right-to-counsel services in America "exist in a state of crisis and are unworthy of a legal system that stands as an example to the world."

We all know the result; the gates of the abyss opened wider and the prison population grew ever faster with many suffering the dual consequences of longer sentencing and harsher prison conditions.

Unable to pay for proper legal representation the jail house lawyers were their only hope of salvation. Appeals written by such inmates increased along with the incarcerated population with many an inmate filing frivolous shot in the dark appeals.

So in 1996 the Anti-Terrorism and Effective Death Penalty Act was passed. This act required that prisoners who wish to appeal their convictions under state courts must petition the federal courts within one year. In addition, inmates must make all their claims for relief at one time. Impoverished, and under-educated, rank-and-file prisoners operating from behind bars, were henceforth required to file their appeals quickly and correctly.

And today if such prisoners wish to challenge these harsh measures, another law waits to thwart all their efforts:

The Prison Litigation Reform Act (PLRA) was also passed in 1996. The PLRA imposes strict filing procedures which require hard-to-come-by documentation, combined with inflexible time restraints—all of which are technically incomprehensible to almost all inmates. The result is even constitutionally meritorious cases are often thrown out of court.

All of this is exponentially more difficult for juveniles in adult prisons to manage. But sadly they, too, must navigate this maze of bureaucratic red tape, even as they struggle just to survive another day in prison. Governor Hugh Carey of New York was the first to lobby his state's legislature to pass the state's Juvenile Offender Act of 1978, which allowed juveniles to be charged and punished as adults. The law is now known as the "Willie Bosket law." After its passage a few other states quickly followed suit but by the end of the 1990's, the rest of the 50 states, having been encouraged by financial incentives in President Clinton's Juvenile Crime Control Act, had all passed their own laws allowing or requiring select juveniles between the ages of 10 and 17 to be charged and punished as adults. An estimated 250,000 youth are now tried, sentenced, or incarcerated as adults every year across the United States most for non-violent offenses.

Is it right that persons who have legitimate claims should be denied legal recourse because others have filed frivolous cases? When they choose to seek justice, should they have to navigate a system obviously geared to make it next to impossible to have their grievance heard? A bedrock principle of international human rights law is the equality of all persons before the law. But in reviewing this act, Human Rights Watch has said that it is not aware of any other country in which national legislation singles out prisoners for a unique set of barriers to vindicating their legal rights in court. This is all the more alarming because the monitoring of

conditions in prisons, jails, and juvenile facilities, in the U.S. is primarily left up to the federal courts.

The result of the PLRA is that fewer law suits have been filed by prisoners, and of those filed, fewer are being won. Many acts that would be treated as serious crimes if perpetrated upon those of us in the “free world” can legally be perpetrated upon prisoners under the tenets of this act. This includes any act that is deemed to produce only “mental or emotional injury.” Thus, the internationally recognized harm that is done to inmates in SOLITARY CONFINEMENT is sanctioned and ignored, as is the emotional distress caused by the rape of inmates, whether by other prisoners or by guards.

All of these conditions have deepened the distrust of the American justice system, and this attitude is made worst by the racial imbalance in prisons and with each humiliation and abuse that prisoners endure.

# Thomas Silverstein

*"We are each our own devil, and make this world our hell."*

*Oscar Wilde in Duchess of Padua (Act 4)*

Rage against the system that had begun during the 1960's, was by 1970 frequently leading to confrontations with the men running these prisons. With so many losing hope of ever reentering civil society, the number of violent incidents increased dramatically in the 1970's, with much of this violence fueled by Marxist revolutionary rhetoric and a virulent, unadulterated racial hatred leading to ever more draconian measures being deployed against inmates.

In response to this rise of institutional violence, the Control Unit was created at the United States Penitentiary in Marion, Illinois in 1973. Marion was designed as the place where prisons across the nation could send their most radicalized inmates and violent gang members. As Marion's Control Unit received more and more, of the worst of the worst, Marion's security deteriorated to the point where violence became the new norm. Marion's warden may have indeed been seeking an excuse to lock down the whole population at the institution when in October 1983 Thomas Edward Silverstein and Clayton Fountain supplied him with a politically correct excuse to do so. The Supermax Prison model was thus born.

Thomas Edward Silverstein was born in Long Beach, California on February 4th 1952, and raised in a home that he describes as "an angry and violent place." Silverstein's mother, Virginia, had served time in prison for robbery as a teenager and would hit her kids with anything that she could get her hands on. Once, after Thomas was beaten up by another boy,

Virginia told him that if he didn't stand up for himself the next time, she would take a belt to him.

The 1967 San Quentin race war had just begun in earnest when at age fifteen Thomas Silverstein got into a fist fight with a police officer and was sent to the California Youth Authority in Chino. While Silverstein was held in Chino he observed that “**anyone not willing to fight was abused**”.

Silverstein was still only nineteen years old by the time that he had worked his way up to San Quentin where he found himself in the middle of its now infamous race war.

Most prison riots are focused on the staff but when it's racial the ugliness turns inward onto the inmates themselves: rapes, beatings, mutilations and often deaths. The guards won't get involved – except to finally clean up the mess – because this vile, this violent, they know they're helpless and apt to be swallowed up in the insane whirlpool.

So it comes down to every man for himself – or every fraction for itself all fighting, all competing for a stake in power and control of the prison yard. The general order is only loosely held in check by guards who are often no healthier or better psychologically or emotionally equipped, than the men/women that they watch over. In fact it often comes down to a group of rouge guards pitting prison gangs against each other often with deadly results.

This continual racial warfare in our nation's prisons has resulted in thousands of men leaving the system each year with a predator mentality and/or a raging racism buried so deep in their souls that it might never be eradicated.

At San Quentin Silverstein learned that men trying to quietly do their time and get out were in the worst predicament, they had no allies, so it is believed that Silverstein began associating with members of the Aryan Brotherhood at this time.

Released four years later he was rearrested shortly thereafter for armed robbery along with **his two crime partners, his cousin Gerald Hoff and his biological father Thomas Conway** (Silverstein is not his biological father's name).

Silverstein was twenty three years old when he was sent to the U.S. Penitentiary in Leavenworth, Kansas where, like nearly all US prisons, it was strongly divided along racial lines. So, Silverstein again drew from the lessons that he had learned in the penal system and aligned himself with others willing to draw blood to survive.

What Silverstein may not have realized at the time is that for lifers, mere survival is not enough, they want to prosper. After all, a life sentence without parole, meant the "Hot House", was their new home. In prison, drugs, gambling, and sex are the biggest money makers. To control these avenues of profit in a concentrated environment of violent men, prison gangs use excessive violence of their own.

What happen next is still in doubt.

*Page 148 of The Hot House: ...on February 17, 1979, a convict named Danny Edward Atwell stumbled from his cell and collapsed on the tier.... He died within minutes. The next day, Silverstein and his prison buddies... were charged with murder...*

*The jury found Silverstein guilty and on March 3, 1980, he was sentenced to life in prison and transferred to the penitentiary at Marion....*



*'I was innocent,' Silverstein later recalled. 'I was being framed by these rats who had just flushed my life down the toilet. I was going to Marion with a life sentence, and I had a real attitude problem because I was pissed. I figured I didn't have much to lose.'*

*On appeal a three-judge panel of the U.S. Court of Appeals for the Tenth Circuit said it was appalled by the quagmire of conflicting testimony and recanted statements...The judges ordered federal prosecutors to either dismiss the murder charge against Silverstein or conduct a new trial."*

*There was no retrial.*

*The scene at Marion:*

*Page 228: "From the outside, Marion has always looked peaceful... But in 1980 inside there was no such serenity. ...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...."*

*Because Silverstein had been convicted of killing Atwell, he was assigned a cell in the 'control unit' when he first arrived....At the time, it was the only long-term facility in which prisoners were locked in single-man cells all day and allowed out only to shower or to exercise.*

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

*Some information on this gang can also be found in the book "The Hot House" on Page 105: "The black inmates were from Washington D.C., and were known simply as "D.C. Blacks." They were one of the most difficult groups at Leavenworth for guards to control...."*

Chappelle had been strangled while he lay on his bunk with his head facing the cell bars. Once again Silverstein denied that he was involved in the murder, but once again, he and Clayton Fountain, were found guilty of it, and given a life sentence. By the time Silverstein had won his appeal for the murder of Atwell in 1984 he had already been convicted in the murder of Chappelle.

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."

Although Matthews had previously given a statement to the FBI confessing to the murder—his confession in open court caused a commotion.

Defense counsel said, "All right, now, Mr. Matthews, you have right under the Fifth Amendment of the Constitution of the United States not to incriminate yourself. Do you understand that?" Matthews replied, "Yes."

When the judge finished explaining Matthews' Fifth Amendment right to him, Matthews replied, "Maybe I should take the Fifth.... You convinced me I should protect my rights, sir." The judge then instructed the jury to disregard Matthew's testimony.

The judge ultimately excluded the evidence of this key defense witness. Norman Matthews had been an inmate in C range on the day of Chappelle's murder, and had been let out to recreate right after Silverstein and Fountain were returned to their cells.

The jury convicted Silverstein and Fountain of murder, and they were sentenced to life imprisonment.

The lapse in security that allowed Chappelle to be murdered in his cell in what was the only level 6 prison in the country cannot be passed over in silence. Because many of the inmates

confined in Marion were serving long prison terms without the prospect of early parole, the deterrent effects of criminal punishment could not be relied upon to control the crime rate in the Control Unit. For many the price of murder must not have been perceived as being too high and to some it must have been close to zero. This made it essential that the prison authorities take precautions to protect inmates from each other but in Silverstein's case they did just the opposite.

Following the murder of Chappelle, which Silverstein maintained he did not commit right up to the end of his life, Raymond "Cadillac" Smith, a leader of the D.C. Blacks, was transferred from another institution and placed in a cell near Silverstein of all places. Although his street name was "Cadillac", inside of prison he took on a new title, "**The Sword of Justice**" for the **Moorish Science of America**.

<http://eddiegriffinbasg.blogspot.com/2008/06/most-dangerous-man-in-america-boogey.html>

Drew Ali founded the **Moorish Science Temple** in Newark, N.J. in 1931 making it a forerunner of the **Nation of Islam**. **Today three fourths of the Temple's congregations are inside prisons**. Ali preached that, "**All blacks are** the original inhabitants of the earth and the progenitors of all nonwhite nations, **the world's superior race**. In contrast he claimed, "**Whites are a race of inferior devils**."

**Smith** had been convicted for armed kidnapping, armed robbery, extortion, and assault with a dangerous weapon. Smith was found guilty on all counts, and sentenced to an effective term of 6-18 years.

Fellow prisoner, ex-**Black Panther Eddie G. Griffin** was in Marion for bank robbery, kidnapping, and commandeering a police squad car- at age 26 at the time. Griffin said of Cadillac "**we both trained for combat in the same prison cage**."

Keep in mind while reading the following story, written by Griffin, that **Robert Marvin Chappelle** was also **a convicted killer** and the **best friend of Smith**. Whether or not there is any direct connection between Chappelle and the character Casper found in this story, is irrelevant, because the story illustrates **the threat that this particular group of inmates had posed on Silverstein life**.

Excerpts:

“They called him Casper, because **he had killed 10 men in Atlanta Federal Prison**. Nobody ever saw him. **He left no evidence, other than the slit throat of his victims**. Over a period of years, **during the 1970s**, the FBI never caught him. That is how **he got the nickname Casper, the Unfriendly Ghost**. Strange that we would become friends and he would become **one of my trainers... a man with a claw for a hand, a convicted murderer. He had a killer’s instinct and the thirst for it**.

My counter-part was Raymond Smith-el, **a Moorish Science of America gladiator, known as the Sword of Justice**, street named “Cadillac”. Cadillac laughed. He always laughed in the face of his enemies. And, there were times when his psychotic laughter caused even me to quiver. **To hear him laugh was not good, not good at all for somebody**. And, on a good day, his signature battle cry would rattle the walls and shake all the prison cages. **No wonder, men in prison feared him, both inmate and guard**. It was said of **the Moors in prison that they could kill a man, stash the weapons where no one on earth could find them, wash their clothes and dry them, before prison officials could ever discover the body.**”

True to his reputation upon Smith’s arrival he loudly proclaimed that he was going to kill Silverstein in retaliation for his friend’s murder. Even though Silverstein told Smith that he had not killed his friend, Smith went on to make two documented attempts on Silverstein’s life. But

even after these two failed attempts the two remained housed near one another. There would not be a third. In September 1982 Silverstein and Fountain stabbed Smith sixty-seven times with shanks fashioned from pieces of bed frames and towel racks.

Rather than stop the threats on Silverstein's life, Smith's murder only increased them. Thus because of the increased tension between black and white inmates BOP Officer Merle Clutts began to focus his attention on Silverstein. This attention leads to allegations by Silverstein of unfair harassment. Besides the harassment by Clutts, Silverstein claims Clutts also suggested that he might just allow Silverstein's rivals out of their cells to kill him.

This threat was something Silverstein felt that he had to take seriously and to prevent. So in October 1983 Silverstein slipped out of his cuffs, with the help of another inmate, as he was being escorted from the shower to his cell, then proceeded to stab Clutts to death. Although Clutts had been stabbed 29 times by Silverstein, he made no attempt to harm either of the other two guards escorting him. <http://www.ca10.uscourts.gov/opinions/12/12-1450.pdf>

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.”**

And on the day of his trial Silverstein's lawyer requested that the judge appoint a psychiatrist. The judge refused. **Silverstein had wanted the psychiatrist to testify about the possible effects of Clutts's harassment on his psyche.**

**What would have been the verdict if someone like Harvard psychiatrist Stuart Grassian had been allowed to testify about these affects?**

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.”

**Officer Clutts 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 Marshall’s candy, fruit and magazines when he placed him in segregation.

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.** When somebody has gone that far especially when you're telling him you don't want no trouble why don't 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.**”

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

(Unbelievable you say? Then why was Smith, a known close associate of Chappelle's, 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**.

Prison can be described as **a cruel gauntlet lined with rouge guards on one side and predatory inmates on the other** with inmates forced to do their time in the restricted space in the middle. **These two opposing forces**, sometimes knowingly and at other times unknowingly, **collude together to mete out societies punishment**. This is the stark reality of prison life.

**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 **Silverstein's life sentence came with a "no human contact" order attached to it and with no achievable release date** therefore he was destined to die in prison.

Silverstein wrote an apology to the world on Line 59 of his declaration:

**"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 Silverstein's actions, even if only understandable by others that have been **trapped like tethered animals in a slaughterhouse!**

When Fountain followed Silverstein's example later that evening murdering another C.O. at Marion, and severely wounding two others escorting him, the institution went into lockdown. Silverstein and Fountain were swiftly placed in specially constructed solitary confinement cells under **"no human contact orders"**.

Fountain was taken to an underground, steel, and concrete containment cell constructed especially for him, next to the criminally insane wing of the Federal Medical Center in Springfield, Missouri where he remained until his death in July of 2004 from a heart attack.

Silverstein was whisked away to USP in Atlanta, Georgia. In August 1984 the director of the BOP issued a memorandum detailing the "special security procedures" for Mr. Silverstein which ordered BOP staff to isolate Silverstein from any and all contact with fellow inmates and prison staff for an indefinite period of time.

During the first year Silverstein was not allowed, social visits, to use the telephone, watch television, listen to the radio, or have any reading materials other than a bible not even a clock. The guards even refused to speak to him.

Silverstein wrote: "The cell was so small that I could stand in one place and touch both walls simultaneously. The ceiling was so low that I could reach up and touch the hot light fixture. I became sensitive to light, which burned my eyes and gave me headaches. The buzzing noise was maddening, as there often were no other sounds at all. During the summer, the heat was unbearable. I would pour water on the ground and lay naked on the floor in an attempt to cool myself. My bed took up the length of the cell, and there was no other furniture at all.



I was allowed one hour a week of outdoor recreation. I could not see any other inmates or any of the surrounding landscape during outdoor recreation. There was no exercise equipment and nothing to do.”

Because of the cell’s size construction soon began to expand and harden it. Silverstein wrote: “I was permitted to wear underwear, but I was given no other clothing. In order not to be burned by sparks and embers while they welded more iron bars across the cell, I had to lie on my bed and cover myself with a sheet.

It is hard to describe the horror I experienced during this construction process. As they built new walls around me it felt like I was being buried alive. It was terrifying.”

When construction was finished Silverstein had three, linked 42-square-foot, windowless cells set apart from the rest of the prison population and designed to minimize his contact with prison staff.

I lost some ability to distinguish what was real. I heard people who I believed to be officers whispering into my vents, telling me they hated me and calling me names. To this day, I am not sure if the officers were doing this to me, or if I was starting to lose it and these were hallucinations.

I felt like I was in an episode of the twilight zone. I now know that I was housed there for about four years, but I would have believed it was a decade if that is what I was told. It seemed eternal and endless and immeasurable.”

In 1987, after a prison riot, the BOP relocated Silverstein to the basement of USP Leavenworth. The conditions in the basement unit were substantially similar to those he experienced at USP Atlanta. While in this rat infested basement cell, he could hear no sounds of

human activity in the prison only the constant buzzing sound of fluorescent lights on 24/7 without any access to fresh air or sunlight through recreation or otherwise.

After a year in the basement cell, the BOP transferred him to the “hole” separate from the rest of the facility, where he was the only prisoner housed there.

Here the conditions of his incarceration remained substantially the same as those he experienced in the basement unit and at USP Atlanta: he was isolated from other inmates and staff, was subjected to continuous lighting and camera surveillance, and exercised and ate alone in an 144-square foot cell with a bed, shower, desk, television, and toilet and a separate cell used as an indoor recreation area and a visitation booth.

His phone privileges grew from one call per month, when he first arrived, to 300 minutes per month by the time he left USP Leavenworth. While held there he was provided with one hour of outdoor recreation in a confined, secure space five days of each week. However the staff would sometimes leave him in this outdoor recreation area for extended periods of time in the snow and bitter cold.

During his time in isolation, he used art as a way to ameliorate “the extreme sensory deprivation and social isolation.”

Except for a period of time during December 2002 and January 2003, in which he was again temporarily housed in the basement cell, he remained in this cell for 18 years.

Then on July 12, 2005, the BOP transferred him to the USP Administrative Maximum facility, also known as “ADX,” in Florence, Colorado the most restrictive institution in the BOP.

There the BOP had replicated the isolation and other conditions of confinement Silverstein had continuously experienced since his 1983 transfer to USP Atlanta. His contact with fellow inmates and prison staff remained very limited.

Incredibly he actually lost some of the privileges at ADX that he had been previously given at USP Leavenworth; his telephone usage and social visits were reduced and he was given less access to the art supplies he used as a coping mechanism.

While housed on Range 13, he left his cell only for semi-annual reviews and infrequent haircuts and then he was subject to “invasive” strip searches both upon exiting and returning to his cell.

He remained on Range 13 until April 7, 2008, when he was moved to ADX’s “general population” unit, known as “D-Unit in what in retrospect was a calculated ploy to win the law suit over his living conditions.

Although D-Unit is a “general population” unit, its inmates are still held in solitary confinement. D-Unit is configured to minimize contact between inmates and between inmates and staff. Inmates on D-Unit eat and are allowed two hours of, indoor or outdoor exercise each weekday alone. However, during his time on D-Unit, the BOP has often cancelled his scheduled recreation time.

Initially more restrictive conditions were placed on him than those placed on other inmates in the unit. For example, for several months following his transfer to D-Unit, he was housed and allowed recreation only in areas where no other inmates were nearby. Furthermore, he was escorted by three correctional officers including a lieutenant while other inmates were accompanied by only two CO’s. Finally, while other inmates receive social and legal visits on

Thursdays, Fridays, Saturdays, and Sundays in the presence of other inmates, he was restricted to Mondays, Tuesdays, and Wednesdays and outside the presence of other inmates.

Only the added visitation restrictions remained in place up until his death.

In Dr. Hanley's declaration:

Part 2

"Silverstein is caught up in several custodial Catch 22's."

Page 41: "Assessment of his level of threat is based on his past conduct and the absence of any meaningful change in his cognitive orientation...." (In other words Silverstein's resilience to the torture was evidence, in this BOP employee's mind, that Silverstein had not been broken and remained a danger.)

Page 56: "...the perceived need for this extraordinary treatment of Silverstein was based primarily if not exclusively on something Mr. Silverstein could not of possibly of changed over the past 22 years: 'his criminal history, his past.'"

Dr. Hanley rightly points out that Silverstein has had ample time and means to cause the BOP problems and a very good reason to do so in the frustrating task of dealing with all these custodial Catch 22's.

Judge Philip Brimmer ruled on October 5, 2011: "Conditions at the U.S. Penitentiary Administrative Maximum, or ADX, aren't "atypically extreme."

Silverstein wasn't subject to the "special administrative measures" reserved for convicted terrorists at ADX, which severely limit their ability to communicate with any outsider, even

family or legal counsel. But as you just read his journey through the federal prison system had been anything but typical.

Silverstein reported at the time that he was still being moved frequently from one cell to another to prevent any kind of ongoing communication with other prisoners. “ALL they care about (obviously) is maintaining my ISOLATION, by any convoluted means necessary,” he wrote.”

So by having allowed Silverstein ever so slightly more communication with people than “convicted terrorists”, no matter how draconian the rest of his living conditions may have been, this had allowed the judge to claim Silverstein’s condition was not “atypically extreme”.

And by having shuffled their cells, and carefully selecting those within ear shot of each other, the guards kept even shouting between cells to a bare minimum. The BOP had placed rivals nearby to agitate and informants, with questionable credibility, to report on the give and take between Silverstein and others. The informants had everything to gain by inventing or embellishing the goings on between such high profile prisoners. All of this, and well placed microphones to record it all had turned up nothing to indicate Silverstein still remained a threat.

Mail: Silverstein stated that his mail was still censored by SIS unlike some of the other inmates around him. These procedures lead to bureaucratic delays of his incoming and outgoing correspondence. In addition he claimed that there were frequent intentional or unintentional delays in his mails scheduled pickup and delivery. These delays could have lead to significant legal problems when his mandated filing deadlines were not met. He also claimed that a legal document from his defense team which was marked to be opened only in front of Mr. Silverstein had arrived to him already opened by the SIS staff. And if such legal correspondence had missed

its deadline the judge was more often inclined to believe the CO's denial of interference than his claim of wrong doing.

Visits: Silverstein said, "mail meddling is part of their desire to cut me off from the outside world—once they alienate you, they try to break your hopes, then your resistance. I didn't get any visits for about 10 years, because of the draconian policy that says we're not allowed visits from anyone we didn't know prior to prison."

After 35 years of incarceration at a location far from his prior home and family Silverstein received very few visits from his ever shrinking pool of relatives and old friends. Referring to this dilemma Silverstein asked, "How many folks still know people from that long ago?" Only once in the last 27 years had Silverstein ever been allowed to add one "very special person" to this list.

He went on to state "The BOP policy statement claims to encourage visits to maintain family and social ties, but it's only a ploy to fool the public when in reality they do just the opposite."

He gave this example as evidence; "Once my baby sister came to see me all the way from California, and the gate guards at first wouldn't let her in.

Finally Silverstein's ability to mount a robust legal defense to end his isolation was hindered by, poor education, difficulty in accessing legal materials, and his unfamiliarity with computers. (He was allowed only 2 hours at a time on the legal computer with no law books available.)

It is clear to this reader that the BOP planned the easing of his prior atypical, "no human contact status" to side step the law suit.

All during this time the deadly rivalry continued between the D.C. Blacks (now known as the D.C. Crew) and the Aryan Brotherhood (also known as the Brand) over events that took place three decades ago at the C.U. in USP Marion. So many, tick for tack, retaliatory strikes have taken place since that time that members of the D.C. Crew, and The Brand are not housed together at any federal prison today and no influential member of either gang is knowingly allowed to interact in the general prison population.

Even after all this time had passed it was believed that members of the D.C. Crew still wished to avenge Smith's murder by murdering Silverstein but he still wanted to be placed in the general population.

In the **INTRODUCTION** of Amnesty International's 2014 report titled, **"ENTOMBED"**, *Isolation in the US Federal Prison System* there is a quote of Thomas Silverstein's taken from ( Silverstein v. Federal Bureau of Prisons et al, Civil Action No. 07-cv-02471-PAB-KMT, Exhibit 1) where he states:

**"Though I know that I want to live and have always been a survivor, I have often wished for death. I know, though, that I don't want to die. What I want is a life in prison that I can fill with some meaning"**

<http://solitarywatch.com/wp-content/uploads/2014/07/Entombed-Report-Final-Web-15072014-1.pdf>

Denied reprieve Silverstein remained in isolation in the "General Population", at the ADX along with other gang members and convicted terrorists until his death on May 11, 2019 from heart complications. He had first contracted pneumonia months earlier which then developed into septic shock and lead to organ failure.

In a painful modern-day form of crucifixion Silverstein was kept in four point restraints as he neared death even while guarded around the clock by three armed guards. At the time of his death Silverstein had spent more time in solitary confinement (just five months shy of 36

years) than any other inmate in federal custody that was more than half of his 67 years on this earth alone in a cell the size of a closet. According to his next of kin his last intelligible words that he mouthed, but couldn't speak due to his trachea tube, were **“pain, pain, pain”**.

“Terrible Tom”, as he was labeled by his many detractors, received a lot of hateful comments on his web site over the years even after his death; he actually insisted that all the hate filled comments be sent to him so that he could respond. For I believe that he would agree with this quote by George Bernard Shaw:

***“The worst sin towards our fellow creatures is not to hate them, but to be indifferent to them: that's the essence of inhumanity.”***



# Epilog

*"A man gradually identifies with the form of his fate; a man is, in the long run, his own circumstances." Jorge Luis Borges*

Whether or not an inmate actively fights the system, after he has been classified as a member of a security threat group all his actions are viewed through this prism. From that moment on any resistance that he may exhibit is documented while all cases of compliance even in the face of an injustice are given no mention. With no avenue in the SHU to prove otherwise, **this classification becomes his new reality.**

Denied the right to interact socially with the general population, and while under constant threat of gang members enforcing their own code of conduct in the SHU the prisoner is never the less asked to think independently. He is also required to act rationally while housed in an environment that has proven to impair one's cognitive ability and impulse control. In such a socially isolated setting it has been duly noted that prisoners often obsess uncontrollably, over personal grievances which may then lead them commit further acts of violence. In short, the supermax prisoner is set up to fail and by their personal failure they ironically ensure the continuation of the failed system.

As I've noted scientific studies of solitary confinement were first held in the mid-19<sup>th</sup> century and the subject was reexamined in the 1950's in response to reports of prisoner isolation and brainwashing during the Korean War. Today, extreme cases such as Thomas Silverstein's have shocked the public into examining the subject once more.

Although reading has been proven to prevent the boredom that can lead to insanity, functional illiteracy is commonplace in prison and I suspect highest amongst those held in solitary confinement. Is it then surprising that this 5 percent of the total prison population held in isolation account for nearly half of suicides in prison?

When prisoners finally are released and re-enter society, which often happens directly from isolation, they are too often unable to adjust, since prolonged isolation decimates one's ability to live normally. I believe that just like a deep sea diver needs to decompression at varying depths on the way to the surface these tortured souls also need time to adjust.

One reason the BOP sights that such hellish facilities are necessary is they believe, **“there is a lack of deterrent punishment sufficient to prevent inmates like Silverstein from committing future violent acts when they are serving life sentences without the possibility of parole.”** Indeed Silverstein has said as much after he received such a sentence and was sent to Marion where many other men with such sentences awaited. Was it not then these embittered men's distrust of our legal system seemingly designed to make it impossible for them to free themselves from its grip that had made Marion such a violent place and not the lack of an even greater deterrent punishment?

Had Silverstein's loss of hope of ever being released, really meant that he had also lost his respect for life itself, even his own? Or had his isolation driven him to value the simplest of interpersonal relationships, even if for a very short time, over a longer, safer, but tortured existence, inside an ADX tomb for the living? Silverstein's statement in **“ENTOMBED”**, as well as those in his Declaration, and in all his many appeals for relief seem to answer these basic questions.

**As for me, after reading all his words closely, and studying the case on line; I believe Silverstein had learned to respect life, both his own, an especially those of others, an valued human relationships over his own personal safety.**

<http://solitarywatch.com/wp-content/uploads/2011/05/silverstein-declaration.pdf>

But Silverstein was just one of approximately 80,000 inmates held in isolation on any given day in the US and unlike Silverstein most of these tortured souls will one day be released back into society with too many being released directly from their solitary confinement cell. Silberstein's case was used to justify the development of supermax prisons and the denial of his many appeals for relief also will negatively affect all that remain within them.

We didn't get here overnight over two centuries ago the American doctrine of civil death helped pave the way for the present day advocates of capital punishment, minimum mandatory sentencing, three strikes laws, and the less-than-fully-human status of prisoners all of which contributed to the current crisis.

In the era of social media where is the moral outrage displayed in the mid-19<sup>th</sup> Century over solitary confinement or the in late 1940's over the horrible conditions in the nation's asylums? Have we lost our compassion?

Then again maybe most people just can't relate to any of this for as Friedrich Nietzsche wrote: **"No one can draw more out of things, books included, than he already knows. A man has no ears for that to which experience has given him no access."**

