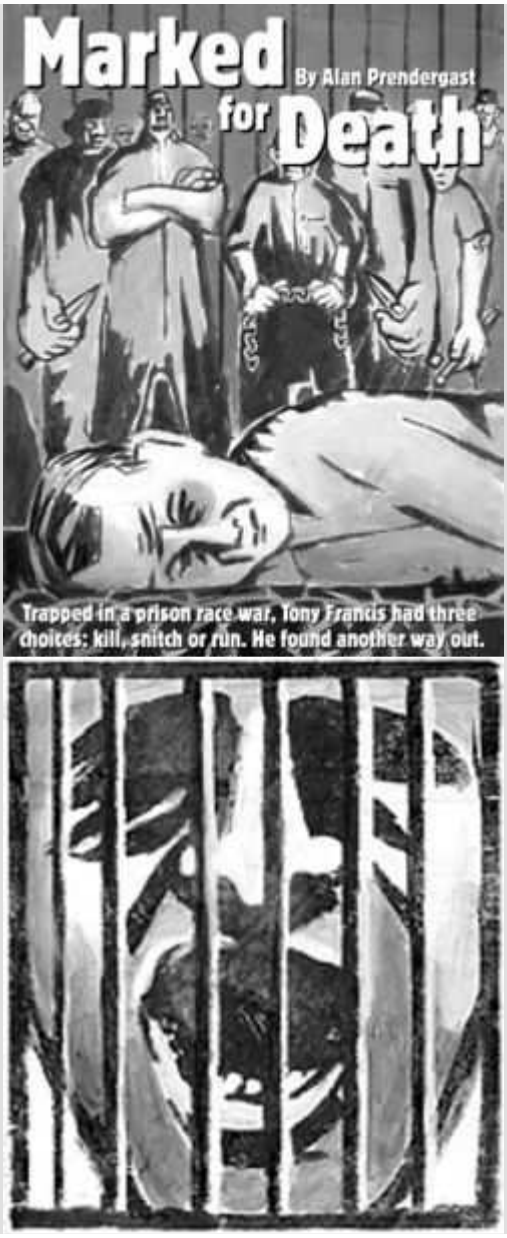
Marked for Death

Trapped in a prison race war, Tony Francis had three choices: kill, snitch or run.

He found another way out.

Jeremy Garcia was the first to see the Special Forces commandos. Well, they *said* they were Special Forces. But the two men didn't look like any commandos Garcia had seen before. Their heads were covered by camouflage hoods studded with pieces of red sponge. They wore thick green canvas breastplates and other protective material on their arms and legs. They carried long poles swathed in sheets and a heavy tarp made out of a mattress cover. They looked like refugees from an intergalactic roller derby.



Hadley Hooper

It was half past nine on the night of October 3, 1997. Garcia, a corrections officer at the U.S. penitentiary outside of Florence, Colorado, was patrolling the recreation yard when he abruptly came across the pair, standing outside one of the housing units. They made no move to run or hide themselves in the darker recesses of the yard. It was as if they'd been waiting for him.

"We're Special Forces, here to infiltrate your institution," said one of the men. "Didn't your lieutenant notify you?"

Garcia used his radio to ask his lieutenant if the prison was expecting any visitors. But even as he made the call, the officer realized he was dealing with something much stranger than an invasion by Special Forces. These men were *inmates*...inmates *on the yard*, two and a half hours after all of the prisoners were supposed to be back in their cells...inmates wearing gear that was designed to help them blend in with the red gravel in the yard and to climb over razor wire without getting sliced to ribbons.

Other guards responded quickly to Garcia's call. The two prisoners, who turned out to be convicted bank robbers Tony Francis and Robert Haney, were stripped of their equipment and cuffed. A search of the yard turned up other tools, including more poles; a couple of homemade ladders made out of canvas belts and wooden blocks; a grappling hook created from a heavy combination lock and a toothbrush container; and a duffel bag packed with food, clothing, a compass, medical supplies and cayenne pepper -- which, prison officials surmised, was to be used to throw pursuing bloodhounds off the scent, just like in *Cool Hand Luke*. It appeared that Francis and Haney had been apprehended by Officer Garcia in the process of trying to bust out of the most modern, escape-proof, high-security federal pen in America.

Yet there were aspects of the caper that puzzled investigators. If the two men were breaking out, why was so much of their equipment scattered across the yard, in plain view of one or more of the seven guard towers? How did they get it all there in the first place? Why were they still in the yard almost three hours after the last count, when they could have used their ladders to reach the roof, climb over the prison wall and then tackle the perimeter fence?

Aside from the crack about Special Forces, Francis and Haney weren't talking about their bungled escape...or whatever it was. But if they weren't trying to escape, what were they doing?

Q: *It's not against the law to go into protective custody, is it?*

A: *Yes, it is.*

Q: *What law?*

A: *The law of the jungle. The prisoner's law.* -- Cross-examination of Tony Francis, USA v. Francis and Haney, April 2000

Last month, more than two years after they were charged with attempted escape, Francis and Haney finally got a chance to explain themselves in a federal courtroom in downtown Denver. They brought in a string of witnesses, many of them dangerous convicts shackled hand and foot, to tell the jury about a rumor that got out of hand; about a vicious race war that spread across the federal penitentiary system; and, finally, about an act of desperation triggered by two murders that occurred at another prison, thousands of miles away.

Tony Francis took the stand in his own defense and made the most outrageous claim of all: When Officer Garcia found him on the yard, he said, he wasn't trying to escape. He was auditioning for a cell in solitary confinement. Marked for death by a black prison gang, despised by white gang members, he figured it was the only way to save his hide.

It was a wild and convoluted tale, yet it made a crazy kind of sense. The lawyers for the accused, Assistant Federal Public Defender Janine Yunker and criminal attorney David Lane, hammered away at the essential ironies of the case. U.S. Penitentiary Florence is part of a sophisticated four-prison compound that includes the federal supermax, ADX, and as such, it is virtually impossible to escape. Even if Francis and Haney had made it through stacks of razor wire without getting shot or impaled, the numerous security devices of the larger complex would have easily defeated them. But external security doesn't translate into security for the people inside; in its short history, USP Florence has become one of the deadliest prisons in the country.

Since the penitentiary opened seven years ago, there have been eight inmate homicides at Florence, the latest only a few weeks ago. Three of the killings have occurred in the special housing unit, or SHU -- the lockdown unit where authorities place prisoners for their own protection when their lives are at risk. Although the U.S. Bureau of Prisons refused a *Westword* request for homicide statistics by facility, the Florence murder rate is comparable to that of California's infamous Pelican Bay prison and far worse than that of less "secure" state pens. But despite the gruesome and bizarre nature of some of the killings, they have rarely attracted even passing mention in the Colorado media.

According to figures provided by a BOP statistician at the Francis trial, the penitentiary has a high rate of other kinds of violence, too. During a seventeen-month period in 1997-

98, the prison reported 94 inmate-on-inmate assaults, or roughly one stabbing or beating victim among every ten inmates. The true figure is probably higher, argues Haney attorney David Lane, because many assaults are never reported to authorities.

"If a convict kills a convict, it's like killing two birds with one stone," notes Lane. "That's one less to worry about, and maybe we can get the death penalty on the other convict, right? And nobody cares. Yet if there was a high school in Colorado, and once every ten months, one member of the student body viciously and brutally killed another, and every week someone was getting stabbed, that would be front-page news. Nobody would tolerate that for one minute. But that's exactly what's going on in Florence."

No prison is free of danger, of course, but few outsiders can comprehend the level of mayhem that now prevails at USP Florence. The Francis trial provided a rare glimpse into that dark and bloody world, where a thousand of the most violent criminals in the country have fashioned their own culture and rituals, their own rules for living and dying. It's a world where wrong is right and whirl is king, where weapons and homebrewed hooch are readily available, and racial hatred is not only tolerated but effectively sanctioned.

Francis's defense hinged on his insistence that, for him, there was no protection from the carnage. In Florence, the "safest" place, the SHU, is actually the most dangerous, a noisome, overcrowded and poorly supervised unit where new arrivals are at the mercy of the deranged and the damned. Terrible things happen in the SHU. One man strangled his cellmate and kept the corpse around for days before officials discovered the death. Two others disemboweled their victim and put his vital organs on display.

Lane describes the prisoners hauled into court to testify about Tony Francis's dilemma as "some of the baddest asses in the federal system." They were black and white, brown and red. Some were admitted gang leaders and would cheerfully have attacked each other in the right circumstances. But they all agreed on one thing: Federal penitentiaries are much more violent than state prisons, and Florence is one of the worst of all.

"That place," says Douglas Taylor, also known as "Saxon," leader of the 88 Skinheads, "is the intensest joint I've ever been in."

Q: *If someone was a member of the Aryan Brotherhood, would he tell me?*

A: *For what reason? You'd have to go ask them...In prison, everything is rumor. It's a big gossip mill.*

Q: *It's all hearsay, right?*

A: *Yeah. But that doesn't stop people from dying.*-- Cross-examination of Joseph Bryant McGee, convicted bank robber and USP inmate

The Bureau of Prisons operates 95 correctional facilities across the country. The vast majority of them are minimum-security camps, low- to medium-security prisons, or

special detention and medical centers for illegal aliens, prisoners in transport, or the ailing and aged. The BOP's ten high-security penitentiaries, along with the Florence supermax, are reserved for the most violent, escape-prone or long-term problem cases.

Tony Francis started his federal-prison career in 1989 as a medium-security inmate. He was 25 years old, serving a nine-year sentence for armed bank robberies in Oregon and Idaho. Within a few months he earned a trip to a USP the old-fashioned way: He tried to escape.

In 1990 Francis was discovered lying facedown near the perimeter fence of Federal Correctional Institution (FCI) Phoenix. A former hunting guide in the Northwest, he would later say he was having trouble adjusting to the notion that he was going to be locked up for nine years.

"At the time, it seemed like ninety," he testified last month. "I didn't care about anything."

Francis spent six months in "the hole" -- disciplinary segregation -- and then was transferred to USP Lewisburg in Pennsylvania. But he was brought back to Arizona in 1993 to face charges of attempted escape for his antics at FCI. In the intervening three years, Francis had almost forgotten about the offense; alarmed that he could now get an additional five years tacked onto his sentence, he began to plot another escape.

This time he was successful. Awaiting trial at Maricopa County's most secure jail, he managed to slip undetected through two electronic doors and hide inside a food cart, which an unsuspecting corrections officer wheeled from his unit to the jail's kitchen. Wearing the orange shirt of a trusty, Francis made his way from the kitchen to a loading dock, removed the shirt and fled bare-chested into the streets of Phoenix.

The next day he committed another bank robbery. The FBI soon placed him on the agency's list of the top fifteen fugitives, but Francis stayed out of their grasp for months. One evening, while hiding out in a motel room, he saw a picture of himself on the popular television program *America's Most Wanted*. The program described him as a member of the Aryan Brotherhood, the notorious white supremacist prison gang. That was news to him. He figured the BOP must have wanted him so badly that they fed the show a line of hooey.

Francis kept running, but he was going nowhere. "When I escaped in 1993, I learned a valuable lesson," he says now. "The last thing it was, was freedom. I never felt as confined as when I was on the street, running from the law. I couldn't see my family. I couldn't tell anyone who I was."

After five months on the lam, he was captured near Seattle, outside an illegally parked motor home. According to news reports, he struggled with King County police officers and made an unsuccessful grab for one cop's gun. Inside the motor home, police found two handguns, an assault rifle and $27,000 in cash.

Francis caught a break on the sentencing for his escape and robbery spree, picking up a mere five years on top of the time he was already doing. He was soon back in Lewisburg, where his reputation had grown in his absence. He was no longer simply Tony Francis, escape artist. He was now Tony Francis, reputed member of the Aryan Brotherhood.

Anyone who knew Francis knew he wasn't AB. Regarded as one of the most dangerous and powerful of all prison gangs, the Brotherhood isn't a fraternity a man can join without bloodshed. ("It takes something to get into it," testified Saxon Taylor, "and there ain't no getting out. Fuck no.") Tony Francis lacked the tattoos, the racist ideology and the necessary penchant for violence. He was short in stature and also short in terms of the time he had left to serve, compared to many USP gang members, who are doing stretches of twenty years or more.

Inmates who knew Francis at Lewisburg remember him as quiet, "an isolationist" who kept to himself. They didn't consider him violent at all. In the criminal pecking order of a USP, a career in armed robbery is considered respectable but tame -- especially, as one of the witnesses at the Francis trial put it, "if you don't hurt nobody." Yet the AB tag stayed with Francis, a whisper behind his back. He could never quite shake it.

"In prison, it's really easy for rumors to get started, because there's nothing to do," a large, bullet-headed convict named Joseph Bryant McGee told the jury. "It's easy to put smut on someone."

Francis had reason to worry about his celebrity status. There was a race war stirring in the federal penal system. Two years after his return, it washed across Lewisburg, leaving a trail of bodies behind.

Q: *What happened when you jammed up Tony Francis?*

A: *He was kind of snotty about it. Dude's a real trip. He alienated himself from people who think like me.*

Q: *What do people like you think?*

A: *I think like someone who's been in prison since he was twelve years old.*

Q: *Do you think the races should be separate?*

A: *In prison or in life? I don't know much about life. But you come to prison, I'll show you a reality you can't possibly imagine.* -- Cross-examination of Joseph McGee

Estimates of the number of prison gang members in federal penitentiaries vary widely. Officially, gangs don't even exist. The BOP prefers the term "disruptive groups" and claims to have embarked on a comprehensive program to eliminate them.

A few years ago the warden of USP Florence told a reporter that more than forty disruptive groups operated in his prison, but it's likely that many of the groups have

fewer than a dozen members. They range from well-known gangs with extensive street connections, such as the Aryan Brotherhood, the Bloods and the Mexican Mafia, to more exotic incarnations, including the Dirty White Boys, the Latin Kings and the DC Blacks.

Virtually all of the groups are forged along racial lines. They exist to deal drugs, terrorize other races and extort money or sex from their own kind in exchange for "protection." When racial troubles arise, it's not unusual for competing gangs to band together by color -- black against white, or sometimes brown and white against black -- for their own survival.

At the Francis trial, a procession of heavily guarded experts on prison culture took the stand to explain the nuances of gang behavior and cellhouse lingo -- for example, the difference between *stepping to* someone (bracing him to see where he stands on the gang question, to see if *he knows what time it is*), *jamming up* that person to see if he *pees* (challenging a convict, testing him to see if he's going to fight back or wet himself), or *strapping up* (arming yourself) and *moving* on him (beating or stabbing him).

Some of the prisoners wore their colors proudly, like 88 Skinhead leader Saxon Taylor, whose shaven head bears a large "88" tattoo on one side and a "100" on the other. The double eight refers to the eighth letter of the alphabet, as in "Heil Hitler," he told the jury.

"What about the "100'?" David Lane asked.

"One hundred percent peckerwood," Taylor said. "One hundred percent white. One hundred percent *real*."

Other witnesses had shaved heads and arms that were purple with prison art, but they claimed not to be affiliated with any gang. When pressed, they might admit to being "separatists," meaning they believe the races should avoid each other in prison. In this, they are strongly supported by the BOP itself, which has an unofficial but largely inviolable practice of strict segregation in USP celling in order to avoid racial fights.

Putting whites and blacks in the same cell just isn't done, explained Joseph Leissler, a convicted robber and murderer who knew Francis at Lewisburg. After a wave of racially motivated violence at the prison, Leissler was shipped to USP Atlanta and allegedly "set up" by guards, who assigned him to a cell with a black man. He assaulted his cellmate, he told the jury, and then was beaten by guards.

"They deliberately housed me with an African-American," he said. "I told them, "Don't do it. I am a white man. We don't cell with black people. I don't care what the policy is -- *we* make policy on this.'

"They wouldn't listen. I told them, "Go get the body bag and the utility tag, because one of us is going to need it.' If you're a white man with any kind of respect for yourself, you just don't do that. You're going to end up being targeted by your own people."

Francis understood how things worked at Lewisburg. He spent a lot of time in his cell alone, reading books. When he went to the mess hall, the yard or the weight room, he stayed with the white guys. It didn't mean he was AB, just sensible. Still, some of his associates were known separatists, like Joseph Dougherty, an old-time bank robber and jailhouse lawyer whose acquaintance with federal pens dates back to the 1960s. A Santa Claus look-alike with a flowing white beard, Dougherty considered Francis "a decent young man" and didn't mind sharing a table with him at the mess hall.

"The federal prison system is chaos," testified Dougherty, who described himself as an Odinist. "A white person in prison is in deep trouble if he doesn't have people to stand with him. The guards can't do nothing. All they can do is prosecute the winner."

The importance of race loyalty was driven home at Lewisburg in the fall of 1996. For months there had been an escalating series of racial attacks across the penitentiary system involving the DC Blacks, the Aryan Brotherhood and affiliated groups. The conflict may have started with a fracas the previous winter on the yard at USP Marion in Illinois. Some whites believed the incident was an attempt by DC Blacks to assassinate a leader of the Dirty White Boys; some blacks considered that to be the white spin on a deal the DWB had started and lost. Whatever the truth, tempers were rising. For three days in November they boiled over, leading to two related killings at Lewisburg.

The first victim was a white prisoner who had recently converted to Islam, apparently with the blessing of black Muslim prisoners. This was too great an insult for the white gangs to bear. The convert was stabbed twenty times; two other white inmates were suspected of being his murderers.

Three days later, another white inmate, a young man known as "Tennessee," was slain in another unit. This time the suspected killers were black, supposedly paying in kind for the earlier slaying. By all accounts, the victim had nothing to do with the earlier murder and may not have even been in a gang.

Lewisburg was locked down for months after the murders. Every time inmates were allowed out of their cells again, there were more retaliatory stabbings. Francis began to worry about his AB rep. If the gangs were willing to kill this white dude from Tennessee just because he was a convenient target, what about him?

At one point, Joseph Dougherty recalled, he met with the heads of the Moors, the Sikhs and the Nation of Islam groups at Lewisburg to find out what their intentions were concerning Tony Francis.

"They said there was a jihad and that Tony would be hit whenever they could get to him," Dougherty told the Francis jury. "It was out of their hands."

But under cross-examination, Dougherty faltered in his recollections of the timing of that conversation. In any case, it doesn't appear that Francis ever knew about such a meeting or gave it a second thought. In the spring of 1997 he was transferred from

Lewisburg to Florence, which removed him from one kind of impossible situation and placed him in another.

Q: *Isn't it true that if an inmate tells staff he's been assaulted, he's in danger of being labeled a snitch?*

A: *I have no knowledge of that.*

Q: *Does the number of inmate assaults [at USP Florence] cause you any concern?*

A: *Not particularly*.-- Examination of Thomas Werlich, social science research analyst, BOP

A few weeks before Tony Francis was moved there, Florence had been rocked by two inmate murders, one right after the other, just like Lewisburg. But the Florence killings had nothing to do with race. They were about snitching.

On January 16, 1997, Maynard Campbell, a 55-year-old inmate with ties to militia groups, was stabbed to death. Campbell was a white separatist serving a ten-year sentence stemming from a land dispute with federal officials in Oregon, but his death wasn't a result of his political views. He had refused to leave the cell when two inmates dropped by to accuse his roommate, Greg Kuban, of being an informant.

Campbell was stabbed 27 times. Kuban was wounded but managed to flee and summon help. A cellmate of one of the men charged with the crime, Douglas Black, would subsequently file an affidavit in the case claiming that Black had described the attack to him in detail: "Doug Black told this writer that Greg Cuban [sic] told him he told on people in the prison bakery for making wine, and Doug Black said he thinks Cuban was ratting people out to a counselor...He told other people what Cuban told him about snitching on people, [and] a bunch of people "pulled fat boy up on it'...Fat boy Cuban told people that he was going to get Black, and for them to tell Black to "bring it to him.'

"Doug Black stated to this writer that his knife was about two foot long and said that fat boy almost had a heart attack when he pulled it out of his pants...He don't know how he lived because he "punched' Cuban full of holes...Cuban broke loose and made it out of the cell and shit all over himself. Doug Black told this writer that the "ex-cop' [Campbell] would not mind his own business and leave the cell like he was told to because the problem was between Black and Cuban only, but that Campbell tried to play hero."

Black was already facing a life sentence for murder in Massachusetts in addition to his federal time. He accepted a plea bargain in the slaying that resulted in a seven-year sentence for assault. His accomplice, Steven Riddle, who did most of the stabbing of Campbell, accepted a plea deal that netted him ten years for manslaughter.

Five days after the Campbell slaying, a corrections officer in the SHU made another grisly discovery. A drug smuggler and undocumented alien named Mirssa Araiza-Reyes

beckoned the officer into his cell, took him to his cellmate's bunk and raised the sheets. The body was discolored and had been dead for some time.

"I did what I had to do," Araiza-Reyes told the officer. "I took care of that snitch for you."

Araiza-Reyes was serving time for illegal re-entry to the United States after having been deported to Mexico in connection with various felonies. He had an abiding hatred of informants and was known to compel his cellmates to sign a statement that they would not attempt to discuss his case with him. Months earlier, while confined at FCI Englewood, he'd been charged with attempted murder after he attacked a cellmate with a padlock and razor and sent him to the hospital. But that hadn't prevented him from having another cellmate in the SHU in Florence.

After supper on January 17, Araiza-Reyes got into an argument with his latest cellie, Frank Melendez, a cocaine dealer from California. Melendez suffered blows to his head, chest and knees; then he was strangled.

For four days, no one noticed. According to the paperwork kept by the staff in the SHU, Melendez went through numerous counts, received several meals, was taken to showers and to the exercise yard -- all while he was lying dead in his cell. The incident sparked an internal investigation of procedures in the SHU and statements by BOP officials that prisoners in the 23-hour-a-day lockdown unit would be monitored more closely.

"The notion that they protect the inmates from each other is a complete absurdity," says Araiza-Reyes's attorney, Philip DuBois. "On paper, the victim was present and accounted for something like twenty times after he was dead."

Araiza-Reyes wasn't charged with Melendez's death until almost eighteen months later. He pleaded guilty to voluntary manslaughter and received a sentence of eight and a half years.

Among the staff at Florence, the killing soon became known as "the *Weekend at Bernie's* incident," a reference to a feeble comic movie built around corpse humor.

Q: *Do you consider yourself a Nazi?*

A: *National Socialist, absolutely. 'Nazi' is derogatory.*

Q: *Do you consider yourself a white supremist?*

A: *Absolutely.*

Q: *Do you consider yourself a skinhead?*

A: *Skinhead leader.*

Q: *How have you survived in the USPs?*

A: *Violence. I wouldn't say I have a lot of friends, but my enemies stay far away.*

Q: *And why is that?*

A: *Because they know what time it is.*

Q: *If a black inmate inmate is assaulting a white inmate on the yard, will you go to the aid of the white inmate?*

A: *It depends on what this white inmate is. If he's a punk, if he sucks dick, if he takes it up the ass, no...If we see a weak, young white dude, sometimes we try to pull him up, make a man of him. If he comes in wearing panties, we ain't got nothing for him. He falls by the wayside. He becomes a victim.*

Q: *A victim of what?*

A: *Homosexuality. Violence. Extortion. It's an environment where only the strong survive. There's no room for weakness. None.*-- Examination of Douglas "Saxon" Taylor, convicted bank robber and USP inmate

On August 28, 1997, the Aryan Brotherhood exacted payback from the DC Blacks in their ongoing race war. Abdul Salaam, a black leader at Lewisburg, and his roommate, Frank Joyner, were stabbed to death in their cell by three white inmates linked to the AB. According to Francis attorney Janine Yunker, the murders were the culmination of "a one-year period of retaliatory killings in U.S. penitentiaries throughout the country."

Until that day, Tony Francis's life at Florence had been uneventful. But that quickly changed. Salaam had only recently arrived at Lewisburg; before that, he'd been a popular prisoner at Florence. His killers had also come from Florence. The warden of Lewisburg would later state that he had "absolutely no doubt" that the murders of Salaam and Joyner had been ordered by AB leaders in Florence.

And here was Tony Francis, a new guy from Lewisburg who'd landed in Florence, where Salaam still had a lot of friends. A new *white* guy from Lewisburg who was supposed to be an Aryan Brotherhood hotshot.

Florence was locked down for several days following the Lewisburg murders. The warden's office was inundated with snitch reports -- claims that one inmate or another was going to be hit, or that there was going to be a "diversion" in one unit and a massacre in another. A shakedown of cells turned up nine weapons. A search of the yard and other common areas turned up ten more.

When the lockdown ended and inmates were allowed back on the yard, fear was everywhere. Whites huddled with whites, blacks with blacks, eyeing each other. "It was tense," Francis testified. "Everybody was waiting for something to happen."

Several days into the standoff, three black inmates Francis had never seen before approached him on the yard. "They said they saw me on *America's Most Wanted* and that when the shit jumps off, I'd know what time it was."

"What did you understand that to mean?" Yunker asked him.

"If there was going to be a war, I was going to be one of the first ones targeted."

Francis said that he later approached one of the men who'd threatened him while he was working out at the weight pile. He tried to tell the man that the TV report was wrong -- he wasn't AB or any kind of gang member. The man didn't seem to care. Confessing he wasn't AB may have actually made things worse for Francis; it meant he had no backup. Or, as Saxon Taylor explained it to the Francis jury: "If you're a skinhead or AB, you might be a target, but they know they can't move on you without retaliation. But if you're labeled that and you're not, you're in a wreck."

Federal prosecutor Tim Neff suggested that Francis should have reported the threat to authorities. But seeking protective custody in the SHU -- a process known as "PC-ing" or "checking in" -- was never an option, Francis insisted, for a variety of reasons.

"The rumor [about being a gang member] was, I feel, started by the BOP in the first place," he said. "I didn't see how I could go to them. And protective custody -- it's not secure. It's not protection."

Francis knew what every convict knows: Anybody who checks in, whatever the reason, is considered a snitch. A check-in is collaborating with the guards and therefore can't be trusted. He has violated the convicts' code, which, according to Joseph Leissler, has one paramount rule: "Not to be a rat, number one. People place themselves in PC because they owe money, or fear for their lives, or something happens and they're not man enough to deal with it. They have no code of honor. They would sell their own mother out."

Francis knew that if he was tagged as a snitch, he would become even more of a target -- not only for the blacks, but for the white gangs as well. Although there are federal prisoners who serve almost their entire sentence in protective custody, Francis figured he couldn't stay out of reach of so many possible enemies forever. He had read about a riot at a state prison in Montana in which marauders had broken into the SHU with the express purpose of murdering the snitches.

At Florence, it wouldn't be nearly that difficult. In federal pens, the SHU doesn't just house check-ins; it's also where the BOP seeks to isolate gang leaders and discipline cases. The ten penitentiaries now have a population that's more than 50 percent over the intended capacity; USP Florence, originally designed for 586 inmates, has close to 1,000. The overcrowding means it's almost impossible to obtain a single cell, even as a protective-custody case. Double-celling, even triple-celling, isn't unusual in the SHU, and the guards don't always keep track of which inmates are supposed to be isolated

from one another. A check-in just has to pray that he isn't bunking with his worst nightmare, someone like Mirssa Araiza-Reyes.

Or, for that matter, someone like Saxon Taylor, or any other adherent to the convict code. "Any time you see a check-in, you're obligated to split their metal," Taylor declared.

Joseph Leissler has spent roughly half his prison time in the SHU. But that was because of disciplinary reasons, not because he checked in voluntarily. Last year he was put in a cell in Florence with an inmate who, when he was ordered to return to general population, refused to go. That was all Leissler had to hear to know that his cellmate was a check-in. "He PC'd up right in front of my face," Leissler recalled. "I did what I had to do." Leissler was charged with assault for attacking his cellmate. He spent some more time in the hole, then was moved from Florence to Leavenworth.

In other cases, inmates in lockdown are put in jeopardy by the very guards who are supposed to protect them. A group of corrections officers who worked in the SHU in Florence, a group known as "The Cowboys," is currently under investigation by the Justice Department for allegedly beating prisoners ("Fight Club," December 16, 1999). And instances of guards placing members of rival gangs together in enclosed arenas, like gladiators, have been reported even in the federal supermax, ADX.

(One example of what David Lane calls "BOP cockfighting" was presented at the Francis trial. Robert Jones, a black ADX inmate, was attacked in the spring of 1998 by an "Aryan Nations guy," who slashed him in the face with a razor. According to Jones, the attack occurred in a narrow sallyport on the way to the exercise yard and went on for several minutes before guards intervened. Asked why a total stranger would attack him, Jones responded, "The race war. That was his duty. That was his job." Lane is now representing Jones in a lawsuit against the BOP.)

Some prisoners go to great lengths to get removed from the general population without being labeled a snitch. They drop an anonymous note for the guards to find, declaring that a certain inmate is in danger and should be placed in the SHU, or they start a fight with a cellmate, or halfheartedly stab a stranger. But these "check-in moves" are usually transparent.

"I don't care how you check in -- it's always found out," said Paul Chartier, a career felon who's spent close to thirty years in state and federal prisons. "It's going to follow you. You get messed up. You get killed."

A tough-talking, shaved-head, mustachioed figure with an uncanny resemblance to G. Gordon Liddy, Chartier was one of the white inmates Francis approached for advice about the threat he'd received. "I told him what he had to do," Chartier recalled. "I told him to get a knife and hope he lived through the stabbing."

Chartier's advice was echoed by other prisoners whom Francis consulted, including Joseph McGee and Taylor, the skinhead leader. Earlier, McGee had jammed up Francis about the rumors that he was AB. Francis peed; in other words, he denied it.

"I wanted to find out who he was," McGee recalled. "He didn't give the proper response. There's a certain etiquette, a certain persona you have to put forth. He didn't have it."

When Francis told him about the threat on his life, McGee gave him a speech about the best defense being a good offense: "I grew up in prison. If you make me feel threatened, I'm not going to strap up and wait. I'm going to take it to you. That's what I told Tony: "Go deal with it right now. Don't let them bring it to you.' But Tony didn't want to accept the fact that he had to go take care of business."

Taylor offered to help Francis with his problems. He went to black gang leaders, men with names like "Pimp" and "C-Note," and satisfied himself that Francis was indeed a target. Then he offered Francis a deal: All Francis had to do was knife a black gang member, and Taylor and his people would back him up in the eruption that would follow.

In court, Taylor made no effort to conceal his disgust with Francis's response. "He did a lot of backstepping," he said. "Tony's a little bitch. He ain't about nothing. He ain't with nothing. He hides in his goddamn cell and reads books. But when the shit hits the fan, he wants some backup."

A couple of weeks after he was threatened on the yard, Francis had another visit from McGee, who showed him an official-looking typed form he said he'd obtained from a female guard. The "kite" appeared to be a report from an anonymous informant, identified only by a code number, and stated that if Tony Francis wasn't taken off the yard, he'd be stabbed.

Francis didn't know if the note was legitimate or concocted by McGee to pressure him into taking action. But checking in was clearly impossible. So was strapping up, as far as he was concerned. He wasn't afraid to defend himself, he insists, but he had less than five years left; stabbing someone could easily double his time. If the victim died, he might never get out or even live through the racial havoc that would follow.

It was time to figure out what time it was.

"I decided to do something I'd done before," Francis told his jury. "But I didn't think I could escape by myself."

Q: *Would you agree that, from an inmate's perspective, USP Florence is a very dangerous place to be living?*

A: *I don't think I can speak from an inmate's perspective.*-- Cross-examination of Louis Eichenlaub, former housing unit manager, USP Florence

Robert Haney is a lean, soft-spoken bank robber from North Carolina who's spent 21 years in federal custody and has at least another dozen to go. He is 44 years old, part Cherokee, and denies any gang affiliation. He has done time at five federal penitentiaries, including Florence -- where, by some accounts, he was Tony Francis's only friend.

Haney first met Francis in 1991. They lifted weights together at Lewisburg, played handball together after Francis showed up at Florence. When Francis told him about the threat on his life, Haney offered to "get some knives" and stand by him.

"Tony didn't want to do that," Haney said. "I could kind of understand. If I had five years left instead of fifteen, I don't know what I would have done."

What Tony wanted to do was escape. Haney wasn't exactly wild about going along -- "If I wanted to escape, I wouldn't have waited until I got to the highest-security pen I've ever been in," he said -- but he agreed to help with the plan.

Francis was an orderly on his unit and had ready access to most of what he needed, including bedsheets, shoelaces, belts and broom handles. He dyed the sheets brown for camouflage material, made poles out of the broom handles and asked Haney to sew together the belts, which he planned to fashion into ladders.

On October 3, Francis hauled the equipment to a hiding place on the yard, making several trips. To his amazement, no guard challenged him. When the yard closed at seven that night, he and Haney concealed themselves. Soon they were alone. But it was at that point, somewhere between seven and eight o'clock, that Haney announced he wasn't going over the wall.

Francis was furious. He couldn't make it without Haney's help. But Haney told him he was deluding himself, that they were almost certain to get caught and possibly shot by guards in the towers as soon as they climbed to the roof. The two argued heatedly.

Haney's counterproposal was simple: All the escape jazz made for a perfect check-in move. If they were found on the yard, they'd get thrown in the SHU and possibly transferred to another prison. At the very least, they'd wind up in single cells for a while. No one would even suspect that it was a check-in. "All you got to do is get caught and they'll take you out of this mix," he said.

Francis decided Haney's plan made sense. He didn't have much choice; Haney made it clear that he would stop him if he tried to go over the wall. But getting caught was harder than it looked. They couldn't just run up to a guard. So for the next hour and a half they wandered around the yard, waving their poles around, standing in conspicuous places.

"We agreed to be seen but not to make it look like a check-in thing," Francis said. "But we weren't being seen. I guess the camouflage worked better than I thought. Officers walked by at a distance and didn't see us."

Finally, Officer Garcia came close enough to spot them, and Francis told him that they were Special Forces.

"Those were the words of an exasperated man," Francis explained in court. "The officer asked me, "What are you doing?' It seemed like the stupidest question I ever heard."

Q: *What about protective custody?*

A: *It looks good on paper. "He's in protective custody' -- but he's in the SHU with anybody and everybody. There's people been beat, stabbed, or sliced. It's because it became known he was a snitch, a check-in. It's a common occurrence. A new guy comes in, you ask, "What are you in for?' "I don't want to talk about it' -- that's a clue. "Well, let me see your paperwork.' If he refuses to go back to general population, he's no good. If you're weak enough to check in, you're weak enough to tell [inform]. I don't want you around.*-- Cross-examination of Robert Haney

Last October there was another murder in the SHU at Florence. The killing and gutting of Joey Estrella, convicted bank robber, took considerable time and resolve.

The Estrella slaying is remarkable not only for its savagery but for the complete absence of any staff intervention in the slaughter -- despite the increased monitoring of the SHU that was promised after the Melendez murder two years earlier; despite the supposed cleanup of the unit that was supposed to be a result of the Justice Department investigation into staff corruption and abuse of inmates.

No charges have been filed yet in Estrella's death. Prosecutors take their sweet time seeking justice for dead inmates, reasoning that the killers aren't going anywhere. BOP officials say they can't comment on a pending investigation and refer inquiries to the FBI, which will say only that the investigation is continuing.

The killing was so grotesque, though, that it quickly became the stuff of bloody folklore among prisoners and guards alike. One rumor had it that a couple of Hannibal Lecters had killed Estrella and devoured his liver, in full view of a grossed-out audience in the SHU. Another version, popular among corrections officers, had it that Estrella was shooting heroin with two prisoners from Guam and had swallowed a balloon of the drug for safekeeping. When he had difficulty passing the balloon, his two impatient roommates decided to perform surgery and extract it themselves.

Estrella's autopsy report doesn't quite support either scenario. His throat was cut and he was eviscerated -- stomach split open, intestines hanging out, liver and spleen removed. The excised organs were found near his body, but a piece of the liver was missing, and what remained had been "partially dissected" or possibly gnawed. There was no trace of drugs (packaged or not) in his system. He was, however, quite drunk.

A third theory of the crime, one that is more consistent with the autopsy report, states that Estrella was butchered by his cellmates because he'd been identified as a check-in. Before the killing, he begged a guard to move him to another cell but was ignored.

Afterward, his cellmates held up pieces of him, showing them off to other inmates as an object lesson.

That was the version presented at the Francis trial by Skinhead leader Saxon Taylor, who happened to be in the SHU that night, stationed in a cell across the hall. His account was terse and unsentimental.

"That was intense," Taylor said. "Mexican dude came to the hole. Owed a little bit of money to some people. They put him in a cell with a savage -- this dude and his cousin -- right across the hall from me. Dude hollers to me, asks for some cigarettes. I slide them over on the line, see them drinking wine, playing cards. After a while, the word comes down that this new guy is no good.

"Ten o'clock count comes around. The Mexican dude says to the cop, "Hey, man, you got to get me another cell.' Cop laughs, says, "Who's winning?'

"Midnight count rolls around. Dude's liver is thrown on the window. Dude's intestines are hanging on the clothesline. His heart is on the table. Dude's dead."

Taylor was wrong about some details. Estrella's heart was still in his body, which was reportedly discovered around three in the morning, not midnight. But the prosecution didn't even bother to challenge the skinhead's account. Given the indisputable evidence of Estrella's corpse -- the blunt trauma to the head, the gaping wounds in the neck, the exquisite force and razor sharpness of the instruments required to invade his belly, ripping through a tattoo of the Virgin Mary to tug at the sacred mysteries inside -- who could argue the point?

The death of Joey Estrella spoke volumes about what can and does happen in the SHU. Tony Francis could not have had a more eloquent witness in his defense.

Q: *Why is staff unable to stop the violence?*

A: *I think they can only control it at ADX. No human contact.*

Q: *Do you feel safe in a USP?*

A: *I feel safe when the door locks at night.*-- Examination of Joseph Anthony Leissler, convicted murderer and USP inmate

"This is huge. Nobody knows of a verdict like this. This is an explicit statement that the Bureau of Prisons is not doing its job."

Surrounded by boxes of court records and transcripts, David Lane sits in his office in downtown Denver, fielding phone calls and discussing the verdict in the Francis case. On April 29 the jury found Francis and Haney not guilty of attempted escape. The two men were convicted of the lesser charge of possession of escape paraphernalia. Now Lane is rapid-dialing prosecutors and the judge's chambers; he and Janine Yunker are

trying to block a BOP move to transfer their clients back to Florence prior to their sentencing, which has not yet been scheduled.

To Lane, the mixed verdict is a stunning victory. The jury specifically found Tony Francis not guilty of attempted escape by reason of duress, meaning that they believed he was in danger of immediate harm and had no other reasonable options available to save his life. "I don't know of any case where there has been an acquittal for attempted escape from a USP based on anything, much less duress or coercion," Lane says. "This is a jury statement that the BOP runs a system that is incapable of mitigating the violence that exists there."

Yunker agrees. "The government may feel they have all these options for people to protect themselves, but they don't really deal with the world that convicts live in," she says. "Tony Francis chose not to live in that world as a snitch."

Ray Holt, the warden of USP Florence, declined a request for comment on the Francis case. A spokesman for the United States Attorney's Office says that prosecutors are satisfied with the verdict, since both men were convicted of a felony that could add up to five years to their time. (In light of federal sentencing guidelines, Lane and Yunker say they expect the actual sentence to be much less than the maximum.)

Yet there are aspects of Tony Francis's prison career that the jury knew nothing about. In addition to the 1990 attempted escape from a federal pen and his 1993 flight from the Phoenix jail, prosecutors had evidence that Francis had been involved in at least three other escape attempts. In 1994, after Francis had been recaptured and returned to a cell in Maricopa County, the hinges on a steel door in the jail were found to have been cut through; metal shavings were found in Francis's cell. Later that same year, a search of his cell at Lewisburg turned up two handcuff keys. In 1996, a search of a Lewisburg recreation area netted a sheet rope, a coat that had been given the camouflage treatment with paint and grass, and other materials; Francis was a prime suspect.

In several of these instances, though, the evidence linking Francis to the paraphernalia was so weak that prison officials never pursued it, and Judge Wiley Daniel barred the prosecution from introducing its suspicions at trial. Yunker argues that the government was able to present its strongest evidence of prior bad acts, including the 1993 escape, and it still didn't matter; ultimately, what counted was the situation Francis was facing at Florence in the wake of the Lewisburg murders.

The race war that raged in the federal prison system in 1997 seems to have subsided over the past two years. Some inmates say it's still going on and will never stop. Francis and Haney have spent most of that time in single cells in the SHU of the federal prison in Englewood. No privileges. No cellmates. No danger.

Although Judge Daniel granted the defense attorneys' motion not to send their clients back to Florence before sentencing, Francis and Haney had already been moved back to the USP by the time the order was issued. Yunker says the immediate threat of death has gone away, but that doesn't mean Francis will be able to ride out his federal stretch in

perfect safety. "He still has a real concern that something will happen to him," she says. "The threats get buried, but they don't go away."

Neither do the killings. Last month there was another homicide in the SHU at Florence. As with the Estrella case, the matter is still under investigation by the FBI, and few details have been released, other than the victim's name: James Curtis Martin, 33, serving a sentence of up to 95 years for two counts of second-degree murder. According to the autopsy report, he was stabbed in the neck and strangled.

There, but for the grace of Special Forces, goes Tony Francis.