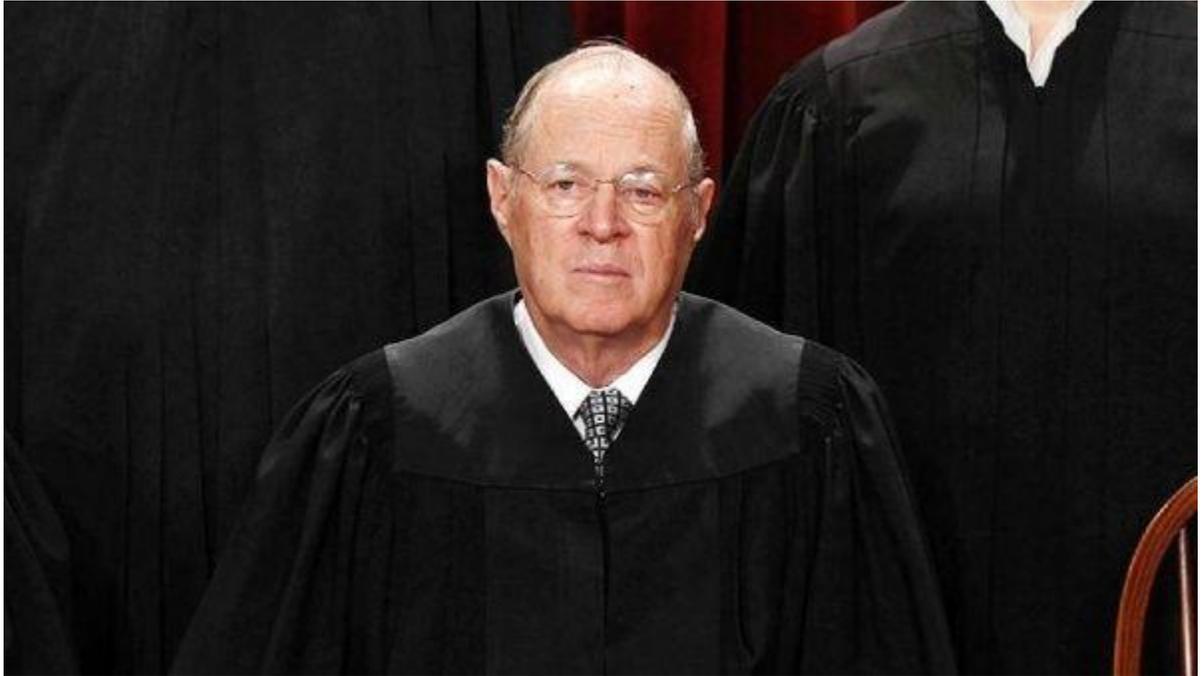


US Supreme Court Judge Denounces Solitary Confinement



Supreme Court Justice Anthony Kennedy wants to lay down the law

Published 19 June 2015

The enraged Justice said solitary confinement will “bring you to the edge of madness.”

U.S. Supreme Court Justice Anthony Kennedy went out of his way this week to denounce the ongoing and [widespread use of solitary](#) confinement in U.S. prisons, which he said affects at least 25,000 inmates across the country.

The scathing review of the practice came as Justice Kennedy was ruling on the capital punishment case *Davis v. Ayala* Thursday. It came as a shock to some since the issue, which Kennedy admitted himself, had “no direct bearing” on the case. The case was opened to challenge the jury selection process during Ayala’s original trial in 1989.

Nevertheless, the Supreme Court Justice took the opportunity to bring up the issue of solitary confinement, after it was revealed that the accused Ayala spent more than 25 years in custody under total isolation – or “administrative segregation,” as it is known in legal circles.

Justice Kennedy reminded the court that it has already recognized the use of solitary as cruel and unusual punishment, when it ruled “one hundred and twenty-five years ago” that it bears “a further terror and peculiar mark of infamy.” Yet U.S. prisons continue to use it.

He also cited various other cases in which solitary confinement has been used, and caused serious psychological harm to the inmate.

One of those cases was Kalief Browder, who was arrested age 16 for allegedly stealing a backpack and held in New York City's infamous Rikers Island prison for three years without charge; two of those years were spent in solitary confinement. At the age of 22, Browder killed himself after struggling for years with psychiatric issues after he was released.

Justice Kennedy is not the only one to condemn the use of solitary. The United Nations has also spoken out against it and urges countries to ban its use for periods longer than 15 days, calling it an act of torture.

Kennedy went on to ask the court to consider the role that judges play in supporting the use of solitary – even though they lack power at sentencing to do anything about it, they are aware that the inmate could be subjected to it.

“In many cases, it is as if a judge had no choice but to say: 'In imposing this capital sentence, the court is well aware that during the many years you will serve in prison before your execution, the penal system has a solitary confinement regime that will bring you to the edge of madness, perhaps to madness itself.’”

None of the other presiding justices acknowledged Kennedy's remarks, save for Justice Clarence Thomas, who said Alaya's conditions in prison were better and “more spacious” than those of his victims.

Kennedy ended by calling on a solitary confinement case to present itself to the Supreme Court, which would allow the top court to rule on it appropriately and discuss alternative systems for long-term incarceration.

<https://www.telesurtv.net/english/news/US-Supreme-Court-Judge-Denounces-Solitary-Confinement-20150619-0005.html>

RELATED: teleSUR's Real USA – Solitary Confinement