

US Supreme Court declines to hear case of Texas prisoner held in solitary confinement for 27 years

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On April 17, the US Supreme Court declined to hear the appeal of Texas prisoner Dennis Wayne Hope, who argued that the 27 years he was held in solitary confinement violated the constitutional bar against “cruel and unusual punishment,” banned under the Eighth Amendment to the US Constitution.

The Eighth Amendment, adopted as part of the Bill of Rights in 1791, reads: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

The nation’s high court declined to hear Hope’s appeal of a Court of Appeals for the Fifth Circuit’s decision to dismiss his challenges to various aspects of his imprisonment in solitary confinement. The Supreme Court Justices did not provide a reason for denying the case.

The Fifth Circuit held that “long-term solitary confinement is not per se cruel and unusual,” citing Supreme Court precedent which held that “the length of isolation sentences was not considered in a vacuum.”

Hope was convicted in 1990 of five aggravated robberies with a deadly weapon and impersonating a public servant. He spent 27 years in the “security housing unit,” or SHU, at the Polunsky Unit prison in Texas following an escape attempt in 1994. Hope remains in prison but was transferred into the general population last year, notably just one week after his attorneys filed their petition for review by the high court.

According to Hope’s petition to the Supreme Court, for nearly three decades he did not socialize with other prisoners, participate in religious activities, work or attend group vocational programs. He was held in a cell “somewhere between the size of an elevator and the size of a compact parking space,” and was given less than two hours a day for exercise in an enclosure. He had been

allowed one personal phone call since 1994.

Hope’s due process claims against prison officials contend that he was denied meaningful reviews to determine if he should be removed from solitary confinement and that hearings about his classification were a sham.

The high court justices are not obliged to provide a reason for hearing or dismissing a case. What is clear, however, is that their decision is in keeping with their rulings rejecting virtually every challenge by condemned prisoners to their death sentences. Since the death of Ruth Bader Ginsburg and the retirement of Anthony Kennedy, the court, under its current six-three far-right majority, has not granted a single stay of execution regarding the constitutionality of a death row prisoner’s conviction or sentence.

Most recently, the Court denied the petition of Florida death row inmate Louis Gaskin, who was convicted of two counts of first-degree murder and then was sentenced to death by an 8-4 vote of the jury. Such non-unanimous jury votes to impose death sentences were allowed in 1990, the time of Gaskin’s sentencing, but the practice was subsequently ended when the Supreme Court struck down Florida’s capital sentencing statute that allowed them. The justices were not moved to apply their 2020 ruling retroactively and Gaskin was executed on April 12.

Then on April 3, the Supreme Court refused to hear an appeal from Louisiana death row inmate David Brown who sought a new sentencing hearing despite the fact that state prosecutors had withheld exculpatory evidence—a confession from another prisoner supporting Brown’s insistence that he was not involved in the murder for which he was charged and convicted—from his defense attorneys until after he was sentenced to death in 2011.

In Hope’s case, his attorneys say he has suffered from

numerous physical and mental ailments due to his 27-year solitary confinement. His petition stated: “He is afflicted by visual and auditory hallucinations and suicidal ideation. He suffers from anxiety and depression. And he endures chronic pain from constant confinement in cramped quarters.”

Hope continued to be held in solitary confinement despite a determination by Texas officials in 2005 that he no longer posed an escape risk. This is in line with the use of solitary confinement in the US which, far from being a last-resort measure to protect prison staff, the prisoner or others from violence, has become a control strategy of first resort in many of the nation’s multitude of prisons and jails. In other words, it is used for purposes of retribution and arbitrary punishment.

Incarcerated men and women are routinely placed in complete isolation for possessing contraband, drug use, ignoring orders or using profanity. Others, including juveniles, end up in isolation for their “protection” due to their sexual identity, ethnicity or political beliefs. Placing those with untreated mental illness and addiction in solitary is common, as prisons and jails have become torturous holding pens for these individuals.

Solitary Watch reports that interviews by Dr. Stuart Grassian with people held in the SHU at Pelican Bay State Prison in California in 1993 found that “solitary confinement induces a psychiatric disorder, which he called ‘SHU Syndrome,’ characterized by hypersensitivity to external stimuli, hallucinations, panic attacks, cognitive deficits, obsessive thinking, paranoia” and exhibited “high rates of anxiety, nervousness, obsessive ruminations, anger, violent fantasies, nightmares, trouble sleeping, as well as dizziness, perspiring hands, and heart palpitations.”

The WSWS recently reported on revelations surrounding the horrific deaths of two jailed men, neither of whom had been convicted of a crime:

- Lashawn Thompson, a 35-year-old black man, died in the Fulton County Jail in Atlanta, Georgia on September 12, 2022. Photos released by the family attorney last week show Thompson’s body covered with insects and lesions before he died in the jail.

- Joshua McLemore, a 29-year-old white man who was previously diagnosed with schizophrenia, starved to death in the Jackson County Jail in southern Indiana in August 2021. A lawyer for the family revealed that for nearly 20 days, McLemore was kept in solitary confinement despite displaying no aggressive behavior.

The number of people in solitary confinement in the US

has been notoriously difficult to determine, but Solitary Watch reports that currently available estimates suggest that at least 80,000 incarcerated men, women and children are held in some form of isolated confinement on any given day.

The Bureau of Justice Statistics (BJS) found that in 2012 nearly 20 percent of people incarcerated in federal and state prisons, and 18 percent of people in local jails, had spent time in solitary confinement. The BJS also found that in that same year about 448,000 people had been held in solitary confinement at some point in the preceding 12 months.

Almost 2 million people are held in the vast gulag that is the US prison system. The Prison Policy Initiative compiles this figure from those incarcerated in “1,566 state prisons, 98 federal prisons, 3,116 local jails, 1,323 juvenile correctional facilities, 181 immigration detention facilities and 80 Indian country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the US territories.”

The criminal “justice” system in America funnels tens of thousands of men, women and children each year into these county jails and state, federal and military prisons. A significant number of these individuals are thrown into solitary confinement. The US Supreme Court, as the ultimate arbiter of ruling class justice, routinely upholds unjust convictions and sentencing of defendants who are overwhelmingly working class, poor and vulnerable.

The high court’s endorsement of solitary confinement—as in the case of Texas prisoner Dennis Hope—is in line with the policies of the ruling class and both big business parties, which preach democracy and humanitarianism while prosecuting war, both abroad and at home against workers and youth.



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