

Title: Capital Punishment: A Capital Problem

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“Every morning in CCR [closed cell restricted] I woke up with the same thought: Will this be the day? Will this be the day I lose my sanity and discipline? Will I start screaming and never stop? Every day I pushed insanity away,” [writes Albert Woodfox](#), an activist who spent over 44 years in solitary confinement on death row for a crime he never committed. Though Woodfox was freed in 2016, around [953 death row inmates](#) still live in solitary confinement in the U.S. It is past time for the United States to abolish the inhumane practices of solitary confinement and the death penalty.

The primary purpose of the death penalty today is to punish offenders who commit capital crimes and to provide retribution for victims. However, a [June 2021 report](#) from Pew Research Center reported that although 60% of American adults supported the death penalty for those convicted of murder, 78% believe there is a chance of an innocent person being killed. Since 1973, [189 people wrongly](#) sentenced to death for murder were exonerated, and [23 more were pardoned posthumously](#). These numbers are unacceptable and reflect the critical failings of the death penalty.

However, even more disturbing are the conditions inmates face on death row. [Many states](#) indefinitely place death row inmates in solitary confinement for 22 to 24 hours a day with virtually no human contact. The cells they are held in are cramped, and some have no access to

natural light. Prisoners receive one to two hours for recreation and showering, some even less, depending on the state. Currently, [12 states](#), including Florida, Georgia, and Texas, [automatically place death row inmates in solitary confinement](#).

The indefinite nature of solitary confinement in these states is concerning for several reasons. In 2006, [Dr. Stuart Grassian identified](#) that inmates in solitary confinement consistently face a set of psychiatric symptoms, including hallucinations, panic attacks, poor impulse control, [chronic depression](#), and [self-mutilation](#). He also notes that solitary confinement causes not only short-term symptoms but also long-term ones that persist for decades. These symptoms include flashbacks, hypervigilance, and an intense aversion to social interaction. [More recent studies](#) have found other serious effects of solitary confinement, including increased risk of mortality, reincarceration, and developing a substance use disorder.

Anthony Graves, a former Texas death row inmate who spent years in solitary confinement, [commented on the effects of solitary confinement on his fellow prisoners](#): “I saw guys who dropped their appeals because of the intolerable conditions. Before his execution, one inmate told me he would rather die than continue existing under these inhumane conditions. I saw guys come to prison sane, and leave this world insane.” One of the most disturbing realities about solitary confinement on death row is that many innocent individuals endure the same punishing conditions as those who are guilty. Once freed, they must deal with acute psychiatric symptoms that persist even long after release.

In response to the increasing awareness of human rights abuses in prisons worldwide, the United Nations (UN) revised the “[United Nations Standard Minimum Rules for the Treatment of Prisoners](#),” or the “Nelson Mandela Rules,” to include details on the acceptable use of solitary confinement. Rule 43 of the “Nelson Mandela Rules” recognizes that prolonged and indefinite solitary confinement is a form of torture and is “cruel,” “inhuman,” and “degrading.” Additionally, rule 44 specifies prolonged solitary confinement occurs when prisoners are confined for 22 or more hours per day for more than 15 consecutive days. By keeping prisoners in prolonged solitary confinement, the U.S. ignores strong evidence and advice condemning the use of solitary confinement.

The United States is making a terrible mistake by using prolonged solitary confinement on inmates, specifically those on death row. The United States should eliminate this form of torture under the [Eighth Amendment](#) protection against “cruel and unusual punishments.” Precedent from several previous Supreme Court and district court decisions establishes the possibility of the death penalty being abolished. However, it is important to note that the Supreme Court has not yet ruled on whether prolonged or indefinite solitary confinements violate the Constitution.

In the [Weems v. United States decision](#), the Court wrote, “The Eighth Amendment is progressive, and does not prohibit merely the cruel and unusual punishments known in 1689 and 1787, but may acquire wider meaning as public opinion becomes enlightened by humane justice.” Judge Henley touched upon solitary confinement as a cruel and unusual punishment in the [Holt v. Sarver decision](#): “Confinement itself may amount to cruel and unusual punishment

prohibited by the Constitution where confinement is characterized by conditions and practices so bad as to be shocking to the conscience of a reasonably civilized people.”

As a country of civilized people, we must recognize that the death penalty, coupled with the prolonged or indefinite use of solitary confinement, is a form of torture and should be abolished. There remain very few reasons to keep the death penalty in place and a myriad of others to abolish the practice. We should be horrified at the possibility that our government may execute innocent citizens for a crime they never committed. Can we ever be 100% sure that an individual is truly guilty? No. [Witnesses lie in court](#), [DNA evidence is misinterpreted or misused](#), and juries send innocent people to death row. While in solitary confinement on death row, individuals both innocent and guilty are subjected to one of the worst forms of psychological torture. If not already present, serious mental illnesses and psychological problems develop in inmates during the [decades they spend](#) waiting for their fate.

The United States remains one of the [last developed countries in the world to abolish the death penalty](#), with only 15 of the other [81 developed countries](#) still using the death penalty. Countless experts have identified the use of solitary confinement as a human rights abuse. Both the innocent and the guilty are unfairly subjected to this cruel punishment. The United States must join the rest of the developed world in abolishing the unjust and inhumane practice of the death penalty and solitary confinement.