JUN 16 1981
Governor Atiyeh

SUPREME COURT OF THE UNITED STATES

Syllabus

RHODES, GOVERNOR OF OHIO, et al v. CHAPMAN, et al

Certiorari to the United States Court of Appeals for the Sixth Circuit

No. 80-332. Argued March 2, 1981-Decided June 15, 1981

Respondents, who were housed in the same cell in an Ohio maximum-security prison, brought a class action in Federal District Court under 42 U.S.C. sec 1283 against petitioner state officials, alleging that "double celling" violated the Constitution and seeking injunctive relief. Despite its generally favorable findings of fact, the District Court concluded that the double celling was cruel and unusual punishment in violation of the Eighth Amendment, as made applicable to the State through the Fourteenth Amendment. This conclusion was based on five considerations: (1) inmates at the prison were serving long terms of imprisonment; (2) the prison housed 88% more inmates than its "design capacity"; (3) the recommendation of several studies that each inmate have at least 50-55 square feet of living quarters as opposed to the 63 square feet shared by the double-celled inmates; (4) the suggestion that double-celled inmates spend most of their time in their cells with their cellmates; and (5) the fact that double celling at the prison was not a temporary condition. The Court of Appeals affirmed.

Held; The double celling in question is not cruel and unusual

punishment prohibited by the Eighth and Fourteenth Amendments. Pp. 6-13.

(a) Conditions of confinement, as constituting the punishment at issue, must not involve the wanton and unncessary infliction of pain, nor may they be grossly disproportionate to the anxiety of the crime warranting imprisonment. But conditions that cannot be said to be cruel and unusual under contemporary standards are not unconstitutional. To the extent such conditions are restrictive and even harsh, they are part of the penalty that criminals pay for their offenses against society. Pp. 7-8.

(b) In view of the District Court's findings of fact, virtually every one of which tends to refute respondents' claim, its conclusion that double celling at the prison constituted cruel and unusual punishment is unsupportable. P. 9.

(c) The five considerations on which the District Court relied are insufficient to support its constitutional conclusion. Such considerations properly are weighed by the legislature and prison administration rather than by a court. They fall far short in themselves of proving cruel and unusual punishment, absent evidence that double celling under the circumstances either inflicts unnecessary or wanton pain or is grossly disproportionate to the severity of the crime warranting imprisonment. Pp. 10-11.

(d) In discharging their oversight responsibility to determine whether prison conditions amount to cruel and unusual

punishment, courts cannot assume that state legislatures and prison officials are insensitive to the requirements of the Constitution or to the sociological problems of how best to achieve the goals of the penal function in the criminal justice system. Pp. 11-12.

624 F.2d 1399, reversed.

POWELL, J., delivered the opinion for the Court, in which BURGER, C. J., and STEWART, WHITE and REHNQUIST, J. J., joined. BRENNAN, J., filed an opinion concurring in the result, in which BLACKMUN and STEVENS, J. J., joined. BLACKMUN, J., filed an opinion concurring in the result. MARSHALL, J., filed a dissenting opinion.