

KENNEDY, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 96-827

LEONARD ROLLON CRAWFORD-EL, PETITIONER v.
PATRICIA BRITTON

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

[May 4, 1998]

JUSTICE KENNEDY, concurring.

Prisoner suits under 42 U. S. C. §1983 can illustrate our legal order at its best and its worst. The best is that even as to prisoners the Government must obey always the Constitution. The worst is that many of these suits invoke our basic charter in support of claims which fall somewhere between the frivolous and the farcical and so foster disrespect for our laws.

We must guard against disdain for the judicial system. As Madison reminds us, if the Constitution is to endure, it must from age to age retain “th[e] veneration which time bestows.” James Madison, *The Federalist* No. 49, p. 314 (C. Rossiter ed. 1961). The analysis by THE CHIEF JUSTICE addresses these serious concerns. I am in full agreement with the Court, however, that the authority to propose those far-reaching solutions lies with the Legislative Branch, not with us.