

For the past year, a 28-year-old Muslim American student, Sayed Fahad Hashmi—the first person extradited to the United States from Britain to face charges of terrorism—has been held at the Manhattan Correctional Center under conditions of confinement that are the very definition of the Eighth Amendment's prohibition of "cruel and unusual punishment."

He has not been charged with being a member of Al Qaeda or for providing any money or resources to any terrorist. He is here—for a trial months away in 2009—for letting a former acquaintance, Junaid Babar, stay for a couple of weeks in his London apartment, where Babar stored several ponchos, raincoats, and waterproof socks in a suitcase. (Hashmi was still in London after receiving a master's degree from London Metropolitan University.)

Babar—not Hashmi—gave these socks and ponchos, it is alleged, to a high-ranking member of Al Qaeda.

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