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The Record: High court on inmates

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The Record

THE U.S. Supreme Court ruled correctly in two cases on Monday, against sentencing children to life in prison without parole, and for the federal government's right to hold violent sex offenders after they have finished serving their time if they are still deemed a danger to society.

The court took a reasoned approach to the question of whether children under 18 who did not kill someone should be sentenced to life in prison without the possibility of parole. It decided that the Eighth Amendment's ban against inflicting "cruel and unusual punishment" in criminal cases makes it unconstitutional to lock up juveniles until they die or are granted clemency, if they were not involved in taking another life.

In his majority opinion, Justice Anthony Kennedy wrote, "By denying the right to reenter the community, the State makes an irrevocable judgment about the person's value and place in society," which is not appropriate given a child's capacity to change and his limited moral accountability.

While laws stand firm, science and psychology continue to evolve. There are many studies that show a child's mind differs greatly from an adult's mind. As the brain develops, so, too, do decision-making,

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behavior control and the ability to withstand peer pressure.

"Research has documented that the vast majority of youthful offenders will desist from criminal behavior in adulthood," states the friend-of-the-court brief filed by the American Psychological Association and other mental health organizations.

To judge these young inmates unsalvageable is a bleak view indeed of the human condition, and one not shared by other countries. The court looked outside the United States and found we are the only nation to sentence this category of children to a life behind bars.

This 5-4 decision overturns the law in 37 states and the District of Columbia. But it wisely does not eliminate the possibility that some people "who commit truly horrifying crimes" are beyond redemption. All juveniles should have the opportunity for parole when they enter the prison system. Their chance for getting out should be taken away only after they have shown they will be a danger to society if released.

Concern for the public also figures in the second opinion handed down. The federal

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government may continue to hold mentally ill, sexually dangerous offenders after they have served their prison sentences if they are considered a public risk. Before prisoners are committed, though, the government must prove its case by "clear and convincing" evidence and the defendants must have lawyers and an opportunity to testify.

Prisoners may not be held indefinitely, however, if their mental condition improves so they are no longer dangerous, or a state agrees to take responsibility for them. We agree with the ruling but question whether tougher sentencing guidelines could eliminate the need for these reviews at the end of an inmate's scheduled incarceration.

And we note the irony that one ruling eliminated life without parole for some classes of juvenile offenders, while another ruling could impose life sentences on defendants sentenced to lesser terms.



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