



## Courting justice

### Life without parole for juveniles is cruel, unusual punishment

May 22, 2010 2:05 AM

We believe the U.S. Supreme Court made the right decision Monday when a majority ruled that a life sentence for a young offender who has not committed murder violates the Constitution's ban on cruel and unusual punishment.

Justice Anthony Kennedy, who wrote the court's majority opinion, noted that the United States has been the only country in the world that sentences juveniles to life in prison without the possibility of release for crimes other than murder.

In 2005 the court abolished the death penalty for juveniles on the grounds they are less responsible for their crimes than adults due to their emotional immaturity.

Kennedy followed the same reasoning this time, citing studies showing that the same immaturity that makes teenagers more susceptible to peer pressure and external influences also makes them strong candidates for rehabilitation.

"As compared to adults, juveniles have a lack of maturity and an underdeveloped sense of responsibility," Kennedy stated. "They are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure; and their characters are not as well formed."

And, he added, juveniles are more capable of change than adults.

The court's 5-4 decision does not mean that a state must eventually release a juvenile offender, only that it must give an opportunity for him or her to try for parole based on demonstrated maturity and rehabilitation. As a district attorney in Louisiana pointed out, it does not make an offender "automatically parolable."

Opponents of life sentences without the possibility of parole for juveniles who have not committed murder have long argued that the sentences reject any hope the juveniles could change and be rehabilitated.

Agreeing with that reasoning along with Kennedy were Justices John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer and Sonia Sotomayor.

The executive director of the national Coalition for Juvenile Justice, Nancy Hornberger, applauded them, noting that "Youth by definition is a time of many changes — changes in judgment, moral attitude, self-control. We believe that they should be given the opportunity to restore themselves through rehabilitation and safe reintegration into society." We agree with her.

The Supreme Court ruling was triggered by an appeal from a Florida prisoner, now 27, who committed armed robberies when he was 16 and 17 and was sentenced to life in prison.

His sentence reflected get-tough efforts by many states, which have abolished parole and prosecuted juveniles as adults in the regular criminal justice system. We understood why the public supported that in the case of especially heinous crimes, but it appears now that the trend has gone too far and includes a broader scope of crimes.

Mark Osler, a criminal law professor at Baylor University, notes that a national re-examination of harsh sentences is under way. We welcome that re-examination, which the Supreme Court decision should bolster.

The decision also is a reminder that the Supreme Court's interpretation of the Constitution affects everyone. Consequently, we should all pay attention to the Senate's upcoming confirmation hearings on Elena Kagan, President Obama's pick for the Supreme Court. From what we know so far, we believe she is a good choice.

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