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## Editorial: For kids, life in prison without parole is cruel and unusual punishment

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Five San Jose teenagers sit in jail today, facing the possibility that they will spend the rest of their lives behind bars. Two were charged as adults Tuesday in the stabbing death of a 15-year-old boy. The other three will be charged as adults in connection with the vicious Halloween attack on two boys.

The cases come just as the U.S. Supreme Court is considering a lawsuit brought by two Florida men convicted of violent crimes in their teens. Both received life in prison without the possibility of parole, which their lawyers argue constitutes cruel and unusual punishment.

These kinds of violent crimes are horrific and shocking. But denying teenagers the opportunity for parole is not consistent with our understanding of the nature of children or with our sense of decency. The practice should be declared unconstitutional.

Juveniles such as those being charged in San Jose deserve very harsh punishment if they are convicted. Many, however, are capable of rehabilitation, and in a civilized society they should have the chance to work hard to demonstrate that they deserve another chance.

With rules about driving, voting and drinking, Americans acknowledge that kids are different. Their character is still developing, and they are more

susceptible to the influence of their peers and their environment, which is often filled with neglect, violence and poverty.

As Bryan Stevenson of the Equal Justice Initiative put it in his brief to the court: "Like a car with a powerful accelerator but weak brakes, a young teenager's brain is fully developed in the part responsible for emotional arousal and sensitivity to peer pressure (the gas pedal), but the parts in the frontal lobes that control impulses and allow long-term thinking, planning, and resistance to peer pressure (the brake) are still developing."

The court itself agreed with similar reasoning in 2005, when it declared the death penalty for juveniles unconstitutional.

In that case, *Roper v. Simmons*, Justice Anthony Kennedy wrote for the majority, "It would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed.

"Juveniles have a greater claim than adults to be forgiven for failing to escape negative influences."

The court has also said that "evolving standards of decency" should be considered in this type of case. That clearly applies here: America is the only nation that allows this kind of sentence.

Given these precedents, the court should rule in favor of juveniles. Because of the specifics of the case, the ruling will probably only cover those convicted of crimes other than murder. But any such punishment should be considered cruel and unusual.

Acknowledging that adolescents are different from adults has a flip side: It means that even the most anti-social teens can and often do develop into law-

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abiding adults.

Some teenage criminals are so hardened that they should never be released. But at 15 or 16, it's impossible to know who they are.

More than 2,000 teenagers are serving life sentences without the possibility of parole. It's time for this practice to end.

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