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Editorial

## Life sentences without parole: too cruel to the young

**For offenses other than murder, the court finds that life without the possibility of parole for juvenile offenders is unconstitutional.**

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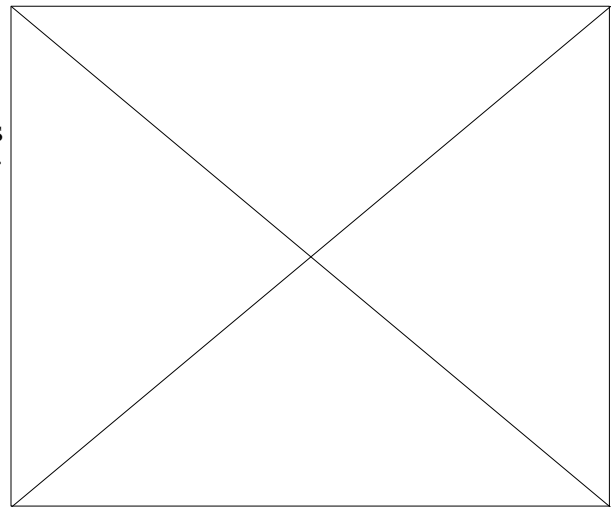
When the Supreme Court ruled in 2005 that executing juveniles amounted to cruel and unusual punishment, the author of the majority opinion, Justice Anthony M. Kennedy, made two convincing arguments: that juveniles are less capable of appreciating the consequences of their actions than are adults (something every parent knows) and that putting them to death violated "evolving standards of decency." On Monday the court, again in an opinion by Kennedy, rightly concluded that the same considerations make it unconstitutional to sentence minors to life in prison without the possibility of parole for offenses other than murder.

By a 6-3 vote, the court overturned the sentence of Terrance Jamar Graham, who was sentenced to life in prison after committing an armed burglary of a restaurant and a home invasion. Graham was 16 when he committed the first crime and 17 at the time of the second. The sentencing judge, while professing sympathy for Graham's "family structure" — both of his parents were crack addicts — leapt to the conclusion that "you have decided that this is the way you are going to live your life and that the only thing I can do now is to try and protect the community from your actions."

Thirty-seven states allow for such sentences, but Kennedy persuasively argued that a better indication of whether they are cruel or unusual — and thus a violation of the 8th Amendment — was the infrequency with which they are imposed. According to the court, only 129 prisoners are serving life without parole for non-homicide offenses committed as juveniles. (The number in California is two.) Kennedy also noted that "the United States is the only nation that imposes life without parole sentences on juvenile non-homicide offenders."

Although five justices agreed with Kennedy that Graham's sentence was unjust, only four agreed that the court should establish a categorical rule prohibiting life in prison for juveniles convicted of anything less than murder. But Kennedy persuasively argued that the alternative to a blanket prohibition is to trust the "discretionary, subjective judgment by a judge or jury that the offender is irredeemably depraved." The truth is that the court often establishes so-called bright-line rules — think of the Miranda warning — to ensure that constitutional rights are protected.

This decision poses a question that the court didn't squarely address: If the state may not execute



juveniles or imprison them for life for crimes other than murder, why is it constitutional to sentence juveniles convicted of murder to life in prison without parole? That practice may not be as unusual as the one struck down on Monday, but it's just as cruel. We hope that when a case raising this question presents itself, the court will conclude that even a minor who commits the worst crime possible isn't necessarily "irredeemably depraved."

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