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May 18, 2010

## **The Young Are Different, Justices Rule**

To the Editor:

Re “[Justices Limit Life Sentences for Juveniles](#)” (front page, May 18):

The Supreme Court’s decision in [Graham v. Florida](#) was a welcome recognition of the need to treat juvenile offenders differently from adult criminals when it comes to sentencing. As Justice Anthony M. Kennedy explained, “An offender’s age is relevant to the Eighth Amendment, and criminal procedure laws that fail to take defendants’ youthfulness into account at all would be flawed.”

Congress and state policy makers need to take this message to heart, and reconsider laws that allow young children to be transferred to adult criminal court for their offenses. As the [report I co-authored last year](#) showed, 27 states allow children age 12 and under to be tried as adults. In adult court, these children face very harsh sentences, up to and including life without parole.

In many cases, these sentences are mandatory, and the judge cannot consider the defendants’ youth. Even more troubling, the majority of these children are charged with nonviolent property and public order offenses, not capital murder and other horrific crimes.

Real change in this arena would begin with efforts to reduce the transfer of children to adult court.

Michele Deitch  
Austin, Tex., May 18, 2010

*The writer is a senior lecturer at the University of Texas and lead author of the report “From*

*Time Out to Hard Time: Young Children in the Adult Criminal Justice System.*"

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To the Editor:

Re "**A New Standard of Decency**" (editorial, May 18): By limiting the use of life without parole for juvenile offenders, the Supreme Court has acknowledged what all parents know: adolescents are not just little adults. Their brains function in fundamentally different ways. As a result, they are more likely to act on impulse, without stopping to think things through or fully consider the consequences of their actions.

As the court noted, these biological and developmental differences do not excuse violent or criminal behavior. But they can and should be taken into account when determining consequences or weighing the potential for future rehabilitation.

The court's decision reflects an emerging public consensus that punishment that may be appropriate for adult offenders should not automatically apply in cases involving juveniles. As a result of the court's action, fewer young people will be sentenced to die in jail.

David Fassler

Burlington, Vt., May 18, 2010

*The writer is a clinical professor of psychiatry at the University of Vermont and secretary-treasurer of the American Psychiatric Association.*

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To the Editor:

The Supreme Court decision on Monday to prohibit sentences of life without parole for juvenile offenders who did not commit homicide is a welcome recognition of children's capacity for rehabilitation, even after committing horrible crimes.

Unfortunately, however, the United States does not now stand in "unanimous agreement" with the rest of the world, as your editorial suggests, regarding the sentencing of youth offenders to life without parole. No other country imposes juvenile life without parole for any crime,

including homicide. The United States remains an egregious outlier.

Our research indicates that there are well over a thousand youth offenders who will spend the rest of their lives in prison for committing homicide in the United States.

The court's analysis points the way forward: it explains that youth are categorically "less culpable" than adults, and it requires states to give youth "meaningful opportunity to obtain release based on demonstrated maturity and rehabilitation."

Bills are pending around the country to do precisely that. Until they pass and all juvenile offenders receive opportunities for parole, the United States will remain out of step with the rest of the world.

Alison Parker  
Director, U.S. Program  
Human Rights Watch  
San Francisco, May 18, 2010

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To the Editor:

Your editorial welcoming the Supreme Court's decision banning sentences of life without parole for juvenile criminals who do not commit murder missed the mark, both in its analysis and exuberance. Chief Justice John G. Roberts Jr., in his concurring opinion, got it right. A life sentence without possibility of parole under the specific facts and circumstances of this case — a home invasion by a 17-year-old — was clearly excessive and tantamount to cruel and unusual punishment in any decent society.

Drawing a distinction, however, between such punishment for a 17-year-old as opposed to an 18-year-old is without merit. In either instance, the punishment does not fit the crime. Your acceptance of the premise that a late adolescent's brain is not as fully developed as an adult's would lead to arbitrary and unjust results based upon the age of the defendant.

Do all 18-year-olds have more maturely developed brains than all 16-year-olds? Hardly. Would life imprisonment for an 18-year-old home invader be just in comparison to less than life

imprisonment for a 17-year-old who brutally raped and left a victim to die?

This was not a loss for strict constructionists, as you label it. It was the just result for this defendant under these particular circumstances. Basing our notions of justice on overgeneralizations about classifications like age is ill advised, as is basing our principles of law on a world view.

Lawrence Hill

New York, May 18, 2010

*The writer is a lawyer.*