

Decency prevails

A limit to prison time for juveniles

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In 2005, the U.S. Supreme Court abolished the death penalty for juvenile killers. Last week the court wisely chose to make another distinction between punishments appropriate for juveniles and adults, extending it to youthful violent offenders who cause no loss of life.

In a 6-3 ruling, the court said that those age 17 and younger could not be sentenced to life in prison without parole for brutal crimes short of murder. The justices cited the Eighth Amendment's ban on "cruel and unusual punishments" as overriding.

Justice Anthony Kennedy wrote that "evolving standards of decency" -- in the U.S. and abroad -- made lifetime imprisonment for juveniles in non-homicide cases unconstitutional and inhumane.

Monday's ruling overturned laws in Utah and 36 other states and the District of Columbia, granting 129 inmates (there are none in Utah) a chance for rehabilitation and parole. The court left it up to judges to decide on appeal if an inmate is sufficiently rehabilitated to be paroled.

As he did when the court banned juvenile murderers from death row, Kennedy pointed to scientific consensus that "parts of the brain involved in behavior control continue to mature through late adolescence." Thus, juveniles cannot be judged as morally culpable as adult offenders. That rationale applies equally to prospects for rehabilitation. "Juveniles are more capable of change than are adults, and their actions are less likely to be evidence of 'irretrievably depraved character' than are the actions of adults," Kennedy wrote.

The justices broke significant new ground because the high court had never before, except in capital cases, applied a "categorical exclusion" to a given punishment for an entire class of felons.

The ruling came in a Florida case involving a 17-year-old who, while on probation for a restaurant robbery in which an accomplice beat the manager, committed a home invasion with two others and was sentenced permanently to prison for violating parole.

In dissent, Justice Clarence Thomas said life without parole struck the proper balance because when the Bill of Rights was written children as young as 7 could be sentenced to death. We prefer the logic and decency of Justice John Paul Stevens' majority concurrence:

"Society changes. Knowledge accumulates. We learn, sometimes from our mistakes. Punishments that did not seem cruel and unusual at one time, may, in the light of reason and experience, be found cruel and unusual at a later time."

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