

Posted on Tue, Nov. 3, 2009

Editorial: Throwing away the key

Should a juvenile be sent to prison for life for a crime that doesn't involve murder?

That's the question the U.S. Supreme Court is weighing in two cases before the panel.

It is hoped that the high court will conclude that sending a minor away for life for a non-homicide offense violates the Constitution's prohibition against cruel and unusual punishment.

Indeed, the court ruled in 2005 that juveniles can't be executed for a murder conviction. At the time, the court cited a "national consensus" against the practice, along with medical and social-science evidence that the brains of teenagers are still evolving and that they are too immature to be held accountable for their crimes to the same extent as adults.

"From a moral standpoint, 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," Justice Anthony M. Kennedy wrote in that 5-4 opinion for the court.

The same argument can be applied in considering whether a juvenile should be sent to prison for life. After all, isn't prison supposed to be about reform as well as punishment?

The United States already stands alone among developed countries in allowing such harsh penalties for juveniles.

In this nation, 111 people are serving life sentences for non-homicide crimes they were convicted of committing as juveniles. The large majority are in Florida.

Most of the juveniles who received life sentences had been bad actors. The crimes they committed were heinous and deserve tough punishment.

One case before the Supreme Court involves a 13-year-old boy convicted of burglarizing the home of a 72-year-old woman and returning later the same day to rape her. But that inmate has now been in prison for 20 years, and at age 33, he is said to be very different from the person he was at age 13.

If he and other juvenile convicts have matured, learned from their mistakes, and truly changed for the better, then why shouldn't they be eligible for parole consideration at some point?

Many academics and social scientists argue that juveniles can't be held responsible for their actions the same way as adults. Similar reasoning is applied in setting age limits for voting, drinking, and marrying.

The American Bar Association, the American Medical Association, and the American Psychological

Association support giving juveniles a chance at parole.

So does former Sen. Alan Simpson (R., Wyo.), whose own life story is persuasive. As a youth, Simpson burned down an abandoned federal building and fought with a police officer. He said most juveniles convicted of terrible crimes may well remain locked up, but they at least deserve the possibility of a second chance.

"At some point, you have to look at them again and ask, 'What have you done with your life?' " Simpson said. Some will have a good answer.

Find this article at:

http://www.philly.com/inquirer/opinion/20091103_Editorial__Throwing_away_the_key.html

Check the box to include the list of links referenced in the article.

© Copyright | Philly Online, LLC. All Rights Reserved. Any copying, redistribution or retransmission of any of the contents of this service without the express written consent of Philly Online, LLC is expressly prohibited.

