



Simpson: 'All rivers can change course'

Star-Tribune Editorial Board | Posted: Thursday, November 12, 2009 1:00 am

Former U.S. Sen. Alan Simpson of Wyoming eloquently described why a juvenile offender who hasn't killed anyone shouldn't be locked up with no chance of parole: When "a young person is sent 'up the river,' we need to remember that all rivers can change course."

Simpson's certainly did. As he has pointed out for years, his career as a lawyer and politician might never have happened if he hadn't been given a second chance after being caught shooting out mailboxes in Cody and slugging a Laramie police officer, which earned him a night in jail.

He joined several other high-profile former juvenile offenders this week who shared their backgrounds in a legal brief in support of two Florida inmates who have appealed their life without parole sentences for juvenile crimes to the U.S. Supreme Court.

Simpson is on the right side of this issue. The United States, which is the only nation in the world that imposes such a sentence for non-homicide juvenile offenses, has 109 inmates in that category. Seventy-seven of them are in Florida prisons.

Attorneys in both cases before the high court argue that the punishment for their clients, who are now adults, violates the Eighth Amendment as cruel and unusual. Life without parole is, in effect, a death sentence, because the inmate won't be leaving prison alive.

In 2005, the Supreme Court ruled 5-4 that executing juveniles violates the Eighth Amendment. Justice Anthony Kennedy, writing for the majority, noted the immature actions and developing nature of juveniles mean that "it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character." A greater possibility exists, he added, that a minor's character deficiencies will be reformed than an adult's.

Joe Harris Sullivan, now 34, is one of only two 13-year-olds in the nation who have received life without parole. He was convicted of two counts of sexual battery against a 72-year-old woman.

Terrance Graham, now 22, was 17 when he was sentenced to life without parole after he violated his probation by taking part in a home invasion. A year earlier, he had been convicted of armed robbery.

Both of their appeals are supported by the American Bar Association, the American Medical Association, the American Psychological Association, plus academics and social scientists who maintain that juveniles cannot be held responsible for their actions the same way adults can.

To give a juvenile offender absolutely no hope of ever being released takes away virtually all incentive to reform and try to lead a productive life.

At Monday's hearing, Kennedy asked, "Why does a juvenile have a constitutional right to hope, but an adult does not?"

Because of differences in their development, it's difficult if not impossible to determine if juveniles are completely unredeemable. Justice Ruth Bader Ginsburg said she wonders if teenagers can be accurately evaluated at the time they are sentenced: "It may be possible that only after some years have passed that the state can determine, 'Has this person overcome those youthful disabilities?'"

It's not a matter of being tough on crime. As Simpson said, "We're not talking about just letting them out. We're talking about looking it over carefully and saying in each case whether there is a chance here that this person can go on with his life at 30, 40 or 50 years old."

Let's join the rest of the world by offering juveniles a second chance.