

**Second chances**  
Intelligencer Journal: In Our View

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Society has laws that prohibit young people from driving before the age of 16, voting before age 18 or drinking alcohol before 21.

These laws are designed to protect children and society, and are a reflection of society's understanding that children do not have the mental capacity or maturity to exercise proper judgment in all situations.

Yet, when it comes to sentencing youthful offenders, eight states hand out life-without-parole sentences to those who commit non-homicidal crimes as adolescents. Those states are Florida, Louisiana, California, Delaware, Iowa, Mississippi, Nebraska and South Carolina.

Among the world's developed nations, the United States stands alone in meting out such medieval punishment.

Last week, the U.S. Supreme Court heard arguments as to whether life without parole for those convicted of non-homicide crimes violates the Constitution's Eighth Amendment banning "cruel and unusual punishment."

The high court heard oral arguments regarding two Florida cases. Joe Sullivan was 13 years old when he raped an elderly woman. He is now 34. Terrance Graham was found guilty of armed robbery at age 16 and violated parole at age 17. Both are serving life sentences without the possibility of parole. Neither involved a homicide.

It bears noting that juveniles are exempt from the death penalty. That precedent was established in Roper vs. Simmons four years ago when a divided Supreme Court ruled that juveniles cannot be executed for crimes including homicides. Justice Anthony Kennedy wrote at that time that juveniles are more susceptible to "immature and irresponsible" behavior and thus are not fully capable of understanding the consequences of their actions.

The American Medical Association has asserted that adolescents are more likely to engage in risky and irresponsible behavior, in part, because their brains are not yet fully developed.

It also stands to reason that maturity brings with it a greater sense of understanding; that criminal behavior at a young age is not necessarily a permanent part of a young person's character.

No one is arguing that juveniles who commit heinous crimes should not be jailed. The question is, should they be locked up forever without the possibility of parole for crimes they committed before they were old enough, in some cases, to go to high school?

Turning 18 does not magically transform an individual into a mature adult. But the under-18 precedent is a long-established tradition. And experts in neuroscience, psychology and social science agree that those same youths who often can be coerced into criminal activities have the capacity to change and be rehabilitated.

Former U.S. Sen. Alan Simpson, a staunch conservative from Wyoming, who had what he calls a "rebellious" youth, has called life without parole unconstitutional.

When "a young person is sent 'up the river,'" he wrote in an opinion piece in The Washington Post, "we need to remember that all rivers can change course."

Sending those under 18 to jail for life without parole is not a deterrent. It is a miscarriage of justice.

Parole hearings do not guarantee that someone will be released. But it does give those who have matured and have shown remorse a second chance.

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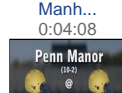
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