



Is there no redemption for children?

By Jonathan Todres

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In 1989, a jury found Joe Sullivan guilty of sexual battery following a one-day trial. He was sentenced to life in prison without possibility of parole. He was 13 years old. Terrence Graham was 17 years old when he committed armed burglary in violation of his probation and received a similar sentence.

On Monday, the U.S. Supreme Court is scheduled to hear arguments in these two cases to determine whether it is “cruel and unusual punishment,” and thus unconstitutional, to sentence juveniles to life in prison without possibility of parole.

What is striking about these cases, *Sullivan v. Florida* and *Graham v. Florida*, is they entail the permanent denial of freedom for juveniles who, though they committed serious crimes, did not commit homicides. Such sentences for juveniles express more than just the view that these children are beyond rehabilitation.

In effect, they are a societal admission that we do not believe we are capable of teaching children to do better.

When we sentence a 13-year-old or 17-year-old to life in prison without any chance of parole, we not only convey our views on the child’s actions, we also make a powerful statement about ourselves.

Such a penalty, when given to a child, says we do not believe that child can ever change. And because it is our job as adults to mentor children, we are conceding that we don’t have confidence as a society that we will provide the necessary guidance to ensure that child becomes a productive member of society.

Why do we have such little faith in ourselves, and our children?

Children today face high expectations. For example, zero tolerance policies permit no mistakes.

Yet neuroscience and psychological research tells us what parents and teachers already know from their day-to-day care of children — that is, children’s brains are wired differently and sometimes they make poor choices.

The choices made by Sullivan and Graham were terrible ones, for which there must be consequences. But have we lost all faith in our ability to steer kids in the right direction?

Currently, our punishment framework is a discouraging one-way ratchet. Even when children do not break the law, we do not allow them to participate fully in society.

No matter how well a child behaves, how mature and thoughtful his or her decision-making, we do not allow them to vote, enter into contracts, serve on juries, drink alcohol, drive a car below a certain age or do any number of other things adults can do. We do that because we do not believe they have reached maturity.

Yet when children make bad decisions and commit bad acts, we insist they were mature enough that they should suffer adult consequences. The message is clear to children: There are no rewards for good behavior, but there are serious punishments for bad behavior.

We need to rethink this unbalanced stance. That does not imply that there should be no consequences for bad actions; children who commit serious crimes must be held accountable. We cannot forget, however, that we still have a responsibility to these children.

South African leader Nelson Mandela said, "There can be no keener revelation of a society's soul than the way in which it treats its children." He didn't say we are judged by how we treat the well-behaved ones. It's how we treat all children.

After all, it is easy to mentor children who follow all the rules. Like other teachers, I know that from my own work. But we don't get to pick and choose.

When we commit to the upbringing and development of children, that includes the tough cases such as the disobedient kids and the juvenile delinquents. It is in dealing with these tough cases that we reveal who we truly are.

In 2005, finding that "it would be misguided to equate the failings of a minor with those of an adult," the Supreme Court determined it was unconstitutional to impose the death penalty on juvenile offenders.

Now, the fate of Sullivan and Graham, and more than 100 others who were sentenced as juveniles to life without parole for nonhomicide crimes, is in the hands of the Supreme Court.

For many other children, however, we all still have a say. In Georgia, a major effort is underway to revise the juvenile code. The outcome of the legislative process will send a strong statement.

Let's hope we have the confidence to state as a society that we will continue to teach and mentor all children, even ones who go astray.

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