

The Washington Post

A sentence too cruel for children

By Alan K. Simpson
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Rather than serving in the U.S. Senate for almost 20 years, or having so many other wonderful life experiences, I could have served a longer sentence in prison for some of the stupid, reckless things I did as a teenager. I am grateful to have gotten a second chance -- and I believe our society should make a sustained investment in offering second chances to our youth.

When I was a teen, we rode aimlessly around town, shot things up, started fires and generally raised hell. It was only dumb luck that we never really hurt anyone. At 17, I was caught destroying federal property and was put on probation. For two years, my probation officer visited me and my friends at home, in the pool hall, at school and on the basketball court. He was a wonderful guy who listened and really cared. I did pretty well on probation. At 21, though, I got into a fight in a tough part of town and ended up in jail for hitting a police officer.

I spent only one night in jail, but that was enough. I remember thinking, "I don't need too much more of this."

I had a chance to turn my life around, and I took it. This term, the U.S. Supreme Court will decide whether other young people get that same chance.

On Nov. 9, the court will hold oral argument in *Sullivan v. Florida* and *Graham v. Florida*, two cases that will determine whether it is constitutional to sentence a teenager to life in prison without parole for a crime that did not involve the taking of a life. There is a simple reason the criminal justice system should treat juveniles and adults differently: Kids are a helluva lot dumber than adults. They do stupid things -- as I did -- and some even commit serious crimes, but youths don't really ever think through the consequences. It's for this reason that every state restricts children from such consequential actions as voting, serving on juries, purchasing alcohol or marrying without parental consent.

The Supreme Court recognized the differences between teenagers and adults when it held a few years ago, in *Roper v. Simmons*, that it was unconstitutional to

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impose the death penalty on defendants younger than 18. Locking up a youth for the rest of his life, with no hope for parole, is surely unconstitutional for the same reasons. The person you are at 13 or 17 is not the person you are at 30, 40 or 50. Everyone old enough to look back on his or her teenage years knows this.

Peer pressure is a huge part of youth behavior, whether one grows up in Washington, D.C., or Cody, Wyo. The guys will say, "Go get the gun. We'll pick up just enough money for tonight." And almost unthinkingly, you'll do it. There is simply no way to know at the time of sentencing whether a young person will turn out "good" or "bad." The only option is to bring him or her before a parole board -- after some number of years -- and give the person the chance to declare, "I'm a different person today" -- and then prove it.

Parole boards can examine how youth offenders spent their time in prison. Did they read books or work in the library? Did they make furniture? Get a college degree? Those are critical questions for review.

If at that review a parole board finds out that a miscreant hasn't changed, then keep him or her in prison. But some juvenile offenders make real efforts while they are in jail, and we should make honest adjustments for them.

We all know youths who have changed for

the better. When I was a lawyer in Cody, the court sometimes appointed me to represent juvenile offenders, and parents who knew of my history often asked for help with their children. I once handled the case of an 18-year-old who stole a car and drove it to Seattle. I later hired him as chief of staff for my Senate office, and he turned out to be one of the most able of the people I put in that job.

I was lucky that the bullets I stole from a hardware store as a teenager and fired from my .22-caliber rifle never struck anyone. I was fortunate that the fires I set never hurt anyone. I heard my wake-up call and listened -- and I went on to have many opportunities to serve my country and my community.

When a young person is sent "up the river," we need to remember that all rivers can change course.

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The writer, a Republican, was a U.S. senator from Wyoming from 1977 to 1996. He is among former juvenile offenders who have submitted a friend-of-the-court brief in support of the petitioners in Sullivan v. Florida and Graham v. Florida.

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