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WHAT WE THINK: AN INJUSTICE SET RIGHT

Written by EDITORIAL BOARD
Thursday, 28 June 2012



Our sense, as Americans, of what constitutes justice and mercy has become so warped through the years that legislators in 29 states passed laws that instructed judges to impose mandatory life imprisonment even for children in cases where they have been convicted of murder – some as young as

13 and some for crimes in which no one died. It is no surprise that of the 73 boys and girls aged 13 and 14 condemned to spending the rest of their lives behind bars all are African Americans and Latinos. Someone somewhere dreamed up the nightmare argument that this inhumane interpretation of justice makes our nation a safer place, that to equate the actions of an early teenager with those of an adult satisfies the demands of the law. It does not. Children are often not fully aware of the full consequences of their actions. And children can be rehabilitated. That is why no other country allows this perversion of justice.

It is to our shame as Americans, therefore, that it took a lawsuit that went all the way to the U.S. Supreme Court to bring about the realization that putting a child in prison for the rest of his or her life is cruel and inhuman punishment. The court ruled just that on Monday, though it was a split decision. That ruling resulted from the tireless work of a Harvard Law School graduate, Bryan Stevenson, and the Equal Justice Initiative that he founded and heads.

Mr. Stevenson, in earlier cases before the court, had persuaded the justices to outlaw the death sentence for juveniles – yes, children have been sentenced to death up to three years ago – and to abolish mandatory imprisonment without parole for children in non-homicide cases.

Mr. Stevenson and the Initiative must be rejoicing, once again, over this victory and the celebration is worthwhile. He and his staff can expect nothing by way of huge payouts because these children almost invariably come from impoverished, dysfunctional families living in poor, neglected communities. But the truth is that we seem to have lost our sense of balance when it comes to crime and punishment. "The quality of mercy," William Shakespeare put it, "is not strained."

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