

Punishment For Teen Murderers

By Jerry Bernstein

The argument that juvenile offenders who commit a murder are not old enough to be executed for it doesn't hold up.

OPINION

I would agree that a juvenile under 16 should be given a life sentence for com-

mitting a murder. On the other hand, those over 16 are old enough to know the difference between right and wrong.

Since a juvenile is not considered old enough to sign a contract, the argument goes, why hold them accountable for killing someone? But if a 16-year-old is responsible enough to drive a car - with all the rules and regulations involved in getting a license and a learner's permit - then he or she should also be responsible for

their actions when they are not driving.

The late Chief Justice of the Supreme Court, Earl Warren, was quoted in a recent Opinion column as saying that the Eighth Amendment to the Constitution prohibiting cruel and unusual punishment must draw its meaning from the evolving standards of decency that mark the progress of a maturing society.

This is true. However, the chief justice did not address the question of executing teenager killers. Is that what he meant when he commented on cruel and unusu-

al punishment? I don't believe so.

I would like to believe he meant that after all the circumstances are taken into consideration by a jury, if they still feel the accused should pay with his or her life for the crime committed, and the appellate courts agree, then who are we to say otherwise?

This writer doesn't dispute that there are special circumstances in any crime. But to suggest to someone they will only get a life sentence in a murder case that could be commuted is not the way to go.

- Perhaps Mr. Bernstein does not know, but teenagers between the age of 16 and 18 do not have a regular driver's licence, but a *provisional* driver's licence, which can be revoked at any time for any reason by the teen's parents or guardians. Does this mean that Bernstein would like to see the **absurd** system of a *provisional* death penalty for juvenile offenders, whereby the parents or guardians would have to approve the penalty of death?
- Nice to read that Mr. Bernstein agrees that the Eighth Amendment "must draw its meaning from the evolving standards of decency that mark the progress of a maturing society". Most Republicans want to use "original intent" to interpret the Constitution. In other words, we are supposed to guess what slave-owning men who died two hundred years ago would think about challenges facing our society today. Bernstein does slip back into traditional Republican dogma, when he tries to guess what Earl Warren, who died over 30 years ago, would have thought regarding the standard of decency of today's society vis a vis death penalty to minors.