

Giving teen offenders chance at parole is just

By Newt Gingrich & Pat Nolan 6 p.m. Sept. 20, 2012

We did some dumb things as teenagers that might have caused a lot of harm. You probably did, too. Fortunately, we didn't hurt anyone too badly, but we cringe now at how clueless we were about the possible consequences of what we did.

Teenagers often don't make very good decisions. Our laws take this into account in many ways: We don't let young people drink until they are 21, and they can't sign contracts, vote or serve on juries until they are 18.

But there is one area in which we ignore teens' youth and impulsiveness: our criminal laws. Our laws often ignore the difference between adults and teens, and some youngsters are sentenced to life in prison without parole (LWOP). Despite urban legends to the contrary, this law has no exceptions: A teen sentenced to LWOP will die in prison as an old man or woman. No exceptions for good behavior, no exceptions period. No hope.

You might expect that these LWOP sentences are limited to the "worst of the worst," but that is not the case. A young teen can be a bit player in a crime, e.g., act as a lookout while his buddies go in to steal beer from a convenience store. None of them is armed, and there is no plan for violence. Then it all goes haywire. The clerk pulls a gun, and one of the kids tries to grab it away. In the struggle that ensues, the gun goes off and the clerk dies.

Under California's "felony murder" rule, every person involved in that crime, no matter how minor their role, is equally guilty of murder, even if they did not plan or expect a murder to occur. According to the fiction of our law, the lookout is as much to blame as the person who pulled the trigger. About 45 percent of the inmates serving LWOP for a teenage crime were not the person who caused the death. Yet they will die in prison of old age, with no chance for release.

But should these youngsters die in prison for something they did when they were so young? Wouldn't it be better to re-evaluate them after serving a long stretch in prison and consider whether they have matured and improved themselves?

We are conservative Republicans, and we believe that some people are so dangerous that we must separate them from our communities. That is what prisons are for. But sometimes we overuse our institutions. California's teen LWOP is an overuse of incarceration. It denies the reality that young people often change for the better. And it denies hope to those sentenced under it.

Of course, not every young person going through the system turns his or her life around. But wouldn't it be better to at least consider whether these inmates have matured and improved themselves after a long stretch in prison? SB 9, which is now on Gov. Jerry Brown's desk, would allow the court to give this narrow group of inmates convicted of a crime while a teen a chance to apply for parole – after serving 25 years in prison. That is no "easy stretch."

And even then, they will not be automatically released. They must show the parole board that they have participated in programs that prepare them to support themselves and stay on the straight and narrow when they are released. They must convince the parole board that they are remorseful and have changed so they no longer pose a threat to the community. Only then might they be given a parole date.

Jesus told us to "Do unto others" as we would have them do unto us. Shouldn't we give the kids and grandkids of others the same second chances that we would want for our own families?

An inherent principle of justice is that the punishment should never exceed the harm done by the crime. It is wrong to condemn these inmates to die in prison for being the teenage accomplice to the terrible acts of another. We urge Gov. Brown to sign SB 9, and thereby restore the chance for these inmates to transform their lives and become good citizens.

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