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May 6, 2009

Elected Members of the  
Louisiana State Legislature  
Louisiana State Capitol Building  
North 3d Street  
Baton Rouge, LA 70802

Re: LDF Support for House Bill 715

Dear Sir or Madame,

The NAACP Legal Defense and Educational Fund, Inc. ("LDF") writes to support the Youth Rehabilitation Review Act (HB 715). This important legislation provides 15 and 16 year old children, who have been tried and convicted in the adult criminal justice system and sentenced to life without the possibility of parole, with eligibility for parole consideration when they reach the age of 31. The Act represents a critical commitment to the future of Louisiana's youth by recognizing a child's potential for rehabilitation and the incredible costs of sentencing children to spend the rest of their lives in prison.

LDF is a non-profit civil rights law firm founded in 1940. Its first Director-Counsel was the late U.S. Supreme Court Justice Thurgood Marshall. Since its inception, LDF has engaged in litigation and advocacy to make this country's constitutional and statutory guarantees of equal treatment and civil rights a reality for African Americans and all communities of color. As the nation's first civil rights and public interest law firm, LDF is recognized for its role as a pioneer in the legal fight for racial justice for all, including those involved in the criminal justice system.

Juvenile life without parole sentencing in Louisiana and other states is a serious concern for LDF because of the stark racial disparities, the disregard of recent scientific discoveries about childhood development and the enormous moral and financial costs that are associated with sentencing children to die in prison. Indeed, these concerns drove LDF to investigate juvenile life without parole sentencing in Mississippi and to document its findings in the report "No Chance To Make It Right: Life Without Parole for Juvenile Offenders in Mississippi." LDF's investigation revealed a stark racial disparity among teenagers sentenced to life without parole in Mississippi: 76% of juvenile life without parole sentences were imposed on African-American

teenagers even though African Americans comprise only 36% of that state's population.<sup>1</sup>

Nationwide, the rate of black youth receiving life without parole sentences is 10 times higher than their white counterparts.<sup>2</sup> Of the 2,484 youth currently serving juvenile life without parole sentences, 60% are African-American.<sup>3</sup> Louisiana exemplifies these national disparities: African-American youth are five times more likely to be serving a sentence of life without parole than white youth.<sup>4</sup> Of the children in Louisiana serving life without parole sentences, 85% are African-American youth, while 15% are white. And these harsh disparities are compounded by Louisiana's practice of sentencing youth to life without parole at a higher rate than any other state in the country.<sup>5</sup>

Racial disparities are not the only indicator of injustice in juvenile life without parole sentences. Recent scientific developments have demonstrated clear, biological differences between children and adults. Studies now show that the adolescent brain is not fully formed until well into early adulthood, and children do not have adult levels of judgment, impulse control, or risk assessment. These proven scientific discoveries influenced the U.S. Supreme Court to rule that the death penalty is an unconstitutionally cruel and unusual punishment for crimes committed as a juvenile.<sup>6</sup> As Justice Kennedy stated in the *Roper v. Simmons* decision, "[t]he reality that juveniles still struggle to define their identity means it is less supportable to conclude that even a heinous crime committed by a juvenile is evidence of irretrievably depraved character. From a moral standpoint it would be misguided to equate the failings of a minor with those of an adult, for a greater possibility exists that a minor's character deficiencies will be reformed."<sup>7</sup>

The arguments against the execution of juvenile offenders are equally applicable to juvenile life without parole sentences. They are both cruel and inhumane forms of punishment that ignore a child's diminished culpability for criminal offenses due to incomplete biological and psychological development, and eliminate any hope for a child's rehabilitation into adulthood. The injustice of sentencing children to die in prison is so universally recognized as a violation of fundamental human rights that the United States is the *only* country in the world engaging in this heinous sentencing practice.<sup>8</sup> As both a civil rights and human rights issue, legislation that provides children sentenced to die in prison with the opportunity to seek parole is urgently needed.

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<sup>1</sup> NAACP Legal Defense and Educational Fund, Inc., *No Chance To Make It Right: Life Without Parole for Juvenile Offenders in Mississippi* (2008), available at [http://naacpldf.org/content/pdf/No\\_Chance\\_to\\_Make\\_It\\_Right.pdf](http://naacpldf.org/content/pdf/No_Chance_to_Make_It_Right.pdf)

<sup>2</sup> Human Rights Watch, *The Rest of Their Lives: Life Without Parole for Youth Offenders in the United States in 2008* 39 (May 2008), available at <http://www.hrw.org/sites/default/files/reports/us1005execsum.pdf>

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 41.

<sup>5</sup> *Id.* at 39.

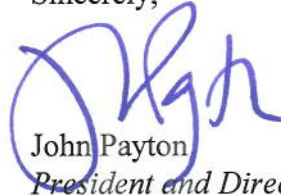
<sup>6</sup> See *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>7</sup> *Id.* at 570.

<sup>8</sup> *The Rest of Their Lives* at 5.

The Youth Rehabilitation Review Act embodies the view that every child should be given an opportunity to demonstrate his or her capacity for rehabilitation and to live productive, law-abiding adult lives despite serious mistakes made during their youth. The Act recognizes that children deserve the opportunity to redeem themselves and contribute to their communities, and we strongly urge its passage into law.

Sincerely,



John Payton  
*President and Director-Counsel*