

Death

(Continued from Page 1) may often be a factor in the crime," Kennedy wrote.

In an angry dissent, Justice Antonin Scalia disputed that a "national consensus" exists and said the majority opinion was based on the "flimsiest of grounds." The appropriateness of capital punishment should be determined by individual states, not "the subjective views of five members of this court and like-minded foreigners," he wrote.

The ruling continues the court's practice of narrowing the scope of the death penalty, which it reinstated in 1976. Executions for those 15 and younger when they committed their crimes were outlawed in 1988. Three years ago, justices banned executions of the mentally retarded, citing a "national consensus" against executing a killer who may lack the intelligence to fully understand his crime.

In finding a similar con-

sensus against juvenile executions, the court noted that most states bar them and those that allow them do so infrequently. Only three states — Oklahoma, Texas and Virginia — have executed juveniles in the past 10 years.

Legal experts said the ruling could have widespread ramifications for the future of capital punishment, with courts empowered to strike down the practice on evolving notions of decency.

"The lasting significance of this case is that it opens the door to the abolition of the death penalty judicially," said Jordan Steiker, a death penalty expert at the University of Texas law school. "If a national consensus can emerge without a majority of the death penalty states moving toward abolition, then it suggests that judicial abolition is a genuine prospect."

The impact was immediate. In Prince William County, Va., officials said

Tuesday they will not prosecute a murder case against teen sniper Lee Boyd Malvo, who is already serving life in prison in two of the 10 sniper killings that terrorized the Washington area in 2002.

Prince William County Commonwealth's Attorney Paul Ebert had hoped to get the death penalty for Malvo, who was 17 at the time of the killings, but he said another trial would now be an unnecessary expense.

"Today, the court repudiated the misguided idea that the United States can pledge to leave no child behind while simultaneously exiling children to the death chamber," said William F. Schulz, executive director of Amnesty International USA.

Former President Carter, along with several other Nobel Prize winners, filed a friend-of-the-court brief in the case last year. In a statement he said the ruling "acknowledges the profound in-

consistency in prohibiting those under 18 years of age from voting, serving in the military or buying cigarettes, while allowing them to be sentenced to the ultimate punishment."

Dianne Clements, president of the Houston-based Justice for All victims' advocacy group, criticized the decision and said she hopes that when there is a Supreme Court vacancy a strong death penalty supporter is nominated.

"The Supreme Court has opened the door for more innocent people to suffer by 16- and 17-year-olds," she said. "I can't wait for the Supreme Court to have judges more concerned with American values, American statutes and American law than what the Europeans think."

Justices were called on to draw an age line for executions after Missouri's highest court overturned the death sentence given to Christopher

Simmons, who was 17 when he kidnapped a neighbor, hog-tied her and threw her off a bridge in 1993. Prosecutors say he planned the burglary and killing of Shirley Crook and bragged that he could get away with it because of his age.

The four most liberal Supreme Court justices — John Paul Stevens, David H. Souter, Ruth Bader Ginsburg and Stephen Breyer — had gone on record in 2002 opposing the death penalty for juveniles, calling it "shameful." Those four, joined by Kennedy, formed Tuesday's decision.

Chief Justice William H. Rehnquist and Justice Clarence Thomas joined Scalia in seeking to uphold the executions.

Justice Sandra Day O'Connor filed a separate dissent, arguing that a blanket rule against juvenile executions was misguided. Case-by-case determinations

of a young offenders' maturity is the better approach, she wrote.

"The court's analysis is premised on differences in the aggregate between juveniles and adults, which frequently do not hold true when comparing individuals," she said.

"Chronological age is not an unfailing measure of psychological development, and common experience suggests that many 17-year-olds are more mature than the average young 'adult.'"

The 19 states that allow executions for people under age 18 are Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Nevada, New Hampshire, North Carolina, Oklahoma, Pennsylvania, South Carolina, Utah, Texas and Virginia.

The federal government does not execute juveniles.

The case is *Roper v. Simmons*, 03-633.

Recruiters

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"It's either jail or the military," said Jeannel Bishop, a senior at Brooklyn's South Shore High School and a YaYas staffer. Many students at her school think enlistment is the best they can accomplish.

When Navy recruiters visited her school recently, students were allowed to leave class to visit with them. Bishop brought pamphlets and confronted the recruiters about their assurances of tuition and training. She pointed out to them and other students nearby that getting college money was a much more complicated and uncertain process. "I was taking over their whole show," Bishop said. "[The recruiters] were amazed."

Three students who had been "pumped up about the military" had second thoughts after Bishop spoke. It took just a little information for them to have doubts, she said.

Besides speaking out in their own schools, the YaYas

hold workshops for teenagers and make presentations to PTAs. They encourage students to post literature in the guidance office and set up counter-recruitment tables next to military recruiters. Most importantly, they want young people to make an informed choice, Wagner said.

For instance, most students don't know that:

- Two-thirds of recruits don't get any college money, according to the Central Committee for Conscientious Objectors.

- Most people in the military do not have time to attend college while in the service.

- To qualify for college money recruits have to pay \$100 per month for a year.

- The unemployment rate for veterans is three times higher than the national average.



age.

- Those who sign up with the Delayed Entry Program are told they can't change their minds, but getting out is as simple as writing a letter.

- The enlistment contract is for eight years.

- There are other ways to finance college, like federal financial aid, private scholarships, going to community college or joining AmeriCorps.

But educating youth is not just about these facts and figures, Wagner said. The war in Iraq makes their work much more urgent, she said.

"They're still telling people you can go to Germany, Japan, but the reality is the vast majority are going to Iraq," Wagner said. "You risk losing life and limb; you

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risk being a murderer."

Giving young people a complete picture of enlisting rests on the courage and initiative of activists, guidance counselors and principals. Often, the recruiters' sales pitches, brochures and posters go unchallenged.

Many educators fear principals will retaliate if they speak out, Wagner said.

No Child Left Behind, the educational policy touted by

the Bush administration, requires that recruiters and college representatives have equal access to students. This is often misinterpreted as unlimited access. Policy on recruiter access in New York City public schools is determined school by school and varies widely.

But some school districts have taken a more active role and regulate recruiters visits. In Madison, Wisconsin, for

example: Their policy states that guidance counselors can distribute both military and counter-recruitment information. There is also no uniform, enforced policy in New York City governing opt-out forms, which let students choose whether to release their personal information to recruiters.

Elizabeth Weill-Greenberg writes for the New York Amsterdam News.

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