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EDITOR'S NOTES

In its recent landmark decision in *Graham v. Sullivan*, 130 S. Ct. 2011 (2010), the United States Supreme Court barred the sentence of life without parole (LWOP) for juveniles who have committed nonhomicide offenses. Among other things, *Graham* has raised important questions about the future of LWOP sentences for adult offenders. LWOP inmates have constituted one of the fastest-growing portions of the nation's prison population. This issue of *FSR* considers whether this growth trend will or ought to be reversed in light of *Graham*, as well as broader questions regarding the ethics and efficacy of the LWOP sentence.

From the standpoint of Eighth Amendment jurisprudence, *Graham* seems a startling departure from the Court's recent history of highly deferential review of noncapital sentences. Much as the Court's more rigorous review of capital sentences has been driven by a sense that "death is different," *Graham* suggests that the Supreme Court now views LWOP, and the complete denial of any hope of release for prison inmates, as another sentence that is "different" for constitutional purposes. But *Graham* leaves a great many questions unanswered, and the Court has preserved much room for it to distinguish *Graham* in future cases. In order to explore these and other important doctrinal dimensions of the Court's decision, *FSR* is pleased here to present nine responses to *Graham* by leading Eighth Amendment scholars.

The future of LWOP is not likely to be governed entirely, or even mostly, by constitutional adjudication. Yet, even without prodding by the courts, policy-makers have plenty of good reasons to want to rein in LWOP, not the least of which is the high cost of medical care for geriatric inmates. Ethical concerns may also grow increasingly prominent as courts abroad decide that LWOP violates international human rights laws. Thus, in addition to reflections on the evolving constitutional jurisprudence, this issue also presents a variety of expert perspectives on the ethical and cost-effectiveness dimensions of LWOP, as well as the institutional mechanisms through which those concerns may be raised and evaluated.

Graham by no means marks the end of LWOP, but it does promise to reinvigorate debate over this second-most-severe sentence in U.S. courts and legislatures.



Please send articles and editorial correspondence to:

Publication Manager
Federal Sentencing Reporter
E-mail: berman.43@osu.edu

Federal Sentencing Reporter (ISSN 1053-9867, e-ISSN 1533-8363) is published five times a year (February, April, June, October, December) by University of California Press, Journals and Digital Publishing, 2000 Center Street, Suite 303, Berkeley, CA 94704-1223 for the Vera Institute of Justice. Periodicals postage paid at Berkeley, CA, and additional mailing offices. POSTMASTER: Send address changes to *Federal Sentencing Reporter*, University of California Press, Journals and Digital Publishing, 2000 Center Street, Suite 303, Berkeley, CA 94704-1223. E-mail: customerservice@ucpressjournals.com.

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