

US courts try children as adults

The prosecution of Nathaniel Abraham and the lessons of the James Bulger case in Britain

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The prosecution in the US of twelve-year-old Nathaniel Abraham as an adult on first degree murder charges is indicative of a change in official policy that is by no means limited to America. It is part of an international development which is bound up with the dismantling of welfare programs and social reforms associated with the post-World War Two period.

The recent case of Jon Venables and Robert Thompson, two eleven-year-olds in Britain, illustrates this fact. In November of 1993 at Preston Crown Court, Venables and Thompson were found guilty of abducting and murdering two-year-old Jamie Bulger. They were sentenced to be detained indefinitely at Her Majesty's Pleasure, firstly in secure accommodation and then, at the age of 18, they were to be transferred to an adult prison. The case was a legal watershed. At the time of the offence the two boys were 10 years old.

In February 1993 Jamie went missing while shopping with his mother in a mall in Bootle, near Liverpool. His body was found two days later on a railway track about two-and-a-half miles from the mall. Footage from video security cameras along the route showed Jamie in the company of two older boys.

Accompanied by sensationalist reports in the media, the police launched an investigation in which 160 juveniles were taken into custody in just five days. In one case, twelve-year-old Jonathon Green was arrested at home in the glare of publicity by a force of 15 detectives and 6 police vans. Jonathon's father had contacted the police after seeing the video images of the two boys on the television.

Following Jonathon's detainment, his family's house was besieged by a mob threatening to burn it down. He was released after 23 hours and eliminated from the inquiry. However, the threat to the family meant they had to be moved and secretly re-housed. Jonathon suffered mental distress for which he had to receive counselling and treatment.

Following eye-witness accounts, Thompson and Venables were arrested. At their pre-trial hearings a crowd, which included fascist elements, gathered outside the court to demand the two boys' execution.

Thompson and Venables were tried as adults in an adult court in November, 1993. The floor of the dock where the accused sat had to be raised so they could see over the mantle and watch the proceedings. Neither of the boys had received any form of counselling since their arrest and detainment, on the grounds that this would prejudice the trial.

Under English law the age of criminal responsibility is ten. This is lower than in most European countries, other than Scotland, where it is eight. A child below the age of criminal responsibility cannot be held to account for a criminal act. Between ages ten and fourteen a child can be held accountable if it can be shown that he knew he was committing a crime.

To prove this was the case, the prosecution used the testimony of two psychiatrists, Eileen Vizard and Susan Bailey, who told the jury the two boys were able to make a judgement between right and wrong, and could understand that their actions were murderous.

On November 24, 1993 a verdict of guilty was brought against the two boys. Notwithstanding their testimony, both psychiatrists had made clear their concerns over the trial proceedings, stating that Thompson and Venables were suffering from post-traumatic stress disorder. But this was ignored.

The case focussed entirely on the guilt of the defendants. Since forensic evidence and the boys' own statements established that they were involved in Jamie's death, the proceedings centred on deciding the degree of punishment. No effort was made to uncover the factors that had led young children to kill. One policeman involved in the case was widely reported as saying "I believe nature spurts out freaks. These two were freaks who just found each other.

You cannot compare these boys with other boys. They were evil."

His remarks were indicative of the line pushed by the politicians and the media. Killing by children is very rare, with only six cases in the United Kingdom between 1983 and 1993. Figures show that some 200 children and youth nationally were responsible for the majority of repeat offences. The Association of Chief Probation Officers describes these child offenders as "invariably poor, often destitute."

Despite this, a myth was created of a youth crime wave sweeping the nation. Politicians rushed to condemn the breakdown of "law and order." John Major, the Tory Prime Minister at the time, said we should "condemn more and understand less." He was bested in this type of right-wing rhetoric by Tony Blair, then Labour's Home Affairs spokesman, who called for stiffer law-and-order measures against children in order to prevent a societal breakdown.

Information about the family backgrounds of the two boys could have provided some insight into their actions. Robert Thompson was one of the youngest of seven boys. His mother, a lone parent, was an alcoholic. His father, who had left home when Thompson was five, was also a heavy drinker who beat his wife and children. The boys would hit and abuse each other. By the time of Jamie's death, at least one of Robert's brothers had voluntarily requested to be taken into care.

Jon Venables' parents were also separated. His brother and sister had educational problems and attended special needs schools, whilst his mother suffered psychiatric problems. Following the parents' separation--due to stress--Jon became isolated and attention-seeking. A teacher at Jon's former school kept a record of his disturbed behaviour, such as head-butting walls, slashing himself with scissors and hanging upside down on coat pegs. No effort was made to find the cause of his obvious distress. Both Thompson and Venables would truant regularly from school.

Despite the families' problems, no public resources were available to intervene. The Bootle area of Liverpool, where the two children grew up, had once been a thriving community built around the docks. Now it is an area of social decline, with all the attendant problems. Neither of the boys' fathers had jobs. Unemployment at the time of the incident stood at 15 percent, 4 percent higher than the national average. Thirty percent of 18-24 years olds were without jobs.

The media were indifferent to these questions. Indeed, they sought to create an atmosphere within which any consideration of the issues from a social standpoint was vilified. Writing in the *Independent* on November 25, 1993, author Bryan Appleyard said of the trial of Thompson and

Venables: "Only those still corrupted by banal conceptions of human progress can doubt that those angry people would, given the opportunity, have lynched boys A and B (Thompson and Venables) and torn them apart. Like maddened mobs throughout history, they wanted their rage to be sublimated in blood... Of course they (the boys) knew right from wrong... Of course they were as surely in the grip of evil as any adult killer... children are closer to chaos and magic, both black and white." Appleyard had previously published a book portraying human development from Galileo onwards as little more than one disaster after another.

Appleyard's comments summed up the attack on all notions of social progress taken up by all of the capitalist parties and politicians. By portraying crime and other social problems as the outcome of some innate "evil," they sought to justify the destruction of social programmes and the welfare state.

Both Thompson and Venables were found guilty. Judge Justice Morland recommended a minimum sentence of 8 years. The *Sun* newspaper promoted a 300,000 signature petition organised by Jamie Bulger's family to call for the two boys to remain in jail for the rest of the natural lives, and sent this to the then-Tory Home Secretary Michael Howard. Six months later, citing "public pressure," Howard intervened to increase the sentence to a minimum of 15 years.

Some time after the trial, Vincent Moss, a juror, spoke on a radio programme. He told listeners that the case should have been heard in special juvenile court and not in adult court: "We should have gone back into the court and we should have said, 'Yes, we do have a verdict: these young boys are in urgent need of social and psychiatric help.'

"These two children had sat there for a month, bored, uncomprehending and appallingly distressed when, at full volume, the court heard recordings as they cried and screamed for their mothers." Moss said he was horrified at the judge's description of Thompson and Venables as "vicious and hardened criminals," and that the jury had no genuine freedom to decide on the boy's guilt or innocence. They had not even been offered the option of a verdict of guilty with diminished responsibility. "We were there simply to rubber stamp a verdict."



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