

Human rights advocates condemn murder conviction of 13-year-old Michigan child

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The conviction on Tuesday of 13-year-old Nathaniel Abraham for second-degree murder has been condemned by human rights and juvenile justice advocates. It has also been cited in the international press as an example of the brutal treatment of children in the United States.

The human rights organization Amnesty International USA said that the verdict “demonstrates how the United States lags behind much of the rest of the world in its treatment of children in the criminal justice system.”

Nathaniel, who was arrested at the age of 11 for the shooting death of 18-year-old Ronnie Greene in Pontiac, Michigan, was tried under a 1997 Michigan law that sets no minimum age for the prosecution of children as adults for serious and violent crimes. The conviction sets a dangerous precedent for the criminalization of children, and will no doubt will be cited by law-and-order advocates in Michigan and other states as a validation of the prosecution of juveniles as adults.

Abraham's defense attorneys presented overwhelming evidence at trial disproving the prosecution's contention that Nathaniel deliberately set out to shoot Greene. They contended that Nathaniel, who has severe emotional and mental problems, was firing a rifle at trees nearly 300 feet away and that Greene was most likely hit by a ricocheting bullet. The 12-member jury nevertheless found Nathaniel guilty of second-degree murder.

At the sentencing hearing December 14, Judge Eugene Moore could send Nathaniel to prison for life. He could also sentence him as a juvenile, or render a “blended” sentence, whereby he would be held in a juvenile facility until the age of 19 or 21, and then either sent to an adult facility or released.

Amnesty International USA issued a statement by its senior deputy executive director, Curt Goering, denouncing the trial. It read in part: “As America exhorts other nations to uphold basic human rights principles, we should begin with the ABCs of human rights and treat our own young offenders as children—not adults.

“Unfortunately, our nation is moving in the wrong direction—placing punishment of child offenders over prevention and rehabilitation. This trend to prosecute and punish children as adults is inconsistent with international standards. The Convention of the Rights of the Child—ratified by every nation in the world except the US and Somalia—establishes standards for the treatment of children that the United States routinely flouts.”

The US is one of the few countries in the world which allows the execution of individuals for crimes committed when they were juveniles. More than 65 juvenile offenders currently sit on the nation's death row.

Jo Becker, from New York-based Human Rights Watch, told the *World Socialist Web Site*, “One of the fundamental tenets of the juvenile justice system is the commitment to rehabilitation. Trying and convicting an 11-year-old as an adult has nothing to do with rehabilitation. We are aware that most states now permit the trying of children as adults.”

Human Rights Watch has just completed a study of juveniles held in adult jails in Maryland. “These are no places for kids. They don't have facilities for education, health care, mental health. As one 17-year-old inmate told us,” Becker said, “I'm not going to be rehabilitated in here, I'll just learn to be a better criminal.”

Juvenile justice advocates also denounced the verdict,

arguing that the jurors accepted the reactionary argument that troubled children such as Nathaniel were beyond rehabilitation. Hunter Hurst, director of the Pittsburgh-based National Center for Juvenile Justice, told the *WSWS*, “If I could imagine a world where optimism and the interest to improve the human condition is finite, then this conviction could be justified. But it is not beyond our hope to change children's behavior. What this case says is if you can't provide the resources and means to help kids in Oakland County—one of the richest counties in the United States—where can you?”

Hurst also said prosecutors were hoping to further their political careers by being “tough on crime.” Pennsylvania, he said, has a statute that automatically sends homicide defendants, no matter what their age, into the criminal court system. Defendants then have the burden to prove that they should be in a juvenile court. “About a 12 years ago,” Hurst said, “we had a prosecutor out to make a name for himself who wanted to try a nine-year-old for first-degree murder in Stroudsburg and seek the death penalty.”

The verdict was prominently reported by the international news media. Newspapers in Australia, Canada, China, England, France, Germany, Ireland, Spain and other countries carried stories Wednesday.

The leading French newspaper *Le Monde* ran an article by Sylvie Kauffman entitled “American justice system harsher than ever against juvenile delinquents.” The reporter began by saying it was ironic that Nathaniel was convicted 100 years after the founding of the first US juvenile court in Chicago in 1899. “Never has the American justice system been so far from the ideal that was behind the establishing of the children's court: a concern with the special characteristics of children and the idea that by reason of age the juvenile delinquent could be rehabilitated.”

Le Monde noted the rush by politicians and prosecutors to try and sentence ever-younger children as adults although studies showed that juvenile violent crimes were declining. Texas Governor George Bush “furnishes an example of those who carry out the harshest treatment of children,” the paper said, noting that shortly after his inauguration the capacity of the state's juvenile detention centers was tripled, and that in Texas 14-year-olds could be incarcerated with adults.

The article quotes Nathaniel Abraham's attorney

Geoffrey Fieger: “If an eleven-year-old could be convicted as an adult, what about an eight-year-old, or a two-year-old? This has to be stopped.” The *Le Monde* reporter concludes, “Today in the United States many experts agree with this; but the politicians still remain to be convinced.”

Condemnation of the conviction, however, will not change the minds of the prosecutors and politicians who support the build-up of the police powers of the state. On the contrary, the verdict can only encourage the Michigan politicians who backed the 1997 law allowing the prosecution of children as adults to press ahead with their right-wing agenda.

Governor John Engler defended the Michigan law, saying, “It's sad that someone could think that aiming a weapon and shooting someone is permissible. The facts are that there is a victim ... and he's not coming back. He got a life sentence in a very sad and tragic way.”

Republican State Senator William Van Regenmorter, who sponsored the 1997 law, said, “This case simply is demonstrating that the law is working as it should.”



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