

13-year-old convicted of murder in Michigan: Harsh truths about a repugnant verdict

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The conviction of 13-year-old Nathaniel Abraham of second degree murder in Michigan's Oakland County on November 16 has provoked a strong reaction in many quarters, including a good deal of indignation. The *World Socialist Web Site* has received a substantial volume of correspondence on the verdict. (See today's correspondence for a selection of letters on the case sent by WSWS readers). The issues raised by the Abraham trial and its outcome are of considerable importance for the future development of American society.

We take as the starting-point of any serious analysis two propositions:

First, the fact that Nathaniel Abraham, who fired a gun at the age of 11, was on trial to begin with was an abomination. The trial was made possible in general by a debased political and social climate and, specifically, a barbaric law passed by the Michigan state legislature permitting children to be tried as adults. This effort to throw society back 100 years is by itself an indictment of American society and its political and legal establishment.

Second, Abraham's defense attorneys demonstrated that there was nothing in the evidence presented to justify a murder case against *an adult*, let alone a child. The conditions surrounding the incident made the intentional shooting of Ronnie Greene a virtual impossibility. (See "Michigan murder trial of 13-year-old: Testimony undercuts prosecution case") Greene died as the result of a tragic accident. Informed legal commentators generally, including the majority on Court TV, which televised the case, clearly indicated their feeling that this was not a murder case. The weakness of the prosecution case makes the verdict all the more disturbing.

Certain factors no doubt assisted the prosecution. The population of Pontiac, where Nathaniel Abraham lived, was, in practice, largely excluded for jurisdictional reasons from taking part in the jury pool. This effectively excluded many blacks and poorer working class people from deciding on his fate.

The verdict was not representative of public opinion in Pontiac. Many sections of Oakland County outside of Pontiac are relatively affluent. As has been the case in similar areas throughout the US, the population has been bombarded with right-wing anti-tax, law-and-order propaganda for two decades.

Other, more or less accidental factors may have come into play. Defense attorney Geoffrey Fieger has suggested to the press that at least one juror had a right-wing political agenda that he was determined to carry out. This may very well be the case. Abraham may have faced an exceptionally unfortunate jury.

Nonetheless, the jury as a whole represented a cross-section of the population, or at least a certain segment of it, including as it did teachers, professional people, retirees and so on. Some expressed concern in the *voir dire* process about the prospect of trying a child. The length of the deliberations indicates there was at least some disagreement over the verdict.

How then is such a brutal and inhuman outcome to be explained? How

could a jury *not* composed of monsters have carried out such a monstrous act?

In Sidney Lumet's film *12 Angry Men*, made in 1957, one man (played by Henry Fonda) attempts to convince eleven other jurors that their desire to convict a boy as rapidly as possible should be reconsidered. Fonda provides an impassioned liberal argument against Social Darwinism, law-and-order vindictiveness and prejudices of various kinds. In Lumet's film, Fonda's character wins the day.

However farfetched particular episodes of the film might have been, the possibility of such a positive outcome was not unrealistic. The civil rights movement had emerged, as had a strong movement against the death penalty, and social reformism, with which the trade unions were still loosely associated, was a significant trend in American life.

The verdict in the Nathaniel Abraham case has ultimately to be explained by the changes that have taken place in American society and the problems in the thinking of great numbers of people. Over the past 20 years the US population has been force-fed a steady diet of reaction by the media and the political establishment. Militarism, chauvinism, the cult of the free market, the worship of selfishness—all have flourished. The population is reminded on a daily basis that the individual and his or her path to financial success are the only things that count.

The befouling of the ideological and moral atmosphere in workplaces, schools and elsewhere has been accompanied by the growth of an entirely hypocritical and empty piety in official circles. Politicians who associate with ultra-right fanatics and accept money from giant corporations preach "Christian values" to millions of people who find themselves in increasingly difficult economic straits.

At the same time, many of the erstwhile social reformists in the Democratic Party and liberal and radical circles, who have by and large grown wealthy and complacent, have turned decisively to the right. After all, the official representative of humanitarian concern in America, who invariably feels everyone's pain, is Bill Clinton, the destroyer of the social safety net and bomber of Iraqis and Serbs.

These processes have had their impact. The spectrum, if one can even term it that, of official American political life is extremely narrow. To paraphrase Dorothy Parker, it runs the gamut of views from A to B. The Democrats and Republicans comprise in a political sense one party, the party of the wealthy elite. Indifference to the conditions of masses of people, in the US and abroad, is government policy. The workings of the judicial system, from the Supreme Court on down, more and more resemble something out of the Middle Ages. Some of these judges and prosecutors will not be satisfied until flogging, public executions and hanging and quartering are brought back.

The political atmosphere is dominated by right-wing nostrums, which are never criticized or called into question in the mass media. The mantra of "individual responsibility" is raised in response to every social ill.

Members of Abraham's jury were obviously influenced by such ideas. Following the verdict, for example, jury foreman Daniel Stolz told the

press that jurors had accepted the prosecution's premise that there were no major differences between the thinking of a child and that of an adult, and implied that Nathaniel Abraham, who had the mental capacity of a six- to eight-year-old at the time of the shooting, had to take responsibility for his actions.

Stolz told a press conference: "Ronnie Greene was standing there.... The gun doesn't raise itself up automatically. He had to point the gun and he had to physically pull the trigger and there was an intentional action on that part."

Aside from the absurdity of identifying intentionally *squeezing a trigger* with intentionally *killing another human being*, which must be proven beyond a reasonable doubt to fulfill the legal definition of second-degree murder, Stolz expresses a particular viewpoint. According to this outlook, society and social conditions play no significant role in determining human action. Everyone is a free-floating atom, fully capable of acting like the respectable, law-abiding middle class citizen who holds this view. This is how those who are financially comfortable preach to those at the bottom of society.

What's worse, there are working people who buy this argument and declare: "Well, I've lived in poverty and I've never fired off a gun." It is true that not everyone in Nathaniel Abraham's circumstances picks up a gun and fires it. But the social wretchedness in Pontiac and the lack of help offered to those in economic and psychological need guarantee that among the most vulnerable individuals, some *will* do it. As surely as the sun rises and sets each day, the present conditions in America have produced and will continue to produce social tragedies.

This is only one part of the story, however. There is no indication that a majority of the population at large or even the majority of the Pontiac jury holds right-wing and vindictive views. Why did the most retrograde thinking prevail in this case?

As the correspondence to the WSWS indicates, the opposition to the verdict, as sincere and heartfelt as it is, does not by and large reach the level of a conscious social standpoint. It lacks perspective. Instinctively many people feel revulsion at the outcome of the trial and Nathaniel Abraham's fate. But they themselves don't quite know what to make of such developments. With few exceptions, they don't have at this point the intellectual and political arsenal with which to oppose the right wing.

This dilemma has a great deal to do with the paralysis and bankruptcy of liberalism. Democrats like Clinton, Jesse Jackson and Ted Kennedy, rich and corrupt, lecture millions of people who find it harder and harder to make ends meet about universal brotherhood and tolerance. To a great many who don't think the question through critically, it simply appears that the efforts in the 1960s to combat poverty were doomed to fail, along with the welfare system and, in general, all efforts at social reform. "Conditions have worsened, taxes have increased and what do we have to show for it all?"

The failure of government efforts to improve things is then advanced as a refutation of the claim that society and social conditions are the ultimate source of crime, juvenile delinquency and a whole host of ills. Improving the social environment doesn't work, it is said, and therefore the problem must lie elsewhere. Where? Reactionary ideologists are always ready with answers, such as the "Bell Curve" thesis that the poor are genetically inferior, or the "bad seed" argument that some people are just born evil.

Liberalism did fail, not because a "war on poverty" was waged and lost, but because it was never seriously begun. Social reformist efforts on the part of the political establishment in the US have always been, at best, a series of half-measures. The efforts to improve conditions were not aimed at changing the fundamentally unjust and irrational economic relations in society, but, on the contrary, heading off protest and revolt against those relations.

Alongside the resort to Social Darwinist clichés of various sorts is the propensity to latch onto what appear to be easy, pragmatic, quick-fix

solutions to complex problems: Much of the violence is gun-related—hence the liberal side of the political establishment offers gun control as a panacea. Crime is a pressing issue—therefore, virtually all politicians agree, the state must lock up as many people as possible for as long as possible. The "criminals" are younger and younger—hence the law-and-order lobby, with no significant resistance from the liberal establishment, demands lowering the age at which children are treated as adults.

The reluctance or inability to look at the complexities of an issue was expressed in the decision arrived at by the Abraham jury. Decades of government propaganda and Madison Avenue hype, the official culture of conformism and superficiality, have engendered a general intellectual decline. Broad layers of the population find it difficult to conceptualize, to develop an independent analysis of a process or phenomenon. There was in the Abraham verdict, along with everything else, a blatant failure of critical thought.

Even some who are sympathetic to Nathaniel Abraham and hostile to the law-and-order fanatics seem willing to wash their hands of the matter. "What can you do about such kids?" Any substantial effort to treat and rehabilitate youthful offenders has essentially ceased in the US.

Is it not extraordinary that in a country enjoying the greatest profit and stock market boom in history, where politicians boast about having wiped out budget deficits, there are no funds available for mental health facilities, special education, child care and the general well-being of the population? It does not require the most extraordinary mental leap to conceive of a different form of social organization in which resources, so obviously available, could be applied to meet urgent social needs.

All these circumstances need to be taken into account when considering the Abraham jury's deliberations. People have a difficult time dealing with the consequences of social deprivation under conditions where grotesque levels of inequality and poverty are accepted as a given by the media and the politicians, and there is no mass-based workers movement that sets as its goal fundamental social change, or even an active voice of organized liberal protest. Notable in the Abraham case was the failure of established civil rights groups such as the NAACP to mount any national campaign against the prosecution.

Assuming there were jurors who were saddened by Abraham's situation, could they offer any sustained opposition to the right-wingers who kept insisting that someone had to be held responsible and dismissed any consideration of the circumstances of the boy's background? At a certain point, they probably threw up their hands and surrendered.

The verdict in Pontiac, personally tragic for Nathaniel Abraham and his family, underscores the dimensions of the political and ideological struggle that has to be undertaken in the US. But the objective conditions for the rebirth of critical, revolutionary thought and a mass movement against the profit system are maturing. There are signs of a shift in mass sentiment: increasing opposition to the death penalty, hostile reaction to the right-wing agenda of the Republican Congress; disaffection from both big business parties. To this point opposition to the status quo remains largely passive, but that too will change.



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