The Michael Jackson verdict

David Walsh
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The acquittal of Michael Jackson on child molestation and related charges is entirely welcome. Whether it is a sign of changing popular sentiments or a more isolated episode, the decision by the Santa Maria, California jury to find the singer not guilty on ten felony and three misdemeanor charges is appropriate, both from the legal and human standpoint. In contemporary America, unhappily, rational and civilized conclusions to such sordid episodes are all too infrequent.

In objective terms, the jury's decision to acquit Jackson represents a stinging rebuke to the vindictive prosecution, led by Santa Barbara County District Attorney Thomas Sneddon and supported by all the attack dogs of the ultra-right. The verdict to reject even the lesser charges, whether the eight women and four men on the jury were fully conscious of the fact or not, stands as an indictment of the fraudulent and malicious character of the prosecution's case. The jury decision came in the face as well of a series of decisions by Judge Rodney Melville that favored the district attorney.

Jackson's acquittal, moreover, stands as an indictment of the foul role played by the American mass media, which legitimized and sought to bolster the case against the singer. The verdict stunned many of the media pundits, who have done everything in their power to stigmatize and demonize Jackson over the past 18 months.

In the immediate aftermath of the reading of the verdict, before the TV anchors and assorted talking heads had a chance to get their stories straight, a number of television reporters acknowledged what none of them had publicly admitted before—that there never was a serious case against Jackson. However, the media approach quickly shifted and attempts were made to denigrate the significance of the verdict by emphasizing the reservations of several jury members as to Jackson's past behavior.

Here again the media executives and pundits reveal their ignorance of and instinctive hostility to elementary democratic principles. Whether jury members had reservations about Jackson's behavior or suspicions of past misconduct, they did what they were supposed to do: they listened to the evidence, discussed it amongst themselves and determined that the prosecution had not proven its case beyond a reasonable doubt. It was this stubborn adherence to juridical norms and democratic principles—including the presumption of innocence—that so irked the establishment legal and media types, who have long ago discarded any such adherence.

Even if Jackson had been guilty of molestation, he would not have merited the savage treatment he received at the hands of the state and the mass media. No humiliation is too great, no debasement too complete for these forces.

Jackson appeared to be exhausted and on the verge of collapse by the end of the trial. In the brutality of a Sneddon one sees in microcosm the character of the American ruling elite: ignorant, reckless, embittered, endlessly pursuing anyone and anything that hints of opposition or the "counterculture."

Why was Michael Jackson actually on trial? Because his lifestyle is different, even bizarre; because he is perceived to be gay; because he is black. In the paranoid, pornographic vision of the extreme right, whose perverse mental life deserves to be analyzed by a Freud, Jackson represents a provocation and threat to "American values."

For the mainstream media in the US, the trial of a Jackson was a godsend. Unable and unwilling to present the truth about anything that matters, the mass media instinctively gravitates toward whatever will pollute the social atmosphere. With plunging support for the war in Iraq as well as George W. Bush's domestic policies, efforts to divert the attention of the population from the burning issues of the day become more and more frenzied.

The general media response toward the Jackson verdict has been spiteful, if not libelous. One guest interviewed by Fox News's Shepard Smith called Jackson "the Teflon monster" and claimed that "we need IQ tests for jurors." Numerous commentators asked Sneddon, defense attorney Thomas Mesereau and assorted jurors alike if they did not believe that a child molester had gone free. Not only has the presumption of innocence been thrown out the window, but an acquittal unanimously agreed upon by a jury means nothing to these elements.

Nancy Grace, the former prosecutor, who nightly pours out reactionary venom on CNN, could barely contain herself over the Jackson verdict. Grace, who has been declaring her belief in Jackson's guilt for months, began her program: "It is a clean sweep in a California courtroom. The Michael Jackson jury handing down a verdict that stunned the nation: Not guilty on all counts. ... It was a 13-year-old Hispanic boy who took on Michael Jackson in court. And tonight, it's not guilty, by reason of celebrity."

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Grace proceeded to hound jury foreperson Paul Rodriguez, provocatively asking at one point, “What do you think it would have taken to convince this jury that Jackson had molested this boy?”

Debra Opri, an attorney for Jackson’s parents, finally put Grace in her place: “Well, this is the bitter pill you’re going to have to swallow, Nancy. This is the reality, not the reality you have created for the last year. Michael Jackson is not guilty. Let him live his life in peace and stop trying to retry the case, and that’s what you’re doing.”

As noted above, the media seized on comments by one juror in particular, Raymond Hultman, to the effect that although there was not enough evidence to convict Jackson of the crime with which he was charged, the singer had probably acted inappropriately with underage boys in the past.

This exchange between NBC’s *Today Show* co-host Katie Couric and Mesereau was typical:

Couric: Some jurors are saying this is a not-guilty verdict, not an innocent verdict. One juror said he believes Michael Jackson molested other children, just not this one. So is this really the vindication that Michael Jackson’s supporters believe it is?

Mesereau: Yes, it is. Macaulay Culkin came and testified he was never touched. Mr. Robinson testified he was never touched. Mr. Barnes testified he was never touched. I mean, they tried to promote theories of Mr. Jackson’s behavior that just fell apart because they weren’t true.

Couric: But do you find it troubling, Mr....

Mesereau: I think it’s total vindication.

Couric: Do you find it troubling, though, Mr. Mesereau, that a juror is saying, “I believe Michael Jackson molested children or has molested children before”?

Mesereau: No. I don’t find it troubling because we won the case, and we should have won the case. He’s innocent.

Opinion polls register a majority continuing to believe in Jackson’s guilt. But where does the public get its information? As defense attorney Barry Scheck noted on the *Today Show*, the public viewed the trial through the prism of the media, while the jury viewed it directly.

The elaborate conspiracy charged by Sneddon—that Jackson abducted the family of his supposed victim and plotted to ship them to Brazil—was proven to be absurd. Mesereau had no difficulty in demonstrating that family members had gone on shopping sprees during their supposed imprisonment, including body waxes for the mother of the then 13-year-old boy and orthodontic work for the latter and his brother. Testimony indicated that the family had “escaped” and returned to Jackson’s Neverland ranch three times, once in a Rolls-Royce, but never called for help.

The defense presented evidence, unrefuted by the prosecution, that the boy’s mother had received a $152,000 settlement from J.C. Penney after she accused security guards of groping her when, in fact, the injuries were caused by her abusive husband. Mesereau was able to portray the woman as a con artist who had a history of attempting to extract money from celebrities for her cancer-stricken son.

Jury members told the press following the trial that the boy’s mother had made a very unfavorable impression on them. During her testimony, the woman alleged that “killers” threatened her during her supposed captivity and schemed to carry off her children in a hot-air balloon.

In a number of instances, prosecution moves blew up in their faces. Called by Sneddon as a witness, Debbie Rowe, Jackson’s ex-wife, proved quite supportive of the singer. In his opening statement the district attorney had promised jurors that Rowe would testify that a video she recorded praising Jackson was made under pressure and that her appearance had been entirely scripted. When she appeared, Rowe, who is locked in a custody battle with Jackson, repudiated this version of events and called the pop singer “my friend.”

The prosecution put several former Neverland employees on the stand who alleged that Jackson had groped a number of young boys in the early 1990s. Most of these witnesses had either sued or sold stories about Jackson and, as Mesereau pointed out to Couric, the boys who testified denied any impropriety.

Jurors who spoke to the media explained that the prosecution had simply never made a case. One of the jurors, a middle-aged mother, told the press, “The evidence said it all. We had a closet full of evidence that made us come back to the same thing—that there wasn’t enough” to convict. “Things didn’t add up,” she said.

In a statement they had the judge read out in court, the jury of eight women and four men explained, “We the jury feel the weight of the world’s eyes. We thoroughly studied the testimony, evidence, rules and procedures. We confidently came to our verdict.”

Jurors explained that as the trial proceeded, they began to think of Jackson less as a celebrity. “Even though he is a superstar, he is a human,” one female juror explained. “Seeing him throughout the trial, he is a normal person. It made him real in my eyes.”

Rodriguez told ABC’s *Good Morning America* that Jackson had thanked them. “He looked over at us. In fact, I made eye contact with him as the last part of the verdict was read and he kinda just mouthed to us and openly said, ‘Thank you.’”

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