

1999 case of 13-year-old convicted on adult murder charges

Nathaniel Abraham released from state custody in Michigan

Larry Roberts
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Nathaniel Abraham—arrested at the age of 11 and one of the youngest children in the US ever convicted as an adult for murder—was released from state custody on January 18, one day before his 21st birthday. Abraham, who was involved in the accidental shooting death of an 18-year-old youth in Pontiac, Michigan in 1997, was convicted two years later during a trial in which the prosecution and media demonized him as a vicious killer who deserved to be in prison for the rest of his life.

The media used the occasion of Abraham's release to rekindle its right-wing witch-hunt against the youth and attack the very concept that society has the responsibility to try to rehabilitate, not incarcerate, troubled children. Not only was Abraham 11 years old at the time of the shooting—far too young to form “intent,” according to child development specialists—but he was also mentally impaired, with an IQ of 75 and the functional age of a six- or seven-year-old.

“Is Young Murderer Ready for Freedom?” screamed one headline from an article in the *Detroit News*, where readers were told that nearly \$1 million had been spent on Abraham, clearly implying that money is wasted on rehabilitating a youth who should be locked away in prison.

On January 19 the *News* followed up with an inflammatory article charging that Abraham was receiving unwarranted assistance from the state with help for housing and education. It continued by publishing a series of letters under the subhead, “Young killer's release evokes amazement . . . Society pays; kid doesn't.”

The *Oakland Press*, for its part, ran the story under this headline: “Cost to rehabilitate Nate—\$1 million.” “People are still talking about Nathaniel's fur coat, hot pink shirt and shoes,” the newspaper wrote. “Even more shocking to some is that the taxpayers might foot the bill for his apartment and college tuition after about \$1 million has already been spent to rehabilitate the convicted killer.”

Why the visceral hatred for this young man?

The Nathaniel Abraham case came to symbolize the desperate plight of poor children in America's cities—and just how far state authorities and the media will go to blame them for the tragedies that inevitably result from poverty and official neglect.

What has particularly incensed the right-wing ideologues is the notion that they were thwarted in this high-profile case and that

their law-and-order demagoguery is increasingly being seen for what it is: a justification for the social inequality that plagues the US.

Abraham and other youth like him require continuous educational, psychological and other assistance. But such a humane approach would be tantamount to treason according to big-business politicians and the media, who aim to pollute public consciousness by criminalizing the poor. For them it would be preferable for the state to spend \$50,000 a year keeping Abraham in prison for the rest of his life than provide him with the assistance he needs to be reintegrated into society.

This policy is consistent with the political vitriol Abraham has faced since his case began. In January 1997, the Michigan legislature enacted a new law allowing children of any age to be prosecuted as adults. By the end of that year, 46 states followed suit, allowing children to be tried as adults, with 14 authorizing adult prosecution for certain offenses.

The demands for vindictive punishment—including the “three strikes, you're out” and other mandatory sentencing guidelines—have swelled the American prison population to the largest in the world, with more than 2 million individuals behind bars.

Abraham was tried for the shooting death of 18-year-old Ronnie Greene outside a convenience store in the late evening of October 29, 1997. At the time, Nathaniel was nearly 100 yards away, playing with a .22 caliber rifle and firing randomly at trees in an open field a block from his house. One of the shots apparently ricocheted off a tree and hit Ronnie Greene as he was leaving the store at the edge of the field.

These circumstances, when combined with the fact that Nathaniel did not know Ronnie Greene, indicate there was no legitimate basis to prosecute the youth for first-degree murder, which implies premeditation.

Moreover, both Nathaniel and Ronnie Greene were victims of the terrible poverty in Pontiac, a former center of General Motors, which has been ravaged by decades of plant closings and mass layoffs. Nathaniel's mother, Gloria—a single parent and lab technician—had repeatedly tried to get help for her son but was rebuffed by authorities. The mental health system in Michigan has been largely destroyed by state budget cuts, with at least six mental health hospitals—including one in the Pontiac area—closed since 1991.

In November 1999 a jury found Nathaniel guilty of second-degree murder as an adult. In an unusual move, however, Family Court Judge Eugene Moore decided to sentence Nathaniel—who was 13 at the time—as a juvenile, not an adult, so that he would be released when he turned 21.

At the hearing last Thursday, January 18, before Judge Moore, Nathaniel’s counselors and supporters praised the progress he made while in the custody of the juvenile justice system. Annette Henderson, who has worked with Abraham since 2001, said Nate had his ups and downs but he worked hard and had matured.

Daniel Bagdade, Nathaniel’s attorney throughout the 10-year period, said he thought Nathaniel had matured and was ready to leave the criminal justice system. He said Nathaniel is not the same youth as when he was 11 years old “and didn’t have a clue.”

Gloria Abraham-Holland, Nathaniel’s mother, was also glad to see her son released. “I am so grateful to the judge for everything he has done,” stated Abraham-Holland. “His [Nathaniel’s] birthday is tomorrow and we are going to have a personal celebration.”

At the hearing Nathaniel spoke before the court about his impending release. “I owe a debt to everybody in this case,” stated Abraham in a deep but audible voice. And to Judge Moore, Nathaniel made clear his personal appreciation. “I’d like to thank you for taking the chance and believing in me,” Abraham said. “You saw something in me before a lot of people did.”

Speaking from the bench, Moore said the juvenile system helped Nathaniel with remedial reading, acquiring a high school diploma and developing social skills, although there were several cuts in the juvenile program that forced Nathaniel to lose counselors and other needed programs.

Moore, who defends the juvenile justice system, stated he had opposed the demand made by the Oakland County assistant prosecutor, Lisa Haluska, to give Abraham a so-called blended sentence, whereby Abraham could have been re-sentenced and placed in an adult prison system for the rest of his life.

“I did not take the ‘blended sentence,’ route,” stated Moore, who admitted that the adult criminal system is failing. “Juvenile Justice is about rehabilitation,” stated Moore. “We cannot treat a portion of children as ‘throw away’ youth.”

At one point Moore asked if the state does for every child in the juvenile system what it did for Nathaniel, or whether it did so only in high-profile cases. The obvious answer is no; the resources are vastly inadequate. But the juvenile justice system in itself is not the answer. The vast majority of young people caught up in it, like Nathaniel, are victims of social deprivation and miserable poverty that the system has no intention of addressing.

The Abraham case gained international attention because of the backwardness and cruelty of the US justice system’s policy of incarcerating children. Amnesty International featured Nathaniel on the cover of a 1998 report condemning the US juvenile system. The trial was carried live on Court TV, and the late Ed Bradley interviewed Nathaniel Abraham and the attorneys involved in the case for CBS-TV’s “60 Minutes” program.

Amnesty International in particular has condemned the US for its treatment of children in the judicial system, including its execution of those who committed crimes when they were juveniles. In

October 2005, Human Rights Watch and Amnesty International issued a report titled, “Thousands of Children Sentenced to Life Without Parole,” in which it found that at least 2,225 people were in prison for life for offenses committed as children. It reported that Michigan has one of the highest rates in the nation for sentencing youth to prison without parole. (That report can be found here)

According to the report, 26 states stipulate mandatory life without parole for anyone found guilty of committing first-degree murder, regardless of age. The report also found that 26 percent of children in jail for life had committed “felony murder,” where they were with someone else who committed murder but were not personally connected to the crime. Many of these cases involved first offenses.

The study found that black youth received life sentences at a rate estimated to be ten times that of white youth. In California, black youth were 22.5 times more likely to receive a life sentence without parole than white youth, and in Pennsylvania, Hispanic youth are ten times more likely to receive life sentences than white youth.

The report noted that the United Nation’s Convention on the Rights of the Child, adopted in 1989, which forbids placing children in prison for life, was adopted by every country in the world except the United States and Somalia. The report adds that outside of the US there are only 12 known cases of young offenders serving life sentences.

Michigan is now considered to be one of the most punitive states in the country, with more than 300 inmates under 18 serving life sentences without parole.

As the case with Nathaniel has shown, in those areas where poverty is the greatest, so too are its social ills. The working class, especially in economically devastated areas such as Michigan, is suffering under the conditions of continuous job slashing in auto and related industries. For that reason, the ruling elite attempts to cultivate a law-and-order climate to preserve the harsh conditions that go along with it.



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