

THE TRUE VICTIM OF THE MICHAEL JACKSON TRIAL

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There is one, overlooked victim of the Michael Jackson trial: the boy who said he was seduced and abandoned by the pallid King of Pop. Whatever really happened between them, Gavin Arvizo, cancer survivor and still just 15 years old, is a sad, unjustly treated child.

If he was telling the truth, then his mother, Janet ('no relation') Jackson's performance on the witness stand made him seem a liar and her, his Svengali. So did the dirt dug on and thrown at her by Jackson's private investigators: that Gavin's Mum had cheated on welfare; toadied to and tried to gauge money from celebrities and shops; lied and encouraged her son to lie, and was now very publicly painting herself, and him, into a corner from which she was gilding her lily.

If he was telling the truth, it was tragic that he was so painfully and publicly disbelieved. Anyone with access to television or the Internet knows that when he was just 13 he told police that he thought Mr. Jackson was his one 'best friend,' and was dreadfully hurt and angry when— to him, inexplicably — he was dumped, after Jackson's disastrous interview with British journalist Bashir: an interview in which he held his hand and talked of sleeping together as the purest expression of innocent love.

If he was telling the truth, then how dreadful that his evidence, including his seemingly artless, pain-filled first police interviews recorded in February and March 2003, in which he described his grief at being abandoned by his self-described 'daddy' was used against him. The attacks on his character — the defence even tried to call evidence of 'bad character (rudeness and throwing stones) from Marlon Brando's 9 year old granddaughter — were as bizarre and amoral as his mother's behaviour in the courtroom. So what, of his

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undisciplined antics in Neverland? He was, after all, a child, encouraged by Jackson to licence as well as by his mother's abandonment of common sense. They were trivial enough for little boys partying without adult boundaries: drinking a little wine, cheeking servants and poring (and pawing) over porn with other little boys. Trivial, but cause for public humiliation before millions, and public humiliation over sexual matters is as bad as it gets for any teenage boy, whose self-identity, sexuality and self-worth are a work in progress.

If he was telling lies, his mother and grandmother had coached him, and that was not his fault; and he was exposed to the risk of terrible psycho-social harm because a prosecutor, sensing Jackson's blood in the water, was willing to take that risk. Jackson had a dreadful childhood, too, which has never left him and, I fear, this child's won't either. Both were exploited by adults for their own gratification. And he was, we just don't know who did the worst by him.

Whatever the truth, none will ever know: Jackson is entitled to proclaim his innocence because he was acquitted because the whole ghastly circus made, in the minds of a jury, a reasonable doubt of his guilt. But this does not relieve all those concerned from the damage that was done to this child through the process.

What have we learned from the Jackson trial? That there is a very good reason why so many children refuse to speak, withdraw their complaints or are unable to retell what befell them in a criminal investigation or a trial. They intuitively know that it is better to be *stumm* because they will not be believed, the silence of the lambs.

Parents are responsible for protecting their children, and thoughtful ones will choose not to offer up their children to examination, cross-examination and character assassination. The state is responsible for protecting children, too. We desperately need different ways for hearing the truth, deciding how and who to prosecute, and how to run the trials of those who abuse children's trust. First, do no harm.

If Gavin's Mum was a liar and a manipulator, how can this justify further harming her damaged boy? It is the state's responsibility to protect children from the consequences of their parents' foolishness or criminality. This is the real reason that we should never have condoned the detention of children of unsuccessful asylum-seekers, and why it ill behoved John Howard to remark flippantly to the ABC on 20th June, when asked about the damage done to those children who had been locked up, 'Perhaps their parents should have stopped to ask themselves whether they should have tried to come to this country in an unauthorised way in the first place'. Perhaps, but 'Look what you made me do,' never made a wrong, right.

The Jackson trial dealt a tremendous blow to the right of a child to be protected from decisions made by self-centred adults, be they their parents or powerful men, whether an alleged paedophile or his indefatigable pursuer.

Australian courts and judges have been fiddling about with 'special' trial procedures – CCTV, informality, special procedures and 'education' for judges and lawyers – meant to give a voice to vulnerable witnesses, for nearly twenty years. There has been little real progress. Just last month one Victorian judge reduced a 14-year-old incest victim to tears by clumsily interrogating her, in front of the alleged perpetrator, to determine the 'sincerity' of her fear of giving evidence in person. We have now witnessed the consequences of an adult-focused, criminal trial process in which, to protect the rights of the accused, an especially vulnerable child may be branded a dirty-minded liar before millions. No child should have been exposed to such opprobrium, either by his parents – who should not have allowed the Neverland frolics let alone the Bashir interview - nor professional journalists and broadcasters, either at the behest of a celebrity or of a prosecutor arguing his case in the court of public opinion. Now the villain, but really the quarry, this boy's experience should teach all parents that their child is most unlikely to be 'credible' to a panel of adults, primed by 'Law and Order: SVU,' to expect a dramatically convincing performance.

Many sex offenders against children, and paedophiles too, are not prosecuted or convicted because our criminal justice system, designed to meet the needs of adults and institutions, can't 'flex' enough to allow the most vulnerable witnesses to speak their truth. Responsible public prosecutors eschew calling badly-neglected children, traumatised children, and particularly vulnerable witnesses – very young, Aboriginal, sick or disabled children – because they are not “mature” and thus ‘bad witnesses’. This is clearly insane.

The Jackson trial has at least made it obvious that need an entirely different, child-focused way to protect children from adults who use them to gratify their own needs. There is no justice when their voices cannot be heard.