







Firstly, that Jordan Chandler accused Jackson of molesting him. Secondly, that Jordan accurately described Jackson's genitalia, and lastly, that Jackson paid Jordan off to buy his silence. So far, so incorrect.

For contrary to what most people believe, these three 'facts,' are in reality – myths. Myths, which for years have been regurgitated, promoted and assimilated into the public consciousness, much like the Richard Gere-gerbil story or the leave-a-tooth-overnight-in-coca-cola fable. So how did these myths become part of our everyday landscape, and who or what is keeping them alive?

In 1993, and since: the context of the ferocious custody battle between Jordan Chandler's parents, the use of a controversial drug to extract an accusation from a child, overwhelming evidence to suggest Jordan's father, Evan Chandler, planned and successfully managed to extort Jackson aided by unscrupulous lawyers manipulating the no-win situation of a molestation accusation, and the real reasons why the financial settlement was paid – were given little to no meaningful attention by the media.

Once lit, the biggest story of the early 90's was fanned into a fire by specific media outlets, tabloid brokers, and television journalists using compromised sources, all of which obscured crucial facts from the American public. The reasons are obvious enough.

An industry that needs a fast turnover of fresh news to shift copy and attract audiences is not motivated to 'slow' a news story down. The speed at which a story develops creates its own momentum, regenerating itself in the process. For headlines to have their day, something has to give, and in 1993 – it was Michael Jackson.

In the last two decades, the advent of satellite news gathering (SNG) changed the face of the television news industry. Satellite news vehicles could drive to the scene of major stories anywhere and transmit on-site. When the allegations against Jackson first broke on a local LA news station, few could have guessed that Jackson, at the time a much loved artist and known advocate of children's' welfare, would so quickly become 'first blood' for the radical new era of 24-hour 'rolling' news reporting.

For America, the first hint of the media saturation that was to come began on August 23, 1993. *KNBC-TV*, broke the news that Neverland had been raided in its early evening news slot. They had been tipped off the day before by Don Ray, a freelance reporter living in Burbank at the time, after he himself had been called by a source in the early hours the day before. Ray, describing the media tsunami that followed said, "[he] watched this story go away like a freight train." Indeed it did.

The Jackson coverage would make the hot story *de jour* – the revelations of Heidi 'Hollywood Madam' Fleiss's black book – pale in comparison. In her 1994 article '*Was Michael Jackson Framed: The untold story*' journalist Mary A. Fischer wrote, "within 24 hours, Jackson was the lead story on seventy-three TV news broadcasts in the Los Angeles area alone and was on the front page of every British newspaper."

One of those front pages belonged to Caroline Graham, back then a journalist at the Rupert Murdoch owned British tabloid, *The Sun*. After an early tip-off, Graham, convinced her editor to hold the front page. The Sun's morning edition ran with '*Jacko Child Abuse Probe*' as its headline story on August 23. The rest of Fleet Street jumped on the scandal a day later.

The pace of events would avalanche, however, as a direct result of the leak of a confidential document to an American TV reporter at *Hard Copy* – a syndicated tabloid news television show, and its sale within hours to *Splash News Service*, an LA based agency that operated as a de facto 'clearing house' for tabloid news stories.

A go-between for the anonymous source of the leak met *Hard Copy* reporter Diane Dimond and her producer Steve Doran, in the early evening of August 23 at an Italian restaurant in Santa Monica. They would leave that meeting with an illegally obtained copy of a report detailing the accusations made by



Jordan Chandler and his father Evan Chandler (now deceased,) in an interview with the LA Department of Children and Family Services (DCFS.) *Hard Copy* insisted it did not pay for the report.

Aware of the impending leak, Jackson's security adviser at the time – Anthony Pellicano, in an attempt to beat the press at their own game, held an impromptu press conference on August 23, and another on August 24. Telling reporters that the police investigation involved claims of child abuse, and that the accusations were the result of an “extortion gone awry,” Pellicano's disclosures sent an already bated media into barely controlled hysteria.

At a time when the police were officially “not disclosing” any information, the threat of the DCFS leak had already claimed its first consequence. It would compel Pellicano to pre-empt the leak, thus revealing the nature of a police investigation that had barely begun to gather evidence. Journalist, Allan Hall, then based at *The Mirror* – a British tabloid, recalled the media's excitement at the time, “you had a sense that people were flying in from all over the world.” Such was the media appetite for Jackson news that within 48 hours literally hundreds of journalists descended on the City of Angels.

The explosion in ratings across the media that the release of descriptions of graphic, unproven allegations against Jackson generated, would make TV networks and editors more willing to pay for information from compromised sources and tabloid brokers. This practice of using paid ‘witnesses’ would directly affect the direction and substance of the criminal investigation against Jackson, and later significantly influence the decision to pay a financial settlement to the Chandlers.

The decision by TV executives, producers, newspaper editors and reporters to use an illegally obtained document to broadcast incendiary accusations into the public domain, represents the critical point at which the media essentially ‘entered’ the state's investigation. Nothing had been established, no charges had been made. But yet headlines went around the world linking Jackson's name to something that even the suggestion of – destroys.

On August 25, Dimond, with an overtly ‘he's guilty’ slant, told an audience of approximately 6.1 million (Nielsen figures), that the report *Hard Copy* had “exclusively” obtained was “extremely graphic and detailed...right down to the sexual act.” *Splash News*, busy fielding offers from LA to Tel Aviv at \$750 a time, ensured that the next day every television screen in America tuning in to either NBC, ABC, or CBS, would have seen the words written by the social worker who conducted Jordan's interview, “while laying next to each other in bed, Mr Jackson put his hand under [the child's] shorts,” flashing up on their screens.

In those first early days, the real damage to Jackson came not from the police investigation, but from the media roar created by 24-hour rotation of the same allegations, the same sound bites, and the same uninformed analysis. This roar, would allocate air-time only to the most lurid of details. The broadcasting of the DCFS report on prime-time television, as well as accelerating the pace of the Jackson story, also clearly directed the public to form an opinion based only on an accusation – not proven fact.

The facts were these:

Jordan Chandler, the child at the centre of the allegations, whose family first befriended Jackson in May 1992, repeatedly denied being molested by Jackson until he was removed from the custody of his mother, June Chandler. Up until August 1993, the only person accusing Jackson of anything, was his father – Evan Chandler.

The relationship between Jordan's divorced parents, already fractious, deteriorated rapidly when Evan's attempts to convince Jackson to buy him a house failed. It was only after this rejection that Evan first raised the issue of molestation. And it was only when Jordan was under the physical control of Evan – a man who would seriously assault his own son in 2006, that Jordan would accuse Jackson.

Evan, a dentist, who at one point only narrowly avoided losing his license after the Board of Dental Examiner's found his work revealed "gross inefficiency," aspired to a career as a scriptwriter. At the time, owing his ex-wife \$ 68,000 in child support, Evan had previously shown little interest in his son, until he became aware of Jackson's friendship with Jordan. In 1994, Mary A. Fischer quoted Dave Schwartz, Jordan's step-father, as saying he believed Evan's reasons for insisting Jackson had molested his son, were because [Evan] "wants money."

June Chandler, until told by the police in late August '93 that Jackson 'fit the profile of a pedophile,' repeatedly stated that she did not believe Evan's accusations. Her lawyer at the time, Michael Freeman, would tell *Frontline* in November 1993 (aired February '94) that June 'changed' her mind when she became afraid she would be prosecuted for parental neglect.

The existence of considerable collateral evidence, in the form of tape recordings Schwartz secretly made of conversations between him and Evan between June and July 1993, as well as eye-witness statements; support the view that it was when Evan engaged the services of Barry Rothman – a Los Angeles lawyer with a savage reputation and code violations from the California State Bar against his name, that Evan actualized his plan to extort Jackson.

On July 11, Jackson's lawyer, Bertram Fields, in an effort to head off the lawsuit he had seen coming when Jackson first told him that Evan was demanding a meeting with him back in June, agreed to Evan and Rothman's demand that Jordan be allowed to stay with Evan for one week. Jordan would never return to his mother's custody. Crucially, it was in the period that followed this transfer, that Jordan's accusation materialized.

From July 12 through to August, documental evidence suggests that procedural steps were put in place by Rothman to secure Evan's custody of Jordan, and to ensure that continued.

On July 15, Rothman presented a hypothetical abuse scenario to Mathias Abrams, a psychiatrist who, without meeting either Evan or Jordan, supplied Rothman with a written statement that, "events as presented above provide the basis for the conclusion that reasonable suspicion would exist that sexual abuse may have occurred." If evidence were needed of premeditation by Evan Chandler and Rothman to allege molestation, for many, this would perhaps be it.

The use of the drug Sodium Amytal on Jordan during apparently necessary dental work by Evan and an attendant anesthesiologist, Mark Torbiner, would be the turning point. Jordan would subsequently tell child psychologist Richard Gardner (now deceased) from the Los Angeles Sexually Exploited Child Unit that when he "woke up" after this surgery, he remembered being asked if "anything had ever happened between [him] and Michael." Jordan, still under the influence of the drug, would reply that it had. Evan Chandler would later claim that this was the moment when Jordan first admitted that Jackson had touched his penis.

From August 4 to August 16, Evan and Rothman initiated the negotiations with Pellicano. They demanded a sum of \$ 20 million, to be paid in five installments by Jackson. In those meetings, it was made clear by Evan and Rothman that this money would 'persuade' Evan from going ahead with his threat to make his accusations about Jackson public. By August 13, these negotiations had irretrievably broken down.

On August 16, June Chandler, realizing Evan intended to keep Jordan indefinitely, authorized her attorney, Freeman, to apply to the court for the return of Jordan to her custody. Freeman informed Rothman that this order would be applied for the next morning. Rothman immediately informed his client, Evan.

The next day, August 17, Evan took his son Jordan to Mathias Abrams, the psychiatrist Rothman had already primed for exactly this turn of events. Jordan repeated the molestation story. Mathias, required by



the fray. Notably *Newsweek's* 1993 cover, 'Is he Dangerous or Just Off The Wall?' and *Time's* - 'Michael Jackson: The End of Innocence?' – would take the debate beyond just the tabloids' walls.

Despite the headlines; a little over a month after the allegations had broken, a concerted campaign of damage-control consisting of press conferences with Pellicano showcasing Wade Robson and Brett Barnes as examples of Jackson's 'healthy' relationships with children, expressions of unity from Jackson's own family, and playbacks of Evan's voice threatening that – if a "certain plan" was not followed, "it will be a massacre if I don't get what I want" – to assembled press scrums – had resulted in a degree of softening towards Jackson in the public's mind.

Opinion polls at the time compiled by *A Current Affair*, *Entertainment Weekly* and the *National Enquirer*, suggested well over 70% of Jackson's target audience – teens and females, did not believe the allegations. It was at this point, however, just when the extortion component of the story was beginning to take hold as a viable reason for the allegations, that the media found a way to reignite a story that was in danger of resolving itself. In the absence of any personal statement from Jackson (legally obligated to fulfill the third leg of his *Dangerous* tour,) the momentary 'gain' generated by the release of the tapes – would be short-lived.

Billed at the time as 'explosive new revelations,' the media successfully re-catalysed the Jackson story by offering huge amounts of money for stories from a line-up of flexible 'witnesses.' Indeed, media outlets competed for these stories, driving up the price and the 'graphic' quotient in the process. The first of these 'witnesses', would be Stella and Phillippe Lemarque, former chefs at Neverland.

Using Hollywood investigator and well known tabloid broker, Paul Barresi (known to occasionally use firearms during negotiations,) the Lemarques attempted to sell their account of Jackson 'abusing' the child actor Macaulay Culkin to anyone waving a checkbook. Their story was eventually sold first to *The Mirror* for an unspecified amount, headlining with 'Jacko's New Home Alone Slur,' then to *The Globe* for \$15,000 who ran with *Peter Pan or Pervert: We caught Jackson Abusing Child Star.*

Lemarque, who alleged that Jackson's technique was to 'get' children so overstimulated that they barely noticed what Jackson was 'doing' to them – when subsequently cross-examined in 2005 by Jackson's lead lawyer, Thomas Mesereau – would admit that Barresi advised him that saying Jackson's hand was 'inside' Culkin's shorts instead of 'outside,' would significantly raise the asking price they could sell their story for. Indeed, writer Maureen Orth in her 1994 article 'Nightmare in Neverland,' wrote that Barresi actually showed her two written versions of the Lemarques 'story,' clearly revealing the relationship between the fee and their content.

In '93, after the Lemarque story broke, Culkin publicly denied he had been molested by Jackson. But the press gave virtually ignored this, some even suggesting Culkin's denial was an attempt to save his career. In 2005, Culkin – who interestingly, was not called by the prosecution as a witness even though under the prosecution's own 'prior acts' criteria he qualified as one of the 'victims' – insisted on testifying after Mr Lemarque's testimony. Under oath, Culkin adamantly denied any such incident occurred and denounced the charges against Jackson as "absolutely ridiculous." It has since emerged that in 1997, Lemarque set up and ran a hardcore website called 'Virtual Sin,' which has since folded.

However, back in '93, without the benefit of hindsight to evaluate the Lemarques's credibility, their story would add considerable fuel to an already blazing fire. The pressure on Jackson, increased simply because the media were willing to pay the price the Lemarques demanded.

The Lemarques 'revelations' would be swiftly followed by two former housekeepers from the Philippines, the Quindoys. Three days after the first news of the allegations, ABC would send a reporter to Manila to hear their 'eye-witness' account. And once again, the media would pay for the privilege. Meanwhile, Diane Dimond at *Hard Copy* was also keen to speak to the Quindoys. The bidding was about to begin.







Michael Jackson's strange relationship with boys," the interview soon veered into familiar territory with a bodyguards recounting a story about photographs they were "told to destroy." Quite why the bodyguards would have been told to "destroy" photographs during their time of employment which ended in 1992, when the allegations against Jackson only arose in 1993, was strangely never addressed by Dimond.

In reality, Dimond's on-air statement, broadcast to millions, as the reason why the bodyguards had been fired from Neverland – was completely false. The bodyguards had, in fact, been fired for theft. A few months after their *Hard Copy* interview, each of the ex-employees in their pre-trial depositions given as part of their 'wrongful termination' suit against Jackson, would each admit that they had never seen Jackson abuse any children. Those transcripts are a matter of public record.

In Jackson's 2005 trial, Ralph Chacon – one of the five ex-employees, when cross-examined by Thomas Mesereau, would confirm that in 1992 he had been fired for stealing goods from Jackson's home. He would also say that he was advised to sell his story to the tabloids by the lawyer who handled his 1994/5 'wrongful termination' suit against Jackson.

Under oath in 2005, Ralph Chacon would also admit to meeting up with Tom Sneddon (the District Attorney for Santa Barbara at the time) – in the week before he testified, to give Mr Sneddon "more information" about what happened in 1993. Yet, in 2005, Mesereau had to press Chacon to 'remember' that he had drafted his 1994 affidavit for his civil suit against Jackson in the presence of his lawyer.

Adrian McManus, one of the other ex-employees who sued Jackson in '94, when called to testify in the 2005 trial, would attempt to retract the statement she had made in her sworn deposition as part of the 'wrongful termination' suit against Jackson. In that statement, McManus stated that she had not seen Jackson touch Macaulay Culkin inappropriately. Under oath in 2005, when questioned directly by Mesereau as to why she now sought to change her original statement, McManus somewhat disingenuously replied, "I didn't tell the truth."

Kassim Abdool, another guard fired for stealing Jackson's property, could not corroborate any instances of molestation when questioned by Jackson's defense lawyers in the 2005 trial.

Morris Williams, also involved in the 'wrongful termination' suit against Jackson, when questioned in that case in 1994 by one of Jackson's lawyers, admitted under oath that he had never witnessed any abuse personally. When asked why he had formed a view that Jackson was an abuser, Williams truthfully replied "...from what I've been hearing in the media."

All of these ex-employees would lose their wrongful termination suit against Jackson in July 1995, and would be ordered to pay a total of just over \$1.4 million between them in damages to Jackson. At least two of the five plaintiffs declared bankruptcy, thus avoiding payment. But back in '93, without the benefit of hindsight, the effect of these 'confessions' on Jackson's name and reputation – was incalculable.

On December 15, Jackson's reputation would suffer another serious body-blow when *Hard Copy* aired another ex-employee's reminiscences of 'abuse.' Trailed as '*The Bedroom Maid's Painful Secrets*,' Dimond would again state that this story had not been paid for. That statement was false.

Trailerred provocatively with clips of the maid saying she has seen Jackson in a bathtub with a young boy, Blanca Francia's appearance on *Hard Copy* garnered the ex-maid \$ 20,000. As far as executives at *Hard Copy* were concerned though, it was money well spent. *Hard Copy's* exclusive with Francia trounced rival show *A Current Affair* in the ratings.

Before an audience of millions, Francia told Dimond she had seen Jackson showering and frolicking naked in a jacuzzi with young boys at Neverland. Francia also said she saw Jackson behaving inappropriately with her son, Jason. Tabloid reaction to the show was damning. The *News of The World's*







among all these people. And that would make a much more interesting story than almost anything we've heard so far. ”

Such was the ‘credibility’ of the ‘witnesses’ that the executives at *Hard Copy* and other media outlets paid thousands for. At the time, however, the cumulative effect of this never-ending assembly line of people prepared to publicly accuse Jackson of molesting children – was catastrophic. In the vacuum created by Jackson’s absence, these accusers were the voices that dominated the headlines, radio debates, and TV talk shows.

In homes and offices across America, Jackson – still being treated for stress / pain-related, prescription-drug addiction in a British clinic – was losing the media war. The fact that these ‘witnesses’ only came forward when money was offered to them, lost on a public being force-fed the distortions of the industry that was creating and exploiting them.

When the Jackson story broke, the *Enquirer*, more resourced than all the other tabloid publications in the market, threw everything it had at it – reporters, editors, investigators and a network of informants. The *Enquirer* would score early. Joining the dots from an old story they had previously run – ‘*Jacko’s New Adopted Family*,’ together with LA property records, *Enquirer* investigators would track the Chandlers down to Brentwood the old-fashioned way, working the leads.

The Jackson scandal did very well for the *Enquirer*, who for the next six months after the Jackson story broke would feature Jackson on no less than twelve covers. This, perhaps explains the astonishing detour from traditional investigative reporting they would attempt in December 1993. Roger Friedman, resident columnist at *Fox 411*, revealed to Matt Drudge in an interview on the *Drudge Report* in April 2005, the extreme lengths the *Enquirer* had been prepared to go to for the sake of a story. According to Friedman, while Jackson was fighting for his health and sanity, and his lawyers were fighting for his name – the *Enquirer* were preparing to take the gloves off.

Keen to scoop the next instalment in the ever-unfolding Jackson story, ‘feelers’ were put out by the *Enquirer* to find young boys known to have spent time with Jackson. Reporter, Jim Mitteager, duly found the Newt boys – Robert and Ronald Newt Jr. (now deceased.) Both aspiring musicians, the boys had ‘hung out’ with Jackson and his family circa 1985 when Jackson still lived at the Jackson family home in Encino. Mitteager, with the backing of David Perel, approached the boys father – Ronald Newt Sr, a San Francisco ‘character’ with a colorful past that included both film-making and ‘pimping,’ and tried to negotiate a contract worth \$ 200,000, whereby the Newt boys would publicly accuse Jackson of molesting them.

A contract was drawn up between the *Enquirer* and Newt Sr, and Robert Newt even once accompanied his father to meet Mitteager at The Marriot hotel in San Francisco. Robert Newt, in an on-record interview with Roger Friedman, recalled how Mitteager matter-of-factly explained to him how things might proceed. Telling Robert Newt that he “might have to go on Oprah,” Mitteager, casually added that Robert should say Jackson “touched [his] butt.” At the supreme last minute, Ronald Newt Sr, pulled out of the deal, inking the contract with the words “No good sucker.” His precise reasons are unknown. But perhaps even to an old ‘entrepreneur’ like Newt Sr, the kind of arrangement that exploited his children’s innocence was not worth the contract it was written on.

Evidenced by a contract with David Perel’s signature on it, Mitteager also taped one of the meetings with the Newts. The ‘*Mitteager Tapes*,’ far from being an urban legend, have been listened to by successive journalists and editors over the years. What is perhaps most disturbing about Friedman’s account of this essentially attempted entrapment by a powerful tabloid, is how clearly it illustrates the real malignancy that exists in an industry that once aspired to be so much more. As Steven Moore, wrote in a November 1993 article in *The Guardian*, ‘*The Michael Jackson Scandal has become a Media Orgy*’ – “it is unfortunate that the press, which was supposed to ensure basic freedoms, is in danger of becoming the instrument that takes them away.”

Throughout the fall of '93, further anguish for Jackson would come from within his own family. His sister, Latoya, at the time, estranged from her family – who disapproved of her posing for *Playboy* and her marriage to Jack Gordon, (a man with a criminal past and a penchant for violence against women) – appeared on *US Today* and Howard Stern's radio show, saying that she "hoped" the accusations against her brother were not true. Although immediately denounced by the rest of the Jackson family, the press seized on the ambivalence of her statements, which on December 8, would become definite accusations.

In late August, Jackson's lawyers filed extortion charges against Evan Chandler and Barry Rothman. By default, this forced Evan Chandler to find a new lawyer, as continued representation by someone who was now a co-defendant would have been a conflict of interest. A combative, Philadelphian – Gloria Allred, stepped into the breach. Signing on as the Chandlers' new lawyer on August 31, Allred held a boisterous press conference on September 2, where she spoke unnecessarily graphically about the details of the alleged molestation. This press conference was, naturally, broadcast around the world.

Telling the press, " my client wants to have his day in court," Allred declared, "[Jordan] is ready, he is willing, he is able to testify." Sources close to Chandler at the time, reported that Allred and Chandler clashed as personalities, and there is some evidence that they differed fundamentally about how to approach the case – and the press. As a result, within days of the conference Allred would receive a letter from Chandler's new lawyer – Larry Feldman, threatening Allred with State Bar penalties if she did not immediately resign from the case. Effectively shut out, Allred resigned that same week.

For Jackson's lawyers, though, this change of personnel meant they were soon contending with a new crisis – a civil suit against Jackson for \$ 30 million filed on September 14, 1993, by the formidable Feldman. This civil suit, described by Mary A. Fischer in 1994 as " the beginning of the end," would in many ways prove to be just that.

Misreported at the time, the reasons for the settlement have been completely misunderstood for years by not only the American public, but observers in general. Understandably, the biggest issue most people can't get past when judging the events of '93, is why Jackson chose to pay the Chandlers a substantial financial settlement instead of fighting the civil case in court. The assumption is that Jackson was afraid of what the boy would say. This assumption, widely held to this day – is profoundly incorrect. The reasons behind the decision to settle were many. But the key one was a point of law.

Before the Santa Barbara District Attorney, Tom Sneddon, changed the legislation in California that now prevents a civil case from preceding a criminal one when the defendant is facing the same charges, the law in 1993 meant Jackson would have had to give his defense testimony in the civil case before he testified in the subsequent criminal one.

Put simply, if the civil trial went ahead before the criminal one, the prosecution would have had a front row seat to Jackson's defense strategy. That would have left Jackson with only one option – invoking the fifth amendment. That option, however, only works on paper. In reality, in a trial where the charges involve something as emotive and heinous as child abuse, a defendant who continually answers 'I plead the fifth your honor' isn't a trial. It's legally assisted suicide.

If Jackson's lawyers cared about winning the criminal trial, they had stop the civil suit from preceding the criminal one. In the 2003-2005 case trial, police investigators, under Tom Sneddon's direction, notably lifted defense documents clearly marked 'Mesereau' from the house of Jackson's then personal assistant, Evelyn Tavasci. They also exceeded the scope of a search warrant to raid the office of Bradley Miller, a private investigator working for one of Jackson's lawyers at the time, thus violating attorney-client privilege. So the prosecution were clearly not above tailoring the prosecution towards the defense's case.

"Holding the civil trial in advance of a criminal trial " journalist Charles Thomson explains, " would give the prosecution unqualified access to Jackson's defense strategy. If Jackson cited an alibi in his civil trial,

Sneddon could go back to the office and change the dates on the criminal charges. If Jackson called witnesses to corroborate his version of events, Sneddon could go back to his office and mould his case around their testimony. He could tailor his case exactly to the defense strategy, making it impossible for Jackson to win a criminal trial. The only way Jackson could guarantee himself a fair criminal trial was to make the civil trial go away.”

Jackson’s legal team: facing off a hostile press, continued hampering of their efforts to defer the civil case, and a client who – as Bert Fields told reporters in a press conference on November 12, when he announced that Jackson was cancelling the remainder of his tour to enter a clinic to treat a prescription-drug addiction – was “barely able to function adequately on an intellectual level,” were now themselves splintering under the strain. These tensions would come to a head less than two weeks later.

Furious with Fields for publicly revealing Jackson’s mental state to the press, attorney Howard Weitzman, the other ‘power’ lawyer on the Jackson case, would be even more incensed when Fields told a packed courtroom on November 23, that a criminal indictment against Jackson looked likely. Fields, mistakenly thinking this would convince the judge to hold off on a date for the civil case, was later humiliated by Weitzman’s public correction of Field’s statement. In the end, the judge refused the defense’s motion anyway and set a trial date of March 21, 1994. Pellicano and Fields verbally resigned within days, finally leaving the case in mid-December.

The irony of the abortive attempts by Jackson’s lawyers to stop the civil case from going ahead before the criminal one, was that Jackson was nowhere close to being prosecuted. The August raids of Neverland and Jackson’s Century City apartment, and the November raid of the Jackson’s family home in Encino, had produced no physical evidence to support charging, or even arresting Jackson.

In late November and October, the press made much of (leaked) reports that police investigators had found a book at Neverland: ‘*The boy: A Photographic Essay*,’ which contained pictures of clothed and nude children. In reality, the actual circumstances of this ‘find’ were completely innocent. Still in its original packaging, the inscription inside the book read ‘To Michael: From your fan, Rhonda. Love xxxooo Rhonda – 1983, Chicago.’

The lack of corroborating evidence in the criminal case, was confirmed by an officer from the LA Police Department, who told the *LA Times* in 1993 that “no evidence (medical, photographic or video) could be found that would support a criminal filing” against Jackson. Despite the use of intimidatory techniques (such as telling the children that nude photos of them existed,) by the police when interviewing the 30 or so children who had been guests at Neverland with their families over the years – every one of them denied any abuse had occurred.

At one point, officers even resorted to asking Jackson’s younger cousins and nephews if they had ever been ‘abused’ by their relative. Reduced to following the ‘leads’ the tabloids broke, investigators questioned the Lemarques and the Quindoys. But despite the stories these ex-employees had profited from selling, they refused to go on record and accuse Jackson of molestation.

Retrospectively, in 2004, in an interview with *News Press*, former members of the 1993 grand jury in Santa Barbara, said they were never shown enough evidence to issue an indictment against Jackson. Their statements support the comments made by Thomas Mesereau. On November 29, 2005, in front of a mixed audience of legal commentators, undergraduates, post-graduates and reporters at Harvard University, Mesereau said,

“[Sneddon] had convened a grand jury in the early 90’s to try and get an indictment and he failed. The grand jury met for approximately 6 months and would not charge Michael Jackson with anything. And I have since spoken to someone who was on that grand jury quite recently from Los Angeles. She was on a Los Angeles grand jury that was convened at the same time. And they had real problems with these

accusations. And [the] real problems were the sense that people were trying to get money out of Michael Jackson by generating these charges. ”

During this question and answer session, Mesereau also revealed that had Jordan Chandler come forward to testify in the 2005 trial, that he [Mesereau] had witnesses prepared to testify that Jordan had told them that the reasons behind his decision to file for legal emancipation from his parents, were due to Jordan’s anger and resentment at being forced to lie about Jackson. Mesereau further stated that he had been ready to call witnesses who could corroborate that Jordan had told them many times over the years that Jackson had never molested him, and that the accusations had simply been about Evan’s desire for money.

In November ‘93, however, the media were still dedicating over 65% of their coverage to the Jackson story. And despite the slow progress of the criminal investigation, it was the civil case with its considerably lower onus of proof, and the fact that Jackson could be forced to plead the fifth, that was applying the pressure to Jackson’s legal team.

The media’s distortions were also intensifying. With each day that Jackson remained out of the country, the baying of the press for his return grew louder. In part, out of frustration at their inability to locate Jackson, and attempting to provoke a reaction from the Jackson camp, the press took to taunting Jackson in headlines that suggested the official statements about his addiction were merely a ploy to ‘escape justice.’

In *The New York Times* in ‘*Persona Goeth Before a Fall*,’ Neal Gabler wrote, “ the latest installment of Mr Jackson’s life promises to upstage every other entertainment. Call it Michael Jackson, The Fugitive?” Britain’s *Daily Mirror*, demanded ‘*Arrest Jackson*,’ and later featured a ‘*Spot the Jacko*’ contest offering a luxurious prize at Disneyland to anyone who could predict Jackson’s whereabouts. The *Daily Express* pictured a gurning, out-of-context picture of Jackson next to the words ‘*Drug Treatment Star Faces Life On The Run*,’ and on November 29, *People Magazine* ran the shocker ‘*MICHAEL JACKSON CRACKS UP!*’

Whether the press really doubted Jackson had a problem or not, either way, they had got what they wanted – a reaction. Jackson’s legal team were forced to hold a press conference simply to confirm that Jackson was still being treated for pain-killer addiction. On November 19, Wietzman and the new addition to the team, civil rights lawyer, Johnny Cochran Jr, would be presented with a worst case scenario – even they could not have predicted.

Widespread rumors, fuelled by unofficial police leaks, had been gathering pace for weeks. Speculation that Jordan had drawn a picture of Jackson’s genitalia, and that Jackson would be forced to undergo a police strip search when he returned to America, were the two subjects on every reporters lips in November ‘93. At a November press conference, Weitzman and Cochran were repeatedly asked to confirm whether or not Jackson’s genitalia was discolored, and if Jackson planned to return to the States to comply with the search. Weitzman, piqued, denied the story saying, “ If Mr Jackson wanted any excuse to stay out of the United States, he could have stayed on the tour. He has no intention of avoiding the United States. ”

By December, the pressure on Jackson’s team would become intolerable. On December 8, Latoya held a midnight press conference in Tel Aviv, with husband Jack Gordon standing by her side. Telling an incredulous press pack that she could no longer be a “collaborator ” in her brother’s crimes “against small children,” this missive could not have come at a worse time. Jackson’s lawyers, trying to present a united front while they negotiated the conditions for their client’s return, could only have seen Latoya’s statements as undermining.

Superior court Judge Rothman had already ordered that Jackson’s deposition in the civil case had to be confirmed before the end of January, and the convening of the two grand juries in November had brought the threat of the criminal case ever closer. Agreeing to be deposed on January 18, and having agreed to



the search on the basis that it took place at Neverland, and lasted 25 minutes, Jackson finally returned to America on December 10.

On December 14, Feldman, Cochran, Weitzman, Deputy DA Lauren Weis met Judge Rothman in closed chambers to discuss the depositions that had already been made in the civil case. After the meeting, Feldman, who had been continually dispensing cynical soundbites about Jackson's absence for months, told reporters waiting outside, " what I'm surprised about is that Jackson made such a speedy recovery. It was supposed to be eight weeks, and as soon as there is an agreement with the DA's office, he's back. "

The warrant itself, which was to examine, photograph and videotape Jackson's entire body, "including his penis, anus, hips, buttocks and any other part of his body " was executed on December 20 at Neverland. Jackson's lawyers were denied a copy of the affidavit which would have indicated the 'probable cause,' in other words, some clear sign on Jackson's genitalia that Jordan alleged existed.

In front of his two attorneys, Dr Arnold Klein, Louis Swayne who was Jackson's photographer, Sergeant Gary Spiegel, the sheriff's department's photographer, Dr Richard Strick (the DA's dermatologist,) and a bodyguard – Jackson, in some degree of distress – removed his bathrobe and stood in the center of the room for 25 minutes while he was intimately examined.

For Jackson, someone who, arguably, was body-dysmorphic and chronically, even pathologically shy, this experience would be a watershed moment. Profoundly shaming, Jackson's family and friends in later years have said that Jackson was irrevocably shattered by this event. For Jackson's lawyers, with the judge's refusal to defer the civil case effectively rubber-stamping the growing appeal of the settlement idea, the body search – would make that idea a certainty.

Far from being the definitive match Feldman heralded the photographs as, the comparison between Jordan's description and Jackson's body differed in the most obvious area:

Jordan had categorically stated that Jackson was circumcised. He was not. It could be speculated that as the child of a Jewish father, Jordan, possibly circumcised himself, may simply have assumed that everyone else was also. If so, that would also mean Jordan did not have an intimate knowledge of Jackson's body.

Vitiligo, is a constantly evolving disease. It is progressive, and markings differ markedly between sufferers. Some sufferers have huge blocks of color pigmentation, others like Jackson, present as intricate markings. If one can imagine flicking paint very lightly over a surface and then observing the results, this is what Jackson's vitiligo looked like.

The idea that Jordan would be able to identify such subtle markings, but yet could not, as a mixed Jewish child, discern the difference between a circumcised penis and one that was not – is unsustainable. For any male, the difference between the two is defining. Any claim therefore that such a fundamental difference in penis types could be termed a 'match,' is a leap – and a substantial one..

The "dark spot" that Diane Dimond claimed Jordan said was positioned on the underside of Jackson's scrotum, was not photographed during the session, according to the sheriff's photographer present. This fact – that a photograph was not taken of the so-called only 'tell-tale' mark, and apparently the reason why the body search was allowed in the first place – is somewhat remarkable. However, speculation on this point is unnecessary, as the clearest divergence from Jordan's description has already been stated. Since no photograph of this 'dark spot' was taken, and there is no evidence to suggest that there was, any claims about its existence can neither be refuted nor claimed as absolute.

The drawing, Jordan drew as a likeness of Jackson's penis was a generic likeness. Unless Jackson had some significant peculiarity to his genitalia, there would inevitably have been some 'likeness' in the widest sense. In short, a penis, whatever color it is – is still a penis.





he was saying – it doesn't matter what the photograph's prove, what matters is what people believe. To the public, Feldman's statement expressly said, the photograph's match – Jackson is guilty.

Only two media outlets carried the correct information. One was *Reuters*, the other was *USA Today*. On January 28, 1994, when the articles were written, the civil suit had already been settled three days previously. In *USA Today*, it was reported that,

“A source close to the case stated that the photographs were “at variance” with the descriptions Jordan Chandler had provided, and that, “the pictures simply don't match the boy's description.”

The article in *Reuters* said “the photo's of Michael Jackson's genitalia do not match descriptions given by the boy....If so, this could weaken any possible criminal actions against the singer.”

By late December '93, Jackson's legal team were running out of time. Regardless of the weakness of the evidence against Jackson, from where they stood, it looked like the LA and Santa Barbara police were forging ahead with the criminal case. With the convening of the two grand juries in November, the decision about whether or not to settle, could no longer wait.

The settlement question, always polarizing, seems to raise more questions more answers. Looking at the wording of the agreement, it is clear that a compromise was negotiated. But it is also clear that acceptance and admission of criminal conduct, was for Jackson – non-negotiable. The relevant clauses are:

*“The 1993 civil settlement was made by Mr Jackson's insurance company and was not within Mr Jackson's control. The settlement agreement was for global claims of negligence and the lawsuit defended by Mr Jackson's insurance carrier.”*

The agreement further states that:

*“The parties recognize that the Settlement Payment set forth in this paragraph 3 are in settlement of claims by Jordan Chandler, Evan Chandler and June Chandler for alleged compensatory damages for alleged personal injuries arising out of claims of negligence and not for claims of intentional or wrongful acts of molestation.”*

The most important part of the settlement agreement, from Jackson's perspective, was the key clause of non-admission of liability. This clause was as adamant – and as clear, as Jackson could get in this agreement to stating that he was not guilty of the criminal accusation. Jackson's legal team specifically negotiated the inclusion of this clause, and only when this clause was agreed – did Jackson sign on to the agreement.

The fact that this was agreed to by the Chandlers, is astonishing in as far as it perhaps most clearly reveals Evan Chandler's (and June's – who also stood to gain financially) intentions. For most parents of a child who had allegedly been 'molested' – this is the one clause that would be unacceptable.

The other key point in this agreement, is that nowhere in it are the Chandlers' rights to pursue a criminal case affected. This fact, was reflected in a report carried in *USA Today* on January 28, 1994, three days after the settlement agreement was announced. Every other media outlet at the time reported the same.

“The boy's civil suit was settled out of court this week. The boy's lawyers say the settlement does not preclude the teen from testifying in a criminal case, though prosecutors cannot force him to testify against his will.”

At a press conference in Santa Monica on January 25, 1994, lawyers for both sides announced that an agreement had been reached by both parties. Media speculation over the actual amount paid, like the rest

of their coverage oscillated wildly, with figures of between £ 25 million to a quarter of Jackson's wealth being estimated. The actual figure paid was \$ 15,331.250.

Cochran, told reporters present. "The resolution of this case is in no way an admission of guilt by Michael Jackson. In short, he is an innocent man who does not intend to have his career and his life destroyed by rumors and innuendos." Cochran, subsequently commented to *JET Magazine* "They [*Hard Copy*] want ratings. They pay witnesses. Any similarity between the truth and *Hard Copy* is purely incidental."

At the same conference, Feldman, echoing Cochran, told reporters, "Nobody's bought anyone's silence."

As far as answering questions about whether or not Jackson 'bought' his way out of a criminal trial, the fact that the agreement did not prevent the Chandlers in any way from testifying in a criminal trial – is unequivocal. The most Jackson could ask for, if the Chandlers decided to testify was written notice of the fact.

*"In the event the Minor, the Minor's Legal Guardians, the Minor's Guardian ad Litem, the Minor's attorneys, Evan Chandler or June Chandler... receive any subpoena or request for information from any person or entity who has asserted, or is investigating, any claim against Jackson or the Jackson Releasees or the Action or the Claims, they agree \* to give notice in writing\* to Jackson's attorneys regarding the nature and scope of any such subpoena request for information, to the extent permitted by law."*

Yet, they never did. That the family subsequently refused to testify was their own decision, and one that was made entirely independently of the civil suit settlement. The settlement only resolved the civil case, not the criminal case, which staggered on for another eight months, finally closing in September '94.

For those, who remain unconvinced that the context of worldwide, media vilification, aggressive tactics of Evan and Feldman, and the sustained pressure of being investigated by two police departments, would have exerted any influence on the decision to settle; it may perhaps be more relevant to ask what choices Jackson – and those advising him, would have thought they had at this point.

The parties relevant to the settlement agreement – apart from the lawyers, were the Chandlers, Jackson, the Sony Corporation, Elizabeth Taylor and Lisa-Marie Presley.

Even though Sony are not named in the agreement, the reality is, if Y invests \$ 65,000,000 in X, then Y will have a say in whether or not X goes forward with a potentially fatally damaging lawsuit – especially if the general consensus is unfavorable Sony had re-signed Jackson in 1991 for a sum that broke records at the time.

From Sony's point of view, seeing their superstar humiliated in the way he had been since August was bad for business, especially as *PepsiCo* had already announced on November 14 that their corporate relationship with Jackson was over. This now meant Sony would bear all future tour and promotion costs alone. A judgment against Jackson, either civil or criminal, would destroy that huge investment in an instant. All of this, would have meant that – behind the scenes, Sony would have been pushing, fairly emphatically for a settlement.

Presley and Taylor, are also not named in the agreement. As Jackson's friends, however, their opinion mattered. At that time, they considered Jackson to be unable to withstand the rigors of a trial. They also advised him to settle.

The risk to Jackson of exposing his defense strategy in the civil case and being forced to plead the fifth was a very real one. It cannot be overstated enough. No defense lawyer in the world would advise a



defendant to go through with a civil case before a criminal one. And that was what Jackson was facing in '93.

Mary A. Fischer, in her 1994 article, made much of the influence of the 1992 Rodney King-inspired riots. Los Angeles burned, looting ensued and it cost the city millions in physical damage, and perhaps much more in cultural relations. Though many people think of Jackson as someone who wanted to somehow 'change' his race, the truth is – despite his fading skin color, Jackson had the psychological make-up of an African-American male. Latterly, most journalistic reviews, media reform groups, and social commentators, have unanimously described the media's behavior towards Jackson in 1993 – as one of unbridled excess and viciousness. For Jackson, the feeling may have been a little more personal.

Weitzman and Cochran, in the aftermath of the strip-search, now dealing with a emotionally broken client were facing tough choices: To either let Jackson waste their defense strategy in a civil case with a significantly lower burden of proof; or settle, and end the nightmare of a case that due to relentless misinformation and the use of compromised, paid 'witnesses' by the media – they were losing in real terms anyway.

In 1994, John Branca – Jackson's long-standing business lawyer, said Jackson, "changed his mind about [taking the case to trial] when he returned to this country. He hadn't seen the massive coverage and how hostile it was. He just wanted the whole thing to go away."

J. Randy Taraborrelli, respected Jackson biographer (unauthorized,) and someone who knew Jackson personally, recalled how he had spoken to Jackson after the settlement and asked him why he had paid it.

*Excerpt from an article written by Taraborrelli on July 1, 2009.*

"I was the first reporter to interview Michael after he made that very controversial settlement. To be candid, I was angry that he had settled. Frankly, I didn't know if he had molested Jordie, or not – all I knew was that he had insisted to me that he was innocent and I had published it.

"So, why did you pay that kid off, if you were so innocent?" I [Taraborrelli] asked him.

"Because I needed to get on with my life." He [Jackson] told me, very matter-of-factly. "It was killing me, the whole thing. I didn't do it. I swear to you, I did not do it. But I just needed to put it behind me."

I argued that, since he'd settled, people would always assume he was guilty. Had he considered as much?

"You know what? I don't care what people think.....for the first time in my life, I don't give a f\*\*\*."

On January 25, 1994. The settlement between the Chandlers and Jackson was signed. The media, aware since early January that this was likely, were united across-the-board in their condemnation.

*The Guardian*, on January 26, 1994, headlined with 'Justice For Sale.' Within the article itself, a quote by New York lawyer, Raoul Felder, stated what many felt at the time. "The settlement is disgusting. It sends a message to America that if you're rich and famous, you can throw a little of your gold at the scales of justice until they tip your way. Justice is for sale." On January 26, *The Times*, snarked with 'Jackson's Checkbook Justice.' *Esquire*, also in January, ran with 'Dubious Achievement Awards, 1993,' listing Jackson as a strong contender alongside Bill Clinton. On January 30, *The Sunday Times*, spoke volumes with 'Hush Money? Michael Jackson,' tagging the article with the line, "If you are pop star rich, comes the message, you can buy yourself out of trouble."

On February 5, *Billboard* carried a piece headed 'Industry Shows Support.' The point of interest in it, is that it contains a quote by Bob Burch from *KEZK St Louis Radio*, saying that his station would continue to "maintain an indefinite suspension of airplay," with regards to Jackson's music. *TIME*, trumpeted

'*The Price Is Right*' on February 7, with Richard Corliss writing, " So for now his freedom is assured, if not his reputation." On February 7, *Newsweek* swung low with '*The Check Is In The Mail,*' while *People Magazine* went for the jugular with '*Dodging The Bullet.*'

In January '94, the *Gallup Polls*, assessed the emotional temperature at the time as:

59% of Americans thought Jackson should have fought the case and not settled.

23% of Americans thought Jackson acted correctly.

56% of Americans thought Jackson should be tried in a criminal court.

These figures, reflective of the American public's misunderstanding of the reasons and realities behind the decision to settle, were the result of months of biased coverage and determined misinformation. It would have been surprising if these figures had been any different. Why wouldn't the public have assumed Jackson had bought himself a get-out-of-jail-card? The professionals paid to inform them correctly and accurately, had not done so. Drunk, with their own power to shape and incite opinion, the same industry that was itself aware of the compromised nature of the sources they had paid for, had re-fashioned the goal posts of what could be considered fair reporting, to their own liking.



And what of the other characters in this saga?

By late 1993, June, Dave Schwartz and Evan Chandler had imploded. For them, would follow years of fighting each other in court for various complaints of emotional distress and other grievances.

Evan, would file a further lawsuit against Jackson in 1996, seeking \$ 60,000,000. Alleging that Jackson had breached the confidentially agreement, Evan would demand the right to make his own album – *EVANstory*, which in a way has a kind of Freudian appropriateness to it.

Jordan went on to live a life of self-imposed anonymity, never speaking to his mother again – or his Uncle Ray Chandler, who had decided that the best thing for his young nephew's state of mind, would be a tell-all book that also happened to make Uncle Ray much more comfortable.

Jordan, would eventually legally emancipate himself from his parents, but in 2006, would be violently attacked by his father. Using a dumb-bell weight and a pepper spray, Evan attacked his son from behind. Jordan would press charges, but at the last minute changed his mind.

And Michael Jackson? Who long ago had wanted to fight, before the battle wore him down and he realized he couldn't really win. Then, looking ahead to a life with Lisa-Marie, he must have hoped the settlement would end the heartache. It did not. Taraborrelli had been right. That settlement would follow Jackson like a bad dream for the rest of his life. How ironic, that if he had only paid Evan back in August '93 – this article would never even have been written.

The media machine, cognizant that this new version of their objet d'obsession was a money-making golden ticket – had only just begun.

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*Deborah Ffrench is an English writer. Part II of this online article will be hosted exclusively on Stereoboard.com. Citations will be listed when Part III is published.*