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CRIME SHOWS AND TERRORS

THE MASS MEDIA CREATE THE IMAGE OF A SOCIETY WITH AN ENORMOUS AMOUNT OF VIOLENT CRIME - ESPECIALLY OF MURDER BUT ALSO OF RAPE, AND ARMED ROBBERY. INDEED, FROM THE 1940'S TO THE PRESENT THE PERCENTAGE OF TOTAL T.V. PROGRAM TIME DEVOTED TO CRIME-RELATED SHOWS HAS PERSISTENTLY INCREASED. HOWEVER, ACCORDING TO OFFICIAL CRIME DATA, THE VIOLENT CRIME RATE HAS FALLEN SHARPLY BEGINNING IN ABOUT 1990 AND CONTINUING UNTIL TODAY ALTHOUGH REAL LIFE MURDERS ARE ONLY A TINY FRACTION OF ALL SERIOUS CRIMES, MEDIA RESEARCHER DORIS GRABER HAS FOUND THAT IT CONSUMES 26.2% OF ALL CRIME NEWS REPORTED IN THE CHICAGO TRIBUNE.

SHE ALSO FOUND THAT NON-VIOLENT CRIMES SUCH AS THEFT COMPOSE 47% OF ALL CRIMES REPORTED TO THE POLICE, SUCH CRIMES CONSTITUTE ONLY 4% OF ALL CRIME ITEMS IN NEWSPAPERS. WHEN MEDIA RESEARCHERS HAVE EXAMINED BIAS IN WHAT THE MEDIA CONSIDER NEWSWORTHY, MOST OF THEIR ATTENTION HAS BEEN DIRECTED TO T.V. ACCORDING TO THE PROJECT FOR EXCELLENCE IN JOURNALISM IN 2008, LOCAL T.V. STATIONS CONSISTENTLY PRACTICE "HOOK AND HOLD" WHICH IS A PRACTICE WHERE THEY TRY TO HOOK AND HOLD AN AUDIENCE BY LEANING HEAVILY ON STORIES ABOUT "PUBLIC SAFETY"

AT THE BEGINNING OF NEWS REPORTS, PERHAPS FOR THE FIRST FEW ITEMS.

IT HAS ALSO BEEN DOCUMENTED THAT ABOUT ONE THIRD OF T.V. PROGRAM TIME THROUGHOUT THE UNITED STATES IS DEVOTED TO CRIME OR LAW ENFORCEMENT SHOWS. SOME OF THESE POPULAR T.V. PROGRAMS ARE: COPS, THE FIRST 48, 60 MINUTES, 48 HRS, DATELINE, NCIS, AMERICA'S MOST WANTED, LOCKED UP ABROAD, CRIMINAL MINDS, DOG THE BOUNTY HUNTER, PSYCH, THE MENTALIST, CSI, LAW AND ORDER, SPECIAL VICTIMS UNIT, FORENSIC FILES, AMERICAN GREED, AND THE LIST GOES ON.

TRUE EVEN MORE IS THAT THE INVESTIGATION DISCOVERY ("I.D.") CHANNEL HAS 60 MILLION SUBSCRIBERS OUTSIDE THE U.S. IN 138 COUNTRIES REPORTS ONE SOURCE.

A & E NETWORKS HAS A REACH OF APPROXIMATELY 52 MILLION SUBSCRIBERS WORLDWIDE. ALL OF THESE SHOWS CREATE MORAL PANIC.

NO WONDER THAT EVERY SO OFTEN A SOCIETY BECOMES ENGROSSED IN A PROCESS OF PUBLIC FRENZY DIRECTED TO CERTAIN FORMS OF CRIME AND DEVIANCE. IN THE EARLY 1990'S, BILL CLINTON AND HIS DEMOCRATIC PARTY DECLARED A WAR ON DRUGS TOUGH ON CRIME APPROACH RESULTING IN LIFE SENTENCES IN SOME CASES FOR CITIZENS ACCUSED OF SELLING CRACK COCAINE. AS EVIDENCE HAS

~~THE~~ PROVED, THIS WAS A FAILED WAR WHICH TOOK MORE THAN THREE DECADES TO BE DISMANTLED ONLY RECENTLY BY PRESIDENT DONALD TRUMP WHO SIGNED INTO LAW A FIRST STEP ACT.

AND EVEN MORE EXAMPLES OF MORAL PANIC
"ME TOO" MOVEMENT WELL DOCUMENTED EXAMPLES OF MORAL
PANIC INCLUDE THE "ME TOO" MOVEMENT AS WELL AS "THE WAR ON
ALL THINGS SEX," TARGETING MEN THAT ARE FUELED AND FANNED AND
SENSATIONALIZED BY THE MEDIA RESULTING IN MORE WRONGFUL
CONVICTIONS, AND LESS DUE PROCESS AFFORDED TO CRIMINAL
DEFENDANTS CAUGHT UP IN THIS MEDIA FRENZY.

A REPORT ISSUED BY THE NATIONAL REGISTRY OF EXONERATIONS IN NOV. 2013 FOUND THAT 22% OF THE KNOWN EXONERATIONS IN THE U.S. RESULTED FROM "NO-CRIME" CONVICTIONS. OF THE 1,242 EXONERATIONS INCLUDED IN THE REGISTRY AT THE TIME OF THE REPORT, 210 IN FOUR MAJOR CATEGORIES WERE LISTED AS BEING DUE TO CRIMES THAT WERE NEVER COMMITTED. SEX ABUSE CASES TOPPED THE LIST - 75% OF ALL

OF THE REPORT, 210 IN 100
DUE TO CRIMES THAT WERE NEVER COMMITTED.
OF THOSE, CHILD SEX ABUSE CASES TOPPED THE LIST - 75% OF ALL
CHILD SEX ABUSE EXONERATIONS AMOUNTED TO ONLY 7% OF TOTAL
HOMICIDE EXONERATION CASES, NO-CRIME SEXUAL ASSAULT
EXONERATIONS TOTALLED 14%, AND MORE THAN HALF OF DRUG CRIME
EXONERATIONS - 55% - INVOLVED CASES WHERE NO CRIME OCCURRED.
THE REPORT CITED A VARIETY OF FACTORS BEHIND EXONERATIONS IN
NO-CRIME CASES, MOST COMMONLY BECAUSE PERJURY OF FALSE
ACCUSATIONS LED TO THE CONVICTION.
THE REGISTRY, SUCH FACTORS OCCURRED IN 76% OF
ADULT CASES. FOR EXAMPLE, AN

NO-CRIME CASES, MOST COMMONLY, ACCUSATIONS LED TO THE CONVICTION. ACCORDING TO THE REGISTRY, SUCH FACTORS OCCURRED IN 76% OF NO-CRIME EXONERATIONS. IN MANY ADULT CASES, FOR EXAMPLE, AN ALLEGED RAPE WAS DISCOVERED TO HAVE BEEN CONSENSUAL SEX, IN SOME INSTANCES TO COVER UP INFIDELITY BY A SPOUSE. IN MOST DRUG CRIME EXONERATIONS THE REPORT SAID, PERJURY OR FALSE TESTIMONY OFTEN TOOK THE FORM OF DRUGS PLANTED ON A DEFENDANT BY A WITNESS, A POLICE INFORMANT OR A POLICE OFFICER. FURTHER, IN AT LEAST 37% OF NO-CRIME CASES, ONE OR MORE ACCUSERS RECANTED THEIR ALLEGATIONS AFTER CONVICTION. ACCORDING TO THE REGISTRY, THE HIGH RATE OF EXONERATIONS

ACCORDING TO THE REGISTRY, THE HIGH RATE OF EXONERATIONS IN CHILD SEX ABUSE CASES WAS ATTRIBUTED TO REPORTING OF THE ALLEGED CRIME, DAYS, WEEKS, MONTHS, OR EVEN YEARS AFTER THE SUPPOSED ABUSE, WITH NO OTHER WITNESS OTHER THAN THE

COMPLAINANT. IN GENERAL, EVEN THOUGH NO-CRIME EXONERATIONS RECEIVE LESS PUBLIC ATTENTION THAN THOSE IN WHICH SOMEONE ELSE COMMITTED THE CRIME, THE PERCENTAGE OF NO-CRIME CASES AMONG ALL WRONGFUL CONVICTIONS HAS BEEN STEADILY INCREASING, ACCORDING TO THE REGISTRY.

IN 2005, A REPORT OF 340 EXONERATIONS FOUND FEWER THAN 4% INVOLVED NO-CRIME BEING COMMITTED. THE REGISTRY'S FIRST REPORT FOR THE YEARS 1989 TO 2012, LISTED 18%, THE NOVEMBER 2013 REPORT CITED 22% OF THE RECORDED EXONERATIONS AS NO-CRIME CASES. AS OF DEC. 2015 THE REGISTRY LISTED 1,721 EXONERATIONS NATIONWIDE, OF THOSE, 511 - ALMOST 30% WERE LISTED AS CASES IN WHICH NO CRIME OCCURRED. IN 2024, THOSE FIGURES CAN BE EVEN HIGHER. WHILE IT IS TRUE THAT A MAJORITY OF CRIMINAL CASES ARE RESOLVED WITHOUT EVER REACHING THE JURY, WE MUST STILL CONSIDER HOW THE PEOPLE TASKED WITH BEING ARBITERS OF ~~TRUTH~~ ~~TRUTH~~ TRUTH OPERATE.

JURORS ARE NOT ~~TOLD~~ EXPLICITLY TOLD TO ERR ON THE SIDE OF FREEING THE GUILTY. NOR ARE THEY TOLD TO RESOLVE ALL DOUBTS OR AMBIGUITIES IN FAVOR OF THE ACCUSED. JUDGES SIMPLY INSTRUCT THE JURORS THAT THE "DEFENDANT IS PRESUMED INNOCENT OF THE CHARGES." JURORS ARE THEN ADVISED THAT THIS PRESUMPTION "IS NOT OVERCOME UNLESS YOU ARE CONVINCED BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY AS CHARGED." GIVEN THE ABSTRACT NATURE OF SUCH JUDICIAL ADMONISHMENTS, IT SHOULDN'T BE SURPRISING THAT JUROR INTERPRETATIONS OF THE SUBJECTIVE REASONABLE DOUBT INSTRUCTION VARY WIDELY. UNDERSTANDING WHY JURORS SEEM TO APPLY VARYING THRESHOLDS FOR CONVICTION IS CRUCIAL TO PROTECT RIGHTS UNDER THE DUE PROCESS ~~AND~~ CLAUSES. RESEARCHERS OF JUROR INTERPRETATION HAVE FOUND THAT EDUCATION LEVELS OF DIFFERENCES IN DEMOGRAPHICS DO NOT WHOLLY EXPLAIN WHY JURY INSTRUCTIONS ARE APPLIED DIFFERENTLY. THE REPORT FINDS THAT "DIFFERENCES IN JURORS LEVEL OF CYNICISM ABOUT THE CRIMINAL JUSTICE SYSTEM AND ITS PROTECTION OF CRIMINALS, THEIR WILLINGNESS TO DISREGARD CIVIL LIBERTIES TO MAINTAIN ORDER, AND THEIR BELIEFS ABOUT THE FREQUENCY OF CRIMINAL BEHAVIOR AND THE NEED FOR PUNISHMENT TO CONTROL IT, TRANSLATE INTO PROSECUTION VERSUS PRO-DEFENSE BIASES THAT IN TURN AFFECT HOW JURORS WEIGH EVIDENCE AND DECIDE WHETHER THE EVIDENCE IS SUFFICIENT FOR CONVICTION."

JURORS REACT DIFFERENTLY TO JURY INSTRUCTIONS

AS WELL AS PARTICULAR ALLEGED CRIMES BECAUSE THEY BRING A VARIETY OF GOALS AND PRECONCEPTIONS TO THE JURY TASK. IF THE LEGAL PERSONALITY IS ONE OF STRONG AVERSION TO WRONGFUL CONVICTIONS, THEY ARE LIKELY TO ENSURE DUE PROCESS BY HOLDING THE GOVERNMENT TO ITS HIGH BURDEN OF PROOF. IF THE LEGAL PERSONALITY IS ONE OF STRONG AVERSION TO WRONGFUL ACQUITTALS, WE MUST BE CONCERNED THAT THEY WILL NOT REQUIRE STRICT PROOF OF GUILT, PRESUME EVIDENCE, AND MAY LEAD TOO MUCH WEIGHT TO EVIDENCE OF PRIOR BAD ACTS OR THE CHARGE ITSELF. IN FACT, JURORS ARE NOT GENERALLY WELL EQUIPPED TO EVALUATE COMPLEX EXPERT TESTIMONY IN CASES FOR EXAMPLE, INVOLVING ALLEGATIONS OF SEXUAL ASSAULTS BECAUSE ALLEGED PERPETRATORS OF SEXUAL ASSAULT ARE VIEWED WITH SUCH MORAL CONDEMNATION THAT THE ACCUSATION ITSELF CLOUDS THEIR PERCEPTION. ADDITIONALLY, AN INDIVIDUAL ACCUSED OF RAPE CAN EXPECT THAT THE JUSTICE SYSTEM ITSELF WILL REFLECT THE SOCIETY'S VALUES AND BEHAVE IN SPECIAL, UNUSUAL AND LIKELY HOSTILE JUDGEMENTAL FASHION FROM THE MOMENT AN ACCUSATION IS MADE NO MATTER WHAT THE CIRCUMSTANCES OR MERIT OF THE ACCUSATION. JURORS CAN'T JUDGE THE CREDIBILITY OF SUCH EVIDENCE AS THEY DO OTHER TESTIMONY BY FALLING BACK ON THEIR OWN KNOWLEDGE, LIFE EXPERIENCE AND COMMON SENSE. MOREOVER, SOMEONE WHO HAS BEEN DECLARED ~~AN~~ "EXPERT" BY THE COURT COMES TO THE WITNESS STAND WITH A PRESUMPTION OF OBJECTIVITY AND INTEGRITY, PARTICULARLY WHEN THEY AREN'T BEING PAID FOR TESTIMONY.

THE JURY IS OFTEN FORCED TO RELY UPON WHAT THEY HAVE BEEN TOLD BY THE EXPERT, AND THEIR ALLEGED MOTIVATION FOR TESTIFYING, RATHER THAN ON THE SUBSTANCE OF THEIR TESTIMONY. IN SHORT, ALL EXPERT TESTIMONY COMES WITH UNIQUE DANGERS THAT ~~CAN~~ CAN UNDERMINE THE JURY'S ABILITY TO ASCERTAIN ITS TRUSTWORTHINESS. THIS IS ESPECIALLY TRUE FOR JURORS WHO WATCH POPULAR CRIME T.V. SHOWS SUCH AS NEW YORK UNDERCOVER AND THE SPECIAL VICTIMS UNIT SENSATIONALIZING SEXUAL ASSAULTS, FICTION CREATED BY THE IMAGINATION OF ITS PRODUCER DICK WOLF, WHICH IN TURN IS DESIGNED BY NATURE TO INFLAME THE PASSIONS OF ITS AUDIENCE. MOREOVER, AND UNBEKNOWNST TO THE PUBLIC AND FUTURE JURORS, THESE SHOWS PSYCHOLOGICALLY AND SUBCONSCIOUSLY PROGRAM OUR THINKING INTO BELIEVING THAT ALL PERSONS CHARGED

WITH CRIME ARE EVIL VILLAINS GUILTY AS CHARGED! SO
 THINK ABOUT THAT THE NEXT TIME YOU WATCH A T.V CRIME SHOW
 THAT HAS YOU SITTING ON THE EDGE OF YOUR SEAT ANGRY AT THE
 FICTIONAL CRIMINAL ROOTING FOR THE SENSATIONAL HERO
 COP. ~~REBORN~~ IF THE LAW WAS SERIOUS ABOUT ACCURATE FINDINGS
 OF GUILT, THEN THE FOCUS SHOULD BE MORE ABOUT WHAT EVIDENCE
 PROSECUTORS PRESENT THAN ON THE BURDEN OF PROOF.

THE FOCUS SHOULD ALSO BE ON THE TRUTH-SEEKING
 AND SUBSTANTIVE JUSTICE ~~IN~~ INSTEAD OF PROCEDURAL PROTECTIONS.

AMERICANS ACROSS THE POLITICAL SPECTRUM WANT BOTH
 FAIRNESS AND SAFETY - THEY ALSO WANT TO AVOID
 CONVICTING THE INNOCENT AND AQUITTING THE GUILTY.

IN SUM, AS WRITERS, OUR DUTY BEHIND BARS IS TO EXPOSE
 LIES WITH TRUTH, ANSWER FALSE ~~REBORN~~ IDEAS
 WITH RIGHTEOUS ONES, AND FORCE OUT THIS PSYCHOLOGICAL
 INDOCTRINATION. ~~SO STRONG CAN BE THE INDOCTRINATION~~

~~THE PROTESTERS~~

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SOURCES: (1980; HEATH and GILBERT, 1996): (GRABER, 1980 see
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