

Fiction versus reality television case studies

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FICTION VERSUS REALITY Fiction versus Reality: To Kill a Mockingbird Debra Gonzalez University of Phoenix Axia Introduction to Criminal Court Systems CJS220 Heidi Scott, MS December 31, 2009 Fiction versus Reality: To Kill A Mockingbird For many Americans, television, and film are a glance into the world. Television can influence a persons' imagery of daily events, and has become a main source of media information. Films are frequently, intentionally, pretending to depict a fact that is stranger than fiction to draw in a viewer's attention.

Recognizing the popularity of television, and the powerful affect television has to define the viewing audience perceptions of reality, the influence film has on perceptions of reality should not be dismissed (Solnick, 2009). The question had been often asked whether the educational purpose of reality court dramas' is overshadowed by what some critics consider a flagrant misrepresentation of the American judicial system. Do these courtroom dramas imitate reality, or generate a false perception so dominant that it exceeds normal public perceptions on the subject of the American court system? Take for instance, the riveting trial scene from To Kill a Mockingbird. This movie portrays the relationship of justice and prejudice. The crucial point of this film is the trial of the defendant, Tom Robinson, who is an impoverished African American, accused of sexually assaulting a Caucasian woman.

Tom Robinson is an example of injustice, which occurred to an African American man in the South in the 1930s. In today's society, many citizens believe that racial prejudice and injustice do not exist within the American judicial system. Certainly, many obstacles have been eliminated; however <https://assignbuster.com/fiction-versus-reality-television-case-studies/>

obstacles for minorities still exist. Racial minorities are over-represented in the corrections system. These statistics reflect institutional biases indicative of unequal justice (Bauer, 2006). Unfortunately, based on statistics, racial, ethnic, and social biases appear to be existent in the American court systems and are a challenge for a portion of society.

Part of a criminal court proceeding is the preliminary hearing. A preliminary hearing is to determine whether there is enough evidence for the defendant to stand trial (Myers and Grant 2002). When making this decision, the judge weighs the probable cause, and if the government has evidence to convince a jury that the defendant committed a crime (Pfeifer, 2008). In *To Kill a Mockingbird*, Tom stood trial based on the eyewitness statements of the victim and her father. No physical evidence was produced although physical evidence did exist.

The entire case was based on eyewitness statements. Eyewitness testimony is considered one of the weakest forms of evidence and is often challenged in criminal trials. Whether fictional or not the responsibilities of trial judges within the judicial system remain the same. The judge in criminal proceedings ensures that the constitutional rights of the defendant are protected. However, the most common responsibility that most of society associates with judges are that of presiding over trials, and listening to attorneys argue their case.

Judge Taylor presided over the trial in *To Kill a Mockingbird*. Judge Taylor was knowledgeable with the township, and wanted Tom to receive the best defense available and selected Atticus, as the public defender. Judge Taylor

listening closely through the presiding and never interrupted. The judge was an informal man, and conducted proceeding in the court with strictness, but the judge was viewed as running an unjust system of law because some critics believed that the judge knew Tom could never receive a fair trial in his court. The purpose of a trial is to discover the truth.

One path to the discovery of truth is to question witness through direct and cross examinations. The cross-examination of the states witness can be a crucial turning point during a criminal trial. The purpose of cross-examination is to illustrate that the testimony given by the witness should not be given any credibility. Film can be a brilliant outlet for viewing how cross-examination is manipulated to discredit testimony. Defense attorneys make an effort to bring into dispute the credibility of witness factual testimony by illustrating that the facts in the case are unbelievable. Atticus was appointed to defend Tom, a responsibility that could not ethically be declined.

A standard response to sexual assault cases is that of consensual sex, the “she wanted it” defense. Atticus defended Tom on that very premise. Atticus defense strategy was stereotypical, but because Atticus was courteous, the implications were not overtly obvious. Atticus cleverly attempted to reveal what he thought was obvious; his client Tom did not sexually abuse the victim. Atticus had to strategically cross-examine witnesses who were not cooperative and at times very hostile.

Atticus cross-examination involved relevant facts, lack of medical history, and prior statements made by the victim. Many Defense attorneys will assault the credibility of a victim in a court proceeding in which bias and

hostility toward the defendant may motivate the victim to fabricate. The victim in *To Kill a Mockingbird*, the victim's family, and the victim's ways of living were all on trial, much like victims in court proceedings. Atticus explained to the jury that Mayella (victim) wasn't being truthful "in an effort to get rid of her own guilt, because it was guilt that motivated her, she must destroy the evidence of her offense" (Lee, 2002 pg 178). This reoccurring scenario is acted out in many sexual assault trials.

The victim is often put on trial in cases of sexual assault. In *To Kill a Mockingbird*, the witness's, father, and daughter remained in the courtroom while testimony was given. However, this does not occur in judicial proceedings. Criminal trials exclude witnesses from hearing others testify; to ensure that future testimony is not influenced by another, and to protect the integrity of the case (Kerr & Beay, 2001). Recent studies of court proceedings indicate that, the defendant and victims race can have an effect on the defendant's charge and sentence.

In cases which African American men were convicted of sexual assaulting Caucasian woman, the defendant was more likely to serve time in a state correctional facility rather than in a local facility. In *To Kill a Mockingbird*, Atticus believed in the presumption of innocence, and a fair trial. Atticus rejected the notion that race and social status played a role in determining guilt. However, Atticus recognized that juries are "people who have a way of carrying their resentments right into a jury box" (Lee, 2002 pg 216). Jurors are supposed to be a cross section of citizens that have a variety of life experiences that shape viewpoints (Myers & Grant 2002). The effects of human nature, conscious, or unconscious dictate behavior and actions.

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Take for instance the jury in *To Kill a Mockingbird*, this jury was not representative of the community. The jury consisted of all Caucasian men with bias's and prejudicial views of African Americans. Given the lack of evidence and reasonable doubt, Tom should have been sent free. However, just hours after jury deliberations, the jury pronounces Tom guilty. The all Caucasian jury convicts Tom regardless of the obvious evidence presented at trial.

Televised court trials real or fictional are popular and will always be a source of entertainment and education. Therefore, the question remains, why would society want to learn about the judicial system from watching court television trials? The answer is simple. These courtroom dramas entice viewers with promises of violence, drugs, and sex. Much of society believes that courtroom television provides an educational opportunity however I must disagree. Imagine for just a moment the disappointment of a viewing audience exposed to hours of debate over sentencing guidelines, rules of evidence, or case precedents.

Although some television courtroom dramas squeeze these issues into the film, it scarcely addresses the significant importance. As once stated by, Justice Anthony Kennedy, " no average American would want to watch Supreme Court Proceedings for intellectual education" (American Bar Association [ABA], 2006). Techniques used in courtroom dramas, like asking improper questions, and immediately saying " withdrawn" makes for good drama, but it is ethically questionable. Courtroom dramas, which consist of tension during trial, maneuverings between attorneys, last-minute surprise

witnesses, and psychological breakdown of participants is entertainment and should never be confused with actual courtroom proceedings.

The entertainment and educational value of courtroom dramas will continue to be debated. Unfortunately, these legal courtroom dramas are based on false representations. Legal Canon and judicial procedures are often ignored altering the viewing audience perception of reality. What was meant to be a source of entertainment is then seen as educational value that misrepresents the facts and procedures. References American Bar Association (2006).

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