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Seminar: Mass Media and the Law

Assignment: Evaluate the American judicial system. Consider its historical background. What are its strengths? Its weaknesses? How would you change it if your could create your own Utopian legal system? Explain your reasoning.

(1) The manner by which the American judicial system selects its trial juries has a history dating back to fifteenth century England. Like many of the systems employed by our democratic government, it has its strengths and weaknesses. Although the process of choosing a trial jury contains flaws, I believe that, given the ideals and freedoms for which our country and government stand, it is the only system that still attempts to preserve all the rights guaranteed to all parts of our population.

(2) Most of us would concede that the jury system is far from perfect. Its weaknesses, however, are the result of human frailties and susceptibility to prejudices. The system makes a valiant attempt to expose or draw out these prejudices in prospective jurors by asking potentially revealing questions about their personal experiences with the law and crime. However, to expect these questions to reveal all prejudices potentially harmful to the defendant, and to expect a juror with any sense of pride whatsoever to admit to having them, is expecting a lot. Not too many people are willing to admit that some of their beliefs and ideas are completely unfounded and unfair.

(3) Another weakness in our judicial system is the effect the press can have on the views and opinions of the jurors. A highly sensationalized crime story will most likely influence the opinions of those who have read it. To expect a jury which has been exposed to such a press to fairly evaluate the guilt or innocence of the defendant based solely on the evidence presented is not impossible, but is not likely to happen. The news coverage combined with possible unknown personal circumstances from a juror's past could very likely negatively influence a juror's ability to impartially determine guilt or innocence.

(4) Although our system has its flaws, they are overwhelmingly outweighed by its strengths. Our judicial system is one of the few known to attempt to preserve the rights and freedoms of all parties involved. Thorough questioning of the prospective jury reveals any obvious prejudices or past occurrences which would deter the jurors from evaluating the evidence with an open mind. The lawyers are also allowed to systematically excuse any jurors they don't feel would benefit their case. In this way, the system makes every effort to ensure the
defendant a jury of his peers, a jury free of
preconceived notions regarding the defendant's race,
occupation, or personal life.

(5) The system not only has the rights of the
defendant at its heart, but also the rights of the press
and the public. By refraining from censoring press
stories about crimes, trials, and court cases, we have
instituted a sort of check on the system. It is a way of
assuring the citizens of our country that a fair trial
and investigation are being conducted and that nobody's
rights are being infringed. Allowing the press to print
such stories also increases the possibility of bringing
to the case new evidence or witnesses which might
otherwise have remained unknown to the lawyers, judge,
and jury.

(6) I believe that our judicial system does not need
to be substantially changed or improved. All of its
imperfections and weaknesses are really the result of a
system run by and for humans, none of whom are perfect.
We all have our little prejudices and imperfections
whether we recognize them or not. No changes in our
present system would eliminate that human element from
entering into the judicial picture. Our system works
well because its underlying purpose is to preserve the
rights of all its subjects. Although this isn't always
accomplished, I firmly believe that, for the most part,
our system works.