

New television show explodes myths

“In Justice” dramatizes reality of US criminal justice system

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“In Justice”—ABC Television, Fridays, 9 p.m. Eastern

It is remarkable that ABC’s new mid-season drama “In Justice” is on television at all. By virtue of its underlying premise, that many innocent people are in prison as the result of official malfeasance, the program is at odds with every police drama on US television today.

Until “In Justice” debuted on New Year’s Day 2006, the glorification of the draconian law-and-order culture in the US was virtually the only approach available on network television. In the detective and police dramas that litter nightly prime time schedules, hardened cops, clever detectives and stern courts and prosecutors work unfailingly to bring in the guilty and mete out severe punishment to society’s criminal element. The exceptional episode may point to an injustice or express some ambiguity toward the status quo, but by and large the form of most widely accessible popular entertainment has given the existing justice system a blanket endorsement.

In the new program, the clients of the National Justice Project, a fictional law office, are innocent people who have languished in prison for years, and on “In Justice” it is the police, judges, prosecutors and politicians who are guilty of negligence, fraud and even murder. Thus, instead of encouraging trust in US criminal justice institutions, this program helps to educate its viewers in its endemic failures.

The figures on incarceration in the US are staggering. The overriding response of the powers that be to the intractable social crisis is repression, the vindictive desire for punishment and retribution. The US currently has the largest prison population in the world, both in percentage of its population and in sheer numbers of people kept behind bars. The overall US incarceration rate—724 per 100,000—is 25 percent higher than that of any other nation in the world, despite declining crime rates.

More than 1,000 people have been executed in the United States since the reinstatement of capital punishment in 1976. The vast majority of advanced industrialized countries have long outlawed the grisly practice. A total of 57 people were put to death in the US in 2005 alone.

Each episode of “In Justice” begins with a flashback of a crime as the convicting jury conceived of it. In the course of the show, the assumptions of the jury are decisively disproved as the lawyers and private detectives at the National Justice Project pursue their

case. The fictional lawyers and detectives that populate the series often quote real-life legal precedents that prejudiced their client’s initial defense.

On American television in a sample February week, 6 out of the 20 top programs were crime shows that glorify the institutions of the criminal justice system. The second-most popular show on TV, the crime drama “CSI: Crime Scene Investigation,” is now in its sixth season. Around one in four members of the viewing public, or 27 million people, tune in to “CSI” during Thursday night prime time.

In that show, and its more recent clones “CSI Miami,” “CSI New York” and “NCIS,” criminals are often rounded up with amazing speed and accuracy as the science of modern forensics deftly solves the most perplexing crimes and the guilty line up to receive their just punishment.

The “In Justice” writers, which include executive producers Robert King and Michelle King, consistently produce scripts that demonstrate they have no fear in excoriating the rich and powerful.

They often make into villains the social types that the other police dramas present as self-sacrificing heroes. In the initial episodes of the series, we have seen a top FBI official led off in handcuffs, a prosecutor admitting to illegally coaching witnesses to get a homicide conviction and a lawyer/politician attempting to cut a deal to cover up his firm’s criminal activity.

The program has offered us lying witnesses, incompetent “experts” and federal law-enforcement officials willing to send innocent men to life in prison in pursuit of their law-and-order agenda. Cops interrogate children in the most brutal fashion so they can get false confessions and wrap up their cases.

With this upside-down, or rather right-side-up, reality on display, “In Justice” continues to garner respectable ratings since its prime-time debut. About one in six of all Friday-night television viewers watch the show. And there is reason for this apparent popularity. This program presents a grim reality noted more and more in everyday life. It appears the producers have hit a social nerve with the series.

Just weeks after an episode centering on a false murder confession elicited from a child by aggressive cops, the Detroit newspapers carried an account of two youths who were barely spared prison for life, victims of similar circumstances. Citing the upcoming sentencing of the real killers for a 2000 murder case,

Detroit Free Press columnist Brian Dickerson said that the innocent Michigan boys had always claimed the false confessions were made under police duress.

A 2001 effort to enact a measure forcing police to videotape their interrogations has been shelved despite continued uproar over the incident. Dickerson points out that in the original trial, New Baltimore, Michigan, judge Paul Cassidy refused to throw out the boys' false statements and stated from the bench that the two were clearly guilty.

Kyle MacLachlan of "Twin Peaks" and *Blue Velvet* fame stars in "In Justice." He plays the flamboyant attorney David Swain. He finances and heads up the crusading National Justice Project, dedicated to freeing the innocent, abandoning his former lucrative law career.

Irish-born actor Jason O'Mara plays Charles Conti, a troubled former cop. He works for Swain as penance for the suicide of a man wrongly locked up as the result of Conti's own harsh interrogation while working as a policeman in California.

Conti oversees the office of interns and private detectives including Brianna, played by Constance Zimmer; Jon, played by Daniel Cosgrove; and Sonya Quintano, played by Marisol Nichols. Their reasons for pursuing careers in the project are grist for subplots in the show.

Last Friday's episode was a gripping and emotionally charged portrayal of an innocent man's final week on death row. From start to finish, the story was an attack on the death penalty, and on the callous disregard for human rights that surrounds this morally reprehensible action by the state.

Less than an hour before the black inmate is set to be executed at San Quentin, the private detectives prove the homeless man was framed by a local parish church official. The pillar of the community killed the parish priest in order to cover up his own habitual wife-beating. The church official had been behind the frame-up of the Project's client.

Coincidentally, or not so coincidentally, just this week San Quentin prison was the scene of a major controversy over the death penalty as two anesthesiologists refused to participate in the execution of 46-year-old Michael Morales. A judge ordered the prison to have an anesthesiologist (and a backup) on hand to "minimize" Morales's pain as he was put to death by lethal injection. The two doctors, in a statement, declared, "Any such intervention would clearly be medically unethical. As a result, we have withdrawn from participation in this current process." The American Medical Association, the American Society of Anesthesiologists and the California Medical Association all opposed the anesthesiologists' participation as unethical and unprofessional.

The death penalty dramas on "In Justice" are taken from the headlines. In January 2000, then-governor of Illinois George Ryan, a Republican elected in 1998 as a supporter of capital punishment, commuted or reduced the sentences of 167 death row prisoners and pardoned another four outright.

In a speech delivered at Northwestern University that year, he attacked the state's criminal justice system in scathing terms. He detailed a process of arbitrary prosecutions, concocted evidence, false testimony from prison "snitches" and confessions coerced by

the police truncheon and other barbaric methods. "The Illinois capital punishment system is broken," he declared.

Although the program contains a disclaimer stating "this program is not meant to reference any actual event or person," the fictional National Justice Project is apparently a composite of various efforts by groups fighting for justice for the incarcerated.

Students and faculty at Northwestern University staff the Center on Wrongful Convictions in Illinois. The center's investigations exonerating 17 Illinois death row prisoners were part of the series of events that led up to Ryan's shocking 2000 revelations.

According to the online *Truth "In Justice" Newsletter*, since 1989, in California alone, at least 200 inmates have been released from prison after courts found that they had been unjustly convicted. The Innocence Project, founded by Barry Scheck and Peter Neufeld in 1992 (and the subject of a recent documentary, *After Innocence*, directed by Jessica Sanders), with branches in various states and cities, claims to have won the release of more than 150 wrongfully accused prisoners through the use of DNA testing. Dramatizing all their stories could keep "In Justice" on the air for a very long time.

The complexities and implications of the acute class and social tensions in the US are rarely seen or portrayed on US television, much less taken seriously. The new show "In Justice" indicates that such questions are increasingly front and center in many minds. Encouraging a serious examination of this aspect of US social relations opens a window to broader realities that are currently obscured.

Behind the climate of law and order in the US, intensified to grotesque proportions over the past 20 years, lies a blunt social reality. The millions flowing to society's "winners" must come from grinding down (and keeping down!) the "losers." The unprecedented and shocking social inequality of modern American society can only be maintained by increased repression at home and abroad, and this means maintaining one of the most repressive justice systems in the world.



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