

Reading for Writing Exercise 5

Law & Order

Courtroom dramas have long been a staple of American television, but few series have been as successful as *Law & Order* and its various spinoffs. First broadcast in 1990, the series, which advertises itself as being “ripped from the headlines,” engages legions of fans with its realistic stories, strong cast, and gritty image. Each episode features a high-profile violent crime, sometimes complicated by social issues, whose perpetrator is captured, tried, and (usually) convicted during the one-hour show. The prosecution team is often challenged by well-prepared and extremely competent defense attorneys. Indeed, the prosecution is generally forced to change tactics in the face of these tenacious defense attorneys, and on occasion the prosecution even loses cases.

As good as the show is, however, it is Hollywood’s version of the criminal trial, and as such has little to do with normal criminal proceedings. Indeed, most criminal defendants do not even go to trial; instead, in more than 90% of all cases, they plead guilty. Often the defendants participate in a criminal justice system that has been labeled by its critics as “slaughterhouse justice.” As one public defender explained after disposing of seventeen cases, “I met ’em, pled ’em, and closed ’em—all in the same day.”

Even when a trial does take place, it rarely resembles the television show trial, because few criminal defendants have the resources to hire a phalanx of highly skilled attorneys and investigators. Many defendants are indigent and thus are unable to afford even basic representation. These defendants must depend on court-appointed counsel. Although these lawyers may be highly skilled, they seldom have the investigative resources available to the state or to a wealthy defendant. In New Orleans, for instance, before Hurricane Katrina, the public defender’s office had only three investigators to handle more than 7,000 cases a year.

Moreover, the quality of appointed counsel varies tremendously. Most courts provide legal services to indigents by appointing private counsel to serve the defendant—generally only the largest communities have a public defender service. Because the fees paid to court-appointed counsel are commonly less than those attorneys receive for other services, experienced lawyers are reluctant to accept such assignments. Thus, court-appointed counsel is often comprised of inexperienced lawyers who have little interest in criminal law but need even the small fees that the court pays. In Philadelphia, for instance, one study found that the appointed counsel was so bad that “even officials in charge of the system say they wouldn’t want to be represented in traffic court by some of the people appointed to defend poor people accused of murder.”

Thus, we see that, as interesting and timely as the cases presented on television can be, courtroom action on the small screen is far more dramatic than the typical criminal trial.

Source: Quotes from Stephen B. Bright, “Counsel for the Poor: The Death Sentence Not for the Worst Crime but for the Worst Lawyer,” *Yale Law Review* 103 (1994): 1835–1883.

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The West Wing: Dramatizing the Public Policymaking Process

Some types of governmental activity—for instance, law enforcement—have been easily transformed into dramatic entertainment by the popular media. But until recently, no one in Hollywood was prepared to use the ongoing dramas of public policymaking as a basis for a movie or TV series. That changed in 1999, when NBC added *The West Wing* to its weekly TV fare.

The show, which aired its final episode in May 2006, starred Martin Sheen as President Josiah “Jed” Bartlet, a PhD and Nobel laureate in economics from New Hampshire, who won the 1998 presidential election (remember, this is fiction!) with 48 percent of the popular vote. Surrounding him in the first season was a cast of characters drawn from the personalities we often see in the national headlines, including a trusted chief of staff and his deputy; a director of communications (and his deputy), whose job it is to promote a positive image of the president and his administration; a political consultant; a press secretary (and her staff); the president’s family (his physician wife and three daughters); a vice president who is regarded as a political threat to the president; members of the press corps; high-ranking military personnel; various members of Congress; lobbyists; diplomats; and an entourage who make up the White House staff closest to the president.

Like other popular TV series, *The West Wing* relied on the personal problems and interpersonal relationships of its characters to tie together the plots of various episodes. The chief of staff is an alcoholic with a past, the press secretary is “involved” with one of the White House reporters, and a key staffer has had a relationship with a call girl. But what was unique about the series was how well it seemed to portray the dynamics of public policymaking on some very controversial issues.

In one episode during its inaugural season, titled “Five Votes Down,” the White House is engaged in frantic efforts to rally five votes to pass gun control legislation that the president favors. They have seventy-two hours before the vote. Part of the elaborate wheeling and dealing involves one member of Congress—the head of the Black Congressional Caucus—who is voting against the bill not because he opposes gun control, but because this legislation isn’t strong enough. The White House chief of staff, Leo McGarry, meets privately with the congressman to plead his case, but Representative Richardson will have none of it. He criticizes the president’s team for failing to back the stronger provisions he supports.

In the end, Richardson will not budge, and the White House turns for support to those favoring a watered-down version of the law. The legislation passes, but only after the staff reluctantly seeks help from the vice president, who will take credit for the bill’s passage.

Much to the delight of many “political junkies” who grew attached to the show during its premier season, other episodes of *The West Wing* touched on real-world issues from the death penalty and campaign finance reform to the use of sampling in the national census and funding for public broadcasting.

The West Wing was, of course, fictional entertainment. As anyone who has worked in government will tell you, public policymaking is not always as dramatic as portrayed in the series. Most laws are passed and policies made without much controversy and without some of the trade-offs and compromises that many Americans dislike. Nevertheless, by focusing on the clash of power, priorities, and interests over the most visible issues, this unique show has helped establish a new and more refreshing image of the complex dynamics involved in passing laws and making policies.

Sources: Information on the show can be found at a number of websites. The official site was located at www.nbc.com/The_West_Wing/, but information on all episodes can be found at http://en.wikipedia.org/wiki/The_West_Wing.

Americans at War—In the Movies

War has played a major role in the history of American film, and Hollywood has tended to show both the heroic and horrific sides of the ultimate form of human conflict. The first Academy Award for Best Picture went to the 1927 production of *Wings*, a silent film set during World War I that is best remembered for its aerial dogfight scenes and its glorification of war. Two years later, that prestigious award was given to *All Quiet on the Western Front*, a film that focused on the darker side of war and the sacrifices that soldiers make in the name of patriotism.

Contradictory views of war continued to appear on movie theater screens throughout the decades that followed, but U.S. involvement in the Vietnam War had a decidedly negative impact on how war has been portrayed in American popular culture. In 1978, Jane Fonda and Jon Voight won Academy Awards for their portrayals of lovers whose lives were radically altered by the Vietnam War in *Coming Home*. That same year, Oscars for Best Picture and Best Director were given for *The Deer Hunter*, a movie that more explicitly confronted the brutality and personal traumas of war. In the years that followed, movies such as Francis Ford Coppola’s 1979 film *Apocalypse Now*, Oliver Stone’s *Platoon* (1986), and Stanley Kubrick’s *Full Metal Jacket* (1987) continued to stress the personal horrors of war—and indirectly raised questions about the wisdom of policies that put American soldiers in harm’s way.

While some of the best-known war movies of the 1970s and 1980s stressed the horrors of war, other popular films of the period focused attention on the traumas of those who return from war and the positive qualities of those in the fighting forces. In *First Blood* (1982), the first of several “Rambo” films, Sylvester Stallone portrayed a disoriented Vietnam veteran who goes to war with local law enforcement after they imprison him for vagrancy. That same year, Richard Gere starred in *An Officer and a Gentleman*, a film that made almost no reference to war while stressing the character-building qualities of military service. Tom Cruise did get some action against enemy jets in the popular 1986 film *Top Gun*, but the focus again was on the character of those we might send off to war. In 1989, Cruise played the role of a wounded Vietnam veteran who returned from war feeling betrayed by his country in Oliver Stone’s *Born on the Fourth of July*.

The horrors of active combat reemerged in the late 1990s with the release of *The Thin Red Line* (1998) and *Saving Private Ryan* (1998). Both films focused on bloody battles of World War II. In *The Thin Red Line*, it is the battle for Guadalcanal, while *Saving Private Ryan* begins with scenes designed to replicate the sights, sounds, and feel of the D-Day invasion of Omaha Beach in 1944. But if anything is glorified in these movies, it is not the value of war against Japan or Germany. Rather, it is the character and personal sacrifices of those who put their lives on the line for their country.

More recent war movies such as *Black Hawk Down* (2001), *We Were Soldiers* (2002), and *Lone Survivor* (2013) stressed heroics in the face of overwhelming odds. *Jarhead*, a 2005 film about the experience of U.S. Marines in the Persian Gulf War, won considerable praise, and in 2009 the movie *The Hurt Locker* won a Best Picture Oscar for its depiction of the work of an elite Army bomb squad

operating in Iraq. In 2014, Clint Eastwood's *American Sniper* was praised for its portrayal of how military service takes its toll on the lives of returning veterans.

If there is a common thread emerging from these examples it is that "war is hell," but Americans can neither surrender nor turn their backs on those who are suffering injustices at the hands of their enemies. There is no glory in war, and the bloody and brutal nature of combat has been made increasingly visible on the cinematic screen for several decades. But there is also an emerging sense that there may be some things worth fighting for—including the lives and rights of total strangers.

For more information on the portrayal of war in movies, visit University of California, Berkeley's "War and War-Era Movies" at www.lib.berkeley.edu/MRC/Warfilm.html.