

OPINION

'Yellers' and a dispassionate media

By Michael L. Crowley

The recent tragedy of two murdered teenagers in our community has created a media frenzy like great white sharks in a sea of chum

Unfortunately, we have come to expect and perhaps demand this saturation coverage. This time, however, the problem has become particularly acute. This is not just my opinion.

Judge David Danielsen, who presides over the downtown criminal courts, courageously and authoritatively stated at a recent open meeting of the San Diego Criminal Defense Bar Association that the media should be ashamed of itself. Even more important, he stated, the media's irresponsibility is compromising our safety both inside and outside the courts.

In the past, as a former newspaperman, I became accustomed to periodic castigations of the media and always girded for battle with my knee-jerk pronouncements of how the First Amendment is all that separates us from totalitarianism and how unbridled access by the press to the courts and the criminal justice system should trump any other considerations. I even wrote a law review article defending that notion on a legal basis in law school. Judge Danielsen's comments, however, gave me pause to contemplate a more careful and nuanced analysis this time. In the jurist's mind, the media must accept responsibility for their daily front page coverage and 24/7 barrage as it is affecting our safety. A first step, through Judge Danielsen, will be new rules for media coverage in the courthouse. Details to be forthcoming, according to the judge.

Danielsen says he understands the "titillation" required by the media for economic survival, but in 20 years on the bench, and now presiding over the downtown application of criminal justice, he has reached the end of his patience and envisions limits on this milieu either voluntary or forced.

An evolution in my thinking has occurred as I work in the criminal justice system, 25 years since I plied the newspaper trade full time. Perhaps due

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process considerations are as important as our unique First Amendment. My thoughts concerning the coverage of John Gardner (charged with the murder of 17-year-old Chelsea King) since hearing Danielsen express his fears have tended toward agreeing with him rather than my usual response in the past of "there go those in power again, blaming everything on the media."

Seldom has the justifiable outrage at the senseless death of one of our precious treasures, our youth, and the political pandering which necessarily accompanies these events lead to effective changes in laws or policies. Instigation by those who are concerned mostly with their readership, ratings and notoriety often leads to overbroad redundancies in legislation which in the end fail to accomplish the safety we yearn.

Judge Danielsen's strongest indictment is that the media overload is making us less safe by creating an atmosphere that fosters violence and incivility. Meanwhile, anyone involved in the criminal justice system or who covers it for the media knows the problem is not that the parole system is too lenient, it is that those yelling the loudest are not willing to pony up the funds to foster the mechanisms that will give us a better chance at added safety.

Gardner was identified by at least one psychologist as having severe, dangerous, mental illness and he served his time in the uncivilized warehouses we call prisons. There are virtually no programs left to attempt to address sickness like his or to allow people like him even a small chance to assimilate into society after release.

While I believe some people just need to be separated from our society because we cannot be sure they can ever function on socially acceptable terms, they are a small percentage. There is a large proportion of this mentally ill population who, with a minimum opportunity, could become productive citizens.

The added benefit of providing programs, tutelage and opportunities is that we able to keep track of those on the edge and stand a greater chance of identifying a problem and stopping a tragedy before it occurs.

Under our current system, we drop a person released from state custody in their old neighborhood with \$200 and tell them to find a place to live (if they are sex offenders a mishmash of federal, state and local laws eliminates almost any possible legal location) maintain a full-time job and not to be seen with anyone who has been convicted of a felony (which in some of San Diego neighborhoods amount to 50 to 75 percent of the adult population). No resources are provided to accomplish any of those requirements. Then we wonder why there is such high failure rate that endangers us all.

Of course, the instant response from the "yellers" is to lock them up forever. Yet no one is willing to approve the money to fund such a notion, even if a civilized nation should take such a stance.

Currently, our prison system is so overcrowded and medically inept the federal courts have called incarceration there a violation of the constitutional prohibition of cruel and unusual punishment.

So rather than fanning the flames of passionate outrage, why doesn't the responsible press, wherever it may reside, tell us what it will cost to secure the safety we are demanding. Let us take a deep breath and in a dispassionate, rational manner, make a cost-benefit analysis as to what kind of security we want and the price it would cost. The press that did that would be the press I once admired and considered a crucial pillar of our free society.

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