

In Petito Case, Media Show Contempt for Justice System

by Conrad Black



The leading news item in most American network newscasts the last few days has been the distressing saga of Gabby Petito, an attractive young lady who was traveling across the United States in her van with her fiancé, and whose corpse has apparently been found in the wilderness of Grand Teton National Park in Wyoming.

Every civilized person can understand and share in the sorrow of the family and friends of such a prematurely deceased young person. But unfortunately, even the more responsible elements of the national media do not seem prepared to leave it at that.

Because her fiancé apparently returned from the west to the east coast several weeks ago and is now on a hiking trip in an extensive park in Florida, there has been widespread speculation that he murdered his girlfriend and his family has “lawyered up.” The media, though not the police, allege that they have been sluggish in their cooperation with law enforcement.

Obviously, I don’t know anything about any of this but this habit of even relatively responsible media outlets, of turning accusatory attention on individuals and effectively accusing them of heinous crimes is profoundly contemptuous of the justice system.

How do any of these people in the media virtually accusing Brian Laundrie of murdering his girlfriend, conclude that because his family hired a lawyer and he left in a hiking trip

and may for all anyone knows have fled to another country, dare to make someone that the police at this point only describe as a "person of interest" and not a criminal suspect, a virtual homicidal murderer?

The media, as far as can be judged, don't know any more about this than I do. It is not unseemly or imprudent for his Laundrie's family to have retained a lawyer, and there is no reason to believe that he didn't have a civilized disagreement with his fiancée, return alone by agreement in her van, and after this jostling of his private and romantic life go to a familiar hiking place that he has often visited before at intensive times.

I am not presuming to suggest what happened, only stating that that scenario is just as probable as the almost unanimous confection of the media that Laundrie is a murderer and a fugitive from justice even though the police have yet to conclude that the death of the young lady was a crime.

This highlights two themes that I've raised in this column and elsewhere over many years: the deteriorated status of American criminal law. And it also raises another subject that I've hammered intermittently like a pinata: the dangerous erosion of traditional standards of journalism and particularly the distinction between reporting and comment.

Approximately 98 percent of American federal criminal defendants are convicted, about 95 percent of those without trial. Every person remotely familiar with how the system works is aware that the plea-bargain rules are horribly abused by many prosecutors. This has been a subject of frequent public outcry by many prominent judges and barristers, yet the media is sound asleep and much of the country still imagines that the assurances of sincere flag-waving Americans like Sean Hannity that "The American justice system is the envy of the world" is true.

In fact, all informed foreigners consider the American criminal justice system to be an abominable injustice factory, and that opinion is also held by a great many knowledgeable Americans.

Prosecutors routinely interview parties well-known to a targeted individual and suggest that unless they can contribute something useful to a conviction of that individual, the prosecutors will conclude that a conspiracy to obstruct justice is occurring and will charge accordingly. If on the other hand the recollections of those whom they are interviewing become miraculously useful then they will be granted an immunity for prosecution for perjury.

The British statesman Lord Acton said 150 years ago that "Power corrupts and absolute power corrupts absolutely"; a great deal of the U.S. criminal prosecution system is rotten. It produces 6 to 12 times as many incarcerated people per capita as the six countries most comparable with the United States: the large and prosperous democracies Australia, Canada, France, Germany, Japan, and the United Kingdom.

This, incidentally, assists in the elevation of reactively overindulgent district prosecutors such as the infamous Los Angeles district attorney, George Gascon. He and others are elected in part to counter the fascistic abuses of U.S. attorneys.

The Fifth, Sixth, and Eighth Amendments to the Constitution assure an independent grand jury, due process, no seizure of property without just compensation, prompt justice, an impartial jury, access to counsel (which has been interpreted to be counsel of choice), and reasonable bail.

In practice, very little of this is available to accused persons in federal cases. The near impossibility for a defendant to win a federal prosecution undoubtedly helps to fuel public hostility to law enforcement.

What is desperately needed is to improve police training standards, strengthen the police and make them more numerous and effective in almost all urban areas, return to the Giuliani system of zero-tolerance, reform the plea-bargain system so that the subornation or extortion of perjured evidence leads to prosecutors convicted of such conduct being disbarred, and allowing, as in other countries, the defense, and not the prosecutors, to speak last. The public defender system should be vastly strengthened and better paid so that indigent defendants who are innocent have some possibility of being acquitted.

And a revulsion of public regard for the media, which has occurred, should take shape commercially to require the cowardly and unprofessional news editors of America to restore the distinction between what happened and journalists' opinions. Only this will renovate the collapsed credibility of the media and the public must require it; government cannot regulate the content of the media in a free country. The egregious Nancy Grace has already almost pronounced sentence on Laundrie. America's national media today are a disgrace.

There is now no balance whatever between a federal prosecutor and an innocent defendant; justice is not blind and it is not weighed on scales. In the United States it is a conveyor belt to the bloated and corrupt prison system.

The balance intended by the authors of the Constitution and the Bill of Rights must be resurrected and the justice system must be reformed along with the law and order techniques and regulations, to assure that to the greatest degree possible, the guilty are convicted and punished appropriately, and the innocent are exonerated.

If the present long-standing trajectory of events continues, resistance to the police who are made to carry the can for the failings of the whole system will continue; district prosecutors who identify more with the accused and with the

victim will continue to be elected; the free media will be ever more violently despised; and society will continue to disintegrate.

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