

Constitutional Dilemma: The Undermining of the Criminal Justice System by News Media

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The unbridled usage of the First Amendment by news outlets has resulted in a clash with the Sixth Amendment in the criminal justice system. Media outlets only release a small portion of the information regarding cases leaving its audience with a false sense of understanding of the crime committed. News stations have employed the concept of psychological priming on the public so that the curated details about cases lead them to the conclusion that the supposed suspect must be guilty (Golob, 2017). The natural human desire to have an answer to every issue can lead to public pressure on police to arrest an individual of a crime they might be completely innocent in (Chancellor, 2019). The news industry is at its core a business, thus meaning that the main goal is to increase consumer numbers and make money (Robis, 2015; Tanoos, 2017). Partial, and typical bias or even stereotypical, information distribution by news outlets have led to interference with the ability to have a court proceeding based rights given in the United States Constitution (Resta, 2008; Chancellor, 2019; Stratton, 2015). News stories often portray elements of crimes and the suspects in a narrative that evokes certain emotional displeasure from the public and thus dispels the notion of presumption of innocence that the criminal system is supposedly established on (Tanoos, 2017; Chancellor, 2019). Those potential suspects of cases find themselves being popularized by the media, and not in a positive nature (Battaglia, 2012; Smolkin, 2007; Stratton, 2015). Instead, those individuals are put on a trial by the public prior to their actual court hearing and finding impartial jurors becomes a more tedious process as most of the public develop prejudices based on what the news has taught them to believe (Battaglia, 2012). Unfortunately, news outlets have free rein to tell inaccurate or misleading information that can affect a person for the rest of their life and there are no consequences due to vague understanding of freedom of speech in the First Amendment (Robis, 2015).

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