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THE INFLUENCE OF JOURNALISM ON CRIME

THEODORE SPECTOR¹

The outstanding need today is the prevention of crime, since we can forecast it from psychological tendencies. The prevention of crime implies the ability to recognize dangerous symptoms in the individual at a time prior to the commission of a serious offense.

The public journal is no longer the modest advocate of the truth, contending against entrenched power and needing encouragement. It has become bold, brazen, and blatant. There was a time when its purposes were limited to gathering information with comment intended to be guiding and instructive.

With the growth of advertising the entire perspective has shifted. It is now generally published by a corporation organized as a business venture to secure a profit. It has a definite business policy, toward which the editorial and even the news columns are required to bend. The growth in the volume and the importance of the advertisement has led to the genesis of what is colloquially called the "Yellow Journal." Since the compensation from the accurate report of current news is very slight, and the returns from abundant advertisements are comparatively very great, headlines, type of exaggerated size and gross pictures of crimes and criminals are all devices used for the purpose of catching the attention of the reader so that ultimately he may be led to purchase the wares of some merchant.

Crimes of a startling character, scandals, especially if they affect people of good repute, divorces, especially if they occur among people of social prominence and are accompanied with unclean suggestion, and sensation of all kinds are sought with avidity from a like motive. Since that which is sensational loses its effect and fails as an attraction when often repeated, and since both the mind and the senses soon become accustomed to the same din, however loud it may be, there is a continual effort to find the strange, the abnormal, and the wicked.

The rude, vulgar, and often malicious pictures put forth in the guise of wit and caricature are destroying the artistic sense, if not the kindly instincts, of a whole generation of young people, who are growing to maturity looking upon them as one of the ordinary incidents of life.

¹LL. M., 609 W. 115th St., New York, N. Y.

Suggestion is known by all who have any acquaintance with the principles of psychology to be one of the most potent causes of the commission of crime. There are numbers of people in the community who feel the temptation and approach the brink of crime who only need the slight incentive to convert the impulse into action.

Every sensation, perception, feeling, emotion, thought, or belief, if left uncontrolled, tends to be translated in some appropriate movement, action, or reaction. To quote Gulston: "Although the brain is able to do fair work fluently in an automatic way, and though it will of its own accord, strike out sudden and happy ideas, it is questionable if it is capable of working thoroughly and profoundly without past or present effect." The higher the level of mental activity, the more definite, the more precise, the more rigid the selective process becomes. The stream of consciousness as it rushes along selects or, physiologically speaking, integrates those trains of ideas which help most effectually to reach the destination, or, in other words, are especially fit for the purpose in hand.

From all sides thousands of impressions come crowding upon the senses of the individual. Each impression with its appropriate receptors has its corresponding system of reactions which, if not modified or counteracted, may end in some harmful or fatal result. Plato with his deep insight into the nature of men and society found fear of such vast importance that he makes the knowledge of what to fear and what not to fear as fundamental in the education of the citizen. Frederick Harrison² tells us that men are careless as to the books they interest themselves in and the printed language with which they saturate their minds.

Who can measure the effect of daily placing before masses of people the details of horrible crime? Who can tell how many girls are lured from the hard labor of the kitchen or mill to destruction by seeing the portraits and reading the tales of luxurious lives of mistresses in the public prints? The exploitation of the criminal trials in the newspapers, causes the community to look upon these things as sporting events in which they pick their favorites. They are not guided by common sense, but by their feelings and sentiments.

Every extraordinary crime is at once followed by efforts of a like character, which fact proves that they were brought about by the publicity.

The power of suggestion as an incentive to crime is also evident in the barbarous conduct of lynching males. In the celebrated "Frank"

²Choice of Books, 8.

case the newspaper accounts of the case caused so much resentment that the mob seized him from the jail and put him to death. Shall we say that when a man stands before the court demanding rights given him by the supreme law of the land the newspapers shall be deaf to his appeal? Shall wrongs visited upon him by illegal excesses of newspapers be less open to redress than those he may suffer from courts or civilian enemies? If this be so, if in any such case the ears of the newspapers are to be closed against him, is it not the power of the court that has been reduced but the dearly bought right of the man that is taken away? The publicity given in newspapers, particularly the sensational ones, and the details of such tragic scenes has undoubtedly been responsible for the frequency of the recurrence.³ "Clearly there have been many notorious abuses by the newspapers in publishing not the facts about the crime, but false statements or statements to the effect of which was to corrupt public opinion or prejudice the minds of those who were called as jurors to try particular cases.⁴ Thousands of talesmen are examined, in many instances, before a jury could be found composed of persons whose minds are free from the influence of newspaper reading. This causes needless delay in noted trials.

The great increase of divorces in the United States may be explained in the same way. When every day divorce suits, and the charges made, and the evidence given in them are set forth with huge headlines on the front pages of the sensational journals, is it any wonder that young people are made familiar with the thought that marriage is a mere experiment and often act accordingly? Justice Isaac N. Mills, commenting upon the Astor case, says: "Upon the other hand, in favor of secrecy, the main argument doubtless is that publicity given indecent or suggestively immoral details of such actions tends to promote general immorality. No doubt this has been the reason which long has prevailed and which has led to the existing practice."

It needs no argument to prove that the newspaper is an unqualified evil in so far as it affects the trials of criminals. Since the abolition of public executions it has been the policy of the law to hide all sensational details connected with the punishment of criminals. The object of most newspapers is just the reverse.⁵

Joseph T. Williams⁶ points out very clearly what the newspapers

³J. E. Cutler Lynch Law, page 274.

⁴Journal of Criminal Law, V. 2, 341.

⁵C. B. Smith, Green Bag, V. 17, page 223.

⁶Assistant Secretary of the Com. on Criminal Courts of the Charity Organization Society, Survey, V. 27, pp. 1794-1797.

do to increase juvenile crime. His criticism is directed against the habit of most papers "playing up" children's misdemeanors as heinous offenses, giving names, addresses, and such details as brand the delinquents in their own eyes and those of their acquaintances as wicked. Stephen S. Wise⁷ in his stimulating and thoughtful little book suggests that parents are too careless with respect to the printed language to which young children are suffered to entrust themselves.

In the cases of atrocious crimes and of public officials charged with breach of duty the courts are in effect superseded and the defendants either convicted or acquitted before they have been heard, since the alleged facts and the editorial comments are scattered broadcast without hesitation and without accuracy. In England⁸ it is a serious contempt of court to publish during the course of a trial an opinion as to the guilt or innocence, or other matter calculated to prejudice the jury in reaching a conclusion.

The remedy is very simple and plain. It is to subject the press to the same laws and the same authority of the state which govern the other relations of men. It is for those in legislative, executive and judicial authority to have sufficient courage to meet every attempt at oppression or abuse of right in utterance as well as in deed. Such material has no part in the liberty of the press any more than sewerage has a place in the stream. Both constitute nuisances which may be suppressed and in time will be suppressed. It is upon this same theory that unclean literature is excluded from the mails and destroyed when it appears, although the Constitution protects the freedom of speech. There is no freedom to propagate and disseminate falsehood and vile-ness, and a large proportion of what appears daily in the journals could be excluded upon application to the courts.

⁷Stephen S. Wise, *Child v. Parent*, 27.

⁸*Journal Criminal Law*, V. 2, 341.