Constitutional Law

Final Project

April 18th, 2016

Alterations

I decided to alter the 6th amendment by adding in the right for the accused to deny media involvement in order to insure a fair trial. Media involvement causes unfair trials for the accused and make it difficult on not only the accused but also the jury of the case.

The Altered 6th Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial without media involvement, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Annotated bibliography


The article goes over the important of the 6th amendment’s right to a fair trial and how U.S. Courts have to take initiative in insuring fair trial when it comes against media. It goes into detail on how the fairness of a trial is jeopardized by media involvement. Estes v. Texas is brought up as a case that ruled "the life or liberty of any individual in this land should not be put in jeopardy because of the actions of any news media." It also touches on the sacrifice the 6th amendment makes in order to uphold the first amendment right of free speech.


Using the Casey Anthony trial as an example the article talks about the issue of “armchair jury”. Media influences the general public’s view on court cases and causes them to gather their own bias opinion on the verdict, which is usually different from how the court jury’s verdict. Trial by media causes public to believe that the criminal justice system is not working properly or it too soft on offenders. It also touched on some defendant’s inability to recover from a case due to media’s image of them.
Meringolo J. (2011/2012) the media, the jury, and the high-profile defendant: a defense perspective on the media circus.  

The article mentions media circus in the early 1800s with the trial of Vice President Aaron Burr all over newspapers and how the media’s influence caused the forced dismissal of forty-four out of forty-eight potential jurors. Also mentioned alongside United States V Burr is State v. Hauptmann, the Lindbergh baby case in 1935. The article goes into several different cases and discusses the correlation between the 6th amendment right to a fair trial and the 1st amendment right to freedom of speech and press.