

Friday, May 2, 2008

Deborah Jean Palfrey: It should not have ended this way. Not the time for a media feeding frenzy.

Å Å Awaiting federal sentencing for her prostitution ring conviction, Deborah Jean Palfrey took her life this week. Å On the one hand, Ms. Palfrey's suicide brings to mind how rampant is suicide in society, and how much Å desperation contributes to it. Ms. Palfrey previously said she would not do a day in prison; and her suicide ended up being likely the only way to avoid it. Å How did I learn of Ms. Palfrey's suicide? Certainly not the way I wanted: Through an undiplomatic Å television camera and microphone sticking in my face. Having left the District of Columbia Superior Court yesterday afternoon, I was on the phone talking about a sex-related criminal case, minding my own business. I have not even closed my cellphone on my completed conversation when a local television reporter says something along the lines of "I heard you speaking about a sex case. I was wondering if I could ask you some questions." By now the camera is running, and I say I'm not ready to speak on the record, thinking he wants to talk about my own clients' sex-related cases. The camera still looks on, and the reporter is still holding the mike. The reporter persists, apparently wanting to ask about various aspects of criminal procedure at the Superior Court, and I say I will not be speaking on the record about that, either, because I do not go to Superior Court often enough -- versus Maryland and Virginia courts, as the District of Columbia courts have the hugest Beltway Å percentage of defendants obtaining court-appointed counsel Å -- Å so he'll do better to speak to a lawyer who goes there more Å regularly. Å The camera still runs, and the reporter still holds the microphone, and says he wants to talk about Deborah Jean Palfrey, who he tells me killed herself. Ah, the First Amendment, before which I worship and for which I defend against government and court suppression and punishment of even the most vile and offensive speech. How close I came to telling the reporter "Ms. Palfrey's passing should not be a media feeding frenzy. Why should I be asked to be told on-camera about her death and be asked to comment on the spot after learning of this sad news?" Instead, already programmed through some of the most trying courtroom exchanges to do battle, I decide to take my battle for justice to the news camera once again. Å The reporter asks my reaction to this sad news. I say something along the lines of: "This is sad, and never should have happened. Ms. Palfrey never should have been prosecuted, because prostitution needs to be legalized, as does marijuana and gambling. Only by doing that and by Å heavily decriminalizing drugs can we have a fair criminal justice system." The reporter keeps probing; probing for what? For me to say she had it coming to her (which she had not)? To see if any of my clients ever have committed suicide (none have)? To see if I would lash out at the prosecution, after the reporter mentioned the possibility that her prosecution cost over one million dollars? Å THIS IS NOT AUTHENTIC JOURNALISM. Perhaps this is but a failed attempt at infotainment. This is pandering to try to get television ratings, and to charge advertisers more money based on those ratings. This is an effort to make the commercial television news merely an interval separating the commercials without which commercial television would never exist. Is this paragraph hyperbole? If it is, I still haven't come down from such feelings after yesterday's interview. Å THIS INAUTHENTIC JOURNALISM DID NOT STOP THERE. The reporter then tells me he wants a shot of me as I go on my way, and the cameraperson asks me to wait as he changes positions to get a better angle. At this point, I don't have any other beef with the cameraperson, and I let him get his camera angle. Å WHAT IS JOURNALISTIC ABOUT VIDEOTAPING ME WALKING TO THE SUBWAY? Not having any television at home other than a DVD player -- how sweet it is -- I do not know if the interview ran, nor whether -- as I suspect -- the walking segment was spliced before the interview segment; I have had it done before. This brand of television reporting is far from limited to this reporter and cameraperson. Å It all reminds me of the sadly comical section from the great Joan Didion's essential White Album, where Ms. Didion recounts how the actress Nancy Reagan cooperated with a camera crew at the California governor's mansion the same way she would have done for a movie or theater director, along the lines of: "Would you like me to turn to the left after I come into the doorway, and check my phone messages?" Å Ms. Palfrey's life, plight and death should not be trivialized, should not be made into the butt of late night television jokes or light water cooler chatter, and should not be swept under the rug. She died after being put through a trial that was unjust: unjust because prostitution should be legal (it does not need to be made illegal to address the socio-economic oppression that leads plenty, but certainly not all, people to choose such work; there are other effective ways to address such oppression); unjust because police and prosecutors have enough rape, robbery and murder cases to address, and should not be wasting tax dollars and resources on prostitution cases; Å unjust because so much money and court resources were so unjustly wasted on the case; Å and unjust because so many immunized prosecution witnesses were outed as former prostitutes allegedly serving Ms. Palfrey and her clients. Å At the very least, praised be Ms. Palfrey's judge, James Robertson, who asked the prosecution: "You want to make public the names of all the employees? ... Is there no limit to the collateral damage?" Proceeding in this very human vein, Judge Robertson refused the prosecution's insistent request to revoke her bond, lest she flee pending sentencing (flee where, in this day and age where governments and police investigation agencies seem even to know when and where we go to the toilet, let alone where to find us if we miss a court date?). Thanks, judge, for giving Ms. Palfrey a chance to spend time with her mother after her guilty verdict, and to spend time away from the cameras and away from gawking eyes in the jail. Å Yes, let us examine and discuss Ms. Palfrey's case, life Å and death, and why she

killed herself. Let us do so with compassion for Ms. Palfrey, and with an eye to eliminate prostitution prosecutions and other unjust prosecutions once and for all.Â Jon Katz.

Posted by Jon Katz in Criminal Defense at 00:00

I've already said everything I need to say about the prosecution of Ms. Palfrey.

As for the journalism, it sounds like the reporter needed to get original material for the story, but he couldn't get an interview with anyone closer to the case. I don't know if that's inauthentic, but it's a sign of desperation. The next step would have been man-on-the-street interviews.

The walking-away bit sounds like the cameraman was getting a bit of B-roll, which is filler used to patch together the video portion of the segment while people talk over it. I'm sure the video editor insists on it. Without B-roll to cut with, the edited segment won't have smooth transitions between scenes.

Anonymous on May 2 2008, 17:20

Dear Windy- Thanks for your comment. Have you done reporting or camera work for interviews? Thanks. Jon

Anonymous on May 4 2008, 21:36

In answer to your question, I'm a sometime volunteer community reporter for the Chi-Town Daily News. I mostly do writing, with a little photography, but I've had some training in video news gathering, and I've been reading up on it in preparation for some possible video blogging.

Anonymous on May 5 2008, 15:15