

Jonbenet and Maddie: Case Studies in the Ethical Deficit of Contemporary Journalism

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Abstract

One of the lingering issues for journalism is the continuing problem of unethical practices in pursuing stories. This essay looks at this issue by considering the way in which a narrative was laid down by the media about two infamous crimes that received enormous coverage, and that shaped public opinion as to who the guilty parties were. The case studies are the murder of Jon Benet Ramsey and the abduction of Madeleine McCann.

Keywords: Ramsey, McCann, Ethics, Crime

1. Introduction

“The persecution of individuals for no public good whatsoever is such a significant decline in the standards of the press. We’ve now got a situation where newspapers are hiring private detectives – we used to hire reporters.” Sir Harold Evans, former editor of the British, Murdoch owned, newspapers *The Sunday Times* (1967 – 1981) and *The Times* (1981 – 1982) in evidence to the government appointed Leveson inquiry into the ethics of British journalism (May 17, 2012.) On Christmas night 1996 JonBenet Patricia Ramsey was tortured and bludgeoned to death in her home at 755 15th St., Boulder, Colorado. JonBenet was six years old with blond hair and blue eyes. On May 3rd 2007 Madeleine Beth McCann, a young English girl, was abducted from an holiday apartment at the Ocean Club resort of Praia da Luz in south west Portugal. She was about to turn four on May 12. She was blond, one eye was green and blue, the other green, and her right eye had a marking called a coloboma, which is where the pupil runs into the iris in the form of black radial strip. She was just 36” tall, and if you Google her name today you will get five million results.

If you Google JonBenet’s name, all these years later you will get 3,110,000. Search Amazon books and you will find eleven books about Maddie, and fifty-five that are directly about JonBenet’s murder or that have sections dealing with it. No-one knows how much print coverage there has been about these cases, other than the obvious fact that it has been vast. Neither is it known how much television news has covered both cases, though again it is enormous, and there have been many documentaries about both cases, but particularly about JonBenet’s death. In June 2008 the search term “Madeleine McCann” generated some 3,700 videos on YouTube attracting over seven million responses (Kennedy, 2010). Today, use the search term JonBenet Ramsey, and there are 3090 videos on YouTube.

2. Two Narratives

2.1the Case of JonBenet Ramsey

Almost from the very beginning of the Ramsey case something was quite obvious: there was a serious problem with the manner of the media coverage in that it was both overdone and unfair. Overdone in that there was so much of it, locally, nationally and globally, and unfair because it is utterly clear that from the very beginning any presumption of innocence was overwhelmingly denied the Ramsey family, and in particular JonBenet’s parents, John and Patsy Ramsey.

The first story in the Boulder Daily Camera was on December 27 1996: “A 6-year-old Boulder girl reported kidnapped early Thursday was found dead in her parents' house later that afternoon. Boulder police said a family member discovered the body of Jon Benet (sic) Ramsey - daughter of Access Graphics president John Ramsey and Patricia Ramsey - in the basement of the family house at 755 15th St. about 1:30 p.m. The child was the 1995 Little Miss Colorado and a student at Martin Park Elementary School, according to a family friend.”

On the morning of the 27th December 1996, the Rocky Mountain News (RMN) ran a story that was the first hint of law enforcement's suspicions about the Ramseys. It quoted an anonymous source – it would later turn out to be assistant district attorney, Bill Wise - as saying that it was very unusual for a kidnap victim's body to be found at home: “ ‘It's not adding up,’ he said.” Charlie Brennan, who wrote the story, knew from the beginning that police thought the parents were guilty: “ ‘I certainly had that sense at the time, yes. I had the belief that the police were under a strong suspicion from the beginning that it had to be the parents.’” (interview with author) Julie Hayden of Denver's Channel 7, who was known to have very good police sources, says that before the end of December, “ ‘we were beginning to get the sense that the police were not hunting Boulder for some mad kidnapper, that the police were looking more inside the family...’” (interview with author).

On the 28th December Brennan wrote: “ ‘JonBenet's death remained a mystery Friday. Boulder police said no-one has been identified – or eliminated – as a suspect in the slaying.’” On 30 December, Mike McPhee and Alan Snel, writing in the Denver Post, reported: “ ‘Unconfirmed media reports say that (a) ransom note demanded \$118000 plus future demands, and that the father, John Ramsey, found the body. Police...would not confirm or deny either report.’” On the 1st January 1997 the RMN reported that the “ ‘killer placed duct tape over the 6-year-old's mouth and tightened a chord around her neck until she died, a source close to the investigation said... Among those providing (DNA) samples was JonBenet's father, John Ramsey, 53, president of Boulder-based computer manufacturer Access Graphics.’”

Ramsey has hired prominent criminal defense attorney Bryan Morgan to represent him. Acting on Morgan's advice, Ramsey has stopped talking to police, sources said.” The article then noted that Patsy Ramsey had hired Pat Burke to represent her, and that: “ ‘Police have said that no one close to the case has been ruled out as a suspect.’” Brennan then added another detail that would, as with all his stories, metastasize, saying that the Ramseys had returned to Georgia for the funeral and that, “ ‘John Ramsey is a pilot, and the family traveled to Georgia *in his plane...*’” (emphasis added). The plane was described as a jet.

The speed with which the story of what had “ ‘really,’” happened on Christmas night at 755 15th St, is also attested to by a piece in the Camera on the 1st January by Elliot Zaret. It is fascinating because while at face value it was a straightforward piece of reporting, it contained many of the emerging threads of the story-line that was increasingly focused on the Ramseys: “ ‘John Ramsey...has hired a prominent criminal defense lawyer, even though no-one in the Ramsey family has been named a suspect in the case...Denver broadcast media carried an unconfirmed report that JonBenet fully clothed with duct tape over her mouth, was discovered by her father and a friend.’”

Police have taken blood and hair samples from all family members except JonBenet's mother, Patsy Ramsey, who police said was too distraught to give the samples...” Patsy Ramsey had, in fact, given the samples. The piece then quotes Mimi Wesson, a University of Colorado law professor, saying that “ ‘the police have disclosed few details about the investigation, which Wesson said could pay off later. ‘If you announce a suspect early and later you prosecute that suspect, it can look as though you rushed to judgment as we saw in the O. J Simpson case...As for why Ramsey, who is not a suspect, would hire an attorney, Wesson said the answer may be simple. ‘he's a sophisticated businessman,’ Wesson said. ‘He's used to dealing with attorneys. Don't think it's unusual at all that he consulted an attorney.’”

Here were many of the elements of the evolving story, all of which were well in place within barely a few days of the crime: the fact that they'd even had to give blood and hair samples; the lawyering up; the passing, glancing reference to OJ, another wealthy man; John Ramsey as the sophisticated mind, guiding the family's emerging strategy. It was far from the truth, since the decision to hire the attorneys had been made by a family friend and business partner of John Ramsey and former assistant district attorney, Mike Bynum. He did so because from the morning of December 26 he had a sense that the police were already focusing primarily on the Ramseys.

What tended to be forgotten, partly because it was never really disclosed, was that both Ramseys were, according to those who were taking care of them including their physician, Dr. Bueff, basically emotional wrecks, given to sudden explosions of sobbing, on heavy medication for anxiety and depression. The image though was what mattered, a powerful team being put together by John Ramsey to slaughter the minnows of Boulder law enforcement. Wealth was going to triumph again as it had in the OJ case (Schiller, 2001; Dunne, 2001.)

Boulder Mayor Leslie Durgin on January 2, the day after the Ramseys had given an interview to CNN in which they said that “there is a killer on the loose”, spoke to local media said that police were not looking for a crazed killer on the streets of Boulder. She added:

“ I think in Boulder we have no need to fear that there is someone wandering the streets of Boulder, as has been portrayed by some people, looking for young children to attack. Boulder is safe. It has always been a safe community. It continues to be a safe community.” For good measure she added that she had been told that “ there was no forced entry into the home. The body was found in a place where people are saying someone had to know the house.” A headline in the Rocky Mountain News declared: “No need to worry about killer on the loose, cops say.”

On the 3rd the headline was: “Cops checking family background.” On the 3 January also, Brennan reported: “There was no forced entry into the Ramsey home, according to a source close to the investigation.” The following day he quoted the architect of the house saying that it would be “pretty difficult to break in.” On the 4th the headline was again: “ No need to fear Mayor tells Boulder.” The immediate problem with this is now obvious: how did she and the police know that there wasn’t a child killer in Boulder? When asked later why she had said this, she replied: “It was done in large part to allay the fears of children in our community and to let people know that the information that I had at the time was that we did not have some crazed person wandering the streets of University Hill.” When asked who she cleared this with, she replied: “The police chief...” (interview with the author).

Perhaps more than any two statements those by Wise and Durgin, which were repeated on television, radio and in the press, were the birthing moment of the public’s growing belief that the Ramseys, one or both, were involved in killing JonBenet. The idea that there had been no break in ~ a comment that hid behind casuistry in the comment that there were “no *signs* of forced entry” ~ along with the notion that the house was a maze through which only someone with an intimate knowledge of its lay out would be able to maneuver was becoming a key element in the narrative that was unfolding. Brennan says:

“That was coming from law enforcement sources. And you know, I know that you know, that this is a story that was heavily reported through unnamed sources telling us from the end of December that they saw no signs of forced entry.” (interview with author.) The problem here is that the law enforcement source, used by Brennan, didn’t trouble him with the information, contained in the police report from December 26, that there would have been no need to “force” an entry since the alarm was off and there were numerous open windows and doors. Anyone could have entered the house with little or no difficulty. Law enforcement, however, because they were already forming a strong opinion that the Ramseys were involved in the murder, had to begin to create a narrative that no-one could have got into the “fortress” on 15th street.

Within little more than a week of reporting, the story had shifted from bare bones, to the heavy implication of it being a sex crime involving the father, to the leaking of basic facts such as the duct tape, the ransom amount, the fractured skull, the garroting which were true, to the suggestion that there were no signs of forced entry, which while on the face of it was true was in fact highly misleading. Another story that emerged early in the reportage was that John Ramsey had flown his private jet back to Atlanta, with his family and JonBenet’s casket on board became a key element in the unfolding narrative.

The implication was clear: that John Ramsey was so calm, so lacking in grief, so in control, that he could fly a jet. Ergo, he was a sociopath who was clearly capable of killing his own daughter. The source, according to Brennan, who broke the story, was a member of law enforcement who had always been “reliable.” The problem with this is that story was not true. Dan Glick, a stringer for Newsweek, checked the FAA take off and landing log at JeffCo Airport and discovered that in fact the jet had been sent by the Chairman of Lockheed Martin, which had bought Ramsey’s company, Access Graphics, and that the pilot was a Lockheed pilot.

When Brennan was asked why he hadn't checked out the story? He responded, "maybe you can tell me it wasn't his plane and he didn't fly it..." (interview with author). By the end of January 1997 the murder was a major national story. There were something like three hundred reporters in Boulder covering the case. A study of television news magazines would later show that JonBenet was the biggest story of *any* kind in 1997 until Princess Diana died (Video Information Report Study, 1998). As the months and years passed this hardly changed and in October, 1999, the month the grand jury had to conclude, she once again was the biggest story for all the major news magazines and morning shows (Video Information Report, 1998).

Another small but important story emerged in March 1997 when it was reported that police found it "curious" that there were "no footprints in the snow," around the house. The implication was obvious, and intended: no footprints, no intruder. The slight problem with this, as law enforcement knew and the crime scene photos from December 26 make clear, was that there was little or no snow around the house, in fact the photos show that all the pavement around the house was totally clear of snow. It is important to be clear that these various stories, often began with local but quickly appeared in the tabloids, on television, in newspapers, news magazines, on talk radio and became very much a part of public and private chatter.

Perhaps the most profound example of a drawing together of the various mythologies about the case was in a piece in *Vanity Fair* by Annie Bardach, based in considerable part on "information" provided by one particular detective (Bardach, 1997). She wrote that the Ramsey's behavior was "odd." She quoted Linda Arndt, the first detective on the scene, as reporting that between 10.30 and noon John Ramsey left the house to pick up the family mail, the implication being that he was in reality doing something to cover up the crime. Arndt had said this, but it would later be shown to be incorrect. She reported that only a small child or a midget could have entered through the basement window.

This simply was not true, as the source knew, because he also knew that police officers had entered the basement through the window to see if it was possible. She reported that Hal Haddon, a senior Ramsey attorney, was a political ally of the District Attorney, Alex Hunter, when in fact they had never even met. She reported investigators saying that the ligatures around JonBenet's neck and wrists were "very loose," and were consistent with a staging. This was in fact not true, as we now know from the autopsy photos which show that the ligature was so tight it caused a deep gouge in the child's neck. She repeated the story that there were no signs of forced entry, and no footprints in the snow, when we now know from the police report that there would have been no reason to break in because there were unlocked doors and windows, and the pavement and sidewalks around the house were clear of snow.

She reported the police case that JonBenet was a chronic bed wetter and that Patsy had taken JonBenet to her pediatrician 30 times. In fact, it was 27 over a four year period, some of those with the nanny. Dr. Francesco Bueff, the pediatrician, argues that there was nothing abnormal about this, that there were various reasons for the visits, including a number for sinus infections, that there were no signs of abuse and that she was not a chronic bed-wetter (interview with author). Bardach also reported the incorrect story that John Ramsey flew a private jet back to Atlanta for the funeral.

On January 4, Charlie Brennan, writing in the *Rocky Mountain News*, introduced something that again would emerge as a key narrative, saying not that JonBenet was sexually assaulted, which he and others had already reported, and which the autopsy report would confirm, but that: "The girl was sexually abused." No doubt Brennan felt that he was using the term as a synonym for assault. It is not clear that his source felt the same way since "abuse," is a generic condition whereas "assault," is situation specific. It was however the beginning of another key story line: that JonBenet had been sexually abused over a period of time prior to the murder.

A review of the Child and Family Services report on JonBenet's nine-year old brother Burke – which as a matter of law had to be undertaken to assess if he would be at risk were he to be returned to his parents; an independent review of the autopsy report which was commissioned from the Denver Medical Examiner; an interview with JonBenet's pediatrician, who also reviewed her medical history; and numerous interviews with family and friends lead to the overwhelming conclusion that that was no evidence that there had been any sexual abuse. (Mills and Tracey, 1998). However, vast numbers of people simply assumed that there had been for the simple reason that this is what they were being told, *ad infinitum*.

Within a remarkably short period of time all the details of the story pointing to the guilt of the parents were in place. That almost everyone of those details were either less than profound or downright wrong really didn't seem to matter. The relationship between the media, which relished a story so rich in ratings and circulation pickings, and law enforcement which wanted to create a public climate which would force an indictment, worked its mendacious magic – even if it did not in the end lead to an indictment. A Gallup poll in November 1997 showed that 88% of the public believed that one or other of the Ramsey family had killed JonBenet. When the same question was posed in March, 2000 67% of the public still believed that one or other of the Ramseys killed JonBenet.

2.2 The Case of Madeleine McCann

Madeleine (Maddie) McCann, a young English girl, went missing from a holiday apartment in Portugal on May 3rd 2007 sometime between about 8 pm and 10pm. By the following day at least one detective was telling journalists that there were doubts about whether Madeleine had really been abducted and that “police thought the couple were not telling the truth...” (Chrisman, 2007). The story appeared the following day, Saturday May 5, in the respected Portuguese newspaper, *Diario de Noticias*. The story, headlined “This Is A Very Badly Told Story,” had been written by Jose Manuel Oliveira who had received an off the record briefing by one of the top investigators of the *Policia Judiciaria* (PJ), the Portuguese criminal investigation police and said that “the headline/quote is based on the police and PJ sense that the testimonies gathered from the initial questioning of the McCanns, friends, and staff of the Ocean Club were confusing.

Oliveira believes this report was leaked because the PJ were beginning to have ‘doubts’ about the McCanns – that they were somehow connected or they knew someone who had had something to do with her disappearance – not at this stage that she might be dead. Astonishingly Oliveria says he got the information from the PJ for this leak by 5pm., on the 4th May – less than 24 hours after Maddie disappeared...” (Chrisman, 2007). This was immediately denied by the JP, but on the 7th May *Diario de Noticias* published an article headlined “Police clues points to Madeleine’s death,” with an inside page headline “Port authority already looking for Madeleine’s body,” citing “police sources.”

At the same time another paper was reporting that police suspicions were based on the couple’s behavior, and one said that detectives “suspected them because their wives said Kate was too controlled to be the distraught mother” while another claimed forensic scientists reported that her controlled public appearance and make up indicated a “cold and manipulative” personality. This narrative was unfolding at a time when Maddie’s disappearance could still be counted in hours.

By May 7 numerous Portuguese papers were now openly pointing the finger of suspicion at the McCanns, and reporting that the police believed Maddie was dead. “24 Horas” reported that the police were now examining the past of the McCanns. *Diario de Noticias* headlined an article, “Police clues points to Maddie’s death” for a story based on “police sources.” On May 11 newspapers cited “police sources” as saying that there had been “seven days of contradictions” in what the McCanns and their friends had been saying. On May 13, Jose Barra de Costa, who had spent thirty years with the PJ, with experience in homicide, armed robbery and sexual crimes, and was now a university professor of criminology with Lusofona University and a lecturer at the Police Institute – that is, “an expert” – said:

“...I am informed by people in the know, that Madeleine’s parents dedicated themselves in the practice of swinging and that this activity could be related to the disappearance of the child. By nature, a relationship of swinging is promiscuous and atypical and can therefore have an involvement and exchange of relationships leading to an act of revenge, which could have resulted in the disappearance of the child.

Q- Who are these people in the know?

A -I cannot reveal my source, otherwise I would risk losing it...” (Costa, 2007).

In the weeks after the disappearance the McCanns travelled extensively in the hope of keeping the story alive on the grounds that if they didn't it would go cold and people would stop looking – they clung to the hope that she was still alive.

They even met with the Pope at the Vatican, who promised to pray for her safe return. Numerous politicians, celebrities and sports stars expressed their “concern” for “our Maddie.” However, the McCann’s campaign to keep the story alive would prove what some might take to be disastrous. The accusations that were alive in Portugal had not really taken hold elsewhere. That changed when at a press conference they were giving in Berlin on 6th June, 2007, a German journalist, Sabine Muller, asked them:

“How do you feel that more and more people feel the way you behaved was not the way people would normally behave when a child is abducted...they seem to imply that you might have something to do with it?” The journalist Jose Oliveira would later say: “It was clear that the police genuinely believed the couple were involved and were leaking stories in an attempt to put pressure on them...in the hope that they might confess or inform on each other...” (Oliveira, 2007).

It was at this moment that the story of Maddie’s disappearance and what role the McCann’s and their friends might have played shifted to a whole new level. The frenzied “feral beasts,” to use Tony Blair’s famous phrase about British tabloid journalists, saw that here was a story that would pump circulation and ratings. However, there was nothing the McCann’s, who had sought to use the media to help find her, could do about it because it wasn’t just the media that were hungry for more, they had a vast public appetite to satisfy. On the 7th August, 2007 Oliveira published a story in the Lisbon daily *Diario de Noticias*, based on a leak from the police, that said that the PJ had concluded that Maddie was dead and that the McCanns were now suspects, that they had been so since July and that the police in Portugal and Britain were watching them closely as their suspicions deepened.

In early September *Noticias* published a story, written by their crime reporter Jose Manuel Ribeiro, about Kate McCann’s diary, which the police had seized and which they apparently believed was an important piece of evidence. The story also appeared on Portuguese television and claimed that in it Kate wrote of her difficulty in handling Maddie’s “hyperactivity” and complained about Gerry’s lack of help. The British investigative journalist, David Rose, who has for many years reported on miscarriages of justice, was in Portugal covering the case for the British newspaper *The Daily Mail*.

He notes how the story “was reported from Berlin to Baltimore” and writes of how he bumped into Ribeiro outside the apartment where Maddie disappeared: “ I congratulated him on his scoop, but he shook his head, disconsolate. Already, he complained, it was turning to dust. Ribeiro said he had been given the story by an impeccable source, but already officials in Lisbon were denying it, and the source himself could no longer assure him it was true. ‘Why is bad information getting out to the public?’ he asked. ‘Because we are being given it.’” As Rose notes sarcastically, the denial of the significance of the diary never quite made it to what he calls “the foreigners,” of which the most significant contingent were the British media (Rose, 2007).

In August a specialist forensic team from the UK was sent out to Portugal to help the investigation. What they were said to be finding led the PJ to summon Kate McCann for an interview of 6th September, where she was interviewed for eleven hours. Well after midnight her Portuguese lawyer arrived at the apartment they had moved to with an offer from the PJ: if she pleaded guilty to manslaughter she would only have to spend two years in prison. She refused. On the 7th September she and Gerry were interviewed again by the PJ after which they were both declared “arguidos,” suspects.

They were allowed to leave Portugal on the 9th September, and anyone who turned on the evening news that night would see them being driven to the airport followed by a posse of cars packed with journalists. As is now widely known the story exploded. In Britain *The Express* group of newspapers alone would run well over a hundred front page stories, effectively accusing the McCanns of being involved.

This comes as no particular surprise since as they were returning to Britain scores of stories began to run about the forensic “evidence” that had been found: “substantial quantities” of Maddie’s hair in the Renault car rented by the McCanns on their return to Portugal twenty-five days after the disappearance; “bodily fluids” from Maddie’s decomposing body had been found under the upholstery of the car; cadaver dogs had picked up “the scent of death” – a popular phrase that; that there was evidence that her body had been kept in a fridge, and then moved in the car to be buried in a shallow, hidden grave somewhere in the Spanish countryside, a lonely resting place for little Maddie, and all of it given particular force because, it was said, this evidence had been discovered not by the Portuguese but by “our” team, British forensic experts.

It immediately got worse when, for example, on 10th September, Sky News correspondent Martin Brunt said that analysis of materials gathered from the McCann's rental car by Britain's Forensic Science Service, including it was claimed blood, hair and other fibers, had produced findings which were "significant." Brunt reported: "According to police it shows the presence of Madeleine's body in the boot of the family hire car five weeks after she had disappeared..." a claim that was almost immediately denied by the national director of the PJ, Alipio Ribeiro, who said that the tests had not been conclusive.

David Mills, who was producing a documentary for the BBC current affairs programme, Panorama, with his associate producer, Michael Chrisman, discovered that at more or less the same time a Portuguese detective told the journalist Ned Temko that the DNA evidence was not what it seemed, that whatever limited DNA existed was degraded and evidentially useless, and that there was no blood in the car as had been reported. Perhaps most devastatingly to the "evidence" being played out in the media – one headline on Sunday September 28th read, "Maddie Buried in Spain" – Mills and Chrisman point out that travelling with the McCanns in September in their hire car was a close friend and filmmaker, Jon Corner, who noted that the boot of the car "was full of camera equipment, it was full of posters..." (BBC, 2007).

One might surmise that had there been a child's body in there, Corner might have noticed. There was one other slight problem with the story that Maddie's body had been in the wheel well in the boot of the car. Doug Longhini, an experienced producer/investigator for the CBS programme, 48 Hours, working with a Portuguese journalist, rented the same model as that rented by the McCanns, and discovered an interesting fact, it doesn't have a wheel well: "It was a seven passenger vehicle and two pop-up seats are in the rear where a spare tire would otherwise have been in a five passenger version..." (Longhini, 2011).

The case against the McCanns fell apart as it became clear that the crime scene had been hopelessly compromised (when a Portuguese forensics team turned up three days after the disappearance they refused to even try and process it), forensic evidence pointed nowhere, the treatment of the "evidence" in the media was scientifically illiterate. There was, in short, no case. The inflection of the media coverage may have been crude and obviously slanted but, as with the Ramsey case, it led to one overwhelming conclusion in the public mind: a Sunday Times poll, published on 16 September 2007, found that 80% of the British public believed that the parents of Maddie McCann could have been involved in her disappearance and demise; a web site set up by Gerry McCann's sister, Philomena, received 250 million visits and ten thousand abusive emails, and 20,000 people signed an on-line petition asking Leicestershire social services to investigate the couple for child neglect.

The final police report on the case was delivered to Jose Pinto Monteiro, the Portuguese Attorney General, on 1st July 2008, and on 21st July he announced that the case would be closed because of a lack of evidence that any crime had been committed by the McCanns or anyone else who had been investigated. On the same day the arguido status of the McCanns was lifted. The fact is, though, that the case really wasn't over because of lingering realities: the life of the McCanns had been destroyed by the actions of the crude police investigation, the poverty of the journalism about the case, the manipulation of that journalism by law enforcement and the most brutal fact of all, Maddie was still missing.

3. Conclusions

There are a number of ways of thinking about the media and these two cases. The most immediate and obvious, and therefore telling, point is that they were both huge stories, particularly, though far from exclusively, for the tabloids, about two strikingly similar young girls, from two very comfortably off families.

Almost from the first day there was, in both cases, a close relationship between the police and the media, with the former supplying the latter with "evidence" which then was presented as fact. This was because in both cases, the police immediately believed that the parents were involved and that, therefore, the means, lying, justified the end, getting an indictment and a conviction. Both also demonstrated what can only be described as an extraordinary amount of lazy journalism. David Rose describes how for most foreign journalists covering the McCann story, every day would start at Hugo Beaty's bar "shortly after it opens at 9am, with an informal briefing to the foreign press by a locally resident British woman who normally makes a meager living acting as an occasional interpreter – for the Policia Judiciaria.

Every morning the woman...goes through the Portuguese tabloids and translates their ever-more febrile articles. Every afternoon the foreigners...recycle the tales for consumers abroad..." (Rose, 2007). In testimony to the UK Parliament's select committee on Culture, Media and Sport, that was investigating the question of press standards and that took sharp aim at the McCann case, Clarence Mitchell, who had been hired for the rather desperate job of helping the McCanns deal with the press, said: "They (British journalists) would get the Portuguese press each morning translated for them...Then no matter what rubbish, frankly, was appearing in the Portuguese press from whatever source (they'd file copy in the British press)...there was no effort to pursue any investigative journalism as we might recognize it..." (Mitchell, 2010).

The dependency culture of using "sources" revealed, yet again, the relationship that now exists between two core institutions, the media and the judicial system. In fact, increasingly these two elemental parts of society seem to be engaged in a dance macabre, where the law has become part of the entertainment industry, and where that industry is consistently fed and led by leaks from law enforcement. The media and law enforcement can perhaps be said to have become business associates. There are obvious implications here for the whole integrity of the judicial process, and a clear sense that in such cases as Ramsey and McCann the long standing debate about free press versus fair trial is, to all intents and purposes, over. It has become quite clear, at least in the United States, that in the collision between the 1st amendment to the Constitution, which guarantees among other things a free press and the 6th which was intended to ensure that the accused had a presumption of innocence, the 1st now consistently trumps the 6th.

In the UK things are somewhat different, and growing so by the day, partly because of cases such as the media coverage of the McCanns, but also because of the "hacking" scandal involving Rupert Murdoch's British papers. There is, in fact, an ongoing and profound debate as to how to regulate, and where necessary punish, newspapers without impinging on press freedom. The select committee on Culture, Media and Sport which investigated press standards, in its final report wrote: "Undue pressure on journalists...must tend to increase the risk of distortion, inaccuracy and unfairness in reporting. Of course, it is impossible to say for certain that untrue articles were written in the McCann case as a result of pressure from editors and news desks.

It is, however, clear that the press acted as a pack, ceaselessly hunting out fresh angles where new information was scarce...no consideration was given to how reporting might prejudice any future trial. It is our belief that competitive and commercial factors contributed to abysmal standards in the gathering and publishing of news about the McCann case. That public demand for such news was exceptionally high is no excuse for such a lowering of standards...While the lack of official information clearly made reporting more difficult, we do not accept that it provided an excuse or justification for inaccurate, defamatory reporting. Further, when newspapers are obliged to rely on anonymous sources and second-hand information, they owe it to their readers clearly to distinguish speculation from fact..." (UK Parliament, CCMS, 2010).

What was also revealed in these two cases, as shown by the polling data, was the sheer ease with which public opinion can be fashioned even if there is an equally clear sense that the public are complicit in that process, as if driven by some psychological need to presume guilt absent any meaningful evidence, what the poet W.D. Snodgrass described as "the vaguely, furiously driven." What becomes clear is that there is *conceptually* no difference between the ability of law enforcement to manipulate public opinion about the allegedly murderous acts of venal parents, and the ability of government to manipulate public opinion, by manipulating the media, into seeking revenge against a murderous dictator in a far off land who was "behind" 9/11 and had weapons of mass destruction. The scale is different, the process of manipulation is not (Rich, 2006; PIPA, 2003; PIPA, 2004).

At the very least the data on public opinion speaks powerfully to the long standing argument by scholars about the role of the media in constructing public "understandings" about the world around them (Lipmann, 1920; Mills, 1959). This also suggests, yet again, whole populations that are, to use terms identified by Hadley Cantril and his colleagues decades ago, highly "suggestible" and lacking in "critical ability" (Cantril, H., et al, 1940). It is precisely because the public can be so readily misled or confused that it is of the utmost importance that journalism and journalists operate at the highest levels of accuracy, professionalism and responsibility. That these qualities were so astonishingly absent in the coverage of these two cases is as unfortunate as it is revealing.

Finally, there remains the vexing issue implied at the beginning of this piece, that the widespread interest in these cases, which the media were so willing to feed, suggests that something is being expressed from within, and about, the society. To address the social origins of that interest will take a whole different essay. Briefly, however, one might mention one commentary that is perhaps getting close to an answer. The writer Mick Hume said of the McCann case, though his argument readily resonates with the Ramsey case, “at the risk of being accused of callousness, what is this public outpouring about?” Within a few lines he answered his own question:

“The McCann case has been turned into the latest public focus through which people in a fragmented Britain feel able to come together in a collective display of emotion, to show that we share one another’s pain and are on the side of good...It is about a public display of belonging, of feeling part of an emotional collective at a time when there seems little in society or its values to hold people together...The campaign for ‘Our Maddie’ may indeed be well intentioned; but it has come to look like an increasingly morbid symptom of a society that is missing something other than a little girl... Referencing the fact that people took to wearing basically utterly useless wristbands with the words “Look for Madeleine,” he adds that for many wearers “the real message is more like ‘Look at Me’” (Hume, 2007).

This is rather good social theory since what he is pointing to is a public deeply alienated, anomic, isolated, lonely and that Maddie, and JonBenet, were not just useful commodities for the media to exploit but, through the act of righteous mourning and fevered condemnation of the “guilty” parties, a kind of sedative to deal with what Alan Bennett calls “our own particular emptiness.” (Bennett, 2003)

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