

SEPTEMBER 2011



By Johanna Blakley and Sheena Nahm

The Norman Lear  
**CENTER**

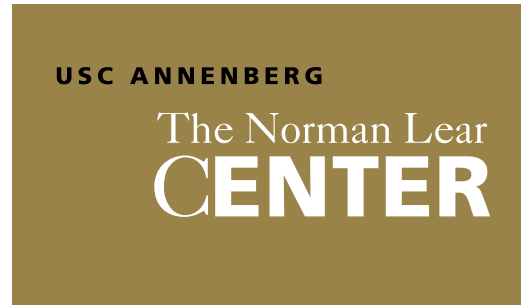
USC **ANNENBERG**  
School for Communication  
& Journalism

# ABOUT

## The Norman Lear Center

Based at the Annenberg School for Communication & Journalism at the University of Southern California, the Norman Lear Center is a multidisciplinary research and public policy center exploring implications of the convergence of entertainment, commerce, and society. On campus, the Lear Center builds bridges between eleven schools whose faculty study aspects of entertainment, media and culture. Beyond campus, it bridges the gap between the entertainment industry and academia, and between them and the public.

For more information, please visit [www.learcenter.org](http://www.learcenter.org) or email [enter@usc.edu](mailto:enter@usc.edu).



Graphic design & infographics by Veronica Jauriqui  
Primetime War on Terror video by Joe Sabia  
Cover design by David Murawsky



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# INTRODUCTION

**Does popular culture simply reflect our world**, or do its depictions of society actually create what we think reality is?

The question has been argued over since Plato worried about the impact on youth of the mass entertainment of his time – performances of Homer. Today there's little doubt that the media shape our view of the world; if it didn't, the advertising industry and the ubiquitous 30-second mini-movies it churns out wouldn't be a \$400 billion global business.

What remains in dispute about the effects of pop culture is how powerful its content is, compared with all the other influences we're exposed to. For the hundred or so advocacy groups who lobby the studios and networks, the answer is: a lot. The depiction of women and girls, of Hispanics and Muslims, of climate change and workplace safety, of organ donors and designated drivers – there's scarcely a group or cause that hasn't been trying to get Hollywood to do right by it.

Since 2000, The Norman Lear Center has been studying a fair amount of the content

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**What remains in dispute about the effects of pop culture is how powerful its content is, compared with all the other influences we're exposed to.**

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of popular entertainment, especially television and film, in order to provide baselines and longitudinal data about the ways that media depict our world; to relate that data to something we have also been studying – the beliefs and behavior of the audiences who consume that media; to launch informed conversations about media's impacts on society; to provide resources to members of the creative community who want the stories they tell to depict the world accurately; and to marshal the potential of entertainment to educate, inspire and empower.

For example, the Lear Center's Hollywood, Health & Society (HH&S) program, with initial funding from the Centers for Disease Control and Prevention, runs a media monitoring project that analyzes how healthy and unhealthy behaviors are depicted in popular entertainment. HH&S conducts research on the effects of health storylines on audiences' values, attitudes and actions, which turn out to be considerable. It provides a free resource to writers and producers who have script questions about public health and medical topics by connecting the shows to some of the nation's leading experts on those topics, who volunteer their time and expertise because they know how depictions in fiction can have consequences in reality. It also trains those experts to be better storytellers about public health issues, whether on the phone with writers, on panels and workshops at the Writers Guild of America, West, or in the writers' rooms where the shows are created. With additional support from The Bill & Melinda Gates Foundation, the California Endowment and the Barr Foundation, it takes Hollywood writers to communities, both in the U.S. and around the world, so they can see for themselves how public health issues play out in peoples' lives. It also presents the annual Sentinel for Health Awards to shows that exemplify a respect for accuracy, and for the power their stories and characters wield.<sup>1</sup>

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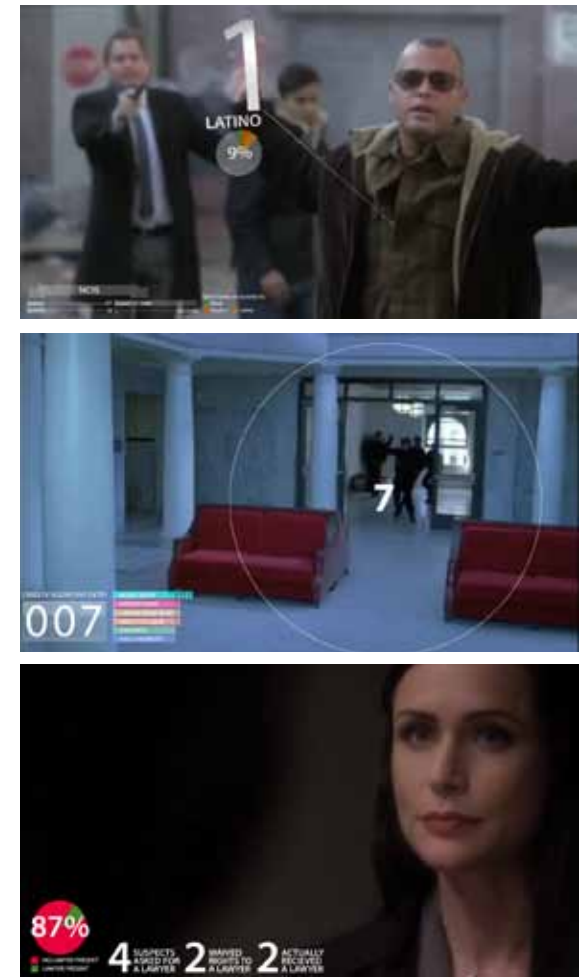
<sup>1</sup> More information about HH&S, as well as the other activities and publications of the Lear Center that are mentioned here, may be found at <http://learcenter.org>

The Lear Center’s interest in media depictions and impacts has played out in a number of other projects as well.

- The first report we released, on the image of Jews in primetime entertainment, contained a content analysis of the representations of Jews and Judaism in hit shows, along with essays by Frank Rich and Neal Gabler.<sup>2</sup>
- The depiction of government employees in pop culture, as well as a survey of public opinion about them that we commissioned from Princeton Survey Research Associates International (PSRAI), was the first research done under the banner of our Media, Citizens & Democracy project.
- Our project on Celebrity, Politics & Public Life culminated in *Warners’ War*, a museum exhibit drawn from the Warner Brothers archive, as well as a book including essays by USC professors Leo Braudy and Steven J. Ross; their topic was the anti-fascist films released by that studio, their impact on the American public and their reception by the Roosevelt Administration, especially during the pre-Pearl Harbor period of American neutrality.<sup>3</sup>
- With Participant Media, starting with the documentaries *Food, Inc.* and *Waiting for ‘Superman’*, we are conducting a series of studies of the impact of their films on audiences, with a focus on those viewers’ social activism.
- Journeys in Film, the Lear Center’s newest project, provides curricular guides and teacher training to schools that use the power of movies from other nations, screened and studied in the classroom, to educate American students about the world.

So for the Lear Center, studying the depiction of the War on Drugs and the War on Terror in scripted primetime shows was a natural outgrowth of conversations we had with the ACLU beginning in 2007. As former ACLU staffer Anjuli Verma recounts in the Afterword to this report, our goal was to explore the terrain beyond the “Jack Bauer effect” – the impact of episodes of the Fox series *24* on beliefs about interrogation techniques, including their effect on West Point cadets, that Jane Mayer’s *New Yorker* piece on torture and *24* reported.<sup>4</sup> For this research we collaborated again with PSRAI, which used an instrument we designed to analyze the

content of 49 episodes of ten primetime shows. Funding for this work was provided by the ACLU, but the findings reported here are independent of the ACLU and reflect only the analysis of its authors. The Lear Center also commissioned an online video by digital artist/storyteller Joe Sabia, who remixed footage from the TV episodes we



**Figure 1**  
*Primetime Terror* by Joe Sabia

<sup>2</sup> Gabler, N., Rich, F., & Antler, J. (2000). *Television's changing image of American Jews*. The Norman Lear Center Press & The American Jewish Committee.

<sup>3</sup> *Warners’ war: politics, pop culture & propaganda in wartime Hollywood* (2003). Eds. Kaplan, M. & Blakley, J. The Norman Lear Center Press.

<sup>4</sup> Mayer, J. (2007, Feb 9). Whatever it takes. *The New Yorker*. Retrieved from <http://j.mp/o61VCV>

studied in order to convey the flavor of our findings about the War on Terror (Fig. 1).<sup>5</sup>

In addition to laying out what we found about entertainment's depictions of the War on Terror and Drugs, in this report we juxtapose those findings with public opinion polls on those wars, and with facts and statistics about them. We are making no claim that these TV shows caused the opinions measured by those polls, nor that those opinions influenced the authors of those shows' scripts. The notable similarities and differences between the content of these shows and the actual conduct of our justice system are unaffected by assumptions about what, if anything, caused what.

In the U.S., entertainment is a business. With the small and beleaguered exception of PBS, and in contrast with most other industrial nations, the creation and production of American primetime entertainment is entirely unsubsidized by the government, and it is distributed by networks not owned by the government. Also making U.S. entertainment unique is the protection of the First Amendment. The artists who create American TV are accountable to their audiences and their executives, not to academics or advocates or public agencies. Their job is to entertain. But it has been our experience, in 11 years of working with the entertainment industry, that many of its most talented professionals are passionate about being true-to-life, and they are well aware of the magic that storytelling works on audiences, creating a "reality" no less real than reality, even though everyone knows it's all make-believe. That's the power that has compelled people since Plato, and that's the reality we describe in this report.

**Martin Kaplan** holds the Norman Lear Chair in Entertainment, Media and Society at the University of Southern California's Annenberg School, where he was associate dean for ten years. He is the founding director of the school's Norman Lear Center.

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<sup>5</sup> Sabia, J. *Primetime terror*. <http://primetimeterror.com>. A video about our findings on TV's depictions of the War on Drugs will also be released.

# SUMMARY OF FINDINGS

At the USC Annenberg Norman Lear Center, we've produced research demonstrating the profound impact that televised entertainment can have on audiences. Whether we like it or not, people are moved by entertainment content and, if the depictions seem realistic, there is a good chance they will apply what they see on the screen to their lives.<sup>6</sup>

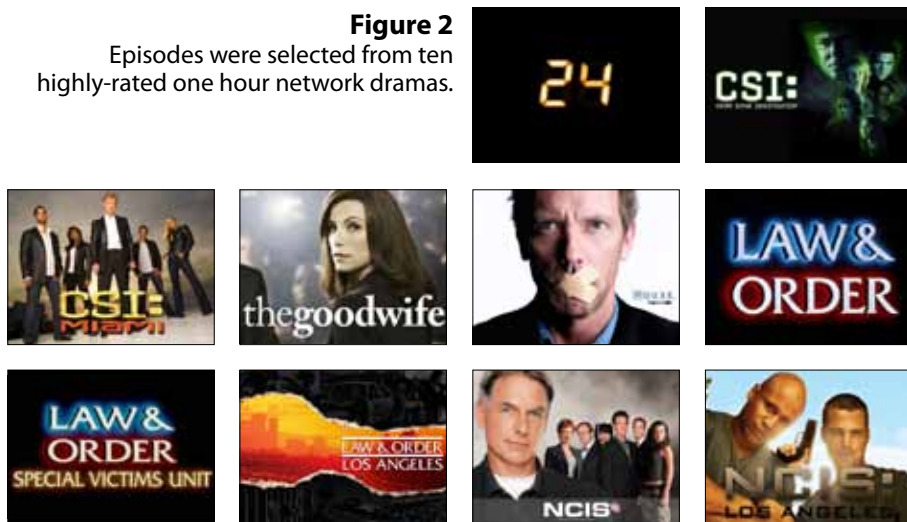
This is one reason that we decided to develop a research project with the American Civil Liberties Union that would help us understand what Americans (and the rest of the world) might be learning about the War on Terror and the War on Drugs from the most popular shows on U.S. television (which are watched by billions of people around the world). With the assistance of Princeton Survey Research Associates International, we conducted a very detailed analysis of 49 recent episodes of popular primetime dramas (Fig. 2).

We selected episodes that addressed the War on Terror or the War on Drugs from ten highly-rated one hour network dramas: *24*, *CSI*, *CSI: Miami*, *The Good Wife*, *House*, *Law & Order*, *Law & Order: Los Angeles*, *Law & Order: SVU*, *NCIS* and *NCIS: Los Angeles*. All of the episodes aired during 2010, except for eight shows which aired in late 2009 as part of the network 2009-10 season. The aim was to analyze how terror or drug-related plots were portrayed rather than to assess how frequently these plots appeared. We subjected each episode to a codebook with 145 variables and over 800 sub-variables (see the Methodology section on page 27 for more details).

In an effort to contextualize this research and how it might come into dialogue with other conversations about the War on Drugs and the War on Terror, we include recent public opinion survey data about these wars as well as data about how the government and the justice system, in particular, are conducting them. We think viewing these three types of data together – that is, depictions on television, public opinion and statistics about real world practices – is the best way to begin an informed conversation about how these wars are being carried out and understood in America.

**Figure 2**

Episodes were selected from ten highly-rated one hour network dramas.



<sup>6</sup>After watching one minor storyline about obesity in the primetime drama *ER*, viewers reported more healthy behaviors, including exercising and eating healthy food. Valente, T.W., Murphy, S.T., Huang, G., Gusek, J., Greene, J. & Beck, V. (2007). Evaluating a minor storyline on *ER* about teen obesity, hypertension and 5 A Day. *Journal of Health Communication*, 12, 6, 551-566. More research of this type can be found at <http://j.mp/o7uSjM>

Here are the principal findings:

## FINDING 1

**In TV storylines about the War on Drugs, drug users are not arrested and drug suspects are often portrayed as morally ambiguous or even heroic.**

On primetime TV, no suspects who were drug users were arrested, while 72% of suspects who were manufacturing or selling drugs were arrested. One in five drug suspects actually shifted from being portrayed as “bad guys” at the beginning of the show to “good guys” or “mixed” by the end. These patterns may reflect an ambivalence about incarcerating drug users that we see in recent public opinion polls. According to a poll from 2010, 87% of voters in the U.S. favor reducing prison time for low-risk, nonviolent offenders.<sup>7</sup> Twenty-seven percent of Americans think that drug possession or use should never result in incarceration. An additional 41% think that incarceration is only sometimes necessary.<sup>8</sup>

## FINDING 2

**These TV episodes reflect that the vast majority of drug users (and likely offenders) in the U.S. are white. But the episodes don’t depict the other half of the story – that people of color are disproportionately arrested, convicted and incarcerated.**

Sixty-five percent of drug suspects in these storylines were white, with 19% being Latino and 15% being black. This is not far from reality: rates of drug use are fairly similar among black, Latino, and white populations; since whites comprise 72% of the population, they also comprise the vast majority of drug users.<sup>9</sup> But while these storylines seem to dispense with racial stereotypes about drug users, they do not reflect the racial composition that we find in the judicial system. Although African Americans comprise an estimated 13% of drug users, they make up over 43% of those incarcerated in state and federal prisons for drug violations.<sup>10</sup>

## FINDING 3

**In these TV dramas, minorities are not depicted as perpetrators in the War on Terror. Most of the terrorists are white American citizens.**

Sixty-seven percent of terror suspects in these shows were white, and 14% were identified as Middle Eastern, Arab or Muslim. A majority (62%) of terror suspects were either U.S. citizens or permanent residents, and none of those were identified as Middle Eastern, Arab or Muslim. In one particularly jarring storyline on the procedural crime drama *CSI*, a right-wing terrorist bomber is portrayed by none other than teen pop singer Justin Bieber. For many Americans the stereotypical face of terrorism is the World Trade Center Islamic terrorists, but these stories depict a different racial makeup and focus on the “threat within.” These anxieties may well be justified: A recent report from the Southern Poverty Law Center found a 22% rise in right-wing groups (hatemongers, nativists and antigovernment zealots) in the U.S. in 2010, lending some credibility to the depictions we found in primetime.<sup>11</sup>

<sup>7</sup> Public Opinion Strategies and Benenson Strategy Group. (Sep 2010). Attitudes of US voters toward nonserious offenders and alternatives to incarceration. *National research of public attitudes on crime and punishment*. Retrieved from <http://j.mp/nq2ShA>

<sup>8</sup> Hartney, C. & Marchionna, S. (June 2009). National Council on Crime and Delinquency. *Attitudes of U.S. voters toward nonserious offenders and alternatives to incarceration*. Retrieved from <http://j.mp/oJPqLs>

<sup>9</sup> Substance Abuse and Mental Health Services Administration. (2010). *Results from the 2009 national survey on drug use and health: volume I. Summary of national findings*. Rockville, MD. Retrieved from <http://j.mp/ort3L8>. United States Census Bureau. (2011). *Overview of race and Hispanic origin*. Retrieved from <http://j.mp/oq16rZ>

<sup>10</sup> Substance Abuse and Mental Health Services Administration. (2010). *National survey on drug use and health, 2008 and 2009*. Rockville, MD. Retrieved from <http://j.mp/op3ugb>

<sup>11</sup> Southern Poverty Law Center. (2011). *The year in hate & extremism, 2010*. Montgomery, AL. Potok, M. Retrieved from <http://j.mp/r1WecG>



## FINDING 4

**Primetime depicts a surprisingly sterilized version of the War on Terror in which torture, extraordinary rendition and racial and religious profiling rarely occur.**

We found only one reference to racial, ethnic or religious profiling in all 49 episodes that were monitored. In this one instance, racial profiling was not depicted, it was simply referenced. We also found these shows did not depict some of the most dramatic and defining aspects of the War on Terror, including extraordinary rendition and harsh interrogation techniques such as stress positions and sexual humiliation – explicit images of which dominated mainstream media after the abuses at Abu Ghraib were made public.<sup>12</sup> For instance, waterboarding was depicted in only one of the 24 episodes that dealt with the War on Terror. One suspect in custody was put in a submission position, but no terror suspects were beaten, threatened with military dogs, exposed to sensory overload or extreme heat or cold. Opinion polls reveal that a slight majority of Americans supports racial profiling at airports (51%)<sup>13</sup> and a significant majority (63%) supports the use of waterboarding and other aggressive interrogation tactics to get information from suspected terrorists.<sup>14</sup> These shows, however, do not offer depictions of these policies in action.<sup>15</sup>

<sup>12</sup> James Schlesinger's post-Abu Ghraib report, which was covered widely in the media and commanded the attention of a global audience, determined that abuses were "widespread." Department of Defense. (2004). *Final report of the independent panel to review DoD detention operations*. Arlington, VA. Retrieved from <http://j.mp/onkTYd>.

<sup>13</sup> Angus Reid Public Opinion. (2010). *Half of Americans would use racial and religious profiling at airports*. Retrieved from <http://j.mp/pzpELJ>.

<sup>14</sup> *The Economist/YouGov Poll*, (2009, September, 1). Retrieved from <http://j.mp/nRXwVf>.

<sup>15</sup> Regular viewers of *24* won't be surprised to learn that the depiction of waterboarding and the submission position appeared in that series, but they may be surprised by the low number of harsh interrogation methods that we found overall. One reason for this was that Jack Bauer, who is infamous for his use of extreme interrogation techniques, was not working for the federal government for almost all of the episodes of the final season. His vigilante actions, therefore, were the actions of a private citizen, not a government actor.

<sup>16</sup> Pew Center on the States. (2010). *Key findings from a national survey of 1,200 registered voters conducted March 7-14, 2010*. Retrieved from <http://j.mp/nRD7SK>.

## FINDING 5

**Military force and government violence are depicted on TV as legal but often ineffective in the War on Terror and the War on Drugs.**

Few arrests were made in these episodes. No government action in any episode was overtly depicted as illegal. When we analyzed the way in which government responses to terror and drug threats were represented, we found that there were often negative consequences to government-sponsored actions. In terror storylines, for instance, *more than one out of three* government actions were depicted as ineffective or dangerous: crimes were not prevented, villains were not captured, no evidence (or bogus evidence) was obtained, or government actors or innocent bystanders were harmed.

## FINDING 6

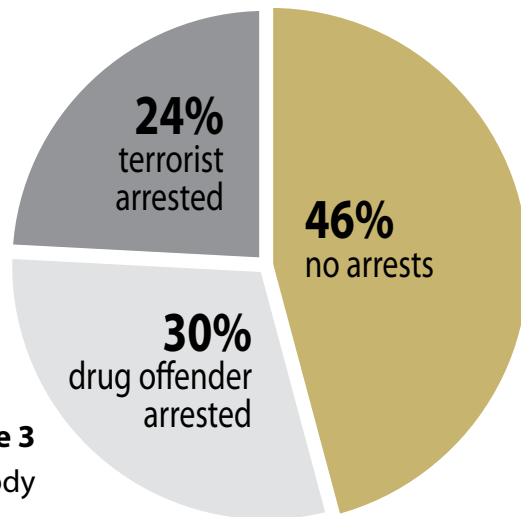
**The legal system and the judicial process are rarely depicted in War on Terror and War on Drugs storylines.**

Dramatic arrests used to be the bread and butter of classic crime dramas such as *Dragnet*, *Columbo*, *Kojak* and *Miami Vice*. But in our sample, almost half the time, suspects were not taken into custody. Among the terror storylines coded in this study, only one included a trial. Plots focused instead on terrorist threats and acts and the violent interactions between law enforcement and terror suspects. Similarly in drug storylines we found few arrests and only two trials: the main focus is on drug dealing and drug use. Overall, criminal acts and the investigation of those acts overshadowed depictions of the judicial process, which half of Americans feel is deeply flawed: Thirty-four percent believe that the criminal justice system needs major reform and another 16% believe it needs a complete overhaul (16%).<sup>16</sup>

# DEPICTIONS OF THE PRIMETIME WAR ON DRUGS & TERROR

## DEPICTIONS OF THE LEGAL SYSTEM

- In all the instances in which sanctioned government actors responded to imminent drug or terror threats, none of their actions were ever depicted as illegal.
- We recorded 17 cases of aggressive entry; only two of them mentioned a warrant (and a warrant was actually produced only once).



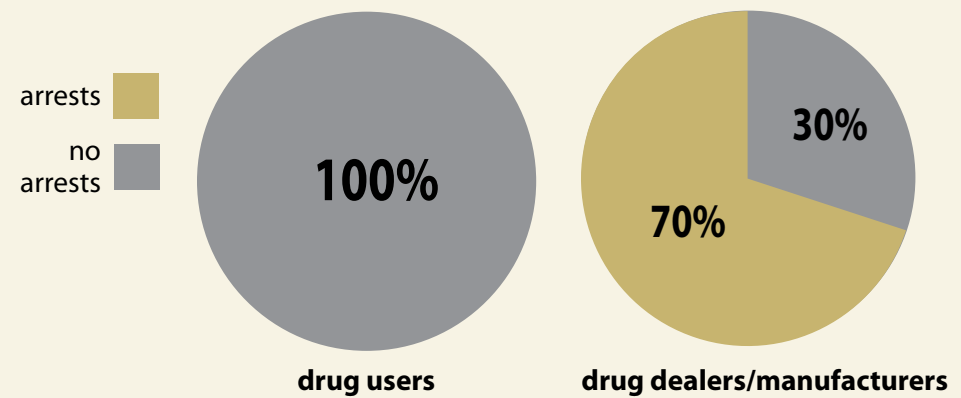
**Figure 3**

Offenders taken into custody

- Almost half of the time, suspects were not taken into custody (Fig. 3).
- Miranda Rights were not read to drug or terror suspects during any of the episodes we monitored (see page 13).

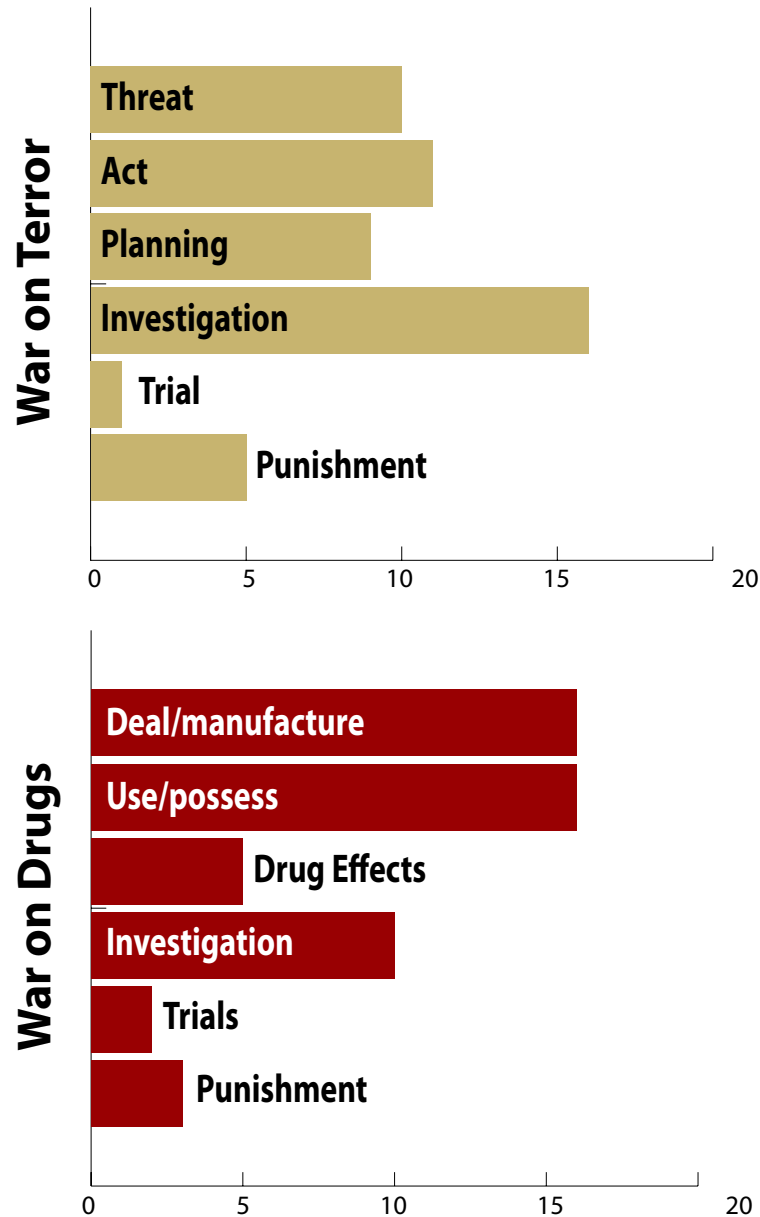
**Figure 4**

Arrests for Drug Users vs Drug Dealers/Manufacturers



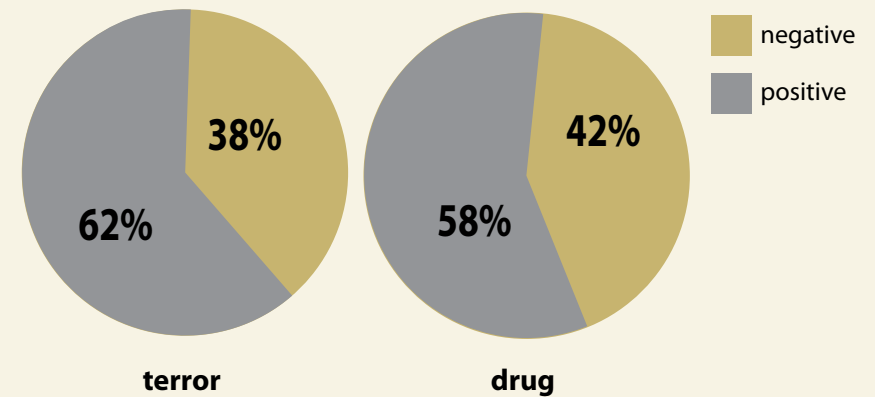
- Suspects who were manufacturing or dealing drugs were far more likely to be arrested than suspects who were caught using or in possession of illegal drugs (Fig. 4).

**Figure 5**  
Plot topics



- Terror storylines rarely depicted trials. Among the stories coded in this study, only one included a trial (Fig. 5).
- In drug storylines, depictions of trials and punishment were also few and far between (see Fig. 5).
- More than one out of three government responses to drug and terror threats had a negative rather than positive impact (Fig. 6).<sup>17</sup>

**Figure 6**  
Negative vs. positive results from government responses

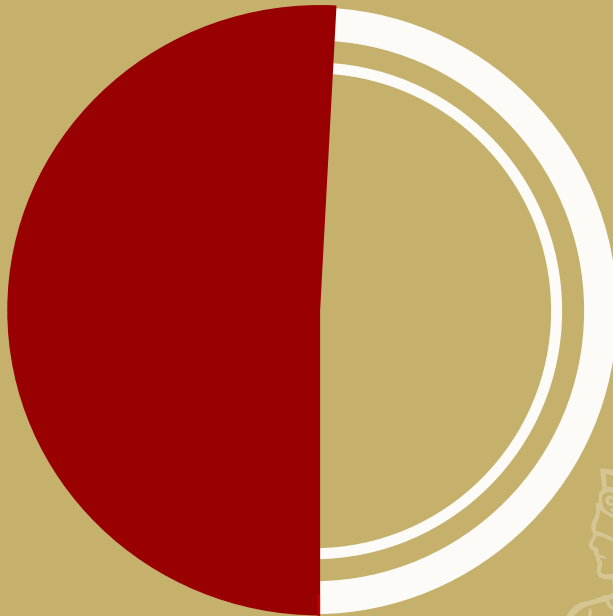


<sup>17</sup> A "negative" code meant that crimes were not prevented, villains were not captured, no evidence (or bogus evidence) was obtained, or government actors or innocent bystanders were harmed.

# MIRANDA RIGHTS

## AMERICAN OPINION:

A slight majority of Americans think that terrorism suspects should be read their Miranda rights just like all other suspects.<sup>1</sup>



**51%**

Yes, suspects should be read their Miranda rights

<sup>1</sup> Fox News Poll

<sup>2</sup> Syllabus to the U.S. Supreme Court decision in *Miranda v. Arizona*, holding 1.(d).



### TV DEPICTIONS:

Miranda Rights were not read to terror or drug suspects during any of the episodes we monitored.

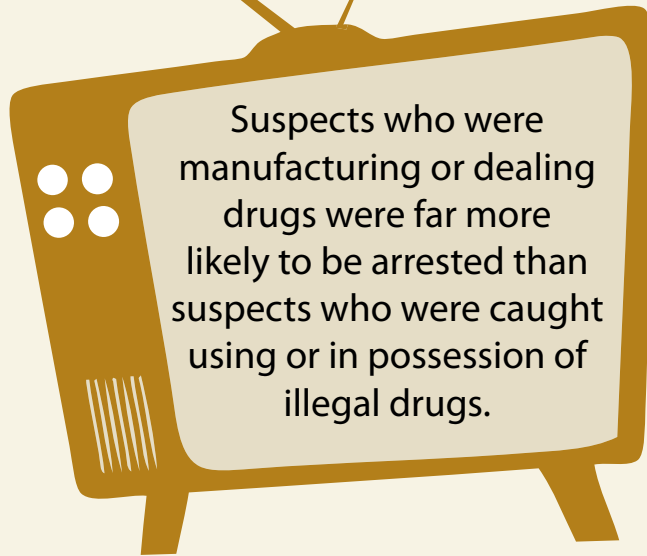
### FACT:

The Supreme Court **DID NOT SPECIFY** the exact wording to use when informing a suspect of their rights. However, the Court did create a **SET OF GUIDELINES** that must be followed. The ruling states:

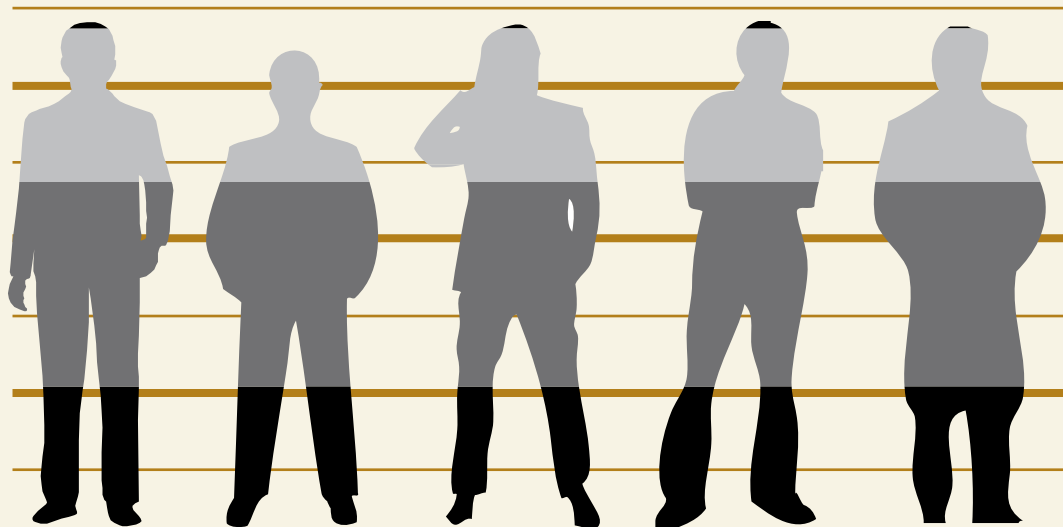
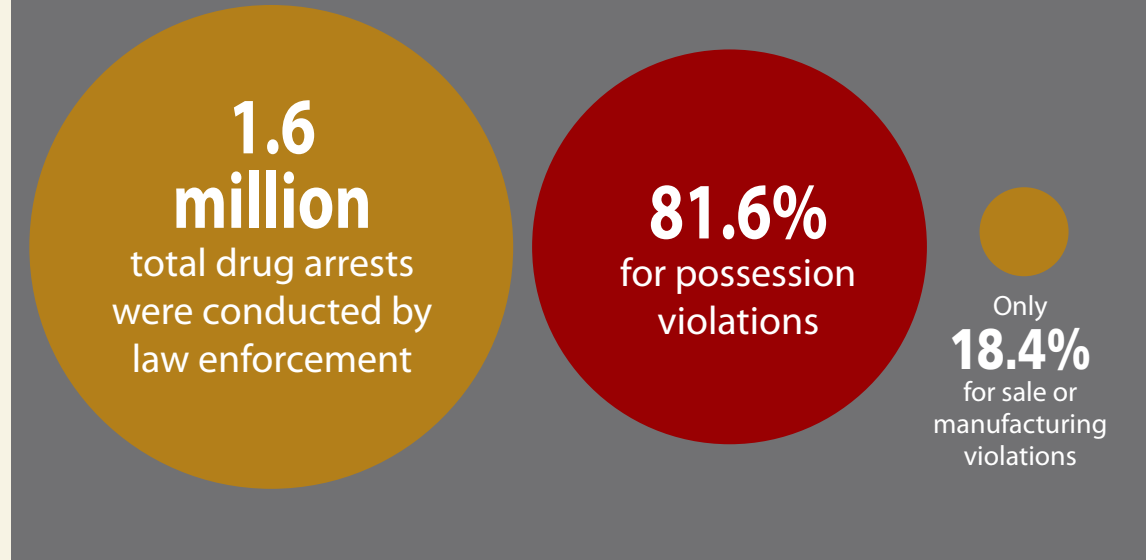
"[T]he person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him."<sup>2</sup>

# POSSESSION VS MANUFACTURE OF DRUGS

## TV DEPICTIONS:



## FACT: 2009 drug arrests<sup>1</sup>



2% unsure

## AMERICAN OPINION:

30%  
always or usually

**27%** of Americans think that drug possession or use should never result in incarceration. An additional 41% think that incarceration is only sometimes necessary.<sup>2</sup>

41%  
sometimes or rarely

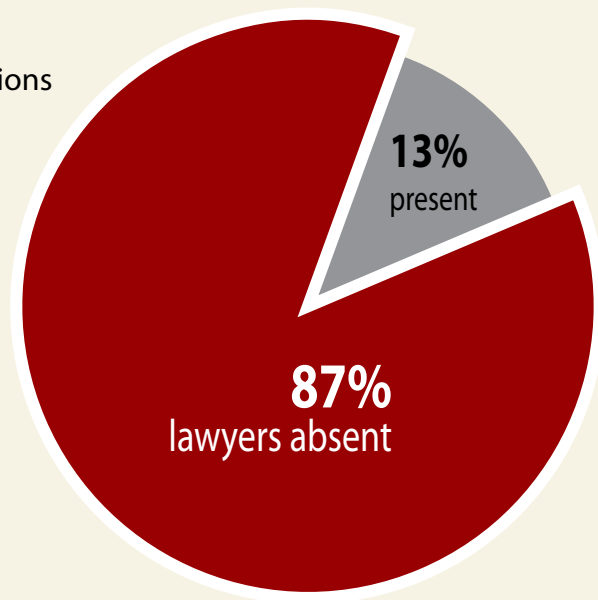
27%  
never

<sup>1</sup> Federal Bureau of Investigation  
<sup>2</sup> National Council on Crime and Delinquency

## DEPICTIONS OF INTERROGATIONS

- Waterboarding was depicted in only one of the 24 episodes that included depictions of War on Terror storylines (see page 15).
- Eighty-seven percent of the time, lawyers were not present during interrogations. Suspects asked for lawyers four times, but only two received a lawyer. Ten suspects didn't request a lawyer at all (Fig. 7).

**Figure 7**  
Lawyers present  
during interrogations



# INTERROGATIONS

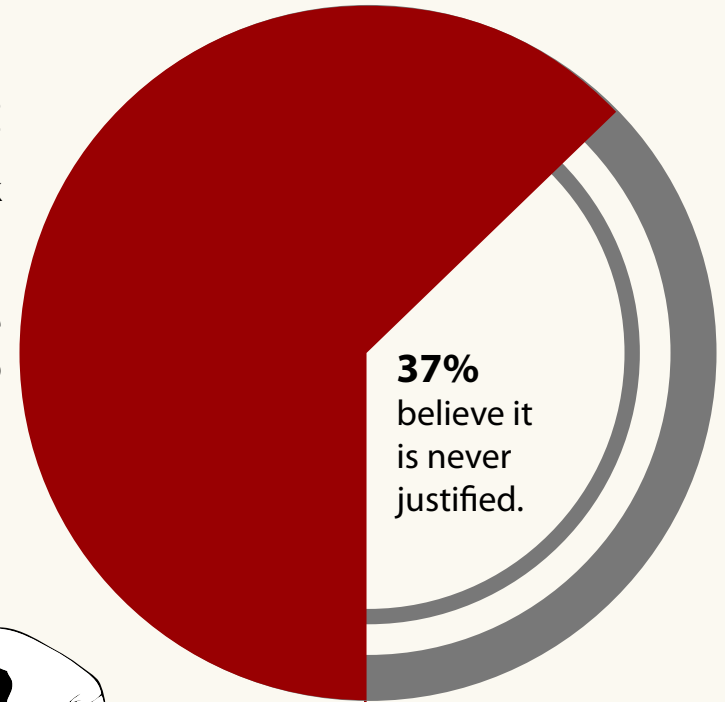
## TV DEPICTIONS:

Waterboarding was depicted in only **one of the 24** episodes that included depictions of War on Terror storylines.



## AMERICAN OPINION:

**63%** of Americans think it is sometimes justified to use waterboarding and other aggressive interrogation tactics to get information from a suspected terrorist.<sup>1</sup>



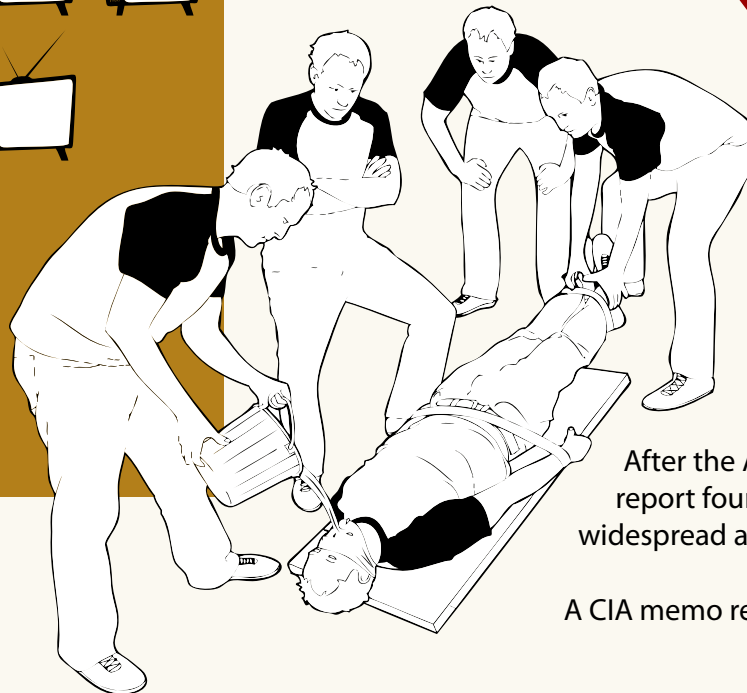
**37%** believe it is never justified.

**63%**

## FACTS:

After the Abu-Ghraib scandal, a Pentagon-sanctioned report found that abusive interrogation techniques were widespread among CIA and military personnel.<sup>2</sup>

A CIA memo revealed that waterboarding was used 266 times on two suspects.<sup>3</sup>



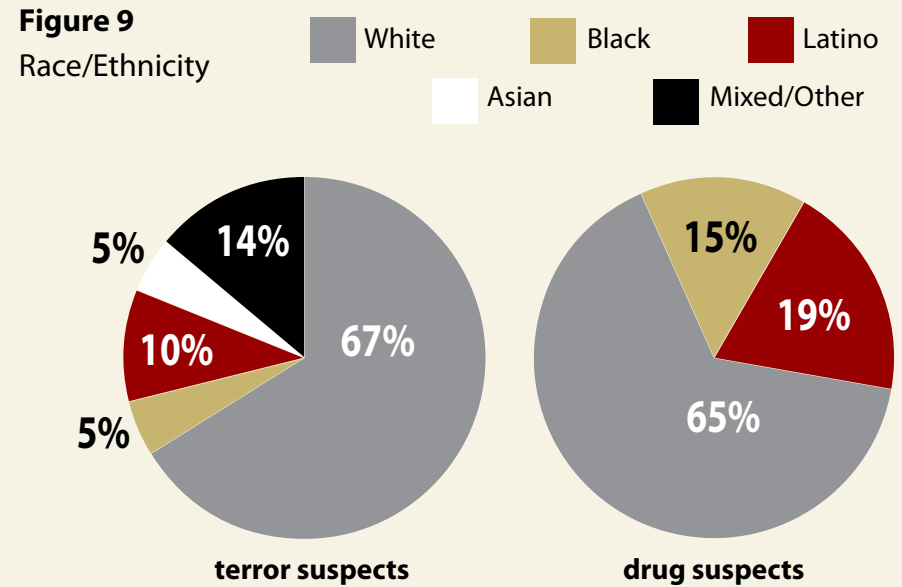
<sup>1</sup> The Economist/YouGov Poll

<sup>2</sup> The United States Department of Defense

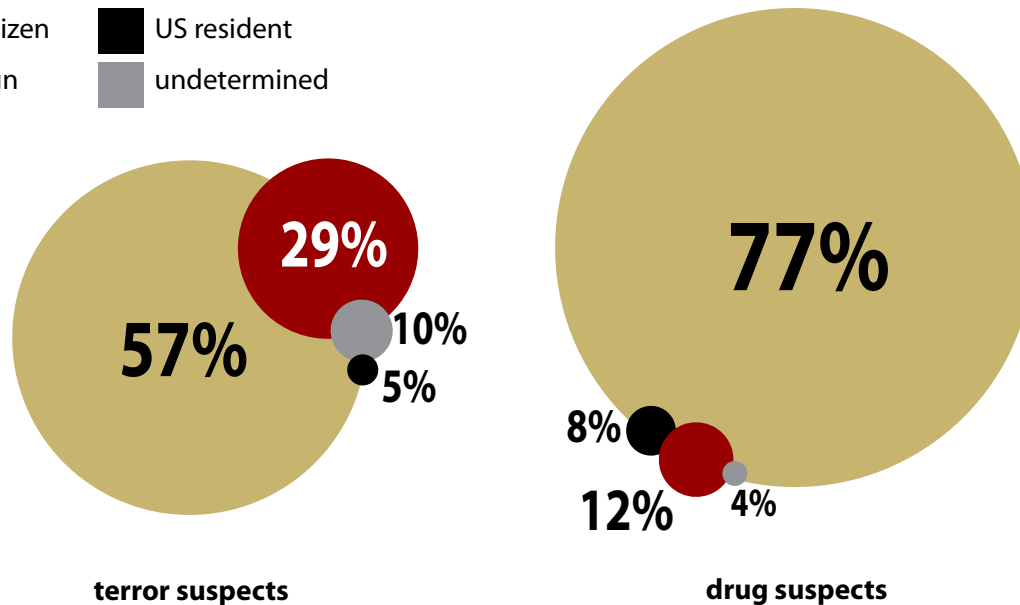
<sup>3</sup> The New York Times

## DEPICTIONS OF SUSPECTS

- Most drug and terror suspects were white, U.S. citizens or permanent residents, and not identified as Middle Eastern, Muslim or Arab (see page 18 &19).
- We found only one reference to racial, ethnic or religious profiling in all 49 episodes. In this one instance, racial profiling was not depicted, it was simply referenced.



**Figure 10**  
Nationality

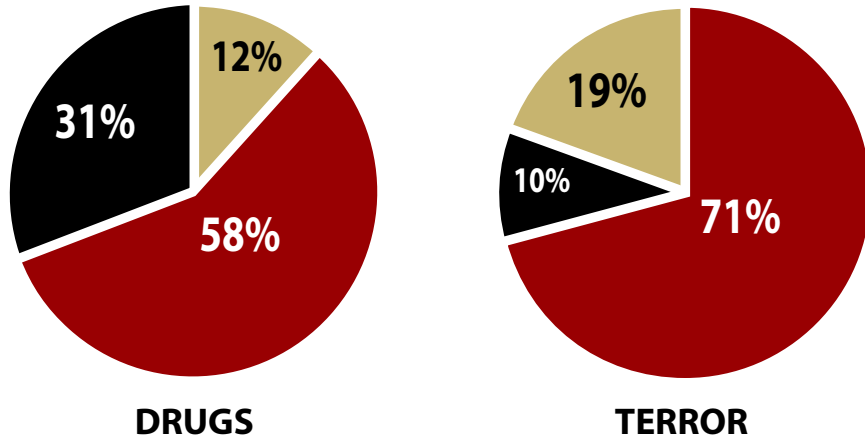




**Figure 11**

Initial portrayal of offenders

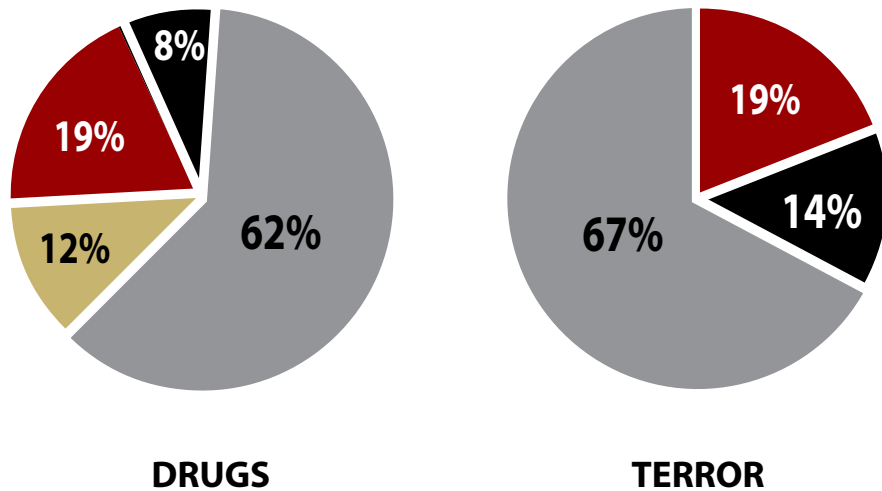
Good Guy/Hero
  Bad Guy/Villain
  Mixed



- Thirty-five percent of all suspects in drug and terror storylines had a change of heart, switching from being heroic to villainous, for example, or becoming morally ambiguous by the end of the episode.
- In drug storylines, offenders were more likely to have a change of heart, and if they did, they were far more likely to be portrayed as “good” by the end of the episode than terrorists were. Terror suspects were more likely to be portrayed as “mixed” by the end of the episode.

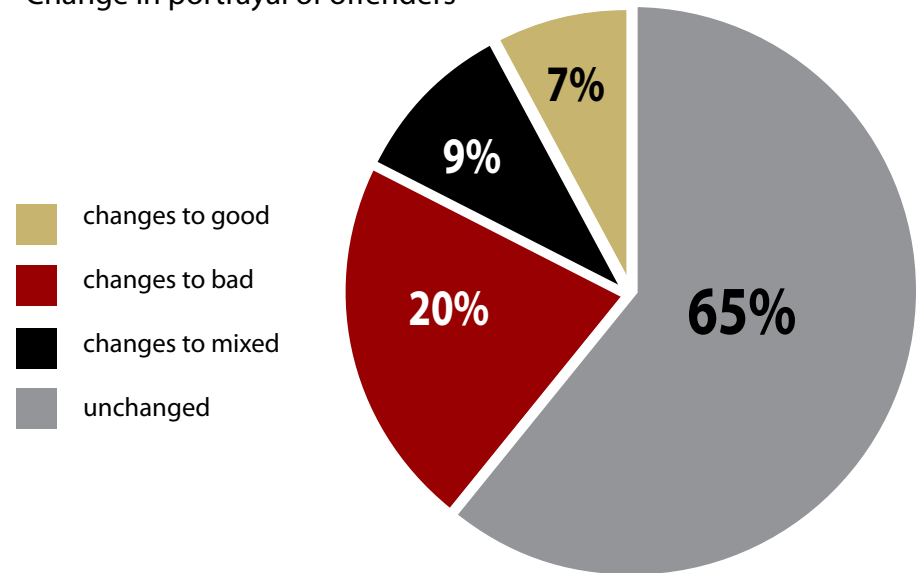
**Figure 12**

Change in portrayal of drug and terror suspects



**Figure 13**

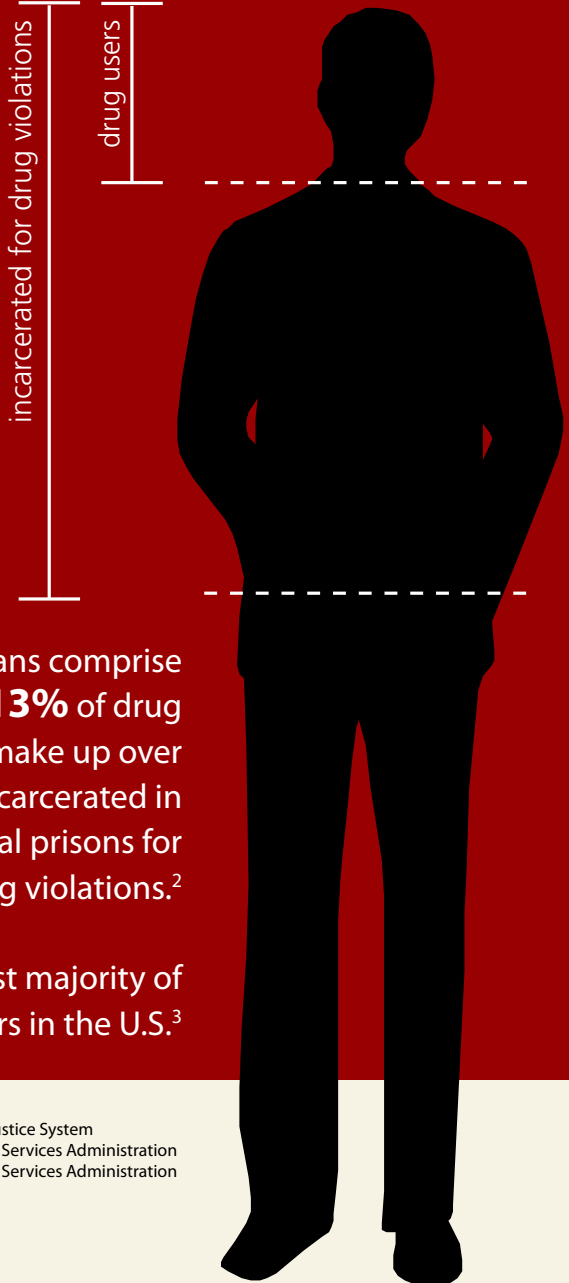
Change in portrayal of offenders<sup>18</sup>



<sup>18</sup>Because of rounding, charts do not always add up to 100%.

# RACE & DRUG USE

## FACTS:

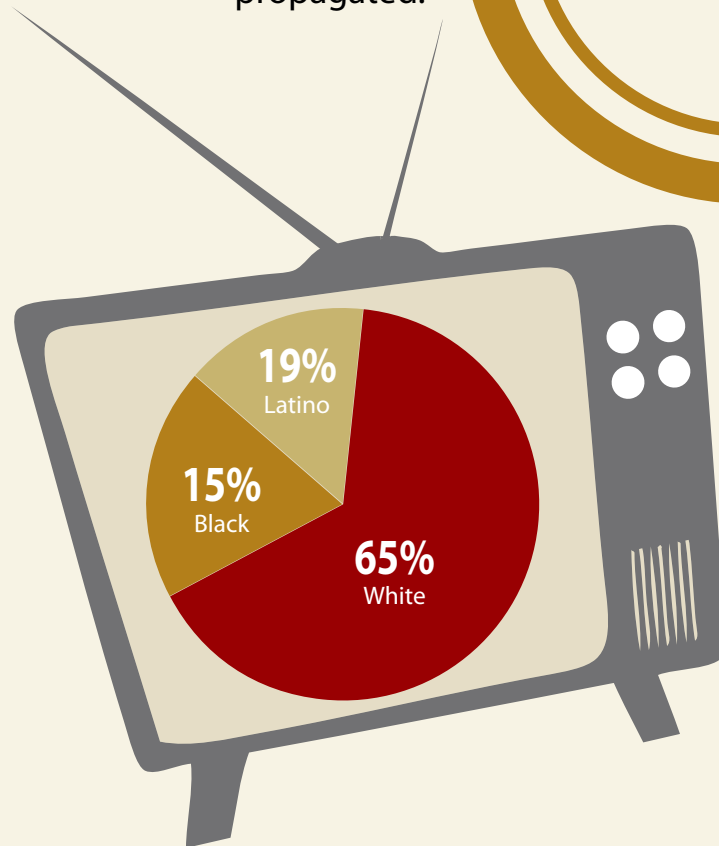
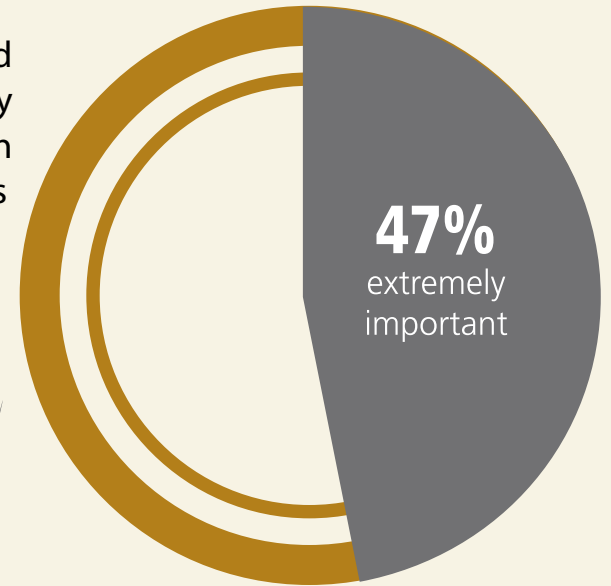


African Americans comprise an estimated **13%** of drug users, but they make up over **43%** of those incarcerated in state and federal prisons for drug violations.<sup>2</sup>

Whites are the vast majority of drug users in the U.S.<sup>3</sup>

## AMERICAN OPINION:

**47%** of Americans said that it was “extremely important” that children not see minorities treated unfairly because that’s how stereotypes and injustice are propagated.<sup>1</sup>



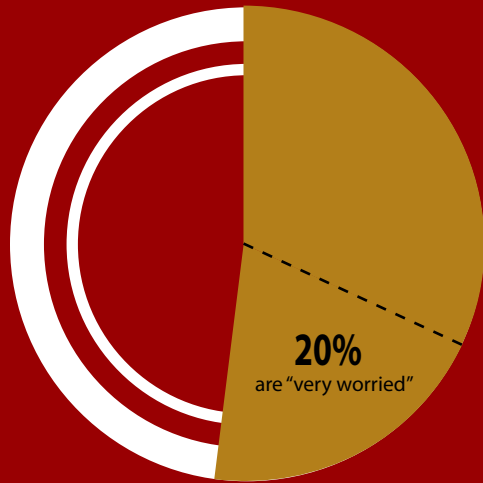
## TV DEPICTIONS:

Most drug suspects were white.

<sup>1</sup> BRS Survey on Race & the Criminal Justice System  
<sup>2</sup> Substance Abuse and Mental Health Services Administration  
<sup>3</sup> Substance Abuse and Mental Health Services Administration

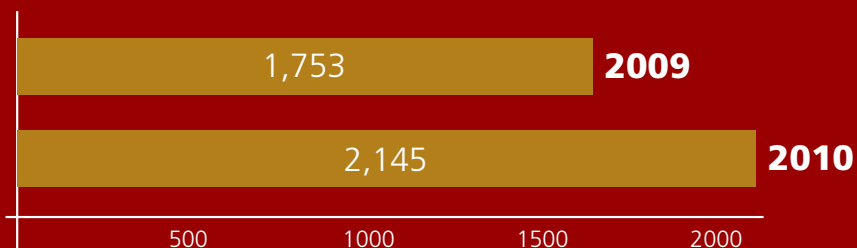
# RACE & TERRORISM

## FACTS:



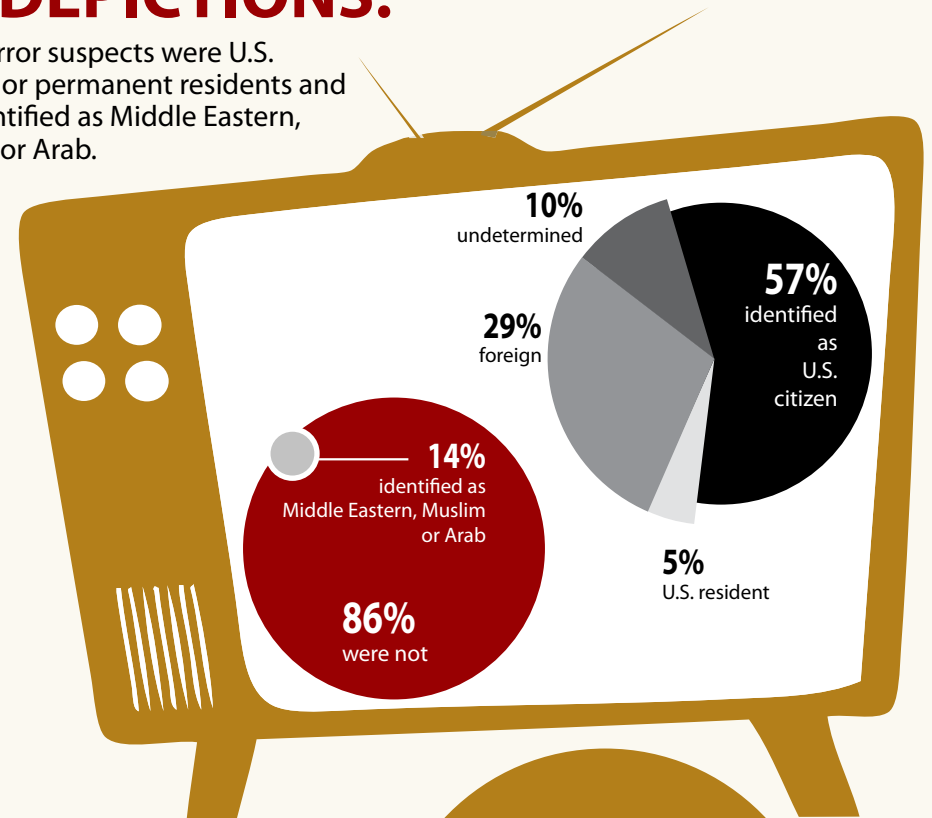
There are more than **3 MILLION MUSLIMS** in the United States, and few more than 100 have **joined jihad**—about **ONE OUT OF EVERY 30,000**<sup>2</sup>

From 2009 to 2010, radical right-wing groups increased in the U.S. by 22%.<sup>3</sup>



## TV DEPICTIONS:

Most terror suspects were U.S. citizens or permanent residents and not identified as Middle Eastern, Muslim or Arab.



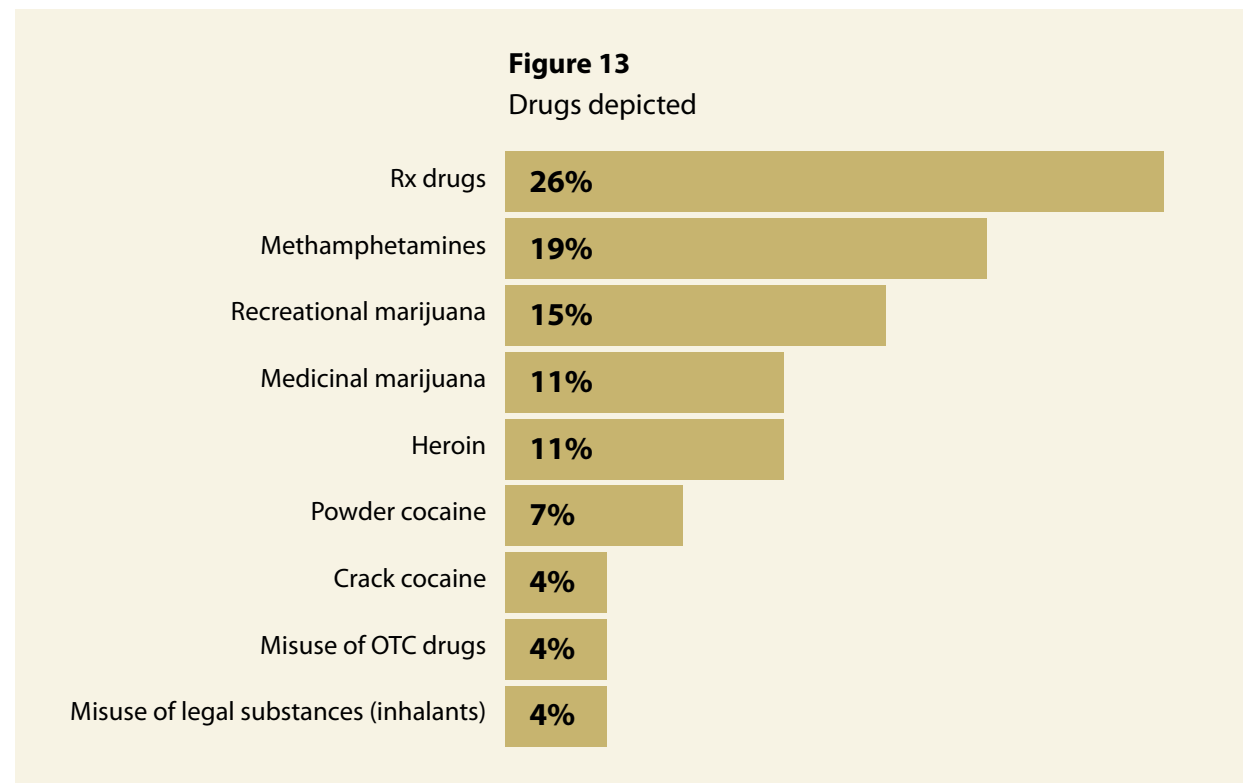
## AMERICAN OPINION:

Almost **TWICE** as many Americans believe that radical Muslims pose a **GREATER RISK** to the U.S. than homegrown radicals.<sup>4</sup>

<sup>1</sup> Newsweek <sup>2</sup> The RAND Corporation <sup>3</sup> Southern Poverty Law Center <sup>4</sup> Fox News Poll

## DEPICTIONS OF DRUGS

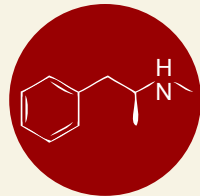
- The most commonly depicted drugs were actually legal prescription drugs, followed by methamphetamines and recreational marijuana (Fig. 13).



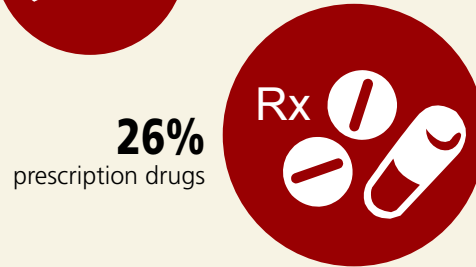
# DRUGS DEPICTED



**26%**  
recreational & medicinal marijuana



**19%**  
methamphetamines



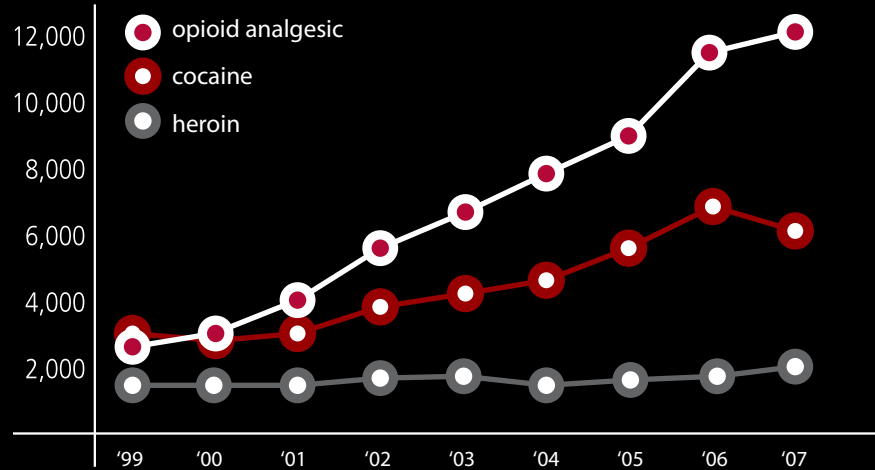
**26%**  
prescription drugs

## AMERICAN OPINION:

**44%** of Americans believe that marijuana should be legalized.<sup>1</sup>

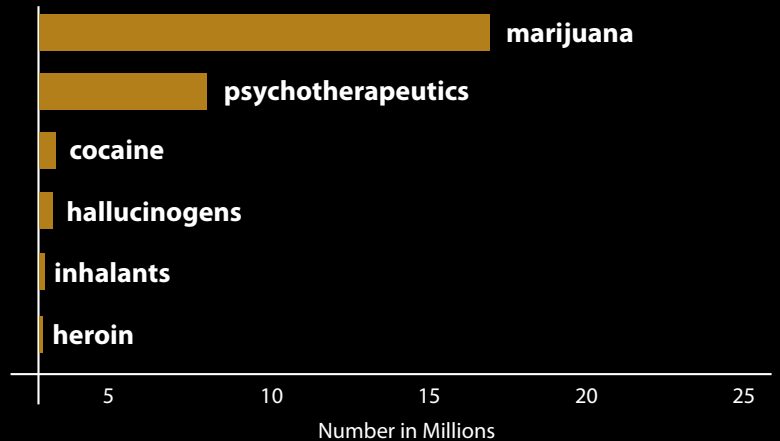


## FACTS:



Opioids were involved in more unintentional overdose deaths than heroin and cocaine combined.<sup>2</sup>

Marijuana is the most commonly used illicit drug.<sup>3</sup>

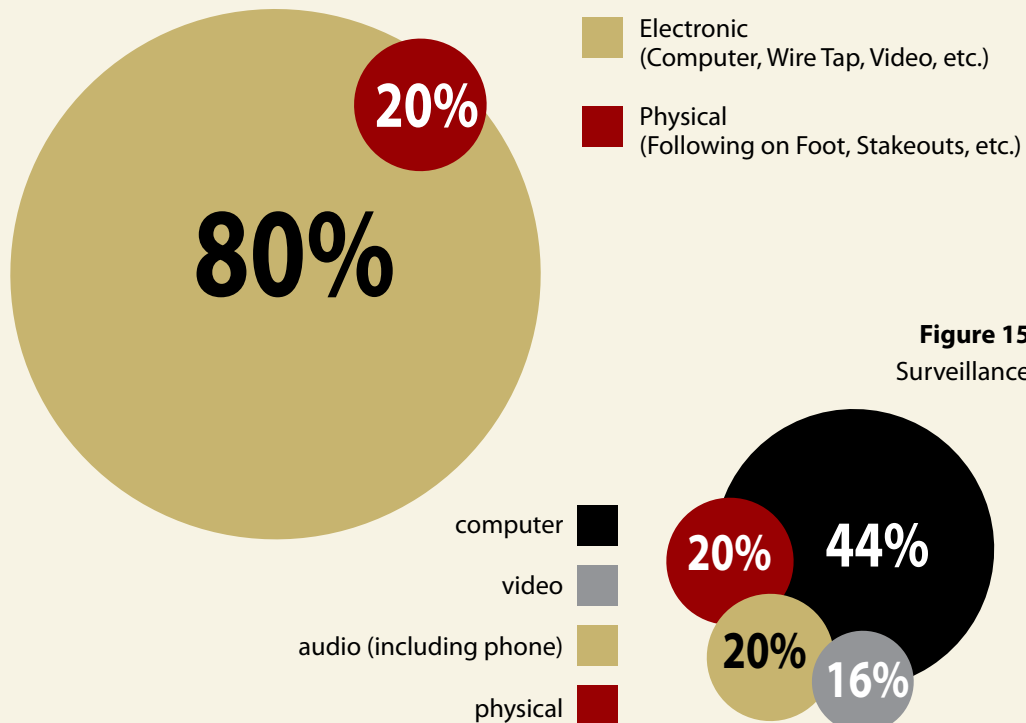


<sup>1</sup> Gallup Organization <sup>2</sup> CDC <sup>3</sup> Substance Abuse and Mental Health Services Administration

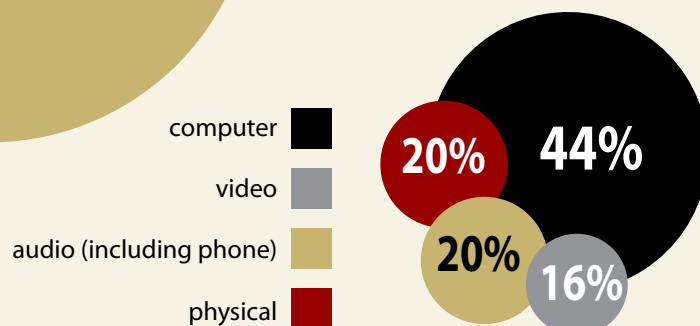
## DEPICTIONS OF SURVEILLANCE & PUBLIC KNOWLEDGE

- When surveillance mechanisms were depicted, the most frequently used method was electronic surveillance (see page 23).
- Seventy-five percent of the time, the public was never aware of the terror threats depicted.

**Figure 14**  
Surveillance (electronic vs. physical)



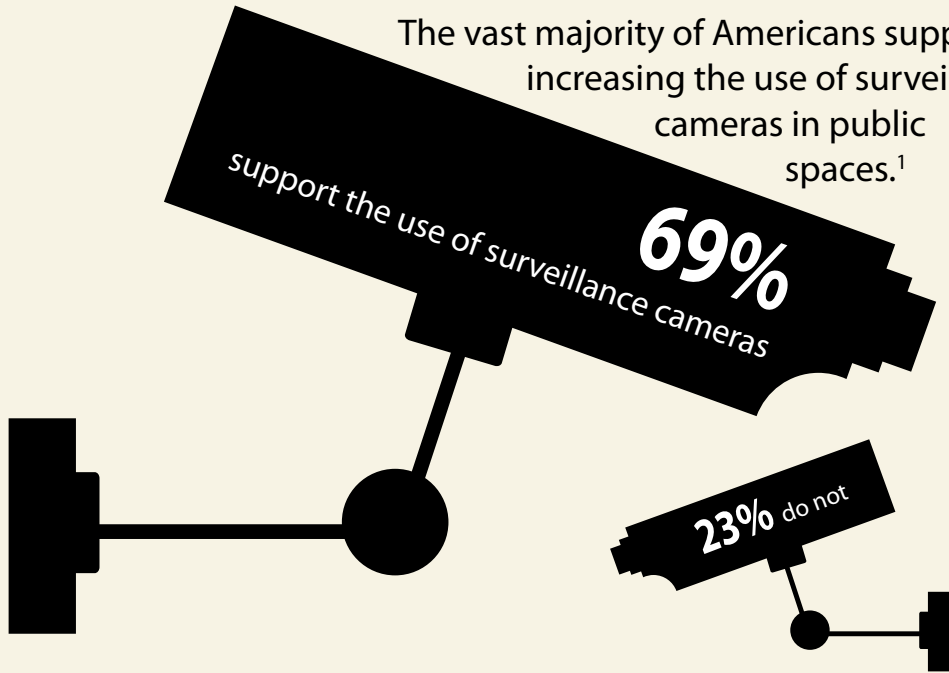
**Figure 15**  
Surveillance



# SURVEILLANCE & PUBLIC KNOWLEDGE

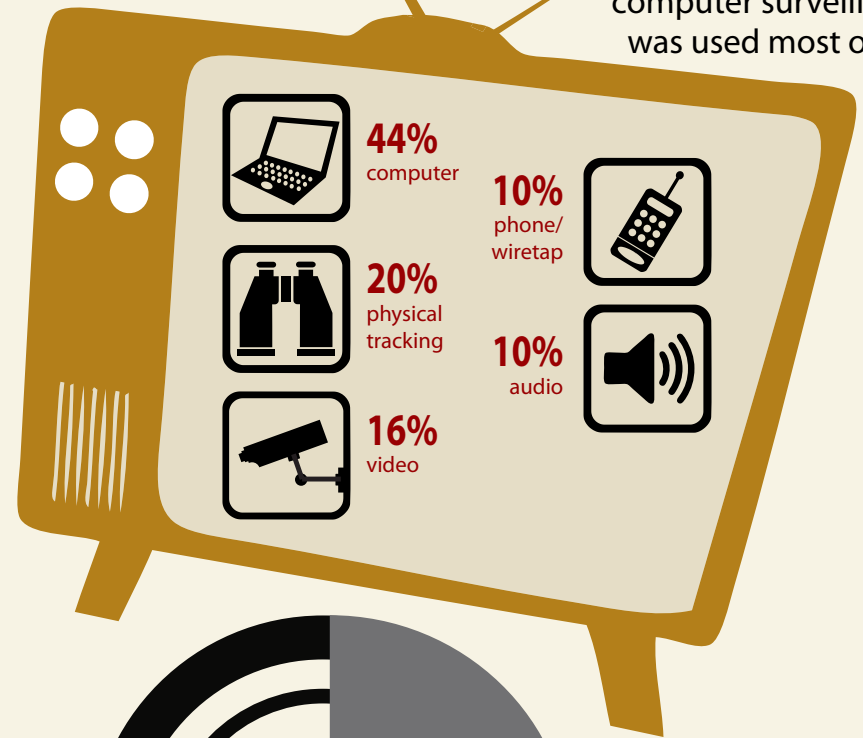
## AMERICAN OPINION:

The vast majority of Americans support increasing the use of surveillance cameras in public spaces.<sup>1</sup>



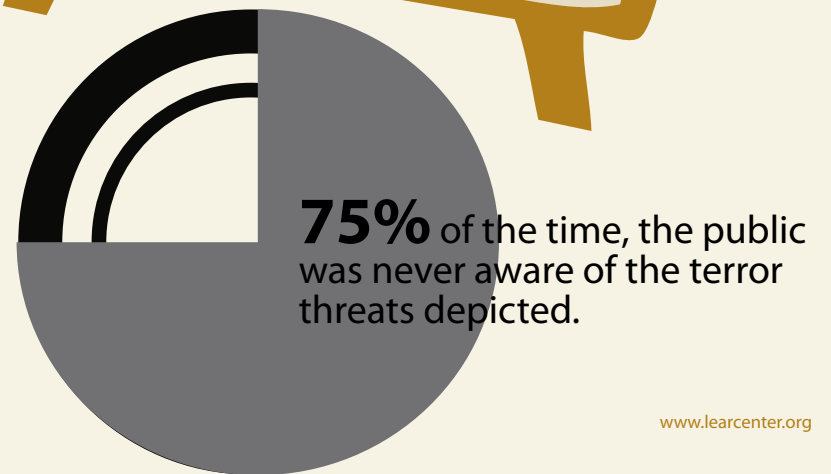
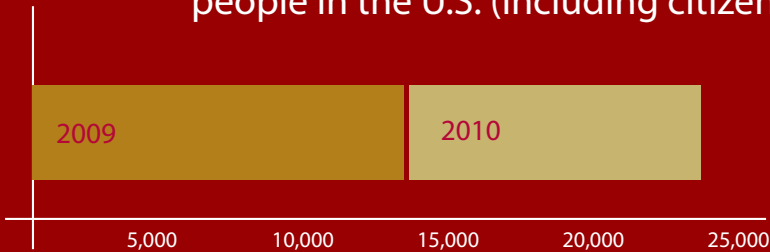
## TV DEPICTIONS:

The vast majority of government spying and surveillance was conducted electronically; high-tech computer surveillance was used most often.



## FACT:

In 2010, there was a **64%** increase in "warrantless" FBI requests for information about people in the U.S. (including citizens).<sup>2</sup>



<sup>1</sup> Fox News Poll

<sup>2</sup> <http://www.fas.org/irp/agency/doj/fisa/2009rept.pdf> & <http://www.fas.org/irp/agency/doj/fisa/2010rept.pdf>

# DISCUSSION

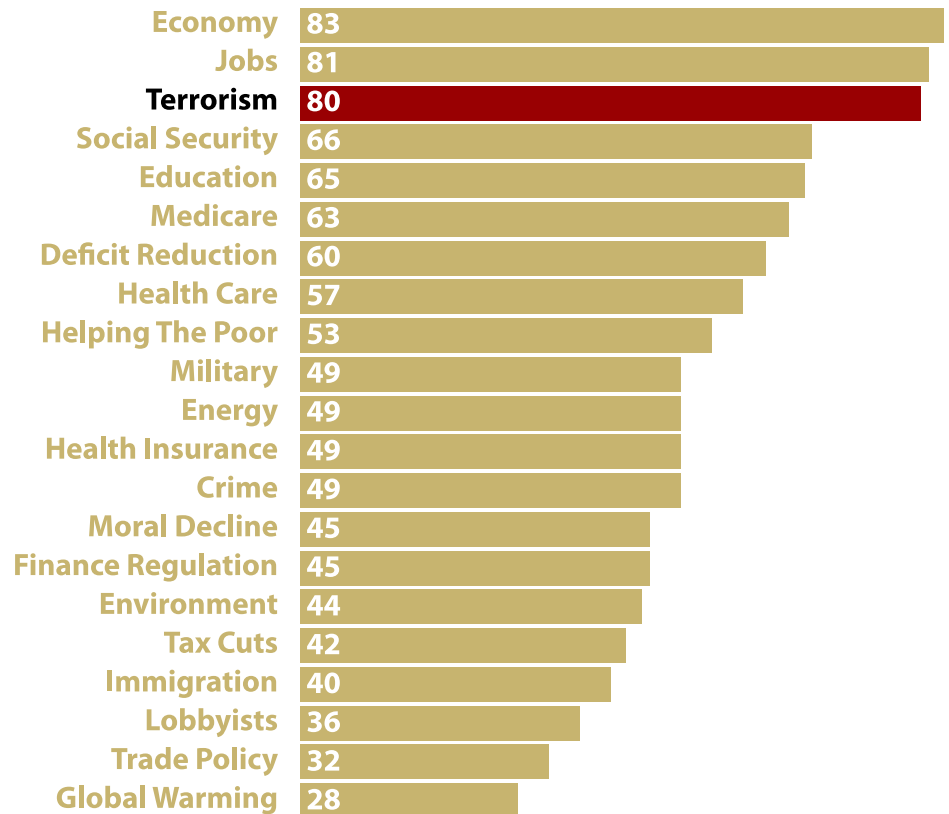
While many Americans continue to believe drugs and terror are significant problems, support for “wars” against them as a viable solution has waned. Nearly two-thirds of Americans still believe drug abuse is a serious problem, but 65% think that the War on Drugs has failed and only 8% of those polled described it as successful. In fact, this stance seems to be one of the few areas of consensus across party lines with 63% of Democrats, 64% of Republicans and 70% of Independents describing the War on Drugs as a failure.<sup>19</sup>

The American public continues to rate terrorism highly among their concerns, just behind the economy and jobs (Fig. 16).<sup>20</sup> Despite its high priority, less than half of Americans (42%) think that the U.S. is winning the War on Terror, even after Osama bin Laden was killed.<sup>21</sup>

Just as the War on Terror and the War on Drugs have dominated news media coverage, television viewers have also been awash in fictional accounts of these policies. Highly-rated primetime dramas pack in visual images, climactic dialogue and emotional narratives about these wars in neat, one hour capsules. And while millions of Americans flip the channels in search of entertainment – the average American watches over 34 hours of TV each week<sup>22</sup> – communication research has shown time and again how powerful fictional depictions can be in affecting individuals’ knowl-

edge, attitudes and behavior. Impact studies have also been combined with content analyses like this one, with the former investigating influence and the latter providing an overview of the media landscape.<sup>23</sup>

**Figure 16** AMERICANS’ TOP PRIORITIES FOR 2010  
% rating each a “top priority”



<sup>19</sup> Angus Reid Public Opinion. (2010). *Americans decry war on drugs, blame Mexico for allowing cartels to grow*. Retrieved from <http://j.mp/qghUT8>.

<sup>20</sup> PEW Research Center. (2010). *Public's priorities for 2010: economy, jobs, terrorism*. Retrieved from <http://j.mp/nBVC4W>.

<sup>21</sup> USA TODAY/Gallup Poll. (2011 August). Retrieved from <http://j.mp/qMT3nf>.

<sup>22</sup> The Nielsen Company. (2011). *State of the media trends in TV viewing—2011 TV upfrunts*. Retrieved from <http://j.mp/mOAY9J>.

<sup>23</sup> Examples include an analysis of the impact of *Soul City*. Evaluation of Communication Interventions. *The drum beat*, 64. (2000). Retrieved from <http://j.mp/pPnHKJ> and Usdin, S, Scheepers, E, Goldstein, S, & Japhet, G. (2005). Achieving social change on gender-based violence: A report on the impact evaluation of *Soul City's* fourth series. *Social Science & Medicine*, 61(11), Retrieved from <http://j.mp/poOkfL>. Examples also include an analysis of the TV show *Grey's Anatomy*. Kaiser Family Foundation/USC Annenberg Norman Lear Center, (2008). *Hollywood & health: Health content in entertainment television*. Washington, DC: Retrieved from <http://j.mp/q2oxin>.



During our monitoring period, nine of the top-rated scripted primetime dramas contained multiple terror or drug-related plots. According to Nielsen ratings data, 122 million people watched these shows when they first aired each week.<sup>24</sup> After factoring in online viewing, syndication and international audiences, it is clear that American popular dramas and the issues portrayed in them have the capacity to reach a vast global audience.

Anyone who has reported for jury duty in recent years may have noticed that many judges make a statement to prospective jurors about expectations they may have developed after watching the popular primetime show *CSI*. Dubbed the “*CSI* effect,” it refers to unrealistic expectations for incontrovertible forensic evidence for the determination of guilt.<sup>25</sup> Scholars have found a long history of television depictions influencing court practices and public understanding of the judicial process. *Perry Mason*, a popular show in the 1950s and 1960s, often featured the title character, a defense attorney, approaching witnesses during questioning. The show’s producers were primarily concerned with fitting both actors in a single frame, but the image became so engrained in the public mind that jurors started to expect lawyers to approach witnesses, and if they didn’t, they thought something was wrong. The 1950s ratings juggernaut *Dragnet* played an important role in building support for the Miranda ruling, which was unpopular with law enforcement and politicians because they thought it would restrict the ability to interrogate. But in episode after episode, *Dragnet* depicted scenes of officers reading the suspect their rights followed by an effective interrogation.<sup>26</sup>

Although the connection between television viewing and public opinion is not always causal or directly linked, many scholars acknowledge that popular culture influences public opinion and in turn, the social and political landscape. Communication scholars have determined that media influence increases as the public’s direct experience with a problem decreases. Cultivation theorists, in particular, have found that information communicated to viewers via media like television can influence the

audience’s perception of social reality in a subtle and cumulative fashion.<sup>27</sup>

The capacity for entertainment to influence public opinion is an especially significant force to consider given the secret nature of government actions in fighting terror and drug threats. Because most Americans have little direct information about government involvement in fighting these wars, they piece together their comprehension and opinion on the subjects using news coverage and filling in factual gaps with fictional plots. Regardless of the accuracy of the depiction, highly produced and emotionally compelling representations of social problems like terrorism can have a tangible impact on public policy and social discourse.<sup>28</sup>

The 10th anniversary of 9/11 and the 40th anniversary of the War on Drugs give us an occasion to reflect on how the United States has conducted these wars and how they have reshaped public policies and private opinions. After looking at the results of this content analysis, it is tempting to search for explanations about why these wars are depicted in these particular ways in this specific historical moment. However, cause and effect are notoriously difficult to delineate when we examine the complex feedback loop between representations, empirical reality and public opinion. Creative decisions in carving out the most engaging and suspenseful narratives are influenced by a whole host of factors. For instance, the fact that the legal system is rarely depict-

<sup>24</sup> Gorman, Bill. (2010, June 16). Final 2009-10 broadcast primetime show average viewership. *TV by the numbers*. Retrieved from <http://j.mp/qql2yg> and Gorman, Bill. (2011, June 1). 2010-11 season broadcast primetime show viewership averages. *TV by the numbers*. Retrieved from <http://j.mp/n6qNLM>

<sup>25</sup> Though there is some debate about it within the scholarly literature, “The *CSI* effect refers to the phenomenon in which jurors hold unrealistic expectations of forensic evidence and investigation techniques, and have an increased interest in the discipline of forensic science because of the influence of *CSI*-type television shows. This effect includes raising the state’s burden of proof because of jury expectations that forensic evidence should always be discussed at trial, and the belief forensic evidence is never wrong.” Robbers, M. L. P. (2008). Blinded by science: the social construction of reality in forensic television shows and its effect on criminal jury trials. *Criminal Justice Policy Review* 19(1): 84-102.

<sup>26</sup> Goehner, AL, Lofaro L, Novack New K. (2004, November 1). Ripple effect: Where *CSI* meets real law and order. *Time*. Accessed from <http://j.mp/p70GjY>

<sup>27</sup> Miller, K. (2005). *Communications theories: Perspectives, processes, and contexts*. New York: McGraw-Hill. Gerbner, G., & Gross, L. (1976). Living with television: The violence profile. *Journal of Communication*, 26(2), 172-199. Gerbner, G., Gross, L., Morgan, M., & Signorielli, N. (1986). Living with television: The dynamics of the cultivation process. In J. Bryant & D. Zillman (Eds.), (2009). *Perspectives on media effects* (pp. 17–40). Hilldale, NJ: Lawrence Erlbaum Associates.

<sup>28</sup> Chermak, S. M., & Gruenewald, J. (2006). The media’s coverage of domestic terrorism. *Justice Quarterly*, 23(4), 428-461.

ed in these episodes could be based on some typical constraints of the genre: action-based dramas necessarily depend on the pursuit of a suspect, while procedural crime dramas guide viewers through a maze of evidence and statements from bystanders and criminals. Both styles tend to emphasize the crime (planning and acting) and its investigation, but not its judicial aftermath. One might argue that the lack of trial and punishment in these storylines may simply be due to limited screen time and the need to focus on heightening action rather than resolution. However, narrative resolution has long been a standard of American film and TV products: indeed, U.S. popular culture, present and past, is often criticized for its neat and tidy “Hollywood endings.” But with subject matter as politically divisive as the War on Terror and the War on Drugs, perhaps the lack of a “Hollywood ending” best fits the mood and attitude of the nation.

This research suggests that primetime TV is often reflective of public opinion in the

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**While the primetime dramas in our sample are obviously fictional – often based on reality, but not necessarily constrained by it – they intertwine with news coverage to create a compelling portrait of how these wars are being waged.**

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United States about the War on Terror and the War on Drugs. These shows depict the struggle involved in fighting these wars, but by shifting the emphasis away from arrests, trials and convictions – the bread and butter of pre-9/11 crime shows – they rarely depict the justice ultimately being done by them. This reflects the deep ambivalence about these wars that can be found in public opinion polls. A majority of Americans believe the War on Drugs has been a failure, but, with the exception of marijuana, support for legalizing drugs is still very low. In the case of the War on Terror, 69% of Americans give the government positive marks for reducing the terror threat, but only 37% believe that we haven’t had an attack in the U.S. since 2001 because the government is doing a good job (most respondents say we’ve just been “lucky so far.”)<sup>29</sup> Sentiment about the Patriot Act is decidedly mixed as well, with 42% saying it is a “necessary tool” and 34% saying it “goes too far.”<sup>29</sup> And the most recent “report card” on the status of the 9/11 Commission recommendations was decidedly mixed, finding that the U.S. is “undoubtedly safer” although many important recommendations from the 2004 report remain unfulfilled.<sup>31</sup>

While the primetime dramas in our sample are obviously fictional – often based on reality, but not necessarily constrained by it – they intertwine with news coverage to create a compelling portrait of how these wars are being waged. Television dramas aim to entertain, not educate, and part of their draw and power to captivate stems from the artistic freedom to imagine the unlikely and surprise viewers with the unexpected. The findings in this report do not aim to prescribe changes in storytelling to align with factual accuracy. However, they do aim to help us glean insights into a major force that shapes public discourse and public opinions about serious government policies. Further research needs to be done, including surveys and focus groups, that would help determine the relationship between viewership of these shows and opinions people hold about these wars. Ultimately, the purpose of this study is to better understand the kinds of narratives about the War on Drugs and the War on Terror that are being told in mainstream television and to assess how these narratives reflect or reimagine reality.

<sup>29</sup> Another 23% said they “don’t know” – a further indication of the public’s ambivalence about how the government is conducting the War on Terror. Pew Research Center. (2011, February 15). *Public remains divided over the Patriot Act*. Retrieved from <http://j.mp/owFDL1>

<sup>30</sup> Terrorism poll. (2010, May 21). *FOX News Poll Opinion Dynamics*, Retrieved from <http://j.mp/oGhHWA>

<sup>31</sup> Bipartisan Policy Center. (2011 September). *Tenth anniversary report card: The status of the 9/11 commission recommendation*. Retrieved from <http://j.mp/oDalNy>

# METHODOLOGY

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**The objective of this study** was to evaluate drug and terror-related storylines and the contexts in which they are portrayed on popular television dramas. Because the aim was to analyze portrayals of government use of power in drug and terror contexts, procedural crime dramas and legal dramas dominated our sample. A total of ten highly-rated, one hour network dramas were selected. Seven episodes from each franchise that aired in late 2009 and 2010 were coded for content. Franchise shows like *Law & Order* and *CSI* were clustered together while *NCIS* and *NCIS: LA* were coded separately because of the high frequency of War on Drugs and War on Terror storylines.

The codebook contained 145 variables and 809 sub-variables about depictions in these shows. Aside from one show that was coded as a group during training week, each show was assigned to a primary coder. The primary coder was responsible for coding episodes for that show. The remaining coders were each assigned one episode for that TV show to serve as secondary coders to ensure intercoder reliability. Intercoder reliability measures the rate at which the coders, operating independently of one another, coded the same material in the same way. Intercoder testing occurred throughout the coding process. Approximately one-third of the episodes were coded twice – once by a primary coder and once by a secondary coder – and any discrepancies in coding were discussed with the coders and resolved by the project manager. Coding assignments were disseminated strategically to ensure coding was done in the same way across coders. No significant systematic errors were identified. All data were then analyzed statistically using SPSS.

Johanna Blakley, PhD, and Martin Kaplan, PhD, served as research directors for this project. Sheena Nahm, PhD, MPH, was the research consultant; she performed the statistical analysis of the data. Larry Hugick, at Princeton Survey Research Associates International, oversaw the development of the codebook, coder training and the coding of the episodes. Jennifer Su served as the project manager and the control coder.

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**Because the aim was to analyze portrayals of government use of power in drug and terror contexts, procedural crime dramas and legal dramas dominated our sample.**

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We would like to thank all of those who have contributed to this research project, including Farid Ben Amor, Graham Boyd, Vanita Gupta, Ricky Hang, Grace Huang, Jameel Jaffer, Veronica Jauriqui, Ateqah Khaki, Biswagit “Theo” Mazumdar, Scott McGibbon, Rachel Myers, David Murawsky, Adam Rogers, Joe Sabia, Anjuli Verma, Marlene Vigil, Allison Walker and Steve Zirnkilton.

# AFTERWORD

**The idea for this project emerged** during a series of focus groups conducted by the ACLU, which sought a better understanding of public attitudes towards the government's use of power in the War on Terror and the War on Drugs. The ACLU observed more than one focus group participant refer to Jack Bauer, the hero of the TV series *24*, when discussing the pros and cons of harsh interrogation techniques and torture. These focus group participants' context for considering the extent to which constitutional limits should be set on government actors seemed literally ripped from the plotlines of television, as they envisioned nail-biting scenes in which due process would hamstring government actors (à la Jack Bauer) in heroic, barely-by-the-skin-of-their-teeth efforts to save millions of lives from impending terrorist attacks.

Similarly, another set of focus group participants voiced their views on law enforcement techniques associated with the War on Drugs – SWAT raids, drug dogs, confidential informants, racial profiling and the like – through the stock imagery of television crime dramas. Primetime crime dramas like the *Law & Order* franchise and the newer *CSI* franchise seemed to have created a set of commonly held popular perceptions about the kinds of people who use and sell drugs (and which kinds of drugs), as well as the government actors who enforce drug laws. One might suspect that these television-inspired perceptions have taken hold in people's minds especially because they mythologize a set of mysterious, opaque policies and practices with which the public has little or no direct experience but much interest and related fear.

As an avid television and film viewer – and as the ACLU's Advocacy Director of the Drug Law Reform Project and later as the Senior Program Strategist for the Center for Justice, which addresses mass incarceration, the treatment of prisoners and the death penalty – I asked myself how the portrayals of these issues on the big and small screen might at least partially create and reinforce the political and social con-

ditions in which I work. To me, it seems common sense that the terms of debate and the highly stylized, dramatic scenarios put forth in popular television shows have as much of an impact on what people think the War on Terror and War on Drugs are really about than any legal brief or whitepaper from an advocacy organization. When people ask me what I think of the War on Drugs, for example, I tell them to watch *Training Day*, *American Gangster* and all five seasons of *The Wire*.

(For what it's worth, I might also recommend that they read Justice Thurgood Marshall's dissent in the 1989 U.S. Supreme Court case, *Skinner v. Railway Labor Executives Association*, in which he said, "There is no drug exception to the Constitution, any more than there is a communism exception or an exception for other real or imagined sources of domestic unrest." I might also recommend a few other law review articles, but I doubt they would have the same resonance for most people – unless of course they are ACLU lawyers.)

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**When people ask me what I think of the War on Drugs, for example, I tell them to watch *Training Day*, *American Gangster* and all five seasons of *The Wire*.**

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After observing some of these focus groups while working at the ACLU, my colleagues and I began to ask ourselves if, as advocates, we should know more about the popular culture influencing the political and social landscape of civil liberties and civil rights. As an advocate, it was clearly my job to be relatively well informed about the public opinion data, congressional and legislative actions and judicial principles that govern law and policymaking in these areas, but wasn't it also my job to have a handle on popular culture? I wanted to know more about how entertainment, and television in particular, which is ubiquitous and rife with depictions of drug and terror issues, might be shaping the playing field.

That's precisely when the ACLU reached out to the Norman Lear Center, which studies just these kinds of questions. This report is the product of many hours (happily) watching 49 episodes of ten 2009-10 primetime crime dramas, thinking about how to scientifically code their characteristically complex, intricate and fluid plotlines and characters, and wrestling – at times – to make sense of what I know of the reality of the War on Terror and the War on Drugs in the context of what is depicted on television.





The ACLU has acknowledged from the outset that the depictions of the War on Terror and War on Drugs in the shows analyzed for this project are fictionalized accounts, and that their purpose is to entertain, not educate. Very few people expect television dramas to adhere to the standard of journalistic ethics and accuracy we demand of the news media. That is why none of the findings in this report prescribe changes in storytelling or artistic choices. The ACLU respects – and, indeed, regularly defends – artistic freedom. The ACLU's interest in this research was never to use it as a vehicle for advocating for changes to fictionalized accounts of the War on Terror or the War on Drugs, but rather to begin to understand how the popular fictional narratives television viewers digest might play a role in how advocates do their work shaping public discourse on these critical issues.






On the 10th anniversary of the September 11th terrorist attacks, as our nation remains embroiled in wars in Iraq and Afghanistan and the War on Terror, and on the 40th anniversary of President Richard Nixon's declaration of the War on Drugs, as we have become the world's largest jailer and incarcerate over 500,000 people for violating drug laws, these questions would appear to be more important than ever.

***Anjuli Verma** was a former policy advocate and communications strategist for the American Civil Liberties Union from 2003 to February 2011. She is currently pursuing a PhD in Criminology, Law and Society at the University of California, Irvine.*

# APPENDIX A

**TABLE 1: TELEVISION SHOWS & EPISODES**

	TV SHOW/FILM	SEASON	EPISODE #	EPISODE NAME
	24	8	1	4pm-5pm
	24	8	13	4am-5am
	24	8	16	7am-8am
	24	8	20	11am-12pm
	24	8	21	12pm-1pm
	24	8	23	2pm-3pm
	24	8	24	3pm-4pm
 	CSI	10	2	Ghost Town
	CSI	10	16	Panty Sniffer
	CSI	11	1	Shock Waves
	CSI: Miami	8	6	Dude Where's My Groom
	CSI: Miami	8	10	Count Me Out
	CSI: Miami	8	14	In the Wind
	CSI: Miami	8	16	LA
	House	6	1	Broken
	House	6	10	The Down Low
	House	6	12	Moving the Chains
	House	6	13	5-to-9
	House	6	16	Lockdown
	House	6	21	Help Me
	House	7	1	Now What?

 	TV SHOW/FILM	SEASON	EPISODE #	EPISODE NAME
	Law & Order (original)	20	1	Memo from the Dark Side
	Law & Order (original)	20	7	Boy Gone Astray
	Law & Order: Los Angeles	1	3	Harbor City
	Law & Order: Los Angeles	1	4	Sylmar
	Law & Order: SVU	11	6	Spooked
	Law & Order: SVU	12	5	Wet
	Law & Order: SVU	12	8	Penetration
	NCIS	7	14	Masquerade
	NCIS	7	16	Mother's Day
	NCIS	7	17	Double Identity
	NCIS	7	22	Borderland
	NCIS	8	1	Spider and the Fly
	NCIS	8	2	Worst Nightmare
	NCIS	8	8	Enemies Foreign
	NCIS: Los Angeles	1	18	Blood Brothers
	NCIS: Los Angeles	1	19	Hand-to-Hand
	NCIS: Los Angeles	1	22	Hunted
	NCIS: Los Angeles	2	2	Black Widow
	NCIS: Los Angeles	2	3	Borderline
	NCIS: Los Angeles	2	7	Anonymous
	NCIS: Los Angeles	2	8	Bounty



TV SHOW/FILM	SEASON	EPISODE #	EPISODE NAME
The Good Wife	1	10	Lifeguard
The Good Wife	1	12	Painkiller
The Good Wife	1	14	Hi
The Good Wife	1	16	Fleas
The Good Wife	1	19	Boom
The Good Wife	1	23	Running
The Good Wife	2	8	On Tap



# APPENDIX B

## OPERATIONAL DEFINITIONS:

**Terrorism** is defined as violent or coercive acts that are perpetrated for political, religious or ideological reasons. Kidnapping for ransom or personal vendettas are not considered acts of terrorism.

**Suspect** is defined as a person who is depicted as or suspected of engaging in TERROR-related or DRUG-related activity. A person suspected of a crime that is unrelated to terror or drug activity is not considered a suspect for the purposes of this content analysis.

**Person of Interest** is defined as a person who is depicted as having an unknown connection to a threat or crime but who is not a suspect due to a lack of real evidence linking him/her to the threat or crime. A person of interest is not considered a suspect for the purposes of this content analysis.

**Terror Threat** is defined as the intention or the declaration of intention to inflict harm upon a person or entity for the purpose of achieving a political, religious or ideological goal or for the purpose of furthering a political, religious or ideological cause.

**Drug Threat** is defined as the intention or the declaration of intention to sell, buy, grow, distribute, or manufacture drugs (legal or illegal) in an unlawful manner. For example, the intent to set up a drug pipeline across state lines or across country borders is considered a drug threat.