

Should the Use of Jailhouse Informants Be Abolished?

Jailhouse Informants Are a Legitimate Part of the Criminal Justice System

Advocate: Representative Bill McCollum, Republican Congressman from Florida's Fifth District; former Chair of the House Crime Subcommittee.

Source: Interview for *WGBH Frontline* documentary program *Snitch*.

Use of Jailhouse Informants Promotes Injustice

Advocate: Eric E. Sterling, counsel to the U.S. House Committee on the Judiciary, 1979–1989; currently President of The Criminal Justice Policy Foundation and Co-Chair of the American Bar Association Committee on Criminal Justice, Section of Individual Rights and Responsibilities.

Source: Interview for *WGBH Frontline* documentary program *Snitch*.

Those accused of crimes often testify against others. In fact, when several are involved in a crime, it is not uncommon for a prosecutor to offer a "cut" significantly reduced charges or a shorter sentence to one defendant if he agrees to testify against the others. Jailhouse informants fall into a sort of different category. Jailhouse informants are persons who have already been convicted of a crime, and in return for a reduced sentence or early parole agree to testify against someone charged with a completely different crime (a crime in which the jailhouse informant had no involvement). Or a jailhouse informant may be someone awaiting trial on criminal charges, who works out an agreement to have the charges against him reduced or dropped in exchange for testifying against some other inmate charged with a different crime. For example, if you are brought to jail on charges of burglarizing a house, and you are brought to jail to await trial on charges of murder, then I might contact the District Attorney's office and offer to testify that you confessed the murder to me while we were

ench—that is, I'll testify that you confessed to me *if* the District Attorney reduces the charge against me from burglary to illegal trespass.

There is an obvious problem with the testimony of jailhouse informants. The testimony of jailhouse informants is given in exchange for a very important payoff: a payoff of reduced prison time, which many would regard as a more valuable payoff than cash. As noted by the Fifth Circuit Court, "It is difficult to imagine a greater motivation to lie than the inducement of a reduced sentence." And as John Madinger, Senior Special Agent with the Criminal Investigation Division of the IRS, describes them, "Jailhouse informants are highly motivated. They want out, or at least out sooner. It is probably not surprising that quite a few will lie, cheat, and steal to get what they want; after all, this may be how they wound up in jail in the first place."

Points to Ponder

- You are sitting in jail, charged with drug possession. You have two previous possession charges on your record, and you're facing a long mandatory prison sentence if convicted a third time. You're eager to make a deal that will win you a reduced sentence, and you know the District Attorney is eager to convict someone for a drive-by shooting in which two children were killed. From your time on the streets, you heard rumors that the killer might be Albert, a ruthless big-time drug dealer who is very willing to use extreme violence to eliminate rivals. But you also know James, a small-time dealer who hates guns and violence, and is basically a rather gentle person whose drug habit led him to small-time drug dealing. In order to get a deal from the District Attorney, you have to go into the witness box and publicly accuse someone of committing a terrible murder. Whom would you consider it safer to accuse?
- Congressman McCollum argues that "Informants are the way of life in American justice, whether it's a drug issue or not. It's part of our judicial system." How would you evaluate that argument for the continued use of jailhouse informants?
- Some advocate the total elimination of jailhouse informant testimony; others suggest that the testimony should be admitted, but that the judge should warn the jury of the special problems related to jailhouse informant testimony; others would allow the testimony of jailhouse informants, but also allow the defense to call expert witnesses to cast doubt on such testimony; and still others take the position that the testimony should not be treated as special and no warning from the judge should be given (though of course the informant should be subject to cross-examination, like any other witness). Which of those positions seems best? Is there another option that is still better?
- Some people maintain that the testimony of jailhouse informants should be excluded, because it is so inherently unreliable and because the jury is unlikely to recognize how unreliable such testimony is. Others argue that

excluding the testimony of jailhouse informants deprives the jury of its right to make its own judgment concerning all the evidence: whether testimony reliable or unreliable should be a question for the jury, and only for the jury. Which side has the stronger argument?

- Bribing a witness is, of course, a crime; and if it is known that a witness accepted a bribe in return for his or her testimony, that testimony is excluded from the trial. If a jailhouse informant receives a reduced sentence for his or her testimony, should that count as bribing the witness?

Snitch

Bill McCollum

How Is the War on Drugs Doing?

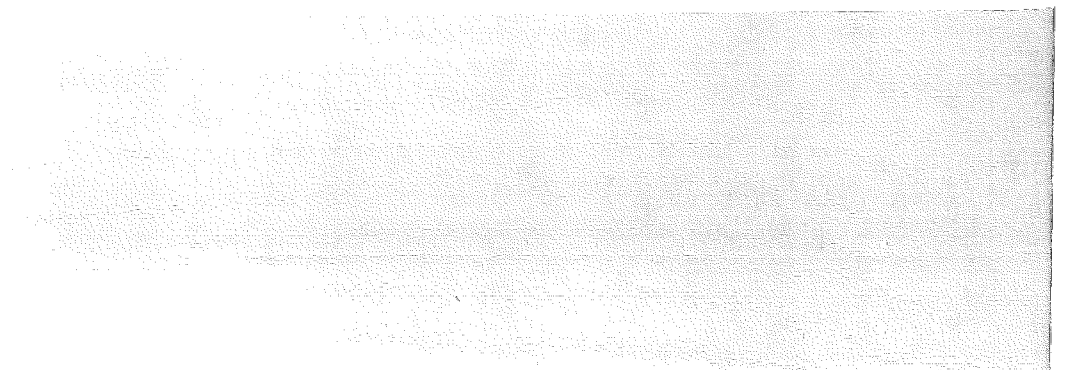
Well, I don't think it's doing as well as it should be doing, because it's not seeing the leadership from the top, especially from President Clinton, that it deserves. We have a larger quantity of drugs on the streets today than we've had in the history of this nation, and they're cheaper in terms of price. We have teenage drug use in the country that's doubled since 1992, and the resources that were being used—that is, the ships and the planes and the military as well as many other resources in interdiction—have dissipated, . . . have been sent overseas to Bosnia or the Middle East or whatever, . . .

We see parents not as concerned perhaps as they should be. A whole generation who grew up with marijuana smoking, who don't realize maybe that marijuana is 10 times more potent today in many cases than it was when they heard about it in the 1960s. I think there is a general laxity in society on use. And there's no leadership, so it's in bad shape in that sense and it needs to be jumpstarted in my judgment.

Even Though We've Spent Billions of Dollars and Have Thousands in Jail?

Well, there are a lot of people in jail today. Most of those who are in jail are in our prisons in the United States.

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for drug involvement . . . are either violent criminals or multiple drug offenders. . . . We need to have criminals who traffic locked up and the key thrown away. But . . . you can't expect law enforcement to provide the solution to the drug problem. . . . I think what we're doing in law enforcement is the correct message and the correct way of going about it. What I think we need to be doing is more efforts to stop drugs from coming into this country in the first place. . . .

What is the Correct Message?

There are a lot of messages that need to be sent to the criminal who is out there dealing in this on the streets of the United States. We need to send the message of swiftness and certain punishment. We need to take the big cocaine dealer and lock him up and throw away the key for as long as we can, and if he deals in large enough quantities we need to give him the death penalty which federal law provides. . . .

Why Do Prosecutors Go After Small Dealers?

There are actually very few small dealers that are being prosecuted. You got people in the law enforcement community today who occasionally, and not very often, but occasionally are trying to get deals to get the big guys, and so they offer a deal to somebody to testify. It's the only way they get the case made against the big guy, and sometimes, once in a while, the small runner doesn't cooperate and they wind up

getting an extraordinarily long sentence because the law permits that. . . . But I can tell you, I'm not very sympathetic to that. I'm sympathetic to the kids on the streets who are losing their lives to these drugs, and to the effort we need to be expending to correct the problem. The minimum mandatory sentence is not nearly the problem today that the drug issue is itself and the loss of life connected with that. . . .

So You Agree with the Current Domestic Enforcement Policies?

I have no problem with the judicial system in regard [to] what we're doing. We're trying to lock up people, most of them very bad people who are causing a problem. Ninety-three percent of those who are in our state prisons for drug dealing are there because of violent offenses or they're there for multiple offenses and almost all of the people who are there in the system for cocaine trafficking are there for large quantities. In the federal system it's an average of 183 pounds on the person, not some little pocket change amount. So I think we're doing the right thing by what we're doing in our federal law enforcement system. The problem is that we're having them incarcerated. They're being swamped. They're having to arrest everybody they can because we have this huge quantity pouring into the country and a president and an administration that is not doing what is required to do and should do to stop that quantity from getting here in the first place. . . .

Are There Many Small-Time Dealers in Prison Who Were Convicted on Conspiracy Charges?

There are very few people in jails today in the United States [who] didn't deal in large quantities of the drugs. You've got people who are involved in major drug dealing who are the vast, vast majority of those who are in our prisons today. . . . Occasionally you'll run into somebody that's in there on a conspiracy charge because that's the easiest way to get them convicted, but that doesn't mean they haven't committed multiple offenses. They're violent offenders with a long track record—look at their histories. When they put out the statistics that seem to show these poor innocent people who are involved, they're not poor innocent people. They're people who have long histories and the judges have probably sentenced them to long sentences in large measure, or they're getting the minimum mandatory because they are repeat, multiple offenders. There are very few people out there who [did not have substantial] drug trafficking histories before they were ever put away, and for those that are there, they're there usually because the prosecutor has tried to get them to cooperate and they've refused to squeal on somebody who is higher up. Now I don't necessarily condone that process for those handful, but I'm going to tell you, the problem isn't with these people. These aren't the innocents. The innocents are the drug victims. The newborns that are born drug

addicted because these guys are selling the stuff on the street.

Do You Respect Squealers?

I don't care whether I respect them. I don't respect them. I respect a system that says we're going to put even a bit of pressure on anybody we have to put it on to get to the drug dealer who is bringing his poison into the country. I think Americans want to see that happen, they want to see people locked up who are the bad drug dealers who are dealing in these huge quantities. . . .

You Have No Problem with Informants?

I have no problem with informant whatsoever.

But Isn't There a Tremendous Incentive for Them to Lie?

I am much more concerned about the loss of life to drugs and to the crime that's going on out there and the need to stop it and protect our innocent and our citizens than I am about anybody's concern over informants. God Lord. Informants are the way of life in American justice, whether it's a good issue or not. It's part of our justice system. It's a good system, if it's properly.

Now you have to have a check on law enforcement, and that's what we can't have coerced confessions. You have lots of other constituti

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to appeal if any of their constitu-
tional rights have been abused, but
me tell you, informants are one of
[best] ways of getting informa-
and the other way is to get it
rough wire taps. It's about the only
y you can get at organized crimi-
behavior in this country today.
hen you get a lead, you follow that
and the most important part of
s you're getting at somebody
lly bad, nine times out of 10
[someone] higher in a really major
g trafficking operation. . . .

But Most Drug Busts Aren't Major

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d drug traffickers, he has gotten
the big guys more effectively than
would otherwise, because one
s directly to the other. The bot-
line is that most of the efforts
go on into turning people into
for any lengthy jail time, mini-
mandatory sentences and so
t. deal with major traffickers,
with people who are dealing
multiple offenses and violent
es and long histories or some
bination thereof.

So Most People in Jail Are Big Dealers?

You bet they are. Most of them are
those kind of people and if you see a
study that shows you something dif-
ferent, you got to look at the details
of that study because you probably
missed the fine print and the fine
print's going to tell you that the crim-
inal histories of these people is horri-
ble and they're there for a reason.
There are rare cases somebody can
cite . . . but you're not going to find a
consistent pattern of people who are
there who are dealing in very small
quantities that have no criminal
histories and are really innocent.
Most of those who are there are
really the bad people that should be
there.

You Have No Problems With Snitches?

I have no problems with informants
because while they may not always
be reliable, they give us leads and
you go on and find other proof and
when you go to try somebody in
court, you have to prove they're
guilty to a jury beyond a reasonable
doubt, and if you can gain informa-
tion from informants or snitches,
that's fine. That's not what necessar-
ily convicts somebody. That would be
just one piece of evidence. But it
does give you a lead. And you need
that lead. How else are we going to
find the bad guy? If you don't have
informants and you can't eavesdrop,
law enforcement would never be able
to protect society from these major
criminal enterprises. ■

Snitch

Eric E. Sterling

Looking Back Now, How Do You Measure the Success of Your Work Enacting Mandatory Minimum Sentences for Drug Offenses?

The work that I was involved in in enacting these mandatory sentences is probably the greatest tragedy of my professional life. And I suspect that the chairman of the subcommittee feels that way too. There [have] been . . . literally thousands of instances of injustice where minor co-conspirators in cases, the lowest level participants, have been given the sentences that Congress intended for the highest kingpins. Families are wrecked, children are orphaned, the taxpayers are paying a fortune for excessive punishment. You know there's nothing conservative about punishing people too much. That's an excess. And it's just a waste. It is such a waste of human life. It's awful.

How Did These Laws Come About?

These laws came about in an incredible conjunction between politics and hysteria. It was 1986, Tip O'Neill comes back from the July 4th district recess and everybody's talking about the

death of the Boston Celtics. That's all his constituents talking to him about. And his insight, "Drugs, it's drugs." This issue into the election. The Democratic leadership in the House of Representatives says, "I want a drug bill, I want weeks." And it set off kind of a rodeo. Everybody started trying to get out front on the drug issue. Every committee . . . not Judiciary Committee—Foreign Ways and Means, Agriculture Services. Everybody's got this out there, fighting to get on television, talking about the problem. And . . . these measures came in the last couple days of Congressional recess, before all going to race out of town to tell the voters about what they're fighting the war on drugs. No real consideration by the federal government. No input from the Bureau. Even the DEA didn't take a whole thing is kind of cobbled together with chewing gum and band-aids. Numbers are picked out of the air to see what these consequences are. That kind of legislating. . . mandatory minimum, rote sentences are 15, 20, 30 years without parole. . . . Then you have a

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and suddenly... you have people facing 50 years, people facing either life in virtual terms or as a real sentence. That's what's happening. Fifteen thousand federal drug cases a year. Bulk of them mandatory minimum cases. Most of them minor offenders. Only 10% of all the federal drug cases are high level traffickers. You wonder, who's deep at the switch at the Justice Department?... What you have is conviction on the basis of testimony. You have drugless drug cases. You don't need powder, all you need is the witness to say, "I saw a kilo,"...

With No Drugs to Be Found?

There don't have to be drugs. People are amazed, "Well, aren't there drugs?" There don't have to be drugs. All there have to be are witnesses who say, "I saw the drugs," or, "He said there were drugs." That's what you need.

Couldn't You Guess This Would Happen?

I don't think any of us fully anticipated these numbers would generate. I remember, at the time that we were looking at this, the federal prison population was in the range of 30,000. It's now 100,000 today. None of us envisioned that the Justice Department would so profoundly misuse this statute. Congress said, "We're giving the Justice Department these high-level sentences so that you will go after the highest level traffickers." DEA agents and assistant U.S. attorneys are misusing this statute, with the complicity of their managers in the Department of Justice, to engage in what now has really become a pattern

and practice of racial discrimination in almost overwhelmingly prosecuting people of color for tiny amounts of drugs and sending them away for kingpin sentences.

Why Are They Doing It?

They're doing it because it's easy. These cases are the easiest cases to prosecute. They're cut and dried. The lawyers are public defenders. There's not any kind of real defense. ... These are little cases. However, it's good training for young ambitious attorneys who want to acquire jury experience. And some day they may go after the kingpins, but at this point they're able to learn their craft. For DEA agents, this is safe. I mean when DEA agents go to Columbia or Mexico, their life is in danger. Going after some poor schnook who's the corner crack dealer, that doesn't threaten their lives. The statistics look good. ...

How Did Conspiracy Law Emerge?

If the mandatory minimums were a result of haste and excess by Congress, conspiracy as applied to these mandates was completely by oversight and by accident. It was submitted as part of a simple technical corrections amendment. No one even thought at all about what the implications were of applying conspiracy. It was presented as though this was simply a slight little loophole that had been inadvertently created and just had to be rectified by inserting the words, "or conspiracy." No one envisioned that by applying [the statute] to anyone in a conspiracy, no matter how low they were in the conspiratorial

chain, that they would get the maximum that could be imposed for the kingpin. Nobody figured that out as we were working on it in 1988. It was a total oversight. Now of course you can't change [it], because that's soft on drugs.

Isn't This All a Deadly Mix?

The current sentencing situation is a sort of witch's brew of three poisons put together making an abominable poison: mandatory minimums designed for kingpins with very long sentences; conspiracy bringing in the lowest level offenders who become eligible for those; [and "substantial assistance" policies]. The only way they can avoid those mandatories is to provide substantial assistance to a prosecutor and if it means telling a wild story to avoid spending almost life in prison without parole, there are many people who will do that.

... It's the prosecutor who decides whether or not your substantial assistance, your testimony, is good enough to get the prosecutor's motion to reduce your sentence. ... So the incentive is, "I'll tell any story I can." I mean these aren't exactly saints that we're dealing with here, dope dealers. [They are] people who are often very desperate. They realize, "If I can get five years instead of 30 years, if I tell a story against that other guy, tell me what I have to say, I'll say it."

Doesn't the Prosecution Know that People Are Lying?

The entire criminal justice system knows that perjury is the coin of the

realm. In New York City police office call it "testalying." In Los Angeles they call it "the liar's club." Everybody knows that lying takes place. The prosecutors don't feel bad about it, this is simply part of the system. They just justify it by saying, "We have to get the bad guy." ... Police officers confer their testimony to what they know the courts expect to hear in order to get the results that they want, not on the basis of what the facts are.

Prosecutors Say that Judge Tell Witnesses Not to Lie, Under Penalty of Perjury

When a judge tells a witness, "Let me remind you, you're under oath and you lie under oath, you'll be prosecuted for perjury," this is a disclaimer. The judge in effect is washing his hands or her hands of any responsibility for the lie which is forthcoming. This is part of the ritual; it's a ritual statement, it's not a real statement. It's like when you ask a defendant who's pleading guilty if they understand what they're doing. They always say, yes. They're supposed to. They often don't have a clue what they're doing. ...

Informing has been one of the great problems of the criminal justice system. When a codefendant testifies, almost always the defense can ask for an instruction to the jury that the testimony of a codefendant is suspect. The courts have recognized that. But the testimony becomes the cornerstone of the prosecution. And the jury understands, "Well, this is one dope dealer against another dope dealer and if the government is trying to convict the dope dealer, well probably this per-

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 innocence as a society. Once you get
 the courtroom, that presumption is
 very thin. It's not a whole lot of
 flection. And when you have a wit-
 ness who says, "Yes, I am getting a
 ... but I was there and this is what
 the defendant did," jurors will say,
 "Even if I don't believe all that he's
 saying, I believe enough of it and that
 enough is proof beyond a reasonable
 doubt for me." ...

Do You Feel Guilty About Your Involvement in The Development of These Laws?

The war on drugs is one of the great
 of our times. Drugs are a serious
 problem, but it's very hard to tease
 where the problems of drugs and
 problems of the war on drugs are
 overlapping. Some day there
 probably will be war crimes trials in
 those responsible for these
 crimes against the American people,
 other peoples, may be brought to
 court. ... We have federal judges
 who have resigned, federal judges
 who have wept on the bench. Senior
 federal judges who say, "We refuse as
 a matter of conscience any longer to
 hear these kinds of cases." Those are
 people at least who have the oppor-
 tunity to step out. I had the opportu-
 nity to step out by leaving my job in
 the government and [am] now work-
 ing to help expose what I think are
 the problems. When I meet with
 family members of people serv-
 ing these sentences, it is very hard. At
 times I am moved to tears when I sit
 across from someone whose loved
 one is serving a 30-year sentence for

something that I played a role in
 getting enacted. It's an awful feeling.

Is Conspiracy Law the Worst Element in Creating These Unjust Situations?

Many nations do not have conspiracy
 laws because they see how they can be
 so badly abused. Our conspiracy law is
 such that long after you've dropped
 out of the conspiracy, you're still
 responsible for things that you may
 have done way in the past. The crimi-
 nal organization marches forward.
 You've gone straight. But when the
 chain gets connected all the way to
 the back, you can still be held liable
 and you can be held liable often for
 things that you had no responsibility
 for and you could not foresee. It's a
 terrible problem, the way in which
 conspiracy is being used in these
 cases. ...

I had a conversation with a fed-
 eral judge about the implications of
 the war on drugs. And the sense of
 how alien it is to American values,
 the use of informants, paying infor-
 mants. ... We have hundreds of
 thousands of informants. Informants
 can make a living professionally in
 their role as informants. This is sim-
 ply an anathema to the way in which
 we think a free society ought to
 operate. The role of wiretapping, of
 monitoring telephone conversations,
 of taping conversations. Defense
 lawyers now are afraid that their
 clients may be trying to entrap them.
 The government has said, "We
 believe we have the power to go to a
 man represented by an attorney and
 unbeknownst to that attorney, try to
 get that man to incriminate the

attorney." To think that we would undermine our legal system in this way is reminiscent of the Soviet Union. . . .

Are We Becoming What We Hated?

If we look at the way in which so much of our society functions today, it looks like the kind of highly regimented Soviet system that we were repulsed by in the early 1950s. Informants in the work place. Fear of having conversations with people. Fear of our children informing against us. Not knowing what the charges might be. Offenses for which bail is no longer available. . . .

Does the Public Understand What's Going On?

The ignorance about what's going on exists on a bunch of different levels. Number one, the offenders themselves are ignorant of what the penalties are that they could incur. Congress says, "We're going to pass these tough laws to send a message to the criminals to stop." But there's a complete disconnection between what Congress hopes and what criminals actually understand. They don't watch C-SPAN, they don't read "Congressional Record." They simply don't know. They're astonished when they get punished. Congressmen also don't know what the laws are. Many of them don't even know that parole was abolished. The public doesn't know what the laws are. The public still believes that people are getting slapped on the wrist. These are examples which then allow a member of Congress to say

with a straight face, "We need to get tougher." . . .

What Is the Substantial Assistance Clause?

One of the oldest prosecutorial techniques is working up the ladder. Finding someone who's not central involved, but who has evidence and who you in effect squeeze and say "Testify up." This was a very common way in which an organized crime investigation would work. It's an old theory in the law and it was believed that that would [work]. The difference in part is between being sort of a soldier in a traditional La Cosa Nostra family was you actually knew who your supervisors were. You knew what they did. They were loyal to you. Drug organizations now are large and so diverse that someone can be involved as an unloader, as a soldier, as a mule, as a courier. They're isolated, they don't know who the principals are. . . . So very often low level people have nothing that they can really offer. However, the higher-ups are in a position, very often, to talk down. They say, "I'll testify against people." The prosecution of General Manuel Noriega is a prime example where a whole bunch of high level dope dealers got great sentences for gains for going after General Noriega.

Snitching Up?

That was snitching up, but these are already people who were high level people. Manny Noriega was not dealing with the guy who was unloading the boats.

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Does the System Encourage Those on the Lower Levels of a Drug Organization, Who Don't Have Useful Information to Pass on to Prosecutors, to Set Up Others Who May Be Innocent?

This was one of the things that really mystify me when our subcommittee did investigations of the way in which informants were used and misused back in the 1980s. If you are a professional informant, it's a whole lot easier to set up someone than to actually inform against somebody in the business, because that person may kill you. And so we came across cases in which an informant would pretend to be a government agent, and enlist somebody to [whom] they say, "We want you to help catch a dope dealer. Now, in order to do that, you have to tell the dope dealers this and that about all the stuff you've done." Now what happens then is actually the patsy thinks that these people he's dealing to are dope dealers, [but they] are actually the DEA agents. And so the patsy is telling the DEA agents what he's been told by the informant. He says, all about all this stuff that he's done. So the patsy then gets prosecuted as a dope smuggling pilot, the informant gets his reward, DEA gets the money. Who cares about the patsy? He's now a convicted dope dealer. . . .

These Witnesses Are Facing Time?

It's [often] somebody who's saying "Geez, I'm facing 30 years or

50 years in prison, I can get out. What do I have to do? What do I have to testify? Who do I have to testify against? I have to say he was a dope dealer, sure. How much do you need to say you saw? How bad do you think this guy is? He's real bad." Oh, he said he sold fifty kilos, he was the biggest dealer in town. Is it true? I swear it's true, honest." Who's going to dispute it? So you've got this guy sitting with the majesty of the federal court, presented by the United States. "Your Honor, this is the witness on behalf of the United States. You don't believe him? You don't believe the United States, your own government? Who can you trust if you can't trust us if you can't trust our witnesses?" I don't know how judges can sleep at night, sending people to prison on what they know is perjured testimony. Well, how do they do it? "Wasn't my decision, was the jury. . . . If the jury believed him, who am I to say that he wasn't telling the truth?"

But the Jurors Often Don't Know What the Penalty for a Guilty Verdict Will Be

The jurors don't know the penalty. We don't let the jurors know the penalty. . . . If everybody thinks that dope dealers are getting off with a slap on the wrist, jurors are in the same box. After all, we know that prosecutors try to keep informed people off the jury. We don't want informed people on the jury. They're not so easily manipulated. ■

III The Continuing Debate

What Is New

In a 1998 Appeals Case, a panel of the Federal Tenth Circuit Court of Appeal *United States v. Singleton*, ruled unanimously to overturn the conviction of Sevetta Singleton, on the grounds that the prosecution bribed a star witness (by promising not to prosecute him for several crimes and also to inform the court of any other case against the witness) of the witness' cooperation and thus make a shorter sentence likely. Since bribery violates Title 18, Section 201 of the federal criminal code, the prosecutors acted illegally in giving the witness a substantial "bribe" of significantly reduced prison time in exchange for his testimony; any conviction based on that testimony must be overturned. Though the Tenth Circuit Court eventually reversed the ruling of the panel and allowed the conviction to stand, there is still the question of whether "paying" a witness with reduced prison time counts as bribery, and that issue will probably be taken up in future cases. The National Association of Criminal Defense Lawyers has argued that there is a double standard: If a defense lawyer bribes a witness, she is disbarred and may be subject to criminal prosecution; but a prosecuting attorney can "bribe" a witness with the promise of a reduced sentence, and there is no penalty.

Where to Find More

A very important book that examines in detail the part played by jailhouse informants in many wrongful convictions is Jim Dwyer, Peter Neufeld, and E. Jean Carroll, *Actual Innocence* (New York: Doubleday, 2000). John Madinger writes extensively about the role of informants in *Confidential Informant: Enforcement's Most Valuable Tool* (Boca Raton, FL: CRC Press, 2000); see especially pages 29 and 193-197. For a detailed account of some of the problems with jailhouse informants and the law related to jailhouse informants, see Robert Bloom, *Rattling: The Use and Abuse of Informants in the American Justice System* (Westport, CT: Praeger, 2002), especially Chapter 4. Robert Bloom has also written a good article, "Jailhouse Informants," *Criminal Justice Magazine*, Volume 1, Number 1 (Spring 2003); it is available online at www.abanet.org/crim/spring2003/jailhouse.html. Jack Call, "Legal Notes," *The Justice System Journal*, Volume 22, Number 1 (2001), is a very clear review of the legal issues surrounding the use of jailhouse informants.

The PBS documentary series *Frontline* produced an excellent documentary on jailhouse informants entitled *Snitch*. The website associated with the documentary contains much valuable information; it can be found at www.pbs.org/wgbh/pages/frontline/shows/snitch. A superb report on jailhouse informants, "The Snitch System," was developed by the Northwestern University School of Law Center on Wrongful Convictions. The report describes in detail the contribution of false "snitch" testimony to the wrongful convictions.