

Case 6

In 1967 Rubin "Hurricane" Carter, then a strong contender for the middleweight boxing championship, was convicted with a co-defendant, Mr. John Artis, of murdering a bartender and two patrons in a sudden attack of gunfire on a tavern in Patterson, New Jersey. After a twenty year legal struggle, Mr. Carter and Mr. Artis had their convictions overturned. This struggle is the subject of a recent film entitled *The Hurricane*, starring Denzel Washington, and directed by Norman Jewison.

At the trial of Mr. Carter and Mr. Artis in 1967 the prosecution introduced no motive. The only witnesses who testified for the prosecution were two petty criminals, who admitted to having committed a burglary near the scene of the crime, and claimed to see Mr. Carter and Mr. Artis emerge from the scene of the crime holding guns. Sentenced to life imprisonment, Mr. Carter undertook relentless efforts to overturn the conviction. In 1973 he was able to secure the help of a lawyer in the New Jersey Public Defender's Office and a free lance journalist, who continued the search for evidence. In 1974 the attorney, and a reporter for the New York Times tracked down the two petty criminals, who separately recanted their testimony, claiming they had been pressured into it by the prosecutors. Mr. Carter's case became an international cause celebre, with Bob Dylan writing and performing a song about it.

The New Jersey Supreme Court overturned Mr. Carter's and Mr. Artis' convictions. After only ninety days of freedom, however, in 1976 the prosecution brought the case to trial again, this time contending that Mr. Carter and Mr. Artis, who are both African-American, had been motivated by racial vengeance. The murders in the tavern had occurred only shortly after an African-American tavern owner in Patterson, New Jersey had been killed by a white assailant. One of the petty criminals from the original trial took the stand again and recanted his recantation. Mr. Carter and Mr. Artis were reconvicted and returned to prison.

Although the international attention to the case faded, the lawyers who represented Mr. Carter and Mr. Artis at the second trial continued to work on their behalf for over ten years without pay, eventually unearthing key evidence that the prosecution had suppressed at the second trial. During this period a commune of social activists from Canada became interested in Mr. Carter's case and established communication with him. The commune members provided Mr. Carter important emotional, moral, and financial support to continue the struggle to gain his freedom. In 1985, after nine years of unsuccessful appeals in State court, Mr. Carter's attorneys persuaded a federal judge to overturn Mr. Carter's and Mr. Artis' convictions. In 1988 the U.S. Supreme Court upheld the decision of the federal judge.

Film makers have always taken dramatic license by simplifying history, and even conflating characters and events for narrative purposes, while striving to retain the essential truth with respect to the subject matter of a film. This is often difficult. In *The Hurricane* Mr. Carter's and Mr. Artis' two trials are compressed into a brief courtroom scene. No mention is made of the testimony of the two petty criminals. The film leaves Mr. Artis almost completely out of the story even though, in reality, with great moral heroism, he defiantly rejected an offer to avoid a long prison sentence by falsely incriminating Mr. Carter. The *Hurricane* depicts members of the Canadian commune as uncovering vital evidence. In

reality, although the commune members did useful para-legal work, as noted above, Mr. Carter's attorneys unearthed the critical evidence that lead to the setting aside in federal court of Mr. Carter's and Mr. Artis' convictions. In *The Hurricane* there is a racist detective intent on keeping Mr. Carter behind bars, who, in one dramatic scene, almost succeeds in causing the deaths of several commune members. All of this was purely fictitious. There was no actual person corresponding to the racist detective in the film.

Question: Were the decisions made by the makers of the film *Hurricane*, in connection with telling the story of Rubin Carter's struggle for freedom, morally objectionable, specifically in not including certain true details of the story, and adding certain fictional elements to the plot? If so, why? If not, why not?