

Garden State CLE Presents:



Perry Mason's America

Instructors:



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Lesson Plan

Meet the creator



Erle Stanley Gardner

(1889 – 1970)

Dropped out of law school and qualified for the California bar exam by way of a clerkship, a common practice in the early part of the century.

He began writing fiction at night following his day in court. As he became more prolific, he would dictate his novels.

The first Perry Mason book was published in March 1933, “The Case of the Velvet Claw.”

These and other early works were made into movies by Warner Brothers. This was followed by a radio show (1943) and even a comic strip (1950-52)

The iconic Perry Mason TV show began in 1957 and ran on CBS for 9 seasons.

Mr. Gardener was actively involved in the initial production and personally selected Raymond Burr for the lead.

There were 271 episodes, all filmed in black & white, except for one.

Gardener’s philosophy was best expressed in an interview where he stated:

There are two classes of people who automatically enjoy poor public relations: the attorney at law and the mother in law. Perry Mason represents a member of the legal profession who is fighting for human rights and liberties. I am hoping people who see him on TV will learn to appreciate the importance of the law and the necessity for fearless, intelligent lawyers who are, above all, primarily loyal to their clients.

The premise of the show

Virtually every one of the 271 shows follows the identical format:

Perry Mason always believes in the innocence of his client, a person with whom he develops an attorney-client relationship before the homicide crime occurs.

The crime in each episode is murder;

The murders are highly sanitized typically by firearm or stabbing) and involve unlikeable adult victims. There are never any companion crimes involved such as sexual assault, kidnapping, torture and the like.

The evidence of guilt is circumstantial and highly persuasive, generally involving finger prints, hair samples, blood, motive and lack of credible alibi.

The each plot takes on all the characteristics of a murder mystery as the audience is exposed a large number of potential perpetrators.

Perry Mason's courtroom skills, preparation and investigation of the case will invariably trigger a confession in open court from the real perpetrator.

From the opening credits in the show, the body language of Perry Mason portrays him as confident, intelligent, well-prepared and as an effective advocate.

Perry Mason's America

It is important to remember when analyzing the version of America that is portrayed in Perry Mason was intended to attract the largest audience possible. This audience skewed to higher income due to the subject-matter of the program.

In point of fact, the America portrayed in Perry Mason had nothing to do with the reality of life and the inhabitants in our nation in the era 1957 to 1966.

In the Perry Mason program:

There were no religious, racial or cultural minority people ever portrayed as defendants, witnesses or in any other capacity. All the characters are portrayed as having conventional Anglo-Saxon names.

The women portrayed are all young, thin, well dressed, beautiful and, on occasion, evil. They all wear some form of head cover while attending court sessions

The men are generally well-educated and wealthy. Lower and middle class people are almost never involved as defendants. They are always well-dressed for court.

Each episode ends with the exoneration of the defendant and a confession by the guilty party. The television and movie standards of the era did not allow for a criminal to go unpunished. This is one of the reasons why the 1959 classic film "Anatomy of a Murder" was so controversial.

Everyone, including Perry, is smoking, all the time. This is especially true in the case of investigator Paul Drake.

The utter lack of modern conveniences such as cell phone, computers and current day law enforcement tools such as DNA and surveillance cameras are stunning.

On the plus side:

The episodes give us an opportunity to view:

What we now consider to be classic (and often priceless) American cars of the era;

A large cohort of fledgling actors who went on to great stardom (e.g. Robert Redford, Lee Van Cleef, and television actors who years later played iconic roles such as Batman, Commissioner Gordon, Uncle Fester, the Captain on Gilligan and many others. Of particular interest was the Judge played by Kenneth MacDonald, a star of numerous Three Stooges short features.



In the courtroom

It is important to note that much of the Perry Mason series was produced in the early days of the Warren Court. Apart from the 1954 decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), the most significant criminal procedure cases of that era were yet to come in 1957. These would include:

- Mapp v. Ohio, 367 U.S. 643 (1961)**
- Miranda v. Arizona, 384 U.S. 436 (1966)**
- Gideon v. Wainwright, 372 U.S. 335 (1963)**
- Brady v. Maryland, 373 U.S. 83 (1963)**
- Escobedo v. Illinois, 378 U.S. 478 (1964)**
- Terry v. Ohio, 392 U.S. 1 (1968)**
- Katz v. United States, 389 U.S. 347 (1967)**

Perry Mason never discusses legal fees and expenses with his clients.

Attorney-client confidentiality is often overlooked as guards are present during jail house interviews or third parties wander into Perry's office during discussions with a client.

Witnesses are never sequestered – this allows the viewer to see their reactions to the evidence as it is presented.

Forensic scientific reports are permitted in evidence as hearsay without any need to call the scientist. *Crawford v. Washington*, 541 U.S. 36 (2004).

Each case is resolved by way of a confession of the guilty party, usually in open court from the witness stand or the gallery.

Legal wrangling between Perry Mason and the prosecutor often involves highly charged, emotional legal arguments that are entertaining but legally insignificant. On the other hand, obvious objections as to hearsay, questions that are argumentative, irrelevant evidence, lack of evidence authentication, failure to establish a foundation and the like are seldom made.

During Perry's cross-examinations, he often asks the witness "why" or permits the witness to answer the question with another question or a protest. He propounds multiple part questions to witnesses and gives them no opportunity to answer. He also engages in argumentative questioning.

Perry Mason's exposure of skills in the courtroom is extremely limited. He is never shown:

Giving an opening statement to a jury;

Making closing argument to a judge or jury;

Engaged in a motion to suppress evidence or other pretrial motion practice;

Plea bargaining.

In the vast majority of the cases, the court events portrayed in each show will be part of a preliminary hearing where the judge will determine if there is sufficient evidence to bind the defendant over for trial by way of "an information."