Convicted for Wearing Black: Perceptual Errors and the West Memphis Three

With no warning, at seventeen years old you are abruptly taken from home and into police custody for the murder of three young boys. Despite claiming innocence, the public has formed a stance against you under the premise the act was committed as a satanic ritual, a “fact” presented by media and other public figures; the only supporting evidence against you is that you listen to rock music and wear black clothing. Due to the conviction, you spend the rest of your youth to mid-adult years sitting on death row. To many this sounds like a nightmare, but to three young men in 1994 in West Memphis, Arkansas, this was reality. While the story of the West Memphis Three is a story of judicial injustice, it also serves as a cautionary tale about the dangers of perceptual errors and the role public media plays in perpetuating these distortions of judgment.

Humans have an innate draw to understand the world, causing them to observe and analyze information around them through a process called social perception. However perceptions can become greatly skewed when judgment is drawn too quickly about an event. This distortion of judgment is also known as a perceptual bias, which affects the entire perception and attribution process as seen with Damien Echols.

A broody teenager, Echols was the main suspect in the West Memphis murder trials. As described by chief investigator, Gary Gitchell, Echols acted strangely, wore black clothing, and stood out overall from the rest of the community. Though seemingly harmless, these are characteristics that fueled a perceptual bias, called the Halo-Horns Effect. This bias is established within the first stage of the perception process called the attention stage when attention to an object, event, or person is first established. The Halo-Horns Effect bias occurs when a general

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impression of one characteristic becomes the central factor upon which all other information is interpreted. These factors for Echols were his choices in black clothing and rock music. Living in a small religious town, these choices carried negative connotations which led people to form a negative impression of Echols. Once a “Horns Effect” had been established, it was easier to attribute other negative qualities to Echols, whether or not these qualities were true. At the time the police had determined that due to the nature of the crime, the murders were committed as part of a satanic ritual, but did not have a suspect or a motive. Since Echols was already perceived as a negative character in the community for his personal choices, the police used this as evidence to believe that the young man was a Satan worshipper who was also capable of murder. This image of being a “killer devil worshipper” was presented by the police and the media to the community, which would affect the outcome for Echols and the two other boys arrested with him.

Throughout the course of the trials, thousands of stories of the murders had been broadcasted on news channels, with one news station airing one-hundred and thirty-four stories alone. The negative images of the suspects presented by police were constantly being covered by the media, which began shaping the community’s perception of the young men. Experts report that such media coverage plays a role in wrongful convictions. Lonnie Soury, spokesman for Echols and founder of FalseConfessions.org, says his experience with trials ending in wrongful convictions involved contribution from the media from an early stage. He states that “it starts off with hysteria. A horrific crime has been committed. Three young boys are slain and the story shocks...

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the sensibility of the community. Often, journalists, who are part of that community, will report the most lurid details of the crime and the information presented to them by police and prosecutors.\(^5\) This is seen when a transcript of the false confession from one of the suspects Jesse Misskelley, describing the murders in gross detail, was published in a local newspaper. Coming from a local news outlet, a known credible source of information, the community believed this confession was true. However instead of reporting accurate facts, the media was perpetuating the distorted image of the boys the police had established as result of the Horns Effect bias. “The people bought into the propaganda the West Memphis police department put forth [that they were] ‘devil worshippers’… they got on that bandwagon and everyone jumped on the bandwagon and it was hysteria,” John Mark Byers, stepfather of one of the victims, said\(^6\).

This presented a great problem in the courtroom for the defense team. Though Misskelley later recanted his false confession, that damage had already been done. According to FalseConfessions.org, “studies of proven false confessors have shown that, even in cases involving confessions later proven to be false, juries convict in 73-81% of the cases.”\(^7\) Jurors’ perception had been so greatly swayed by constant news media that by the time came for hearings they too had already established a bias against the young men. This caused them to focus only on information that supported their distorted perception, leading them to believe that the young men were guilty of the crime.

West Memphis was in panic over the possibility of a murderer being on the loose and the police felt the pressure to find those responsible to bring peace of mind to the community. It was this pressure that led police to find closure of the situation prematurely, resulting in a perceptual

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6 As quoted in the film Paradise Lost 3 Purgatory
error- a bias against Echols. They emphasized the negative impression of Echols to the media, and in turn to the community. The police department presented themselves as confident in the case they had developed against the young men. Gitchell stated at a press conference they were at “eleven” out of a confidence scale of one-to-ten\(^8\) they found who was responsible for the crime despite the only real evidence being that Echols wore black and listened to rock music. Presenting themselves as confident allowed the community to put their trust in the police and that they found those responsible for the crime. Leaking information angled in a bias manner against the accused, such as the transcript of the false confession, helped manipulate public opinion as well. The media ran with this information to the community, helping enforce the idea that these young men were murderers. Years later the police department has maintained their confidence in the conviction of the three boys despite mounting new evidence they were wrongfully convicted\(^9\). Maintaining confidence is crucial for upholding the credibility of the department. The prosecutors have also tried to protect themselves from a retrial by explaining to the Federal Court that a retrial would be mocking the finality of the law. The last attempt at protecting their credibility came in offering the three men an Alford Plea, meaning they could maintain innocence but plead guilty to the crimes in exchange for getting out of jail. If the court had reason to believe these men were murderers, they never would have offered this plea.

While the “Horns Effect” bias served a major role in the police attributing the crime to Echols, another bias made it easy for the young man to be hated by the community. People have a natural draw to those who are similar to them, as well as a natural repulsion against those who are

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\(^8\) As displayed in the film *Paradise Lost 3 Purgatory*

\(^9\) When asked if he would go back and change his answer to how confident he was about the case against the young men, Gitchell replied he would not.
different. This is the called the “similar to me” bias. Echols stood apart from the rest of the community, causing others to view him as different, and as a result, disliked. When Echols became the main suspect in the murders, it was then easy for others to turn on him. If someone who appeared similar to them was arrested, it might have been harder to convince others that the individual committed the crime under the thought process “I would never do that, and they seem similar to me so it can’t be true.” Since Echols appeared vastly different than the majority, it was easier for them to believe he committed the crime and in turn, making it easy to hate him.

Observing and analyzing external information requires a complex cognitive process, which is subject to many errors. While perceptual errors may not carry such dramatic consequences in day-to-day life, it can make the difference between a life or death sentence in the courtroom as seen in West Memphis. The wrongful conviction of three young men illustrates the danger when powerful public figures, such as the police and the media, start operating on a bias. It is then that these biases start infiltrating the community forming public opinion. While the media played a contributing role in putting the young men in jail, years later, it played a huge role in getting the young men out through publicity about documentaries of the event in West Memphis. Those who were once convinced justice was served began to change their perception once the young men were portrayed as they really were through unbiased eyes, once again illustrating the impact media has on the formation of public opinion.

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References

<freedocumentary.tv>.


Matthews, Gerard. "Media Coverage of Wrongful Convictions Shows Distinct Pattern."  

Nahavandi, Afsaneh, Robert B. Denhardt, Janet V. Denhardt, and Maria P. Aristigueta.  