

1-1-1998

## The media's coverage of jury trials

Gregory M Smith

*University of Nevada, Las Vegas*

Follow this and additional works at: <https://digitalscholarship.unlv.edu/rtds>

---

### Repository Citation

Smith, Gregory M, "The media's coverage of jury trials" (1998). *UNLV Retrospective Theses & Dissertations*. 873.

<http://dx.doi.org/10.25669/7zpf-hyvq>

This Thesis is protected by copyright and/or related rights. It has been brought to you by Digital Scholarship@UNLV with permission from the rights-holder(s). You are free to use this Thesis in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself.

This Thesis has been accepted for inclusion in UNLV Retrospective Theses & Dissertations by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact [digitalscholarship@unlv.edu](mailto:digitalscholarship@unlv.edu).

## INFORMATION TO USERS

This manuscript has been reproduced from the microfilm master. UMI films the text directly from the original or copy submitted. Thus, some thesis and dissertation copies are in typewriter face, while others may be from any type of computer printer.

**The quality of this reproduction is dependent upon the quality of the copy submitted.** Broken or indistinct print, colored or poor quality illustrations and photographs, print bleedthrough, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send UMI a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

Oversize materials (e.g., maps, drawings, charts) are reproduced by sectioning the original, beginning at the upper left-hand corner and continuing from left to right in equal sections with small overlaps. Each original is also photographed in one exposure and is included in reduced form at the back of the book.

Photographs included in the original manuscript have been reproduced xerographically in this copy. Higher quality 6" x 9" black and white photographic prints are available for any photographs or illustrations appearing in this copy for an additional charge. Contact UMI directly to order.

# UMI

A Bell & Howell Information Company  
300 North Zeeb Road, Ann Arbor MI 48106-1346 USA  
313/761-4700 800/521-0600



## **NOTE TO USERS**

**The original manuscript received by UMI contains pages with slanted print. Pages were microfilmed as received.**

**This reproduction is the best copy available**

**UMI**



**The Media's Coverage of Jury Trials**

by

**Gregory M. Smith**

**Bachelor of Arts  
University of Nevada, Las Vegas  
1986**

**A thesis submitted in partial fulfillment  
of the requirements for the degree of**

**Master of Arts**

in

**Criminal Justice**

**Department of Criminal Justice  
University of Nevada, Las Vegas  
May 1998**

**UMI Number: 1390810**

---

**UMI Microform 1390810**  
**Copyright 1998, by UMI Company. All rights reserved.**

**This microform edition is protected against unauthorized  
copying under Title 17, United States Code.**

---

**UMI**  
**300 North Zeeb Road**  
**Ann Arbor, MI 48103**

**@ 1998 Gregory M. Smith  
All Rights Reserved**





## Thesis Approval

The Graduate College  
University of Nevada, Las Vegas

May 4, 1998

The Thesis prepared by

Gregory M. Smith

Entitled

The Media's Coverage of Jury Trials

is approved in partial fulfillment of the requirements for the degree of

Master of Arts

Examination Committee Chair

Dean of the Graduate College

Examination Committee Member

Examination Committee Member

Graduate College Faculty Representative

## ABSTRACT

### **The Media's Effect and Coverage of Jury Trials**

by

Gregory M. Smith

Dr. Richard McCorkle, Examination committee Chair  
Professor of Criminal Justice  
University of Nevada, Las Vegas

This thesis explores the nature and extent of the print media's coverage of jury trials. A content analysis was conducted on the Los Angeles Times from 1973 to 1995, examining both overall trends in jury coverage and the extent and nature of that coverage before and after several high-profile jury trials. The findings of the content analysis validated the belief that the print media, by and large, provides to the public what the public is most interested in reading about. That interest, is unpredictable at best. It fluctuates from criminal trials of celebrities, to the sexual past of the President of the United States, and just about any other subject in between.

## TABLE OF CONTENTS

ABSTRACT .....	iii
LIST OF FIGURES .....	vi
ACKNOWLEDGMENTS .....	vii
CHAPTER I: INTRODUCTION .....	1
CHAPTER II: LITERATURE REVIEW .....	5
A.    Evolution of the Jury System .....	5
B.    Jury System in Contemporary America .....	10
C.    Criticisms of Jury System .....	13
D.    Media Coverage of Jury Trials .....	18
CHAPTER III: RESEARCH DESIGN AND METHODS .....	30
A.    Objectives of Study .....	30
B.    Research Design .....	30
C.    Methods and Procedures .....	36
D.    Operationalization of Concepts .....	37
CHAPTER IV: RESEARCH FINDINGS .....	40
A.    Extent of Media Coverage .....	40
B.    Nature of Media Coverage .....	42
1.    Smith Trial .....	43
2.    King Case .....	49
3.    Simpson Trial .....	56
4.    Menendez Trial .....	64
CHAPTER V: DISCUSSION AND CONCLUSIONS .....	72
A.    Major Findings .....	72
B.    Limitations .....	80
C.    Suggestions for Future Research .....	81

REFERENCES .....	83
VITA .....	86

## LISTS OF FIGURES

FIGURE 1 .....	41
FIGURE 2 .....	44
FIGURE 3 .....	45
FIGURE 4 .....	51
FIGURE 5 .....	52
FIGURE 6 .....	58
FIGURE 7 .....	59
FIGURE 8 .....	66
FIGURE 9 .....	67

## LISTS OF TABLES

TABLE 1 .....	47
TABLE 2 .....	48
TABLE 3 .....	48
TABLE 4 .....	49
TABLE 5 .....	54
TABLE 6 .....	54
TABLE 7 .....	55
TABLE 8 .....	55
TABLE 9 .....	62
TABLE 10 .....	63
TABLE 11 .....	63
TABLE 12 .....	64
TABLE 13 .....	69
TABLE 14 .....	69
TABLE 15 .....	70
TABLE 16 .....	70

## ACKNOWLEDGMENT

I would like to acknowledge those individuals who assisted me in completing my thesis. They are as follows: the Chairperson of my Thesis Committee, Richard McCorkle, Ph.D, Examining Committee Members, Chris Drass, Ph.D; and Terry Meithe, Ph.D, Graduate Faculty Representative, William Thompson, Ph.D and the Dean of the Graduate College, Joseph Smith, Ph.D.

I would also like to acknowledge the following for their assistance, cooperation and encouragement: the State Of Nevada, Office of the Attorney General; Dorinda A. Hollenbeck, Deputy Chief of Investigations; Ernesto J. Capiral, Information Systems Specialists II; Venita J. Smith; and Claudia Smith-Parker.

## CHAPTER I

### INTRODUCTION

Trials have been the ultimate means to resolve disputes in American society from Colonial times to the present. Trials have also been a prime source of popular entertainment, public ritual, and real-life human drama. In-person and through the news media, Americans have flocked to courtrooms to be titillated, scandalized, uplifted, inspired, educated, and just plain amused. Before the age of mass communications, the local courthouse provided one of the few diversions available to a largely rural population. Indeed, judges, preachers, and editorial writers have so long and frequently denounced the “circus-like” atmosphere prevailing at many locally or nationally celebrated trials that the phrase has become a cliché of courtroom journalism. In more recent times, real and fictional trials have become a staple of movie producers and television programmers. Today, cable television’s Court TV network enables trial junkies to perpetually indulge themselves without ever changing the channel.

As compelling as trials may be as a drama, they fill a far more serious purpose in our society: they offer a mechanism for maintaining public order when one person, or other legal entity such as a corporation, violates the legally protected rights of another person or society at large. In this sense, a trial fulfills the human need for retribution, providing even the losing side with a sense that he or she at least has had an opportunity to air grievances, or has had his or her "day in court." Trials, therefore, are the central focus of American jurisprudence (Christianson 1994, Xli-Xlii).

The jury system, our substitute for trial by ordeal, has been venerated over the centuries by respected authorities. To William Blackstone, the great English legal commentator of the eighteenth century, the jury was a "palladium of liberty," Jefferson called it a "touchstone" ensuring our peace and safety. More recently, the British jurist Patrick Devlin has described the jury system as the "lamp that shows that freedom lives" (Abramson 1994, p. 52).

Trial by jury represents the best and worst of democracy. Jurors in Athens sentenced Socrates to death for religious crimes against the state, but in England jurors went to prison themselves rather than convict the Quaker William Penn. Juries convicted women as witches in Salem, but they resisted witch hunts for communists in Washington. Juries in the American South freed vigilantes who



lynched African-Americans, but in the North they sheltered fugitive slaves and the abolitionists who helped them escape. One jury finds the Broadway musical "Hair" to be obscene, another finds Robert Mapplethorpe's photographs to be art. The names of the Scottsboro Boys and of Emmett Till, Viola Liuzzo, Lemuel Penn, and Medgar Evers mark the miscarriages of justice perpetrated by an all-white jury system that was democratic in name only. The names of John Peter Zenger, John Hancock, Angela Davis, Father Philip Berrigan, and the Oakland Seven mark the courage of jurors willing to protect dissenters from the orthodoxies of the day. In short, the drama of trial by jury casts ordinary citizens as villains one day, heroes the next, as they struggle to deal justly with the liberties and properties-sometimes even the lives-of their fellow men and women.

Today, the jury continues both to attract and to repel us precisely because it exposes the full range of democratic vices and virtues. No other institution of government rivals the jury in placing power so directly in the hands of the citizens. Hence, no other institution risks as much on democracy or wagers more on the truth of democracy's core claim that the people make their own best governors (Hans & Vidmar 1982, pp. 102-103).

In recent years, the jury system has been the focus of considerable debate. Hours after the jury on the O.J. Simpson trial found him not guilty, rumblings

regarding a change in the jury system began to spread. Reform was called for in the electronic media by the families of Nicole Brown and Ronald Goldman, the two victims Simpson was alleged to have murdered in a jealous rage. "Experts" in the field of criminal justice were called upon by members of the electronic media to discuss what type of changes could or should be made within the court system to avert another such "miscarriage of justice." As will be examined later in this paper, the print media was believed to have followed the course of the electronic media in seeking changes to the jury system.

In this study, the extent of print media coverage of jury trials over the past two decades is examined. In addition, the coverage of several high profile jury trials is also closely examined.

## **CHAPTER II**

### **LITERATURE REVIEW**

The first section of this chapter is an overview of the evolution of the jury system. The second section explores the current jury system in the United States. The third section of this chapter addresses some of the recommendations for changes in the jury system. The fourth and final section of this chapter focuses on the nature and extent of the media coverage of jury trials.

#### **A. EVOLUTION OF THE JURY SYSTEM**

The roots of the jury may be found in both civil and criminal inquiries conducted under old Anglo-Saxon law. In cases of a property dispute, the contending parties might summon witnesses to testify about the validity of the claims.

In criminal cases, groups of individuals were also summoned to be witness to facts. About 997 A.D. King Ethelred set forth a law requiring that prominent persons in various regions of the realm be summoned to court to tell about any crimes in the community. These persons were forced to take an oath that they would accuse no innocent person or conceal a guilty one. These witnesses were

similar to compurgators in civil cases because they testified under oath about their knowledge of criminal activity and about the character of accused persons.

However, their role in the legal process was more similar to today's grand jury than the petit, or trial, jury. Their testimony only confirmed the validity of an accusation; it was not proof of guilt.

Prior to William the Conqueror (1066 AD.), the jury as we know it did not exist. However, the practice of compurgation in which twelve or more peers took oaths in the court does have some elements of similarity to today's jury.

As the Middle Ages drew to a close, there were developments on other fronts. As has been seen, initially some or all of the jurors were chosen from the presenting jury because they were considered to have some knowledge of the case.

Some time later, witnesses other than those on the jury were questioned at trials. While this practice was at first a rather informal part of a trial, it gradually became more frequent and more formal. Eventually, the jury's decision became based less and less on its own knowledge than on the evidence presented before it. In short, juries became finders of the facts rather than providers of the facts, just as are today's juries.

A related development was the gradual discontinuance of the practice of punishing jurors for bringing in what the court considered a wrongful verdict. As

jurors became increasingly dependent on the evidence produced by others, it became obvious that a “wrong” decision was probably due to an honest error in judging the facts, not dishonesty on the part of jurors. Of course, in political trials such as William Penn, the jurors’ “responsibilities” were viewed in a more serious manner. It was not until after juror Bushell won his case that jurors became truly immune to legal sanctions concerning their verdicts. At no time, however, was the jury viewed as anything but an instrument of the court and the judge. If a jury did not reach the desired verdict, a new trial in front of a different jury could be ordered (The notion of double jeopardy as found in the U.S. Bill of Rights developed much later).

Ideas about jurors being representative of the community also underwent change. Originally, when jurors were considered to be witnesses, it made sense that they should be from the community in which the alleged incident took place. Only community residents would have knowledge bearing on the case.

As the jury developed into a body of impartial fact-finders, community residence was no longer so important. However, one rationale developed. It was argued that the jurors should be from the county in which the incident took place, so that the jury could express the opinions of the community about a fair and proper verdict. This requirement, nevertheless, led to some interesting anomalies

of justice. Due to quirks of ancient surveying practices, certain roads, bays, creeks, and harbors did not fall within any county. As late as 1536, crimes committed in those areas could not be tried by jury. Until 1826, pickpockets in stage coaches could only be tried in the county where it was assumed the actual theft took place as the stage coach rolled through the countryside. In 1856 a law was passed to allow a change of venue to a new county if it was believed the jury would not be impartial. Interestingly, it was usually the Crown that applied for the change when it believed the local jury would not convict; today, most applications for a change of venue are made by the defense. The notion of a jury of one's peers and of an impartial jury also developed during this period.

When the English Colonists arrived in the New World, they brought part of their homeland with them. The British way of thinking and acting remained basically the same, albeit modified by circumstances and wild and primitive nature of the new country. Retention of the old English institutions was one way of preserving a base of security in the midst of Indians and strange forests.

The jury was one of the institutions preserved. In each colony, the administration of justice became an important facet in the life of the community, although circumstances sometimes necessitated variations. In western Massachussets in 1638, twelve fit men could not be found to serve on a jury (the

rest being either working, ill, or needed for defense), and it was agreed by the colonists that juries of six would be sufficient to serve on minor matters, such as debt involving small amounts of money and similar disputes (Bloomstein 1968, pp. 21-24).

The First Continental Congress, convening in October of 1774, declared:

That the respective colonies were entitled to the common law of England, and more especially the great and inestimable privilege of being tried by their peers of the vicinage [neighborhood], according to the course of that law; that they were entitled to the benefit of such of the English statutes as existed at the time of their colonization and which they had by experience found to be applicable to their several local and other circumstances; that they were likewise entitled to all the immunities and privileges granted and confirmed to them by royal charter, or secured by their several codes of provincial laws.

It was some time after the Revolution, that a Federal Constitution as we know it, was approved. Prior to the enactment of the Constitution, the states had agreed to Articles of Confederation, which did not mention jury trials at all. In the meantime, most of the new states created state constitutions which, in one form or another, all guaranteed trial by jury.

As land and new territories were acquired, greatly increasing the size of this nation, Congress exercised domination over the new tracts. Governors were appointed in each area, who then set up a Supreme Court for the territory and various district courts. Juries went hand-in-hand with the new courts common-law juries, twelve in number, with unanimity of verdict required.

As each territory was admitted as a state, it acquired all the rights of the original thirteen states. Each state drew up a Constitution, in one form or another, and each guaranteed the right to trial by jury. The only state that did not was Louisiana, and it provided for this by legislation (Louisiana did not have this English heritage of the jury system, it having been governed by France before it was acquired by the United States) (Bloomstein 1968, p. 25).

## **B. JURY SYSTEM IN CONTEMPORARY AMERICA**

The specifics of trial by jury, of course, varied from state to state. For all of the foregoing, it can be seen that the United States of America emerged with a jury system comparable to and in direct extension of the English jury. Variations there were, but it was determined at the very beginning that the jury was to be the American way of judicial determination. Although not always used, the twelve men in the jury box became the cornerstone of our judicial process (Bloomstein 1968, p. 30).

Today, It should come as no surprise that in the fifty states of the Union, there are fifty variations of laws affecting the right to a jury trial. No two are alike. Though lack of conformity by the states is a problem, the right to a jury trial is a flourishing system with broad application, held sacred and indefeasible in most instances. Although hedged here and there with certain restrictions, it has



retained its place as one of the best of the people's safeguards (Bloomstein 1968, p. 38).

Even though every person accused of a crime has the right to a trial, very few exercise that right. According to the National Center for State Courts (1988), only 2.9% of all criminal cases ever go to trial (not all states participated in the study or keep records regarding jury trials). The reasons most defendants waive their rights to a trial obviously vary from defendant to defendant. However, one major reason that leads to many others, is the lack of finances by the defendant.

The issue of finances first comes into play when the defendant is arrested. If an individual cannot afford bail, he or she is forced to remain in jail, until their initial appearance before a judge. If at the initial appearance the defendant still cannot afford bail, he or she will be forced to remain in custody until their case goes to trial. The period of time from the initial appearance to the actual trial can be from a couple of weeks to a couple of months. One can see clearly why the desire to go to trial is not easily acted upon by most defendants. It is at the initial appearance that the defendant must inform the judge if he or she can afford their own attorney. Once again the issue of finance comes into play.

A defendant who cannot afford his or her own attorney is appointed one by the court. The defendant's court-appointed attorney (the public defender), is

confronted with the task of having to give each case the attention that the defendant's feel they are entitled to receive. The task of keeping the cases flowing through the court system also becomes a challenge for the public defender. The first task is subjective at best, depending upon the demands of the defendant. The second tasks can be accomplished, though not always to every interested party's satisfaction, through the use of plea bargaining.

The plea bargaining process begins when the public defender and the prosecuting attorney discuss the merits, costs, and time involved in putting on a trial. If the attorneys cannot agree on a plea bargain, the judge in whose court the case will be tried, will study the merits of putting on a trial, and often step into the plea negotiations. The process is completed when the defendant agrees to plead to a reduced charge as set forth and agreed upon by the defense and prosecuting attorneys, and also the judge. All involved parties, with the exception of the defendant, are attempting to keep the flow of cases moving in court and avoid a trial at all costs.

The reasons for the use of plea bargaining are many. One reason could be that the defendant is afraid that he or she will face a more severe sentence should the jury return a guilty verdict. Another reason could be that either the prosecuting attorney or the defense attorney does not have a strong case. Still yet another

reason for the use of plea bargaining could be that the judge believes either the prosecutor or the defense attorney does not have a strong case. There are many other possible explanations for the use of plea bargaining as an avenue for adjudicating cases before they go to trial, this paper has attempted to touch on just a few of them.

### **C. CRITICISMS OF THE JURY SYSTEM**

One major criticism of the jury system as it exists today is that often times the composition of the jury does not represent the defendant's "peers." This criticism is echoed in a text titled Judging the Jury (Hans & Vidmar 1986).

Supporters of the representative jury argue that a jury composed of individuals with a wide range of experiences, backgrounds and knowledge is more likely to perceive the facts from different perspectives and thus engage in a vigorous and thorough debate. This point was made by Richard Cloward, a Columbia University sociologist, in his testimony at a jury challenge in the 1970 trial of Black Panthers Bobby Seale and Ericka Huggins. The two were charged with murdering a police officer in Oakland, California.

Cloward argued:

A white juror sitting in a jury box listening to the testimony of a black witness would sift and evaluate and appraise that testimony through a screen of preconceived notions about what

black people are. Now, some of those notions may be based in fact... and some may be notions that have some relation to the fact but are greatly exaggerated, and still others of those screening biases or notions may be completely contrary to the fact. None of these things would be as likely to be true of a black juror listening to and appraising and judging the same testimony. The black juror, because of more similar life experiences to the black witness would it seems to me, appraise that testimony from a distinctively different life experience in the world.

The authors of Judging the Jury, (Hans & Vidmar 1986) write that while they want the community's voice to be represented, they do not want a jury to include people who are so biased that they cannot evaluate a case fairly. The fear of biased jurors leads to another criticism of the jury system and that is the use of voir dire.

The voir dire process presents an opportunity to learn about existing prejudices on the part of the prospective jurors. During this process, the trial judge and/or attorneys ask questions of prospective jurors to determine their qualifications for jury service, their knowledge of the defendant and the case, and attitudes toward issues or individuals in the case that could bias their views of the trial evidence (Klaven & Zeisel 1963, p. 60). On the basis of prospective jurors' responses to these questions, the trial judge may determine that they would have difficulty being fair and impartial jurors, and may dismiss them with a challenge for cause.

Hans & Vidmar argue that through the use of the voir dire practice and peremptory challenges - the right of a lawyer to challenge and remove a prospective juror without giving any reasons, many jurors with biases can be weeded from the system. The criticism comes about when deciding who should be allowed to question potential jurors.

Evidence favoring lawyer voir dire comes from a study undertaken in a federal district court which, until then, had permitted only judge questioning. In the experiment, when lawyers were allowed to be in charge of the voir dire, the judges agreed that this was an improvement over the prior system in 19 cases; somewhat helpful in 6; and not helpful in 11. Plaintiff lawyers and prosecutors approved lawyer voir dire, in the same experiment, by a 15 to two count, and defense attorneys by 12 to three (Guinther, 1988 p. 104). Guinther writes that if we conclude - as we should - that lawyer-conducted voir dire is, in terms of serving the prime purpose, the preferable method in curtailing the selection of biased jurors, this does not mean that lawyers are always going to be more successful than judges in discovering biases. Time limitations on interrogation, which are sometimes imposed, may not allow for lengthy probing by the lawyers that could lead to revealing replies. Moreover, although prospective jurors may be less frightened of lawyers and less likely to tailor their replies to them than they

would to a judge, they are, nevertheless, in a situation in which they have to answer questions posed by a stranger with other strangers listening to their replies, hardly the ambiance in which people are likely to reveal their innermost thoughts or prejudices. Lying, not so much out of malice as out of a desire to come up with an acceptable answer, can be commonplace, as when a Venice member will piously assert that he or she knows absolutely nothing about the case which has been headline news for weeks (Guinther 1988, p. 105).

Guinther goes on to write that while it is undoubtedly true that people do not forget their prejudices just because they become jurors, events within the trial and deliberation process act as reductive factors. The solemn oath that all jurors take to be impartial in the matter before them can hardly be without some impact on many of them (Guinther 1988, p. 106).

Perhaps the reason why several studies have failed to find obvious instances of prejudice during deliberations is that the biased juror does not want to express such views in front of strangers; and there is even some indication that bias can act as an anti-factor when the juror recognizes it in himself or herself and compensates by favoring the side which the bias, in prospect, would be expected to harm (Guinther 1988, p. 107).

The size of juries is a third criticism often mentioned in the discussion of the current jury system. It has been suggested, the number of jurors required for criminal misdemeanor trials be reduced from twelve to eight. Proponents of this idea state that costs incurred by the judicial system on all levels (local, state and federal), would be greatly reduced.

A fourth criticism of the jury system is that unanimous verdicts are unnecessary. Proponents of this idea believe that an 11-1 verdict in felony cases, except those where punishment may be death or life imprisonment, would allow cases to be adjudicated at a much higher rate of speed. It is also believed that the chances of a having a hung jury would be lessened. Once again, economics come in to play. In order to retry an individual, a prosecutor must weigh the cost to be incurred versus the “greater good of society.”

Many other criticisms have been aimed at the jury system. However, most reforms that have been proposed involve jurors themselves. The Judicial Council of California with the state’s Blue Ribbon Commission on Jury System Improvement (1996), recommended the following changes:

- jurors should be allowed to take notes during a trial;
- jurors should be allowed to submit written questions for witnesses still on the stand;

- judges should instruct jurors at the outset of trial, to improve their understanding of legal issues;
- attorneys should develop glossaries of terms in complex cases; and
- a task force should be charged with developing instructions that jurors can understand (Dilworth 1996, pp. 72-75).

By no stretch of the imagination have all the proposed changes for the jury system been addressed in this chapter. What I have attempted to do is mention those recommendations and changes most commonly bandied about by both those within the criminal justice system and those outside the system. Throughout the remainder of this paper, I have attempted to address not only those changes, but also the nature and extent of the print media's coverage of those recommendations and changes.

#### **D. MEDIA COVERAGE**

##### **1. Crime & Law**

Jury service provides the public with direct exposure to the realities of the courtroom. Although not all critical stages of the criminal and civil justice process are contained in the trial, jurors have the opportunity to observe the functioning of the court firsthand. Even here, the media shape jurors'



predispositions to trials, filtering jurors' general and case-specific views of the parties, evidence, and legal procedures (Dee & Hans, 1991, p. 142).

Getting out the news is a difficult task. Not only does it involve the collection of enough events to fill a newspaper or to put on a television broadcast, it also requires that news items be presented in a manner that can be defended as factual and objective. The basic problem is not, however, a scarcity of reportable events; rather, it is being able to find newsworthy events deemed reliable and interesting enough to be reported. Such decisions rest upon journalistic and editorial judgment, especially the latter.

The notion of reliability implies that a news item is based upon factually objective materials, the source or sources of which would stand up under close scrutiny should that ever come to pass. Not only is this a matter of professional journalism, it is also a pragmatic matter inasmuch as publishers and broadcasters are legally responsible for the materials they report. In short, events become more newsworthy (i.e., reportable) the more their sources are viewed as reliable. Official statements, reports, or statistics by public officials or agencies are particularly good sources of information inasmuch as it is assumed (sometimes erroneously) that such statements and information are made by disinterested, neutral parties (Tuchman, 1972; Sherizen, 1978: 208-209).

From this perspective, crime news, reported by either individual police officers or through the different organizational arrangements established to handle these activities are particularly useful for individuals putting together daily news reports (Sherizen, 1978: 208-209). Not only is there a lot of it, which allows it to be used as fillers on slow news days, but it is also information that comes from public sources that are assumed to be impartial, neutral, and factual. It is, of course, possible for crime reporters to obtain their information from other sources, for instance, from offenders, victims, and/or witnesses. However, it is thought by editors and their staffs that these sources lack sufficient objectivity, neutrality, and reliability (Sherizen, 1978: 210-211). There is little reason to doubt this judgement, but there is also scant evidence that official police reports and statistics are entirely reliable. Problems with the FBI's Uniform Crime Report are well-known (Wolfgang, 1963) and at least one report has shown that police and other law enforcement agency information was inaccurate approximately 88 percent of the time when checked against the participants mentioned in the reports (Berry, 1967 [reported by Sherizen, 1978: 213]) ( Surette 1984, p. 43-44).

As an initial point, it is clear that the meaning of crime news, whatever it may be, is important to news readers. Crime news has been continually present in the metropolitan dailies for over 150 years. It might be argued that if this long

record ever did indicate a strong interest among readers, it no longer does. Perhaps today's more educated (and presumably more sophisticated) readers ignore crime news or read with only superficial interest, failing to absorb content. The evidence is otherwise. Graber (1980: 50-1) asked a panel of Chicago-area news readers to recite details of news stories on a variety of topics. She found their recall of stories on crime exceeded their recall of stories on many other matters, including education, congressional activities, conflicts in the Middle East, and state government. Recall of news about crime was at about the same, relatively high, level as recall of news about accidents and political gossip. On an average day, stories on crime and justice comprise about 15 percent of the topics actually read. There are systematic biases in the reporting of crime news, at least in the respect that crime as presented in the daily news differs consistently from crime described in official police statistics. In order to hone in on what it is that readers find so interesting in crime news, clarification for the nature of this "bias" must be made.

Comparisons of crime news and crime statistics have produced consistent findings. In study after study, the content of crime news has been found to diverge widely from the patterns available in official statistics. The relationship does not appear to be random or incoherent: in many respects, the picture one

obtains about crime from reading the newspapers inverts the picture about crime one gets from reading police statistics. In a study of thirty years of front-page crime news in each of nine cities, Jacob (1980) found that violent crime made up about 70 percent of crime news and about 20 percent of the official crime rate. Sherizen (1978: 215) computed the percentages of crimes known to the police (FBI Schedule 1 types) that were reported in four Chicago newspapers in 1975: 70 percent of homicide cases were reported, five percent of the rapes, one percent of larceny/thefts. He concluded: "the more prevalent the crime, the less...reported." This systematic "over-representation" of violent crime in the news is also characteristic of black community newspapers (Ammons et al., 1982). And in a study of British newspapers, Roshier (1973) similarly found that crimes against the person were consistently over-represented in contrast to official criminal statistics (Katz 1987, p. 57-58).

The press in the United States is considered to be a privileged institution by virtue of the "freedom of the press" clause of the First Amendment to the Constitution, it reads as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances (U.S. Constitution).

One of the purposes of this clause was to protect the press so it could inform and educate the public accurately. In the late twentieth century, newspapers have become just one component of the news media which fall under the rubric of “the press.” However, it is the newspapers that have been targets of criticism for over a century (Hansen and Parsons, 1968). Much of the criticism has centered around newspapers’ propensity to sensationalize and distort the news and lack of journalistic ethics (Emery, 1972). A review of newspaper content analysis research conducted in the United States during the period of 1893 to 1988 disclosed four apparent patterns of newspaper crime coverage (Marsh 1989, p. 67-68):

- a. The vast majority of newspaper crime coverage pertains to violent or sensational crimes.
- b. The high percentages of violent crimes reported in the newspapers are not representative of the percentages reflected in official crime data.
- c. The over-emphasis of violent crimes and failure adequately to address personal risk and prevention techniques often lead to exaggerated fears of victimization in certain segments of society.
- d. Newspaper coverage tends to support police views and values about crime and criminals and is generally favorable to the police image and their relationship with the public.

With the aforementioned patterns in mind, the question that begs asking is whether the media reports what is in the *best* interest of the public, or does it report what is *most* interesting to the public. Empirical evidence clearly reveals that the latter is the case.

Law, crime, and justice are frequent subjects of media news. A significant portion of local and national news consists of stories about crime and law (Graber, 1980). Yet the presentation of crime and justice can be misleading. First, the television news coverage tends to be quite brief and disproportionately represents sensational and violent crime (Surette, 1984). Because few TV news stories exceed 2 minutes, the longest “cut” the public sees of a trial is likely to be less than 2 minutes. Coverage often includes prosecutors and defense attorneys making self-serving statements to the media on the courthouse steps or artists’ renderings or short clips of action inside the courtroom. Thus, television viewers’ images of the legal system are largely derived from brief and not very detailed news stories covering extraordinary trials. Although newspapers have greater opportunity to cover cases in depth, they too tend to focus on violent crime and provide few details about cases they cover (Roberts & Doob, 1990). Furthermore, the prosecution side of the case is presented more frequently (Carroll et al., 1986).

Selective reporting of crime can even create a “crime wave.” Fishman (1978) analyzed media coverage of crimes against the elderly and showed that when the media focused on elderly victims of crime, they created a perception that crimes against the elderly were on the increase. The explanations for crime provided by the media tend to be skewed as well. Crime is typically ascribed to individual psychopathology rather than to structural or economic factors (Bortner, 1984; Haney & Manzolari, 1981)(Dee & Hans 1991. p. 137).

## 2. Trials

In 1965, Dr. Sam Sheppard was convicted for the murder of his pregnant wife in their Cleveland suburban home. Since the case received an enormous amount of pretrial publicity, the U.S. Supreme Court ruled that Dr. Sheppard’s Sixth Amendment rights were violated and overturned the trial court’s decision. Then, in the 1970’s and 1980’s the Supreme Court began focusing more on the media’s First Amendment rights. In Richmond Newspapers vs. Virginia, the Supreme Court ruled that for a courtroom to be closed, the trial judge must provide substantial proof showing that the defendant’s rights to a fair trial would be compromised by the media’s presence. The Supreme Court, however, never set a standard that trial judges must follow: trial judges were let to their own best judgment. Experiments conducted by Roberts and Doob (1990), Moral and

Cutler (1991) and Riedel (1993), show that pretrial publicity “can” affect a potential juror’s decision. However, Davis’ (1986) and part of Riedel’s (1993) experiment revealed that potential jurors are able to set aside pretrial publicity and render a verdict on the evidence presented. This dichotomy shows that further research needs to be done, and that research should involve “actual trial participants” instead of “simulated trial participants (Pearlstein 1994, p. 21).”

Camera coverage of actual trial and appellate proceedings, now permitted in 45 states on a permanent or experimental basis (Verhovek, 1991), has the potential to provide more accurate information about law and justice. Proponents of camera coverage note that because most people get their news from television, camera coverage can help educate the public about the court process. Yet critics of extended media coverage of courtroom events worry that television news programs, incorporating actual footage of courtroom proceedings, will still mislead the public by playing vivid highlights of controversial trials, rather than the pedestrian goings-on more representative of actual courtroom proceedings. The lengthy presentation by Cable News Network (CNN) of excerpts of actual trial proceedings is an excellent corrective to the more limited presentation of typical television news coverage, yet, understandably, even CNN tends to provide extended coverage only of sensational trials (Dee & Hans 1991, p. 137).



Armed with the knowledge as to what type of information is presented to the public by editors and publishers, one could assume with regard to jury trials, that trials in which non-violent crimes are being alleged, are less likely to be reported in the media than are trials that involve, for example, a double murder. One could also assume that trials in which the average "Joe" is the accused, would be much less interesting to the public than a trial in which a millionaire, professional football player was the accused.

In a trial that involves a millionaire, professional football player, accused of a double murder, the media is likely to report on everything from what the judges instructions were to the jury, to how the prosecuting attorney's hair style had changed from the day before.

Because most of the public has little direct experience with the justice system, public knowledge and views of law and the legal system are largely dependent on media representations. The media provide many lessons about law and justice. In the average American household, a TV set is on for over 7 hours each day, and individual members of the family watch television for about 3 hours. Television news and police and crime dramas account for a substantial amount of incidental learning about the nature of the legal system. Newspapers

and films also contribute to the public's knowledge and attitudes about law and the legal system (Dee & Hans 1991, p. 136).

Media images of crime and criminals are contained within numerous formats, including news reporting, documentaries, features, and entertainment programming. But regardless of the format, the images are often inaccurate and are uniformly fragmentary, providing a distorted image of the criminal justice system's response to such behavior (Pandiani, 1978). Despite their constant attention to crime and related issues, the media provide highly selective information, for not only do they project erroneous images of certain aspects of crime, but they also fail to provide any insight whatsoever into other dimensions of the issue. Thus, an important and influential source of information regarding crime and justice within American society constitutes a misleading foundation for public attitudes (Surette 1984, p. 16).

If what the media is presenting to the public is often misleading and inaccurate, then how does one go about determining where the public's true feelings and interests lie. The answer is that there is no way to extract the public's beliefs from that of the media. As mentioned earlier, the media will focus on what the public feels is most interesting, and report it accordingly. While it is the media's duty to report the "news" in an accurate and unbiased

fashion, the bottom line is the media is a business. Like any other business, the number one purpose of the business is to turn a profit. The media will only turn a profit if what it has to sell either interests the public or represents the public.

The purpose of this paper, through a content analysis, is to examine the extent, pattern, and nature of media coverage of jury trials.

## **CHAPTER III**

### **RESEARCH OBJECTIVES & METHODS**

#### **A. OBJECTIVES OF STUDY**

The objective of this study is two-fold. The first being to examine the patterns in the nature of print media's coverage of jury trials over the last twenty-five years..

The second objective of this study is to examine the nature of that coverage using four high profile trials that were reported by the Los Angeles Times Newspaper.

#### **B. RESEARCH DESIGN**

To explore the pattern of the media's coverage of jury trials, I focused specifically on criminal juries, at the state court level.

The data for this research project were provided by a content analysis of the Los Angeles Times Newspaper from January 1, 1973 through December 31 1995, searching for the terms "jury/juries" and "jury/juries reform." The Los Angeles Times was selected specifically for several reasons. The first being that the most "high profile" cases of recent times have been tried in the state of California (O.J. Simpson Trial and the officers in the Rodney King Case). The

L.A. Times was also selected because of its worldwide reputation. Finally, the Times was selected because of its circulation size. For the time period of my content analysis, the Los Angeles Times had an average daily circulation of one million, a Saturday circulation of over nine hundred and sixty thousand, and a Sunday circulation of over one million three hundred thousand. The only other daily newspaper that compared in circulation size was that of the New York Times (daily: one million; Saturday: one million; Sunday: one million six hundred thousand) (Fischer, 1997).

### **C. CONTENT ANALYSIS**

A content analysis is a method of study in which a collection of available data is subjected to a quantitative analysis the object of which is to find special qualities in the data, such as repetitive patterns (Baker 1988, p. 261).

Content analysis methods may be applied to virtually any form of communication. Among the possible artifacts for study are books, poems, newspapers, songs, paintings, speeches, letters, laws, and constitutions, as well as any components or collections thereof. Are popular French novels more concerned with love than American ones? Was the popular American music of the 1960's more politically cynical than the popular German music during that period? Do political candidates who primarily address "bread and butter" issues

get elected more often than those who address issues of principle? Each of these questions addresses a social scientific research topic; the first might address national character, the second political orientations, and the third political process. While such topics might be studied through the observation of individual people, content analysis provides another approach.

Some topics are more appropriately addressed by content analysis than by any other method of inquiry. Suppose for a moment that you're interested in violence on television. Maybe you have a suspicion that the manufacturers of men's products are more likely to sponsor violent TV shows than are other kinds of sponsors. Content analysis would be the best way of finding out if it's true. First, you'd develop operational definitions of the two key variables in your inquiry: *men's products* and *violence*. Ultimately, you'd need a plan that would allow you to watch television, classify sponsors, and rate the degree of violence on particular shows. Next, you would have to decide what to watch. Probably you would decide (1) what stations to watch, (2) for what days or period, and (3) at what hours. Then, you would stock in some beer and potato chips and start watching, classifying, and recording. Once you had completed your observations, you'd be able to analyze the data collected and determine whether men's product manufacturers sponsored more blood and gore than other sponsors.

Content analysis, then, is particularly well-suited to the study of communications and to answering the classic question of communication research: “Who says what, to whom, how, and with what effect, as well as to the more recently added why?” As a mode of observation, content analysis requires a considered handling of the *what*, and the analysis of data collected in this mode. as in others. addresses the *why* and the *with what effect* (Babbie 1979, p. 234).

### 1. Positive Aspects of Research Design

Probably the greatest advantage of a contents analysis is its *economy* in terms of both time and money. It might be feasible for a single college student to undertake a content analysis, whereas undertaking a survey, for example, might not be possible. There is no requirement for a large research staff; no special equipment is required. As long as you had access to the material to be coded, you could undertake content analysis.

*Safety* is another advantage of content analysis. If you discover that you have botched up a survey or an experiment, you may be forced to repeat the whole research project with all the attendant costs in time and money. If you botch up your field research, it may be impossible to redo the project; the event under study may no longer exist. In content analysis, although you might be forced to repeat a portion of the study, that more likely would be feasible than in the case of other

research methods. You might be required, moreover, to recode only a portion of your data rather than to repeat the entire enterprise.

Another important, and nearly unique, strength of content analysis has to do with *historical research*. As long as historical records exist, content analysis easily may study past periods of history or make comparisons over time. You might focus on the imagery of blacks conveyed in American novels of 1850 to 1860, for example, or you might examine changing imagery from 1850 to the present.

Finally, content analysis has the advantage of being *unobtrusive*. That is, the content analyst seldom has any effect on that which is *being studied*. Since the novels have already been written, the paintings already painted, the speeches already presented, subsequent content analyses can have no effect on them. This advantage is not present in all research methods (Babbie 1979, p. 252).

## 2. Possible Problems with Research Design

The content analysis has disadvantages as well. For one thing, content analysis is limited to the examination of recorded communications. Such communications may be oral, written, or graphic, but they must be recorded in some fashion to permit analysis (Babbie 1979, p. 253).



Another disadvantage in using the content analysis for research is that of validity and reliability. To increase validity, a careful balance between the content being studied and the questions being studied and the questions being asked needs to be considered. Does the content address the problem being studied? Will the coding scheme devised for the content fairly extract the meaning from the content data? This need to get at the specific contents that interest the researcher often requires complex coding and analysis.

Because of the complexity of the coding schemes, the reliability between different coders may not be high. Even a single coder may have trouble remaining consistent in coding data with a complex data plan. This is a major challenge in content analysis: to devise ways of coding content that are reliable (that would lead to similar results if carried out at different times and by different coders) and to select and use content in ways that are valid (that produce analyses of content that correspondingly address the study's subject) (Baker 1988, p. 266).

Coding was the most difficult task faced in this research project. I was faced with the challenge of pigeon-holing the applicable articles into two specific categories, while at the same time not jeopardizing the integrity of the research. I addressed the task by coding both the manifest and latent content of each article. *Manifest content* refers to the directly visible, objectively identifiable

characteristics of a communication, such as the specific words in a book, the specific colors used in a painting, and so forth and so on. Whereas, *latent content* refers to the meanings contained within communications. The determination of latent content requires judgements on the part of the researcher ((Babbie 1979, p. 262). With the two methods in mind, I proceeded to code the articles as appropriate.

#### **D. METHODS AND PROCEDURES**

Prior to conducting the content analysis, an extensive literature review was conducted with regard to the media's coverage of jury trials. With the question of what is the nature, pattern, and extent of the print media's coverage of jury trials, it was felt that one researcher would realistically be able to effectively conduct a content analysis, in the amount of time allotted. It was decided that the content analysis would focus on the Los Angeles Times.

The content analysis focused on criminal jury trials that took place in state courts. For my content analysis, I selected the following years of the Los Angeles Times as a basis for my research: 1973, 1975, 1977, 1979, 1981, 1983, 1985, 1987, 1989, 1991, 1993, and 1995. The terms that I was searching for included "jury/juries/jurors." The search was conducted by reviewing the L.A. Times

index for the above terms, for the aforementioned years. The index listed every article, for a particular year, in which the term/terms in question appeared.

For each year analyzed, the total number of articles that mentioned "jury/juries/jurors" was counted. The results of my search were then coded and entered into a table for further interpretation. Each article was coded into one of two specific categories: "descriptive" or "reform."

In addition to the aforementioned years, I also examined the Los Angeles Times with regard to jury trials that involved the following individuals: William Kennedy Smith, Rodney King, O.J. Simpson, and Lyle and Erik Menendez. As was the case in my research of the aforementioned years, my focus was on the number and nature of jury-related articles appearing in the newspaper both six weeks prior to and following the verdicts in the aforementioned high profile trials. In addition, I also focused on the number and nature of editorials written regarding the four high profile trials.

#### **E. OPERATIONALIZATION OF CONCEPTS**

Jury-related articles were separated into two categories: "descriptive" and "reform." Articles that included the term "jury reform," were coded as "reform articles." A more latent content that was also applied to the "reform article" category, was any article in which the author criticized the jury system. Criticism

in a given article indicated that the author was attempting to convey the message that something was "wrong" with the jury system. An example of this application was found in an article written in the Los Angeles Times on May 3, 1992. In the article, the author criticizes the jury's verdict in the Rodney King case. He writes;

The jurors of Simi Valley, mustered to the courthouse from around Ventura Count, opted for the security they knew best. Amid the seismic pressures threatening our society, they selected the only insurance policy they trust against the threats and tremors from below: boots, clubs, Taser guns and other appurtenances of society's present foundation ("King jurors," 1992, p. M-5).

As mentioned earlier, the second category used for coding the articles was descriptive. There were no articles that specifically used the term "descriptive." Therefore, all articles coded as such were done so through a latent examination of the content. Those articles in which the author was attempting, be it covertly or overtly, to not only inform the public as to the goings on in a particular trial, but also to educate the public, were coded as "descriptive." An example of this application is found in an article written in the Los Angeles Times on May 8, 1992. In the article, the author writes about the jury deliberations in the Rodney King case, and what was going on behind the scenes;

When they returned to the courthouse, the jurors were too drained to consider the second count against Powell: assault under the color of authority. Instead, they discussed count three - whether Powell had filed a false police report - and quickly determined that the errors on the report were "minor" and "insignificant" ("Jurors drained," 1992, p. A-3).

In addition to being coded as "descriptive" and "reform", jury related articles in the high profile trials were also categorized by length, location, and whether they were editorials. With regard to length, according to the Los Angeles Times index (1989), a short article is one that is up to 6 inches in length. A medium article is one that is 7-18 inches in length. A long article is one that is over 18 inches in length. With regard to location, the L.A. Times is separated into alphabetical sections. The first section being "A", the second being "B", the third being "C" and so on. "Editorial" coded articles were any that appeared in the Los Angeles Times index under the heading "Editorials."

While I could find no documentation to cite, I operationalized that the longer an article, the more important its content. The same belief was held with the coding of the location of an article. If it appeared in sections "A" or "B" it was deemed more newsworthy than articles appearing in sections "C", "D" or "E." Importance or newsworthiness was also placed on an article that was written as an editorial.

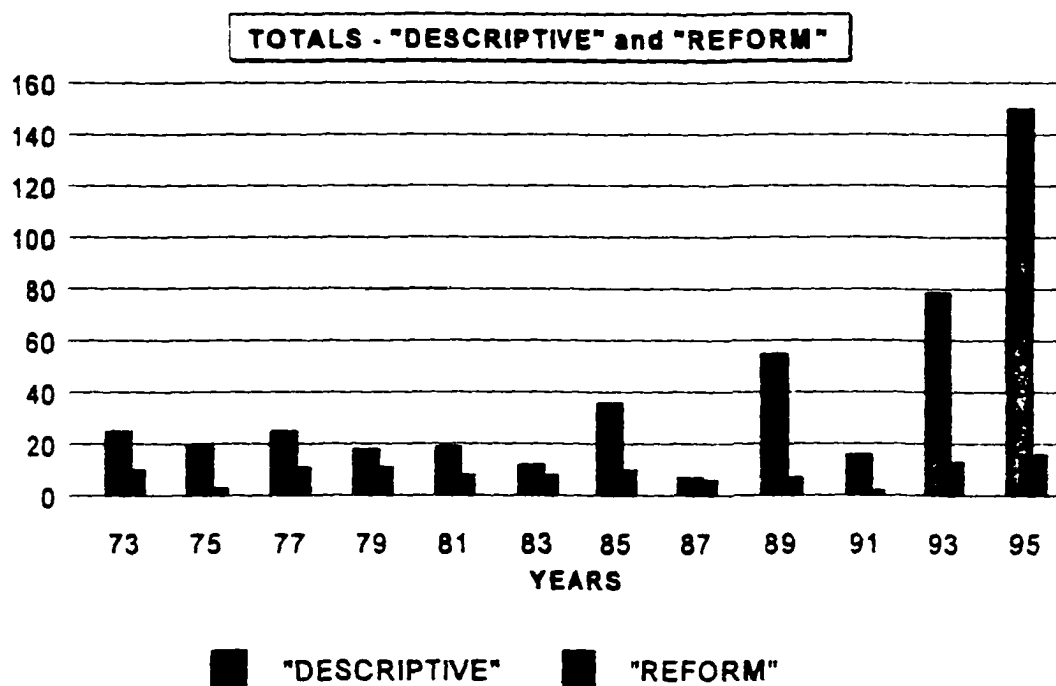
## CHAPTER IV

### RESEARCH FINDINGS

This chapter will present data gathered from the content analysis used to explore patterns in the media's coverage of jury trials, with regard to jury reform.

#### **A. EXTENT OF MEDIA COVERAGE**

Figure 1 presents the number of "Descriptive," and "Reform" articles that appeared in the Los Angeles Times for the odd-numbered years from 1973 through 1995.



**Figure 1. "Descriptive" and "Reform" articles 1973-1995**

The year that contained the greatest number of "descriptive" articles was 1995, in which 150 appeared (95 of the articles pertained to the O.J. Simpson "Trial of the Century"). The year that contained the least amount of "descriptive" articles, was 1987, in which only 7 appeared.

With regard to "reform" articles, 1995 was also the year that most appeared (13). The year that contained the least number of "reform" articles was 1991, in which only 2 were written.

Figure 1 exhibits that even though there was an enormous amount of fluctuation in the appearance of "descriptive" articles in the years examined, the number of "reform" articles remained constant (low in comparison to the "descriptive" articles) throughout.

One can only speculate as to why the amount of "reform" articles remained low even during periods in which "descriptive" articles increased is one specific reason. A possible explanation being that the public had no interest in reading about jury reform, and therefore, the "powers that be" at the Los Angeles Times chose not to publish such articles. The opposite could be true in attempting to explain the increase in the number of "descriptive" articles.

## **B. NATURE OF MEDIA COVERAGE**

It is possible that the nature of the jury-related coverage is affected by the stage of jury proceedings. For example, media coverage of a trial during the jury selection stage may be almost non-existent, whereas coverage during the closing arguments and deliberation stage might approach the level of excess. To further examine that possibility, four high profile trials were examined as to the nature and extent of media coverage given to each.



### 1. Smith Trial

The first trial examined was that of William Kennedy Smith. Smith, the nephew of Senators Edward M. Kennedy and Robert Kennedy and former President, John F. Kennedy, was named as a suspect in an alleged rape of a 29 year old woman at the Kennedy family mansion on the Easter weekend of 1991. An account of how the case began was extracted from an article written in the Los Angeles Times on April 6, 1991. The story reads as follows:

Smith, Sen. Kennedy and the senator's son Patrick, 24, had drinks until the early morning hours of March 30 at Au Bar, a jet-set establishment here where they allegedly met the woman.

She reportedly told police that she accepted an invitation to return to the Kennedy mansion and that Smith raped her there.

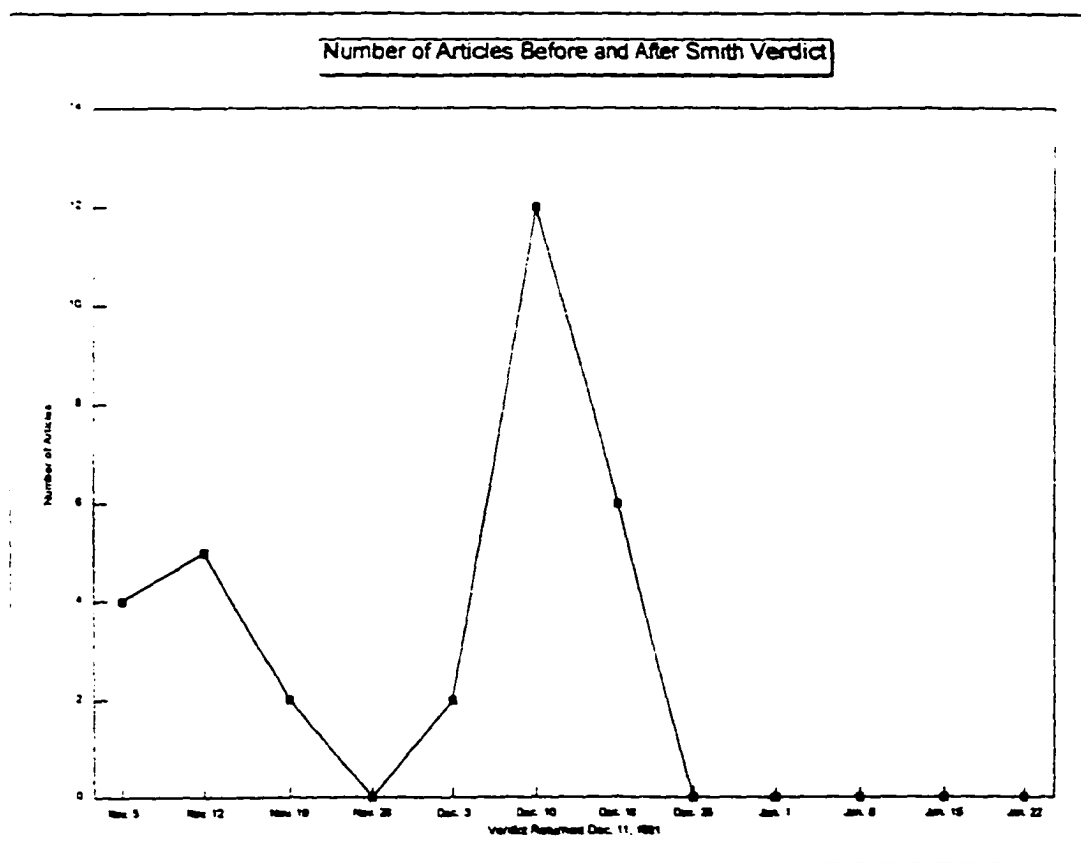
Sen., Kennedy and Patrick Kennedy, a Rhode Island legislator, have denied any involvement, and Smith said on Wednesday that "any suggestion I was involved in any offense is erroneous."

Craig Gunkel, Palm Beach police spokesman, would not say whether charges will be filed against Smith, 30, a fourth-year student at Georgetown Medical School in Washington.

'The investigation in continuing,' said Gunkel ("Smith allegations," 1991, p. A-20)."

The Smith trial was of interest to the public for several reasons. First of all, it involved an individual of fame (if not of his own doing, than at least by name). Secondly, the trial involved a person of wealth. Finally, the trial involved the commission of a heinous act. The variables of fame, wealth, and the commission of a heinous act, often equate to great public interest, with regard to

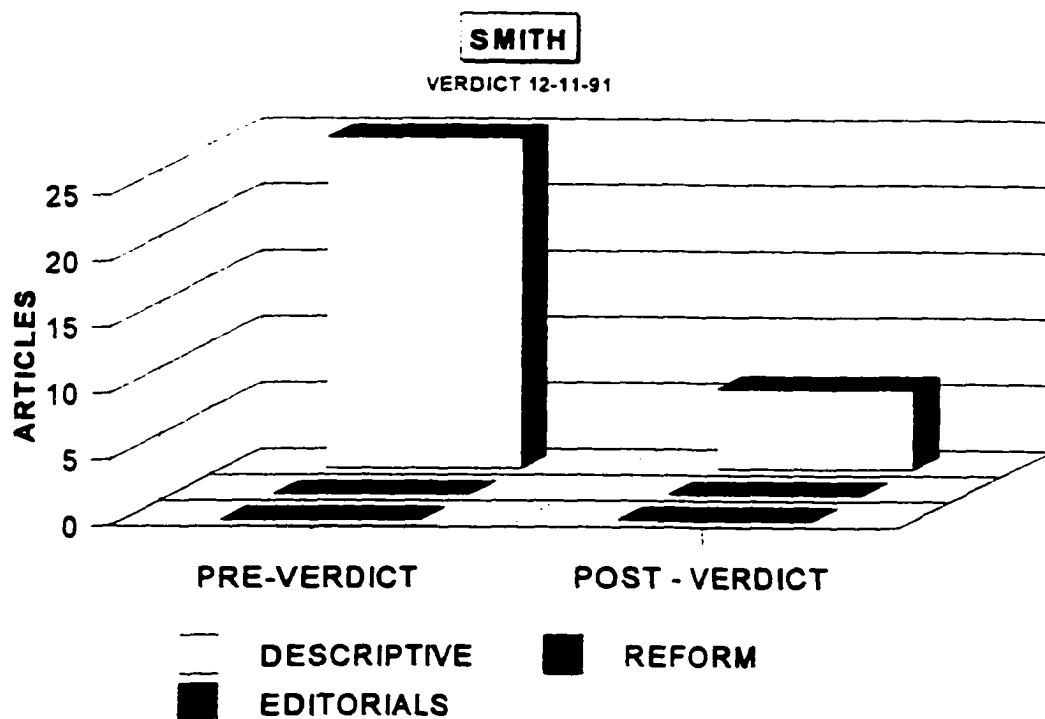
criminal trials and media attention. On December 11, 1991 the verdict of "not guilty" was returned by the jury. It took the jury only seventy-seven minutes to decide Smith's fate.



**Figure 2.** Smith articles pre and post verdict.

In Figure 2, I reviewed all articles that mentioned Smith, for six weeks prior to and after the verdict had been rendered at his trial. I was attempting to

gauge the fluctuation and nature of media reporting in the case. I found that six weeks prior to the verdict being rendered, there were 25 articles written about Smith, after the verdict, 6 articles were written.



**Figure 3.** Smith "descriptive," "reform," and "editorial" articles.

Figure 3 demonstrates that of the 25 articles written about Smith before the verdict, all were jury - related and were coded as "descriptive," none were coded as "reform." Of the 6 articles written six weeks after the verdict, all were jury-related and coded as "descriptive," none was coded as "reform." Figure 3

also indicates that there were no editorials written regarding the Smith trial before or after the verdict.

An example of a pre-verdict “descriptive” article was found in an article written on December 3, 1991. The article details what information the judge will allow the jury to hear. The author writes:

In a damaging setback to the prosecution on the first day of arguments, the judge in the William Kennedy Smith rape trial ruled Monday that jurors will not be permitted to hear testimony from three other women who claimed to have been sexually assaulted by the defendant.

Without explanation, Florida Circuit judge Mary E. Lupo denied a motion to admit testimony that the prosecution said would show that Smith had a pattern of pursuing pretty brunettes, ‘enticing them to his lair’ and making sexual attacks that were violent, sudden and without provocation (“Setback to prosecution,” 1991, p. A-1).

An example of a post-verdict “descriptive” article is extracted from an article written on December 12, 1991. The author details the jury’s deliberation in the Smith trial. It reads in part as follows:

A Florida jury needed only 77 minutes Wednesday to find William Kennedy Smith not guilty of raping a woman at his family’s estate last March, bringing a swift end to the highly publicized trial.

Smith was found not guilty of the rape charge and of a separate misdemeanor count of simple battery. His accuser was not in the courtroom when the verdict was read (“Florida jury,” 1991, p. A-1).

In the following tables, I have attempted to gauge the nature and extent of the media's coverage of Smith's trial by documenting the length and location of the jury related articles written both six weeks before and six weeks after his verdict was rendered. As mentioned in Chapter III, a short article is one that is up to 6 inches in length. A medium article is one that is 7-18 inches in length. A long article is one that is over 18 inches in length. Also as mentioned in chapter III with regard to location, the L.A. Times is separated into alphabetical sections. The first section being "A", the second being "B", the third being "C" and so on.

**Table 1**

<b>SMITH PRE-VERDICT LENGTH (25 total articles)</b>				
<b>Article Type</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>	<b>Applicable</b>
<b>"Descriptive"</b>	0	8	17	25
<b>"Reform"</b>	0	0	0	0
<b>"Editorials"</b>	0	0	0	0

Table 1 indicates that of the 25 articles written six weeks before the Smith verdict was rendered, the majority (17) were categorized as long.

Table 2

SMITH PRE-VERDICT LOCATION				
Article Type	Section "A"	Section "B"	Section "E"	Section "F"
"Descriptive"	20	1	1	3
"Reform"	-	-	-	-
"Editorials"	-	-	-	-

Table 2 indicates that of the 25 articles written about Smith six weeks before the verdict, most (20) appeared in the first section of the newspaper

Table 3

SMITH POST-VERDICT LENGTH (6 total articles)				
Article Type	Short	Medium	Long	Applicable
"Descriptive"	0	2	4	6
"Reform"	0	0	0	0
"Editorials"	0	0	0	0

Table 3 indicates the length of the 6 articles written after the verdict, remain consistent with those written before the verdict, with the majority (4) classified as long.

Table 4

SMITH POST-VERDICT LOCATION			
Article Type	Section "A"	Section "B"	Section "M"
"Descriptive"	2	2	2
"Reform"	-	-	-
"Editorials"	-	-	-

Table 4 demonstrates that the location of the articles written 6 weeks after the verdict were evenly spread about throughout the newspaper.

One can speculate that based on the lack of articles after the trial, and particularly the lack of editorials, the verdict was generally accepted by the public.

## 2. Rodney King Case

The second high profile trial examined was that of the police officers involved in the beating of Rodney King. An account of the case, appeared in the Los Angeles Times on March 7, 1991:

Rodney King's white Hyundai came to a stop on a busy San Fernando Valley street in front of a sprawling apartment complex.

It was 12:30 a.m. Sunday, and the flashing lights of several patrol cars illuminated the scene. A police helicopter circled overhead, and its thumping sound began to draw tenants to their windows. At least one of them reached for a home video camera.

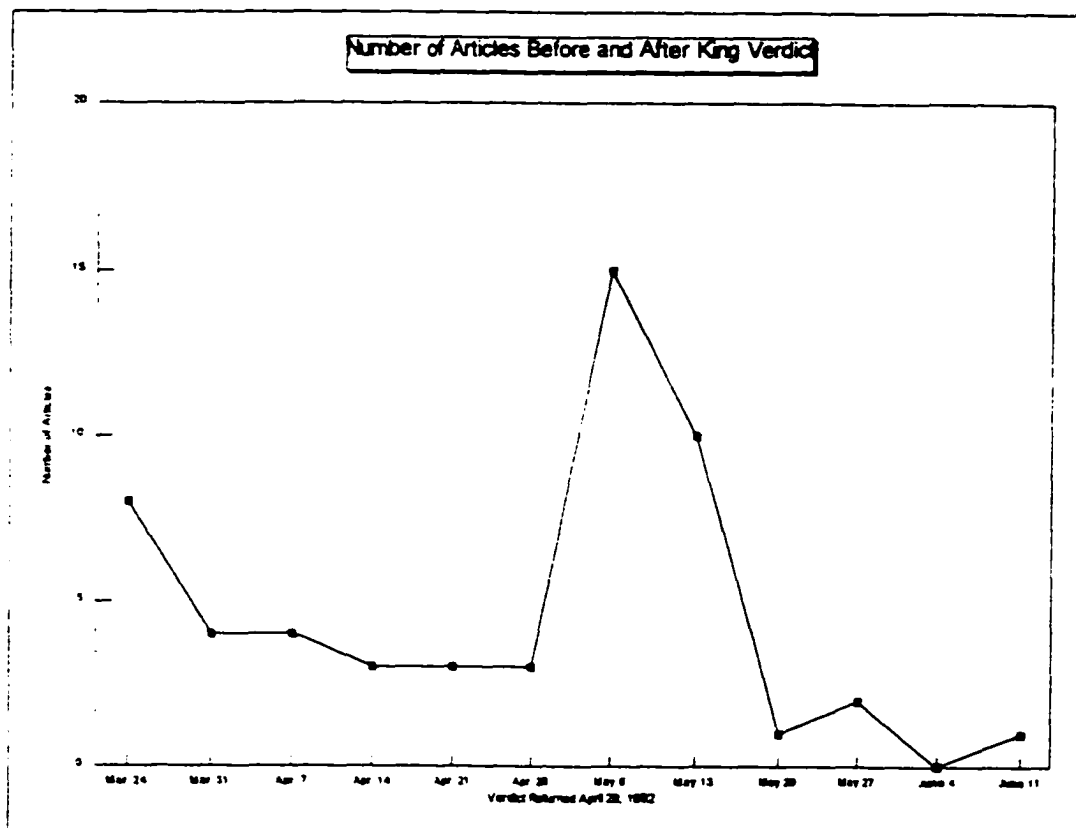
In the next few minutes, King would be surrounded by at least a dozen Los Angeles police officers, some of whom beat him fiercely.

The officers apparently were unaware they were being recorded on videotape. The officers involved would report later that the beating was justified by King's threatening actions in the first seconds when he emerged from his car. The videotape - which was broadcast nationally and fueled a public outrage - did not capture these first moments. But eyewitnesses who watched the beating, later contradicted the officers' accounts ("King's Hyundai," 1991, B-1).

As with the Smith case, the heinousness of the crime or alleged crime by the officers in the King case may have influenced the amount of attention given to it by the media. The videotape of the officers striking King with their batons and shocking him with their stun guns was shown all over the world on television. Pictures of King after the beating were prominently displayed on the front pages of newspapers throughout the country.

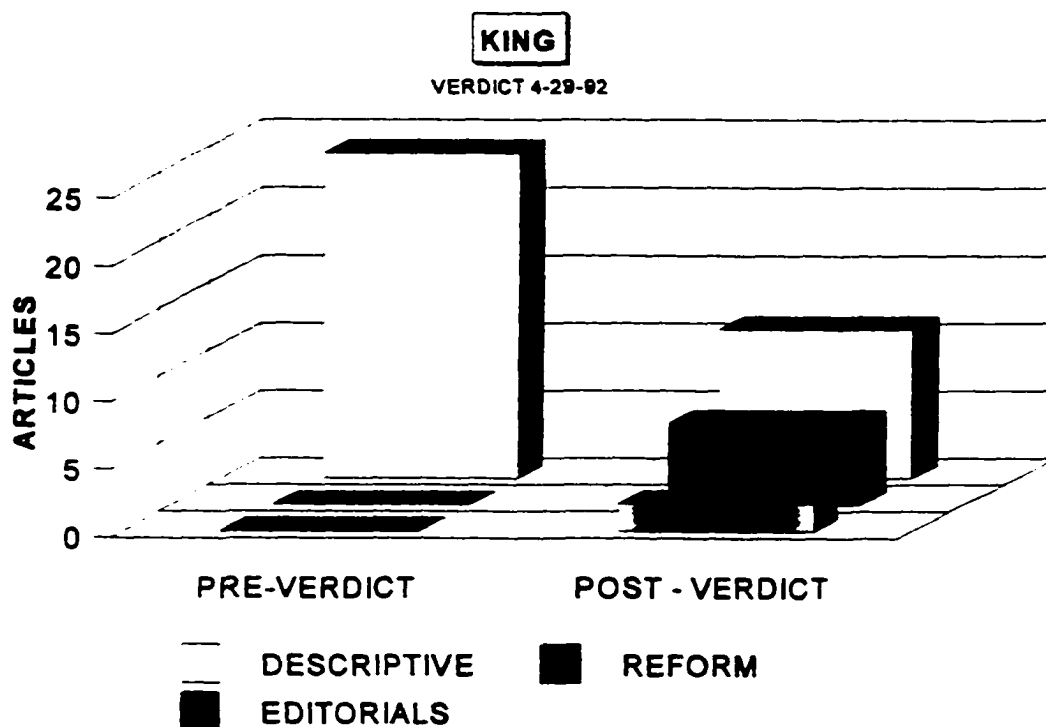
Not only was the act heinous in nature, but it can be argued that because it involved individuals who were supposed to uphold the law, it became of great interest to the general public, a public that for the most part had been taught by their parents "the police are your friends." The King videotape demonstrated that police officers, like many members of society, do in fact commit heinous acts. However, rarely, if ever are those acts captured on videotape for the entire world to see.





**Figure 4.** King articles, pre and post verdict.

In Figure 4, I reviewed all articles that mentioned King for six weeks prior to and after the verdict had been rendered in the officers' trial. I was attempting to gauge the fluctuation and nature of media reporting in the case. I found that six weeks prior to the verdict being rendered, there were 26 articles written about King. After the verdict, 29 articles were written about King.



**Figure 5.** King “descriptive,” “reform,” and “editorial” articles.

Figure 5 revealed that of the 26 articles written about King before the verdict, 24 were jury-related. All 24 of the articles were coded as “descriptive,” none were coded as “reform.” Of the 29 articles written six weeks after the verdict, 17 were jury-related. Of the 17, 11 were coded as “descriptive,” and 6 as “reform.”

An example of a pre-verdict “descriptive” article comes from an article written on April 24, 1992. The author describes about what is happening on the day of jury deliberations. The article reads:

As jurors began their deliberations in the Rodney G. King beating trial Thursday, a videotape was broadcast throughout the Los Angeles Police Department in which Police Chief Daryl F. Gates urged 'calm, maturity and professionalism' among his troops regardless of the verdict. Gates said the reminder was necessary because "there are those in the community, some of them supposedly leaders, who have indicated that if the jury renders a verdict not satisfactory to them, some kind of uprising of violence will erupt ("Jurors deliberate," 1992, p. B-1).

An example of a post-verdict "descriptive" article is extracted from an article written on April 30, 1992. The author writes of how the jury came to it verdict:

In the end, the now-famous videotape - 81 seconds of footage that shocked the world with its grainy images of a prone, seemingly defenseless Rodney G. King being clubbed by Los Angeles police officers-didn't matter.

Instead, it was what King did before the camera started rolling that prompted a jury of six men and six women to return verdicts of not guilty in the celebrated trial of Officers Laurence M. Powell, Theodore J. Briseno, Timothy E. Wind and their sergeant, Stacey C. Koon ("Videotape," 1992, p. A-1).

On April 29, 1992 the jury acquitted the four officers accused of beating King. The verdict was followed by several days of mass looting, rioting, and even killing, due to the public's displeasure of the jury's findings.

**Table 5**

<b>KING PRE-VERDICT LENGTH (26 total articles)</b>				
<b>Article Type</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>	<b>Applicable</b>
<b>"Descriptive"</b>	0	11	13	24
<b>"Reform"</b>	0	0	0	0
<b>"Editorials"</b>	0	0	0	0

Table 5 indicates the length of the 24 articles written before the verdict in the King case were all either medium or long.

**Table 6**

<b>KING PRE-VERDICT LOCATION</b>		
<b>Article Type</b>	<b>Section "A"</b>	<b>Section "B"</b>
<b>"Descriptive"</b>	4	20
<b>"Reform"</b>	-	-
<b>"Editorials"</b>	-	-

Table 6 indicates that of the 24 articles written before the verdict in the King case, the majority (20) appeared in section "B."

Table 7

KING POST-VERDICT LENGTH (29 total articles)				
Article Type	Short	Medium	Long	Applicable
"Descriptive"	1	3	7	11
"Reform"	0	0	6	6
"Editorials"	0	2	0	2

Table 7 indicates that of the 19 jury related articles written about King after the verdict was read, 13, were coded as long. The table also indicates that all of the "reform" articles were coded as long. Finally, the table reveals that 2 editorials were written after the verdict, both being medium in length.

Table 8

KING POST-VERDICT LOCATION				
Article Type	Section "A"	Section "B"	Section "?"	Section "?"
"Descriptive"	6	2	"C" - 1	"T" - 2
"Reform"	4	1	"M" - 1	-
"Editorials"	-	2	-	-

Table 8 shows that 10 of the 19 articles written after the verdict was read in the King case were found in section "A." Of the 11 "descriptive" articles written after the verdict, the majority (7), were long in content. Of the two

editorials written after the verdict, both appeared in the second section of the paper.

The number of articles appearing both before and after the verdict are in sharp contrast to what occurred in the Smith case. Interest in the case appeared to increase rather than decrease. Perhaps the public's opinion of the verdict was not favorable in the case of King.

### 3. Orenthal James Simpson Trial

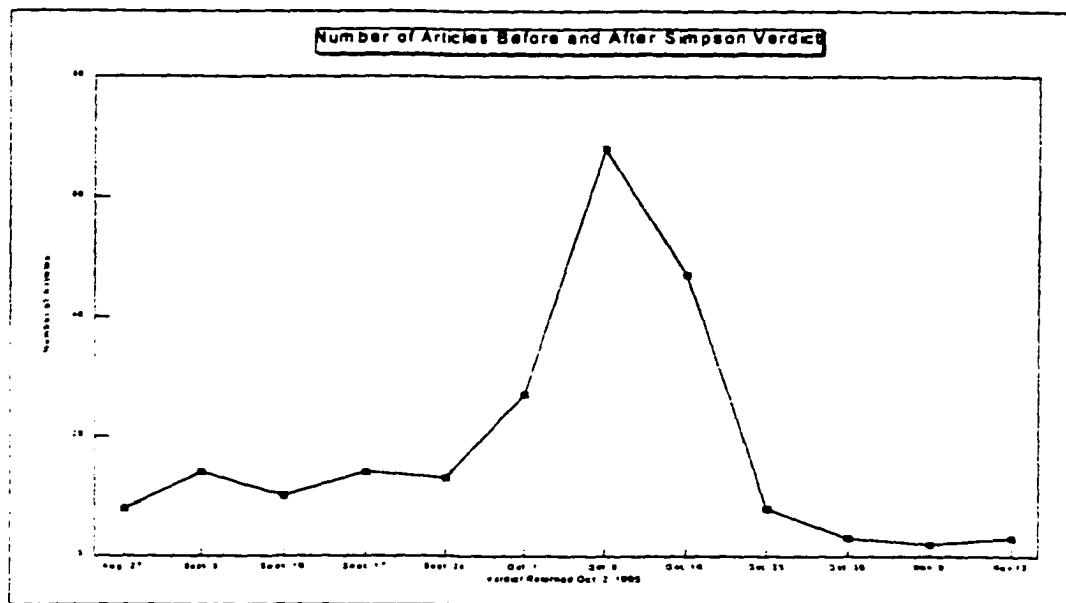
The next high profile trial examined was the O.J. Simpson Trial, which later became known as "The Trial of the Century." An account of Simpson's initial link to the case is extracted from a Los Angeles Times article written on June 15, 1994:

Mounting evidence links former football star O.J. Simpson to the brutal slaying of his former wife and a man she knew, and the famous athlete could be arrested within days, Los Angeles police sources said Tuesday. Nicole Brown Simpson, 35, and Ronald Lyle Goldman, 25, were stabbed to death Sunday night, and sources said Simpson had scratches on his body when he was questioned by police on Monday "Mounting evidence," 1994, p. A-1).

The Simpson trial was of interest to the public on many different fronts. First of all, he was a Heisman Trophy winner (given to college football's most valuable player) while playing for the University of Southern California. He was

also a well-known, if not great, television and movie personality. Simpson had also become extremely wealthy through his television and movie career. His trial was also interesting to the public because it involved an African American male having been accused of killing his Caucasian ex-wife and her Caucasian male friend. Simpson was accused of stabbing both individuals to death.

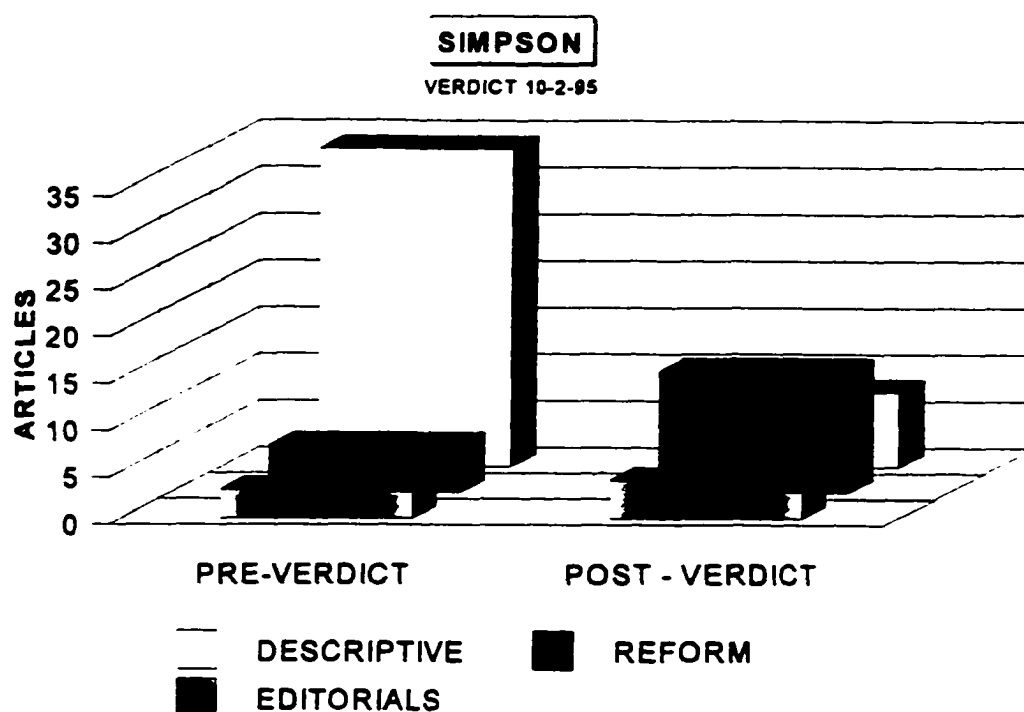
Like the Smith trial, Simpson's case involved a man of wealth and incredible fame. Like the King case, Simpson's trial involved race, the crumbling of a hero's persona (in King's case the police were the fallen heroes), and the commission of a heinous act. Not only was Simpson accused of stabbing both victims, according to the autopsy report, Nicole Simpson was almost decapitated.



**Figure 6.** Simpson articles, pre and post verdict.

In Figure 6, I reviewed all articles that mentioned Simpson, for six weeks prior to and after the verdict had been rendered in his trial. I was attempting to document the extent and nature of medial coverage surrounding the trial. I found that six weeks prior to the verdict being rendered, there were 88 articles written about Simpson. After the verdict had been rendered, 147 articles were written about Simpson.





**Figure 7.** Simpson “descriptive,” “reform,” and “editorial” articles.

Figure 7 shows that of the 88 articles written about Simpson prior to the verdict being rendered, 39 were jury-related. Of those 39, 34 were coded as “descriptive,” and 5 as “reform.” Of the 147 articles written six weeks after the verdict, 21 were jury-related. Of those 21, 8 were coded as “descriptive,” and 13 as “reform.” The number of “reform” articles suggests that the verdict was even more controversial than the verdict in the King case, in which 6 reform articles appeared after the verdict.

An example of a pre-verdict “descriptive” article was written on September 22, 1995. The author writes of instructions that will be given to the jury by the judge:

Over the vehement objections of O.J. Simpson’s lawyers, Superior Court Judge Lance A. Ito cleared the way Thursday for jurors to consider compromise verdicts in the case, allowing them to find Simpson guilty of second-degree murder if they cannot agree to convict him of first-degree charges (“Vehement objections,” 1995, p. A-1).

An example of a pre-verdict “reform” article is extricated from an article written on September 19, 1995. The author describes what he feels is the useless act of sequestering juries:

A recent survey reveals that the only people who have no idea about what’s going on in the O.J. Simpson trial are the jurors. Sequestered for months, not permitted to hear the legal arguments or study any of the evidence because of objections from the opposing sides, the jury has spent most of the trial locked up in a hotel suite watching reruns of “I Love Lucy” and sticking their tongues out at each other (“Recent survey,” 1995, p. E-4).

An example of a post-verdict “descriptive” article is one that was written on October 4, 1995. The author writes of how the jurors may have used a tool rarely if ever used in criminal jury trials in the United States:

If the jurors were to shout from the rooftops that they acquitted Simpson for reasons unrelated to the evidence, they would squarely be within the American legal tradition, and the English tradition upon which it is based.

The controversial doctrine known as jury nullification - holds that jurors can disregard the law if they see a higher moral imperative.

"Jury nullification has been a part of the American tradition since the days when the colonials were the defendants and the [English] were the prosecutors and judges," said Robert Weisberg, professor of law at Stanford ("Jurors shout," 1995, A-5).

An example of a post-verdict "reform" article is taken from an article written on October 4, 1995. The author criticizes the jury for how quickly they came back with a verdict:

Did they have the right to tell the world, by returning a verdict in less than three hours of deliberation, that despite that daily admonition and their oaths to obey it, their minds were made up so firmly that they did not have to discuss the months of testimony and mountains of evidence before them?

When the murder trials of Charles Manson and his three 'family' members ended, a jury that had been sequestered for 10 months convicted the four defendants - to the surprise of no one.

The Manson case was one which involved such a senseless slaughtering of innocent victims - including the beautiful, pregnant actress Sharon Tate - by such repellent defendants, that no one, not even the defense attorneys, could hope for acquittal. The three young women defendants, in fact, confessed to the murders on the witness stand, over their attorney's protests.

But for more than a week, the Manson jurors deliberated, as they had promised they would, and when the defendants were convicted, you felt there had been perhaps some attempt by the jurors to consider both sides ("Deliberation," 1995 p. B-13).

On October 2, 1995, the jury returned the verdict of "not guilty." The verdict had been sealed by the judge in the trial, until police officers in Los

Angeles had the opportunity to prepare themselves for the reaction by the citizens that had come after the verdict in the trial of the officers accused of beating Rodney King.

The country's interest in the case appeared to exceed that of the officers involved in the Rodney King case. The sheer number of articles written in the Los Angeles Times about the Simpson case, proves this point. While there was, and always will be, a great deal of division as to those who believe Simpson is innocent, no rioting, looting, or killings took place after the verdict.

**Table 9**

<b>SIMPSON PRE-VERDICT LENGTH (88 Total articles)</b>				
<b>Article Type</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>	<b>Applicable</b>
<b>"Descriptive"</b>	<b>0</b>	<b>3</b>	<b>31</b>	<b>34</b>
<b>"Reform"</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>5</b>
<b>"Editorials"</b>	<b>0</b>	<b>3</b>	<b>0</b>	<b>3</b>

Table 9 indicates that a vast majority of the articles written about Simpson before the verdict (31) were coded as long. All 3 editorials were coded as being medium in length.

Table 10

SIMPSON PRE-VERDICT LOCATION					
Article Type	Section "A"	Section "B"	Section "C"	Section "D"	Section "E"
"Descriptive"	27	3	"D" - 1	"F" - 1	"M" - 1
"Reform"	2	2	"E" - 1	-	-
"Editorials"	-	2	"M" - 1	-	-

Table 10 shows that most of the articles written before the verdict (29) appear in the first section of the paper, indicating that public interest in the trial was prevalent even before the verdict was read.

Table 11

SIMPSON POST-VERDICT LENGTH (147 total articles)				
Article Type	Short	Medium	Long	Applicable
"Descriptive"	0	3	5	8
"Reform"	0	6	7	13
"Editorials"	0	3	1	4

Table 11 indicates that of the 147 articles written about Simpson after the verdict, very few (25) were jury related. The table also indicates that in the case of Simpson's trial, jury reform articles were written even before the verdict.

Table 12

SIMPSON POST-VERDICT LOCATION				
Article Type	Section "A"	Section "B"	Section "?"	Section "?"
"Descriptive"	6	1	"SS" - 1	-
"Reform"	6	4	"M" - 1	"SS" - 2
"Editorials"	-	4	-	-

Table 12 shows that of the jury related articles written about Simpson after the verdict, most appeared in the first two sections of the newspaper.

Simpson's case appeared to parallel more with King than with Smith's. Like in the King case and unlike that in the Smith case, there was actually an increase in the coverage after the verdict. Also like in the King case, there were many more "reform" and "editorial" articles than in the Smith case. Finally, perhaps like in the King case, the coverage of the print media increased because the public did not accept the jury's verdict.

#### 4. Menendez Brothers

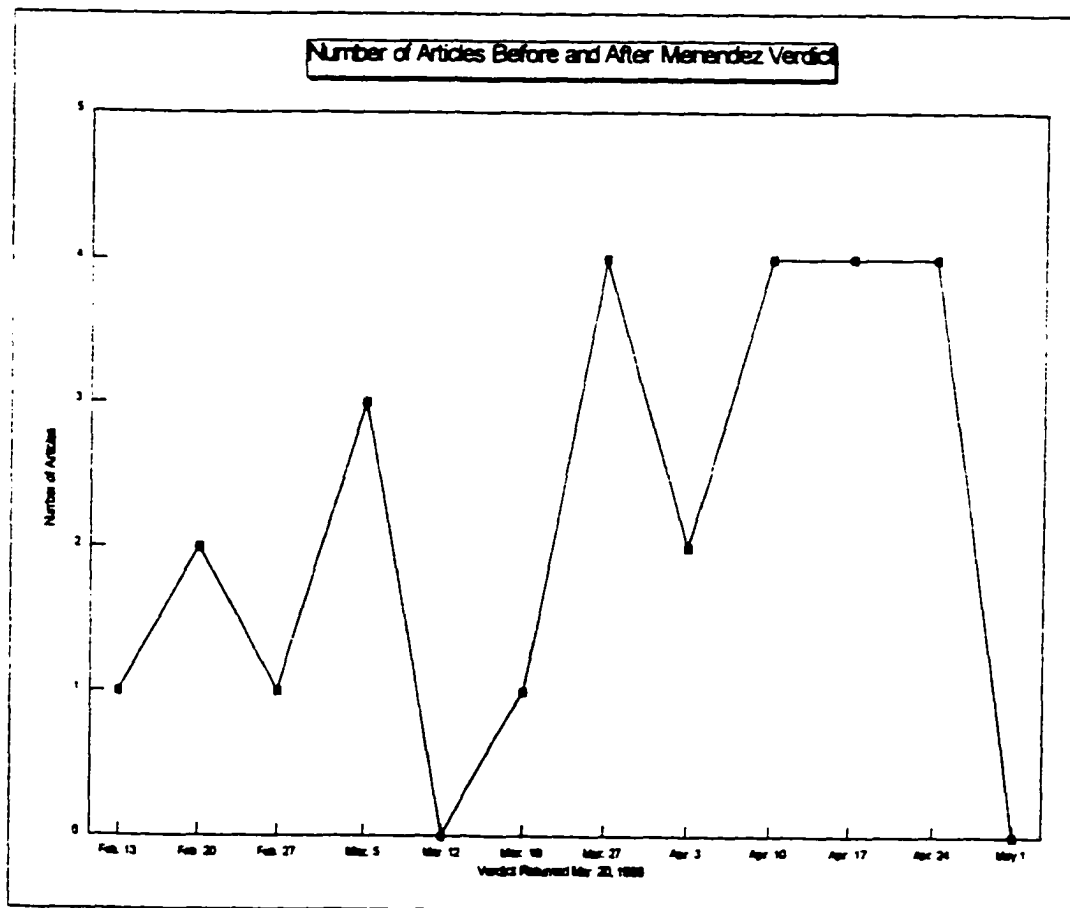
The fourth and final high profile trial that I examined was that of Lyle and Erik Menendez. An account of the case extracted from an article written in the Los Angeles Times on March 3, 1990 reads as follows:

The eldest son of slain entertainment executive Jose Menendez and his wife was arrested on Thursday on suspicion of murdering his parents last August in their Beverly Hills mansion.

The couple's younger son was being sought in Israel, where he has been playing in an international tennis tournament.

"I've been in this business for over 33 years and I have heard of very few murders that were more savage than this one was," Beverly Hill Police Chief Marvin D. Iannone told a news conference ("Eldest son," 1990 p. A-29).

The Menendez' Brothers trial was of interest to the public much for the same reasons as the Smith and Simpson trials. First of all, the brothers were from a very well-known family. Secondly, the family was extremely wealthy. Finally, the sheer viciousness of the crime was unnerving to say the least. The brothers had allegedly opened fire on their parents with shotguns...at a very close range.



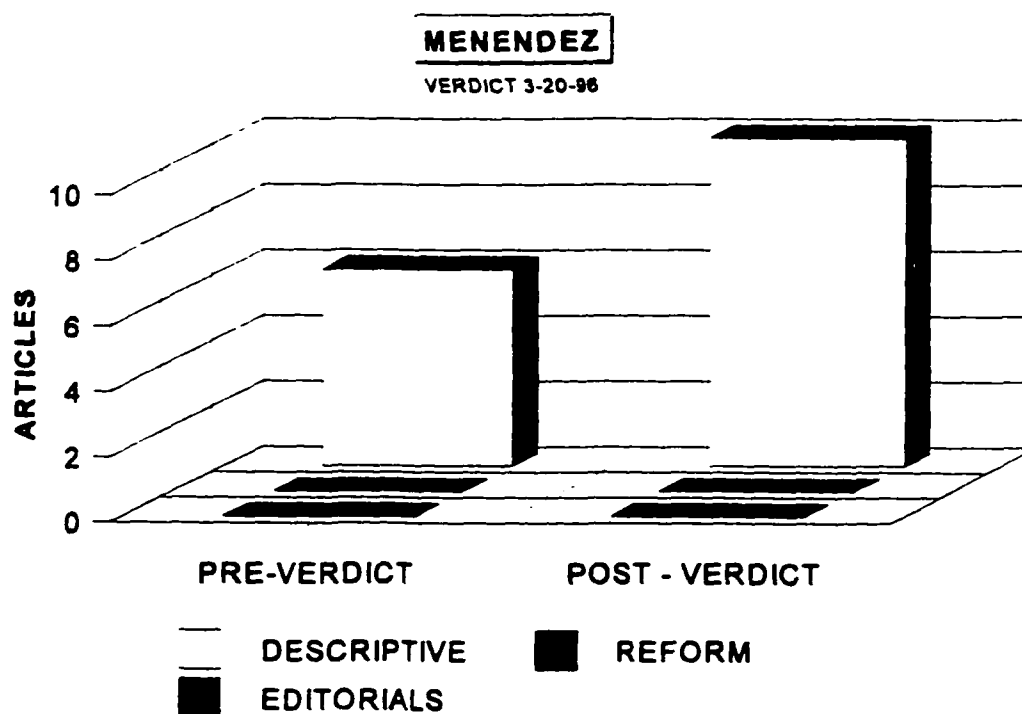
**Figure 8. Menendez articles, pre and post verdict.**

In Figure 8, I reviewed all articles that mentioned the Menendez' for six weeks prior to and after the verdict had been rendered. I was attempting to gauge the fluctuation of media interest in the case. I found that six weeks prior



to the verdict being rendered, there were 8 articles written about the brothers.

Six weeks after the verdict had been rendered, 18 articles were written about the brothers.



**Figure 9.** Menendez “descriptive,” “reform,” and “editorial” articles.

Figure 9 illustrates that of the 8 articles written about the brothers before the verdict, only 5 were jury-related. All 5 articles were coded as “descriptive,” none were coded as “reform.” Of the 18 articles written six weeks after the

verdict, 10 were jury-related. All 10 were coded as "descriptive," none were coded as "reform."

An example of a pre-verdict "descriptive" article is explained in an article written on February 17, 1996. The author informs the public as to the type of information the judge will allow the jury to consider:

The judge in the retrial of the Menendez brothers dealt a stunning blow to the heart of the defense case Friday, ruling that jurors will not be able to consider the brother's assertion that they killed their parents under a misguided fear that the parents were about to kill them.

The so-called "imperfect self-defense" could have been a key consideration in reducing murder charges to manslaughter, offering jurors a possible avenue of compromise in the complex case that resulted in juror deadlock two years ago ("Judge in retrial," 1996, p. B-1).

An example of a post-verdict "descriptive" article is displayed in an article written on March 28, 1996. The author details what is happening in the penalty phase of the trial:

Defense attorneys fighting to save the lives of Lyle and Erik Menendez urged jurors Wednesday to spare the brothers and look to the warped values of a highly dysfunctional family to explain why they murdered their millionaire parents.

And so, the Menendez legal drama entered a more dramatic stage in which the jury will decide the brothers' punishment: life in prison or death by lethal injection ("Defense attorneys," 1996, p. B-1).

On March 20, 1996 the jury returned the verdicts of "guilty" against both

brothers. They were later sentenced to life in prison without the possibility of parole. There was no societal uproar with the rendering of the jury's verdict. The contrary seemed to be true. The trial had lasted, as a result of a mistrial in the first trial, over six years. The country seemed to be relieved that the jury had finally come to a decision.

Table 13

<b>MENENDEZ PRE-VERDICT LENGTH (8 total articles)</b>				
<b>Article Type</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>	<b>Applicable</b>
<b>"Descriptive"</b>	0	4	2	6
<b>"Reform"</b>	0	0	0	0
<b>"Editorials"</b>	0	0	0	0

Table 13 indicates that 4 of the 6 articles written about the Menendez' before the verdict were coded as medium.

Table 14

<b>MENENDEZ PRE-VERDICT LOCATION</b>		
<b>Article Type</b>	<b>Section "A"</b>	<b>Section "B"</b>
<b>"Descriptive"</b>	1	5
<b>"Reform"</b>	-	-
<b>"Editorials"</b>	-	-

Table 14 shows that of the articles written before the verdict, all appeared in the first two sections of the newspaper.

**Table 15**

<b>MENENDEZ POST-VERDICT LENGTH (18 total articles)</b>				
<b>Article Type</b>	<b>Short</b>	<b>Medium</b>	<b>Long</b>	<b>Applicable</b>
<b>"Descriptive"</b>	0	5	5	10
<b>"Reform"</b>	0	0	0	0
<b>"Editorials"</b>	0	0	0	0

Table 15 indicates that all applicable articles were coded as either medium or long.

**Table 16**

<b>MENENDEZ POST-VERDICT LOCATION</b>		
<b>Article Type</b>	<b>Section "A"</b>	<b>Section "B"</b>
<b>"Descriptive"</b>	2	8
<b>"Reform"</b>	-	-
<b>"Editorials"</b>	-	-

Table 16 indicates that all of the articles written about the Menendez' after the verdict had been read, appeared in the first two sections of the newspaper.

The coverage of the Menendez' trial was similar to all the other high profile trials, in certain aspects. It mirrored the Smith trial in that there was not a great number of articles written in the six weeks prior to the verdict being read. It also mirrored the Smith case in the fact that no editorials were written before or after the verdict. Like the King and Simpson cases, the number of articles after the verdict actually increased when compared to the number of articles written before the verdict.

The lack of "reform" and "editorial" articles both before and after the verdict would lead one to believe that the public agreed with the jury's verdict in the case of the Menendez'. Most of the articles about the brothers after the verdict dealt with the issue of whether or not they would or should receive the death penalty.

## CHAPTER V

### DISCUSSION AND CONCLUSION

This final chapter provides a summary discussion of the major findings of this research project. Concluding remarks, along with suggested directions for future research, are also presented.

#### A. FINDINGS

##### 1. Jury Trials

What has been learned most from this study is that jury trials that are not high profile in nature receive very little media coverage. There appears to be no interest (based on the lack of jury related articles) by the public in learning about the daily goings-on in the hundreds of weekly trials held in courts around the country every day. The coverage of jury trials remained at a constantly low level from 1973 through 1983. From 1985 through 1995 there was a great amount of fluctuation in the number of jury related articles appearing in the Los Angeles Times. In 1995 there were 150 jury related articles written, in 1991 there were 17. However, when compared to the period of 1973 -1983, the period of 1985-1995 shows a dramatic increase in the number of jury related articles.

One possible explanation for the increase in coverage from 1985-1995 could be an intentional effort on the part of “powers that be” at the Los Angeles Times. If blood and guts and lurid details of trials sell newspapers, then why not give the public what it wants. Perhaps the “powers that be” have honed a skill over time that allows them to know what interests the public most. Another explanation could be that the newspaper was strictly reporting on the current events of the day. Perhaps the crime rate was rising during the years that jury related articles were appearing and thus garnered the reader’s attention. Perhaps the crime rate was low during periods in which the reporting of jury related articles was low, thus once again reflecting the reader’s focus. Still yet another possible explanation for the increase in jury related articles during the period of 1985-1995 as compared to the period of 1973-1983 could be the prevalence of high profile trials. By and large, those topics of most interest to its subscribers or potential subscribers will garner the most coverage, the opposite is also true. Those topics that the subscribers and potential subscribers are not interested in will receive the least amount of coverage by the media.

## 2. High profile jury trials

The first topic of discussion that should be addressed with regard to high profile jury trials is the lack of “reform” articles. As was shown throughout the

many tables, the number of “reform” articles never kept pace with those articles that were coded as “descriptive.” One explanation could be that whereas print media was once the arena in which reform types of intellectual debate occurred, now those debates have shifted to television talk shows, court television, CNN’s “Burden of Proof”, etc. With the competition for advertising dollars brought on by the electronic media, the print media must now decide whether their job is to educate the public or more importantly, sell papers.

A second topic of discussion that should be addressed with regard to the findings in high profile trials is that of longevity. Why did the interest (based on the number of articles written) in the Smith trial wane immediately after the verdict? Why did the interest, or number of articles increase after the King, Simpson, and Menendez verdicts were read?

One possible explanation could be that Smith’s trial was held in Massachusetts, and thereby had no local appeal for the Los Angeles Times’ subscribers. Whereas, the other three trials were all conducted in southern California. A second possible explanation could be that Smith’s alleged crime, sexual assault, was not considered as heinous as the acts in the other high profile trials examined. In King’s case, the video tape of the beating was shown all over the world. He was also shown in photographs, taken days after the incident, with



severe swelling and damage to his entire body, including the fracturing of several bones in his face. Whereas, in both the Simpson and Menendez trials, the charges were double murder, and the crime scenes, as reported in the L.A. Times, spoke for themselves, with regard to their viciousness.

There are many other possible explanations for the differences in longevity of media coverage of the trials, that were not examined in this paper. For example, did race of the defendants versus race of the victims come in to play? Is it possible that the social status of the defendants versus that of the victims was a deciding factor in how long the media coverage lasted after the verdicts? Perhaps civil litigation after the criminal trial meant that a particular case would remain an interest and therefore be reported on longer. The list could go on and on as to why a particular trial would get more media coverage than another particular trial. What has been discussed in this paper is just a few of those explanations.

In examining the high profile trials, I found that each case had its own set of circumstances that made its verdict and coverage by the media interesting. In the case of William Kennedy Smith, the defendant was young, wealthy, well known, and Caucasian. The defendant also had a reputation as being a "lady's man." His accuser was young, from a lower to middle class family, and not

known by the general public, until the alleged rape. There were no witnesses to the alleged incident. The accuser was thought to had been in a place where she should not have been (Smith's home), at a time that she should not have been there (in the early hours of the morning). Both the defendant and the accuser were of the same race. Smith was acquitted in a matter of seventy-seven minutes by the jury.

Another high profile trial, not examined in this paper, involved a similar defendant in most respects. The case involved a young, wealthy, well known, African American defendant. The defendant also had a reputation as being a "lady's man." His accuser was young, from a lower to middle family, and not known by the general public, until the alleged rape. There were no witnesses involved in the alleged incident. The accuser was thought to had been in a place where she should not have been (the defendant's hotel room), at a time that she should not have been there (in the early morning hours). As was the case in the William Kennedy Smith trial, both the defendant and the accuser were of the same race. The defendant in the second case, Mike Tyson, was convicted of sexual assault and served in excess of four years in prison.

One can only speculate as to why the jury came to such diverse decisions in two such similar cases. One reason could have been the backgrounds of the

two defendants. Smith was from an “old money,” politically-connected, prominent family. A family that reeked of American history, be it wanted or unwanted. It was also a family that had been reared, in most cases, in the upper class sections of Massachusetts. Whereas Tyson, while wealthy in his own respect, had earned his wealth from the brutal, typically lower class engaged sport of boxing. He was raised in the ghettos of New York and did not know most of his immediate family.

One can also speculate that the reason the jury reached its verdict was based on how the media covered the two trials. In Smith’s trial, testimony was covered gavel to gavel, via both print and electronic media. Tyson’s case garnered very little media attention in comparison to Smith’s. Most of the articles written about Smith’s trial appeared in the first section of the newspaper. The articles written about Tyson generally appeared in the sports section of the L.A. Times. The media’s coverage of Smith’s trial could have been viewed by the jurors as overkill. Is it possible that the placement of cameras in the courtroom swayed the jury’s decision? Could the infamous “blue spot” (a device used to cover Smith’s accuser’s face during telecast of the trial) have had an impact on the television audience of the trial? Could that influence have transferred from the television audience to the members of the jury, via the print media. For

example, could one of the members of the jury arrived home to see a picture of the defendant, with the “blue spot” covering her face, and heard these words from a family member, “if she were telling the truth, she would not have asked that her face be hidden behind that annoying spot.”

The Simpson and King cases were the only high profile trials examined in which editorials were written after the trial that criticized the verdicts. They were also the two trials that garnered the most attention by the media (based on the number of articles written six weeks before and after the verdicts were read). Both cases also had the majority of their stories, both pre and post verdict, appear in the first section of the newspaper. Perhaps these cases were more prevalent on the front pages of the newspaper because they involved more than just one singular issue. In Simpson’s case, domestic violence became a focus of the media’s coverage. The handling of police evidence also became an issue. Still yet another issue that surfaced during the Simpson trial was how those defendants with wealth are treated in the criminal justice system as compared to those who have no wealth. Is it possible that the incidents of looting and rioting after the King verdict had an effect on how the media covered the O.J. Simpson trial?

In King’s case, the issue of police brutality was the major focus. However other issues surfaced as well. For example, were minorities treated differently

than whites when confronted by police? Were the police acting in a manner that was not only tolerated, but also expected by the “higher ups” in their department (the Chief of Police, Darryl Gates, was forced to resign shortly after the verdict). The training of the officers became an issue of monumental importance. Had the officers been taught the proper techniques in the use of their batons? Had they been taught the proper steps to take in the use of force? What amount of force was necessary in order for the officers to arrest King? These issues and many others may have played a part in keeping King’s case on the forefront of the newspaper.

The verdict reached in the Menendez trial emitted no controversy, at least as reflected in the media. Perhaps there was no controversy due to the length of the trial. Through motions, psychological evaluations, and a mistrial, the brothers were not formally sentenced until 6 years after the initial charges were brought against them. Perhaps the trial had no public appeal because the brothers had never made it a secret that they had killed their parents. They had openly admitted to killing their parents, based loosely on a self-defense theory.

The number of articles written after the verdict doubled in comparison to the number of articles written before the verdict. However, the focus of those articles was not whether or not the jury’s decision was correct. Instead, the focus

was whether or not the brothers would receive the death penalty for their actions. There were no editorials written about the brothers' trial in which the jury's decision was questioned. After six years in litigation, the public appeared to have lost interest. The stories about the brothers appeared to have taken on a second class-citizen status. Most of the articles after the verdict appeared in the second section of the newspaper and were categorized as medium in length.

As a student and also a professional in the criminal justice field, I would like to believe that gender, social class, and race do not come into play when a jury hands down a verdict. I would like to believe that each case that comes before juries is judged on its merits.

Does the media present to the public what is most newsworthy? Or does the public, through readership, influence what the media presents. The findings of this study would lead one to believe that there is obviously a give and take relationship between the print media and its readers. Separating who is doing the giving from who is doing the taking is impossible. The patterns of the media's coverage in the high profile trials seems to fairly exemplify the relationship.

## **B. LIMITATIONS**

As with any research, the findings of this study should be viewed within the limitations and methodological problems already discussed. A content

analysis is limited to the examination of recorded communications. Because the communication is being received, at the very least, second hand, the interpretation of the author's message is extremely subjective.

The fact that the author's message is subjective leads to a second limitation of conducting a content analysis. That limitation involves the issue of replication. Unless the definitions of the concepts being researched are extremely well defined, replication is going to be an almost impossible task. However, if resources and budget are a problem, I would suggest a content analysis as a mode of research.

### **C. SUGGESTIONS FOR FUTURE RESEARCH**

There has not been a major study undertaken on juries since the study by Kalven & Zeisel from the University of Chicago Law School in 1966. Before any solid conclusions can be drawn, additional research is needed in this area. I think it would have been interesting to have examined one major newspaper in each region of the country, rather than just the Los Angeles Times. The study could have then compared the regions for similarities and differences as to how they report on both low and high profile jury trials.

There are many other related issues that could be studied with regard to the media and the extent and nature of their coverage of jury trials. Additional

studies could concern themselves with how the media's coverage varies, based on the verdict of the jury. Is there any interest in a case where most of society believes the jury's verdict was correct? Is the race of the alleged defendant and victim an issue with regard to how the media reports on jury trials? Does the gender of the defendant and victim play a role as to how the media will report on the trial? How important is the economic class of the defendant and victim? These are but a few of the other possible issues that could be studied with regard to the media and extent of their coverage of jury trials.



## REFERENCES

- Abramson, J. (1994). We The Jury. The Jury System and the Ideal of Democracy. New York, NY: BasicBooks.
- Babbie, E. R. (1979). The Practice of Social Research. Belmont, CA: Wadsworth Publishing Company.
- Baker, T. L. (1988) Doing Social Research. New York, NY: McGraw-Hill, Inc.
- Bloomstein, Morris J. (1968). Verdict The Jury System. New York, NY: Dodd, Mead & Company.
- Buchwald, A. (1995, September 19). Jury Is Lonely and Out of the Loop. The Los Angeles Times, p. E-4.
- Christianson, S.G., & Paddock, L., (1994). Great American Trials. Detroit, MI: Visible Ink Press.
- Dee, J. & Hans, V. P., (1991, November/December). Media Coverage of Law. American Behavioral Scientist, 35, 142.
- Fischer, C. A. (1997). Editor, Gale Directory of Publications and Broadcast Media. Detroit, MI: Gale Research Publishing
- Ford, A. & Newton, J. (1995, September 22). It Allows the Option of a 2nd-Degree Murder Verdict. The Los Angeles Times, p. A-1.
- Guinther, J. (1988). The Jury in America. City, State: The Roscoe Pound Foundation.
- Hans, V., & Vidmar, N. (1982). The Psychology of the Courtroom. New York, NY: Academics Press.
- Hans, V., & Vidmar, N., (1986). Judging the Jury. New York, NY: Premium Press.

Jurors of Simi Valley, mustered to the courthouse from around Ventura County. (1992, May 3). The Los Angeles Times, p. M-5.

Katz, J. (1987, January). What makes crime 'news'? Media, Culture and Society, 9, 57-58.

Klaven, H., & Zeisel, H. (1963). The American Jury. Boston, MA: Little Brown.

Mounting evidence links former football star O. J. Simpson to the brutal slaying of his former wife and a man she knew. (1994, June 15). The Los Angeles Times, p. A-1.

O'Neill, A. W. (1996, February 17). Judge Deals blow to Defense in Menendez Case. The Los Angeles Times, p. B-1.

O'Neill, A. W. (1996, March 28). Jury Asked to Spare Menendez Brothers. The Los Angeles Times, p. B-1.

Ostrow, R. (1991, April 6). Kennedy Nephew Suspect in alleged Rape, Police Say. The Los Angeles Times, p. A-20.

Richter, P. (1991, December 3). Prosecutor Suffers Setback as Smith Rape Trial Begins. The Los Angeles Times, p. A-1.

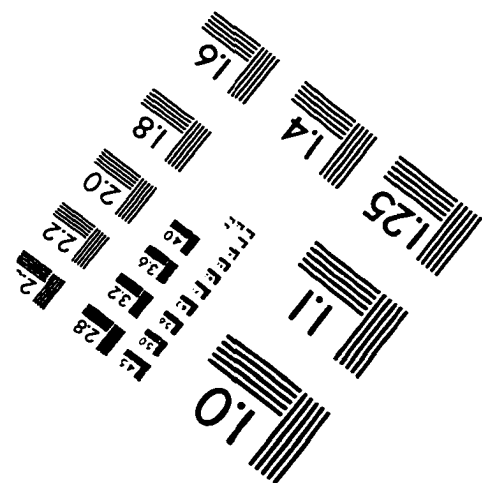
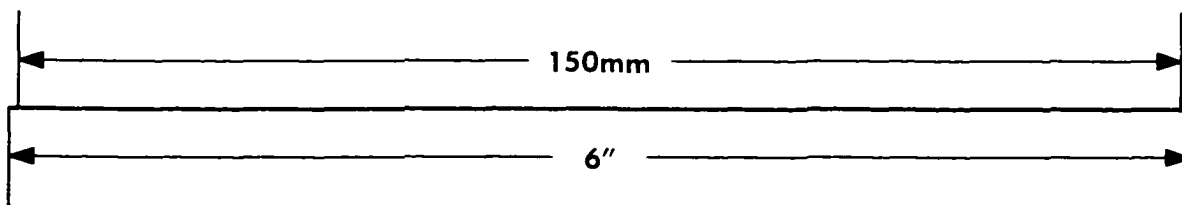
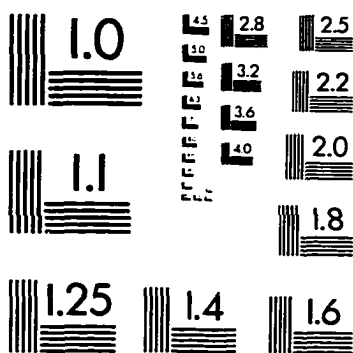
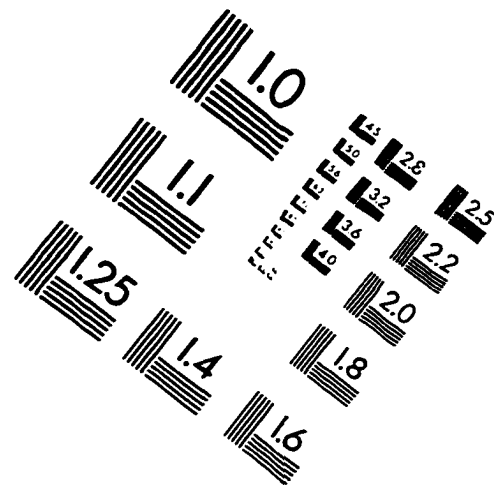
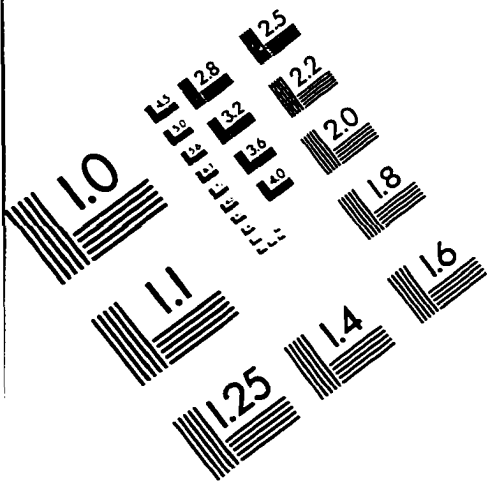
Richter, P. (1991, December 12). Jury Acquits Smith of Rape at Kennedy Estate. The Los Angeles Times, p. A-1.

Sahagun, L. & Serrano, R. (1992, April 24). Chief Broadcasts an Appeal to Troops. The Los Angeles Times, p. B-1.

Stolberg, S. (1992, April 30). Juror Says panel Felt King Actions Were to Blame. The Los Angeles Times, p. A-1.

Surette, R. (1984). Justice and the Media: Issues v Research. Springfield, IL: Charles C. Thomas Publisher.

# IMAGE EVALUATION TEST TARGET (QA-3)



**APPLIED IMAGE, Inc**  
1653 East Main Street  
Rochester, NY 14609 USA  
Phone: 716/482-0300  
Fax: 716/288-5989

© 1993, Applied Image, Inc., All Rights Reserved

