

## Entertainment or Education

### How Do Media Cover the Courts?

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In this study, the authors look at how the media cover the courts and the balance they strike between entertaining the audience and educating it. The authors expected that the rise of market-driven journalism combined with the increase in cameras in the courtroom has encouraged coverage of the judicial branch that is dramatic and designed to attract an audience rather than to inform and educate about the judicial process. Using a content analysis of local television and newspaper coverage of the courts in five media markets, the authors found that while coverage is not devoid of informative and even explanatory content, its subject matter and emphasis on the most accessible facets of the judicial process appear to be driven by audience and market considerations. Two case studies provide evidence that cameras contribute to the dramatization of court reporting.

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Since 1994 when the O.J. Simpson murder trial dominated print and broadcast media around the country for months, judges have struggled with decisions about whether to allow television cameras in their courtrooms, especially in high-profile cases. There are two dominant views about media coverage of the courts and cameras in the courtroom in particular (Haltom 1998). Critics contend that journalists cover the judicial process as entertainment. This perspective suggests that cases receiving attention in the press tend to be sensationalistic, dramatic, often involving someone famous, and rarely representative of the routine cases that pass through courtrooms. Critics also claim that cameras disrupt the courtroom as judges, lawyers, and even witnesses play to the cameras. In contrast, others, especially journalists, maintain that coverage of the courts and cameras in courtrooms educate people about the judicial process and encourage judges and lawyers to be meticulous in following due process.

The concern over media coverage of the courts is due largely to its effects, both proven and presumed. Whether it entertains or educates, unrestricted

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coverage of cases can affect both the victims and the accused. For example, victims who are covered by the media may have difficulty recovering and feel further victimized by reporters and their stories (Gersh 1992). Early coverage of the accused may lead to a presumption of guilt by the public, making it difficult to find an impartial jury; even if jurors are not biased, some contend that they may be influenced indirectly by the expectations of the public. The American Bar Association has taken this possibility seriously enough to propose guidelines for lawyers about what information might be prejudicial if it appeared in news reports so that lawyers will not provide such details to reporters (Imrich et al. 1995). Coverage may even affect lawyers' strategies. Pritchard (1994) found that cases receiving more pretrial coverage were less likely to be plea-bargained because prosecutors did not want to appear soft on crime.

Those who believe the media cover the courts as entertainment worry that this may undermine the legitimacy of the courts. Public cynicism and declining confidence in government institutions are at least in part related to media coverage, especially negative reporting (Nye 1997). While the judicial system tends to fare better than the legislative and executive branches of government in surveys of public support, confidence in the Supreme Court has hovered around 30 percent in recent years (Hibbing and Theiss-Morse 1995:32). A lack of public confidence is particularly dangerous for the courts because they have no independent enforcement power; they rely on the other branches of government to uphold their decisions. Without public pressure to support the courts, the executive and legislature might be less vigilant in carrying out judicial decisions.

In light of these potentially serious consequences of coverage, how much access media should have to courtrooms and the various players in the judicial process is in part a cost-benefit analysis. Do the benefits of educating the public about the judicial process outweigh the costs to victims, defendants, and the judicial branch? To begin to answer that question, we must know what the media report about the courts—whether reporters cover the courts to entertain by highlighting sensational or dramatic cases and reactions or to educate the public about the judicial system by explaining the process and judicial decisions and why the judges and juries make these decisions. Before presenting the results of our analysis of local media coverage of the courts, we discuss what is already known about this topic and two developments that influence court reporting.

### **What We Know about Media Coverage of the Courts**

The literature on media coverage of the courts is limited. We know the most about the relationship between the Supreme Court and the press (Davis 1987, 1994; Graber 1989; Slotnick and Segal 1998). This research has shown that coverage of the Court is scarce and sporadic and court reporters face a variety of challenges in covering an institution that has little interest in press relations.

Less attention has been paid to how the media cover the trial courts. Drechsel (1983) is one of the few scholars to provide specific insight into coverage of the trial courts, although his emphasis is more on the process of news making than the actual product. Providing a case study of one reporter's relationship to his sources, Drechsel's research helps us understand how reporters gather and filter information from the trial courts, but it does not tell us much about what information is reported. In his synthesis of existing literature, Haltom (1998:179-80) finds that coverage of the criminal courts tends to be brief and relies on insider accounts.

More generally, several studies have shown that crime is one of the most covered topics in the news. Crime stories make up 20 to 30 percent of local television news content (Kaiser Family Foundation 1998; Klite et al. 1997) and 20 to 28 percent of newspaper stories (Graber 1980:24-5). It was the sixth most reported topic on national network news in one study (Kaiser Family Foundation 1998). The crimes reported are not generally representative of what occurs, with journalists preferring murders, sensational cases, and crimes involving celebrities or public officials (Graber 1980; Kaniss 1991). Not reflective of actual racial and ethnic breakdowns of victims and perpetrators, crime coverage tends disproportionately to show minorities as the perpetrators and whites as the victims (Graber 1980; Kooistra 1998). While existing research sheds light on what is reported, it does not directly address whether court coverage is more explanation or entertainment.

Two relatively recent developments may work together to encourage reporters to highlight the entertainment aspects of the courtroom at the expense of explaining the judicial process. First, the number of cameras in the courtroom has increased dramatically since the late 1970s. Prior to 1976, the American Bar Association banned cameras in courtrooms (Hale 1998). As late as 1965, the Supreme Court supported this ban in *Estes v. Texas* as necessary to ensure the accused a fair trial. However, in 1976, several states began to experiment with cameras in the courtroom, and in 1981, the Supreme Court ruling in *Chandler v. Florida* cleared the way for cameras, declaring that "at present no one has been able to present empirical data sufficient to establish that the mere presence of the broadcast media inherently has an adverse effect" on due process (Hale 1998). In 1984, the American Bar Association amended its policy concerning cameras in courtrooms (Hale 1998), and currently all states permit television to record at least some court proceedings.

A second development that might be expected to affect court reporting is market-driven journalism. In the 1980s, in response to declining readership and changes in ownership, newspapers and television news began to pay more attention to ratings and profits than they had in the past with important consequences for the content of the news and for the news-gathering process (McManus 1994; Underwood 1993). Journalists were encouraged to report on what would

interest the audience, regardless of importance, and to cut costs by focusing on people and events that were most accessible (McManus 1994:85-9; Underwood 1993:37, 64).

Neither the increase in cameras in the courts nor the rise of market-driven journalism by itself would necessarily result in coverage of the courts as entertainment. While cameras in the courtroom make it easier for television news to cover events inside courtrooms by providing visuals, reporters still have to decide how to write the story and what parts of the proceedings to use. And market-driven journalism does not demand that the courts be covered at all. If there were no cameras to capture the dramatic events that happen in courtrooms, news organizations would find coverage of the courts too costly and inefficient. However, the courtroom events that evoke the emotional responses that news media, particularly local television, hope will attract audiences (Kaniss 1991:47) are made accessible by cameras in the courtroom. The confluence of these developments leads us to expect that coverage of the courts will emphasize entertainment over explication of the judicial process and the laws in question.

We now turn our attention to answering the question of what local media cover about the courts and the judicial process and why. We hypothesize that stories in both newspaper and television will reflect entertainment and profit values of market-driven media rather than an emphasis on important cases and educating the public and that cameras in the court will increase the drama in court reporting. To the extent that there is any explanation of the judicial process and the legal context, we expect this to be reported more in newspapers than on television.

## **Method**

To test these hypotheses, we examined coverage of the courts in daily newspapers and local television newscasts from five media markets—Los Angeles; Atlanta; Philadelphia; Columbia, South Carolina; and Raleigh, North Carolina. Because the taped local television news coverage that we used was gathered for an unrelated project, we had no control over the media markets or the dates of coverage.<sup>1</sup> We performed content analysis of all the news and editorial stories that occurred in a U.S. courtroom or that mentioned a U.S. court or judge. For television, we used an early and late evening newscast from each media market during six weeks scattered from September 1993 through October 1994. Time constraints and availability of the newspapers forced us to analyze just two or three of these weeks for each newspaper, but that is sufficient to compare print and broadcast coverage of the same cases at least for those weeks, which will allow us to draw some conclusions about differences between the two media. While we have chosen to focus on local coverage because that is where most court reporting occurs, we were also able to obtain network news coverage of

the courts during the same time period and will use it as a point of comparison below.

There were a total of 998 stories—279 from newspaper and 719 from television. For all of them, we analyzed the amount of coverage, the substantive information reported, and how the stories were reported. Because 230 stories dealt with the O.J. Simpson trial and the beating of Reginald Denny during the Los Angeles riots and these cases were unusual, we analyzed the data both including and excluding the coverage of these two cases. For most aspects of coverage, the findings did not change significantly with the exclusion of the Simpson and Denny trials, and thus, we report the results of the full data set. Where findings were different, we mention both sets of results.

### **What Is Covered?**

*Violence.* The types of cases and the subjects of court reporting support the hypothesis that entertainment value is a concern. Coverage primarily focused on murder and other violent crimes rather than on less dramatic nonviolent issues such as constitutional questions or white-collar crime, which may be harder to explain but often have a greater impact on the public. More than two-thirds of all stories dealt with some type of violent crime. Controlling for the type of media, violent crime accounted for 54 percent of newspaper stories and almost 75 percent of television coverage. Even without the Denny and Simpson trials, 60 percent of the coverage dealt with violent crime, although newspaper coverage of it dropped to 42 percent without the two high-profile cases.

When we break down coverage by the subjects of each story, the focus on violence and entertainment becomes even clearer. The top seven topics—murder, the case of the men accused of beating Reginald Denny in the Los Angeles riots, the O.J. Simpson murder trial, other violent crimes (mostly sexual assault and other assaults not specified in one of the other subjects), the Bobbitt trials, child abuse cases, and the Menendez brothers' murder trial—made up 62 percent of coverage. In contrast, the subjects that were arguably most significant and whose outcomes had the most impact on a broad number of people—political corruption; judicial misbehavior; discrimination and other civil rights issues, including hate crimes and the attempt by women to be admitted to the Citadel; first amendment cases; and environmental and military cases—combined took up barely one-fifth of all coverage.

Not only did violent cases receive more attention, but they tended to be more prominent than others. Seventy percent of murder stories appeared on page one or before the first commercial, and 56 percent of other violent crimes received top billing, but only 42 percent of nonviolent cases were given such attention. Excluding the Simpson and Denny cases made little difference in these findings.

*Location.* The location of cases covered also suggests that news organizations put audience interest ahead of importance. Sixty-five percent of the stories dealt with cases in the state. While some of these did have important implications for the audience—local white-collar crime, local political cases, and local environmental cases, for example—most of these stories reported murders and violent crimes, many of which held no greater significance for the community. They were not, for example, covered as evidence of increasing crime in the community.

Thirty-five percent of all stories were not local. Of these, 80 percent took place in other states and had no apparent consequences for or ties to the local audience. These cases were often controversial with race-related undertones, such as hate crimes and the Rodney King and Reginald Denny trials in Los Angeles. Many of these out-of-state cases were accompanied by graphic video of the crime and victims, which might have made them more interesting to the media. For example, audiences were repeatedly shown video or photographs of truck driver Reginald Denny being pulled out of his truck and beaten during the Los Angeles riots and of ice skater Nancy Kerrigan sobbing after someone hit her knee with a metal pipe. Other out-of-state stories were just bizarre or humorous; for example, one story that received attention in several markets was about whether a talking parrot, who had apparently seen the murder of his owner, could be considered a witness in the case.

The remaining nonlocal cases, only 7 percent of all the cases, were national, meaning the United States was a party to the case or the case was being heard by the Supreme Court. It is these national cases that would potentially affect the most people as the Supreme Court ruled on First Amendment freedoms and civil rights.

*Race.* Coverage of the courts included much that at least implicitly dealt with racial issues. Two of the top three subjects—the O.J. Simpson trial and the beating of Reginald Denny—raised some questions about racism. These two subjects combined with hate crimes comprised 25 percent of all stories. At first, this might appear contrary to our hypothesis that the media consider audience interest over importance of a subject. Race relations, after all, are a significant concern in the United States. However, the way these stories were covered did little to highlight the issue of race relations and almost nothing to analyze the causes of tensions or the implications beyond the immediate case. While most of the news organizations in each market mentioned the race of the defendants and victims explicitly in some, although not most, of their reports, they did not go beyond that. They left the audience to decide if and why this was important. Some stories did mention concern that the verdicts might spark more riots, but little more was said. Instead, the stories discussed precautions police were taking to handle that possibility. After the verdict was read, many stories reported reactions from blacks and whites but did not explicitly analyze the differences in those groups.

Coverage of the Simpson trial included some discussion that one police officer was racist, but most of the early coverage of the case omitted this. Consequently, what might have been important—race relations or racism—was rarely mentioned explicitly, and when it was, the audience was on its own to determine why or how race mattered in the case. The larger context of racism was not addressed.

Racial minorities were portrayed as perpetrators of crime in 58.5 percent of the stories compared to whites in 41.5 percent of the two-thirds of coverage where the race of defendants was discernible in the story. However, minorities were rarely seen as the victim of crimes (21.5 percent) in contrast to whites, who were the plaintiffs in 78.5 percent, which is completely unreflective of national crime statistics that show nonwhites are much more likely than whites to be victims (Kooistra 1998). When the Denny and Simpson trials were excluded, the percentage of cases where the race of the defendants and victims was clear from the coverage declined, and the discrepancy between minorities as perpetrators and victims evened out somewhat—minorities were the defendants in 38 percent of the coverage and were the victims in 36 percent. But the fact remains that in the most widely reported cases, minorities were often the defendants and whites the victims.

Coverage of race in the judicial process supports our hypothesis that audience considerations drive coverage. While media were drawn to stories with racial undertones and implications because these subjects are controversial and interesting to audiences, reporters showed little interest in elaborating on or evaluating these issues. And the coverage tended to support societal stereotypes of minorities as perpetrators and whites as victims.

*Characters and sources.* Defendants were overwhelmingly the major focus in coverage of cases. They were the primary characters in 50 percent of the stories and the secondary characters in another 22 percent. By contrast, plaintiffs or victims were major players in a story only 38 percent of the time, 14 percent as the primary character, and 24 percent as the secondary character.

Contrary to expectations that famous defendants or plaintiffs would be covered most or at least most prominently because of their interest to audiences, only 38 percent of the stories had a plaintiff or defendant who was nationally or locally well known. In fact, of the six cases we labeled high profile, meaning they received front-page coverage and some attention on local evening news in all of the markets we studied, only the O.J. Simpson trial involved someone well known prior to the alleged crime. The others—the Bobbitt trials, the Rodney King beating, the Denny trial, and the Menendez brothers' murder trial—became high profile because of their unusual and violent subject matter and because there was video of the trials and/or the crimes in all of these, except John Bobbitt's case, making them accessible to the media.



Some might dismiss this finding as a matter of timing, that perhaps no famous people were involved in court proceedings during the weeks we studied. While this is a valid question that warrants more study, one example from our data casts doubt on this line of reasoning. During three of the six weeks we followed coverage, U.S. senator Kay Bailey Hutchison (R-TX) was indicted by a grand jury for misconduct during her campaign, unindicted because of a problem with the grand jury, reindicted by a new grand jury, and then absolved when charges were dismissed by a judge. All of this was dutifully reported as front-page news in the Texas media. However, all of the television and most of the newspapers in the markets we studied ran only one story on the case when the first indictment was issued, and they buried that in the middle pages of the paper or late in the newscast.

In addition to plaintiffs and defendants, lawyers and judges received attention, especially as secondary characters. In some cases, they took center stage even when the defendant was famous, as in the case of the Simpson trial. We heard much more about lawyers Johnnie Cochran and Marcia Clark and Judge Lance Ito than we did about Simpson himself. That is probably because the lawyers and judges do much of the action—filing motions and ruling on them—while the defendant or plaintiff merely observes. Occasionally, the lawyers or judges did things that called attention to themselves. In some of the high-profile cases, lawyers held press conferences after the day's proceedings to answer questions for the media or to put their own spins on rulings or verdicts. Comments made by judges in several cases turned the spotlight on them. In North Carolina during the trial of several men accused of raping two women hired to dance for them at a private party, the judge compared the women to prostitutes and said he would find the men not guilty if he were on the jury.<sup>2</sup> Although the jury was not present during the judge's commentary, many in the courtroom were taken aback by the statement. In a Philadelphia courtroom, a judge imposed a harsh sentence on a man convicted of murder and in doing so stated that the defendant "has no salvage value" (WPVI-TV, Philadelphia, January 14, 1994). That prompted the convicted man to curse at the judge and the victim's family. All of this was captured on camera and replayed on the evening news and described in the local papers in a way that featured the defendant and the judge prominently.

*Process.* Media interest in the judicial process was strongest at the beginning and end of a case. Arraignments and pretrial hearings or motions were covered in 36 percent of the stories, while verdicts and immediate reactions were the focus of 34 percent. Just under one-fifth of the coverage reported on the trial itself. This pattern reflects audience and news-gathering considerations rather than educational concerns. The beginning and end of the process are usually most interesting and predictable, making them easier to cover. In the early stage of a trial, the facts of the case are new, and there is some suspense in how judges will



rule on pretrial motions. At the end of a case, the verdict is the climax and may be accompanied by dramatic emotional responses from defendants and plaintiffs or their supporters in the courtroom. In contrast, the actual trial often rehashes old information, may get very technical and tedious, and can be unpredictable in how long it lasts, making it less interesting to audiences and more difficult to cover. The importance of accessibility to the process can be seen in the lack of coverage of jury selection (2.6 percent of stories) and the appeals process (6.3 percent of stories). Cameras are usually not allowed in these parts of the process, making television coverage less likely.

*Just the facts.* To try to get more directly at whether court coverage tended to educate or entertain, we coded each story for its primary content. Content was divided into three broad categories. A story could be a straightforward report on the facts of the case—who did what, when, and where. The second category was for stories that were primarily explanatory—that is, reporters explained the relevant laws and/or the judicial process, often relying on legal experts as sources. Finally, there was a category for reports that were mostly entertainment. This included stories that went beyond the facts of the case to include graphic details of the crime, descriptions of appearances, dramatic emotional reactions or testimony, and human interest stories about participants in the process. It also included commentary or opinion pieces that discussed strategies or opinions of a trial or verdict without making sense of them on legal or procedural grounds.

Three-fourths of the stories were unadorned presentations of the facts of the case, especially on television. Almost one-fifth of the stories fell into the entertainment category, and only about 6 percent could be called explanations. And somewhat surprisingly, excluding the Simpson and Denny trials did little to lower the percent of entertainment stories; they still made up 13 percent of the coverage. When broken down by the type of media, we found that newspapers included more entertainment (23.3 percent) and explanation stories (11.8 percent) than did television (15.4 and 3.3 percent, respectively). This may be explained by the larger news space available to the print media. We found that short stories were most likely to be just the facts of the case, and 75 percent of all television stories were short (less than a minute) compared to only a third of newspaper articles. Not only did longer stories allow print reporters to dwell more on explanations and to add quotes and descriptions that made the story more entertaining, but the additional space meant that for the more prominent cases, the paper could run more than one article on the same case on the same day. One article might focus on the facts and what had happened in court, while the other dwelt on reactions to what had happened.

The high percentage of stories that were straightforward presentations of facts suggests that coverage mostly informs us about what takes place in the courts, and entertainment is secondary. While that may be encouraging, the lack

of explanatory stories may trouble some. Does the fact that so few stories can be characterized as explanatory mean that people receive no help from the media in figuring out the judicial process?

To answer this question and to learn about the kinds of explanations reporters give their readers, we coded whether each article contained any explanation of the law or legal definitions relevant to the case, the judicial process itself, or the penalties possible in a case. Almost one-fifth contained some discussion of penalty options or why one penalty was chosen. Seventeen percent provided some procedural explanation—for example, why a piece of evidence was considered admissible—and only 10 percent offered any explanation of relevant laws—for example, the conditions that had to occur to charge someone with marital rape, which was relevant to the Bobbitt trials.

There were substantial differences in the kinds of explanations offered by television and newspaper. In all cases, a greater percentage of newspaper reports contained some explanation. Nearly one-fourth had legal explanations, about one-fifth included discussion of procedure, and 31 percent explained penalties. In comparison, about 15 percent of television reports included procedural and/or penalty explanations, but only 5 percent discussed legal aspects. This is probably because television's shorter stories and visual format make discussion of the laws and technical legal definitions difficult.

### **Impact of Cameras in Court**

One thing we have not dealt with much to this point is the extent to which cameras in the courtroom affect coverage. To examine this, we turn to a more qualitative discussion of reporting on several specific cases. First, we look at both local and national television coverage of two cases stemming from the same incident—John Bobbitt's sexual assault trial for allegedly raping his wife and Lorena Bobbitt's trial for mutilating her husband following the purported assault. At Mr. Bobbitt's trial, which lasted three days, all during the time we were following the news, cameras were not permitted in the courtroom because Virginia law prohibits them in sexual assault trials. However, they were allowed at Mrs. Bobbitt's trial less than two months later because it was not a sexual assault case. Her trial lasted almost two weeks, with the first week occurring during the time we were taping the news. In addition to our good fortune that we just happened to be following the news during both these trials, they offer an excellent case study on the effects of cameras in the courtroom because they deal with the same incident, the same facts, and the same people, thus avoiding problems of comparability and the injection of additional variables that might arise between two unrelated cases. The key difference between the two was that the second trial included more detailed testimony of Mr. Bobbitt's history of abusing his wife because that was the foundation of her defense.

Somewhat unexpectedly, we found that cameras in the court were not necessarily a guarantee that a case would get more coverage. While there were more stories on Lorena Bobbitt's trial than her husband's on both the national networks (nine stories on her and five on him) and the local television stations we observed (twenty-seven compared to sixteen), the pattern did not hold up for individual news outlets. For example, ABC evening news ran four stories on Lorena Bobbitt's case and only one report on John Bobbitt's trial, but CBS ran just one story on each of them during the weeks we studied. And if we take into account the fact that Mrs. Bobbitt's trial was longer, all meaningful differences in the number of reports vanish. However, local television news stories about Lorena Bobbitt's case were longer than those about John Bobbitt's trial. WRAL in Raleigh was typical: All stories on Mr. Bobbitt's trial were less than twenty seconds, while all those about the later case were between twenty and forty seconds. Interestingly, the networks were consistent in the length of the stories for both trials. CBS's reports were all less than thirty seconds, while ABC and NBC ran stories ranging between one and a half to slightly more than two minutes. Overall, the presence or absence of cameras did little to influence the amount of coverage.

The impact of cameras was much more obvious on the substance of reporting. The sources of reports and how graphic and dramatic the stories were varied directly with whether cameras were permitted. In the first case where cameras were not allowed, reporters and anchors had to paraphrase and summarize testimony and usually did so in a very clinical way. Most local news stories did not go beyond this.

The networks, which were slightly more graphic in their summaries of the testimony, supplemented these with outside sources and more focus on the larger implications of the trial. ABC and NBC both ran long stories that mentioned that women's groups hoped the case would call attention to the abuse of women and the need to change marital rape laws. ABC's one report included sound bites from two experts—a professor at American University and a spokesperson at the Women's Policy Center—who commented on marital rape laws and how they differ among states. It also looked at a North Carolina state senator's efforts to change the laws in her state. While NBC did less outside reporting of this concern about marital rape laws, it did include a graphic in one report showing which states had tough marital rape laws.

It was not until the announcement of the verdict that the news was able to get sound bites from the people involved directly in the case. On that day, John Bobbitt made a brief statement expressing relief that the trial was over and he had been acquitted. It was carried on both local and national television. In addition, NBC covered comments by lawyers from both sides that they hoped women who were abused by their spouses would not be discouraged by the outcome of the case from pressing charges.

In contrast, coverage of Lorena Bobbitt's trial centered almost entirely on what happened in court and made liberal use of sound bites from the testimony captured by cameras in the courtroom. One local television newscast ran a seventeen-second sound bite of John Bobbitt explaining in graphic terms what had happened at the hospital the night he was cut and what his life would have been like had the surgery not been successful. The sound bites from the networks ran as long as thirty seconds—an eternity when compared to the ten-second sound bites allotted to the candidates during most of the presidential campaigns of the 1990s (Patterson 1994:164). Because the testimony was reported directly, it was much more graphic than in the first trial, where the reporters usually sanitized the most explicit comments. For example, reporters' bland summaries in the first trial mentioned that Mrs. Bobbitt had been abused. However, in the second trial, the testimony of witnesses who had seen her injuries offered more details, and Mrs. Bobbitt's own description of the physical and sexual abuse she allegedly endured left little to the imagination.

The graphic descriptions made more accessible by cameras in the court were not the only way cameras added to the drama of the coverage. Cameras could show how the testimony and arguments were delivered. For example, in her opening statement, Lorena Bobbitt's lawyer explained that the jury would hear how Lorena Bobbitt was "beaten, pushed, dragged, abused, and raped." The inflections in her voice and her dramatic pauses after each word built up tension that reached a peak on the final word of her sentence. No summary by a reporter could have conveyed that drama. A few reports also opted to run unedited exchanges between lawyers and witnesses during cross examination, which emphasized the conflict as lawyers tried to pressure witnesses or point out inconsistencies.

In the first case, video had largely been confined to shots of the Bobbitts and their lawyers arriving at or leaving the courthouse each day. This was supplemented with artist sketches of what took place in the courtroom, still shots of newspaper headlines about the case, graphics on how marital rape laws differ across the country, and some outside video of interviews with people unrelated to the case. However, in the second case, most of the video came from inside the court. Instead of having the reporters mention that the witnesses had been emotional, television news showed Lorena Bobbitt crying and shaking on the witness stand. In one story, after John Bobbitt described how his wife had cut him, the video switched to a lawyer holding up the knife that Lorena Bobbitt had used. And the pictures of Lorena Bobbitt's injuries from previous fights with her husband that were shown to the jury were broadcast to the television audience as well.

Cameras in the court also seemed to change the framing of the story. Without video of what took place in court in the first case, reporters had to expand the focus beyond the courtroom. The networks did this by focusing on the larger

implications concerning marital rape and abuse of women. In the second case, however, because of the cameras, there was no need to go outside the courtroom for interesting video and sources. Consequently, reporters could frame the story more narrowly. Most chose to look at the case as a strategic game between two sides. NBC referred to the case as “round 2” and consistently reminded viewers that the defense strategy was to portray Mrs. Bobbitt as the victim rather than a criminal. None of the stories in our data set on the second case revisited the questions of domestic abuse.

### **Newspaper versus Television**

In addition to the differences in coverage resulting from the presence or absence of cameras in the court, we also wanted to see if newspaper reporters, in an effort to stay competitive with television, covered trials in the same dramatic way as broadcast media did when cameras were present. To examine this, we singled out a local North Carolina trial in which a teenage boy was charged with assault with intent to kill. The teen had thrown a forty-two-pound cemetery vase off an overpass, hitting a car and severely injuring a woman riding in the car. We chose this case because the entire trial was done in a week, and while it received quite a bit of attention locally, it was not accompanied by all the hype of the higher profile cases.

Local television coverage of the trial on WRAL in Raleigh was extensive and dramatic. It was reported on five nights—five times on the early evening news and three times on the late news. Two of the late reports were summaries of the earlier stories and were less than a minute, but only one of the early newscast stories was less than a minute. The other five reports were between one and a half and three minutes long.

From the first day, the reporter following the trial and the two anchors on the early newscast treated it like a minidrama. On Monday evening, it was the lead story. As video of the granite vase and the badly damaged vehicle rolled, the first anchor began, “It was supposed to be an uneventful trip home.” The second anchor picked up the story, “It was supposed to be [pause] but. . . .” At that point, she described how a group of teens had dropped the vase on the car, causing extensive injuries to the car’s passenger, Ellen Daley, who was pictured in a still shot taken before the incident. The story then shifted to the courtroom with an edited video package of the day’s events—the judge’s ruling on a pretrial motion to move the case to another location, jury selection, and the likely witnesses—narrated by the court reporter. It ended with the reporter live in front of the courthouse. The second anchor breathlessly asked, “What about Mrs. Daley—is she going to be at the trial? Will she testify?” The reporter explained that he had spoken to her by phone and that she had no memory of the accident. The first anchor asked about Mrs. Daley’s health, and the reporter replied that her life “is

pretty limited” because of physical and personal problems related to the accident. The story concluded with the second anchor reminding the audience, “It’s going to be an emotional trial.”

Subsequent stories were equally dramatic. On the second day, the report included parts of Mr. Daley’s testimony describing what happened when the vase hit his car and injured his wife. The video showed him crying on the witness stand, his daughter in the front row of the court being comforted by a friend, and the defendant with his head in his hands. Both anchors and the reporter reminded viewers that this was dramatic and emotional testimony. In addition to using frequent video of Mr. Daley and his daughter sobbing during testimony and sound bites from various witnesses, the reporter heightened the drama by connecting the events in short, clipped sentence fragments that built up to the next event in the report. The anchors also continued to ask human interest questions that would elicit emotional responses from the audience. For example, one of them asked the reporter what struck him about the proceedings, and he related how the prosecutor had dropped the vase on the evidence table and the sound reverberated through the floor. He also pointed out early in the trial that Mr. Daley held no bitterness toward the defendants.

The attention to reactions within the courtroom during the trial carried over after the case was done as the three television reports following the verdict focused on reactions from those involved in the trial—the defendant’s visible response as well as comments by the jury foreman, the prosecutor, citizens in the town where the teen lived, and Mr. Daley. The reporter also noted that Mr. Daley seemed bitter that the jury had taken so long to reach a decision and that the judge had dismissed the most serious charge.

During the trial, the television audience learned the basic facts of the case. But while there was some discussion of the possible penalties facing the teen and occasional mentions of the judge’s decisions regarding motions, television reporting of the case included little explanation of the process. There was no attempt to link the story to a broader context or community concern. Instead, most of the coverage looked inward at what took place in the courtroom, and the anchors and reporter emphasized the dramatic human interest elements of the case as a way to get the audience interested.

Newspaper coverage of the trial was somewhat different. First, there was less of it. Only three stories ran in the *Raleigh News and Observer*: one short report (less than nine paragraphs) on the first day of the trial and two longer ones (twenty paragraphs). Despite fewer stories, the newspaper provided more details. The first story summarized the incident, detailed all the charges against the teen and the possible penalty, and gave a more complete description of Mrs. Daley’s injuries than television coverage did. The newspaper reporter also quoted the prosecutor’s explanation of why Mrs. Daley would not attend the trial, saying that he did not “think emotionally she was up to the trip.”<sup>3</sup> The other

articles included more details about how the teens had been vandalizing mailboxes and other property earlier on the night of the incident and how they had taunted Mr. Daley as he tried to flag down help. Newspaper reports paid more attention to the defense case, paraphrasing parts of the defense attorney's closing argument. In addition, the final report on the trial briefly mentioned a larger implication of the case. The reporter explained why the assault with intent to kill charge had been dropped and quoted the prosecutor as saying he would push for a change in state law "that would make throwing objects at moving vehicles an automatic crime" that would not force lawyers to have to prove an intent to kill to get a conviction.<sup>4</sup>

The longer two stories in the newspaper included their share of drama. An article on the second day of the trial opened like a short story:

Phil and Ellie Daley worried about driving to Florida so much that they talked of avoiding Jacksonville for fear of being shot from an overpass. But their biggest danger lurked in the darkness high above a Johnston County bridge—a 42-pound cemetery vase in the hands of a teenager.<sup>5</sup>

There were some mentions of reactions in the courtroom during testimony—the Daley's daughter crying in court, for example—but these were not as prominent or as plentiful as in television coverage of the trial. The verdict story was largely concerned with reactions from the victims and the defendant, their families, and the lawyers. However, in contrast to television coverage, which suggested that not everyone was happy with the outcome, most of the responses in the newspaper did not indicate any bitterness or conflicts that could be turned into a dramatic story line. Mr. Daley's comment suggested that he believed justice had been done, and so did the defense attorney. The only dramatic reaction reported in the paper was that of the defendant's mother, who broke down in tears.

## **Conclusions**

Our quantitative analysis of coverage of the courts does not reveal a flagrant attempt to make court reporting entertaining. The large majority of stories do not focus explicitly on drama and human interest, and most report the facts of cases in a straightforward way. Some stories even include some explanation of laws, processes, or penalties. Celebrity cases are not guaranteed prominent coverage. However, there is unmistakable, if somewhat subtle, evidence that news organizations do prefer to report on what will interest us, regardless of its importance or implications for us, and they are partial to stories and sources that are most accessible and therefore easiest to cover. The most frequent subjects of



coverage are violence and the unusual, while cases with broader consequences or that happen more routinely are neglected. The parts of the process that are most predictable and accessible attract the most attention. Thus, it appears that our hypothesis concerning market-driven journalism is largely confirmed, although perhaps not in the blatant way we had anticipated.

And although we would hesitate to make generalizations on the basis of our limited case studies, we do see evidence in the Bobbitt trials that cameras in the courtroom shape coverage and encourage the broadcast media to highlight the more dramatic aspects of a case at the expense of discussing the wider significance of a judicial proceeding. Our comparison of television and newspaper coverage of the North Carolina case reveals that newspapers are not immune to the temptation to dramatize coverage, focusing on emotions and using a narrative style. However, cameras in the court allow television more avenues for dramatic reporting than print media have. Furthermore, because of the limited news space in television, newspaper reporters may be better able than their television counterparts to incorporate more detailed information and point out the broader importance of seemingly isolated local cases even in the most dramatic reports.

We began this article with the question of whether the benefits to the audience of coverage of the courts outweighed the costs of that coverage to victims, defendants, and the judicial branch. Our study suggests that audiences can gain some knowledge of the judicial process through the media, especially newspapers. However, they are likely to learn the most about the unusual cases that have the least significance to the community or the public.

We also saw evidence that coverage might in some ways undermine support for or trust in the judicial process. While they were the exceptions, there were cases in which many people were not happy with the verdict. Because the media, especially television, tended to focus on the dramatic evidence against the defendant, the audience may have made up its mind on the person's guilt and been surprised when the jury decided otherwise or opted for lesser charges based on evidence that did not make the evening news (e.g., see the Reginald Denny case or the vase-throwing case in North Carolina). Cameras in the courtroom may well contribute to this because they allow reporters to pick and choose what portions of the trial to show and do not force them to explain why things occurred. In contrast, without cameras in the court, journalists must provide more of the text of the story and may, as in coverage of the first Bobbitt trial, decide to pursue more explanation than simple summaries of what happened.

The good news in this study is that the media are capable of providing educational reporting on the courts. The bad news is that they may have little incentive to do so in a world of journalism driven by market concerns and the ready access of cameras in the courtrooms.

## Notes

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2. Todd Nelson, “Judge’s Comments on Rape Case Shock Observers,” *News and Observer*, Oct. 22, 1993:2B.
3. Pamela Babcock, “Trial Begins in Assault from Overpass,” *News and Observer*, Oct. 19, 1993:8B.
4. Pamela Babcock, “Teen Found Guilty,” *News and Observer*, Oct. 22, 1993:1B.
5. Pamela Babcock, “Traveler Takes Stand to Recount Night of Horror,” *News and Observer*, Oct. 20, 1993:1B.

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