

CAMERAS IN THE COURTROOM:

A Proposal for Research

STATEMENT OF PROPOSED RESEARCH

We propose a basic social scientific study of the consequences of televising trials upon public understanding of courtroom procedure and the legal system. This study is not limited to the immediate and short-run effects of cameras upon participants in the courtroom. That problem has been studied but not resolved and we believe cannot be resolved in such a limited context. Our research encompasses that question within a new and more far-reaching context by investigating the consequences of television coverage for the long-range cultivation of ideas about courts and the administration of justice and hence for the attitudes and behaviors of future participants in all courtrooms.

The immediate context and urgency of the issue was noted when, on January 16, 1981, the Supreme Court of the United States ruled that the Constitution does not prohibit states from allowing television cameras to record and broadcast courtroom proceedings (Chandler v. Florida). The majority's opinion noted that no empirical data of sufficient validity have been offered to suggest that the televising of trials per se affects the judicial process.

The Supreme Court pointed out that the appellants mustered nothing except generalized allegations of prejudice deriving from the mere presence of cameras. But in terms of the larger question of the effects of the broadcast media on the judicial process, and the absence of persuasive empirical evidence, the Court repeatedly stressed that "further research may change the picture," that a Constitutional ban on media coverage of trials could not be justified "without more proof than has been marshalled to date," and that the full assessment of television's impact on courts must "await the continuing experimentation." (1)

We propose to address the need for evidence noted by the Court and to contribute to the understanding of the nature and impact of televising courtroom proceedings. The main purpose of the proposed research is to subject to social scientific testing the theories advanced and at least implicitly accepted or assumed by the states that admit cameras but held unproven by the U.S. Supreme Court, and never before systematically investigated.

Proponents claim that television coverage from within the courtroom is qualitatively different from other forms of publicity in that by conveying real courtroom procedure to millions of homes it has the capacity to enhance public understanding and reduce public misconceptions about the administration of justice while not interfering with what goes on within the courtroom.

Others concede that cameras in the courtroom do not necessarily interfere with the proceedings at the time, but question whether they improve public understanding and long-range fairness or justice. Depending on the selection and editing of trials and scenes to be televised, cameras may even confirm or heighten misconceptions now cultivated, at least in part, by courtroom drama on television.

State courts, policy makers, the news media and other parties are advocating or resisting within-courtroom broadcasts despite a striking absence of reliable scientific data on the implications and effects of this practice. Thus we propose to conduct research testing theories about the public impact and long-range consequences of originating television broadcasts from inside courtrooms. The goal of this research would be reached in two steps:

- (1) Analysis of the actual content of courtroom coverage; including broadcasts from courtrooms and fictional portrayals.
- (2) Research on the consequences of television coverage for the understanding of courtroom procedure and the legal system.

This research would be conducted as part of the Cultural Indicators Project, an ongoing research project that, over the past 15 years, has been examining trends in television content and viewer conceptions of social reality.

Background

Trials holding a special interest for the public have historically received extensive coverage by the news media. Radio, newspapers, and most recently, television, have covered the trials of political dissidents, public officials, and criminals charged with heinous offenses. But this coverage has usually been limited by the absence of cameras or other broadcasting equipment inside the courtroom itself.

In the wake of photographic coverage of the controversial Hauptmann trial in the 1930's, the American Bar Association in 1937 adopted a Canon (No. 35) prohibiting all photographic and broadcast coverage of courtroom proceedings. The canon stated that the taking of photographs was "calculated to detract from the essential dignity of the proceedings... and create misconceptions in the mind of the public." (2) In 1952, the American Bar Association amended the Canon to prohibit television coverage as well. (3) Though the ABA Canon has no force of law, it heavily influenced the state and federal judicial systems in their development and modifications of procedural rules.

By the 1970's, however, cameras slowly began to appear in the courtrooms of many states. Pressures from the television media for direct coverage intensified, as access was gained to the proceedings of other governmental institutions, including legislative bodies. The Conference of Chief Justices in 1978 voted overwhelmingly to encourage state supreme courts to develop guidelines permitting camera coverage of courtroom proceedings. And in the same year, the American Bar Association debated, but ultimately rejected, an amendment to Canon 35 to permit photographic and electronic coverage under some circumstances.

In the past three years, television coverage of courtroom proceedings has greatly expanded. Currently, about 35 states permit coverage of trial and/or appellate proceedings, under varying conditions and rules. (4) Three committees of the American Bar Association are presently considering changes in Canon 35 or other codes of judicial conduct, so as to reflect the widespread presence of cameras in America's courtrooms in 1982. (5)

Learning from Television

Television is our nation's most common and constant learning environment, as well as the mainstream of the culture. In the typical American home, the set is on for more than six hours each day, engaging its audience in a ritual most people perform with little selectivity or deviation.

Presidents, policemen, judges, spies, and celebrities are familiar parts of a selective, synthetic, symbolic environment of entertainment and news in which we grow up and learn most of what we know in common. The classifications of the print era -- the relatively sharp differentiations between news and drama, for example -- do not apply to television. Heavy viewers watch more of everything. Different programs complement and reinforce each other as they entertain the same audiences and repeat similar propositions about life and society.

Though television is only one source of citizens' information about

courts and law (6), it may well be the single most common and pervasive source of shared cultural myths and imagery. Typical viewers of dramatic network programs will see 30 police officers, seven lawyers, and three judges every week. Two-thirds of these lawyers work on criminal cases, mostly murder.

Over the past twelve years, Cultural Indicators research at The Annenberg School of Communications has found that the amount of time people spend "living" in the world of television makes an independent contribution to their conceptions of social reality. (7) Heavy viewers of television, even when other factors are held constant, report images and assumptions about crime and violence, interpersonal mistrust, occupations, age and sex-roles, health, science, and other issues which parallel television portrayals. (8) Television viewing, in short, absorbs a range of otherwise diverse perspectives into its patterned, standardized, homogeneous mainstream.

The implications of these findings about television assume added importance when juxtaposed with the controversies over cameras in the courtrooms. What will broadcasters show of courtrooms on the evening news? How will viewers assimilate those images?

The Issues

A broad range of concerns have been raised in discussions of the impact of television technology on courtroom procedures and judicial processes. The central issues represent a continuum from a "micro" focus on the internal workings and decorum of the courtroom to a "macro" focus on broad social and cultural consequences. Distinctions among levels in this hierarchy are at best heuristic; the larger social and cultural climate may influence what transpires in courtrooms, and vice-versa. Thus, while the two foci are related, most of the research and debate has been directed -- inappropriately, we believe -- at the effects of television cameras within the courtroom. This has led to research which emphasizes individual cases, the self-reports of courtroom participants, and artificial experiments -- all of which produce little in the way of firm or generalizable findings. (9)

At the micro level, one early argument against permitting broadcast coverage of trials was that television equipment is bulky, distracting, and cumbersome. (10) But today, the advances in broadcast technology are such that the required equipment is light, compact, and nonobtrusive.

A related concern of critics is that the mere presence of television cameras is psychologically distracting to witnesses, jurors, attorneys, or even the presiding trial judge. (11) Evidence derived

from artificial experimental situations suggests that an obtrusively present camera may cause people to speak longer than they do when the camera is hidden or when there is no camera at all. (12) In any case, the Court in Chandler reviewed the relevant legal and empirical arguments and concluded that, whatever the potential dangers in this regard, no sufficiently compelling data exist to support these contentions. (13)

Another concern is whether the presence of cameras impinges upon courtroom participants in undesirable ways. Judges and chief prosecutors are often elected (and may aspire to other offices), and defense attorneys may utilize the exposure to enhance their private practice. In short, television may offer these courtroom participants a powerful medium for exposure and possible political or personal gain. These considerations do not always coincide with the demands of justice or fairness. Such concerns have yet to be raised seriously in the legal literature, but have been voiced in testimony before the American Bar Association's recent hearings on cameras in the courtroom. (14)

At the next level of concern is the possibility that extensive publicity may damage a defendant's ability to attain a fair trial. (15) Of course, this is potentially true of any form of publicity, whether printed or broadcast, and whether emanating from within the courtroom or without (see, e.g., Sheppard v. Maxwell). The critical issue is not the amount of courtroom coverage, but whether television from within the courtroom might be qualitatively different from coverage without courtroom presence. Empirical information on these issues is totally lacking and will be collected in the proposed study.

Finally, we reach the broadest level of concern. Trial broadcasts may be selected and edited in such a way as to be more congruent with familiar dramatic representations of trials rather than actual trials in real courtrooms. Instead of clarifying myths and imprecise or false images about courts, (16) such broadcasts could confirm and even increase those misconceptions, spread them more widely, and entrench them more deeply.

What is needed is a rigorous, systematic investigation of the content of those broadcasts, and how the lessons contained in them counteract or reinforce the lessons cultivated by exposure to fictional trials. The assumptions, images and expectations that may be cultivated by fictional courtroom dramas -- such as preconceived notions of innocence and guilt, the generation of boredom and restlessness when real trials are not fast-paced and dramatic, the nature of evidence, and the tendency for witnesses to expect to be tricked or ridiculed (17) -- need to be examined in light of the production, content, and consequences of exposure to actual trials on television.

Research and Policy Questions

Public opinion and knowledge about courts "can be an important factor in the development and implementation of court improvement policies." (18) Confidence in various aspects of the legal system, satisfaction with current practices, and general conceptions or misconceptions can hinder or enhance attempts at judicial reform. For example, public sentiment on such issues as whether more judges or more prisons represents the better solution to the crime problem may have serious ramifications in local referenda. In various direct and indirect ways, the public's expectations and assumptions about the legal system contribute to and help define the political climate within which judicial policies are enacted or obstructed.

But what are the public's sources of their attitudes and beliefs? A study on "The Public Image of Courts" conducted by Yankelovick, Skelley and White, Inc., found that most people cite formal education and the media as their primary sources of information about courts. (19) Direct experience with courts (whether as juror, witness, spectator, or defendant, and so on) is claimed by relatively few people. The finding of self-ascribed media reliance is of limited value to the proposed project since people may not reliably be able to report where they learned information. What it does confirm, however, is that, aside from traffic hearings, experience with courts is a relatively rare phenomenon for much of the population.

This study thus reveals that courts are of relatively low salience to the public and that the public admits to very low knowledge about court operation and organization. (20) A related and potentially more serious consequence is that misconceptions and inaccurate beliefs about courts are fairly widespread. For example: 37% of the public believe that a person accused of a crime must prove their innocence; 30% believe that a district attorney's job is to defend criminals who are unable to afford a lawyer; and 72% believe the U.S. Supreme Court can review and reverse any state court decision. (21)

Another result, as Fred Friendly put it, is that,

Our visions of the courthouse are of extremes. One is found only on television where Perry Mason always prevails, where the judge listens with sober attention and where no defendant is convicted of a crime he did not commit. The other vision, quite unlike the first, comes from our firsthand and often single experience in a courtroom, where the atmosphere in the hallways is like an urban bazaar -- the legal process of Dickens and the language of Jabberwocky. (22)

If Friendly's assessment is correct, then it may help explain an

intriguing and provocative finding of the Yankelovich study. Support for and satisfaction with the judicial system show an inverse relationship with direct experience: the more knowledge of and experience with courts one has, the more likely one is to be dissatisfied with and hold critical views of courts (23). Thus, lower levels of knowledge about courts may actually function to help maintain positive evaluations of courts. In this context, attempts at judicial reform are not likely to be blocked by an apathetic, relatively docile public. On the other hand, it has also been argued that "it hardly seems desirable, in a democratic society, to rely on the ignorance of the people as a basis for perpetuation of public institutions." (24)

Dissatisfaction with courts may also be a result of overly high expectations, deriving from the "mystique" which is said to surround the legal system (25) It is often assumed that fictional representations of trials, such as those referred to by Friendly (above), are a major source of these images, although that contention has not yet been empirically tested. One goal of the proposed study will be to examine that question, by investigating associations between general, cumulative television viewing patterns and a variety of beliefs about courts.

Nevertheless, it is those very dramatic images, and the heightened expectations and idealizations they may cultivate, which proponents of cameras in the courtroom assert will be ameliorated and "corrected" by direct courtroom broadcasts. This assumes, however, that news broadcasts of actual trials will be qualitatively different from fictional portrayals; this is another as yet untested proposition which the proposed study will address. As the Supreme Court in Chandler remarked:

Selection of which trials, or parts of trials, to broadcast will inevitably be made not by judges but by the media, and will be governed by such factors as the status and position of the accused--or of the victim; the effect may be to titillate rather than to educate and inform. (26)

Accordingly, and in light of the policy issues and relevant prior research, we propose basic research to begin to provide empirical answers to these crucial questions, based on analysis of the content of televised courtroom coverage and the consequences of exposure to those broadcasts. We will "triangulate" the patterns found in actual courtroom broadcasts with those found in dramatic television trials and patterns found in real-world courtrooms.

There may be systematically distorted discrepancies among these three sources in the fundamental images of the judicial system they offer. For example, in real-world criminal trials, about 80% of defendants are convicted. Among those not convicted, about 80% result from dismissals, and only 20% from acquittals. Among those convicted, about 20% are found guilty by a jury, compared to about 80% by a plea

of guilty (or nolo contendere). (27) We will compare these kinds of figures, further specified by the demographic characteristics of defendants (such as age, sex, and race), to the patterns found in actual courtroom broadcasts and in fictional representations of trials in dramatic programs.

These kinds of triangulations may take on added political significance in terms of the perceived, portrayed, and actual treatment of different demographic, ethnic, and minority groups. Sizable portions of the public believe that blacks and the poor are not treated as well by the courts as are whites and the affluent. (28) At the same time, general television drama tends to underrepresent and overvictimize minority characters. What remains to be seen is how the patterns in broadcast trial coverage compares and contrasts both with dramatic images and with real-world patterns.

The areas where these different visions of courts most diverge will allow us to perform relatively unequivocal tests of the claims made by both supporters and opponents of cameras in the courtroom. We will determine whether citizen's images, understanding, knowledge, support and satisfaction with the legal system are influenced by dramatic television and whether exposure to actual courtroom broadcasts corrects, exacerbates, or otherwise mediates that process.

RESEARCH METHODOLOGY

We proposed to conduct empirical research into these two broad areas in two states -- one state that permits cameras inside the courtroom (for example, Florida or Rhode Island) and one state that does not (e.g., Illinois). (29)

Message System Analysis

The content of three system of television messages (news stories, dramatic programs, and The People's Court) will be analyzed along similar dimensions. We will then compare the images isolated in each of these analyses to determine the similarities and differences of these three message systems.

First, we will examine three samples of television news stories. Two will be from the state that permits television coverage of trials and will include (1) a sample of routine court news items on television that do not include direct broadcasts from the courtroom and (2) news items from telecasts made directly from the courtrooms. The third system will be a sample of routine court news items from the site in the state that does not permit cameras in the courtroom. We thus will be able to conduct a comparative analysis to isolate key characteristics of televised trials and compare them with trials reported but not televised. This analysis will permit us to ascertain what aspects of courtroom procedures (e.g., motions, hearings, trials, etc.) are selected for television coverage, the demographic characteristics of televised participants and the "action structure" of the trial, including patterns of innocence or guilt. We shall also compare the results of this analysis with empirical research findings on courts, (30) and with images from television entertainment programs as well as images from "The People's Court" (see below).

Message system analysis will also be conducted on a sample of dramatic programs selected from existing archives of prime-time network dramatic programs. Using the Cultural Indicators archive of 17 week-long samples of dramatic television programs aired between 1969 and 1983 available at The Annenberg School of Communications, we will analyze the portrayal of the courts and legal proceedings in a sample of prime-time programs in which courts and trials appear. We will also examine the characters who populate these programs, in particular the characteristics of those who are cast in legal -- or court-related -- roles, such as judges, lawyers, defendants, and witnesses.

Finally, a similar message system analysis will be conducted on a sample of episodes from "The People's Court" television program.

In message system analysis the principal aspects of methodology are the recording instrument, the sample, units of analysis, the training of coders, the assessment of the reliability of the observations, and data analysis techniques.

Recording Instrument

The first step of the proposed research will be to finalize and pilot the recording instrument. A draft of this instrument may be found in Appendix II.

The recording instrument, especially the section dealing with the recording unit as a whole, will be designed using an analytic framework that isolates the overall portrayal of courts, courtroom and legal proceedings in regard to four basic notions -- what exists, what is important, what is right, and what is related to what. These notions are translated into four constructs called attention, emphasis, tendency, and structure (31). Attention is measured by determining what kinds of legal and courtroom proceedings are presented and how often they appear. Emphasis examines these elements in terms of their importance or relevance to the unit of analysis; that is whether the topic is a minor, significant, or major focus of the program or news story. Tendency isolates whether a particular topic is presented in a positive, negative, or neutral fashion. Finally, the last construct, structure, determines what topics are related (appear together) in the entire message system.

The same instrument will be used with all three samples of court-related televised programs or stories. The instrument will have two sections -- one focusing upon the program (dramatic, People's court or news story) as a whole and one for the characters who populate the dramatic program, People's Court, or news story. The first section includes items relating to various aspects of trials and the judicial process such as the presence or absence of a jury, evidence, witnesses, confessions, etc. as well as the disposition of the trial and sentencing. The instrument will also highlight differences between fictional and actual trials through a series of items relating to "courtroom cliches." This section of the instrument will also examine some of the technical properties of the new story and/or program to help determine the degree of sophistication of the broadcast.

We will examine all the characters and people who populate these programs in two ways. In the program section we will isolate the various trial-court roles such as the presence of lawyers, aides, and

witnesses. In the second or character section of the instrument we will code each person involved in the televised trial (fictional or real) on a number of demographic and descriptive items. We will isolate the demographic characteristics (age, sex, race, socio-economic status, marital status) of those who are cast in legal roles such as lawyers, judges, defendants, witnesses, jurors, etc. and also code these participants on a number of variables of a descriptive nature -- type ("good"--"bad"), success, committing violence, victimization, romantic and family involvement, degree of expertise, and degree of achievement. We would predict that these latter set of variables will show the greatest differences between participants in actual trials and characters in a story that includes court or trial related scenes.

Data Collection

All of the new data collected for dramatic programs in the Cultural Indicators Videotape Archives will be added to existing data for programs and characters. Thus, this phase of the project will be extremely efficient and only entail collection of data relating specifically to legal and courtroom matters. The entire instrument will be applied to the sample of news stories relating to legal and courtroom matters and the sample of The People's Court.

We will first review the instrument and conduct an extensive pilot test by having our staff code 15 programs from all three message systems. All problems encountered will be discussed, resolved, and the instrument revised accordingly. The pilot testing phase will also include development of the necessary and appropriate training materials. Once we are satisfied that the instrument is satisfactory and we have isolated any potential coding problems, we will hire and train coders and complete the data collection.

The Samples

The sample of dramatic programs will include 100 programs in which courts and legal matters are central to the plot. These programs will be selected through our computerized data archives. The time parameters of the samples from which these programs will be selected are as follows: Monday through Saturday evenings from 8:00 to 11:00 p.m. EST and Sunday evenings from 7:00 to 11:00 p.m. EST.

The sample of news programs will be randomly selected from the news libraries/archives of commercial stations in both the state with television and in the state without television. Preliminary investigation has indicated that many stations keep videotapes of news programs for a year after they have been aired. The final sample

should include about 400 news programs, but, as the frequency of court-related news stories is unknown, we cannot estimate how many specific stories this sample will generate. (32)

The sample shall include a random sample of the news broadcasts across a one-year period as well as purposive sampling of news broadcasts across the same one-year time frame. (33) This will constitute, in effect, one or more case studies of how local stations cover "major trial events" in their community. Analysis of these broadcasts will help us assess the atypical coverage of courts, or what local stations view as especially "newsworthy." The combination of these two strategies should facilitate a thorough assessment of the varied conditions under which local television stations cover their local courts.

The third sample will include 4 weeks (20 episodes) of The People's Court. This should provide a sufficient number of programs to isolate the basic dimensions of this special type of court-room exposure and to provide a comparison with both dramatic programs and news stories.

Coding and Training Procedures

In message system analysis coders are trained to do a specialized kind of observation. They must reliably make the discriminations required by the recording instrument and record them in a specific form. Coders must focus only upon what is presented explicitly in the material they are coding and not how it might be judged by a critical viewer. Coders are instructed to be able to point to specific evidence in the program for each coding decision they make. They cannot fall back on or use their prior knowledge of specific programs. Their task is to generate the data for the subsequent analysis that will permit interpretation of the common message elements and structures that are available to the public of diverse viewers.

For the full analysis of these samples, a coding staff of 14 coders will be recruited and hired to work for a maximum of 20 to 25 hours each week. The training period will require five weeks of instruction and testing in total. The coding of each sample of programs (dramatic, People's Court, and news) will be preceded by a training period focusing upon that particular genre of program. In these training periods coders will view and code 7 dramatic programs, 4 episodes of The People's Court, and 12 news stories. All training programs will be specially selected and have been previously coded by the supervisory staff. Training will begin with an introductory session devoted to item-by-item discussions of the recording instrument. The trainee group will be subsequently split into randomly assigned coding teams of two each. In all three coding phases of the project, each coder-pair will work independently of all other pairs, and will return a joint

coding for each program. Coder-pairs will then meet with members of our supervisory staff and discuss the difficulties encountered in the training exercises. Coders will continue to code training programs and consult with our staff until all problems are resolved.

During both the training and data-collection phases of the project, the coder-pairs will be able to monitor the assigned videotape of the program or news story as often as necessary. All three samples (news stories, dramatic programs, and The People's Court) will be coded independently by two separate coder-pairs to provide double-coded data for the reliability analysis.

Assessment of Reliability

Reliability measures are designed to ascertain the degree to which the recorded data reflect the properties of the material being studied and not the contamination of observer bias or of instrument ambiguity. Theoretically both types of contamination are correctable, either by refining the instrument or intensifying coder training; or, as a last resort, by eliminating the unsalvageable variable or dismissing the incorrigible coder. Measures of reliability thus serve two functions: as diagnostic tools in the confirmation of the recording process, and as final evaluators of the accuracy of a phenomenon's representation in the actual recorded data.

Our reliability assessment requires the calculation of an agreement coefficient for each content item in the recording instrument. Five computational formulae are currently available for calculating these coefficients. The variations are distinguished by a difference function, the form of which depends upon the scale type of the particular variable being analyzed. Except for their respective scale-appropriate sensitivity to deviations from perfect agreement, the coefficients make the same basic assumptions as the prototype for nominal scales devised by Scott. (34) Thus, in the case of the binary variable, all formulae yield identical results. (35)

The agreement coefficients range from +1.00 to -1.00, where +1.00 indicates perfect agreement and .00 is agreement due solely to chance. A coefficient of .50 indicates that performance is 50 percent above the level expected by chance. We have defined acceptable levels of reliability as follows. Items with agreement coefficients of .8 or above are considered as unconditionally reliable, items with coefficients between .6 and .8 are accepted conditionally, while items whose coefficients fall below coefficient .5 will be excluded from any subsequent analysis.

Reliability is thus ascertained by a statistical procedure that

measures the agreement of trained analysts (beyond chance agreement) for each content item. If one were to substitute the perceptions and impressions of casual observers, no matter how sophisticated, the value of the investigation would be reduced, and its purpose confounded. Only an objective analysis of unambiguous message elements, and their separation from personal impressions left by unidentified clues, can provide the basis for isolating and understanding stable images in symbolic materials. The Data and Data Analysis Techniques

The final set of data will be compiled from the double-coded reliability data base by randomly selecting one of the two codings for each program in each sample.

The final sample of data will be subjected to extensive analysis. Statistical techniques will primarily include multi-dimensional cross-tabulations. Association procedures, such as contingency and cluster analysis, will also be used to examine constellations of certain types of content data such as themes and binary characterization attributes. Where possible we will devise multi-dimensional indices composed of a number of content items relating to a particular topic. These measures will enable us to take a number of different aspects of the portrayal of various topics into account; for example, how the topic is portrayed in the program, in characterizations, and so on.

Analysis of Effects on the Viewing Audience

The investigation of the consequences of exposure to a broad cultural medium such as television requires different conceptual, methodological, and analytical perspectives and techniques from those usually employed in the study of discrete messages or campaigns. The world as portrayed on television, and as illuminated by our message system analyses, is a coherent, organic whole and neither its lessons nor its impact can be examined in isolation. Implicit, incidental mediated representations of reality are woven into a cumulative, ongoing, and "naturalistic" fabric of facts, myths, ideologies, and values.

Television content must also be seen as an extension of the dominant stylistic convention of Western narrative art -- that of representational realism. It makes the audience respond as if the artist's (or producer's or director's) choices were governed not by the conventions of art but by the facts of life. However stereotyped the plots are, we assume that they take place against a backdrop of the real world. The details must be "naturalistic" or we feel that something is wrong. Characters must behave as people would in most situations. Nothing impeaches the basic "reality" of the world of

television fiction, or its constant and highly informative topography.

The portrayals of courts and the legal system are routinely injected into the television programming. The images are not at all unique to television; they can be found in most popular fiction, certainly in films, books, and plays. But what makes television different is the sheer quantity of exposure to the exact same messages among large and otherwise heterogeneous publics.

The various components of television's portrayals of life and society interact, complement each other, and coalesce into a consistent and stable world view, offering continual definition, confirmation, and cultivation of viewers' conceptions and assumptions. This stability coupled with the ritualistic and relatively non-selective way in which most people watch, means that either experimental or before-after designs are inappropriate to the question of what television teaches about courts and the legal system. Experimental results on the questions we are asking would have extremely low external validity, since they would be limited to the examination of the effects of individual broadcasts or at most a set of broadcasts. Moreover, the context of such studies bears little relation to the background manner in which most viewing is done. Similarly, for more than half the population, there is no "before" condition; for the past thirty-plus years, children have been born into, and massively exposed to television's mainstream.

Thus, cumulative patterns of exposure to the total and generalized world of television is perhaps a more important "stimulus" than isolated, individual messages and must be taken into account in order to study the consequences of televising actual trials. In addition, we are not concerned with "changes" in attitudes brought about by exposure to persuasive communication or campaigns, but the steady and ongoing cultivation of beliefs and assumptions.

As noted above, representations of courts and law are a common ingredient in the television world. Almost sixty percent of the prime-time programs in our archives feature the theme of "law enforcement." Most people have far more "experience" with television courtrooms and fictional courtroom participants than they will ever have in real life; the typical viewer will "meet" seven lawyers and three judges every week. In fact, the world of prime-time television contains 455 times as many lawyers, and 2000 times as many judges, as there are in the real world. (36) Clearly, television is a major potential source of shared conceptions (and misconceptions) about courtrooms and the people who work in them.

The relatively sharp differentiation of content types of the print era into such classifications as "entertainment" and "information" do not easily apply to the world of television. Parallel and

complementary messages and demonstrations of power cut across news and dramatic programs; there are indications that viewers have trouble distinguishing what they learned from "news" programs from what they learned from dramatic programs, particularly in the area of law enforcement. (37) (?) Enforcing the law in the world of television takes nearly three times as many characters as the number of all blue collar and service workers. It is into this symbolic environment, with its often harsh lessons of transgression, punishment, victimization and fate, that actual trials are being broadcast.

We realize that broadcasts from the courtroom are a relatively new phenomenon. An ideal design would allow the comparison of citizens from states which have allowed actual courtroom coverage for different amounts of time. For reasons of economy and efficiency, however, this does not seem feasible. Our proposed design, to analyze associations between exposure to general television, courtroom broadcasts, and "The People's Court" with viewers' conceptions about courts, in one state with televised trials and one without, seems a reasonable alternative and an important and necessary. first step.

The second phase of the proposed research will build on the patterns we find in the message system analyses of dramatic courtrooms, broadcasts of actual trials, and "The People's Court." Here, we will attempt to determine the consequences of exposure to these different or complementary images on public conceptions of courtrooms. We will be able to determine whether exposure to actual trials on television is associated with systematically different conceptions of courtrooms (in the direction of the patterns found in the the content) and whether that exposure interacts with or mediates associations between amount of general viewing and these same conceptions.

Survey Methodology

Surveys will be conducted with random probability samples of citizens in two states, one which allows television broadcasts from courtrooms (Florida or Rhode Island) and one which does not permit televised trials (Illinois). Approximately 750 interviews will be conducted with adults 18 or over in each state, for a total of 1500 respondents. The questionnaire will be designed to be administered in about 20 minutes.

In order to collect a substantial amount of information from a large number of people in the most efficient manner, interviews will be conducted by telephone. We will design the questionnaire and execute all phases of the analysis; a professional survey firm will draw the samples and do the actual interviewing.

The survey instrument will be designed to measure selected

assumptions, expectations, and experience with courtroom proceedings and the legal system. We will examine people's knowledge of court procedures, presumptions about innocence and guilt, confidence in and satisfaction with the legal system, and so on. This instrument will be based on the patterns observed in fictional television trials, and the ways in which they match or contradict the patterns presented in broadcasts of actual trials.

The completion of the survey instrument must await the collection and analysis of the message data. Even at this point, however, we are able to specify many possible questions. A draft of the survey instrument is presented in Appendix _____. As this instrument is clearly too long for a 20 minute interview, results from the message system analysis will reveal which are the most important items and dependent areas to be measured. In addition, these results may also suggest new questions. We also expect to carry out extensive pretesting of this instrument to reduce item ambiguity and to be able to measure the greatest number of dimensions in the most efficient and reliable manner.

Many of the sample questions presented in the draft instrument are derived from earlier work on public attitudes towards courts (e.g., the Yankelovich study), or from relevant questions which have appeared in various national surveys (e.g., the General Social Survey of the National Opinion Research Center). Other questions have been added which a priori seem to reflect dramatic representations of trials or which address concerns or supporters of critics of cameras in the courtroom.

Many of the questions are either semi-projective or forced-error, and always about the real world. We do not ask questions about how respondents perceive television since such data would either be contaminated by faulty retrospective reports or demand characteristics and would at best merely measure conventional myths about programs. Rather, we attempt to determine whether heavier exposure to the television version of the world is systematically and non-spuriously associated with beliefs about the real world. For convenience, we refer to responses which more closely match the way things are on television as the "television answer."

To give a relatively simple example, most criminal cases involving violence are decided by judges. On television, however, fictional courtroom trials are an important dramatic arena, and guilt or innocence are usually decided by juries. By matching the judgements of our respondents with the data derived from television content and real-world sources, we can build a composite picture of the relationships between these images of the world.

With forced-error questions, respondents have to choose one of two

or more incorrect responses to factual questions. The response categories are designed to reflect either the bias that is characteristic of television drama, or to represent a bias in the direction opposite to that found on television. In other cases, the questions measure opinions rather than presumptions about facts, but the response categories reflect phenomena which television portrays in a markedly slanted fashion. In either case, we determine the extent to which heavy viewers of television, other things held constant, are more likely to provide "television answers" to these questions.

Analysis and Rationale

The analytical strategy is based on comparisons of viewers who frequently watch televised trials with viewers who rarely or never watch televised trials, controlling for demographic characteristics of viewers, overall levels of viewing, exposure to "The People's Court," and direct experience with courtrooms. In other words, we shall isolate patterns of responses to questions about courtroom procedure and the legal system given by those groups exposed to televised trials and compare them to patterns of responses given by similar groups of heavy and light viewers who do not have exposure or access to real courtroom broadcasts. Typologies of exposure patterns will also be used to help illuminate interactions among the various television variables.

Our major independent variables will thus be overall amount of exposure to general television and well as the specific amount of news viewing (including whether or not the respondents have seen televised trials or segments of televised trials), and the frequency with which respondents watch "The People's Court." Relationships between these exposure variables and a wide range of dependent measures tapping beliefs and attitudes about judicial process will be examined according to state of residence (i. e., whether the respondent resides in a state which broadcasts trials) and all available demographic controls as well as controls for actual courtroom experience.

Our measures of television exposure are not interpreted as absolutely "accrurate" indicators of precise hours of viewing. Rather, we use them as convenient and reliable ranking devices, on the assumption that those who respond "four hours a day" do indeed watch more than those who respond "one hour a day."

If televised trials improve understanding, then those who have access to and more frequently watch actual trial broadcasts should reflect that in comparison to the others. This approach will permit us

to assess the basic educational claim advanced by supporters of cameras inside the courtroom. We can determine whether exposure to actual trials on television counteracts, or otherwise mediates the cultivation of conceptions about courts and the legal process, taking a citizen's direct experience with courtrooms and his or her personal background into account.

As stressed above, television viewing and its effects do not occur in a vacuum; rather, they are both strongly influenced by a variety of important background and demographic factors. These factors may also be expected to exert a good deal of influence on our dependent measures. Accordingly, in addition to the overall statistical removal of the effects of these variables (i.e., tests for spuriousness), we will pay special attention to the differential relationships between viewing and attitudes and beliefs within important subgroups.

The analysis of such subgroup relationships is a critical part of our approach. We have found that television's associations with attitudes and beliefs are rarely constant across subgroups, and the examination of subgroup patterns and variations in susceptibility reveals important theoretical distinctions. Television viewing may relate in different but consistent ways to different groups' life situations and world views. We have named the most general of these consistent patterns "mainstreaming" and "resonance".

The "mainstream" can be thought of as a relative commonality of outlooks and values that exposure to features and dynamics of the television world tends to cultivate. By "mainstreaming" we mean the expression of that commonality by heavy viewers in those demographic groups whose light viewers hold divergent views. In other words, differences found in the responses of different groups of viewers, differences that can be associated with other cultural, social and political characteristics of these groups, may be diminished or even absent from the responses of heavy viewers in the same groups. (38)

"Resonance," on the other hand, occurs when selected features of the television world hold special salience to certain groups of viewers, whose real-life situations and experiences are most congruent with television's portrayals. In these cases, the match between real world experiences and television's lessons "resonates" and results in an amplification of those lessons and boosts cultivation.

These two processes will be particularly important in the proposed study, since background demographic variables and respondents' actual courtroom experiences may be expected to produce widely different baselines on our dependent measures. For example, highly educated light viewers of television may exhibit a more correct understanding of courtroom procedure than both highly educated and less educated heavy viewers. Where will highly educated frequent viewers of televised

trials fit into that pattern? Will their understanding be superior to either light viewers or heavy viewers of television drama? Or will they tend to reflect the same (or greater) misconceptions as those who do not have televised trials available, on various levels of viewing and courtroom experience? These sorts of questions will constitute the core of our analysis of the consequences of cameras in the courtroom.

Analytical Techniques

A wide range of statistical analyses will be performed to test our hypotheses, some relatively simple and some relatively sophisticated. Our simplest analysis tabulates the proportion of respondents who give the "television answer" to each question on the basis of general television exposure and exposure to trial broadcasts while controlling for personal and social characteristics such as basic demographics, state of residence, and actual courtroom experience. This analysis divides respondents into "heavy," "medium," and "light" viewers (determined by the sample's viewing distribution) and then compares groups of viewers using two measures -- gamma and what we call the "Cultivation Differential" (CD). The CD is the difference between the percent of heavy viewers who give the television answer and the percent of light viewers who give this answer. The CD thus represents the difference heavy viewing makes with respect to a particular concept, within and across groups.

Our statistical analysis will begin with examining two- to n-way contingency patterns. This procedure will allow us to assess the general differences in the conceptions and/or behaviors of light, medium, and heavy viewers, overall, and for specific subgroups one at a time. Moreover, we will be able to clarify the extent and pervasiveness of an observed relationship and isolate highly susceptible subgroups, as well as provide important information about baseline differences on both independent and dependent measures.

We will then turn to statistical analyses that focus on tests for linearity. If we find that a relationship does not manifest significant non-linearity (and it usually will not), we will employ more powerful correlational and regression procedures to evaluate television's independent contribution to beliefs, values, and actions. For example, first-order partial correlations will be used to test for spuriousness and hierarchical regression analysis (with amount of viewing entered after all control variables) will provide estimates of television's independent contribution by revealing whether viewing adds a significant increment to total explained variance. In these analyses, we will also develop multiplicative interaction terms among the various television exposure measures.

Since crosstabular analyses do not fully guard against the possibility of spuriousness within any given demographic groups, we

will also calculate partial correlations for respondents within specific demographic classifications while simultaneously implementing relevant controls. For example, we will examine non-white respondents while simultaneously controlling for their sex, age, education, income, newspaper reading, and so on.

In all cases where multiple indicators of a specific concept are available, we will conduct standard reliability analyses before analyzing the items in index form. These will involve calculation of alpha coefficients and confirmatory factor analysis, to assess internal homogeneity and unidimensionality. Where appropriate, we will set up complex structural equation models of television's influence and explicitly test the model's goodness-of-fit. This technique will provide estimates of the relationship between true (unmeasured) constructs, measurement error, and residual disturbances in the equations. Other techniques we will employ for specialized analyses may include canonical correlations, discriminant analysis, and analysis of covariance.

Benefits of Proposed Research

The proposed research will have both policy and theoretical value. It will contribute to the scientific understanding of how television reports and shapes legal information and symbols in prime-time entertainment as well as news programs. By doing so, the research can facilitate a better understanding between local courts and the local media. The research can inform judges, court administrators, and local television stations of informational or ideological biases in television coverage, thereby providing a basis for corrective action. The research can also inform the work of increasingly prevalent bench-bar-media committees that struggle with the difficult issues of camera coverage in local communities. Such committees look for guidance as to how to balance the rights of defendants, media requests for access, and the potential educational value to the local citizenry in individual instances. This research may also inform the decisions of future appellate courts that are asked to weigh, in individual cases, the general educational benefits of camera coverage against the specific harm alleged by a particular defendant.

Dissemination

We anticipate the broadest dissemination of the findings and policy implications from the study, to reach the audiences of scholars, trial judges, court administrators, news producers, and appellate courts noted above. This would include the publication of a monograph by the American Judicature Society, designed to inform and assist

bench-bar-media committees. We would also publish articles in the scholarly journals of communications, law, and the social sciences, and present papers at conferences where media and legal representataives normally attend.

FOOTNOTES

- (1) Chandler v. Florida, 49 LW 4146
- (2) The full text of Canon 35 is as follows:

"Proceedings in Court should be conducted with fitting dignity and decorum. The taking of photographs in the courtroom, during sessions of the court or recesses between sessions, and the broadcasting of court proceedings are calculated to detract from the essential dignity of the proceedings, degrade the court and create misconceptions with respect thereto in the mind of the public and should not be permitted."
62 A.B.A. Rep. 1134-1135 (1937).
- (3) 77 A.B.A. Rep. 610-611 (1952).
- (4) Some states permit cameras on an experimental basis, whereas other states allow them on a permanent basis. In some states, only appellate proceedings may be covered; in other states, both trial and appellate proceedings may be covered. And in some states, most or all parties (e.g., the defendant, attorney, witnesses, and jurors) must agree to the cameras, whereas in other states the trial judge holds sole discretion. Thus, the range of conditions under which cameras are permitted is highly variable across the states.
- (5) The three committees are: Standing Committee on Association Standards for Criminal Justice; Standing Committee on Association Communications; and Standing Committee on Ethics and Professional Responsibility. Each of these committees was represented at the American Bar Association's "Open Meeting on Cameras in the Courtroom," January 24, 1982 in Chicago.
- (6) Yankelovich, Skelly and White, Inc. report that

"formal education and the media are the public's principal sources of information about courts"
(p. 9), see note 16 below.
- (7) George Gerbner and Larry Gross, "Living with Television The Violence Profile." Journal of Communication Spring 1976, pp. 173-199.
- (8) George Gerbner, Larry Gross, Michael Morgan and Nancy Signorielli, "The 'Mainstreaming' of America: Violence Profile No. 11." Journal of Communication, Fall 1980, pp. 10-29; George Gerbner, Larry Gross, Nancy Signorielli, and Michael Morgan, "Aging with Television: Images on

Television Drama and Conceptions of Social Reality." Journal of Communication Winter 1980, pp. 37-47; George Gerbner, Larry Gross, Nancy Signorielli, Michael Morgan, and Marilyn Jackson-Beeck. "The Demonstration of Power: Violence Profile No. 10." Journal of Communication, Summer 1979, pp. 177-196.

- (9) See, for example, Report of the Wisconsin Supreme Court Committee to Monitor and Evaluate the Use of Audio and Visual Equipment in the Courtroom, April 1, 1979; also, A Sample Survey of the Attitudes of Individuals Associated with Trials Involving Electronic Media and Still Photographu Coverage in Selected Florida Courts Between July 5, 1977 and June 30, 1978, prepared by the Judicial Planning Coordination Unit, Office of the Florida State Court Administrator, November 1, 1978.
- (10) See, for example, the concerns expressed in *Estes v. Texas*, 381 US 532 (1965).
- (11) See, for example, Note, "Televised Trials: Constitutional Constraints, Practical Implications and State Experimentation," 9 Loyola (Chi) Law Journal 910 (1978). See also, *Estes v. Texas*.
- (12) James L. Hoyt, "Courtroom Coverage: The Effects of Being Televised," 21 Journal of Broadcasting (1977), p. 493.
- (13) *Chandler v. Florida*, 49 LW 4147.
- (14) "Open Meeting on Cameras in the Courtroom," see note 5 above.
- (15) This has been the primary concern, of course, in the legal literature. See, for example, L. Tornquist and K. Griffall, "Television in the Courtroom: Devil or Saint," 17 Willamette Law Review 345 (1981); W. Stone and S. Edlin, "T. V. or not T. V.: Televised and Photographic Coverage of Trials," 29 Mercer Law Review 1119 (1978).
- (16) According to a recent national survey, "The general public's knowledge of and direct experience with courts is low." See The Public Image of Courts, reprinted from: State Courts: A Blueprint for the Future, T. J. Fetter (ed.), (Williamsburg, Va.: National Center for State Courts), Publication No. SC001, 1978, p. 5.
- (17) George Gerbner, "Trial by Television: Are We at the Point of No Return?" Judicature, April 1980, 63:9, 416-426.
- (18) The Public Image of Courts, op. cit. p. 79.
- (19) Ibid p. 15
- (20) Ibid p. 6
- (21) Ibid p. 2

- (22) Ibid p. 68
- (23) Ibid pp. 19-20
- (24) Ibid p. 83
- (25) Ibid p. 73
- (26) Chandler v. Florida, 49 LW 4146-4147.
- (27) U.S. District Courts, 1980 Criminal Cases, Statistical Abstracts, 1981.
- (28) The Public Image of Courts, op. cit., pp. 28-29.
- (29) The choice of Florida is suggested by the large amount of broadcast coverage of courtrooms there, facilitated by state court rules that do not require consent of the defendant. Rhode Island and Illinois are suggested by their comparability along relevant demographic factors such as population, urban-rural mix, racial mix, educational level, etc. The selection of Rhode Island or Florida will be made according to which state will be able to provide the largest number of televised trials or segments.
- (30) We will draw upon reference literature that provides data on the proportion of criminal and civil case filings and trials, the proportion of pleas, dismissals and trials, conviction ratios, the race, sex, and age of criminal defendants, etc. for the states and locales under study, or nationally if localized data are not available. Some national data are presented above.
- (31) George Gerbner, "Toward Cultural Indicators: The Analysis of Mass Mediated Public Message Systems." In George Gerbner, et al., (eds.) The Analysis of Communication Content: Development in Scientific Theories and Computer Techniques, (New York: Wiley, 1969).
- (32) In order to achieve a 95% confidence level in the estimation of a population proportion of .5 (i.e., a dichotomous variable), we would need 384 broadcasts in each research site. Such sample sizes would be prohibitively costly to collect and analyze. Therefore we shall accept a 90% confidence level, which requires a sample of 96 broadcasts per research site. For further discussion of sampling requirements, see John H. Mueller, Karl F. Schuessler, and Herbert L. Costner, Statistical Reasoning in Sociology, 2nd edition (Boston: Houghton Mifflin, 1970).

We have made preliminary inquiries regarding availability

and access to news station broadcast tapes. Our inquiries suggest that back tapes ordinarily are available for at least one year at major network stations in large cities.

- (33) For a discussion of purposive sampling, and its variety of approaches, see Patton, Qualitative Evaluation Methods, (Beverly Hills and London: Sage Publications, 1980).
- (34) William A. Scott, "Reliability of Content Analysis: The Case of Nominal Scale Coding," Public Opinion Quarterly, 1955, 17:3, 321-325.
- (35) Klaus Krippendorff, "Bivariate Agreement Coefficients for the Reliability of Data." In E. F. Borgotta, (ed.) Sociological Methodology: 1970, (San Francisco: Jossey Bass, 1970); and Klaus Krippendorff, Content Analysis: An Introduction to its Methodology, (Beverly Hills: Sage Publications, 1980).
- (36) Nancy Signorielli, "Demography of the Television World" in Oscar H. Gandy, Jr., Paul Espinosa and Januz A. Ordover, Proceedings from the Tenth Annual Telecommunications Policy Research Conference, Ablex, 1983, pp. 53-74.
- (37) Susan S. McDonald dissertation ????????
- (38) George Gerbner et al., "Charting the Mainstream," op. cit.

APPENDIX I

RECORDING INSTRUMENT DRAFT

CAMERAS IN THE COURTROOM

I. Setting and Context

Length of time of court segment

1. Courthouse

- (0) does not appear
- (1) appears
- (2) mentioned
- (3) both

2. Courtroom

- (0) does not appear
- (1) appears
- (2) mentioned
- (3) both

3. Court Type

- (0) cannot code
- (1) criminal
- (2) civil
- (3) arraignment
- (4) other

4. Nature of Crime (describe)

5. Court Level

- (0) cannot code
- (1) appellate
- (2) petit
- (3) grand
- (4) state
- (5) district
- (6) other
- (7) mixed

6. Tone of Courtroom

- (0) cannot code
- (1) calm, businesslike, dignified
- (2) occasional uproar, disturbances
- (3) out of control
- (4) mixed

7. Part of trial shown

- (0) cannot code
- (1) entire trial
- (2) opening statements
- (3) middle of trial
- (4) closing

8. Length of Trial

9. Reporter(s) (news or TV)

- (0) does not appear
- (1) appears
- (2) mentioned
- (3) both

10. Jury Selection Process

- (0) does not appear
- (1) appears
- (2) mentioned
- (3) both

11. Jury

- (0) does not appear
- (1) appears
- (2) mentioned
- (3) both

12. Jury Participation

- (0) no jury shown
- (1) shown, no participation
- (2) ask questions
- (3) read verdict
- (4) both (2) and (3)

13. Evidence (describe type)

- (0) none presented
- (1) shown, already presented
- (2) entered into court record

14. Surprise Nature of Evidence

- (0) no evidence
- (1) evidence shown, not of surprising nature
- (2) evidence a surprise

15. Description of evidence

16. Presentation of Evidence

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

II. Participants

17. Judge

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

18. Presentation of Judge

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

19. Lawyer for defense

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

20. Presentation of Lawyer for Defense

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

21. Lawyer for prosecution

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

22. Presentation of Lawyer for prosecution

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

23. Aides for defense

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

24. Presentation of Aides for defense

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

25. Aides for prosecution

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

26. Presentation of Aides for prosecution

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

27. Jury foreman

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

28. Presentation of Jury Foreman

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

29. defendant

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

30. Presentation of defendant

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

31. plea

- (0) none given
- (1) not guilty
- (2) guilty
- (3) insanity
- (4) other
- (5) mixed

32. Confession

- (0) none given
- (1) given previously
- (2) given as surprise

33. Defendant on witness stand

- (0) not appear
- (1) appears
- (2) badgered by prosecution while on stand

34. Defendant-Lawyer relationship

- (0) cannot code
- (1) good relationship
- (2) mixed relationship
- (3) bad relationship

35. Witnesses

- (0) no witnesses
- (1) all male
- (2) all female
- (3) mixed

36. Presentation of Witness

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

37. Badgering of Witness

- (0) no witness
- (1) no badgering
- (2) little bit of badgering
- (3) moderate amount of badgering
- (4) continual badgering

38. Court Stenographer

- (0) not appear
- (1) male
- (2) female
- (3) more than one male
- (4) more than one female
- (5) both males and females

39. Evidence entered (describe)

- (0) no evidence
- (1) entered

41. Disposition

- (0) cannot code
- (1) not convicted, dismissed
- (2) not convicted, acquitted
- (3) convicted, guilty plea
- (4) convicted, nolo contendere
- (4) convicted, jury
- (5) convicted, judge only

41. Sentence

- (0) none given
- (1) verdict only, no sentence
- (2) sentence given - pay damages/fine
- (3) sentence given - short jail term
- (4) sentence given - long jail term
- (5) sentence given - death sentence

42. Presentation of Sentence

- (0) cannot code
- (1) positive presentation
- (2) neutral presentation
- (3) negative presentation

43. Appeal
(0) cannot code
(1) no indication that conviction will be appealed
(2) information given that conviction will be appealed
44. Microphones
(0) cannot code
(1) used
45. Close ups
(0) does not appear
(1) appears
46. Zooms
(0) does not appear
(1) appears
47. Pans
(0) does not appear
(1) appears
48. Stationary camera
(0) does not appear
(1) appears
- 49 - 65. Courtroom Cliches
(0) does not appear
(1) appears
(2) mentioned
(3) both
49. judge banging gavel
50. hearing "order in the court"
51. objections raised
52. objection over-ruled
53. objection sustained
54. swearing in of witness
55. confession
56. confession from witness stand
57. confession from audience
58. asking something be eliminated from record
59. instructions to jury
60. surprise witness
61. white haired judge
62. evil prosecutor
63. emotional closing arguments
64. exhibits
65. sequestered jury

SECTION B: THE PARTICIPANTS**1. Sex**

- (0) cannot code
- (1) male
- (2) female

2. Chronological Age**3. Social Age**

- (0) cannot code
- (1) child - adolescent
- (2) young adult
- (3) settled adult
- (4) elderly, old

4. Race

- (0) cannot code
- (1) white
- (2) black
- (3) asian
- (4) american indian
- (5) other

5. Ethnicity

- (0) cannot code
- (1) not Hispanic
- (2) Hispanic

6. Socio-Economic status

- (0) cannot code
- (1) clearly lower
- (2) middle
- (3) clearly upper

7. Marital Status

- (0) cannot code
- (1) apparently never been married,
no impending marriage
- (2) impending marriage
- (3) presently married
- (4) separated
- (5) formerly but no longer married
(divorced, widowed)
- (6) mixed
- (7) cohabiting with opposite sex
- (8) homosexual or lesbian relationship

8. Seriousness

- (0) cannot code
- (1) mostly light, comic
- (2) mixed
- (3) mostly serious

9. Type

- (0) cannot code
- (1) "good", protagonist, positive, hero type
- (2) mixed, neither
- (3) "bad", antagonist, villain type

10. Success

- (0) cannot code
- (1) clearly successful
- (2) both, mixed
- (3) clearly unsuccessful

11. Happiness

- (0) cannot code
- (1) clearly happy
- (2) mixed, both
- (3) clearly unhappy

12. Violence Committed

- (0) no violence committed
- (1) non-fatal, hurts
- (2) fatal, killed

13. Victimization

- (0) not victimized
- (1) non-fatal, hurt
- (2) fatal, killed

Appendix II

Draft Survey Instrument for
CAMERAS IN THE COURTROOM

Introduction:

Hello, my name is _____ and I am calling long-distance from the National Public Attitude Survey. We are conducting a national survey of people's opinions about current issues and your telephone number has been selected. Have you ever been interviewed for a national opinion survey before?

If yes: As you may know, we are a university-based group and we have no products to sell. We are interested in your opinions on a number of current topics and we will treat your answers with strict confidence.

If no: Well, let me take a moment to say that we are a university-based group and we have no products to sell. We are interested in your opinions on a number of current topics and we will treat you answers with strict confidence.

Now, to assure a representative cross-section of people, I will need to talk to just one person who lives at this number and I need your help in selecting that person. How many adults 18 years of age or older regularly live in your home?

Can you tell me the age of each person in your household from oldest to youngest?

Now, according to our selection procedure, I need to speak with the _____ year old. What is that person's first name? May I speak to _____?

Repeat introductory remarks if new person is interviewed.

First, I'm going to name some insitutions in this country. As far as the people running these institutions are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them?

1. The medical community
2. The scientific community
3. The government
4. The Supreme Court
5. Organized religion
6. Local courts
7. Your local church
8. Federal courts
9. The Press
10. Television

Here is a list of statements about courts. Please tell me whether you think each of these statements is correct or incorrect.

11. Everyone accused of a serious crime has the right to be represented in court by a lawyer.
12. Every decision made by a state court can be reviewed and reversed by the US Supreme Court
13. All courts in this state have juries.
14. There are trial courts in every state in this country.
15. All judges in this state are appointed for life.
16. A district attorney's job is to defend an accused criminal who cannot afford a lawyer.
17. In a criminal trial, it is up to the person who is accused of the crime to prove his innocence.
18. The governor of this state must review and approve the decisions of its highest appeals court before it becomes law.
19. The highest court in this state has the power to overrule decisions made in lower state courts.

20. In general, how would you rate the courts in your area -- would you say they are excellent, very good, fair, or poor?
21. Are you generally in favor of the death penalty for persons convicted of murder?
22. In general, do you think the courts in this area deal too harshly or not harshly enough with criminals?
23. Now I am going to read you three statements about judges. Please tell me which one comes closest to the way you feel:
 - A. Judges should be required to give the same sentence for a particular crime, regardless of the circumstances of the case;
 - B. Judges should have limited power to make sentences "tougher" or "lighter" depending on the circumstances of the case; or
 - C. Judges should have a great deal of power to make sentences "tougher" or "lighter".

For each one of the following items, please tell me whether you think it is a serious problem that occurs often, a problem but not too serious, or not a problem at all:

24. Judges who are biased and unfair.
25. Courts that do not treat the poor as well as they treat the rich.
26. Courts that do not treat blacks as well as they treat whites.
27. Courts that grant bail to those previously convicted of a crime.
28. Judges who insist on following the letter of the law.
29. Not enough judges to handle the work.
30. Judges who do not put in a full day's work.

Please tell me whether you think the following statements are true or false:

31. A defendant must confess during the trial in order to be proven guilty.
32. Finger prints are introduced as evidence in most criminal trials.
33. Lawyers often try to trick a witness.

34. Good lawyers can win just about any case, no matter what side they're on.
35. Lawyers and judges rely on scientific tests to prove innocence and guilt more often than they rely on witnesses' testimony.
36. Most defendants end up pleading guilty in criminal trials.
37. Defense attorneys usually come up with a surprise witness at the last minute to clear their client.
38. Most trials drag on for weeks.
39. If a suspect is accused of breaking into a vending machine, he can be convicted even if they do not find his fingerprints on it.
40. If a defendant is really not guilty, then he probably would not have been charged in the first place.
41. Most trials are not really very interesting.
42. It is very unusual for a lawyer to use charts and enlarged photos to prove their case.

Please just give your best guess to the following questions.

43. About what percent of all criminal trials have juries -- would you say closer to one-third, closer to two-thirds, or just about all criminal trials are decided by jury?
44. In criminal trials, about what percent of defendants are found guilty -- would you say closer to one-third, closer to two-thirds, or almost all defendants are found guilty?
45. Do you think more people who are found guilty of some crime are sent to prison, or are more put on probation?
46. Do you think more people who are found guilty of some crime are put on probation, or do more have to pay some fine?
47. Do you think most people who are found guilty of some crime are found guilty by a jury, or do most just plead guilty?

Here is a list of social problems that people are talking about today. For each one, please tell me whether you think it is a very serious problem, a somewhat serious problem, or no problem at all.

48. Street crime

49. Inflation
50. Unemployment
51. Pollution
52. Efficiency in the courts
53. Education
54. Nuclear power

Now, here is a list of items for which your tax dollars might be spent. Please tell me if you think it would be extremely helpful, somewhat helpful, or not very helpful to spend more tax money:

55. To increase the number of police
56. To try to make the courts handle cases faster
57. To attempt to get the best possible people to serve as judges
58. To build more prisons
59. To build better prisons
60. Now for another topic. How safe would you say you feel at home alone during the day -- would you say very safe, somewhat safe, or not safe at all?
61. How about when you are home alone at night -- would you say you feel very safe, somewhat safe, or not safe at all?
62. And how safe would you say you feel being out alone at night in your downtown or main business district?
63. During any given week, what would you say are your chances of being involved in some kind of violence -- do think the chances are 1 in 10, or 1 in 100 that you'd be involved in violence?
64. In general, do you think that most people can be trusted, or that you can't be too careful in dealing with people?
65. Do you think the police use too much force?
66. Do you favor or oppose long prison sentences for people found guilty of violent crime?
67. During the past six months, have you called the police to report something that happened to you which you thought was a crime? <if yes> What happened?

68. Did anything happen to you during the last six months that you thought was a crime but you did not report it to the police? <if yes> What happened?
69. Have you ever been in a state or local court about a traffic incident?
70. Have you ever been in a state or local court for any other reasons besides a traffic incident?

<if yes>

71. Were you in court as a juror?
72. Were you in court as a party in a civil case?
73. Were you in court as a spectator?
74. Were you in court as a witness?
75. Have you ever been in court for any other reasons? What happened?

Now just a few questions about you -- for statistical purposes.

76. How often do you read a newspaper -- every day, a few times a week, once a week, less than once a week, or never?
77. How often do you watch television -- almost every day, a few days a week, or hardly ever?
78. Altogether, on an average day that you do watch television, about how many hours would you say you watch?
79. On this "average day," how many hours do you spend watching television in the morning -- that is, between the time you get up and the time you eat lunch?
80. How many hours do you watch in the afternoon -- say, between lunch and dinnertime?
81. And how many hours do you usually watch in the evening -- between dinner and the time you go to bed?

Now I am going to name a few kinds of television programs. After each one, please tell me whether you watch that kind of program frequently, once in a while, or hardly ever.

- 82. How about daytime serials? Do you watch daytime serials frequently, once in a while, or hardly ever?
- 83. How about religious programs?
- 84. Network evening news?
- 85. Local news around 6 o'clock in the evening?
- 86. Local news around 11 o'clock in the evening?
- 87. Have you ever watched a television program called "The People's Court"?
- 88. <if yes> How often would you say you watch "The People's Court" -- would you say you watch it frequently, from time to time, or hardly ever?
- 89. Do you have Cable TV?
 - <if yes>
 - A. Do you pay for additional cable stations besides those regularly offered through your primary cable service?
- 90. How many years have you lived in this state?
- 91. And how many years have you lived in this neighborhood?
- 92. What is your religious preference -- is it Protestant, Catholic, Jewish, some other religion, or no religion?
- 93. Would you call yourself a strong _____ or not a very strong _____ ?
- 94. Are you currently: married, widowed, divorced, separated, or have you never been married?
- 95. Did you ever get a high school diploma or a GED?
 - <if yes>
 - A. What is your highest degree?
 - <for highest degree>
 - B. In what field was that degree?

96. <If Respondent attended college> While you were in college, did you take any courses in law or legal procedure?
- <if yes>
- A. How many?
97. Last week, were you working full-time, working part-time, going to school, or what?
98. What kind of work do you (did you) normally do?
- A. What is (was) your job called?
- B. What do (did) you do in that job? What are some of your main duties?
99. Would your total yearly household income be under or over \$25,000?
- <if UNDER \$25,000>
- A. Would it be under \$15,000?
<YES = under \$15,000; NO = \$15,000-\$24,999>
- <if OVER \$25,000>
- B. Would it be over \$35,000?
<YES = over \$35,000; NO = \$25,000-\$35,000>
100. What race do you consider yourself?