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Cameras Go to Court: A Study of Television Cameras in State and Federal Courtrooms

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CAMERAS GO TO COURT: A STUDY OF TELEVISION CAMERAS IN STATE AND FEDERAL COURTROOMS

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PREFACE

This thesis is a result of my desire to combine the two fields of study, Political Science and Communications, which were my undergraduate major and minor, respectively. Another source of motivation was my love for Law and the United Stated Judicial System, of which I will one day be a part.

After studying the legal system from the viewpoint of a law student and a journalist, I decided it would be helpful to examine the relationship between the two as it related to television coverage of judicial proceedings.

The historical research for this paper was compiled over the past one and a half years from sources ranging from legal documents to media texts. Another portion of the research was used in the formulation of statistical tests which serve as part of this work.

This thesis was written to fulfill a degree requirement, while at the same time, to offer a certain insight into the problems that often result when the First and Sixth Amendments are used to discredit each other. I believe the results of this research will shed some light on the problem of free press and fair trial as it pertains to camera coverage of judicial proceedings.

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INTRODUCTION

BACKGROUND OF THE PROBLEM

For several years there has been an ongoing dispute between members of the media and members of the legal community about television coverage of judicial proceedings. Members of the media tend to argue that they have a First Amendment right and responsibility to cover court proceedings as a representative of the people. Court officials tend to answer the media's assertion with the Sixth Amendment, which guarantees a defendant the right to a public trial by an impartial jury.

STATEMENT OF THE PROBLEM

The problem that resulted from the dispute was whether the presence of cameras in the courtroom imposed on defendants' rights or whether barring cameras from judicial proceedings violated the freedom of the press. When cameras were allowed in the courtroom and citizens were allowed to view the proceedings, it may have caused certain individuals who could have served on a jury to predetermine the defendant's guilt or innocence. It might also have distracted the attorneys for either the prosecution or the defense and have resulted in a mistrial. Yet when cameras were excluded from the courtroom, it could have led to the public being misinformed.

PURPOSE OF THE STUDY

The purpose of this study is to look at both sides of the dispute, along with some independent factors, in order to analyze the problem. This study will examine which amendment is typically deemed most important and why. By analyzing both state and federal court rulings, this thesis will compare the differences expressed between the two. Finally, it will project what the future may hold for proponents and opponents of the free speech-fair trial debate.

RESEARCH QUESTIONS

In conducting this research, several questions played a significant role. Some of the most important questions are listed below:

* Which courts currently allow coverage and how much coverage do they allow?
* How has the development of technology led to an increase in the number of courts that allow television coverage of proceedings?
* Does the number of television stations in a state affect its laws concerning television cameras in the courtroom?
* Does a state's population have any affect on its procedures involving televised coverage of judicial proceedings?
*Are states in any particular region of the U.S. more likely to allow or not allow cameras to be used during judicial proceedings?

* What state and federal precedents have been set for other courts to follow?
* Why are federal courts hesitant to allow coverage?
* What has the Supreme Court of the United States said about television cameras in the courtroom?
* How was the Simpson trial handled in light of current laws?
* How do members of the legal community feel about cameras in the courtroom?

METHODOLOGY

One method of research utilized for this paper was historical. The data that dealt with the television industry, the free press-fair trial debate, the decisions of the courts, and the Simpson trial were obtained using that method. A second method of research involved the compilation of a statistical data file and statistical tests of aggregate data. This data was used in profiling state laws.

SIGNIFICANCE OF RESEARCH

One reason this research was significant was because very little research had been done in this field. Another reason was for its educational value to students both of communications and law. Furthermore, the Simpson case led to heightened public awareness of the problem, without elaborating on it. Finally, this research was significant because the author will one day

be a member of the legal community and will be able to utilize this information.

PART I: MEDIA

> Television has a great influence on society by conferring status on issues, persons, organizations and movements to which broadcast time is made available.
>
> G. Chester, Television and Radio

DEVELOPMENT OF TELEVISION

Breakthroughs in the development of television occurred in the 1930s. In 1938, for the first time, televisions were available for purchase in department stores.[1] The following year the Federal Communications Commission became involved with the television industry by approving the establishment of eighteen stations to begin operation in 1941.[2] In 1942, the government issued a statement calling for a freeze on the construction of new stations, which remained in effect until the end of World War II, at which time only six stations were still broadcasting.[3]

Television became a dominant force in the 1952 presidential campaign, which served to catapult the industry to a level of importance it had not yet imagined.[4] During this golden age of the television

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[1] Michael Emery and Edwin Emery, eds., The Press and America: An Interpretive History of the Mass Media, 7th ed., (Englewood Cliffs, New Jersey:Prentice Hall, 1992), 327.

[2] Ibid.,329.

[3] Ibid.,330.

[4] Ibid.,362.

industry, there was a significant expansion of the networks. In 1952, the National Broadcasting Company had sixty-four affiliates, the Columbia Broadcasting System claimed thirty-one affiliates, and the American Broadcasting Company had a total of fifteen affiliates.[5] Seven years later, the number of affiliates had increased to 485.[6] By looking at the shear number of existing affiliates, it became obvious that television was not a fad, but instead an entity of both entertainment and education that would be around for years to come.

TELEVISION AVAILABILITY

As fast as the number of affiliated television stations was expanding, it seemed the number of families who owned a television set was expanding also. In 1950, thirteen percent of American households owned at least one television set. By 1955, that number rose to sixty-eight percent, and by 1990, ninety-eight percent of all households in the United States had a television.[7] From the 1950s onward, it seemed as if the television became more a piece of furniture than a type of technological mechanism. The chart on the following page illustrates the number of television stations and sets that existed from 1950 to 1990.

[5] Ibid.,368.
[6] Ibid.,369.
[7] Ibid.,373.

TABLE 1

NUMBER OF TELEVISION STATIONS AND SETS IN THE UNITED STATES[8]

Year:	# of Television Stations	# of Television Sets (millions)
1950	97	6
1955	439	33
1960	573	55
1965	586	61
1970	872	84
1975	962	120
1980	1020	150
1985	1220	180
1990	1569	210

TELEVISION AS A NEWS ENTITY/ POPULARITY OF TELEVISION

During the decade of the sixties, television seemed to become more popular. By 1961, Americans thought television was a more credible source of news than the newspapers they had trusted for so long.[9] More and more people were watching television as a source of news and not just as a type of entertainment. As television became more popular, new stations were added. Many stations specialized in certain types of programming.

[8] Table compiled by author.

[9] Ibid,.393.

Court TV

One specialized station launched in July, 1991, was Court TV. The man responsible for founding Court TV was Steven Brill, a legal journalist/publisher working in New York.[10] Brill got the idea for Court TV when he was listening to a radio broadcast of a trial. He took his idea to Time Warner, received monetary support from them, and put his plan into motion.

Court TV is a twenty-four hour courtroom channel broadcast to an estimated fourteen million viewers. Court TV has given its viewers the opportunity to see such trials as those of Jeffrey Dahmer, Lorena Bobbitt, and currently O.J. Simpson. It allows subscribers to see actual courtroom proceedings rather than courtroom dramas, which have been popular since the days of Perry Mason, forty years ago.

Many supporters of Court TV, including television and radio stations, have given the cable station credit for making pool coverage of courtroom proceedings around the country more manageable.[11] Douglas O'Brien,the news director at WQCD(FM) in New York, who is also an attorney and member of the New York State Bar Association's public relations committee, said, "Court TV has done a great thing for the legal profession. The legal process is horribly underexposed."[12] O'Brien feels the legal process will begin to make more sense to the average citizen once the public has the chance to become educated about the things that take place in courtrooms across America.

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[10] Charles S. Clark, "Courts and the Media," CQ Researcher 4 (September 1994): 818-827.

[11] Rich Brown, "The Trials of Court TV," Broadcasting (June 1992): 28-30.

[12] Ibid., 28.

It is not yet clear just how much Court TV has influenced the use of cameras in state courts across the country. However, "the network's first year of business has coincided with an unprecedented boom in TV courtroom coverage."[13] Court TV has shown that courtroom proceedings can be covered in an "intelligent and rational way."[14] They have covered several important cases and have become a credible source of courtroom news.

Although Court TV has an unprecedented list of supporters, it also has its share of opponents. One critic of the network has been Alan Dershowitz, an attorney and a professor of law at Harvard University.[15] Dershowitz has questioned "the appropriateness of having a for-profit cable channel exploiting the miseries of crime victims, criminal defendants, and other litigants in order to sell soap, dog food, and laxatives."[16] Criticisms also were offered by President George Bush who felt some of the material aired by the network during the William Kennedy Smith trial was "filth and indecent material."[17] However, despite some objections, millions of Americans enjoy watching the trials of the century.

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[13] Ibid., 28.
[14] Ibid., 29.
[15] Ibid., 30.
[16] Ibid., 30.
[17] Ibid., 30.

PART II: DEBATE

> In our own lifetime we have seen how essential fair trials are to civilization. The establishment of the modern dictatorships was not the result of a failure of democracy: it was due to a failure of law. There is no trying choice between fair trials and free speech, because free speech itself will die if there are no fair trials. For that matter it is almost always the first victim.
>
> Arthur Goodhart, "Fair Trial and Contempt of Court in England," New York Law Journal

FREE PRESS-FAIR TRIAL

The question of free press-fair trial dates back as far as the Norman conquest in England.[18] It is a debate that stems from conflicting constitutional rights. One right grants to the press the freedom to report on public occurrences, while the other grants to defendants in criminal prosecutions the right to a speedy trial by an impartial jury. Seemingly, these rights are not conflicting; however, in reality the rights of the press often infringe upon the rights of criminal defendants. This infringement is often a result of the press coverage afforded certain criminal proceedings. The coverage itself may seem innocent, but might actually contaminate the minds of community members who could be asked to serve as jurors.

[18] Eileen Tanielian, "Battle of the Privileges," Entertainment Law Journal, 1990.

Thus the coverage could eliminate the possibility of a trial by an impartial jury, or at the very least, it could require the court to grant a continuance that would keep the defendant from receiving a speedy trial.

For several years the concept of free press-fair trial has been debated between media representatives and members of the legal community. In recent times, however, the debate has centered on petitions made by broadcast media entities, clinging to free press rights, to broadcast courtroom proceedings. In these arguments each side claims a constitutional right either to televise trials or to prohibit televising. Members of the media tend to rely on the first amendment, which states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof;*or abridging the freedom of speech*, or of the press:or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.[19]

While the courts tend to assert the defendant's Sixth Amendment right when they wish to deny media access to courtroom proceedings, the Sixth Amendment states:

> In all criminal prosecutions, *the accused shall have the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed*, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.[20]

Prior to 1960, most courts were reluctant to censure the press using such devices as the contempt power.[21] During the 1960s, however, the

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[19] The Constitution of the United States of America

[20] Ibid.

[21] Craig Ducat and Harold Chase, Constitutional Interpretation, 1992.

courts did begin "to undertake a searching examination of convictions resulting from trials in which press coverage was alleged to have endangered the integrity of the verdict."[22] During this time period the courts seemed to place a great deal of importance on the defendant's right to a fair trial.

The courts have recognized that one's right to a fair trial is constitutionally mandated and must be taken into consideration when the media requests access privileges. The courts seem to have questions as to the possibility of obtaining a fair trial when the media is allowed to broadcast anything it chooses, as was shown by the handling of Rideau v. Louisiana.

In this 1963 case, the court reversed the conviction of a man accused of murder, whose confession had been filmed during a television interview with the local sheriff. The high court felt the circumstances surrounding the confession warranted a change of venue, at least. Such a change would have allowed the jury selection to take place among people who had not been exposed to the televised confession.[23] However, regardless of rulings such as these, many state courts today are granting permission for broadcast to media entities, anyway.

Through various constitutional interpretations of the First Amendment, media entities have, on many occasions, been granted the right to attend trials. Their attendance has been justified because they are not only individual representatives, but also because they serve in a "surrogate role for the public."[24] Members of the media feel it is their

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[22] Craig Ducat and Harold Chase, Constitutional Interpretation, 1992.

[23] Ibid., Chase 1081.

[24] "Press Access to Judicial Proceedings," Lawyers Cooperative Publishing.

responsibility, as well as right, to attend trials and relay what happened during the proceedings to their viewers.

The courts have been much more lenient when considering the appeals made by members of the media in recent years. However, that does not necessarily mean that the courts agree with the media's claim to have an absolute constitutional right to televise or record the ongoings of any judicial proceeding. As was stated by the court in United States v. Edwards:

> The First Amendment does not guarantee a positive right to televise or broadcast criminal trials. Holding that television coverage is not always constitutionally prohibited is a far cry from suggesting that television coverage is ever constitutionally mandated.[25]

Today, several states tend to allow televised coverage of judicial proceedings unless "it is apparent that the accused might otherwise be prejudiced or disadvantaged," or that the presence of cameras in the courtroom might disrupt the proceedings.[26]

[25] United States v. Edwards, (CA5 La) 785 F2d 1293, 12 Media LR 1997.

[26] Ibid.,#73.

PART III: THE COURTS

> There is a reciprocal relationship between the U.S. Supreme Court and the state courts. As the Supreme Court's own energy flags or it reaches the limits of the appropriate Federal judicial activity, it may nonetheless have marked the path that creative state jurists will want to follow. In the long view of history, most of the truly creative developments in the American law have come from the states.
>
> The Quotable Lawyer

STATE COURT REGULATIONS

As media entities have made pleas for access to judicial proceedings, they have found a great deal of acceptance on the state court level. Although laws pertaining to broadcast coverage of courtroom proceedings vary from state to state, for the most part, state courts have been willing to allow television cameras to broadcast their proceedings. The current trend to allow televised coverage has been the result of a number of precedent-setting cases in several states, including Arkansas.

In a 1982 case involving KARK-TV in Little Rock, a court ruled that although reporters do have certain rights which allow them to report on public occurrences, they do not have an absolute right under the First Amendment, to cover any proceeding. In this particular case, KARK-TV Channel 4, Inc. v. Lofton, the defendant objected to having the proceedings televised. The trial court ordered the removal of the broadcast equipment without requiring the objection to be sustained "by a clear and convincing

showing of a compelling reason for exclusion." Channel 4 then petitioned the court to allow them to televise proceedings over the defendant's objections. However, the court ruled for Lofton, arguing in the "balance between the protection of litigants and the judicial system vis a vis the protection of the rights of the press and the public to information generated by trials," the litigant's protection should come first.[27]

Another decision involving televised coverage of judicial proceedings was rendered later in 1982. The case in question was Ford v. State of Arkansas. In this particular instance, the judge warned those involved that "willful disobedience of Canon 35 would be dealt with in an appropriate manner, which could cause retrial or result in action by a higher court."[28] (Canon 35 was part of the Code of Judicial Conduct, adopted by the American Bar Association, which issued guidelines concerning the use of television cameras in courtrooms.) Each of these rulings tended to favor the defendant rather than the press.

In 1985, the court's position began to change somewhat. In the case of Jim Halsey Co., Inc. v. Chet Bonar, the trial court permitted the broadcasting of certain portions of the proceedings over objections made by one of the litigants. The trial court could not declare a mistrial even though the broadcasting was in defiance of the canon that precluded broadcasting if a timely objection was made. Although the trial court is without discretion to permit the broadcasting of civil court proceedings when an objection has been made, if the broadcasting is allowed, the court cannot declare a mistrial unless the defendant was prejudiced by the presence of

[27] KARK-TV Channel 4, Inc. V. Lofton, 277 Ark. 228, 640 S.W. 2d 798 (1982).

[28] Ford v. State of Arkansas, 276 ark. 98, 633 S.W. 2d 3 (1982).

cameras in the courtroom. In this particular case, the error in judgment to allow broadcasting was deemed to not be prejudicial.[29]

A final Arkansas case, Brian Harp v. State of Arkansas, involved a defendant's objection to the presence of cameras in the courtroom. In this particular case, Brian Harp, who was accused of murder, objected to televised coverage of his trial; and the cameras were precluded. The cameras were not allowed in this case because Harp's objection to their presence was deemed timely.[30]

In each of these cases the courts demonstrated the rules or guidelines which have been set for them to follow. The Supreme Court of the State of Arkansas issued an order in 1993 to all trial court judges detailing the allowance of broadcasting and recording in courtrooms. in this order, several provisions were made concerning authorization, exceptions, procedures, and consequences. "The order applies to all courts, circuit, chancery, probate, municipal, and appellate, but it shall not apply to the juvenile division of chancery court."[31] The order gives discretion to the judges in determining whether to allow broadcasting of court sessions. The exceptions to judicial discretion include, timely objections made by the involved parties or counsel representing them; objections made by witnesses who have been informed by the court that they do not have to be recorded; and all matters in juvenile court such as adoptions, divorce, paternity and custody suits. Furthermore, the issue forbids broadcasting of jurors, victims of sexual offenses, and minors.

The procedure for televised proceedings in the state of Arkansas requires media representatives to enter into a pooling arrangement. The

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[29] Jim Halsey Co., Inc v. Chet Bonar, 284 Ark. 461, 688 S.W. 2d 275 (1985).

[30] Brian Harp v. State of Arkansas, 284 Ark. 461, 11 MLR 1863, (1993).

[31] Arkansas Supreme Court, Administrative Order #6, 1993.

plans for placement of equipment and coordination must be approved by the court. The court retains full control of the broadcasting and may at any time forbid further recording of the proceedings. A maximum of two cameras is permitted in the courtroom, one still and one television. Finally, the broadcasting may not in any way cause a distraction in the proceedings or it will be removed from the courtroom.

Independent Research Results

Of the fifty states and Washington, D.C., only four states forbid televised coverage of courtroom proceedings. Of those that do allow cameras in the courtroom, thirty-five have permanent laws, six have experimental laws, five have both experimental and permanent laws, and five have no laws governing the presence of cameras in courtrooms. These figures can be compared to surveys before 1980, in which only four states permitted cameras in their courtrooms. One reason for this particular set of statistical research was to attempt to determine what factors if any have led to the increase in states that allow coverage. Another reason for these tests was to determine if the states that do or do not allow televised coverage share any common factors. The research done on these states involved the use of aggregate data, and therefore individual state's accounts are not available.

The variables that played a part in the research were chosen due to their possible impacts on the subject. The variables that were used included: the types of laws used in each state, the levels at which television coverage was allowed, the requirement of consent by jury and by parties involved, the limits on coverage of the parties involved, the number of

television stations in each state, the population of each state, and the region of the country in which each state was located. The statistical tests that were run on the data included bivariate contingency tables and univariate distribution frequencies.

The first contingency or crosstabulation table dealt with the types of laws each state had in relation to the number of television stations that were registered in each state, respectively. It was expected that this test would show that states with a greater number of television stations were more likely to have permanent laws permitting cameras in the courtroom, yet this particular crosstabulation did not seem to have an adequate level of significance. That is not to say that there is no significant relationship between the number of television stations in a state and the type of laws that state has governing the use of cameras in the courtroom. The test may not have been significant for several reasons. One possibility is that the groupings of television stations into low, medium, and high categories was inadequate. Another possible flaw in the test might have been the result of a lack of information that would determine the specific types of television stations operating in each state.

A second bivariate table tested the possibilty of a significant relationship between the number of television stations in each state and the levels of court at which camera coverage was allowed. It was expected that those states with several television stations would be more likely to allow coverage at criminal and civil levels and at appellate levels. This particular test failed to show a significant relationship between the two variables. The test did, however, show that states with sixteen to thirty stations were more likely to allow coverage at the criminal and civil levels than the other states. At the appellate level, states with the fewest number

of stations were more likely to allow coverage. Once again, it is possible that the lack of significance was a result of not putting the stations into specific typologies.

The third table examined the relationship between judicial consent and the number of TV stations operating in each state. The expected result was that with a greater number of television stations, a state would be less likely to require judicial consent. This crosstabulation failed to meet significance levels.

The fourth contingency table attempted to find a significant relationship between the number of television stations per state and the requirement of consent by parties involved in the litigation procedures. States with a greater number of TV stations were expected to not require consent by parties. The significance test for this particular crosstabulation was valid. The test showed that those states with less than fifteen television stations and those states with more than thirty-one stations were much less likely to require consent by the parties involved than the states with sixteen to thirty stations. One possible explanation as to why the states with fewer than fifteen stations do not require consent is that the relatively low number of TV stations might lead members of the judiciary to believe that there will not be a great amount of distraction by camera crews in the courtroom, because there will be few stations available to cover the proceedings. A possible explanation as to why those states with an excessive number of television stations do not require party consent is that those states may be more likely to have standing agreements concerning pooling procedures that would keep distraction in the courtroom to a minimum. It is also possible that states with a lot of media outlets feel more pressure from the press to allow coverage than from individual citizens to preclude coverage.

The final contingency table that uses the number of television stations a state has as an independent variable does so in relation to the limits placed on coverage of the parties by the judiciary. This test was expected to show that states with fewer stations would be less likely to place limits on coverage of litigants. This test showed a high level of significance in the relationship between the two variables. Of the states that place limits on the coverage of the litigants, most have over sixteen television stations in their states. It is possible that these states limit the range of media coverage of participants because the judiciary feels the greater the number of stations, the more likely they are to compete with each other for ratings. This race or ratings could easily lead to sensational stories about trial participants if there are not limits placed on coverage by the judge.

The second set of crosstabulations was used to determine if there was a significant relationship between each state's population and its laws governing television cameras in courtroom proceedings. The first test, as one can see by Table 6, involved the type of laws held by a state and the state's population. The expected outcome was that states with higher populations would be less likely to have permanent laws governing camera coverage. Although the significance tests seemed inadequate, the crosstabs did show that the states with the smallest populations had mainly permanent laws. The crosstabs also showed that every state with a population over eight million had some type of law, whether permanent, experimental, or both. Of the smaller states, four had no type of laws governing cameras in the courtroom.

The second contingency table, which attempted to show a significant relationship between state population and the levels at which television coverage was allowed, did not meet the proper level of significance. One

explanation as to why this particular level of significance was inadequate is that there were not enough samples that allowed coverage at the appellate level (only twelve percent allowed coverage at the appellate level). Another possible explanation is that the population breakdown was not evenly distributed.

The third, fourth and fifth contingency tables in this section, which dealt with judicial consent, participant consent, and limited coverage of parties, respectively, all failed to meet adequate levels of significance. Once again, this might be explained by the population groupings which were uneven. The significance test for the fifth contingency table was very close to the established cut-off level. This table showed that states in the low population group were more likely to allow coverage of trial participants without placing limits on the media. The states with populations over four million limited coverage on parties (as opposed to not placing limits on coverage) by a ratio of 2:1.

The final set of contingency tables examined the possibility of a relationship between a state's coverage laws and the region of the United States in which a state was located. It was expected that states in the West would be more likely to have established laws allowing camera coverage, and this hypothesis was valid. The first crosstabulation showed a significant relationship between the type of laws held by each state and the region in which it was located. Overwhelmingly, the states located in the western region of the United States had permanent laws governing the use of cameras in the courtroom. Only one western state varied from the pattern, and it had some permanent laws and some experimental ones. No state in the western region or the northestern region was totally without laws, while two midwestern states and three southern states had

established no such type of laws. Most of the midwestern and southern states that did have laws, however, had permanent ones.

The second contingency table dealt with a state's region in relation to the levels of court at which the state allowed coverage. It was expected to show that states in the West were more likely to allow coverage at all levels, but it failed to show such a relationship. The lack of significance in for this table was possibly the result of a low number of states in the sample in which camera coverage was permitted at the appellate level.

The third bivariate table examined the relationship between judicial consent and the region in which a state was located. It was expected that the western states would be less likely to require judicial consent. This test also failed to meet an adequate level of significance.

The fourth contingency table examined the relationship between regions and the requirement of consent by parties for video cameras to be present in the courtroom. This particular bivariate test seemed to have a high level of significance. The test showed that states in the northeastern and western regions of the U.S., with two exceptions, did not require parties to consent to broadcasting of judicial proceedings in order to allow the press to be present, thus proving the initial hypothesis concerning these states. Of the southern states, half required consent and half did not. In the midwest, most states did not require consent.

The final statistical test examined the relationship between a state's region and whether it limited the coverage of parties involved in judicial proceedings. It was expected that southern states would be more likely to limit coverage, but the level of significance for this test was inadequate.

Federal Court Regulations

Traditionally, federal courts have refused to allow television cameras to record judicial proceedings. But in February of 1989, the first federal court ever to allow broadcast coverage of judicial proceedings opened its courtroom to a coalition of media entities represented by ABC News.[32] The camera crew was allowed to film oral arguments in a case involving drug tests in a Court of Military Appeals. This was a major transition, since cameras had previously been banned from federal courtrooms since the trial of the accused of the infamous Lindberg baby kidnapping in the 1930s.[33]

In September, 1990, the Judicial Conference of the United States went a step further in the process of televising federal court proceedings, when they announced their authorization of a test program that allowed the use of television cameras in federal courtrooms.[34] This was a huge step for the federal court system which, unlike most state courts, had never allowed judicial proceedings to be televised. The pilot program permitted the electronic media to broadcast proceedings in six district courts, along with two courts of appeal. The courts, however, retained the right to accept or deny any petition made by a media entity to cover a trial. In all, judges approved 140 media requests and only denied thirty-two.[35]

One of the reasons the Judicial Conference agreed to the test program was because Congress had threatened to lift the federal court's

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[32] Westlaw, 1994.

[33] Don Pember, Mass Media Law, 401.

[34] Westlaw, 1994.

[35] Ibid., 1994.

ban on television coverage if the court did not do so itself.[36] In lieu of that happening, the courts agreed to the experiment and chose the courts they thought should participate in the program. Those chosen included the Southern District Court of Indiana, the District Court of Massachusetts, the Eastern District Court of Michigan, the Southern District Court of New York, the Eastern District Court of Pennsylvania, and the Western District Court of Washington. The Second and Ninth Courts of Appeals also were chosen to participate in the test program.[37]

The program, which lasted for three years, seemed to be fairly successful. An overwhelming eighty-three percent of the federal judges surveyed after the experimental program felt that electronic media coverage caused little or no distraction during judicial proceedings.[38] Most federal judges did not feel that the presence of cameras in the courtroom changed the behavior of trial participants, and none said it "caused judges to avoid unpopular rulings to any great extent."[39]

Yet the judges who were in charge of making policies for the federal courts refused to extend the test program in September of 1994, and ordered that all broadcasting of the proceedings end on December 31, 1994.[40] Within the Judicial Conference, proponents of the proposal that would have made the camera coverage permanent, were outnumbered two to one.[41] In response to the supporters' claims about state courts allowing coverage, opponents said, "Look, a lot of state judges are elected."[42] By making this

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[36] Ibid., 1994.

[37] Ibid., 1994.

[38] Tony Mauro, "Why Are Cameras Still Banned in Federal Courts," Quill (March 1994).

[39] Ibid., 12.

[40] Linda Greenhouse, "Disdaining a Soundbite, Federal Judges Banish TV," The New York Times, September 25, 1994.

[41] Ibid.

[42] Ibid.

statement, opponents referred to the fact that federal judges are appointed and not nearly so accountable to the public as state court judges. State court judges have to be more concerned than their federal counterparts about what the electorate wants.

Of the judges involved in the pilot program, most felt that the coverage lacked the educational value they had hoped it would provide. The judges didn't like the idea of being used as backdrops for evening news stories. They felt the value of the broadcasting would have been greater if the public were allowed to view the proceedings at length, rather than simply a ten second soundbite. One judge said, "The basic purpose of the court is to render justice. The basic purpose of TV is to provide people with entertainment...To be true to their calling, TV producers will have to take trials and make them into entertainment."[43] He felt that in order to do that, producers would distort and dramatize the actual proceedings. The judges also expressed a concern over the impact that televised proceedings might have on witnesses.[44]

Although federal courts are currently denying the media the opportunity to broadcast judicial proceedings, it is likely that their opinions could change. There has been a lot of pressure not only from the press, but also from the public for the courts to allow broadcasting. It is also likely that Congress will eventually offer another ultimatum.

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[43] Ibid, Mauro 13.

[44] "Federal Courts Back In the Dark, The New York Times."

UNITED STATES SUPREME COURT

Although the United States Supreme Court does not allow television coverage of its proceedings, it has been responsible for making the final decisions in two state cases as to whether or not television coverage should be allowed on the state court level. The U.S. Supreme Court was also responsible for determining the regulations that would govern the use of cameras in state courts. The two major cases that have been heard by the Supreme Court on this subject were Estes v. State of Texas and Chandler v. Florida.

The Estes case was heard by the High Court in 1965. The case involved Billy Sol Estes, who was accused of swindling. Since the case was so important in the state of Texas, the lower court allowed television cameras at the pre-trial hearing. These cameras caused quite a disruption, but during the trial there was less of a distraction. At the conclusion of the trial, Estes was found guilty, and he appealed his conviction to the U.S. Supreme Court. Estes claimed he had been deprived of his Fourteenth Amendment right to due process by having his judicial proceedings televised.

The High Court agreed with Estes and reversed his conviction. In doing so, Justice Tom Clark stated, "While maximum freedom must be allowed the press in carrying out this important function [informing the public] in a democratic society, its exercise must necessarily be subject to the maintenance of absolute fairness in the judicial process."[45] The Court simply felt that the presence of cameras had created too many impediments

[45] Pember, Ibid.

to a fair trial. By ruling in that manner, the Court was saying that it acknowledged the rights of the press, but when a choice between the two was in order, it would side with the defendant.

A second case heard by the Supreme Court involving television cameras was Chandler v. Florida. This case, heard in 1991, came after extensive experimentation with cameras in the courtroom. Telecasting equipment improved dramatically and journalists demonstrated their abilities to act responsibly when covering judicial proceedings.[46]

Chandler originated when two former Miami police officers argued that they had failed to receive a fair trial. They claimed the presence of television cameras in the courtroom, which was allowed by Florida law, deprived them of their Sixth Amendment right. The Florida Supreme Court refused to overturn the trial court's ruling, and the U.S. Supreme Court granted certiorari to hear the case. After doing so, the High Court also refused to overturn the earlier convictions. In writing the Court's opinion, Chief Justice Warren Burger stated, "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 that [trial] process."[47]

With its ruling in Chandler, the Supreme Court took a serious turn toward allowing more extensive media coverage of courtroom proceedings. However, one turn the Court has not yet made is the one that would allow broadcast coverage of its own proceedings. The Court is still not inclined to open its hallowed inner sanctum to media entities.

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[46] Estes v. Texas, 381 U.S. 532, (1965).

[47] Chandler v. Florida, 449 U.S. 560, (1981).

There have been two appeals made to the Supreme Court on behalf of media entities requesting permission to televise the proceedings, if even on a temporary basis. The first of these appeals was made in 1982. A coalition representing the National Association of Broadcasters and the Radio and Television News Directors Association appealed to Supreme Court Chief Justice Warren Burger, asking for permission to set up broadcasting equipment on an experimental basis. The Court gave members of the coalition a tour of the facilities, but then politely denied their request.

The second appeal was made in 1988 by Timothy Dyk. Dyk, who represented a coalition of thirteen media organizations, made his appeal to current Supreme Court Chief Justice William Rehnquist. Although the doors of the Supreme Court remain closed to media coalitions, substantial inroads were made by Mr. Dyk. Rehnquist allowed him to set up a demonstration that showed exactly where the broadcast equipment would be placed and how it would be controlled. After serious consideration, however, the Court decided not to change its policy.

PART IV: CASE STUDY

> Immediately upon the arrest of a well-known person, initial headlines of the arrest often make the sacred presumption of innocence a myth. In reality we have the assumption of guilt. This is why dealing with the media is so important. To make inroads into the mindset that "if the press reported it, it must be true," is the lawyer's most challenging task.
>
> Robert L. Shapiro

State of California v. O.J. Simpson

At no time in recent history has the question of free press-fair trial been so important to the general public as it is now. Countless Americans are tuning in to their local television station each night to become informed of the latest developments in what has come to be known as the trial of the century. The trial in point is that of football legend O.J. Simpson. After the 1994 murders of Simpson's ex-wife, Nicole, and her friend, Ron Goldman, O.J. was arrested and he is currently standing trial in Los Angeles.

From the moment O.J. Simpson became a suspect, the media began turning out stories about the murders. And when Simpson led the Los Angeles County Police on a low speed chase, millions of Americans went along for the ride. Television viewers also were allowed to see video footage of the crime scene, the bodies, and Simpson's Brentwood Estate. From the beginning, the case has seemed like a drawn out soap opera rather than an

actual murder investigation and trial. In light of that, one may well ask when, or even if, such coverage of criminal proceedings should be televised.

One person who was asking that very type of question when this case began was Superior Court Judge Lance A. Ito. Ito, the presiding judge over the Simpson case, expressed several concerns throughout the pre-trial hearings about the irresponsible way many members of the media were handling the case. Not only had false statements been made, there were actually reports on some television stations of false evidence that could incriminate Simpson. In early October, Ito proposed pulling the plug on all television and radio coverage of the O.J.Simpson trial.[48] At that point he asked Court TV and lawyers for the electronic media to provide him with a reason to continue allowing coverage. Ito set a media hearing for November 7, 1994, at which point he said he would hear arguments and render his decision. The judge decided to allow cameras to cover the trial, after he heard arguments that the "proceedings would educate the public and help avoid inaccurate reporting."[49]

The district attorney's office expressed a sincere desire early in the trial for Judge Ito to sequester the jury as soon as it has been selected.[50] The defense team, on the other hand, was opposed to sequestration fearing "the state's ability to curry favor with jurors by looking after them generously."[51] By sequestering the jury, the court would be able to keep jurors away from news reports about the trial each day.

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[48] David Margolick, "Simpson Judge Sets Hearing on TV and Radio Coverage," The New York Times, October 4, 1994.

[49] "What's News," The Wall Street Journal, November 8, 1994.

[50] "Judge Ito's Dilemma," The Economist, November 5, 1994.

[51] Ibid., 29.

The amount of coverage in both pre-trial and during the trial have led many people to ask whether O.J. Simpson can get a fair trial. In answer to that question, Professor Richard Stack of American University said, "O.J. Simpson can't get a perfect trial. But under the Constitution, a defendant is entitled to an impartial jury. That doesn't mean an unaware jury."[52] Professor Louis Hodges from Washington and Lee University said of Simpson's chance at receiving a fair trial, "There's a difference between prejudgment and prejudice. A prejudgment can change with the introduction of new evidence, while prejudice can't. Prejudice is more a belief and an attitude."[53] Thus, the general attitude of many scholars is that Simpson chance at having a fair trial has not been impaired by the freedom of the press to televise the judicial proceedings.

[52] Charles Clark, "Courts and the Media," CQ Researcher, 820.

[53] Ibid., 820.

PART V: CONCLUSION

CONCLUSION

Prior to 1980, forty-six states prohibited the presence of television cameras in their courtrooms. Yet in recent years those figures have changed drastically. Today, only four states prohibit broadcasting of judicial proceedings. The statistics show that there has been a significant change in the state laws governing cameras in the courtroom. There are many possible explanations for this monumental change.

One involves the development of media technology. It is obvious that the technological developments have coincided to some extent with the changing position of state courts on the subject of cameras in the courtroom. Statistical tests showed that there is a significant relationship between the number of television stations a state has and whether or not that state allows cameras to be present in courtrooms. Thus, at least to some extent there is a valid relationship between the influx of new laws governing cameras in judicial proceedings and the development of the television industry.

Another possibility was that the population of a state affects the type of laws a state has concerning TV cameras in judicial proceedings. Contingency tests, however, failed to show a valid relationship between these variables.

The region in which a state is located proved to have some relationship to the type of laws a state had governing television cameras. Apparently, states in the West are more likely to have permanent laws and are less likely to require consent by parties involved in order to allow

broadcasting. For the most part, states in this region seem to be leaning away from the fair trial side of the dilemma, toward a free press.

One question that still remains is why federal courts still prohibit cameras from filming their proceedings. The three-year test program in federal courts seemed to be fairly successful, yet members of the federal judiciary are still adamant about keeping cameras out of their courts. Although federal courts often follow the leads of state courts, it seems unlikely that they will follow the trend of state courts allowing cameras to be present any time soon.

Personally, I feel that cameras in the courtroom can be very effective civic educational tools, if handled properly. One of the problems with allowing the media to televise proceedings is that they tend to get carried away with the sensational aspects of a trial, rather than focusing on being simple informants. I feel there is a desperate need for some universal guidelines governing cameras in the courtroom.

As far as the trend to allow cameras is concerned, I feel it will continue. It shouldn't be long before all state courts allow coverage, and eventually, if placed under enough pressure by the public, federal courts also may permit limited coverage.

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:07:12 SPSS VAX/VMS Site on OBUSYS::

TYPE TYPE OF LAWS by RSTAT RECODED TV STATIONS

TYPE		RSTAT 1.00 (< 15 STATIONS)	2.00 (16-30 STATIONS)	3.00 (31+ STATIONS)	Row Total
PERMANENT	1	10	13	12	35
		10.3	14.4	10.3	68.6%
		28.6%	37.1%	34.3%	
		66.7%	61.9%	80.0%	
		19.6%	25.5%	23.5%	
		-.3	-1.4	1.7	
		-.1	-.4	.5	
		-.2	-.9	1.1	
EXPERIMENTAL	2	2	3	1	6
		1.8	2.5	1.8	11.8%
		33.3%	50.0%	16.7%	
		13.3%	14.3%	6.7%	
		3.9%	5.9%	2.0%	
		.2	.5	-.8	
		.2	.3	-.6	
		.3	.5	-.7	
NONE	3	1	3	1	5
		1.5	2.1	1.5	9.8%
		20.0%	60.0%	20.0%	
		6.7%	14.3%	6.7%	
		2.0%	5.9%	2.0%	
		-.5	.9	-.5	
		-.4	.7	-.4	
		-.5	.9	-.5	
MIXED	4	2	2	1	5
		1.5	2.1	1.5	9.8%
		40.0%	40.0%	20.0%	
		13.3%	9.5%	6.7%	
		3.9%	3.9%	2.0%	
		.5	-.1	-.5	
		.4	.0	-.4	
		.5	-.1	-.5	
Column Total		15 29.4%	21 41.2%	15 29.4%	51 100.0%

27-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:07:15 SPSS VAX/VMS Site on OBUSYS::

LEVELS LEVELS OF COURT COVERAGE IS ALLOWED AT by RSTAT

LEVELS	RSTAT	< 15 STATIONS 1.00	16-30 STATIONS 2.00	31+ STATIONS 3.00	Row Total
CRIMINAL AND CIV	1	11	18	12	41
		12.2	16.6	12.2	87.2%
		26.8%	43.9%	29.3%	
		78.6%	94.7%	85.7%	
		23.4%	38.3%	25.5%	
		-1.2	1.4	-.2	
		-.3	.4	-.1	
		-1.2	1.3	-.2	
APPELLATE LEVELS	2	3	1	2	6
		1.8	2.4	1.8	12.8%
		50.0%	16.7%	33.3%	
		21.4%	5.3%	14.3%	
		6.4%	2.1%	4.3%	
		1.2	-1.4	.2	
		.9	-.9	.2	
		1.2	-1.3	.2	
	Column Total	14 29.8%	19 40.4%	14 29.8%	47 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:07:17 SPSS VAX/VMS Site on OBUSYS::

CONJUD CONSENT BY JUDGE REQUIRED by RSTAT RECODED TV

CONJUD	RSTAT	< 15 STATIONS 1.00	16-30 STATIONS 2.00	31+ STATIONS 3.00	Row Total
YES	Count	9	11	9	29
	Exp Val	8.6	11.7	8.6	61.7%
	Row Pct	31.0%	37.9%	31.0%	
	Col Pct	64.3%	57.9%	64.3%	
	Tot Pct	19.1%	23.4%	19.1%	
	Residual	.4	-.7	.4	
	Std Res	.1	-.2	.1	
	Adj Res	.2	-.4	.2	
NO	Count	5	8	5	18
	Exp Val	5.4	7.3	5.4	38.3%
	Row Pct	27.8%	44.4%	27.8%	
	Col Pct	35.7%	42.1%	35.7%	
	Tot Pct	10.6%	17.0%	10.6%	
	Residual	-.4	.7	-.4	
	Std Res	-.2	.3	-.2	
	Adj Res	-.2	.4	-.2	
Column Total		14 29.8%	19 40.4%	14 29.8%	47 100.0%

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CV-Mar-95    SPSS RELEASE 4.1 FOR VAX/VMS
16:07:19     SPSS VAX/VMS Site                    on OBUSYS::

CONPAR  CONSENT BY PARTIES REQUIRED  by  RSTAT  RECODED TV
                                                        Page 1 of 1
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CONPAR		RSTAT			
	Count / Exp Val / Row Pct / Col Pct / Tot Pct / Residual / Std Res / Adj Res	< 15 STATIONS 1.00	16-30 STATIONS 2.00	31+ STATIONS 3.00	Row Total
YES	1	1 3.9 7.7% 7.1% 2.1% -2.9 -1.5 -2.0	9 5.3 69.2% 47.4% 19.1% 3.7 1.6 2.5	3 3.9 23.1% 21.4% 6.4% -.9 -.4 -.6	13 27.7%
NO	2	13 10.1 38.2% 92.9% 27.7% 2.9 .9 2.0	10 13.7 29.4% 52.6% 21.3% -3.7 -1.0 -2.5	11 10.1 32.4% 78.6% 23.4% .9 .3 .6	34 72.3%
	Column Total	14 29.8%	19 40.4%	14 29.8%	47 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:07:21 SPSS VAX/VMS Site on OBUSYS::

LIMPAR LIMITED COVERAGE OF PARTICS by RSTAT RECODED TV

RSTAT

LIMPAR		< 15 STATIONS 1.00	16-30 STATIONS 2.00	31+ STATIONS 3.00	Row Total
YES	1	4	13	7	24
		7.3	9.4	7.3	52.2%
		16.7%	54.2%	29.2%	
		28.6%	72.2%	50.0%	
		8.7%	28.3%	15.2%	
		-3.3	3.6	-.3	
		-1.2	1.2	-.1	
		-2.1	2.2	-.2	
NO	2	10	5	7	22
		6.7	8.6	6.7	47.8%
		45.5%	22.7%	31.8%	
		71.4%	27.8%	50.0%	
		21.7%	10.9%	15.2%	
		3.3	-3.6	.3	
		1.3	-1.2	.1	
		2.1	-2.2	.2	
Column Total		14 30.4%	18 39.1%	14 30.4%	46 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:12:18 SPSS VAX/VMS Site on OBUSYS::

TYPE TYPE OF LAWS by RPOP RECODED POPULATION LEVELS

TYPE	RPOP	<4 MILLION 1.00	4-8 MILLION 2.00	8,000,00 1+ 3.00	Row Total
PERMANENT	1	Count 19	10	6	35
		Exp Val 19.9	9.6	5.5	68.6%
		Row Pct 54.3%	28.6%	17.1%	
		Col Pct 65.5%	71.4%	75.0%	
		Tot Pct 37.3%	19.6%	11.8%	
		Residual -.9	.4	.5	
		Std Res -.2	.1	.2	
		Adj Res -.5	.3	.4	
EXPERIMENTAL	2	Count 3	2	1	6
		Exp Val 3.4	1.6	.9	11.8%
		Row Pct 50.0%	33.3%	16.7%	
		Col Pct 10.3%	14.3%	12.5%	
		Tot Pct 5.9%	3.9%	2.0%	
		Residual -.4	.4	.1	
		Std Res -.2	.3	.1	
		Adj Res -.4	.3	.1	
NONE	3	Count 4	1	0	5
		Exp Val 2.8	1.4	.8	9.8%
		Row Pct 80.0%	20.0%	.0%	
		Col Pct 13.8%	7.1%	.0%	
		Tot Pct 7.8%	2.0%	.0%	
		Residual 1.2	-.4	-.8	
		Std Res .7	-.3	-.9	
		Adj Res 1.1	-.4	-1.0	
MIXED	4	Count 3	1	1	5
		Exp Val 2.8	1.4	.8	9.8%
		Row Pct 60.0%	20.0%	20.0%	
		Col Pct 10.3%	7.1%	12.5%	
		Tot Pct 5.9%	2.0%	2.0%	
		Residual .2	-.4	.2	
		Std Res .1	-.3	.2	
		Adj Res .1	-.4	.3	
Column Total		29 56.9%	14 27.5%	8 15.7%	51 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:12:21 SPSS VAX/VMS Site on OBUSYS::

LEVELS LEVELS OF COURT COVERAGE IS ALLOWED AT by RPOP

LEVELS	RPOP	<4 MILLION 1.00	4-8 MILLION 2.00	8,000,00 1+ 3.00	Row Total
CRIMINAL AND CIV	1	22	12	7	41
		22.7	11.3	7.0	87.2%
		53.7%	29.3%	17.1%	
		84.6%	92.3%	87.5%	
		46.8%	25.5%	14.9%	
		-.7	.7	.0	
		-.1	.2	.0	
		-.6	.6	.0	
APPELLATE LEVELS	2	4	1	1	6
		3.3	1.7	1.0	12.8%
		66.7%	16.7%	16.7%	
		15.4%	7.7%	12.5%	
		8.5%	2.1%	2.1%	
		.7	-.7	.0	
		.4	-.5	.0	
		.6	-.6	.0	
Column Total		26	13	8	47
		55.3%	27.7%	17.0%	100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:12:23 SPSS VAX/VMS Site on OBUSYS::

CONJUD CONSENT BY JUDGE REQUIRED by RPOP RECODED POPULATION

CONJUD		RPOP <4 MILLION 1.00	RPOP 4-8 MILLION 2.00	RPOP 8,000,00 1+ 3.00	Row Total
YES	1	16	7	6	29
		16.0	8.0	4.9	61.7%
		55.2%	24.1%	20.7%	
		61.5%	53.8%	75.0%	
		34.0%	14.9%	12.8%	
		.0	-1.0	1.1	
		.0	-.4	.5	
		.0	-.7	.8	
NO	2	10	6	2	18
		10.0	5.0	3.1	38.3%
		55.6%	33.3%	11.1%	
		38.5%	46.2%	25.0%	
		21.3%	12.8%	4.3%	
		.0	1.0	-1.1	
		.0	.5	-.6	
		.0	.7	-.8	
Column Total		26 55.3%	13 27.7%	8 17.0%	47 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
14:12:25 SPSS VAX/VMS Site on OBUSYS::

CONPAR CONSENT BY PARTIES REQUIRED by RPOP RECODED POP

CONPAR	RPOP	<4 MILLION 1.00	4-8 MILLION 2.00	8,000,000+ 3.00	Row Total
YES	1	6	5	2	13
	Count	7.2	3.6	2.2	27.7%
	Exp Val	46.2%	38.5%	15.4%	
	Row Pct	23.1%	38.5%	25.0%	
	Col Pct	12.8%	10.6%	4.3%	
	Tot Pct	-1.2	1.4	-.2	
	Residual	-.4	.7	-.1	
	Std Res	-.8	1.0	-.2	
	Adj Res				
NO	2	20	8	6	34
	Count	18.8	9.4	5.8	72.3%
	Exp Val	58.8%	23.5%	17.6%	
	Row Pct	76.9%	61.5%	75.0%	
	Col Pct	42.6%	17.0%	12.8%	
	Tot Pct	1.2	-1.4	.2	
	Residual	.3	-.5	.1	
	Std Res	.3	-1.0	.2	
	Adj Res				
Column Total		26 55.3%	13 27.7%	8 17.0%	47 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
16:12:27 SPSS VAX/VMS Site on OBUSYS::

LIMPAR LIMITED COVERAGE OF PARTIES by RPOP RECODED POP

		RPOP			
	Count / Exp Val / Row Pct / Col Pct / Tot Pct / Residual / Std Res / Adj Res	<4 MILLION 1.00	4-8 MILLION 2.00	8,000,00 1+ 3.00	Row Total
LIMPAR					
1 YES	10	10	4	24
	13.0	6.8	4.2	52.2%
	41.7%	41.7%	16.7%	
	40.0%	76.9%	50.0%	
	21.7%	21.7%	8.7%	
	-3.0	3.2	-.2	
	-.8	1.2	-.1	
	-1.8	2.1	-.1	
2 NO	15	3	4	22
	12.0	6.2	3.8	47.8%
	68.2%	13.6%	18.2%	
	60.0%	23.1%	50.0%	
	32.6%	6.5%	8.7%	
	3.0	-3.2	.2	
	.9	-1.3	.1	
	1.8	-2.1	.1	
Column Total	25 54.3%	13 28.3%	8 17.4%	46 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
14:12:51 SPSS VAX/VMS Site on OBUSYS::

TYPE TYPE OF LAWS by REGION REGION OF UNITED STATES

TYPE		REGION 1 NORTHEAST	2 MIDWEST	3 SOUTH	4 WEST	Row Total
PERMANENT	1	5	7	11	12	35
		6.9	8.2	11.0	8.9	68.6%
		14.3%	20.0%	31.4%	34.3%	
		50.0%	58.3%	68.8%	92.3%	
		9.8%	13.7%	21.6%	23.5%	
		-1.9	-1.2	.0	3.1	
		-.7	-.4	.0	1.0	
		-1.4	-.9	.0	2.1	
EXPERIMENTAL	2	3	1	2	0	6
		1.2	1.4	1.9	1.5	11.8%
		50.0%	16.7%	33.3%	.0%	
		30.0%	8.3%	12.5%	.0%	
		5.9%	2.0%	3.9%	.0%	
		1.8	-.4	.1	-1.5	
		1.7	-.3	.1	-1.2	
		2.0	-.4	.1	-1.5	
NONE	3	0	2	3	0	5
		1.0	1.2	1.6	1.3	9.8%
		.0%	40.0%	60.0%	.0%	
		.0%	16.7%	18.8%	.0%	
		.0%	3.9%	5.9%	.0%	
		-1.0	.8	1.4	-1.3	
		-1.0	.8	1.1	-1.1	
		-1.2	.9	1.5	-1.4	
MIXED	4	2	2	0	1	5
		1.0	1.2	1.6	1.3	9.8%
		40.0%	40.0%	.0%	20.0%	
		20.0%	16.7%	.0%	7.7%	
		3.9%	3.9%	.0%	2.0%	
		1.0	.8	-1.6	-.3	
		1.0	.8	-1.3	-.2	
		1.2	.9	-1.6	-.3	
Column Total		10 19.6%	12 23.5%	16 31.4%	13 25.5%	51 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
14:12:54 SPSS VAX/VMS Site on OBUSYS::

LEVELS LEVELS OF COURT COVERAGE IS ALLOWED AT by REGION REGION

LEVELS	REGION	NORTHEAST	MIDWEST	SOUTH	WEST	Row Total
CRIMINAL AND CIV	1	9	8	12	12	41
		8.7	8.7	12.2	11.3	87.2%
		22.0%	19.5%	29.3%	29.3%	
		90.0%	80.0%	85.7%	92.3%	
		19.1%	17.0%	25.5%	25.5%	
		.3	-.7	-.2	.7	
		.1	-.2	-.1	.2	
		.3	-.8	-.2	.8	
APPELLATE LEVELS	2	1	2	2	1	6
		1.3	1.3	1.8	1.7	12.8%
		16.7%	33.3%	33.3%	16.7%	
		10.0%	20.0%	14.3%	7.7%	
		2.1%	4.3%	4.3%	2.1%	
		-.3	.7	.3	-.7	
		-.2	.6	.2	-.5	
		-.3	.8	.2	-.6	
Column Total		10	10	14	13	47
		21.3%	21.3%	29.8%	27.7%	100.0%

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CONJUD CONSENT BY JUDGE REQUIRED by REGION REGION OF UNITED

CONJUD	REGION	1 NORTHEAST	2 MIDWEST	3 SOUTH	4 WEST	Row Total
1 YES	Count	6	6	8	9	29
	Exp Val	6.2	6.2	8.6	8.0	61.7%
	Row Pct	20.7%	20.7%	27.6%	31.0%	
	Col Pct	60.0%	60.0%	57.1%	69.2%	
	Tot Pct	12.8%	12.8%	17.0%	19.1%	
	Residual	-.2	-.2	-.6	1.0	
	Std Res	-.1	-.1	-.2	.3	
	Adj Res	-.1	-.1	-.4	.7	
2 NO	Count	4	4	6	4	18
	Exp Val	3.8	3.8	5.4	5.0	38.3%
	Row Pct	22.2%	22.2%	33.3%	22.2%	
	Col Pct	40.0%	40.0%	42.9%	30.8%	
	Tot Pct	8.5%	8.5%	12.8%	8.5%	
	Residual	.2	.2	.6	-1.0	
	Std Res	.1	.1	.3	-.4	
	Adj Res	.1	.1	.4	-.7	
Column Total		10 21.3%	10 21.3%	14 29.8%	13 27.7%	47 100.0%

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14:12:59 SPSS VAX/VMS Site on OBUSYS::

COMPAR CONSENT BY PARTIES REQUIRED by REGION REGION OF UNITED

REGION

CONPAR	Count / Exp Val / Row Pct / Col Pct / Tot Pct / Residual / Std Res / Adj Res	NORTHEAST 1	MIDWEST 2	SOUTH 3	WEST 4	Row Total
YES	1	1 2.8 7.7% 10.0% 2.1% -1.8 -1.1 -1.4	4 2.8 30.8% 40.0% 8.5% 1.2 .7 1.0	7 3.9 53.8% 50.0% 14.9% 3.1 1.6 2.2	1 3.6 7.7% 7.7% 2.1% -2.6 -1.4 -1.9	13 27.7%
NO	2	9 7.2 26.5% 90.0% 19.1% 1.8 .7 1.4	6 7.2 17.6% 60.0% 12.8% -1.2 -.5 -1.0	7 10.1 20.6% 50.0% 14.9% -3.1 -1.6 -2.2	12 9.4 35.3% 92.3% 25.5% 2.6 .8 1.9	34 72.3%
Column Total		10 21.3%	10 21.3%	14 29.8%	13 27.7%	47 100.0%

29-Mar-95 SPSS RELEASE 4.1 FOR VAX/VMS
14:13:01 SPSS VAX/VMS Site on OBUSYS::

LIMPAR LIMITED COVERAGE OF PARTIES by REGION REGION OF UNITED

LIMPAR	REGION	NORTHEAS 1	MIDWEST 2	SOUTH 3	WEST 4	Row Total
YES	1	5	8	6	5	24
		5.2	5.2	6.8	6.8	52.2%
		20.8%	33.3%	25.0%	20.8%	
		50.0%	80.0%	46.2%	38.5%	
		10.9%	17.4%	13.0%	10.9%	
		-.2	2.8	-.8	-1.8	
		-.1	1.2	-.6	-.7	
		-.2	2.0	-.8	-1.2	
NO	2	5	2	7	8	22
		4.8	4.8	6.2	6.2	47.8%
		22.7%	9.1%	31.8%	36.4%	
		50.0%	20.0%	53.8%	61.5%	
		10.9%	4.3%	15.2%	17.4%	
		.2	-2.8	.8	1.8	
		.1	-1.3	.6	.7	
		.2	-2.0	.8	1.2	
Column Total		10 21.7%	10 21.7%	13 28.3%	13 28.3%	46 100.0%

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