


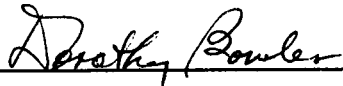
To the Graduate Council:

I am submitting herewith a dissertation written by Teresa D. Keller entitled "Cameras in Courtrooms: An analysis of television court coverage in Virginia." I have examined the final copy of this dissertation for form and content and recommend that it be accepted in partial fulfillment of the requirements for the degree of Doctor of Philosophy with a major in Communications.



Dr. Michael Singletary
Major Professor


We have read this dissertation
and recommend its acceptance:







Accepted for the Council:



Associate Vice Chancellor
and Dean of the Graduate School

**Cameras in Courtrooms:
An analysis of television court coverage in Virginia**

**A Dissertation
Presented for the
Doctor of Philosophy
Degree
The University of Tennessee, Knoxville**

Teresa D. Keller

May 1992

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DEDICATION

To Mark

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ABSTRACT

The purpose of this research was to evaluate news coverage of the judicial system by television news stations in Virginia and to explore characteristics of news directors as determinants of assigning court coverage. The study took place in 1991 while the state was in the final stages of an experimental evaluation of cameras in seven of the state's courtrooms. Methodology included a self-administered questionnaire completed by news directors, an in-depth interview with each news director, and a content analysis of news files for three month period.

Results show that having access to a courtroom with cameras does not determine whether trials are covered in that courtroom. Ninety-five percent of the court stories covered during the research period were in courtrooms without camera access. Criteria for news value such as the number of people affected and uniqueness of the story are cited as reasons for including a story in a television newscast.

There were three significant factors among news director characteristics that determined the number of court stories covered by the news department. They were (1) the amount of personal experience the news director had in

courtrooms, (2) the amount of time in broadcast management, and (3) the amount of involvement the news director had in the statewide issue of cameras in court. News directors with the most involvement in the issue of cameras in the courtrooms of the state also exhibited the strongest attitudes about the importance of camera access as a First Amendment right.

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CHAPTER I

STATEMENT OF THE PROBLEM

The First Amendment is not a piece of special interest legislation for the newspapers, radio, and television. It is a government guarantee to a free people without which they could not remain free for long. Alan Cranston.

Introduction

The old saying that you can't stop progress holds true today as electronic media technologies appear in nearly all aspects of American life, from family reunions to the floor of Congress. However, advances in electronics are not exempt from the customary lag in public acceptance of new technology. Since the development of printing and into the contemporary computer chip age of shoulder-held cameras, people have remained suspicious of the effect a new technology will have on their customary way of life. Great public outcry surrounded the introduction of comic books, film, and radio. With the development of television, fear intensified about how the new medium would affect our individuality--and our government processes (DeFleur and Dennis, 1985).

The lag in accepting new technology is exemplified in the continuing controversy over allowing cameras into modern day courtrooms. To date, there is no uniform, national

acceptance of such technology in court. Reporters have long been allowed access in all levels of government meetings with their notepads and pencils, but when they began carrying more sophisticated recording devices, discomfort set in. Technological advancement was swept together with the debate over First Amendment access to proceedings of government and formed an issue that continues to be controversial.

Until now, the primary question has been whether the presence of electronics disrupts governmental processes. In most areas, the question has been resolved with the conclusion that disruptions are not significant enough to deny a constitutional or statutory right of access. Reporters customarily move in and out of city council meetings, county commissions, and floors of state legislature. In 1979, the House of Representatives set aside its reservations and established a closed-circuit television system to cover floor debate and allowed broadcasters access to the signal. The Senate began allowing broadcast coverage of its deliberations in 1986 (Head & Sterling, 1990). Television has provided landmarks in U.S. history as well as in the national consciousness beginning with the McCarthy hearings in the 1950s and including the funeral of John F. Kennedy, Neil Armstrong's

first steps on the moon, the Watergate hearings, the space shuttle disaster, and the Iran-Contra testimony of Lt. Colonel Oliver North. Most recently the nation was riveted to the proceedings of its government unfolding on television as the Senate Judiciary Committee listened to allegations of sexual harassment directed at Supreme Court nominee Clarence Thomas.

It is ironic that the full acceptance of television in courtrooms seems destined to come after the turn of the 21st century even though televised court proceedings are more common than ever. The 1991 rape trial of William Kennedy Smith was carried live on two cable networks in addition to receiving extensive coverage by commercial networks. The trial coverage revived the discussion of cameras in the courtroom nationwide. There was much criticism of media activities surrounding the trial, but surprisingly little criticism of the coverage inside the courtroom. A number of analyses focused on the educational aspects of the coverage regarding rape prosecution.

Television courtroom dramas are also extremely popular. "Perry Mason," starring Raymond Burr, was first televised on CBS in 1957 and can still be seen in syndication. It is the most successful and longest running courtroom drama in broadcast history. The series ran continuously until 1966

and each episode culminated in a trial (Brooks and Marsh, 1988). A newer courtroom drama may eventually challenge "Perry Mason's" record of duration. The 1986 ratings success, "L.A. Law" can be seen as a weekly series on NBC as well as a syndicated program on cable. While "L.A. Law" attorneys argue their fictional cases on a Hollywood set, cameras can be seen at the back of the courtroom, suggesting the acceptance they currently have in many real-life courtrooms around the country.

In some cases, courtroom action on television is a combination of reality and entertainment such as "The People's Court," where retired California Judge Joseph Wapner decides the cases argued by people who bring their claims to television court. Participants agree to arbitration and Wapner's judgments are binding (Brooks & Marsh, 1988). In one survey, 54 percent of the public could identify Judge Wapner from the television show, but only four percent could identify Chief Justice Rehnquist ("Courtroom cameras," 1990).

Footage from actual courtrooms can be found on numerous broadcast and cable channels because of the many states (to be specified later) that currently allow cameras into their courtrooms. Network news and other syndicated programs often show scenes taped inside courtrooms. Viewers may also

see footage from inside courtrooms on their local news channels from satellite news services, even if access to their local courtrooms is denied.

The court system continues to resist an open access policy, even though access is more widespread than ever before. Provisions for courtroom access by news cameras are now established in 45 states, even though rules about usage vary widely. In some states, coverage is allowed only in trial courts. In others, coverage is allowed only in appellate courts. In some states, photographing jurors is prohibited. In others, it is accepted. Of the 45 states that allow broadcast coverage of courtrooms, four states allow cameras into courtrooms only on an experimental basis, leaving 41 states with permanent rules permitting court coverage by electronic media. Thirty-four states have instituted "permanent rules of access during or after a period of formal experimentation" (Radio and Television News Directors Association [RTNDA], 1990). Thirty-seven states allow coverage of both trial and appellate courts, either permanently or on an experimental basis. Pennsylvania is the only state that currently allows coverage of trial courts and excludes appellate courts, while eight states allow coverage only of appellate courts. States with no provisions for electronic access are Indiana, Mississippi,

Missouri, South Carolina and South Dakota. States with experimental access only are Arkansas, Pennsylvania, Delaware, and Maine (RTNDA, 1991).¹

Even though the Supreme Court handed down a decision in 1981 that paved the way for cameras in state courtrooms, the nation's high court consistently banned cameras for itself and for other federal courts until 1990. For some, the inconsistency lay at the feet of Chief Justice Burger, more than with previous court cases. According to Supreme Court analyst Tony Mauro, Warren Burger wrote, "When you get Cabinet meetings on the air, call me!" (Mauro, 1989). Burger told reporters at a gathering in Tampa in November 1984, "There will be no cameras in the Supreme Court of the United States while I sit there" (Carelli, 1985).

Chief Justice William Rehnquist, who replaced Chief Justice Burger, was also cold to the idea of cameras in the High Court and worried that they would "lessen to a certain extent some of the mystique and moral authority of the court" (Mauro, 1989). Even so, Rehnquist, Justice White and Justice Kennedy agreed to participate in a demonstration of

¹At the beginning of this study, Virginia was included in the states allowing cameras in courtrooms on an experimental basis. However, prior to the completion of the dissertation, the Virginia legislature voted to allow cameras in court on a permanent basis. Results of this research were presented before the legislature and in press reports during the public policy debate in 1992.

how cameras might operate in the Supreme Court. For the occasion on November 21, 1988, the three sat in their seats and questioned a proponent of cameras (Carter, Franklin, and Wright, 1989). Afterward, they viewed five minutes of the tape. According to Mauro, no promises were made. There has been some indication that the Senate Judiciary Committee hearings on Robert Bork, a Supreme Court nominee, turned some justices against television coverage (Scotus, Associated Press, 1989).

In late 1990, the Supreme Court approved access by electronic media. On July 1, 1991, a three-year experiment began, allowing audio-visual coverage in six federal district courts and two appellate courts. The six courts were chosen by the Judicial Conference of the United States after asking all federal courts whether they wanted to participate in the experiment. The participating district courts are in Indiana, Massachusetts, Michigan, Pennsylvania, New York and Washington state. Participating appeals courts are the 2nd and 9th Circuit Courts of Appeals, headquartered in New York City and San Francisco respectively. Only civil proceedings are open to cameras, and jurors may not be photographed. In an interesting footnote, one judge failed to note the beginning date and allowed cameras into his courtroom three weeks before the

experiment was scheduled to begin ("Federal courts begin," 1991).

Prior to the experiment, media cameras were consistently banned, even though cameras were permitted for certain ceremonial proceedings as well as for "administrative, transcription, or security purposes" ("Federal courts continue," 1990).

The trend is definitely toward more access to courtrooms with electronic equipment. More than a decade of research has discredited the idea that the presence of electronic media can be presumed to disrupt court decorum or interfere with a defendant's right to a fair trial (Barber, 1982, and Frank, 1987).

Traditional objections have focused on potential harm to trial participants, threats to the dignity of the courtroom, and administrative considerations (Frank, 1987). Critics warned that witnesses and jurors would be frightened and intimidated, that attorneys would grandstand, and that judges would be distracted. Some of the objections are less specific such as Justice William O. Douglas' reference to a "deep instructive impulse to make the courtroom sacrosanct" (O'Connor, 1990).

The potential dangers have not been proven. To the contrary, some evidence indicates that judges may perform

more effectively, that witnesses may demonstrate better recall of facts, and that attorneys may be more "conscientious" in the presence of cameras (Frank, 1987).

Yet, a few states continue to focus on the questions of harm to participants and threat to the dignity and decorum of court. While doing so, they often deny equal access to electronic media. Such is the case in Virginia.

Virginia

The Commonwealth of Virginia has recently been one of the states struggling with the question of whether to allow electronic access to its courtrooms on a permanent basis. The judiciary stood alone as the branch of state government not subject to permanent coverage by electronic media (VAB Assessment, 1989).

History of Cameras in Courtrooms in Virginia

The history of Virginia's efforts to get cameras in courtrooms goes back at least a decade before the legislature made provisions for allowing experimental coverage with cameras and includes several unsuccessful efforts to get legislation amended (RTNDA, 1990). As early as November 1978 one Virginia television news director was corresponding with a Washington attorney with plans to

petition for wider broadcast coverage, using the openness of Florida as a guide. The two were planning a model for future coverage of Virginia courtroom proceedings with plans to petition the State Corporation Commission to open hearings to electronic equipment (J. Shaver, personal communication, Nov. 30, 1978). In May 1979, news directors at a meeting of the Virginia Associated Press Broadcasters convention agreed to the petition. By July 1979, the Virginia Bar Association had rejected guidelines allowing audio equipment into courtrooms. Subsequently, WDBJ-TV news director Jim Shaver from Roanoke asked television news departments around the state to contribute \$500.00 each toward legal fees for the petition to the State Corporation Commission. The money was never forthcoming, the petition never formulated (Shaver, 1979).

By 1987, however, the Virginia General Assembly amended a ban on electronic media and still photography to allow two-year experimental coverage in six court jurisdictions (S.B. 647). The experiment became effective July 1, 1987, and the state Supreme Court was placed in charge of administering and evaluating the experiment. Locations were chosen in consideration of opening both district and circuit courts in rural and urban locations. The selected courtrooms were the Virginia Supreme Court, the Court of

Appeals, circuit courts in Bedford County and the City of Virginia Beach, and general district courts in Caroline County and Charlottesville (S.B. 647).

In February 1989, the legislature extended the experiment for a year until July 1990 and expanded the experiment to include an additional circuit court in Henrico County (RTNDA, 1989).

Conditions of the Virginia experiment.

Regulation 19.2-266 excluded cameras, with the exception of the experimental program. The conditions have remained the same since the beginning of the experiment in 1987.

Coverage rules are specific:

1. Judges would advise parties of coverage and could prohibit the presence of cameras.
2. Prohibitions were required in juvenile, child, divorce, spousal support, sex offenses, proceedings regarding motions to suppress evidence, and action involving trade secrets.
3. Certain witnesses would not be covered: police informants, minors, undercover agents, victims and families of victims of sex offenses.
4. Coverage of jurors was totally prohibited. Location of equipment and personnel was carefully specified and media material would not be admissible as evidence in any action related to appeals.

During the 1990 legislative session, lawmakers were scheduled to decide whether to continue the experiment, or perhaps to decide on a permanent basis whether to allow or prohibit cameras in state courtrooms. They were presented with conflicting reports. Media lobbyists extolled the virtues of the presence of electronic media; the state Supreme Court presented a very negative evaluation, claiming that coverage had been sensational and unfair (Report, 1989).

The Virginia Association of Broadcasters submitted a positive analysis of the experiment, calling it a "very solid success" (VAB Assessment Report, 1989). The VAB report to the state Chief Justice also claimed that none of the concerns about disrupted courtrooms, distracted jurors, intimidated witnesses or flamboyant attorneys had occurred (VAB Assessment Report, 1989).

The report included 35 data sheets representing trials covered. Although the data sheets included interviews with witnesses, jurors, attorneys, and clerks, the broadcasters did not attempt to summarize the data. The Supreme Court report refers to the data only by saying that attitudes of witnesses, jurors and court personnel were favorable toward the experiment and that there were few reports of distraction or intimidation by the presence of the cameras

(Report, 1990). One news director provided videotape showing news segments and portions of two half-hour programs that utilized the experiment. One segment was part of a program on family violence and used footage from domestic assault cases in the Charlottesville General District Court. Another showed part of a half hour documentary on how cameras were used in a trial (Report, 1990).

According to the VAB report, the primary complaint expressed to the VAB office was that broadcasters were not using the opportunity enough. According to the VAB assessment report on the experiment,

We respectfully submit that criticism of the amount and/or type coverage resulting from "cameras in the courtroom" is inappropriate because the First Amendment is not concerned with the amount or type of coverage. It guarantees freedom of speech, bedrock of the news media, regardless of how much or how little it is used and regardless of whether it takes the form of snippets or documentaries. (VAB Assessment Report, 1989).

The Supreme Court's very negative evaluation of the experiment, insisted that negative aspects had outweighed positive ones and that coverage had been sensational and unfair (Report, 1989).

Broadcasters declined to ask for permanent instatement of electronic access in the 1990 evaluation because of an unfavorable analysis of the experiment by the Virginia

Supreme Court (P. Easter, personal communication, Feb., 1990). The Supreme Court report asserted that courtroom coverage had been negative, sensational, and unfair. The conclusion was based on a survey of 127 active circuit court judges in the state, most of whom were not involved in the experiment. The Court also ignored results of its own surveys of courtroom participants, which indicated a strong positive reaction to the presence of cameras and recorders (Report of the Supreme Court, 1989).

Evaluation of the experiment

Survey of judges by Supreme Court

At the end of the two year experiment, the Supreme Court issued a scathing analysis of the impact of cameras in the courts. The analysis was based on a survey of 127 active circuit judges and netted 93 responses. Because only seven courtrooms were involved in the experiment, many of the responding judges had not been directly involved with camera coverage of their courts, but the Supreme Court concentrated on the survey in compiling its report to the General Assembly. The Court justified including judges who were not involved in the experiment, saying they would be more directly affected than other participants in the judicial system on a daily basis. They reasoned that judges

"are less likely than others present in the courtroom to be influenced by any considerations other than a concern for the impartial administration of justice" (Report, 1989, p.4). The report also noted that many judges, even though not involved in the experiment, live in areas where television coverage includes the experimental courts.

The circuit judges may fairly be considered as experts on the nuances of judicial proceedings and their reactions arose from that perspective. They indicated that their views were strongly influenced by what they saw of the experimental coverage. Their opinions were overwhelmingly unfavorable (Report, 1989, p.6).

The overall analysis of whether cameras in the courtrooms had a positive or negative impact on the judicial system was based on 93 responses. Seventy-four of the circuit court judges responded that the impact of the cameras was "negative." Ten replied that the impact was "positive." Nine replied that they had reached "no conclusion."

"There was near unanimity of opinion that representatives of the media had been cooperative and had made an effort to comply with the rules." Interestingly, the report specified that still photography was particularly distracting because of the noisy shutters and lens changes

and because still photographers moved around the room trying to find the best shots.

In sum, the justices emphasized responses from circuit court judges, most of whom were not involved in the experiment, and ignored their own survey of people who had participated in trials with broadcast coverage. The report concluded that the "positive, educational effects of the experimental program are outweighed by its many negative effects (Report, 1989, p. 7). The judges considered the media coverage selective, sensational, and unfair.

VPA and VAB Report

The broadcasters reported no surprise at the Supreme Court report, but were disappointed. They claimed the analysis was fundamentally flawed in methodology and challenged those who claimed sensational, biased coverage to be specific about when ("Cameras belong," 1990).

The Virginia Press Association and the Virginia Association of Broadcasters also issued a report at the conclusion of the experiment, responding to the Supreme Court report. The VPA and VAB concluded that the Court's analysis "largely ignores the existing empirical data" (VAB report) and fails to make a case for the retreat that it urges. The group comments that Virginia's court system

"stands alone in its immunity from television or photographic coverage" (Comments, 1990). The Supreme Court is faulted for giving no specific example of the coverage it claims is biased. The VAB suggests the court may not like the way the media perform, but "if there is one fixed star in our constitutional constellation, it is that the government is not to make decisions based on its approval or disapproval of the content of speech. . . ." (Comments, 1990). As it notes, court coverage will continue regardless of whether cameras are there. The VAB admits that no one would want coverage by cameras if justice was threatened, but insists that no such indication exists.

Yet the only empirical evidence gathered during Virginia's experimental program demonstrates that allowing cameras into the courts causes no such harm (Comments, 1990).

Additionally,

The opinions expressed by those judges responding to the Supreme Court's letter are rooted in days gone by (Comments, 1990).

The only complaint voiced to the VPA and VAB during the experiment was that cameras were not being used with enough frequency. Indeed, the VAB used its newsletter on several occasions during the experiment to urge broadcasters to make more use of the opportunity. In February 1990, the

newsletter reported, "We received not one complaint about the conduct of the media, the content of their reporting, or of any adverse effect on the fairness of a trial, though some judges complained that the media wasn't covering enough proceedings" (VAB Newsletter, 1990).

Unreported Supreme Court Surveys

A survey conducted by the court itself with witnesses, attorneys, jurors, judges and courtroom personnel involved in the experiment was not referred to in the Supreme Court's final report to the legislature. According to the Virginia Supreme Court clerk's office, the survey was conducted and tabulated in that office. The Virginia Press Association and Virginia Association of Broadcasters apparently knew about the survey. As indicated in their report on the experiment,

In addition, it is VPA's and VAB's understanding that during the experiment, the Supreme Court on its own prepared a survey form which was filled out by many of the participants in covered proceedings. Regrettably, the Court's report does not analyze these data, nor have the data been made available for review by others (VPA report, 1990).

Copies of the survey obtained from the clerk's office of the Supreme Court for this research show that results were in keeping with research in other states over the past

decade and were predominately favorable to the presence of cameras in the courtrooms.

Witnesses

Witnesses were overwhelmingly aware of the cameras but did not think proceedings were harmed. Although two respondents said that court decorum was affected negatively, eight said proceedings were enhanced. Inside the courtroom, equipment generally had "no effect," did not distort testimony, create fear, or disrespect toward the courts. When asked their opinion of television, photographic or radio coverage in the courtroom, twenty-eight were in favor, nine opposed, and fourteen reported no opinion.

Attorneys

Attorneys were also aware of the cameras, but most did not think the dignity of the court was adversely affected. Three said there was a negative effect; two reported a positive effect; 21 said there was no effect; two had no opinion, and two said the question was not applicable. Inside, cameras did not affect concentration, adversely affect witnesses, other attorneys or judges, or cause fear of harm.

In spite of answers that did not show adverse effects, attorneys were more reluctant than witnesses to take a stand in support of cameras. In characterizing their personal experience, nine were favorable; six were unfavorable; 13 reported no opinion. Defining an overall opinion of cameras in the courtroom, attorney totals moved toward the negative: eight in favor; 13 opposed; and seven with no opinion.

Jurors

Coverage of jurors is expressly forbidden in the regulation of cameras, but jurors, too, were overwhelmingly aware of the television cameras. They did not, however, think the cameras adversely affected the dignity of the court. Inside the courtroom, jurors found that cameras did not disturb proceedings, affect witnesses, cause fear of harm or fear of attempts to influence their decision. Overall, jurors had positive personal experiences and favored television coverage of the courtroom.

Judges and courtroom personnel

Seven judges and 12 courtroom personnel responded to the survey. Like the others, this group was aware of the camera presence but failed to indicate negative effects. Thirteen said cameras did not affect the dignity of the

court; one said there was negative effect; and three said proceedings were affected in a positive way. Sixteen said there was no disruption or delay caused by cameras; one disagreed. No one was distracted by interference with vision; two of twenty respondents reported disturbing noises. Seventeen of the twenty reported no effect on ability to concentrate; one reported difficulty concentrating because of the cameras, but two reported increased concentration because of the equipment. Judges and court personnel agreed that television generally had no effect on witnesses, jurors or attorneys. Regarding their personal experiences in the experiment, sixteen were favorable; two unfavorable; two had no opinion. In overall opinion, three backed off from the positive personal reaction to report no opinion about cameras in courtrooms in general: thirteen were in favor; one opposed; six had no opinion.

Other Evidence

Courts in transition

The Supreme Court could have included consideration of another of its own reports that was favorable to cameras. A special committee established to study the future of the judicial system went further than just approving camera

coverage of court activity. A 1989 report, called "Courts In Transition" included a recommendation to allow live coverage on public and cable television as well as radio. The body of forty-eight was chaired by University of Virginia president Robert O'Neil and included representatives of judicial, financial, and business interests around the Commonwealth. Their recommendations for the future included the broadest possible access except for confidential proceedings and suggested that victims and witnesses could be protected through editing and masking. Further, the group suggested that if the public and media were to have full access, video recording systems should be installed in all courts (Courts in Transition, 1990).

Legislative Reaction

The research methodology of the Supreme Court did not go unnoticed by legislators. Delegate Franklin P. Hall, D-Richmond, a supporter of the experiment, noted that the report was flawed (Courtroom cameras, 1990). The Senate Courts of Justice Committee indicated its reservations about the experimental results with a vote of 13-1 to extend the experiment (Binding arbitration, 1990).

The legislature also had time to consider the results of a January 1990 state survey by Mason Dixon Opinion

Research regarding cameras in Virginia's courtrooms.

Overall, 62 percent favored presence of cameras; 28 percent opposed, and 10 percent were undecided (Poll, 1990).

In February 1990, the legislature voted to extend the experiment two more years, until July 1992 (RTNDA, 1990). The bill was sponsored by Sen. Joseph Gartlan Jr., D-Fairfax. The sole opponent in the 13-1 vote was Sen Johnny S. Joannou, D-Portsmouth. Jannou expressed a belief that camera coverage focuses on sensational moments during trial ("Binding Arbitration," 1990).

Delegate Kenneth R. Melvin, D-Portsmouth of Hampton Roads, voted against the bill, saying that extending the experiment served no purpose. He thought the committee should either vote to make the access permanent or cancel it altogether.

The access issue was scheduled for re-evaluation by the Supreme Court at the end of 1991 (Comments, 1989). The VAB Newsletter in October 1991 warned broadcasters that the experiment ends June 30, 1992, and encouraged the association to "take action" to extend or expand the experiment to additional courtrooms "if electronic coverage is to continue" (VAB Newsletter, October 1991). On January 9, 1992, VAB lobbyist Peter Easter reported to state broadcasters that Senator Joseph Gartlan, Jr. would again

sponsor a bill allowing cameras in the courtroom. Easter indicated that the bill would either ask to expand the experiment to all state courtrooms or to expand to all courts and make permanent access for cameras dependant on the outcome of an upcoming meeting with the state's Chief Justice.

Again, the Virginia Supreme Court issued a negative evaluation of the experiment. Again, the Supreme Court reported soliciting opinions from all circuit court judges, regardless of their experience with cameras in courtrooms. The outcome was similar to the 1990 report: 94 judges responded with 69 opposed and 13 in favor. Correcting the previous report's exclusion, the 1992 report included results of surveys of participants. It acknowledged "an increase in favorable opinions in varying degrees by all categories of participants after experiencing the actual use of electronic media during judicial proceedings." The report also recognized that all categories of participants in trials with cameras present agreed that "cameras and recording systems had no effect on the dignity of the proceedings or on orderly conduct of the court's business" (Report, 1992). The primary difference in the 1992 report and the 1990 report was that appellate courts were singled out as exempt from the negative evaluation.

The Court remains of the opinion that the state of the law in the Commonwealth prior to 1987 preserved a proper balance between the free-press requirements of the Federal and Virginia Constitutions, and Virginia's commitment to the fair, orderly, and impartial administration of justice. . . . Accordingly, the Supreme Court concludes that, except in the case of the appellate courts, the overall impact of the experimental program upon the Commonwealth's judicial system is negative.

Again, the negative evaluation weighed the responses of judges who had no experience with cameras in their courtrooms more heavily than the experiences of judges, attorneys, witnesses, and jurors who had participated in trials with camera coverage.

When Gartlan introduced Senate Bill No. 480 (1992), it amended the statute to allow permanent camera access to all state courtrooms, except for specific exclusions such as cases dealing with juveniles, with sexual assault, and with family matters such as divorce.

During the Senate Courts of Justice Committee hearing on the bill, Judge William W. Sweeney of Bedford County Circuit Court appeared to tell legislators that he had come to favor camera coverage after his experience in an experimental courtroom. The Committee approved the bill 14-1 on February 9, 1992. The full Senate approved the bill 37-3 two days later. The House Courts of Justice committee

approved February 13. The House voted its approval on February 18, 1992.

The focus on issues of court disruption and interference with a defendant's 6th Amendment rights has been pervasive and intense in Virginia. This concentration on fear of the effect of cameras in courtrooms has diverted attention from other important questions pertaining to the presence of cameras in the courtroom. Virginia's status in exploring the effect of electronic media presence provided an opportunity to examine some of those questions.

CHAPTER II

LITERATURE REVIEW

The day may come when television will become so commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process. Justice John M. Harlan.

Background

Television cameras first operated in American courtrooms in the early 1950s, the first trial coverage generally thought to be that of Billy Eugene Marley in December 1953 in Oklahoma. Cameras from WKY-TV operated from a booth at the back of the courtroom, subject to the discretion of the judge who had control of a cut-off button. Sections of testimony and the sentencing were shown on WKY's newscasts (Barber, 1982).

A single television camera provided the first live television broadcast in Waco, Texas, in December 1955. The judge agreed to the broadcast of the Harry Washburn trial because of his earlier participation in a successful experiment with still camera coverage. Objections to the practice surfaced immediately, but the judge dismissed critics, saying, "If they understood how this is being

handled, they wouldn't object" (Geiss, quoted in Barber, 1982).

In 1956, Colorado led the way among states in allowing cameras in the state's courtrooms on a permanent basis (Barber, 1982). However, no coverage of witnesses or jurors was permitted, if they objected. These conditions guided the trial of John Gilbert Graham, charged with putting a bomb in his mother's luggage, which exploded during her flight to Portland, killing all 44 people on board. Initially, the judge imposed a ban on cameras, but after a week-long hearing regarding the ban, an agreement was reached whereby cameras would be present. The media would pool coverage and provide a cut off button for the judge. Graham objected to the cameras, so there was no live coverage of him, but his trial served as a test case for Colorado rules. Following the trial and three weeks of deliberations, it was recommended that Canon 35, the American Bar Association's prohibition against cameras, be rejected (Barber, 1982).

Initial concern about electronic coverage of courtrooms had its ancestry in concern about press coverage of trials. Mark Twain complained that newspaper and telegraph "compels us to swear in juries composed of fools and rascals, because

the system rigidly excludes honest men and men of brains," (Roughing It, quoted in Nelson and Teeter, 1986).

Still photography became the issue in a 1917 trial and contributed to an overturned conspiracy conviction by the Illinois Supreme Court (People v. Munday, 1917, 117 N.E. 286, 300, quoted in Frank, 1987). The appeals court had sharper criticism for the judge, who suspended proceedings and allowed photographers to shoot still pictures and film, than for the presence of cameras at the trial (O'Connor, 1990).

By the mid-1920s, courtroom photos were common in the New York Daily News. In 1927, a still photographer secretly snapped pictures on the first day of a Maryland murder trial, despite the judge's order of no photographs. The judge issued contempt procedures for two photographers and the managing editors of the newspapers for which they worked. The convictions were upheld on appeal, and those involved spent time in jail (Kielbowicz, 1979).

Radio broadcasting appeared next in the media's chronological development; and according to R.F. Frank, radio coverage of the Scopes Trial in Tennessee contributed to the great interest in that case (1987). Judge John T. Raulston invited photographers and radio broadcasters into his courtroom for the eight-day trial that began July 10,

1925. WGN in Chicago reportedly claimed the right to broadcast the trial because they agreed to wire up several locations around town with loudspeakers so locals could hear. Apparently, some were concerned that if everybody who wanted to hear the trial crowded into the second story of the one hundred-year-old courthouse, the building could collapse (Barber, 1982). People didn't express a lot of concern about being broadcast because the general impression was that the broadcast was transmitted only locally ("WGN broadcasts," 1975). Newspaper reporters and photographers were inside and outside the courtroom. With high profile participants such as prosecutor William Jennings Bryan and attorney for the defense Clarence Darrow, there have been suggestions that the trial was a public relations idea for the town (Adamson, 1975). There is certainly no doubt that the trial of the school teacher charged with violating the Butler Act against teaching evolution in the state brought business and attention to the town that continue to this day.

Canon 35

Prior to the 1950s, "broadcast" coverage generally referred to newsreels, which were shot on film and shown primarily in movie theatres. "Live" broadcasting generally referred to radio. Otherwise, live television coverage of

courtrooms in the 1950s and 1960s was accomplished by bringing large studio cameras and lights into the courtroom. The lightweight, portable cameras associated with television crews today did not become common until the 1970s. The first videotape recording procedure was developed in 1956 and was not widely used outside of television studios until the mid-1970s (Head & Sterling, 1990).

The Bruno Hauptmann trial is the most noteworthy early trial associated with the issue of cameras in the courtroom. After sensational coverage of the trial by still and newsreel photographers in 1935, the American Bar Association adopted a policy against photographing and broadcasting courtroom activities. The policy was formalized in 1937 and is commonly referred to as Canon 35 (Paddon, 1986).

Coverage of the case was intense from the time of the Lindbergh baby's kidnapping to the Hauptmann trial. The Flemington, New Jersey, courtroom was filled to more than capacity each day, with people standing on tables and in the aisles. Crowds outside the courtroom were estimated at 20,000 a day (Barber, 1982). The judge agreed to allow pictures three times a day, but only when court was not in session: once before court convened, once during the noon recess, and once after adjournment. One silent camera was allowed on the courtroom level, one camera was in the

balcony, one in an adjacent library. Someone used a concealed and silenced camera to get pictures of Hauptmann as the verdict was announced. The sound camera was found to have been operated in violation of the court's restrictions, so the judge withdrew permission for filming. Even so, the film was shown as a newsreel in 10,000 of 14,000 movie theatres (Kielbowicz, 1979).

Approximately 200 newspaper reporters and 129 photographers were present during the trial. Newspaper headlines proclaimed that Hauptmann was "a thing lacking in human characteristics" (Hallam, quoted in Barber, 1982), and that he was showing signs of cracking.

Kielbowicz (1979) claims that reports became exaggerated about abuses by the media, such as a purported melee with photographers shoving flashbulbs in the faces of witnesses, and suggests that attorneys contributed to the sensationalism of the event by holding press conferences and hinting about what would happen. Activities of hordes of spectators combined with statements by attorneys, witnesses, and police contributed to a level of activity often compared to a circus. In fact, there may have been more criticism of print people who streamed steadily in and out of the courtroom carrying messages to meet newspaper deadlines.

Kielbowicz concludes that the Canon "appears now to have been an exaggerated response to an exceptional situation" (p.23).

On balance, the photojournalists probably acquitted themselves well in the Flemington courtroom: 130 cameramen set aside their endemic competition and formed a photography pool, adhering to the judge's rules (with one major exception) until the transgressions of a newsreel crew brought an end to all photographic coverage (p.23).

Several witnesses to the event, notably a photographer from the New York Daily News and an editor of the Philadelphia Evening Bulletin, minimized reports of the disruption, claiming that photographers did not disrupt the trial. They acknowledged only two violations of the judge's rules, one by a newsreel and one by a still photographer.

But as outrageous as the theatricality of the trial became, one thing is clear: the presence of cameras and news photographers inside the courtroom were not, in and of themselves, responsible for the indecorous tone of the trial proceedings. As several reports corroborate, both the still and newsreel photographers complied closely with Judge Trenchard's prohibitions of picture-taking during the trial. There is little evidence to substantiate the myth of a media circus **while the trial was in session**" (Barber, 1982, p.7).

In retrospect, the judge is now faulted for weakness in controlling more than just photographers. The Hauptmann

trial upset so many people that a special committee was established to evaluate cooperation between the press, radio and the Bar. The group concluded the trial was horrifying because of the publicity and professional misconduct (Nelson & Teeter, 1986).

Myth or truth, fault in the media or otherwise, the reputation of the trial is firmly embedded in history as the reason for the ABA's Canon 35, and the Hauptmann trial was the first in a series of trials in which the judicial process was indeed surrounded by hordes of reporters. This trial spurred the ABA action even though the appeal claimed that both radio and newspaper coverage had caused an unfair trail (O'Connor, 1990).

Colorado was the only state that did not adopt Canon 35 (Tornquist and Grifall, 1981). By 1962, three states did not recognize the Canon. Colorado, Oklahoma, and Texas allowed periodic coverage throughout the 1950s (Hughes, 1982). The federal ban on cameras in federal trials was placed in effect in 1946 (Kulwin, 1978). In 1962, television was specifically added to the federal rule. The ABA adjusted its Canon 35 in 1952 to include television, and the new rule became Canon 3A (7) of the ABA Code of Judicial Conduct (Barber, 1982).

The tradition of fear and criticism regarding cameras in the courtroom that grew out of disruption of trials such as Hauptmann's, and later in the 1950s and 60s those of Billy Sol Estes and Dr. Sam Sheppard, may have been justified in the days of bulky equipment and accompanying bright lights. The objection to cameras was widely honored throughout the nation, and after the 1965 Estes decision, (discussion of Estes follows) court doors were virtually closed to cameras. Beginning in the mid-1970s, the situation began changing quickly. In 1975, Alabama and Washington amended their rules and opened the door to empirical evidence about the impact of cameras. As the first data became available from a manslaughter trial in Washington, covered with cameras on an experimental basis but not broadcast, the reaction was overwhelmingly positive. After the experiment, the oversight committee recommended that state courts be open to broadcast coverage (Hoyt, 1977). Washington reversed Canon 35 in 1976. Other states began following the lead in allowing cameras' entry, if only on an experimental basis (Netteburg, 1980). By 1978, seven states were allowing cameras into their courtrooms for televising trials: Alabama, Colorado, Florida, Georgia, Montana, Washington and Wisconsin (Kulwin, 1978). Texas had

gone against the trend, having courts open in the 50s, but banned cameras from courts in 1976 (Barber, 1982).

By August 1982, the ABA overturned its long ban on cameras in the courts, suggesting that trial judges decide whether to allow access under certain guidelines (Frank, 1987). By the time the ABA House of delegates reached this decision, 38 states were already allowing cameras in their courtrooms in some manner (O'Connor, 1990) The regulation continues as Canon 3(A)(7) of the ABA Code of Judicial Conduct.

Key court cases pertaining to cameras in court

While some states observed the ABA ban, others were conducting trials in the presence of cameras. Early U.S. Supreme Court decisions presented an expanding definition of prejudicial publicity, based on both print and broadcast media coverage (Holsinger, 1987). Several cases, including Irvin v. Dowd (1961), Rideau v. Louisiana (1963), Estes v. Texas (1965), and Sheppard v. Maxwell (1966), broadened the view that media contributed to interference with due process. Other cases, such as Murphy v. Florida (1975), Nebraska Press Association v. Stuart (1976), and Richmond Newspapers, Inc. v. Virginia (1980) expanded protections for the press. The U.S. Supreme Court issued a landmark

decision favorable to cameras in courtrooms in Chandler v. Florida in 1981, but a 1984 appeals court decision in 1984, Westmoreland v. CBS, indicated that a constitutional protection for electronic media in court has not been established. A chronological examination of these cases follows.

Irvin v. Dowd

Pretrial publicity by newspapers, radio and television prevented a fair trial for parolee Leslie Irvin, according to the Supreme Court. The case centered around six murders in the Evansville, Indiana area in late 1954 and spring 1955. Irvin, nicknamed by the press as "Mad Dog Irvin" was arrested, and later charged with the murders. The judge granted a change of venue, but only to a nearby county where the publicity about the case was also intense. Irvin's attorney constantly complained that the jury was not impartial. Irvin was convicted and sentenced to death, a decision upheld in the state Supreme Court. In 1961, the U.S. Supreme Court held in a 9-0 decision that Irvin's trial was not a fair one because of the prejudicial publicity. The key to the decision was that most of the juror pool reported holding some opinion regarding Irvin's guilt, as did four of those selected for the jury. The court opinion

refers primarily to newspaper accounts prior to the trial. Justice Clark wrote the majority opinion, and described media accounts as showing a "pattern of deep and bitter prejudice" (Irvin v. Dowd, 1961, p. 727). Justice Frankfurter's decision referred to the "inflammatory newspaper accounts" (p. 730).

Rideau v. Louisiana

Wilbert Rideau was arrested in 1961 and charged with robbing a bank and murdering one of three employees he kidnapped. The sheriff conducted an interrogation, and, after Rideau confessed, the sheriff invited the local television station to film Rideau as he repeated the confession from his jail cell. Rideau's confession was broadcast three times in three days in the Lake Charles area. The request for a change of venue was denied. Rideau was convicted and the conviction was upheld on the state level (Rideau v. Louisiana, 1963). In 1963, the Supreme Court reversed and ordered a new trial. Justice Stewart's majority opinion expressed disgust at what he called "kangaroo court" proceedings where the public saw a "trial" conducted by the sheriff, with no attorneys present (p. 726). Like the Irvin case, some of the seated jurors had already made up their minds as to Rideau's guilt before the

trial began (p.730). The court held that Rideau's due process had been denied because of the refusal for change of venue "after the people of the Parish had been exposed repeatedly and in depth to the spectacle of the petitioner personally confessing in detail to crimes with which he was later to be charged" (p. 723).

Estes v. Texas

In the 1962 Billy Sol Estes case, the United States Supreme Court first examined the constitutionality of televising a criminal trial in spite of objections of the defendant at the time all but two states prohibited cameras in courtrooms. The case was decided June 7, 1965, (Estes v. Texas). Both Texas and Colorado allowed televising trials although Colorado rules required the defendant to grant permission for broadcast coverage (Carter, Franklin, Wright, 1990). Estes, a Texas businessman and personal friend of President Lyndon Johnson, had attracted national attention in proceedings where he was convicted of swindling. Pretrial hearings on a motion to prevent broadcasting and news photography were carried live on television and radio. The coverage was considered disruptive with at least a dozen cameras set up in the courtroom during the hearing, with cables and wires stretched around the floor. Microphones

were placed on the judge's bench. The motion to prohibit television coverage was denied, but the judge allowed a continuance during which a booth was set up in the rear of the courtroom for television equipment and personnel. During the trial, pictures of opening and closing arguments of the state, and return of the jury's verdict were broadcast live although there was no sound with the pictures.

On appeal, the Supreme Court eventually reversed Estes' conviction and held in a 5-4 decision that broadcasting the proceedings over the objections of the defendant in a trial of such notoriety was inherently invalid and infringed on the defendant's right to a fair trial and due process guaranteed by the Fourteenth Amendment (Estes v. Texas, 1965). The narrow decision virtually closed courtrooms to cameras around the country. The justices addressed the issue as an infringement of a defendant's right to a fair trial, and the final directive relied on three arguments, the last two of which were speculative: (1) 48 of the 50 states and federal system banned cameras; (2) cameras were physically and psychologically distracting; and (3) cameras could cause prejudice against the defendant (Estes v. Texas, 1965).

Even though the decision rejected a constitutional right of access, it acknowledged the possibility that things could change. Justice Clark's comments are often quoted:

When the advances in these arts permit reporting by printing press or by television without their present hazards to a fair trial we will have another case (Estes v. Texas, 1964, p.540).

It was conceivable that cameras might not be inherently prejudicial although Clark may not have foreseen the possibility as a likelihood in the near future.

Harlan's eyes were also to the future, inspiring his comment that

...the day may come when television will become so commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process (p. 595).

Legal scholars have found a variety of messages in the decision. According to Ross & Lurie, Estes opened the possibility of camera coverage where due process would not be infringed (1980). Carter, Franklin, and Wright (1990) contend that Estes did not say that cameras are inherently unfair. Although closure resulted, there was not a majority opinion on the due process issue. Clark's opinion was joined by only three justices. Warren concurred in the opinion that television had made the trial unfair. However,

Harlan's fifth vote established that the issue was concerned "only with a criminal trial of great notoriety, and not with criminal proceedings of a more or less routine nature," and reserved judgment on other cases (Estes v. Texas, 1965, p. 587). Otherwise, he failed to agree that there was a per se constitutional violation (O'Connor, 1990). Harlan also judged television in the trial to be "relatively unobtrusive" (Estes v. Texas, 1965, p. 587, 588). Scott points out that even though the court talked about an inevitable prejudice from trial broadcast, it did not show such a prejudice in the Estes case (1978).

Zimmerman (1980) says that Estes did not deny constitutional protection to still cameras and tape recorders, and that the case is unclear about the use of broadcasting equipment in the courts since the sole question was whether Estes had been deprived of due process. After Estes, Zimmerman argued that all news-gathering techniques should enjoy a First Amendment right of access to any governmental function which is open to the public, unless "clear and substantial countervailing interests outweighed the reporter's interest in free choice of methods of coverage" (p. 647).

Justice Stewart, in dissent, looked at the matter from a First Amendment standpoint:

The suggestion that there are limits on the public's right to know what goes on in the courts causes me deep concern. The idea of imposing upon any medium of communications the burden of justifying its presence is contrary to where I had always thought the presumption must lie in the area of First Amendment freedoms (Estes v. Texas, 1965, p.614, 615).

But in the opinion of the court, Clark emphasized that television reporters had the same rights as the general public--to be present. He warned that only the most sensational trials would be covered if broadcasters had their way (Estes v. Texas, 1965). The court continued to expand the definition of prejudicial publicity in the Sheppard case.

Sheppard v. Maxwell

The Supreme Court also overturned a conviction because of prejudicial publicity in the 1966 Sheppard case. In 1954, the Sheppard trial received widespread media attention in the Cleveland, Ohio, area, and the Supreme Court, 12 years after Sheppard's original trial, reversed the conviction of the doctor accused of strangling his pregnant wife. The case was decided June 6, 1966.

Dr. Sheppard had claimed innocence from the beginning, but one famous Cleveland newspaper headline proclaimed, "Somebody is Getting Away with Murder;" another, "Quit Stalling -- Bring Him In" (Sheppard v. Maxwell, 1965). Three

months before his trial, Sheppard was subjected to more than five hours of questioning in a gymnasium in front of several hundred observers and television cameras, without legal representation. Numerous media covered the story, often with stories showing why Sheppard was guilty. When the trial began, the judge made room for reporters in the courtroom so close to Sheppard that he and his attorneys could not confer in private. It is noted that news reporters took over the courtroom and caused general disruption as they moved in and out of the courtroom during the nine week trial. Even though no photographs were allowed while the trial was underway, witnesses and jurors were televised entering and leaving the courtroom. In fact, television cameras were set up next to the jury room, and jurors, in essence, became celebrities in the course of the trial. They went home each night with admonitions not to watch news reports of the trial, but there was no attempt to make sure they complied. Sheppard was convicted and sentenced to life in prison. After ten years in jail, Sheppard had the opportunity to have his case heard by the Supreme Court (Sheppard v. Maxwell, 1966).

The question was whether publicity before and during a trial raises a presumption that jurors are prejudiced when the conduct of the media is distracting. The court reasoned

that the defendant's right to a fair trial had been violated and the judge had lost control of the court proceedings, which resulted in a carnival atmosphere where bright lights and loud equipment distracted jurors. The decision required that trial courts take stronger action to make sure balance is maintained between the right to a fair trial and the right to a free press. The decision prescribed measures for trial judges to counteract media publicity (Sheppard v. Maxwell, 1966).

In both Estes and Sheppard, camera coverage likely justified objection. With bulky, obtrusive equipment, and few, if any guidelines, reporters turned trials into chaos. Attorneys could not confer with their clients without being overheard by reporters and courtroom decorum was adversely affected. However, as technology improved, the view of broadcast trial coverage changed.

Murphy v. Florida

In Murphy v. Florida (1975) jurors were aware of the defendant's earlier murder convictions because of reports in the media. The court concluded that jurors don't have to be completely ignorant of the facts of the case in order to present a fair analysis of the evidence (Carter, Franklin, and Wright, 1990).

Nebraska Press Association v. Stuart

In Nebraska Press Association v. Stuart (1976) the Supreme Court invalidated restrictions on broadcasting confessions in a broader prior restraint decision (Kulwin, p. 921). Regarding restraint of publication about a trial, the court found that the heavy burden required in justifying prior restraint was not met (Carter, Franklin, and Wright, 1990).

Richmond Newspapers, Inc. v. Virginia

Even though the court has to date avoided the constitutional question of electronic media access to courtrooms, it has been much clearer about press rights when the issue is not restricted to coverage with cameras. Traditionally, the reference has been to freedom of "the press," although expanding forms assume the reference to include other forms of media. The court views the right of access to courtrooms as a balance between the rights of a free press and the individual's right to a fair trial.

In Richmond Newspapers, Inc. v. Virginia, the Supreme Court overruled a trial judge who barred the public and reporters from a courtroom under a Virginia statute that allowed removing anyone whose "presence would impair the conduct of a fair trial" (Richmond Newspapers, Inc. v.

Virginia (1980). Apparently, the right of the public and press to attend is constitutionally protected. The court had given validity to the media as surrogates for the public (1980, Ross & Lurie). Justice Burger's opinion is often quoted because of its landmark recognition of a constitutional "right of access."

We hold that the right to attend criminal trials is implicit in the guarantees of the First Amendment; without the freedom to attend such trials, which people have exercised for centuries, important aspects of freedom of speech and of the press could be eviscerated (Richmond v. Virginia (1980)).

The Richmond decision did not flatly forbid closing trials but required an "overriding interest" and extraordinary circumstances before reporters or the public could be barred. Richmond applied specifically to criminal trials, and the decision did not address the issue of pretrial hearings (1980).

As Richmond shows, the issue of closed courtrooms is not peculiar to the electronic media. Print reporters have had their share of difficulty in gaining access to courts, but the electronic media have more consistently been denied access because of the presence of equipment and lights thought to be more distracting than a person sitting in the courtroom taking notes.

Chandler v . Florida

The Court took a kinder view of cameras in the Chandler v. Florida case and effected a change in direction regarding prejudicial publicity (1981). At the time of the court's decision, more than half the states were allowing cameras in their courtrooms, either experimentally, or on a permanent basis (Carter, Franklin, and Wright, 1990). By 1981, television equipment had become much more sophisticated and did not require the space, obtrusive cables or the bright lights that had disrupted earlier courtrooms.

In this case, two Florida police officers sought to have their burglary convictions overturned on grounds that televising parts of their trial denied them a fair trial. The broadcasting of the trial was part of Florida's revised experiment with cameras in courts. At first, the experiment involved only two courtrooms and broadcast required approval of the defendant. In essence, there was no experiment under these conditions and so Florida changed the experiment in 1977 and no longer required approval by trial participants. Only the consent of the trial judge was required (Kreeger, 1978).

When the Supreme Court heard Chandler v. Florida, the justices determined in a narrow consideration that camera coverage does not necessarily deny a defendant the right to

a fair trial. Court opinion focused on the experimental nature of Florida's practice and concluded that the Constitution cannot prohibit a state from experimenting with such a program. The Supreme Court would not overturn Florida's rules, which allowed cameras in court, even if the defendant objected. Although this decision fell short of protecting electronic access constitutionally, it did not find a constitutional prohibition on cameras in court and appeared to give more latitude to the media. Practically, it left the issue up to the states. In fact, there was unanimous rejection of the notion that televising a trial over a defendant's objections automatically means the trial was unfair (Overbeck & Pullen, 1985).

Although the Court's opinion today contends that it is consistent with *Estes*, I believe that it effectively eviscerates *Estes* (Chandler v. Florida, 1981, p. 588).

The case did not introduce the First Amendment claim by broadcasters; there was no discussion of the Richmond decision of the preceding year which had established a constitutional right of access for the media. Although Chandler did not address the question of whether cameras have a constitutional right of access, the decision could not find justification for preventing states from experimenting with broadcast coverage.

Hughes predicted in 1982 that the Supreme Court would come under pressure to address the access issue for electronic media as states became accustomed to the elbow room for experimentation granted in Chandler.

A number of legal scholars disagree with the Supreme Court's failure to find a constitutional right of access for cameras. Frank sees exclusion of cameras as "arbitrary."

Where journalistic freedom to cover an institution as public in nature as the judiciary is curtailed in an arbitrary manner, the restriction cannot withstand constitutional scrutiny. As a legitimate, dominant news source, television cameras cannot be summarily barred from a courtroom without violating the first amendment (1987, p. 777).

Zimmerman says there is no support for the idea that broadcast equipment violates a defendant's due process.

No evidence exists to support the notion that recording equipment, properly operated, inevitably violates the constitutional rights of criminal defendants or indeed affects them differently from press coverage in general. Trial courts can prevent disturbances in the courtroom. Problems of prejudicial publicity are not unique to cameras and recording equipment and can be managed by the same methods used to prevent prejudice from other sources. Individuals involved in trials may experience substantial stress, but nothing suggests that technological access would increase the tension. Trial participants don't have enforceable privacy rights against the press and public. In any case, discriminatory bans on cameras and recorders do not insulate trial participants from public and press scrutiny, but do impair substantial first amendment interests (1980, p. 699).

Westmoreland v. CBS

In Westmoreland v. CBS, an appeals court decided that a per se rule against cameras does not violate the First Amendment (1987, Frank). The judge on the district level, who was eventually overturned, ruled that television coverage of General Westmoreland's libel trial in New York City federal court should be allowed. The circuit court of appeals ignored the district court's finding and concluded that there is no constitutional right to see a particular trial televised (Westmoreland v. CBS (1984)).

Social Science Analysis

Survey Research

Since the time that cameras have been allowed in courtrooms, social scientists have attempted objective studies of the impact of their presence on the judicial process. Early efforts included reactions from judges and surveys of participants. These methods continue, joined by more experimental methods.

Colorado provided one of the earliest opportunities for studying the impact of cameras on courtrooms by relaxing the ban on cameras in 1954. By 1955, newsreel and still photographers had general access to state courts at the discretion of the judge.

During the previously discussed John Gilbert Graham trial, participants including jurors and witnesses could have refused to be photographed. Only the defendant took the option. Afterward, in an effort to evaluate the experience, interviews were filmed with trial participants and observers. According to Hugh B. Terry, "The response constituted a series of glowing testimonials to the journalistic prowess of the media. Without exception, the interviewees praised the coverage as being fair and unbiased" (1957, p. 348). It must be noted that the methodology in the Terry article was not clearly established.

Florida presented the first long-term opportunity to study the effects of cameras in the courtroom. A pilot program was set up because of the January 1975 Post - Newsweek Station, Florida, Inc. petition to the Supreme Court of Florida to allow cameras, electronic sound and photographic equipment into the courtrooms (Kreeger, 1978). The state Supreme Court agreed to examine the issue and scheduled an experiment where agreement of participants was required. The idea failed, in essence because of a lack of agreement to participate. Finally, a pilot program began in July 1, 1977, all over the state where consent of trial participants was not required (Kreeger, 1978).

In April 1979, the state of Florida permanently lifted its ban on electronic media in virtually all the state's courtrooms after a one-year experiment where consent of trial participants was not required.

During the experimental stage, R. Stephen Craig seized the opportunity to analyze early reactions by a survey of trial participants and published an analysis in the winter 1979 issue of Journalism Quarterly. He concluded that there was little evidence that the presence of cameras would interfere with a fair trial, and that, in fact, "many of the objections to electronic media coverage are really objections to media coverage in general" (p.710).

Because Florida was the first state to take such a dramatic step of allowing cameras into courtrooms over the objection of the defendant, coverage was widespread on the first day in July 1977. Coverage received national and international attention. Within a week, when the state Supreme Court was faced with an appeal on the issue of the presence of cameras, the justices reaffirmed the decision to permit cameras (Craig, 1979).

National attention was also focused on the Ronny Zamora trial during the experimental year, partly because of the experiment and also because the attorney for the teenager accused of killing his 82-year-old neighbor blamed the crime

on television viewing. Even though sixty reporters showed up on the first day and coverage remained heavy, the judge who had originally opposed the experiment praised the media pool by the end of the trial (Craig, 1979).

The reaction of the judge at the second televised trial in February 1978 is noteworthy because of its apparent contradictions. Mark Herman's murder trial received much less national and international attention than Zamora's although local attention remained high. The judge thought the defendant received a fair trial, and was satisfied with the performance of the media. Even so, he recommended to the Florida Supreme Court that the camera ban be maintained after the experimental period. Craig also indicates that the judge reported concern with administrative duties and costs of sequestering as precaution against prejudicial media publicity (Craig, 1979). The judge also thought the sequestering costs should be paid by media in the future (Barber, 1982). On appeal, the Supreme Court found "little evidence of adverse psychological effects on trial participants" (Craig, 1979, p. 708).

The experiment ended in July 1978 and the state Supreme Court granted the Post Newsweek petition to change Canon 3A (7) and decided to allow cameras in permanently, without the consent of jurors, witnesses, or defendants. Florida found

little difference between print and electronic media regarding adverse effects, selective coverage or exploitation by commercial entities (Craig, 1979). The Court emphasized Florida's commitment to open government, and even though it envisioned situations where coverage might be harmful, the decision about when to exclude cameras was left to the presiding judge. The Florida Supreme Court deplored public ignorance of the judicial system and concluded

Our courts are an immensely important part of our government. In a democracy, no portion of government should be a mystery (Townend, 1981, p. 378).

It was under the experiment that police officers Noel Chandler and Robert Graham were tried for burglary. The case was televised in December 1977, the convictions appealed and the case, now known as Chandler, became a landmark case regarding cameras in courts. The case is discussed above.

Under the new, permanent rules, the judge in the Theodore Bundy murder trial in July 1979 showed less approval of cameras in his court than the Zamora judge and feared that court decorum would be lost. The trial of the all-American type male accused of murdering college coeds took place after the new rule was in place allowing camera

coverage. Judge Edward Cowart suggested that the cameras had no place in the courtroom and concluded they had caused an unfair trial. Later, however, he praised the accuracy of the broadcast coverage. (Netteburg, 1980). This judge also indicated that sketch artists caused more disturbance in the courtroom than the cameras. (Barber, 1982).

Florida has remained under intense national and international scrutiny as the leader in electronic access. One or two trials do not present a true picture of the effect of cameras on court proceedings; however, Florida's new status in 1978 and a statute in Wisconsin that allowed broadcast coverage over the objection of a defendant opened the door for broad, objective studies of the camera's impact. In both cases, statewide studies supported broadcasters' efforts. In Wisconsin, 80 percent of the trial judges thought television and fair trials were compatible. In Florida, 77 percent found no serious distractions by cameras (Netteburg, 1980).

Some research has attempted to document public recall from broadcast reports of trials. In Wisconsin during 1979, Jennifer Patri was charged with murder and arson and found guilty of murder. She was acquitted of arson. After the trial, which received broadcast coverage, researchers conducted a major study to determine what survey respondents

remembered from trial reports. Researchers found that respondents erroneously recalled that Patri had been found guilty on both charges. Results showed little evidence that Patri's reputation had been destroyed because most people could not recall her name without assistance, and 36 percent of the respondents had not heard of the trial and could not remember the outcome. This suggests that using broadcast coverage of the court system may not be an effective way to educate the public because people don't really pay that much attention (Netteburg, 1980).

A 1977 study in Indiana by Dalton Lancaster indicated that the audience learns more and remembers longer from a televised version of a trial. An opportunity presented itself where two men were indicted for murdering an eccentric millionaire. Cameras were allowed in one trial, but because of a change in courtrooms, there were no cameras at the second trial. Primarily because of a personal interest by the judge, the courtroom in the first trial was set up with three black and white cameras, remotely controlled, for experimental purposes. After the trials, researchers administered public opinion polls, questionnaires to jurors, conducted content analyses of print and television news, and interviewed judges, attorneys and media people. Ironically, there was no camera coverage

on the last day of the first trial because a state Supreme Court Justice wrote the trial judge reminding him of the restrictions in Canon 3A (7). This study suggested that people remember televised coverage longer when cameras are in the courtroom, think they learn more about the trial and the justice system, and generally favor the presence of cameras.

Evidence continued to stack up in support of cameras. In 1989, based on a trial run, New York's Committee on Media Law of the New York Bar Association recommended permanent access for cameras (Fox, 1989). In a familiar pattern, surveys showed positive reactions: 84 percent of judges were favorable or neutral; 64 percent of lawyers were favorable or neutral; 85 percent of judges said that coverage complied with procedures; and 66 percent of judges thought coverage had no effect on the progress of trials (Fox, 1989).

S. L. Alexander examined the "mischievous potentialities" of media behavior as a result of cameras in the courtroom by participant observation in four criminal trials in 1989. Results showed overall satisfaction with media behavior. The mischievous potentialities is a reference to Harlan's opinion in Estes:

Permitting television in the courtroom undeniably has mischievous potentialities for intruding upon

the detached atmosphere which should always surround the judicial process (Estes v. Texas, 1965, p. 587).

Edna Einsiedel in 1978 examined all newspaper and television reports in an Ohio market area based on the murder and rape of a nine year old girl. The judge allowed broadcast coverage in a change of venue as an experiment. Newspapers took pictures of a television monitor, as opposed to taking pictures inside the courtroom. As a case study, methodology included interviews with trial participants and a random telephone survey of lawyers and judges in the county where the trial took place. Einsiedel found that lawyers maintained existing attitudes about whether cameras should be in courts. Their personal experience did not cause them to change their minds. However, they agreed with the judge and witnesses that coverage had been fair (Einsiedel, 1978).

Early survey trends continued in 1980 and 1987 studies. K. Netteburg cites Florida and Wisconsin; by 1987, R. H. Frank added Massachusetts and California as examples of consistently favorable results of cameras in the courtroom experiments.

Of vast importance is the states' monolithic conclusion that electronic trial coverage neither significantly detracts from the dignity and decorum nor causes physical disruption of courtroom proceedings In contrast to the

near absence of perceived negative effects, the experimental programs reported substantial benefits from electronic coverage" (Frank, 1987, p. 810, 812).

Barber's major work on cameras in the courtrooms concluded in 1982 from 19 research studies from eleven states over an eight-year period a lack of "behavioral prejudice caused by news cameras in courtrooms."

It appears that camera coverage of trials (even sensational criminal cases) does not necessarily influence the majority of trial participants to behave in ways that are noticeably different from behavior in nontelevised trials. That is not to say that many trial participants do not have mixed or negative attitudes toward camera coverage, only that the bulk of empirical research conducted to date shows little correlation between the presence of cameras at trials and perceived prejudicial behavior on the part of jurors, witnesses, judges, or attorneys (Barber, 1982, p. 87.)

Barber refers to the fact that Florida has televised perhaps thousands of cases with no overriding concern about lack of justice. It "has been and continues to be a positive experience throughout the state" (p. 25).

In a series of studies in 1990, Roberts and Doob examined news media influences on public views of sentencing. Subjects looked at short accounts of sentencing hearings, and a majority were confident that sentences were too lenient. Later studies found that different versions from different newspaper reports caused varying effects on

how subjects rated the sentence. Therefore, the context was important. In part three of the study, subjects who read a transcript summary of a trial were less negative in their view of the judge and the sentence than those who read media accounts (p. 464).

Experimental studies.

Some researchers began examining the issue in experimental studies.

An experiment in 1977 by J.L. Hoyt indicated that subjects giving testimony may remember more and be more alert when they know they are being recorded on camera. Students at the University of Wisconsin watched a film and were asked questions under three different conditions: one group faced an obtrusive camera, a second group was filmed with an unobtrusive camera, and a third group was asked questions as someone took notes on their responses. The subjects with the camera lens facing them provided more correct information and spoke longer than the other two groups (Hoyt, 1977).

A 1984 study by Saul Kassin, however, contradicted Hoyt's findings. Testing the common objection that jurors will be distracted and adversely affected in their assignment, Kassin's two groups of subjects watched a

videotape of a civil trial and deliberated the verdict either with or without cameras present. Kassin found that those deliberating in front of the camera had poorer recall of evidence, even though no effects were found on verdicts, damage awards, or other measures of self-reporting. However, Kassin also concluded that the distractions were short-term and had no bearing on jury decisions. In short, the study provided support for the Chandler decision (Kassin, 1984).

Anna Paddon, in a 1985 experimental study, found that cameras in the courtroom may actually enhance learning of information about a trial in audience members. Her study examined the assumption that video and live sound is more informative and interesting than other presentation. Paddon assigned subjects to watch one of four complete news presentations, compiled with the assistance of news anchors on their own news set, a presentation probably familiar and realistic to subjects from the area. Presentation of the court material was in one of the following ways: courtroom videotape actuality, artist's sketch with reporter voice-over, a talking head, or a non-courtroom news segment. The study also found that no significant difference in attitudes toward the judicial system resulted from the single viewing of the report; nor did the presence of cameras and watching

the videotaped news presentation significantly affect a subject's willingness to testify in a criminal case or serve on a jury. Paddon's results indicated that "cameras in the courtroom enhance viewers' information about the trial but show no attitude changes that would imperil justice" (p.vi).

In 1990, Edith Greene set up a study to assess the impact that media coverage of unrelated trials might have on jurors' decisions. The idea was initiated when researchers noticed an unexplained drop in conviction rates in an exercise they were conducting with a mock jury. They eventually traced to the phenomenon to media reports, publicized during the exercise: someone had been wrongly convicted of rape because a witness mistakenly identified the defendant. As a result, mock jurors in the exercise hesitated to believe the eye witness account in their own situation. This finding led Greene to design an experiment to investigate the question of how media might affect jurors. She concluded that media can have an impact on a jury decision, but the "media effects are certainly incremental. Alone they are unlikely to determine jurors' verdicts" (Greene, 1990, p. 448). The effect is strongest when media reports relate directly to the trial, and when the weight of legal evidence is low (Kaplan, 1982), quoted in Greene, 1990). Jurors are generally required to stay

away from news reports during a trial; this study is a reminder of the importance of that requirement.

An experiment in 1990 examined the effects of media coverage on witness testimony and juror perception (Borgida, De Bono, and Buckman). This study was similar to the mock trial situation set up by Hoyt in that subjects served as witnesses or jurors in a court setup either with cameras present, with reporters but no cameras present, or with no media present. The experiment required participants to watch a robbery on a five-minute tape. Days later, subjects where cameras were present showed more favorable attitudes toward cameras than people in the other groups. The witnesses and jurors both reported greater witness nervousness, but ability to recall correctly was not harmed. Also, the ability to communicate effectively was not harmed (Borgida, De Bono, and Buckman, 1990).

Other Analysis

Aside from objective studies in a number of states where cameras have been assimilated into modern courtrooms, there is an extensive literature analyzing benefits and disadvantages of camera coverage.

In 1987, Frank categorized commonly cited benefits and disadvantages of cameras in courtrooms. Benefits fell into

three categories: (1) educational value, (2) establishing confidence in the judiciary, and (3) enhancing the fact finding function of courts such as more attentive judges and better recall among witnesses. Disadvantages included (1) impact on trial participants, such as fear and intimidation for witnesses and jurors, grandstanding by attorneys, and distractions for the judge, (2) threat to dignity and decorum of the court, and (3) administrative considerations, such as the expense of appeals and sequestering. As noted above, these reasons have not been consistently upheld, and matters of expense can pertain to coverage by print media as well as by electronic media.

Frank also addresses the First Amendment question, inherent in the cameras in the courtroom issue, insisting that "the right to broadcast trials demands a thorough first amendment analysis which the respective courts in Chandler, Hastings, Westmoreland, and Edwards declined to undertake" (1987, Frank).

Frank quotes Justice Burger in Richmond that the First Amendment "must be taken as a command of the broadest scope that explicit language, read in the context of a liberty-loving society, will allow." Thereafter he concludes that

Where journalistic freedom to cover an institution as public in nature as the judiciary is curtailed in an arbitrary manner, the restriction cannot withstand constitutional scrutiny. As a

legitimate, dominant news source, television cameras cannot be summarily barred from a courtroom without violating the first amendment" (p. 777).

Further, Frank (1987) contends that because Chandler does not find broadcasting automatically denies the defendant a fair trial and Richmond recognizes a right of access for the press, combined with Globe's discontent with per se exclusion, there must be a reconsideration of the constitutional issue.

Shelly Byron Kulwin (1978) insisted, pre Chandler, that there are no constitutional grounds for allowing cameras in courtrooms, and in fact, that they provide a threat to the constitutional rights of people involved in a trial, specifically, an infringement of the right to privacy. Because he sees the right to a public trial as the right of the defendant for his/her protection, a rule prohibiting cameras does not deny a public trial. Regarding the freedom of the press issue, he finds it probable that news coverage is an "imminent threat to the administration of justice" He finds that the ban on broadcasting trials

is not an unconstitutional prior restraint of the press and that such a prohibition is necessary to assure fair and impartial proceedings. When the various competing constitutional interests are concurrently weighed, the balance tips in favor of the ban on televised trials (p. 929).

As long as television stations are free to send representatives to trials, the rights of public trial and free press are secure (p. 934).

Kulwin encouraged resisting pressure to allow television in to courtrooms, believing it unconstitutional to ask witnesses to do their public duty by participating in a trial and then invading their privacy by televising them. "Courtroom TV presents a unique threat to the constitutional rights of trial participants" (1978, p. 933).

A number of writers have derived educational benefits from having cameras in courtrooms. George Comstock points out that television was the major supplier of information about the Vietnam war to children, and that television provided more information than either parents or teachers (Comstock, 1978). A law school dean in New York, commenting on the issue, suggests that having videotapes of landmark cases would be an invaluable enhancement to the education of attorneys ("Court of appeals," 1989).

Townend (1981) suggested that suspicions about discrimination in the courtroom based on wealth and images of lawyers and judges as crooks might be eliminated by an open-door policy toward cameras.

Gammarano in 1989 included as a benefit the enhancement of the public's right to know and suggested that cameras

could be used as an instrument of the court rather than for the media.

Ohio Judge Jack Day, writing immediately after the Chandler decision about why cameras should not be in the courtroom says that the judicial process was never intended to educate, inform, or entertain. He sees the media presentation as being distorted and suggests there's no need to "suffer" the media accounts when there is a court record available for anyone who wants to read it (1981, p. 20). Day thinks media are more interested in good theatre than anything else.

Tornquists and Grifall were writing post Chandler encouraging the Oregon Supreme Court to reconsider and at least conduct an experiment with cameras in the courtrooms. They support the idea that television extends the right of the public to attend a public trial (1981, p. 348).

Jeremy Cohen laments the lack of a method for evaluating whether a defendant has been denied due process and makes suggestions for a qualitative difference test, a concept that originated in the Florida courts:

The presiding judge may exclude electronic media coverage of a particular participant only upon a finding that such coverage will have a substantial effect upon the particular individual which would be qualitatively different from the effect on members of the public in general and such effect will be qualitatively different from coverage by other types of media (In re Post-Newsweek

Stations, Florida, Inc, quoted in Cohen, 1982, p. 287).

Cohen also suggests that information to help construct the test could likely come from social scientists, rather than from lawyers. Although Cohen is short on specifics, he recommends that the test must hold to the mandate of open justice, must be practical, and must be understandable to the judiciary and the media (Cohen, 1982).

Writing in 1979, Fatzer opposed cameras in the courtroom and suggested that judicial control over editing might be appropriate for preventing distortions of the trial coverage. He further noted that the court might need to control sponsorship so the judiciary would not be exploited for commercial purposes, thereby prostituting the judicial system. He warned that a judge might admit evidence that shouldn't be admitted because the public would not tolerate exclusions representing intricacies of the law they don't understand. Fatzer also contended that broadcast exposure would provide a pressure to convict.

Fatzer's article provides an interesting contrast to that of Joseph O' Connor's in 1990. Writing in support of a plan to allow cameras into Maine's courts, O'Connor expresses frustration that Maine is the only New England state without provisions for cameras. Saying that

"courtrooms are not temples," (p. 493) O'Connor argues that televising real court proceedings would correct some misconceptions instilled by courtroom dramas such as "Perry Mason," "L.A. Law," "Divorce Court," and "The People's Court."

Communications researcher George Gerbner joined the debate in 1980 calling for a halt in the rush toward televised trials. Citing his research on the ill effects of heavy television viewing, Gerbner compared cameras in the courtroom to the decadence that led to the fall of the Roman Empire. Gerbner claimed that television had reshaped politics, sports, business and family life, and predicted that "trials would be picked and edited to fit the dramatic ritual" (1980, p. 420). Gerbner found it disturbing that the primary interest of television was in politically charged controversies such as desegregation, prayer in schools, abortion and capital punishment. He said the TV process conflicts with the court's mission. Gerbner cited anecdotes as evidence for his opinion such as the fact that Hustler's Larry Flynt was shot during a recess of a televised trial. He also disapproved of the methodology in studies by those working to allow camera access to courtrooms.

And so the bandwagon rolls on its road of non-sequiturs, misplaced demonstrations, self-serving

tests and generally flawed 'experiments' that permit no controls, disproof, or evaluation (Gerbner, 1980, p. 426).

Rosen, (1990) a professor of law at the University of Miami says that law should not be autonomous from culture and encourages acceptance of media as active participants in the legal system. "Trials are events of culture. So, too are their media representations" (p. 519). Rosen points out that citizens will sometimes talk to reporters, but not to police and prosecutors. He challenges research that "theorizes a legal system embedded in culture," and sees possibilities of a rich, pluralistic discourse in legal institutions (p. 521). He concludes that the issue needs to be examined differently -- not by focusing on the problems, but by looking at the "desirability of law and media being responsive to culture" (p. 511).

Purpose of this study

Until now, the literature on cameras in the courtrooms has concentrated primarily on whether courtroom decorum and the defendant's right to a fair trial are adversely affected. Repeatedly, surveys, experiments and legal analyses fail to find clear evidence that the judicial procedure is harmed by the presence of electronic media.

The Virginia experiment presented an opportunity to examine other important questions regarding using cameras to cover court. Specifically, how do television news departments approach overall coverage of the judicial branch of government? Does the opportunity to take cameras into a courtroom make a difference in whether a story is covered? How, if at all, does access change courtroom coverage? Is there more coverage simply because of access? For example, the only complaint from judges during the experiment, according to the Virginia Association of Broadcasters, was that broadcasters did not use the opportunity to cover the courts (VAB Newsletter, 1990). Is the complaint of under usage a valid one?

There are two primary goals of this study.

First, the study proposes to examine news coverage of courts by Virginia television news departments. How much news coverage is devoted to the court system? How do news directors determine which stories will be covered? Do they feel a civic responsibility in covering the court system and include court stories because they think it is important for the public to know about certain cases? Is the news director more likely to assign coverage of a court case if the trial can be covered with cameras? Does access make it easier to cover courts since reporters can use excerpts from

testimony and show the defendant in the courtroom, eliminating the effort in finding attorneys and court participants for interviews during court breaks?

If news directors are not covering more courtroom stories with access, do they believe they are presenting better quality coverage when they have access to courtroom action?

In general, how are the court stories presented? Is the type presentation likely to change with camera access to the courtroom? What types of stories are covered? Does trial coverage concentrate on murder and rape? How much coverage is devoted to state courts compared to coverage of federal courts? How often do news departments use sketch artists and what considerations determine whether a sketch artist will be used?

The second primary goal of the study is an exploratory look at characteristics of news directors throughout the state that determine the emphasis they place on court coverage. This information will be analyzed to help predict coverage if the entire state were open to radio, television, and cable technology. For example, how do the age, sex, education levels, and education in First Amendment tradition of the news director affect the amount of court coverage? What interferes with coverage of the court system? Are news

directors interested in covering courts, but prohibited by budget, staff size, geographical location, or perception of public interest?

What are news directors' attitudes toward court coverage in general and are they satisfied with their own coverage of courts? Do Virginia news directors think they would devote more time to coverage of court stories with permanent access to all state courtrooms? Do they believe that all courts should be open to cameras? If so, are there any types of courtroom action they believe should be exempt from coverage?

CHAPTER III

METHODOLOGY

This research project consists of three components: (1) a self-administered questionnaire mailed to Virginia television news directors, (2) a personal interview with each news director, and (3) a content analysis of three months of news files to determine the number of court stories, their content, and manner of presentation.

The methodology was cleared through the Committee on Research Involving Human Subjects at the University of Tennessee. All subjects completed a consent form stating the purpose of the research and guaranteeing that their identities would be known only to the primary researcher. The signatures acknowledged that their participation was totally voluntary and they could decline to answer any question or terminate participation at any time.

To increase the participation rate, the research project was introduced by a letter from the news director of one of the state television stations. It was believed that news directors would take a request to participate in the project more seriously if it came from one of their peers, rather than from someone they did not know. After news directors had time to receive the letter of introduction,

the primary researcher called each news director. Upon determining that the letter had been received, the researcher asked for an appointment for a personal interview and for consent to conduct the content analysis. During the phone conversation, the news director was informed that a questionnaire would be immediately forthcoming, asking about personal characteristics and attitudes. In most cases, the questionnaires were mailed back; in one cases, the questionnaire was picked up on the day of the interview. The approach yielded 100 percent participation from the target group of news directors. Only one news director expressed some initial reluctance to participate, but agreed upon discovering that the other two news directors in his market had already agreed to participate. All news directors targeted for the study cooperated in completing all three components of the project.

The Sample

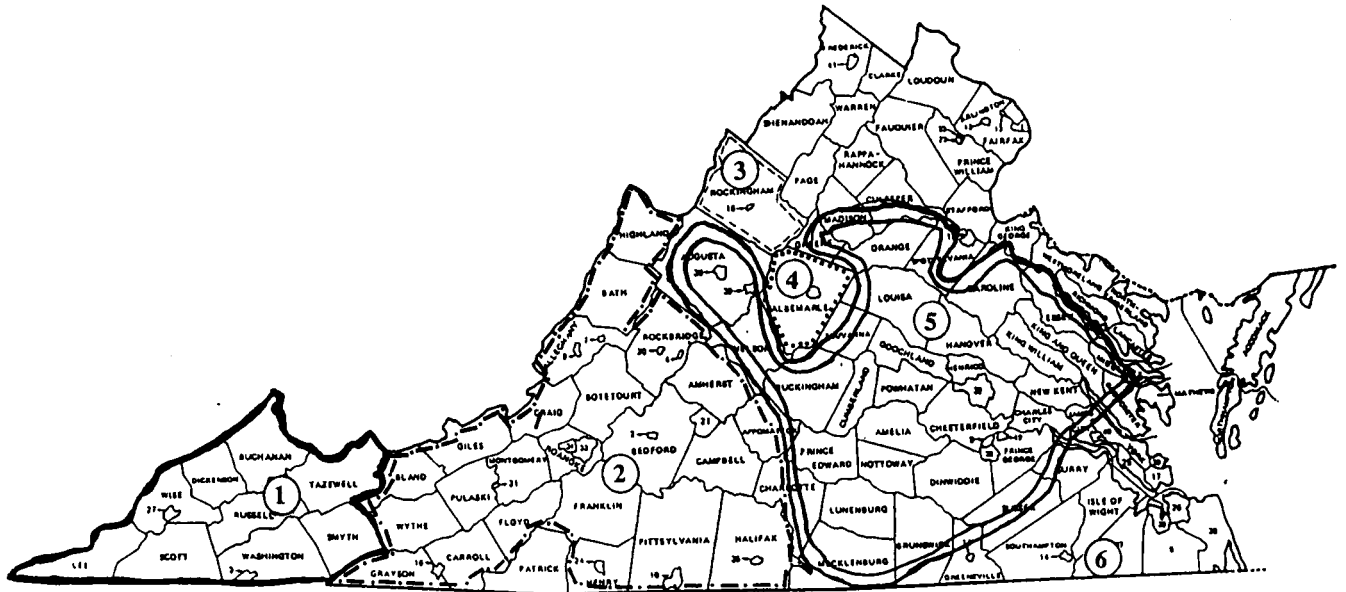
According to the 1990 Broadcasting Yearbook, there are 33 television stations in Virginia's coverage area. Market areas in the state include Bristol/Kingsport/Johnson City (known as the Tri-Cities), Charlottesville, Harrisonburg, Richmond, Roanoke/Lynchburg, Norfolk/Portsmouth/Newport News/ Hampton (known as Tidewater), and Washington, D.C.,

which incorporates part of Northern Virginia. Of those, the twelve commercial network affiliate stations with news departments in six of the seven television market areas were identified for this study. (See Figure 1)

The Washington, D.C., market area is listed separately in the Yearbook and is cross referenced with the stations located in Virginia. The market area is concentrated around the District of Columbia but includes parts of Maryland, Pennsylvania, Virginia, and West Virginia. Only three of fourteen stations in the market are licensed to operate in Virginia and none of the three are network affiliates. Therefore, the market area cannot be considered instructive regarding Virginia's coverage of the court system and was excluded from the study.

The Tri-Cities market area includes one station licensed in Virginia and two other stations licensed in Tennessee. Because the Virginia station covers more area in Virginia than in Tennessee it was included in the study.

An additional station was included in the study, but separated in the analysis. Part of the town of Bluefield is in Virginia and part in West Virginia. The market is, in essence, a one-station market, with the NBC affiliate licensed in West Virginia. Although the station covers two southwest Virginia counties, eighty percent of the coverage area is in West Virginia. The station was asked to



1. Tri-Cities. Mkt.#87. ADI-TVHH: 282,900
2. Roanoke/Lynchburg. Mkt.#69. ADI-TVHH: 368,200
3. Harrisonburg. Mkt.#198. ADI-TVHH: 35,900
4. Charlottesville. Mkt. #195. ADI-TVHH: 40,900
5. Richmond. Mkt.#60. ADI-TVHH: 442,800
6. Norfolk. Mkt.#42. ADI-TVHH: 575,400

 Source: Broadcasting Yearbook. 1990.

Figure 1
 Virginia Television Market Areas

participate in the study and proved to be a fascinating contrast to the Virginia stations because coverage of courtrooms with cameras is routine in West Virginia. For this reason, the data from the Bluefield study is included in the discussion of results.

Twelve stations in six market areas are included in this study. With the exception of the Tri-Cities stations, each market area contained an experimental courtroom in the coverage area. (See Figure 2).

WCYB-TV, Channel 5 in the Tri-Cities market is licensed in Virginia and is part of the study. The Tri-Cities market is number 87 in ranking among 212 television markets in the nation.

In the Roanoke/Lynchburg market area, Bedford County Circuit Court is the experimental courtroom and is located approximately a thirty-minute drive from each of the three commercial stations. They are WDBJ-TV, Channel 7 and WSLS-TV, Channel 10 in Roanoke. WSET-TV, Channel 13, is licensed in Lynchburg. The Roanoke market is ranked as 69th in its area of dominant influence.

The Richmond market stations in this study are WTVR-TV, Channel 6; WRIC-TV, Channel 8; and WWBT-TV, Channel 12. The Richmond market is number 60. These stations have more opportunities for routine coverage provided by the

experiment with access to Henrico County Circuit Court within a 30-minute drive, plus the Appeals Court and State Supreme Court in the city. The district court in Caroline County is also part of the experiment and is closest to the Richmond market for coverage, even though it is a forty-minute drive from the city.

The Tidewater market, ADI number 42, includes Norfolk, Portsmouth, Newport News, and Hampton. The experimental circuit court of Virginia Beach is found in the market area covered by WAVY-TV, Channel 10 in Portsmouth, WTKR-TV, Channel 3 in Norfolk; and WVEC-TV, Channel 13 in Hampton.

The Charlottesville station, WVIR-TV, Channel 29, has the city district court in its coverage area. Charlottesville's ADI ranking is number 195. WVIR is the only television station in the market.

Harrisonburg also has one television station and is considered a separate market with WHSV-TV, Channel 3. Its ADI ranking is number 198. Charlottesville is approximately forty miles away and provides the closest experimental court for the Harrisonburg station.

The Questionnaire

The purpose of the questionnaire was to determine characteristics of news directors and whether these

characteristics influence attitudes toward court coverage with cameras. (See Questionnaire in Appendix A).

Characteristics of news directors were identified by general demographic questions such as age, sex, income and education. Questions were included about the station operation to determine the number of news staff and whether the department operates microwave and satellite trucks. News directors were also asked about their personal experience in courtrooms, both associated with their professional or in personal matters. For example, in addition to assigning stories or reporting on trials, news directors were asked if they had been involved as witnesses or victims in criminal trials, or as plaintiffs, defendants, or witnesses in civil trials. Other questions included how long news directors had been in their current positions and how much involvement they had in the Virginia cameras in the courtroom issue. Involvement ranged from carrying out typical responsibilities of a news director such as story assignment to lobbying efforts and serving as a coordinator for television coverage of an experimental courtroom.

News directors' attitudes toward general court coverage and toward their department's court coverage were measured on a five point Likert scale. They were asked several questions to determine an index of satisfaction with their

department coverage of court stories. Specific measures of satisfaction included access to trial attorneys for interviews, the amount of video they are able to get, whether the stories relay facts clearly, are understandable to the audience, relay the emotion of the story, and present a realistic portrayal of what happens in the courtroom. A single question about satisfaction was correlated with the satisfaction index as a measure of internal validity.

The self-administered questionnaire was mailed in advance of the personal interviews to give respondents plenty of time to answer, thereby increasing validity of responses. The method also provided uniform presentation of questions and avoided bias due to the presence of an interviewer (1989, Stempel and Westley). Response rates from questionnaires are sometimes low, but because the questionnaire was mailed following a phone call in which subjects agreed to participate, the response rate was high. In one case, the subject had to be asked at the time of the interview for the questionnaire, but the other news directors returned the surveys by mail prior to the extended interview. Institutional sponsorships are known to be helpful in increasing responses (1989, Stempel and Westley). Although there was not an institutional sponsor, the study was introduced to Virginia news directors by a letter from

one of their peers. This approach was very successful and helped yield 100 percent participation.

Correlation matrices were run to examine the relationship between news director characteristics and the total number of court stories. Correlations were also run on all attitude questions. P-value was established at .05 using a 2-tail test with an N of 12. Significant correlations were .5760 and above.

A factor analysis was run on the attitude questions to examine areas of specific concern among news directors. To determine similarities among news directors, a Q-factor analysis with transposed matrix of the raw data was applied.

Personal Interview

The personal interview was the primary component of the study. While the questionnaire was appropriate for examining relationships between characteristics of news directors and their attitudes toward cameras in courtrooms, the qualitative aspect allowed news directors an opportunity to offer context and insights difficult to achieve in a questionnaire. The interviews took place in the news directors' offices, a natural setting for the news director and a way to maximize comfort during the discussion. (See transcriptions of interviews in Appendix B). Observing the

news director in a natural setting also served as reinforcement in use of terminology and subtle meanings common in the newsroom setting.

Open ended and unstructured questioning allowed for exploring the subject's ideas. For example, respondents had an opportunity to describe previous or planned special coverage of courts that did not show up in the content analysis. They were able to elaborate on their specific constraints or strengths as a news department, and offer anecdotal evidence supporting their beliefs and attitudes. The interview provided an opportunity for subtle clues to how news directors deal with news coverage of the judiciary. In some cases, subjects were enthusiastic and intense in discussing court coverage. In other instances, it was obvious that the news director was not familiar with the experimental guidelines and was irritated at having this lack of knowledge exposed.

A qualitative study also allows for concepts to appear that might not be considered for inclusion into a questionnaire. In this study, it became apparent that news directors were unaccustomed to working together as required by the cameras in the courtroom experiment. They are ordinarily extremely competitive and try to beat the other news departments with the "scoop" or the first revelation of

a story. A questionnaire might not have adequately addressed the cooperation versus competition factor, but the qualitative methodology allowed full discussion of the concept with probing and follow up.

Data was analyzed systematically by grouping comments from news directors on similar subject areas. Comments were noted by number. Responses were grouped a second time as established by the factor analysis and examined for similarities in specific areas.

The qualitative component was not meant as an opposition to numbers and statistics, but as an effort to combine numbers with individual interpretations. In fact, in analyzing discussion in some areas, responses were nearly uniform. In other areas, responses were varied, but somewhat categorical so that conclusions could be drawn about how the total group or a percentage of the group responded. Numerical data from the questionnaire often supported information drawn from the qualitative part of the study.

As Stempel and Westley (1989) say, "The general and the specific still live in tension" (p. 373). The qualitative methodology encourages making comments about "general" attitudes of news directors even though specific details of their comments vary. These generalizations are made within

the confines of this study only and with full awareness that qualitative research does not lend itself to reliable generalization to populations outside the study. Even so, the qualitative approach provided rich data, allowing news directors to expand on their thoughts. The depth is valuable, and on the occasions where data and statistics corroborated conclusions drawn by the researcher, it is apparent that results are valid.

Content analysis

The content analysis was designed to offer an objective, systematic, and quantitative description of the state's news coverage of courts for a three month period. March, April, and May 1991, were chosen as the most recent months preceding the analysis. Interviews and content analysis were conducted in June 1991.

A coding sheet was completed for each story involving state, local and federal courts in the station's market area. Information was recorded about when the story was covered, what the trial was about, whether it was a civil or criminal case, how it was presented, and whether it was covered with cameras in the courtroom. (See Figure 3)

Operational definitions for the coding sheet are as follows:

Court stories. Court stories were defined as any news staff coverage of state, local, or federal courts within the station's market area.

The method of presentation was coded as either a news package, voiceover, or reader.

News package. A news package was defined as a prepared presentation by a field reporter, introduced by the anchor.

Voiceover. A voiceover was defined as a story read by the news anchor, accompanied by video shot at the scene of the story. Sometimes video for a court story would be from pictures taken at a crime scene or during the arrest of the defendant. Sometimes the footage was taken from outside the courtroom, occasionally from inside a courtroom.

VO--SOT. A voiceover (VO) with sound on tape (SOT), was a story read live by the news anchor which also included a taped and edited comment from a someone who was involved in the story. A common expression for the edited comment is a "soundbite." Soundbites are also included in edited news packages, but require special technical attention when introduced by the anchor and accompanied by videotape.

Reader. A reader was defined as a story read directly into the camera by the news anchor. The story may

1. STATION _____

 2. DATE (Month and day) _____ 1991

 3. STORY IS ABOUT WHICH COURT?

 4. IS THE CASE CIVIL or CRIMINAL?

 5. A VERY BRIEF DESCRIPTION OF THE STORY.
(i.e. defendant found guilty of murdering his brother)

 6. THE TYPE OF STORY PRESENTATION. (Check all that apply.)
 ENG Package
 VO--SOT
 Voiceover
 Reader
 Live from the courthouse
 Live intro from set or newsroom

 7. WAS THIS STORY COVERED WITH CAMERAS IN THE COURTROOM?
 YES
 NO
-

Figure 3
Coding Sheet for Court Stories

have been accompanied by a slide or video graphic, but the designation was strictly as a reader.

Stories were also designated as originating in a state or federal court, and coded for whether coverage was allowed from inside the courtroom.

The primary evening newscast, usually 6 p.m., was coded for every day of the three-month period. Weekends were included because even though most courts are inactive, news departments sometimes report verdicts of a trial or preview an upcoming trial during weekend newscasts.

Eight of the news departments maintain paper copies of their newscasts. In those cases, the primary researcher thumbed through each day's newscast looking for court stories. Five of the stations are computerized and the search was done on the computer. In two cases, the researcher was assisted by a member of the news staff. In other cases, the researcher was quickly trained on the computer system and allowed to work alone, with someone to answer questions if necessary.

Some of the files were in better order than others. Occasionally a newscast would be missing. In that case, even though there may have been court stories reported, there was no way to include them in the content analysis.

The content analysis presents a thorough evaluation of the number and type of court stories being reported by Virginia television news departments. The numbers are valuable as checks against claims by news directors. As one example central to the study, news directors uniformly claimed that access with cameras had a small part to play in determining whether they would cover a trial or not. The content analysis supported this claim by showing a small percentage of stories covered with cameras and no imbalance in coverage of courts where cameras were allowed.

Analysis of coding sheets consisted of frequency tabulations on each question.

Conclusion

The three-pronged aspect to the study assured a comprehensive look at how television news departments cover the court system. The questionnaire provided insight into news directors' attitudes toward cameras in courtrooms and indicated whether personal characteristics and personal involvement with the court system affected their attitudes. Statistical analysis showed common areas of concern. The interview was extremely valuable in providing explanation of attitudes exhibited in the questionnaire. Some concepts showed up and were probed in the interview process that

would not have been adequately addressed in the questionnaire. The content analysis is valuable on its own, but also served as a check system for claims made by news directors in the interview. Their claim that they cover stories regardless of camera access is supported by descriptive statistics from the content analysis. Likewise, their claim that they cover civil issues with broad public appeal is supported by numbers from the content analysis.

When cameras are given permanent access to Virginia courtrooms, another content analysis would be a valuable study for determining whether the type coverage or number of stories will change. This study can provide a benchmark for future examination of Virginia television coverage of the state courtrooms.

CHAPTER IV

RESULTS

The idea of imposing upon any medium of communications the burden of justifying its presence is contrary to where I had always thought the presumption must lie in the area of First Amendment freedoms. Justice Stewart.

Demographic characteristics of news directors

An examination of how Virginia's television news departments cover the court system first requires a look at characteristics of news directors. News directors' responsibilities include setting department policy and overseeing news assignments. As in many situations, the characteristics of the operation reflect those of the person in charge.

Data from this study shows that all Virginia's television news directors are male and all are between the ages of 35 and 44 except one who is younger. Half of them make salaries over \$55,000. Three are paid between \$45,000 and \$55,000. One falls in the \$25-\$35,000 category, and two did not respond. Reflecting the high turnover rate in broadcast news departments, seven had been in their current positions less than three years at the time of the survey. Three had been in their current positions less than one year. Indicating the level of experience generally required

of news directors, all had been in broadcasting for at least ten years or more, half for fifteen years or more. Only two had been in broadcast management less than three years. Half had been in broadcast management for ten years or more, leaving four with experience in broadcast management ranging from four through nine years.

Seven of the news directors have bachelor's degrees in communication. Two have degrees in other fields. Three have master's degrees, two of them in journalism.

Attitude characteristics

In an effort to find similarities in attitudes among news directors about cameras in the courtroom, a Q-factor analysis was run on news director characteristics and attitudes. The results grouped ten of the news directors into four factors, accounting for 83.2 percent of the variance. (See Table 1). The first factor included five news directors who represented a combination of two of the state's larger market areas, Richmond and Tidewater, with a mid-size and small market. These five news directors were most similar in the amount of involvement in the issue of cameras in the courtroom, and in their amount of personal experience in courtrooms.

TABLE 1
Q-FACTOR ANALYSIS
NEWS DIRECTOR SIMILARITIES
VARIMAX ROTATED MATRIX

News Director	<u>Factor 1</u>	<u>Factor 2</u>	<u>Factor 3</u>	<u>Factor 4</u>
ND12	.57159	.41113	.59857	-.09215
ND11	-.22239	.39220	.76696	.21748
ND10	.80183	.47736	.24975	.03151
ND9	.76716	.38496	.17980	.15119
ND8	.31708	.80998	.11482	.01635
ND7	.88786	.20359	-.06283	.12473
ND6	.17755	.85588	.24355	-.07643
ND5	.70594	.45168	.18991	-.13946
ND4	.30208	-.04721	.79099	-.05272
ND3	.29251	.79531	-.00842	.27068
ND2	.20196	.06515	.03884	.92803
ND1	.87989	.02156	.10895	.35759

Factor Pct	Eigenvalue	Pct of Var	Cum
1	6.15035	51.3	51.3
2	1.64399	13.7	65.0
3	1.14187	9.5	74.5
4	1.04483	8.7	83.2

Significant at .05 alpha level.

Each checked at least six ways from the following list that they had been involved in the issue of cameras in courtrooms in Virginia.

- remained informed through professional literature
- written a letter to a legislator
- expressed opinions to judges or attorneys
- discussed the issue with other news directors
- discussed the issue with my news staff
- conducted seminar(s) in the community
- attended seminar(s) on the topic
- addressed a non-media group on the topic
- none of the above
- other. please explain.

Additionally, each of the news directors in the first factor had served as a coordinator for the Virginia experiment. Coordinators' duties include making arrangements with the court for cameras to be present and organizing the pool arrangements among the television stations.

It is likely that their extensive involvement symbolized similar attitudes about the presence of cameras in courtrooms, or that their involvement led them to similar attitudes. This group also indicated more kinds of experience in courtrooms than the rest of the news directors.

10. I have participated in a courtroom trial(s) in the following way(s).
(Please check all that apply.)

As an observer

- _____ As news director making story assignments
- _____ As a print reporter
- _____ As a broadcast reporter without use of cameras or recorders inside the courtroom
- _____ As a broadcast reporter with use of cameras or recorders inside the courtroom
- _____ As a defendant in a criminal trial (Please check even if the answer applies only to a traffic violation.)
- _____ As a witness in a criminal trial
- _____ As a victim in a criminal trial
- _____ As a plaintiff in a civil trial
- _____ As a defendant in a civil trial
- _____ As a witness in a civil trial
- _____ Other. Explanation if you like _____

One had been a defendant in court related to a traffic violation; one had been a witness in a civil trial; and one had been both a witness in a criminal trial and a victim in a criminal trial.

The first factor is clearly the most important and most easily identifiable: the more involved with the issue of cameras in courtrooms in Virginia and the more experience in courtrooms, the stronger the news directors feel about the right of camera access to courtrooms. The first factor accounts for more than half the total variance.

The second factor accounts for a smaller percentage of variance. However, the two news directors in this group also had more issue involvement and in-court experience than the remaining news directors. They were notably less involved than the news directors in the first factor.

The third and fourth factors each accounted for less than ten percent of the variance and did not point to clear areas of differentiation from the other news directors.

Correlating characteristics of news directors with the number of court stories covered by the news department supports this description of the factors. (See Table 2) The more involvement in the issue, the more time in broadcast management and the more time a news director had personally been in court, the greater the number of court stories included in their newscasts. Not surprisingly, the larger the staff, the higher the number of court stories included in a station's newscast.

Areas of concern indicated by factor analysis

Clusters of answers exhibited in a factor analysis on attitudes showed concern in three primary areas. The first grouping of questions related to the First Amendment right of broadcast reporters to be present in courtrooms with cameras, a belief that court coverage would increase with statewide access, and a firm belief that all courts should be open to cameras as an important procedure within our democratic system. This factor accounted for 34.3 percent of the variance. (See Table 3).

Table 2

CORRELATION MATRIX
NEWS DIRECTOR CHARACTERISTICS

	STAFF	TIME IN B. CAST MANAGEMENT	ISSUE INVOLVED	IN-COURT EXPERIENCE
STAFF	1.00000	.39028	.31364	.40430
AGE	-.38188	.03049	.01658	-.12632
INCOME	.84535	.47753	.31564	.29078
CURRENT	-.19030	.75066	.44238	.08640
YRS. BCST	.28897	.43306	.11580	-.07097
BCST MGMT	.39028	1.00000	.56422	.22079
EDUCATION	.06349	-.03991	-.38361	.34917
ISSUE INV	.31364	.56422	1.00000	.45530
COURT EXP.	.40430	.22079	.45530	1.00000
# CT. STORIES	.63575	.68540	.61259	.67598
PCT. CAMERAS	.43293	.41026	.49378	.52915

Significant at .05 alpha level.

Table 3

FACTOR ANALYSIS
VARIMAX ROTATED MATRIX
ATTITUDE GROUPINGS

	FACTOR 1	FACTOR 2	FACTOR 3
Q1	.80816	.43674	-.01500
Q2	.07068	.19706	-.33739
Q3	.27027	-.29957	.01278
Q4	.35845	.17339	-.11500
Q5	.27771	.90049	.01039
Q6	-.05010	.64915	.07810
Q7	.31991	.55558	.03746
Q8	.10126	.90277	.13387
Q9	.14634	.23900	.12366
Q10	-.53305	-.17471	-.27455
Q11	-.40609	-.05317	.26948
Q12	.97348	.00249	-.07785
Q13	-.92357	-.01469	.08999
Q14	.35788	.87499	.04401
Q15	.32621	.12505	.70858
Q16	-.23853	.37592	.84625
Q17	.48322	.59215	-.09514
Q18	.97713	-.01016	-.06159
Q19	.89126	.19369	-.16097
Q20	.93290	.31019	-.03457
Q21	-.02858	-.16608	.93605
Q22	-.38465	.06162	.88474
Q23	.65976	.27397	-.31966
Q24	-.08035	.05396	.00611
Q25	.00875	.26858	.07877
Q26	.81139	.50433	-.01363
Q27	.15709	.44830	-.19729

Factor	Eigenvalue	Pct. of Var	Cum Pct
1	9.59090	34.3	34.3
2	4.55799	16.3	50.5
3	4.07428	14.6	65.1

* Refers to question number in questionnaire.
See Appendix A
Significant at .05 alpha level.

The second grouping related to news directors' dissatisfaction with the coverage of courts. The factor analysis corroborates results of the interview that showed unanimous lack of satisfaction with court coverage. The factor analysis points to concern about relaying the facts of the story, a belief that the pictures are not engaging and interesting to the viewers, and a strong belief that all of Virginia's trial courts should be open to television news cameras. The second factor accounted for 16.3 percent of the variance.

The third factor shows that news directors do not think coverage with cameras should be dependent on the defendant's agreement or the agreement of other participants, either in state or federal courts. The third factor accounted for 14.6 percent of the variance. The first three factors account for 65.1 percent of the variance.

Statistical analysis points to other significant correlations

The belief that access to courtrooms with cameras is a First Amendment right correlated significantly with a belief that coverage of courts would increase if all courtrooms were open to cameras. Conversely, there was a negative correlation between the belief that camera access is a First Amendment right and the idea that coverage of courts would

not increase with total access. There was a significant correlation between the belief that camera access is a First Amendment right and a belief that all of Virginia's trial courts should be open to television cameras.

Other significant correlations related to the belief that reporters have sufficient video to illustrate the principal people in court stories and the belief that stories give a realistic presentation of the legal system. If news directors believe their court stories do a good job of relaying the facts of the story, they also believe their reporters present court stories in a clear and understandable manner.

If news directors believe their court stories do a good job of relating the facts of the story with a clear presentation by reporters, they are also likely to believe that all of Virginia's trial courts should be open to television news cameras.

As would be expected, correlations were high between the belief that cameras access is a First Amendment right with the belief that trial and appellate courts in every state, including federal courts, should be open to cameras.

The stronger the belief that camera access is a First Amendment right, the stronger the belief that the access is important to our democratic system. The stronger the belief

that reporters have sufficient video to illustrate the principal people involved in court stories, the more satisfaction with the news department's overall coverage of the court system.

Overall approach to covering the court system

As news directors discussed their overall approach to covering courts during extended interviews, they presented textbook answers to the definition of news, citing the number of people affected and long-term impact, the uniqueness of the case, the gravity, level of public interest, nature of the crime and/or notoriety of the people involved. They say that the news value of a trial determines whether a story will be covered. News directors also indicate a sense of responsibility in covering the judicial branch of government and compare it to responsibility for covering legislative and executive branch news.

The content analysis indicates consistent coverage in number of court stories among stations. Reporters from the twelve stations covered a total of 660 court stories during March, April, and May 1991. The average per station is 55 stories representing about four to five court stories per week. (See Table 4)

Table 4
NUMBER OF COURT STORIES REPORTED
BY EACH STATION

<u>Broadcast Station</u>	<u>Number of Court Stories</u>
Station 1	57
Station 2	31
Station 3	53
Station 4	62
Station 5	71
Station 6	46
Station 7	54
Station 8	82
Station 9	57
Station 10	56
Station 11	40
Station 12	51

N=660

Sixty-five percent of the court stories covered by the twelve stations took place in state courts. Thirty percent were stories about federal court; two percent were Virginia Appeals Court stories and two percent of the stories were from the Virginia Supreme Court. (See Figure 4).

The question of sensationalism

Critics accuse television news of concentrating too much on crime because it is quick and easy to cover. Police departments are trained and experienced at dealing with reporters, readily providing comments at the scene of a crime or calling news conferences to announce drug arrests or status of investigations. Crime stories have the attractive elements of a simple story with conflict, and may have the satisfaction of a conclusion to the story with an arrest.

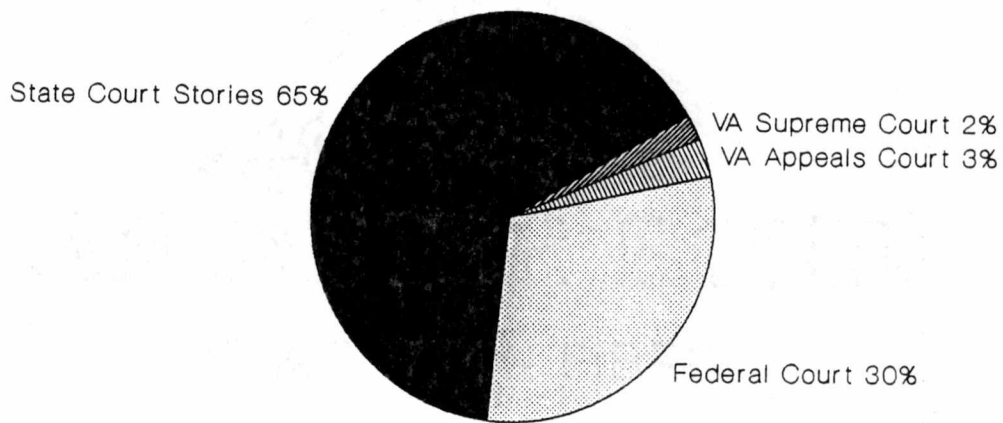
News directors in Virginia are sensitive to the criticism, and serious crime was discussed in each interview. However, news directors generally reject accusations that they cover primarily what many label as "sensational" stories, even though they use the term themselves to describe unusually shocking stories. Acknowledging that the public seems to have an appetite for sensationalism in the sense of being interested in details

of violent crime, one news director insists the interest reflects a growing public concern over safety.

Show me why a man who is charged with capital murder is only convicted of first degree murder. He can be out of prison in 15 years. Why does our system let us do that? Why do we not have enough prison space? All of these things come directly back to the very fabric of who we are as a social community, as our democracy.

"Crime is sensational" says one news director who agrees there is too much crime coverage. He says that crime stories entertain people, but he thinks covering crime and its adjudication is a logical and responsible process. Crime is newsworthy because it is unusual. One news director cited the murder of two young boys, age 7 and 9 by a 17 year old and considered it an important story because "things like that are not supposed to happen." Another news director referred to the rampant violent crime among young people and called it a social problem needing attention and proposed solutions.

Another news director referred to broader social questions about police effectiveness, such as a case in Henrico County where police stopped by a house where murders



N=658

Figure 4
Percentages of Total Court Stories
Related to Type of Court

were underway, but put their suspicions aside and did not go in or pursue the situation because they didn't have a search warrant.

Several of the broadcast news directors in Virginia suspected that when newspapers put the same story of murder and violence on their front pages, they don't receive the same cries of sensationalism and exploitation that television does. News directors were especially sensitive to the comparison to print because some judges who participated in the state Supreme Court's analysis of the experiment complained that television had covered only the "sensational" stories and had edited in such a way that an accurate representation of the courtroom action was not achieved.

The attitude remains that newspaper print is somehow more legitimate than television or radio. . . .What is really striking about that is a newspaper reporter can walk into a courtroom with all the tools that he needs to do his job, unless he is a photographer, but a television journalist has to leave his tools at the door, to walk in a basically do the same job, in terms of reporting.

Story content

Regarding the sensational aspect as it relates to violence, the content analysis shows that 71 percent of the

660 court stories in Virginia's primary evening TV newscasts were criminal stories. (See Figure 5).

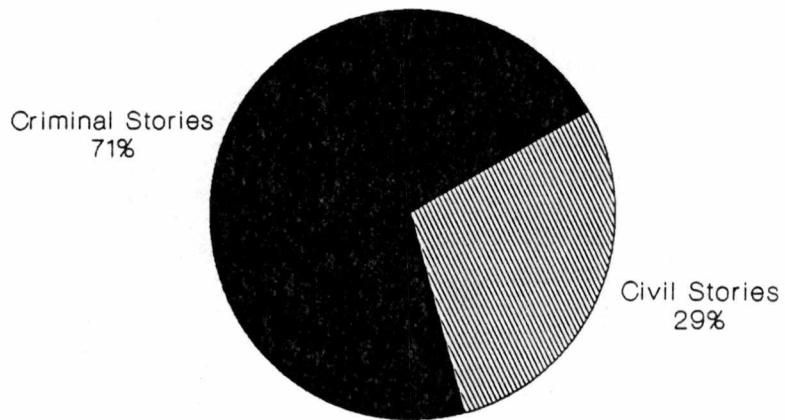
Forty-three percent of the stories related to murders. Fewer than two percent related to rape cases. The number seems to indicate that news directors are conscientious about following the reports of crime through completion in the judicial process although it may seem to the average viewer that much of the newscast is related to crime.

Court coverage of other crime included nine percent drug stories, three percent assault and three percent arson. (See Figure 6).

Coverage of civil trials

Twenty-nine percent of the court stories were related to civil cases. Civil cases are often of interest only to the parties involved, such as divorce, insurance claims, and contractual disputes. When civil cases have broad implications, news departments are dedicated to following the story, even though cameras were inside the courtroom in only one of the civil cases in the content analysis.

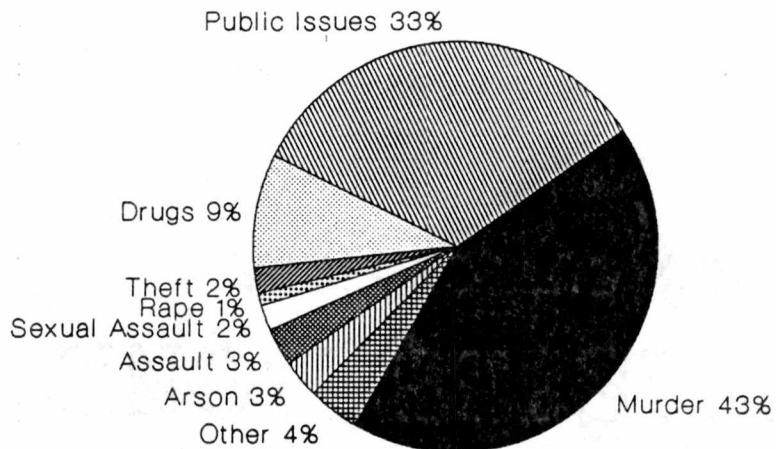
Ten percent of the reports on civil cases during the three-month period related to one major civil suit designed



N=654

Figure 5

Percentages of Total Court Stories
Related to Civil or Criminal Cases



N=651

Examples of public issues from content analysis:

- Sexual discrimination by a public institution
- utility rate dispute
- towns in dispute over pollution discharge
- food stamp procedures
- labor disputes
- police brutality charges

Figure 6

Percentages of Total Court Stories
Related to Story Content

to challenge tradition. A woman's complaint about being denied admission to Virginia Military Institute led to a Justice Department challenge to the military school's policy of denying admission to women. The school receives state funding, and attorneys for the Justice Department maintained the admission policy violates the equal protection clause of the Constitution. The judge ruled that VMI could continue to deny admission to women, and an appeal is underway at the time of this writing. Because the trial was held in federal district court in Roanoke, no cameras were allowed inside. Even so, news departments from all over the state sent crews to cover the story, often accompanied by microwave or satellite trucks. News packages were prepared with video of people entering and leaving the courthouse and comments attorneys made during court recesses. Newscasts often included live summaries of the day's action from the courthouse steps.

News directors claim to give adequate attention to other civil matters that have broad impact such as suits involving utility rates or cases involving public officials. Cases showing up in the content analysis involved a civil action attempting to stop construction on a submarine by a Connecticut company in favor of a naval yard in Virginia's Tidewater area. Another suit involved two Virginia towns in

conflict over a pollution issue. Taxes, education, food stamps, and a strike by United Mine Workers also showed up as civil cases in the content analysis. News directors mentioned covering other civil issues such as attempts to close down a local art theatre, and an ACLU action against a school system regarding religious education.

One suit representing a public issue resulted from a riot at Virginia Beach during an annual summer festival, primarily for college students. A black man sued police for brutality during his arrest. One news director says the best way to examine ongoing public issues may be in civil courtrooms.

Other reports focused on the courts themselves, including the death of a circuit court judge, charges of jury tampering, and a judge charged with driving under the influence of alcohol.

Stories that TV news won't cover

Even though news directors bristle at the idea of someone else telling them not to cover a story, there are many court actions that are highly unlikely to be covered by television news departments. Besides the stories that are considered too graphic, some stories are not covered simply because they are not newsworthy. One news director readily

discounted a desire to cover routine court action such as traffic violations. "We would not cover 95 percent of the cases. They're boring. Divorce, custody fights, traffic violations. Most have no news value beyond the people involved."

News departments claim to censor themselves more than most people realize and news directors indicate that extra care is routinely exercised in stories involving children or rape victims. Another said his reporters are instructed not to show excessive emotion. For example, in covering a fire story, there is no more emphasis on showing emotional reactions of people involved than on presenting the facts relating to the fire. "We have to show we're not grief mongers," a news director said. Another news director referred to the fact that cameras are already automatically excluded from rape cases and agreed with the policy. "We don't do rape victims and don't object to the exceptions carved out in the state rules. We take the high road," he said, citing Virginia's common association with "gentlemanly values."

Cameras in court are irrelevant to news value of a trial

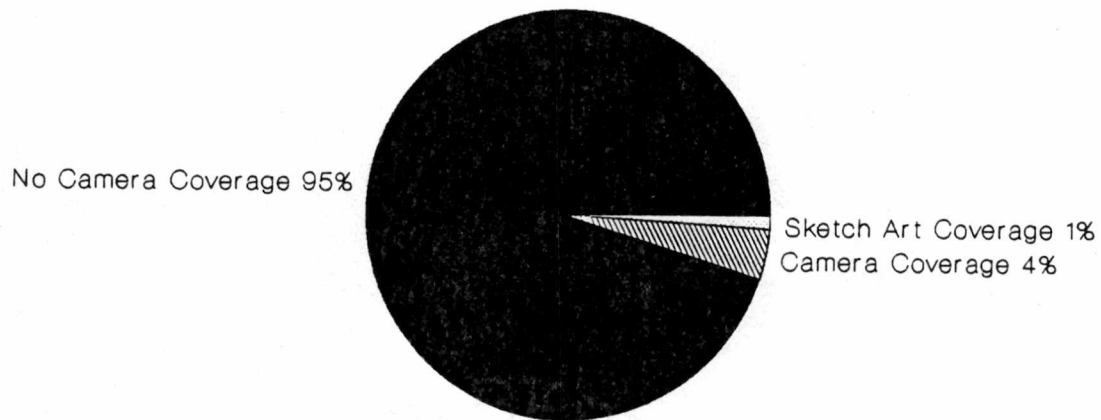
Virginia's news directors consistently agree that the same criteria for news value is employed for decisions about

covering trials, whether or not cameras are allowed inside the courtroom. This claim is reinforced with the statistical analysis. Ninety-five percent of the court stories reported during the study period by Virginia TV news staff members were covered without the presence of cameras in the courtroom. Four percent were covered with cameras in court, but some of those were stories from inside courtrooms in neighboring states with liberal access for cameras. One percent of the stories involved sketch artists in the courtroom. The numbers support the claim that if the story is important enough, television news reporters will be there, even if the camera operator is waiting in the hallway. (See Figure 7).

Adequacy of court coverage

Not one news director reported being satisfied with their overall coverage of the court system. The primary reason was the same for everyone: too many court systems in the station's coverage area. The following comment was typical:

There are eight large communities here -- not little burgs. They all have separate court systems. They all have separate everything. And it is a nightmare, not only to keep track of all the crime in the area, but I



N=660

Figure 7
Percentage of Total Court Stories
With and Without Camera Coverage

don't have the staff or people. I'm lucky some days to get three reporters on the street. And I don't have the staff to be able to devote just to court, and that doesn't include federal courts.

Another, with a staff of 44 and eight daily reporters, pointed out that even police officers and doctors are more accessible than courts, allowing television reporters to get in and out quickly for pictures and on-camera comments. They believe the difficulty contributes to less than a desirable amount of coverage. Several referred to the fact that television depends on pictures and assignments gravitate to the picture stories. However, as a group they also claim to cover the cases that need attention, even though it can be a difficult process.

It has to be a big case before we are able to take a reporter and put them in a courtroom full time to cover a trial. . . .If you don't have pictures to illustrate the case, you show people walking into the courtroom, coming out for lunch, going back, the judge walking down the sidewalk outside the courthouse, the attorneys and perhaps a body picture. Occasionally you can go to a crime scene and take pictures, but you are pretty limited to what you can show. We are in the video business.

One news director complained that reporters are not well prepared for covering the court system. In contrast, another station has an attorney as a staff reporter.

Value of the state experiment with cameras in courtrooms

While news directors were pleased with the opportunity to experiment with cameras in courtrooms, they were generally very reserved in describing the value of the experiment. Again, the primary reason was repeated by everyone: the experiment is too restricted in the number of participating courtrooms. Only seven courtrooms are open: three circuit courts, two district courts, the appeals court and state Supreme Court.

Examples of coverage during the experiment

One Roanoke station was noteworthy for the extended coverage of trials. The station did 28 hours of coverage over a seven-night period of a murder case in Bedford County in June 1990. The following month there was another murder case for which the station did extended late night coverage for two evenings because the trial lasted for two days. The programming was scheduled after the station's late newscast.

This news director also presented a special half-hour public affairs program to talk about the case being covered and the issue of cameras in the courtroom. The program included interviews with the prosecuting attorney and the circuit court judge who presided over the case. The judge admitted that he had been opposed to cameras in courtrooms

when the experiment began, but now supports the idea, having seen no evidence of interference with a fair trial.

The station interrupted the evening network news to carry the verdict live to the public. In this same market area, a cable system provided gavel to gavel coverage of the trial.

Other news directors were fascinated by the amount of coverage devoted to trials by this station, but one news director from another market pointed to the extremely high ratings and market dominance by this station, providing a luxury in making unusual programming decisions most stations cannot afford.

Another station in the same market area produced a 30-minute special on a high profile murder trial after the verdict was announced, and preempted its 7:30 - 8 p.m. program. It also interrupted regular programming to air the verdict live. The same station also reports covering one murder trial as part of the cameras in courtroom pool because they didn't want to be left out of the coverage. However, the news director did not think the murder trial merited television news coverage.

Stations in the Tidewater area had been criticized by judges from the area for not making use of the experiment. Interviews showed that two of the three news directors had

been in the market area less than three years and were not familiar with the provisions of the cameras in the courtroom experiment. One Tidewater news director was only vaguely aware of the experiment except to know that an upcoming trial would be available for courtroom coverage. He did not know how the pooling arrangements work.

In fact, the Tidewater market stations used the opportunity to take cameras into courtrooms more in North Carolina than in Virginia. The market area encompasses part of North Carolina where provisions for cameras in courtrooms are much more liberal than in Virginia and even allows coverage of trials concerning sexual molestation. One murder trial was covered with cameras in a North Carolina courtroom by Tidewater stations, and coverage was extensive of charges of child molestation at a day care center in North Carolina.

One Richmond station reports covering the Caroline County district court a total of five times during the four years of the experiment because district court cases do not generally have broad news value. The same station reports sending reporters to the Henrico County Circuit Court at least a couple of dozen times. This station prepared a 14-minute segment on Cameras in the Courtroom as part of regularly scheduled news programming.

Another Richmond station did one story on the crowded docket in Caroline County District Court and found a surprisingly high number of drug cases in the rural area. The station reports having covered stories at the Supreme Court two or three times. One of the stories was a profile of the Supreme Court justices. The station also decided against programming tape delayed coverage of an Henrico County murder trial in the early morning hours because of the extensive personnel requirements. They did interrupt programming to announce the verdict in the case.

A station with access to a General District Court reported covering at least four preliminary hearings on murder in the courtroom. In another case, using cameras, the station reported charges against a city official for illegally discharging a firearm. The official reportedly fired the gun in an attempt to chase off drug dealers. This district court yielded other interesting cases for the station such as the case of a man charged with being drunk in public who claimed he had been severely injured during the arrest on the drug charge. This station covered Supreme Court action in February 1989 related to spankings at a mission home for the mentally retarded. The station also presented live cut-ins and updates on a murder trail in

which a man was convicted of murder even though the victim's body was never found.

The Bristol, Virginia, station had not covered a trial inside a Virginia courtroom, but had used material shot by a Roanoke station in the Soering murder trial. The station had covered a rape trial in its North Carolina coverage area from inside the courtroom.

As indicated, news directors are generally unenthusiastic about district court access although some had deliberately reported stories merely to counteract criticism that the experimental opportunity was not being widely used and to show judges that they are anxious to use the opportunity to cover courts with cameras. One district court case covered with cameras involved a noisy rooster.

Camera exclusions from experimental courtrooms

Besides having access to a very restricted number of courts, news directors were discouraged because of being closed out of some cases in those courts. Faced with concern by state judges that television covers only sensational cases, one news director was especially dismayed at being denied access to a medicare fraud case in Bedford County. In Henrico County, cameras were excluded from the trial of a young woman charged with killing two classmates

from her exclusive high school as the result of a drunk driving accident. The reason given for the exclusion was potential psychological damage to the defendant, even though she was over 18 at the time of the trial. News directors saw the case as an example of a significant social problem, worthy of public attention.

In a case before the state Supreme Court, cameras were prohibited because the defense attorney reportedly planned to argue that the appellant had been abused as a child. State regulations prohibit coverage of proceedings concerning sexual offenses. The attorney, according to the news director involved, did not make the sex abuse argument.

Similarly, in Staunton, a college coed had been smashed with a rock and killed. There was a question of whether there had been sexual assault. The original trial was not in an experimental courtroom at the circuit court level, but the judge banned cameras in the Supreme Court because of the potential of the case being sex related. The exclusion was made even though the victim was dead and no legal evidence was on the record regarding a sexual assault. "Obviously they were reaching far afield to make sure that we couldn't cover it," said one of the news directors, very unhappy with the decision.

Citing concern about what they could not cover, one news director referred to a murder case the station had been covering for months, from the time of the killing, through the investigation, arrest and murder charge. The station would not, however, be able to cover the trial with cameras because the court was not one of the experimental ones.

In one case, a television station stopped going to trials in an open district court in protest. The reason involved a dispute with a judge, and in order not to jeopardize the experiment, the news director decided just to stay away. According to the news director, the judge wanted news organizations to sign an agreement limiting use of tape from preliminary hearings for 24 hours, and not to use it until the end of the jury trial, if one was scheduled. The radio station in the market signed the agreement.

We disagreed and saw it as prior restraint and a Constitutional abridgment of our rights, so we were not going to back down and neither was he. In essence, in order to keep this from blowing up into a nasty dispute which would have tarnished the experiment, we decided to just withdraw, so we did not go back into his courtroom.

Later, there was a change of judges and the new judge does not share the view of his predecessor and the station is back in that courtroom.

Does access change coverage

Some would suspect that news departments would increase coverage in courtrooms where they have access with their cameras. News directors have varying opinions on how their coverage has changed with access and whether there has been an increase in coverage of open courts. Overall, the content analysis showed that four percent of reported court stories during the three-month period were covered with cameras in courtrooms. Ninety-five percent of court stories were covered without camera access which seems to support the claim of five news directors who insist there has been no increase in the number of stories in the open courts. Three news directors say there has been an increase in coverage of the courts they have access to.

One points to more awareness of cases as the reason for more coverage, particularly because the pooling requirements ensure that all the news directors in the market know about an open courtroom. He describes a "routine" murder trial in Bedford County.

I don't want to tell you that any murder trial was run of the mill . . . but there was nothing unusual about it in terms of overriding, compelling interest to viewers or people in the community. It happens every day in Roanoke, Franklin, and Montgomery.

He adds that his staff probably would not have covered the case except that cameras were allowed in. As a result, with another station providing equipment and monitoring devices and his station included in the rotation of providing the photographer, they covered the trial.

We find ourselves in a position of not wanting to say no. We don't want to put ourselves in a position of not covering for fear the next time around we might find ourselves locked out of a particular case.

Another news director agreed that the pooling arrangement and competition factor among news departments influence what he covers. Basically, he says he covers cases so as not to be left out, but thinks some cases have gotten too much attention as a result. Two news directors believe that coverage has not increased, but is better with cameras and leads to longer stories.

There are probably a few examples of stories where we would put up a simple graphic of the defendant and say Fred Smith was found guilty in Henrico Court today of second degree murder. ... We may turn that into a package. We may say more about what is going on if we are able to put cameras in the courtroom because we have the video which will sustain a longer form.

Of 25 stories covered with cameras in courtrooms during the research period, thirteen were packaged reports -- more than half. Packaged reports represented only 25-percent of all court stories reported during the research period. A

package is a reporter-narrated story accompanied by video and includes one or more interviews or "soundbites." It does appear that presentation method may be longer when reporters have access to video from inside the courtroom. (See Figure 8).

In contradicting theories, one news director thinks overall court coverage has declined while another thinks that any increase in court coverage is because there are more cases of violent crime, drug cases and murders committed by young people.

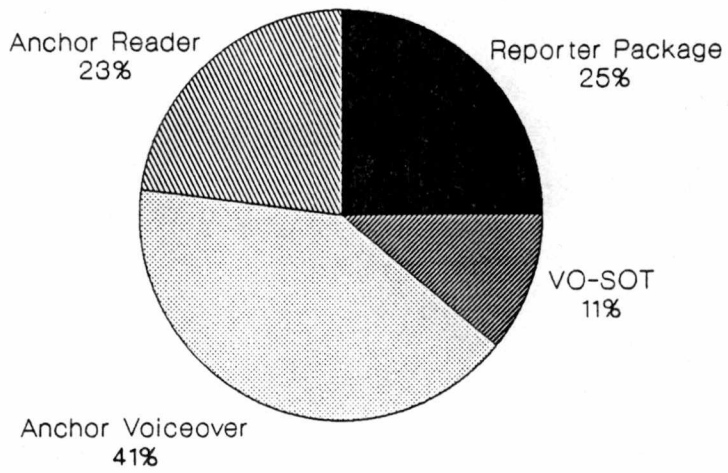
It's time the court system came into the twentieth century. . . . It just seems odd to me that it is a public trial and the public is not allowed access to it. We are there to represent them and we are unable to use our tools.

Factors affecting coverage

News directors generally agree that budget is not a factor in their current coverage of the court system. Two did mention that hiring courtroom artists translates into more expense than court coverage with cameras, and one news director reported having to pay overtime to staff members covering courts, but none felt that budget limited their court coverage except as it translated into staff. News directors from the smallest to the largest operations

reported that in covering court stories, a reporter is tied up all day in the courtroom for one story that will, at most, take up two minutes of a newscast. One news director ordinarily assigns two or three stories to a reporter in a day and loses two-thirds of that person's productivity when he or she is assigned to court.

Courtroom facilities are not viewed as a problem for news directors although there were some reported situations, especially in older courtrooms where acoustics are bad, lighting is insufficient, and it's difficult to get the pictures they need. But broadcast reporters are accustomed to those situations in town and county government meetings and the stations are sometimes willing to take the responsibility for improving the situation. For example, one station spent \$1,000 in Henrico County running cable for audio.



N=658

Figure 8

Percentage of total court stories
related to presentation method

The competition factor.

The pool arrangement has prompted a few complaints. Primarily, news directors are accustomed to competing with the other stations in their market area, and pooling requires cooperation. One news director expressed resentment at having to do all the legwork to arrange for camera coverage and other stations can just show up. Another confessed to covering a trial with a sketch artist rather than cameras because he didn't want to alert the other news departments that the trial was coming up. There was one complaint related to seeing the same pictures from pooling situations, even though the news director thought courtrooms should be the exception and that pooling was a reasonable solution. For one of the smaller stations, it was an easy, pleasant situation because other, larger stations provide the people with the experience and the proper equipment. For another station in a rural setting, the pool was always easy because it usually involved cases in metropolitan areas where stations in that market staff the pool and they traveled to cover the trial. Seldom do crews come to their market area.

In one incident, the station operating the pool camera wanted to leave the trial at 3 o'clock to prepare for an early newscast. Another station wanted to stay, so the pool

crew stayed, requiring its news director to divert a photographer from another assignment to edit the court story. According to the news director, the other station left anyway, a move he saw as a competitively motivated maneuver.

The major inhibiting factor for all news directors in court coverage is the large geographical areas they cover, with scores of courtrooms in their market areas requiring significant travel time for coverage.

Changes expected for statewide open courtrooms

When news directors envision total access to state courtrooms, they respond in two major concerns: how coverage might change and how to coordinate access for news photographers.

According to one news director, the access with cameras will not ensure better coverage. Another foresees longer stories employing cameras and stories which more accurately reflect what happens in the courtroom because it will show actual testimony rather than a reporter's summary. To use his example, "A five-second clip of a rainstorm can better convey reality than much description. 'The defendant said' is not the same as showing the defendant saying it." One foresees more coverage of civil trials. A third news

director concurred that there would not be more stories, but predicts that quality will improve.

Several news directors mentioned concern over how to coordinate access if all courtrooms are open. One referred to the advance notice rule and suggested that there needs to be some way to register news broadcasters so that a member of the staff can show up with an appropriate card or identification and be granted immediate access to the courtroom. Another was concerned about keeping up with all the courts in his coverage area and would like for all courts to notify news departments of upcoming cases as the state Supreme Court does. One news director mentioned technical concerns, pointing to some courtrooms that are adequately wired and lighted for cameras while many others are not.

Two news directors also suspect that court will receive too much initial attention when access is comprehensive.

There is always a novelty involved and there will be an initial rush to cover everything that moves, and then it will settle back down and nobody will pay any attention to it.

Another who says news directors will have to be careful not to cover too much judicial news says "you run the risk of losing balance to your newscast." One thinks that

reporters would like to cover trials as a way to have an easier day.

Other than that, I don't see any problems. I think it would be tremendous for broadcasting, for news, for newspapers, for journalism, for the viewers, for readers, for the citizens.

Thinking of the audience, one news director envisioned people coming to a better understanding of courts and courtroom participants, including judges, accepting the fact that cameras are legislated to be present and adjusting calmly.

Judges' attitudes

One news director predicted that coverage of each court would be related to the attitude of the judges involved. Other news directors commented on the role judges play in setting the attitude toward cameras coverage. Some judges have tried to restrict news cameras from photographing jurors on their way in and out of the courtroom, even though photographing jurors is excluded from coverage inside the courtroom.

News directors pride themselves on professional decision making regarding which stories are newsworthy and how stories should be covered. In a couple of cases, they are resentful of attempts by judges to exercise control of

television outside the confines of the courtroom. One news director thinks that judges sometimes try to run news departments.

I am perfectly willing to abide by their decision as to what is proper in a courtroom. I wish they would extend to me the same authority to run my newsroom. Don't tell me what is news, and don't tell me who I may interview for a news story. Tell me what I can do in your courtroom. Judges are very used to being God and sometimes I don't think they see the limits of their divine authority.

Another news director had similar complaints about judges making decisions about what should be covered.

They can put a ring of gunmen around the building but we are still going to find out what is going on. At least we are going to give it our best shot. I don't think it will change radically what we cover. I think it will help us better to explain something like the Dalkon-Shield case. If we had been able to go into the Federal Courts. That was an unbelievably complicated case.

Regarding specific factors that might affect coverage if all state courts were open, news directors report little concern over the part that budget will play. As in their discussion of current coverage, the budget effect is significant primarily as a staff matter.

Possibly an effect of the current slow economy, news directors did not foresee being able to increase their staffs in response to an open courtroom policy.

As in the discussion of current coverage, news directors see geographical coverage area as the most significant inhibitor to thorough court coverage. One news director, whose coverage area includes 25 counties and 35 to 40 courts, finds the prospect frightening.

One of the news directors who had served as a coordinator for an experimental courtroom is concerned that someone will be available to make sure people follow the rules when all courtrooms are open. He also suggests that technical problems in courtrooms will have to be worked out on a case by case basis. He is not suggesting that broadcasters have cameras in jurors' faces and says the stations, not taxpayers, will be responsible for providing any necessary equipment.

Regarding coverage if all courtrooms are open, one news director seems to sum up the group's attitude in saying, "If it's important, we'll be there, regardless."

Pooling concerns

One news director who has served as a coordinator in one of the circuit courts predicts long, slow growing pains in adapting to total access. He points out that it is the second crew to show up that is responsible for setting up the pool. Consequently a station could send a crew to a

small town a couple of hours away. If a second crew shows up, the first is not obligated to provide its tape for a dub. "We just don't want to be in a situation where we are in the middle of something and we have to stop and set up a pool." Because the experiment has been limited, this kind of situation hasn't occurred, but the law clearly requires the media coordinator to settle disputes. Judges are not to be involved in media disputes. This news director questions how he could fulfill his station responsibilities and handle details of five or six court stories that might be covered in his area as a media coordinator.

Another news director addressing a similar concern suggested that the Virginia Association of Broadcasters might have to hire full-time coordinators if all state courts are opened.

At the same time, news directors are optimistic and generally agree that under the experimental situation, the pooling arrangement has worked well. One says, "We'd work it out."

Effect on the public

News directors have mixed reactions to the impact the experiment has had on the public, but the consensus seems to be that the public may be confused. One news director

reports being criticized by viewers who perceive a favoritism by his covering trials in Bedford County with cameras and not giving equal coverage in other localities. Another makes the same point and says that viewers have asked why cameras weren't in a specific trial when it was as interesting a case as one seen with camera coverage. There is indication that the public is interested in the extended coverage. One trial was conducted during a ratings month and the rating service indicated that approximately 5,000 people were watching extended coverage of a trial at 2 a.m.

Two other news directors think that the experiment has opened the eyes of some people to how the system works.

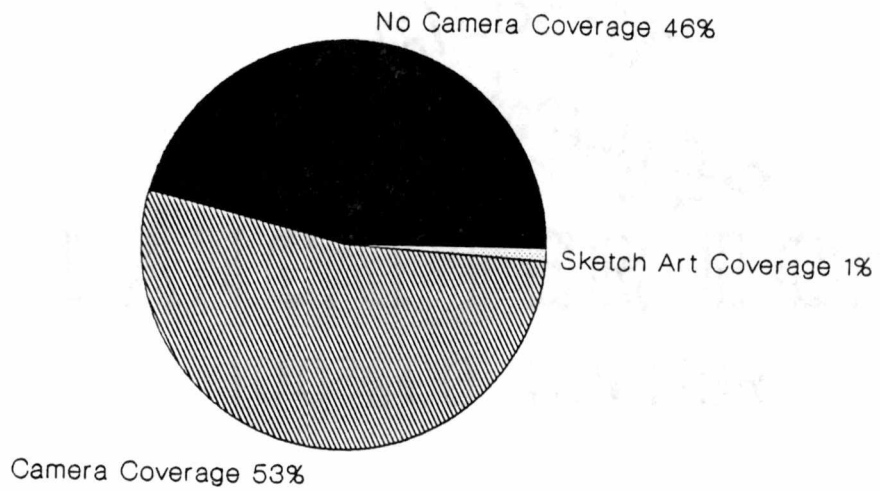
Two news directors agree that the public is confused and basically doesn't know what's going on. They see video pictures from trials all over the country, but generally not from their own locality. Perhaps the news director is correct who says that news departments need to do more to make the current situation clear.

One news director says courtroom coverage has always been important to his station and cites coverage of the civil rights issue and more recent annexation cases, but says he has had criticism from viewers because the station covers Bedford County with cameras and doesn't do the same in their counties.

West Virginia

The station in Bluefield, West Virginia, was intended for inclusion in the study because part of its coverage area is in Virginia, and even though the station is located in West Virginia, the transmitter is in Virginia. The news director completed the questionnaire, was interviewed, and allowed a content analysis of news files. However, after the interview, it was decided not to include the Bluefield data in the analysis because only twenty percent of the coverage is in Virginia and it became apparent that the station is very much unlike the other stations in Virginia because of the predominance of coverage in a single other state and because West Virginia rules allow very liberal access for cameras in courtrooms. However, the data from the Bluefield station make an interesting contrast to coverage by Virginia stations. Fifty-three percent of the court stories were covered with cameras in the courtroom. (See Figure 9).

Fifty-six percent of the stories were related to murder charges, compared to 43 percent of the stories by Virginia stations. The expectation of Virginia news directors that length of stories would increase is not borne out by Bluefield's coverage where presentation method includes 17



N=79

Figure 9
Percentages of total court stories
with and without camera coverage
Bluefield, West Virginia

percent packages, 19 percent voiceover with a soundbite, 47 percent voiceovers and 18 percent readers. (See Figure 10).

The news director reports being inside the nearest West Virginia state courtroom more than an average of once a week, either for a trial, a motion on a case, or a preliminary hearing. He reports being very well satisfied with coverage of the West Virginia courts.

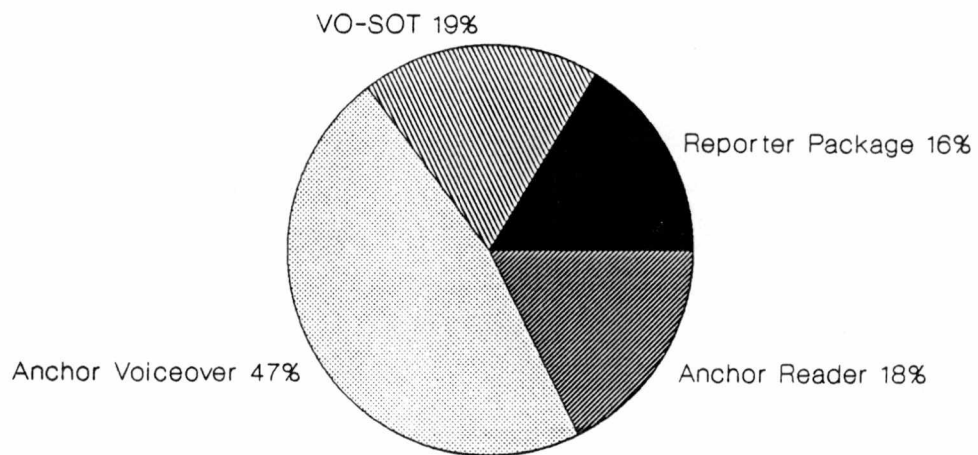
I think by being in the courtroom and showing it on television the message that gets back to people is that the judicial system is an important process.

By contrast, he is very dissatisfied with coverage in Virginia and talks about a case he won't be able to cover with cameras.

It involves a murder that has some alleged drug kingpin connections. That would be tremendously fascinating and tremendously important. . . . It has been a botched up case. It's obviously an important story, but we won't be able to get it on tape so the rest of the world can see what's going on in that courtroom.

He reports that most West Virginia judges did not like the experiment to begin with.

They didn't like the idea. It was an invasion of their domain; they have now come to accept it to the point where it is of no consequence to the judges whether we are there or not. It is not a bother, it's not a distraction. The real winner is the viewer.



N=79

Figure 10
Percentage of total court stories
related to presentation method
Bluefield, West Virginia

CHAPTER V

CONCLUSION

To say that the First Amendment somehow draws a bright line between the artist's pad and pastel crayons and a silent video camera is to ignore a central lesson of our constitutional history. Justice John Paul Stevens.

Virginia news directors are a homogenous group in many ways: all male, all well-paid, all with at least ten years of broadcasting experience, all with college degrees, most of which are in communications. The news directors with the most involvement in the issue of cameras in the courtrooms of the state have the strongest attitudes about the importance of the camera access as a First Amendment right. The more personal experience a news director has in the courtroom, including as a participant in criminal or civil trials, the stronger the attitudes about cameras in courtrooms. Similarly, the more issue involvement, time in broadcast management and personal experience in courtrooms by the news director, the more court stories covered by that person's news department.

News directors approach covering court stories in the same way they approach covering any other story: based on the inherent news value of the situation. How unusual is the story, how many people are affected, what is the long-term impact? Whether cameras can be present in the

courtroom is irrelevant to covering a story except that under experimental conditions with cameras in the state, news directors felt some pressure to demonstrate an interest in being in an experimental courtroom when access was available. They have taken very seriously complaints by judges in at least one of the experimental courts that broadcasters haven't made extensive use of the opportunity provided by the experiment. As a result, even though they claim to decide coverage strictly on news value, there have been some instances of court coverage solely because the news director wanted to show their interest in taking cameras into court.

The content analysis supports news directors' claims that they are not drawn into courtrooms merely because they can take cameras. Ninety-five percent of television news stories during the research period were from courtrooms without camera access. Four percent of the stories were from experimental courtrooms where cameras were allowed, and several of the stories were reported with the aid of a courtroom artist. Because an artist is an added expense for a news department, it is clear that they are used in trials the news directors find to be important news stories.

Virginia television news department staff members report on an average of four to five court stories a week

during the primary evening newscast from courtrooms in the station's market area. Most of the stories are from state courtrooms, thirty percent are from federal courtrooms, and five percent are from the state appeals courts or the state Supreme Court. Seventy-one percent are criminal, twenty-nine percent civil. Forty-three percent are murder cases; thirty-three percent relate to public issues such as education, the environment, labor laws, police brutality, and sexual discrimination.

News directors are sensitive to criticism that they are only interested in having cameras in courtrooms for covering "sensational" trials. News directors see the high crime rate as a frightening trend in society which needs to be brought to public attention even though it may cause people concern over their individual safety. They evaluate heinous murders as newsworthy because of the uniqueness of the crime. They believe that covering the court follow up to crime is responsible journalism as opposed to concentrating coverage on gory details of the crime and ending coverage there. As unsettling as it may be for the public, news directors feel an obligation to show what is happening in their market areas.

News directors would like more access to civil trials. The denial of coverage of a medicare fraud case is an

example of one case where cameras were denied access in an experimental courtroom. News directors see this as a restriction of information for the public about a serious contemporary issue. Additionally, it was an opportunity to cover a non-sensational story with broad implications for the public. Even so, Virginia's television news departments show a record of covering important trials, with or without cameras.

News directors are generally happy with the provisions for cameras established in the state's courtrooms, even though they are not allowed to cover rape or sexual assault cases and cannot photograph jurors. Some states do not have these restrictions, but Virginia's news directors are not complaining about the exemptions of coverage. News directors report self-censorship in rape cases and in showing closeups of gruesome photographic evidence.

Even though news directors in Virginia are satisfied with the provisions for cameras in state courts, they were not happy with the experiment because of its limited scope. With only seven courtrooms open to cameras, news directors were unable to discover what coverage would be like if all courtrooms were open to cameras. They acknowledge their limitations in covering the court systems represented in their market areas. It is typical for a news department's

coverage area to include at least twenty counties and scores of courtrooms. As a result, they focus coverage on the primary city or county in their market area, and report on court stories in outlying areas when the story is extremely unusual or has wide implications, such as multiple murders or the sexual discrimination case against a state-funded educational institution which resulted in ten percent of the total number of court stories during the three month period of the study.

Virginia news directors do not claim that the opportunity to take cameras into state courtrooms is educational for the public. On the contrary, they think the public is confused. Viewers see footage from inside courtrooms in other states. In their own area, they may have seen footage from inside only one courtroom, leaving them to guess (1) that the station has favoritism toward that court, (2) that the experimental court is in an area of crime higher than other localities, or (3) that the news department fails to recognize important cases in other localities. There are indications from rating services that viewership is high for extended coverage of trials, even when the programming is scheduled in early morning hours.

News directors express concern for logistics in pooling courtroom video if all courtrooms in the state are open to

cameras. They are used to being competitors with other stations in their market, and foresee a need for a statewide coordinator to settle disputes between stations. News directors currently serving as coordinators for one court say it would be impossible to fulfill their responsibilities as news directors and to coordinate more than one court jurisdiction.

Television news directors in Virginia appear to take their responsibilities seriously. They claim to have very different values for programming than some tabloid television shows which feature details of crime and present the programming as entertainment. Virginia news directors express a duty to let the public know what is going on if it has a broad impact, whether it is increasingly brutal crime reports or stories with widespread implications such as a sexual discrimination suit. They not only report the crime or the civil allegation, but they follow the cases through the judicial system. Because television is a visual medium and because video cameras have become an unobtrusive tool, Virginia's television news directors believe they have a right equal to newspapers under the First Amendment to be inside the courtroom with the tools of their trade. During the experimental participation in Virginia courtrooms, no one claimed that the cameras disrupted the judicial process

in any way. As in most states, Virginia's experimental provisions and its proposal for permanent access left final authority over cameras to the discretion of the judge. Once cameras had been allowed in, Virginia judges in experimental courtrooms did not find it necessary to terminate coverage. In the open legislative process, the evidence that cameras do not disrupt justice won out. Virginia television news directors now join forty other states with permanent provisions for cameras in courtrooms.

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APPENDICES

APPENDIX A

TELEVISION STATION _____

a. news staff size _____

b. satellite truck ___ yes ___ no

c. microwave truck ___ yes ___ no

CHARACTERISTICS OF NEWS DIRECTORS

1. ___ Male ___ Female

2. ___ Married ___ Single

3. Which of the following is closest to your age?

___ 20-24 ___ 25-34 ___ 35-44

___ 45-54 ___ 55-64 ___ 65 or over

4. Which of the following best describes your annual income?

- ___ under \$14,999
- ___ \$15,000 - 24,999
- ___ \$25,000 - 34,999
- ___ \$35,000 - 44,999
- ___ \$45,000 - 54,999
- ___ \$55,000 - 64,999
- ___ \$65,000+

5. Which of the following best describes the length of time you have been in your current position?

- ___ under one year
- ___ 1 thru 3 years
- ___ 4 thru 6 years
- ___ 7 thru 9 years
- ___ 10 thru 12 years
- ___ 13 thru 15 years
- ___ 15+ years

6. Which of the following best describes the length of time you have been in broadcasting?

- ___ under one year
- ___ 1 thru 3 years

6. _____ 4 thru 6 years
 _____ 7 thru 9 years
 _____ 10 thru 12 years
 _____ 13 thru 15 years
 _____ 15+ years
7. Which of the following best describes the length of time you have been in broadcast management?
 _____ under one year
 _____ 1 thru 3 years
 _____ 4 thru 6 years
 _____ 7 thru 9 years
 _____ 10 thru 12 years
 _____ 13 thru 15 years
 _____ 15+ years
8. What is your highest level of education?
 _____ High school diploma
 _____ Some college
 _____ College diploma
 _____ Please specify major _____
 _____ Some graduate work
 _____ Master's Degree
 _____ Please specify major _____
 _____ Education beyond master's degree
 _____ Please specify major _____
9. I have been involved in the Virginia cameras in the courtroom issue in the following way(s). (Please check all that are appropriate.)
 _____ remained informed thru professional literature
 _____ written a letter to a legislator
 _____ expressed opinions to judges or attorneys
 _____ discussed the issue with other news directors
 _____ discussed the issue with my news staff
 _____ conducted seminar(s) in the community
 _____ attended seminar(s) on the topic
 _____ addressed a non-media group on the topic
 _____ none of the above
 _____ other. please explain.

10. I have participated in a courtroom trial(s) in the following way(s). (Please check all that apply.)
 _____ As an observer

- _____ As news director making story assignments
- _____ As a print reporter
- _____ As a broadcast reporter without use of cameras or recorders inside the courtroom
- _____ As a broadcast reporter with use of cameras or recorders inside the courtroom
- _____ As a defendant in a criminal trial (Please check even if the answer applies only to a traffic violation.)
- _____ As a witness in a criminal trial
- _____ As a victim in a criminal trial
- _____ As a plaintiff in a civil trial
- _____ As a defendant in a civil trial
- _____ As a witness in a civil trial
- _____ Other. Explanation if you like _____

NEWS DIRECTORS' ATTITUDES

Please circle the response that most closely reflects your opinion on the following statements. Use a scale from 1 thru 5 as follows. Circle "NA" if the statement is not applicable, or if you have no information with which to judge.

- 1 = Strongly Agree
- 2 = Somewhat Agree
- 3 = Neutral
- 4 = Somewhat Disagree
- 5 = Strongly Disagree
- NA = Not applicable, or no information with which to judge

1. Access to courtrooms with television news cameras is an important First Amendment right.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
2. Our reporters have a sufficient amount of video to illustrate the principal people involved in court stories.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.

3. Our reporters have sufficient access to trial attorneys for interviews outside the courtroom.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
4. Our court stories do a good job of relaying the emotion of the story.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
5. Our court stories do a good job of relaying the facts of the story.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
6. Pictures in our court stories are engaging and interesting to the viewer.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
7. Our stories give a realistic presentation of the legal system.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
8. Our reporters present court stories that are clear and understandable to the listener.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
9. Our station management encourages news coverage of courts.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
10. We are able to send staff reporters to the trials we want to cover.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
11. Our coverage of courts is adequate.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
12. Our coverage of courts would increase if courtrooms were open statewide to cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
13. Our coverage of courts would not increase if courtrooms were open statewide to cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
14. All of Virginia's trial courts should be open to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.

15. All of Virginia's trial courts should be open to television news cameras if the defendant agrees to such coverage.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
16. All of Virginia's trial courts should be open to television news cameras if all parties to the case agree to such coverage.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
17. All of Virginia's appellate courts should be open to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
18. Trial courts should be open in every state to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
19. Appellate courts should be open in every state to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
20. All federal trial courts should be open to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
21. All federal trial courts should be open to television news cameras if the defendant agrees to such coverage.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
22. All federal trial courts should be open to television news cameras if all parties to the case agree to such coverage.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
23. All federal appellate courts should be open to television news cameras.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
24. Court coverage, with or without camera access, is important to the audience.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.
25. Court coverage, with or without camera access, is important to our department's ratings.
Strongly Agree 1 2 3 4 5 NA Strongly disagree.

26. Court coverage by television news cameras is important to our democratic system.

Strongly Agree 1 2 3 4 5 NA Strongly disagree.

27. I am generally satisfied with the way our news department covers the court system.

Strongly Agree 1 2 3 4 5 NA Strongly disagree.

APPENDIX B

News Director 1

I: How valuable would you say the current experiment is to you as a news director?

ND1: Extremely valuable. It gives us an opportunity to use all the tools of our business to cover one of the three main branches of our government.

I: How adequate right now would you say your current overall coverage of the court system is?

ND1: I think the coverage of this particular news operation is excellent. There has been a history of government coverage at this television station almost since it signed on the air in the mid 1950's. Of course the court system is just a part of that. There was intensive court coverage during the civil rights movement in the late 50's and early 60's that has carried into court coverage of major annexation cases in addition to criminal cases we cover, so the legacy of covering court cases is a long one. Being able to do it with cameras is only enhancing that. We haven't necessarily increased our coverage because of it.

I: Okay, that was my next question. How has the access changed your coverage of the court system?

ND1: It has probably made it slightly more difficult in order to aid our competitors. Which is kind of an unusual situation, but we feel it is the price to pay for access. We spend a considerable amount of time making sure the pool arrangement for the Bedford experiment works properly, because we want it to work properly. Most of the equipment in Bedford belongs to this television station and the man power who operates it belongs to this station. We feel like that if there weren't cameras we could cover the information just as well or better than our competitors outside the courtroom, but we feel like by having the cameras in the courtroom you have an opportunity to show the viewer exactly what that branch of the government is doing, so I don't complain about it at all.

I: Okay. So you already answered this. The next question is has your coverage increased or decreased?

ND1: It has stayed about the same. We still cover those cases in Bedford that we would likely cover anyway.

We have not covered a case, that I recall, just because the camera was going to be there.

Teresa: I want to ask you about this list of things and how each of these factors influence your court coverage as it is now. How does budget influence your court coverage?

ND1: It doesn't.

I: Does that mean your budget is adequate and you can do whatever you want to do?

ND1: We would put some other kinds of stories that we would cover off to the side if we felt like a particular court case was worth covering. For instance, what we are doing this week. We are going to Chesterfield County, putting up a crew for a week to cover this particular court case. We may not cover some things here this week, particularly with our satellite truck, but if we make the determination that the particular court case is worth covering then we don't let budgetary constraints be a contributing factor.

I: Staff size, how does that affect your coverage?

ND1: Has a considerable affect on it. When we cover a court case we stay through the trial. We don't just come in and out, cover the open arguments, or closing arguments, we cover it all, and to do that you're talking about burning a body. There are not a whole lot of bodies in television, you don't have nearly the bodies you have in print, and some days that body may come back with little or nothing. It can be a real dull day in court. Because of the camera experiment we do use more man power than we used to use.

I: Would that mean you have added staff directly related to that?

ND1: No, we have shifted it. Moved it around where the news director and chief photographer are more involved in field production now than we would have been before because we are the ones who more or less coordinate what is going on over there.

I: Geographical coverage area, how does that affect your court coverage?

ND1: It has a significant impact on what we cover and as to what you and I were discussing a minute or two ago

about the complaints we get from viewers as to the amount of our court coverage. In many of the smaller communities of central and western Virginia the most significant news event appearing at any point and time could be a big trial. It may not be that significant to people in other parts of the coverage area, but if you have the obligation to cover all the news in your coverage area then you cover all the news you can cover. Lots of times you could be covering several trials on a given day. There could be one going on in Rocky Mount, while there is one going on in Lynchburg, while there is one going on in Montgomery County. We would give each one of those some coverage and some creditability because it is important to that particular community. On the whole you could look at one of our newscasts on any given night and say "is this all we've got, is this all that is going on?" but that's not the way we look at it. We look at it as this case is important to Montgomery County, this case is important to Franklin County, therefore we have to cover them both. So geography plays a significant role in what we cover. It takes a lot of the judgement of the stories themselves away from us. Instead of just being able to sit there on its merits and say should we cover this story or shouldn't we cover this story based on the information that's within it we have to add to it another element, how important is this story to that section of our coverage area? And, while it may be extremely important to the people of Franklin County, we might not cover it the same way we might cover a similar case in Roanoke, because Franklin County is a smaller area and not as large a number of viewers involved. So we would go over there and maybe do what we call a voice over, where in Roanoke we would have a reporter do a live shot and the whole works because more people are affected. So geography does play a role in how we approach things.

I: Courtroom facilities, how do they affect your coverage?

ND1: Since we only have Bedford, and we were involved with the design of Bedford plan, there is no impact there. All of the other courthouses we have covered for years and years without cameras inside the courtroom anyway so we know how to handle those and how to cover those and how to station ourselves to get the better shots. So at this point we do not have a problem. When we start getting into a broader cameras and equipment experiment we are talking a different set up of circumstances.

I: Existing pool arrangements, if any, so you're saying that doesn't affect you?

ND1: We pretty much control the pool. The problem in all that you just asked is what happens to the coverage of courts if this experiment (a) is made permanent or (b) expanded? Because then we can't do nearly an elaborate a job of coverage as we are doing in Bedford. The Bedford experience has been going on now for four years. We have it set up, the equipment is there and we go in and plug in. What happens when we've got Giles County, Bedford County, Grayson County to cover all in the same day? Who is going to handle the pool each one of those areas, who is going to be the liaison with the courts, are we going to have to set up some kind of portable gear that we can take with us from courtroom to courtroom. There is just a bunch of questions that the Virginia experiment as structured has not yet allowed us to answer. The other part of it is with the courtroom facilities themselves is that they are okay now but the Virginia law specifically excludes photographing the jurors during the proceedings in the courtroom. Many of Virginia's courthouses are set up with the jury sitting in front of the judge. While you are photographing testimony or photographing the judge's remarks you have got to find some way to photograph the judge without photographing the group of people who sit in front of the judge. That's going to be a problem, and the current experiment doesn't address any of that.

I: Have you programmed any extended court coverage?

ND1: Yes.

I: Do you remember what that was?

ND1: We did 28 hours of coverage of the Soering murder case in Bedford County in June 1990. The following month there was another murder case in Bedford County which we did extended late night coverage for two evenings because the trial went on for two days. I can't remember the total number of hours but all this is done after our late news.

I: So the 28 hours of extended coverage that was after the late news too? How many nights do you think that was?

ND1: Minimum of 7 nights, maybe 8.

I: What is the first name? I know the last name is Soering.

ND1: Jens.

I: Have you scheduled special programs related to the courts? I know you have done at least one.

ND1: Yes, actually right after the experiment began we did a special "On Record" which is our regularly scheduled public affairs program to not only talk about the case involved but to give some background on the cameras in the courtroom experiment. Did indeed do an half-hour broadcast on that. The getting back to the Soering case we did another half-hour special after that case had reached conclusion. We also with the Soering case interrupted regular scheduled programming to bring the verdict to the public live.

I: What program did you interrupt?

ND1: The CBS evening news.

I: Have you scheduled any live coverage of the courts? You just answered that with the live break-in. Have you scheduled any gavel to gavel coverage?

ND1: Not gavel to gavel in the sense of from the time the court opens until the judge closes it for the day. We did consider the expanded coverage we did last year in the Soering case gavel to gavel. It's a question of whether you want to take out some of the superfluous material, attorney conferences and that kind of thing. Purely gavel to gavel, no. Although the cable system in Lynchburg has. They just turn the camera on recorded everything and ran it all.

I: Is that just with the Soering one?

ND1: I'm trying to remember, they did one other one but the Soering case was the big one. They have done that before.

I: I'm glad you mentioned it because I can include it in just discussion, but I took out radio and cable.

ND1: Probably pretty good that you do.

I: Have you preempted any regular programming? You have answered that too. How would your coverage change if all the courtrooms were open, and I want to go back through that list again real quickly, how would your budget be affected if everything were open?

ND1: I would probably look very seriously at developing a category in my budget to deal with that. Either at the time that budgets are prepared to increase travel expenses, to increase equipment expenses. We are operating with two different tiers of budgets here: one is capital budget and one is operating budget. I can see capital budget going up, maybe not significantly. But I am going to have to find a way to buy some of this equipment that we are going to have to use to pool our resources. The way the law actually reads is that you do not have to have a pool set up when court starts. We could send a crew to Meadowview or Abingdon or a courthouse down there, and if we are the only ones there we just go on and set up and do it. If WCYB shows up then the second crew there is responsible for establishing a pool. We are not obligated to give those folks our tape for them to make a dub. They have to figure out some way to get it themselves. We never, because the experiment has been so limited geographically, have never had to deal with this. The law also says that you may have two cameras in a courtroom. We only use one. But it is very specific to say that the pool must be set up by the second crew on the scene. The other thing is when that crew gets there and there is some kind of controversy then it is left up to the media coordinator from the VAB to mediate that controversy. The judge is not supposed to get involved because the judge is responsible if both of you leave. Now I get into a situation as media coordinator do I become the media coordinator from Abingdon to Halifax County and if I do what's it going to do my job here when we may have 5 or 6 court cases going on, and all I'm doing all day long is trying to juggle all of this. These are the things that an expanded experiment would be helpful for us to work out because the experiment the first three years was beneficial. The way the assembly expanded it, while we were grateful to get the expansion, they only expanded the time they didn't expand the area. So we have no history on how it would work in other places.

I: Now just make sure that I understand this, in other words, if you are in the courtroom with your camera and WCYB comes, they are responsible for the pool, so that means anybody else who comes?

ND1: That's for anybody. They have to set up the pool.

I: So you can say, 'sorry we are taking our tapes and you guys are on your own' and then they have to get a second camera in there.

ND1: If we are uncooperative. Now if we say "loop through our recorder" which is a technical term for plugging into our recorder take it outside the courtroom and feed as many as you can, fine. Which is probably what we would do and most television stations would do. We just don't want to be in a situation where we are in the middle of something and we have to stop and set up a pool. And then it would become WCYB's responsibility to see when it set it up that if anyone else came in to be involved WCYB would then be responsible for providing to Channel 10 or WVVA in Bluefield or places like that.

I: Also on aside here, you just indicated that you would like to see the experiment expanded, but just from my personal curiosity would you rather see the experiment expanded or would you rather see them go ahead and say, "okay it's yours and we will open all the courtrooms in Virginia."

ND1: Well, I would have preferred that would have been done to begin with. I understand the experiment and I understand they were trying to feel their way along because Virginia was the only one or certainly one of the rare states that had a statute on the books that said you can't put a camera in the courtroom. That's sort of shows what we had to get to before we could even get to the point where we are now. What I wished would have happened, and we can't do anything about it now, when in 1990 the Assembly extended the experiment for two more years, it would have expanded the coverage area so we would know if the upcoming session of Assembly should say, "go for it guys" we would have a better handle on what we were going to do. We still don't have a real good handle on what's going to happen state wide. My guess is or my sense of it is that next year they will again keep it an experiment but may expand the experiment. For instance, we are only in Bedford County but Bedford is a member of a larger circuit. We could do Campbell County, we could do the city of Lynchburg. If they only had opened up that circuit to us it would have given us some idea of what we were dealing with.

I: But if they come in this year and say "okay we tried this on a limited basis, we're going to say it is okay to do it everywhere" you are not going to complain?

ND1: No. It is going to become incumbent upon the broadcasters to sit down and figure out what is the best system to use. Now we have experience in other states, but

it is much, much looser than it is here. All you do is go in and set your camera up. This is particularly true in Ohio and West Virginia, and I'm sure true in other states as well. But in a lot of those states one cannot overlook the fact that the judges are elected by the public and that does play a role in it. But, I would not complain at all. I would take it tomorrow if they would give it to me then I would figure it out.

I: How would staff size be affected, or how would that affect your coverage if everything were opened?

ND1: Staffing could be a problem. It may be the kind of situation where we would have to have someone go to the courthouse and just roll on the proceedings and have a producer back here somewhere taking care of it. Depending on what a particular case is, it is not unheard of for us to be able to send a signal from the courthouse back into this newsroom and monitor it here. That's exactly what we did with the expanded coverage of Soering. It was all done right back there in a room off of our newsroom. We set a microwave unit up on top of Bedford and just piped all of that in. We had one reporter there who covered it for the newscast and didn't pay any attention to any expanded materials that we were using. We had another reporter here worrying about the late night material. It was like having two different crews. We may try that again somewhere else. Obviously if we are doing it on satellite we can't afford it, but if you are doing it with microwave as your only signal you pop it in. But there are a lot of things we have to think about if this thing becomes expanded. We may want to find some special place to put court programming. There is a considerable interest on the part of the public and of course, we found that out last year. We get criticism on a regular basis why didn't you cover this case with cameras in Roanoke or why didn't you cover this case with cameras in Rocky Mount, why is Bedford so important? And the simple fact of the matter is we cannot cover these other places.

I: That's a good point from the public's perception, why is Bedford so important?

ND1: We were amazed last year in July when we covered this other case in Bedford County what a significant audience it had. I will have to go back and look but it was over 5,000 people at 1 o'clock and 2 o'clock in the morning. If that is the case on a secondary matter, it would have been really interesting to see what the rating service would

have shown of the Soering coverage to have been a month earlier. It just happened not to fall in a rating period. It was a lot of talk, a lot of people were setting VCRs, and I think if it is the right kind of case you get that.

I: The geographical coverage area. I think you have pretty much talked about that.

ND1: It really frightens us because in our market we have 25 counties, and some of the counties have independent cities which have independent court systems. So you may be looking at 35 or 40 different circuit courts, and we haven't added General District Courts to that yet. I really do believe that if they would go ahead and do it, after a period of leveling out it would be like covering General Assembly, Board of Supervisors. There would be a lot of cases we wouldn't bother to put a camera in for. We would just go and get a couple of sound bites or something like that. It's such a novelty right now, and it used to be a novelty to shoot inside General Assembly. That's not a novelty anymore. There is also an interesting little cottage industry that could develop off of this. I have thought about it myself, quite frankly. That is that you become a independent production company that produces camera in the courtroom coverage to sell to commercial stations. That would help the court system. It would certainly help some of these television stations that can't afford the manpower to go into the courtrooms, and it would be a nice little business for someone to make some money.

I: Courtroom facilities, if it is all open?

ND1: The court systems in Virginia have not been real concerned about the access of cameras in the time of their construction. I don't know what you are going to find in Norfolk when you talk to my friends over there but one of the things I have heard about that system over there is that the courtrooms in the Virginia Beach courthouse are so varied, in other words, they have more than one certain courtroom to deal with that the logistics with that place are just impossible. And it is not just the courtroom, it is like we have in Bedford, we have this little area just off the courtroom where we can go and no one knows we are there. That's one of the problems in Virginia Beach. When they had big trial over there they had to bring in mobile units and set up outside. That gets very expensive. The problem in courthouses, in some of the old courthouses the lighting is off. You can barely get a picture. Well, the law specifically says no artificial light. The acoustics are

bad. But the single biggest problem is this location of the jury, because if I'm the judge and the jury is in front of me, and the witness is talking to the jury and where you are sitting like this and I have to figure some way to put my camera over here so that I am on the witness when they are testifying and swing up to the judge to get a response of the judge on something. Or if the two attorneys on each side, here are the attorneys, here is the jury, here is the witness, how am I going to shoot each attorney's table? That jury is always going to be in my way.

I: Any other problems that you see if all the courtrooms in Virginia are open?

ND1: I think there are going to be some real long, slow growing pains. It think you are going to find the coverage directly related to the attitude to the judges involved. One of the things that law does is to leave it to the judges' discretion as to whether we can cover a case or not. The judge can use a lot of discretion. The Virginia Supreme Court is not real happy about having cameras in its chambers, but yet that is part of the law. To give you an example how this law can be interpreted, how far a judge can take it, if he or she wants to do that. We had a capital murder case in the Staunton, Augusta area which involved a young coed from Roanoke who was smashed to death with a rock, and there was some question as to a sexual assault, but there was never any evidence of it or a formal charge of sexual assault. We couldn't cover the case at the Circuit Court level because it wasn't a camera in the courtroom jurisdiction. Because the guy got the death penalty and it was automatically appealed to the Supreme Court, we went to cover that and the Supreme Court said no you can't cover this, there was a potential of this being a sexual related case and the law says specifically if it relates to sex you can't cover it. Well, the victim in this case was dead. There was absolutely no legal evidence, at least on the record, that this had occurred. Obviously they were reaching far afield to make sure that we couldn't cover it. You are always going to have that, and when you look at this survey in here, this 1989 survey, you may have a copy of it, of Virginia Supreme Court, most of the judges are very much opposed to it. Judge Sweeney in Lynchburg tolerates it as a academic exercise as part of the experiment, and he has been very open-minded about it. I can see situations coming up where every other question is asked the judge is telling you to cut the camera off which is totaling going to interrupt the proceedings. We have not yet run into situations in

Bedford where witnesses refuse to testify because the camera is there. We had a case where a bunch of witnesses were excluded, but as long as it was on the table and on the record before the trial was started it was easy enough to work around. I think the problems are going to be fiscal and philosophical. How we are able to do this throughout the state. And until we get to a environment like the environment in other states, where a news group can walk into a courtroom, set up that camera and do business just like with the Board of Supervisors meeting these problems are going to continue to come up.

I: How much impact do you think the courtroom access has had on the public?

ND1: I think it has really opened the public's eyes to what really goes on in a courtroom. Let's face it much of the public's perception of the court system in this country comes from television. Do the things that happen in Bedford County Circuit Court necessarily reflect what happens on L.A. Law? I think you will find most people in our criminal justice system say no, and yet the elements that make a program like L.A. Law interesting, particularly the courtroom drama, is interesting in real life as well. I don't know how interesting it would be if they had to hear all the motions, if they had to hear all the bench conferences, if they had to go through all the that, they would find in many cases that it is sometimes a very mundane proceeding. Isn't it also interesting to see whether an attorney is asleep or awake during a trial? Or a judge is asleep or awake in a trial? One of the things we can't do is photograph that jury which is truly unfortunate. What is the attention span of that jury? What is the capability of the attorney involved? Is the State being properly represented by the Commonwealth? Have the defense attorneys done their homework? The system that is basic to our whole form of government deserves this type of scrutiny, and I think cameras in the courtroom give it to us, and I think people out there are seeing this. As a matter of fact, they just started or are getting reading to start on cable a national wide network court system where all across the country live they are going to these court cases as they are occurring. The Soering case in Bedford, some of 12 minutes of the live testimony was carried in D.C. on station WUSA as it was occurring last year. They had a satellite truck there and they were bringing that part live to the people, and apparently there were very few complaints, if any, and a lot of people expressed an interest in it.

I: What considerations would be involved in your decision as to whether to cover a court case other than the things we have talked about? From the merits of the case itself, now.

ND1: The first thing is the news significance of the charge itself. There is still and maybe an increasing interest on the public's part in serious crime. A lot of it is obviously is the public's insatiable appetite for sensationalism. The same appetite that feeds the tabloids at the supermarkets. But we also sense here as professional journalists that there is a growing and genuine concern on the minds of the public that we serve to the safety and security of their lives, their families' lives and their neighbors' lives. Crime is one of the top of the list research concerns anytime you go out and do research and they are concerned about the way the court system handles it, how the police investigate it, and how the prison system handles the problem. I think one of the big, big reason for this is the interest and emphasis on the alcohol impaired driver and what has happened over the years on that. These people who consistently come through the court system and are back on the streets again and people don't understand why. What is it in the court system? Show me why we can do that. Show me why this man who is charged with capital murder is only convicted of first degree murder. He can be out of prison in 15 years. Why does our system let us do that? Why do we not have enough prison space? All of these things come directly back to the very fabric of who we are as a social community, as our democracy. The courts have historically been the area of the least amount of public access. I think it is tremendously important that we try to open them up. I also think the criticisms made of broadcasters particularly by people in the system of us just using the sensational material, just covering the things that we want to cover, editing a day's worth of testimony into a minute and thirty seconds are at some point going to go by the wayside if these courtrooms become open. We cover every event in a minute and a half to 2 minutes and 15 seconds. That's our job. We hire people who know how to do that. Some are better at it than others, but generally we catch the essence of what people need to know in that amount of time. I also think that the courtrooms could open and we could see more expanded coverage. I just think it is something that is just naturally going to happen because we are going to be a people that people want to see.

I: Anything else that you want to say about that ND1? That is some wonderful stuff there, essence and you think you will get more expanded coverage if it is open?

ND1: Right. If it is open, people will be able to sit back and take a look at it. As a matter of fact, I think you will probably see it as a study in classes. Every year I go a particular class of kids in the Roanoke County school system of eighth graders. Every year we talk about some aspect of journalism as it relates to ethics in the human condition and the moral obligations we have to people. Forget about our legal obligations or our information obligations but our moral obligations. It almost always comes back to something that has become a legal violation to society. It could be how we cover the police and their jobs, it could be how we use video tape of victims, but all the things that pump into the criminal justice system. And I think it would be a wonderful, wonderful experiment, maybe a wonderful experience for kids in government classes in high school to maybe look up at the wall at 2 o'clock in the afternoon in government class and watch a trial unfold. It does so much more than a teacher can do standing there trying to lecture this material. And see what happens. Why was this question asked, and why was that question asked? I happen to believe very much in the educational process of this on television. We have been more than willing to cover cases in Bedford that are not "sensational" cases and we have been rejected at every course. The only cases that we have been approved to cover are cases of hideous nature, murder, and we did get to cover one drug case. I wanted to cover a medicare fraud case that was denied. We have one coming up right now that is going to be interesting, but we have not yet received confirmation on, and that is a cop fight. We would like to cover that one. We want to cover several cases. I have written off to the General Attorney's office to get an opinion on whether this law applies to civil cases. We really don't think it does.

I: I just feel like we are repeating, but anyway what kind of cases are you most likely to cover? I think you've addressed that in terms of news value. But is there anything you want to say related to whether it is civil, or criminal or capital murder or robbery or drug or malpractice or anything like that other than what you have already said here.

ND1: Only that we need to cover more civil. Because when you get right down to it some of the court cases that have really changed the fabric of American life have been civil cases. Not all of us, thank goodness, are going to be touched by a crime, but when you break up the phone company everybody is touched by that. When Jerry Falwell sues Larry

Flynt and a whole new brand of law comes out of that called intentional infliction of emotional stress, that is significant. That's the kind of thing that changes. The abortion issue is probably one of the best examples to see the processes that occur. I think the American public will be well served to be able to see that kind of criminal justice debate.

I: Would the type of cases you cover now change if you had total access?

ND1: No, ours wouldn't. They might increase but I don't think they would change. We would cover whatever we could cover. We cover a lot of civil cases here, and the way we do it is we try to visualize through other means. For instance, if we cover like the VMI case, great example; we can't get into a courtroom for that so you see a lot of shots of VMI. You see a lot of interviews with people outside of the courtroom. We would have covered that case and lot of other civil cases. We had a big real estate fraud case here. Dull television, but we covered it because it had a significant impact on the community. We found ways to visualize it. I tell you what I would do from a programming standpoint, what I would propose to this company I would be willing to do it based on my experience in the business I would do it. If you give us a half-hour every day somewhere on our air and I will bring you some kind of court coverage. It may be a capsulization of several different court cases. It may be one court case we are going to do something with, but every day somewhere on our coverage area give me the time we are going to cover it. I think we could.

I: Cases you didn't cover but would have covered if you could take cameras into the courtroom?

ND1: I can't think of any. We just cover them all or don't cover them. We don't base it on that.

I: You mentioned the sexual assaults thing. Are there any limits on yourself, just anything that you wouldn't cover?

ND1: The same limits we put on ourselves now. We would cover rape and assault cases. We would however follow our standard policies of not identifying the victim. We feel that we should be able to cover juveniles. That we would certainly would work with the courts on that, but there are just some cases that ought to be covered. When people are killed in the same fashion or when hideous crimes occur,

unless we are talking about a 9 or 10 year old child, we feel like those people are just as dead and that society has been just infringed upon just as much regardless of the age involved, and that these things ought to be held up for some scrutiny. In Virginia if you are not 15 years old, you cannot be adjudicated in a court. We have a case right now. A 14 year old charged with a capital murder. She is charged with shooting a elderly couple to death last summer. And, if indeed, she is convicted of that she will be out when she is 21. Many of our viewers would say that those people are going to be just as dead when she is 21 as they are right now. Those are the kind of things we did to examine with our coverage. We are a station that is squeamish about the kind of photographs we show. We did not use a lot of close-up shots of the photographs submitted in evidence of the Soering case because it was some pretty gruesome stuff that we didn't believe added a whole lot to our coverage. There is a segment of our audience that would have thrived on it, but we don't think that is necessarily the way to go. We are always very careful about that. So we would follow essentially the same standards that we follow. Now the one place where it gets very interesting, and we haven't quite gotten a handle on this ourselves, there is a lot of vulgarity on the witness stand. When people are having to come back and actually say things. We are not talking about the hells, the SOB's, I mean some of the really vulgar stuff, that we let go during the late night stuff. In fact, there was a fairly intense sexual relationship between the Hastings woman and the Soering guy and a lot of very graphic descriptions of that was in the testimony. That would not have made it on our 6 o'clock news, and that gives me some problems, because then you are editing around some material that you've got to be pretty careful with because it may have a lot to do with it. We will always struggle with that. The media in this country for years has struggled with its modesty.

I: That's all the listed questions I have. Is there anything else you want to say?

ND1: There is only one other comment which I think is very important. This experiment, in my opinion, is not going to rise and fall on the merits of the General Assembly or court system. This experiment has been a dismal failure to this point through the lack of use by broadcasters for a golden opportunity. Just because we have cameras doesn't mean that they have increased obligation for the courts. But not covering it because it makes it more complicated than just running down to the courthouse and recording it

and coming back, I think it is doing a viewer a service. I don't know why in a rural area like Bedford County we have covered at least twice and maybe three times as many cases as have been covered in much larger localities. But it has been disappointing that there has been no more interest shown in cameras in the courtroom by broadcasters in the state than has. General Assembly is looking at that. I don't think it is fair that they look at that. It should not be the Assembly's role to worry about how much of it is being covered, but there are trying to use it as a tool. You guys try to come before us and lobbying us want us and then you don't use after you have it. The broadcasters have really let us down. They have just not been excited about it at all. It's a shame, because I also think Virginia may become the first state in the union to lose our camera project in an experiment. If you haven't read that Supreme Court report from 1989 it might be a good idea to read it.

News Director 2

I: How valuable has this experiment been to you as a news director?

ND2: Well, since I have only been a part of it for almost 2 years it has been extremely valuable, extremely valuable. Especially with some of the sensational cases that we have had. The cameras and equipment that we have have really added to our coverage and I think brought the viewer more than what they ever thought they would get. The case in point is the Soering trial. I mean I was glued to it and we watched it. It was extremely interesting more than anything, but it enhanced our stories and it enhanced our coverage.

I: Okay. Anything else about the experiment that comes to mind that helps you in terms, I guess, of making your coverage more visual and more interesting? Anything else that you think is valuable from the experiment?

ND2: As I said, I think it has opened the doors of the judicial system to our viewers. Something that they were not allowed before. If there is a negative side, I think it has made some of my colleagues a little nervous, and nobody wants to be left out of the mix. So basically we make sure we carry it and I think some of the less interesting cases have gotten more attention because of it.

I: Than what? Somebody else said something like that.
ND2: We just had a most recent case a couple of weeks ago. It really was a case that didn't warrant cameras and equipment, but because it was okayed and we did it, it got more attention than a case like that should ever have gotten.

I: What was that, if you don't mind?

ND2: It was the Fox case. It was just last week. Murder: a guy killed his brother or somebody's boyfriend, or something like that. It was last week in Bedford County and it really wasn't deserving, I felt, of the cameras. But since everyone is in this competitive spirit so we can't let our competition have it and we don't have it. It is there, it is available, so you are going to look at it.

I: That's so interesting.

ND2: It has a tendency to make people gun shy; make news directors gun shy. Personally, I would say "Let's just pass on it," but I think the staff here would say, "Are you crazy? Channel 7 has theirs and WSLs has theirs and we are going to be the only ones without it." So from the competitive standpoint, you've got to do it.

I: Right. Is there any other problem with the experiment?

ND2: No, other than that. I like it!

I: How adequate would you say right now your current overall coverage is with this system?

ND2: I think it is very adequate. Because, as I said, some cases warrant major coverage and some don't. We have been able to pick and choose as best we can the cases we can give 100 per cent attention to.

I: Now about the access that you have; which I realize is just Bedford County. By the way, the Bedford Circuit Court is in Bedford, so you and the Roanoke stations all have to travel a little bit in order to cover all of these cases.

ND2: Yes, Bedford County is the half-way point between Lynchburg and Roanoke so we have to travel 25 minutes and Roanoke travels about 25 to 30 minutes.

I: So this access, how has it changed your coverage of the court system would you say?

ND2: It has changed it. It has made us more aware of what is going on. And as I said, some of the smaller cases from the smaller to the larger; we know about them and it has made us more aware of them, I think. From markets I have worked in before where you don't have the cameras, some of them slip by because you don't know about them. But with this and the system we have in place with the 3 stations, we are all in a loop when it is time to do it because we rotate cameras and we rotate our commitment to the court. It has really opened our eyes to a lot of cases. Some we don't care to cover and obviously the ones we need to cover.

I: Has your coverage increased or decreased?

ND2: I'd say increased.

I: Substantially, or how much?

ND2: I'd say our coverage of the courts, especially in Bedford County, has increased by 25 or 30 per cent. I think that is substantial.

I: And that is probably because of what you just said, you know about them.

ND2: Yes, yes.

I: How did the following factors influence your court coverage? Budget?

ND2: Budget, not very much.

I: And why is that?

ND2: Because the trials or proceedings are usually during normal business hours and there is not a lot of overtime.

I: Staff size?

ND2: That plays a major role.

I: How so?

ND2: Lots of times for the cases when it is our turn to do the cameras and we have vacations, holidays or whatever, our staff probably isn't as big as WDBJ's, it can put us in a pinch sometimes to have the bodies to be there.

I: The geographical coverage area that you have to deal with, how does that influence your coverage?

ND2: As far as the courts are concerned, it influences it very much. We are in a rather unique situation as far as our geographical area goes and our audience is as far down as Danville (the bulk of our audience). The western side of the market they never even see us because of our signal problems. Some of these cases, if they are not as sensational, wouldn't be of interest to other places, so they do not play a major role. Those folks down there just wouldn't be interested.

I: Not unless it was something really sensational.

ND2: Something that would make them stand up and say "WOW" that could happen here.

I: How did courtroom facilities affect your coverage overall?

ND2: Very effective.

I: And the existing pool arrangement? I guess you probably touched on that too.

ND2: Yes, that is a very good system. It works well for us. And we are the test for this region, right?

I: Yes, you sure are. Virginia Beach has a couple, and as I understand it they haven't used theirs at all.

ND2: Is that right?

I: Richmond has one, and Charlottesville has a district. That's about it. So it is very limited as far as an experiment goes. Have you programmed any extended court coverage during this experiment? When I say extended, I mean outside the regular news cast?

ND2: No, we did not.

I: Any special programs related?

ND2: Well, we did do one with the verdict of the Soaring(?) murder trial. Once the verdict came in we did a 30 minutes special. It just depends. We don't do it on a regular basis. I think the local cable system aired the proceedings at 6:30 p.m., WDBJ reaired the proceedings at mid-night. we did a special when the verdict came in.

I: Any special programs related to the court?

ND2: No.

I: Any live coverage of the courts?

ND2: On an on-going basis, no; but we have patched in and when the verdict was read we aired that live. And on some cases we have the capability to patch in directly to the camera and courtroom.

I: No gavel to gavel coverage?

ND2: No.

I: When you did that 30 minute program did that preempt other regular programming?

ND2: Yes.

I: Do you know what that was?

ND2: We aired from 7:30 to 8:00 p.m and that was about a year ago and I can't remember what program it was. It was a syndicated program.

I: Now since the experiment is localized and you just have Bedford County to cover right now with the cameras, what do you think would happen if this year the legislature would say okay we are going to approve cameras in the courtroom on a state-wide basis and you can go into any courtroom. What would that do in terms of these things that I asked you before? In a general sense, how do you think that would affect your court coverage?

ND2: It would affect it greatly because that would open, as you said, every courtroom door to us. It would affect us on every aspect from the budget, to man power to programming and truly affect the way we do news. It would truly affect our coverage because then we would have to be aware of everything going on in and around our area and that would make us be on our toes a little more as far as the courts are concerned.

I: That's very interesting. So what you are saying, it sounds to me like your saying, is that by having this access, it really is forcing you as a news director to know what is going on in this court system.

ND2: Exactly. Not only me as news director, but my assignment editors, my court reporters mixed in. They are the ones I hold accountable for the items that happen in our court system.

I: Busy people. What would you see happening in terms of your budget?

ND2: I would have to make some adjustments. I would probably have to add another photographer, or part-timer to be able to cover us in a pinch. If something comes up at a moment's notice and I don't have a photographer I can

always pull a part-timer in. I would have to add a body and increase my overtime expense for that body.

I: So that answers the staff question, too. You do see an increase in staff?

ND2: Possibly. Whether the corporation would give it to me, that's another question.

I: Who owns you all, by the way?

ND2: Albritton Communications. The man who owns Hansel, the racehorse that just won. He is out of Washington.

I: Is it a whole chain?

ND2: He owns JLA Washington, this station, CIB Charleston, KATV Little Rock, KTLU in Tulsa, an all news mode, which is a cable news operation, a 24-hour news operation, which is about to spring up in Springfield, Virginia. It is going to cover Virginia, Maryland and D.C.

I: So is there anything different that you can think of for this question other than what you have said. What problems might you have if all the courtrooms were opened to news cameras?

ND2: Well, the problem would be how would we? The way the courthouse is wired and set up in Bedford is fantastic. I mean, it is wired for cameras and wired for sound. We have to as a group of 3 stations, or the affiliates in this market, determine which courts will get our resources and wire those places so we can approve the camera, audio and light. It would create, I wouldn't call it a problem, it would be an interesting situation for us. Because we have to figure out where we are going to go or would we be allowed to cover it individually. I don't think they would want to do that. Four cameras in a courtroom would be interesting.

I: What impact do you think this access has had on the public? The access that you have in Bedford?

ND2: I think it has made them more aware. I'm not sure if they like it or not. I know it has made them more aware of the more sensational cases. It's right there in front of their faces if they want it. And the Soering case, I have to refer back to that, that was a topic of discussion daily. From the newspaper to the church on Sunday. It really

opened the eyes of the public to the system and how it works. I think it also played a role in making some of our legal folks a little more animated and put a little more color in them. The prosecutor down in Bedford, Jim Updike, is one of the most animated prosecutor I've ever seen. You turn those cameras on and he just puts on a show. He really puts on a show!

I: Do you think it is different than what he does otherwise?

ND2: I would say yes, but everybody says no. I can't imagine this guy doing the things he is known to do when the camera is not there. He is very very animated. He is a good attorney.

I: I guess that is another thing that happens, it gives people an opinion on a wider circle that he is good in his position.

ND2: I'm sure the elected officials down there would much prefer to keep it, because it keeps them in the public eye and as far as the public is concerned they are doing a fantastic job down there and they don't have any problems getting reelected. The sheriff down there last election, I think, he won by 75% of the vote, the prosecuting attorney. I mean it is just kind of keeping them in the loop also. I would be surprised if they were against it.

I: What kind of considerations do you go through when you are deciding whether to cover a court case or not?

ND2: Who's affected? How many? How are they affected? I mean if it is a domestic situation that is as common as an automobile accident (I don't want to sound cold); wife kills husband or husband kills wife, it's pretty ordinary. When you have things out of the ordinary we usually look at those. But for the most part, all the trials that have been open to us we have covered in some form or fashion. But I usually, I don't want to say we always go after the sensational cases, we try to cover as many as we can. But the ones that will pique the most interest are the ones we most definitely cover. It just so happens they all are happening in Bedford County.

I: So we talked about murder cases several times. What cases in general are you most likely to cover?

ND2: Murders, unusual cases, mystery (who done it kind of thing), it's done on a case by case basis. We do cover

them. Some of them we cover more than we cover others. The Fox case , we covered it, but we didn't give it as much play as the other stations.

I: Why was that?

ND2: I didn't see it as that unusual case. It was a question of either self-defense or murder. And my opinion was that it was a self-defense case and that's what it turned out to be. Not guilty, self defense. And I think the person was from outside of Bedford County. The other stations, I think, and this is just what I have seen, they will take a small case and make it into something big, and I don't want to be guilty of that. A small case, leave it as a small case, if it is a big case we will give it the big case coverage and that will make it a big case because the cameras are there.

I: Would the type of cases you cover change if you had total access with the cameras?

ND2: Type of cases? Probably so.

I: What type of cases would you cover, that you are not covering now, if you could get in all the courtrooms?

ND2: It would just depend. From civil matters to criminal matters. It would depend on the case and the situation. For instance, if we had the governor or the mayor in a civil matter in town, I think it is of greater importance to cover it.

I: So you would cover more civil cases?

ND2: Yes, possibly, depending on the nature of the case.

I: Because you are not allowed to cover civil cases are you?

ND2; No.

I: Are there any cases that you have not covered, that you would have covered if you could have taken the cameras in?

ND2: I can't think of any. Well, there is a case right now of the local school teacher who was accused of taking indecent liberties with a minor. That is in juvenile court. If we were allowed. We covered it but we couldn't go in. I understand we wouldn't want to identify the young lady. But

that would have really affected our coverage, that would really change how we do it. I don't know if they will ever open the doors to Juvenile Court to cameras. I doubt it.

I: Are there any kind of cases that you flat wouldn't cover with cameras?

ND2: ' Not off the top of my head, No. There are probably some.

I: Does anything else come to your mind about this whole topic that I haven't asked you?

ND2: No, I think it is a good program, a good test and a good look-see. I hope that news directors across the state will want to control themselves and not blow small things out of proportion and not create massive public scare or outcry about these proceedings. Sometimes we can get a little too gory when they pass around pictures of the bodies and that sort of thing. We need to use tact and finesse and not offend people. It's the first time I've been a part of something like this, and it is working well.

News Director 3

I: First of all how valuable would you say that this current experiment with cameras and equipment in the courtroom, how valuable is the experiment to you as a news director?

ND3: On a scale, or just general comments? I think it is catching us up to where a lot of the television stations are. And that is good. I think television viewers and the public in general in states where they either have a permanent experiment or an experiment exists, benefit from a more thorough knowledge of just what goes on in the courtroom because they are able to see it. I think there is a mystique that surrounds the courtrooms and I am not sure that you have the ability to go and witness it yourself. It is just a big mystery of what goes on behind the doors of a civil or a criminal court. And, I think, television can help unwrap a little of that mystique, and I certainly think that's what we have been able to do in Virginia on a limited basis and have helped the public in general understand the court system. A lot better than we have had in the past.

I: How adequate would you say your current overall coverage of the court system is right now?

ND3: Both cameras in and cameras out. On a schedule of 10 I would give it a flat 5. It is adequate. It's not great. Obviously because of the limitations that are placed on us. We cover 20 some counties in Virginia and in only one county can we take a camera into the courtroom. So there are 20 some counties out there that we don't pay a lot of attention to what goes on in their courts so in that respect our coverage is inadequate. But I think that is balanced. It is balanced number one by what goes on in Bedford and number two by the coverage in ways that we have found to work around the inability to get cameras and equipment in the courtrooms in other cases, in other locals.

I: How has the access with the cameras changed the coverage of the courtroom here?

ND3: I think it has formalized things to a greater degree. Right now when you commit to covering cameras to a courtroom case you have to commit and you can't just cover it only half way or three quarters of the way. You've got to be there from beginning to end and you got to commit a certain number of people and certain amount of equipment. I think

almost sort of forces you to do a better job because of the requirements of the camera in the courtroom procedure. But at the same time, we probably do a lot better job of covering it because we have more at our disposal to describe the proceedings and to visualize the proceedings. So I think our coverage is better and I think our commitment is certainly different from what it has to be if it's not a camera in the courtroom case.

I: Okay, Has your coverage increased or decreased with the access?

ND3: I think it probably increased in Bedford. You know there are trials we cover over in Bedford that we wouldn't go to Franklin County to cover. For a good example is this Fox trial that took place about two weeks ago. It was a fairly routine, sort of a run of the mill, I don't want to tell you that any murder trial was run of the mill, but it was certainly routine. There was nothing unusual about it in terms of overriding, compelling interest to viewers or people in the community. It happens every day in Roanoke, Franklin, and Montgomery. We would not have covered it had it not been a camera in the courtroom case. And that's where I have my greatest objections to the way the experiment is run right now. We find ourselves in a position of sometimes covering a particular case that we wouldn't normally cover because of the way it is set up. WDBJ provides the equipment and the monitoring devices and what have you, and then Channels 10 and 13 are required to alternate days on the photographer. Well, we still find ourselves in a position of not wanting to say no; we don't want to put ourselves in a position of not covering for fear the next time around we might find ourselves locked out of a particular case. So I think we probably covered some things recently, and you know again I only go back 11 months, but I think we have covered some things in Bedford that we wouldn't have cared to cover had it not been cameras in the courtroom.

I: I am going to ask you about several factors and how you think they influence your coverage, and the first is your budget?

ND3: My budget, my own budget?

I: Yes, how does your budget influence your court coverage?

ND3: I think the biggest problem for us in television is that we are in a position, particularly with our staff size and that is all the factor of the budget, we need to get everybody that works everyday to turn a story. We don't really have the luxury of somebody not contributing to our 6 o'clock news. If you are working you are contributing. And, if they find themselves going to sit in a trial all day it's not a real effective use of someone's time, versus what they are able to contribute. And you can spend an entire 8 or 9 hour day sitting in a courtroom and sometimes you might not contribute anything. You might not turn a piece at six o'clock. And that's a factor. We need to know we are going to get something out of that story if we commit that person to it. We need the news. We are not in a position where we just go cover it because we think it needs to be covered. We need to find a way to turn that persons efforts into material on our six o'clock news.

I: What about the geographical coverage, how does that influence? You may have already answered that.

ND3: Yes, it is not likely that we are going to spend a whole lot of time on a trial of relatively routine importance in outlying counties, Carroll County, Giles County and Amherst County. But we will certainly be there if it is in Bedford. And we will most likely be there if it is in Roanoke. But certainly the distance and the number of people that have an interest in a different case is a factor as to whether we cover it or not.

I: What about the courtroom facilities, how does that influence your court coverage now?

ND3: The only thing I can think of, and this is not really a factor, but it certainly helps us if there is a distance between the jail and the courthouse so that we might get a, as you know they call a walk shot, of the suspect. That helps. It certainly doesn't influence whether we cover it or not. I don't think we will say, gosh let's go cover that trial in Gray County because we know we can get a shot of the suspect. I don't think influences whether we cover or not, but it helps. The courtroom facilities are not a factor unless it is a camera in the courtroom case. At that point a courtroom is a courtroom, and the facilities don't really matter as long as there is enough room for a reporter to have a seat.

I: The existing pool arrangement, how does that influence your court coverage? I think you have answered that too, in that WDBJ sets up things and it influences you to be there.

ND3: There may be a story that they want to cover but we don't. And we tend to feel compelled to cover it because competitively there is a lot of things you do at times because of competitive reasons. Likewise, I would like to think if I was the only one who cared about a particular trial that I could go in and cover it without having to call WDBJ, but that is not the case. If I want to cover it in Bedford, and I've got the permission I also have to check with WDBJ, and that bothers me. Pool arrangements; they solved some problems but I think they cause some problems too. I hate having to call the competition to check it out before we can cover it, but I think they find themselves in the same boat.

I: Have you done any extended court coverage? In terms of, when I say extended I mean something outside of your regular broadcasts?

ND3: I know what you are talking about. No, we haven't.

I: Any special programs related to the court system?

ND3: No.

I: Live coverage of courts? Anything like that?

ND3: I don't know if we carried the _____ murder trial or not. That was before I got here. I don't think we did.

I: And no gavel to gavel coverage?

ND3: No

I: And preempted other regular programming?

ND3: We have broken into regular programming when there was a verdict on a trial.

I: What problems do you foresee if all courtrooms of Virginia are opened to cameras?

ND3: You are talking about a blanket policy?

I: Every court, every trial court?

ND3: To get approval of the judge, or not get approval?

I: Well, maybe not even that? That you could conceivably go into any civil or criminal trial with cameras. Would that just blow you out of the water and you'd say that we can't handle it? Would you feel overwhelmed? What kind of issues would you have to resolve to deal with that sort of situation?

ND3: The only thing I can foresee that might be a problem is that we would have to be careful not to cover too much courtroom news, judicial news. I think the tendency would be in the beginning to feel that this is overwhelming, this is such a great new thing, that all of sudden who are covering everything. I think you tend to give yourself an unrealistic outlook to what is news. I think there is a lot more to a 30 minutes news cast that what goes on in the courtrooms, trials and that sort of thing. And I think you run the risk of losing balance to your news cast. I think that we have to be real careful that you don't just find yourself with a new toy and you overplay it. Other than that, I don't see any problems. I think it would be tremendous for broadcasting, for news, for newspapers, for journalism, for the viewers, for readers, for the citizens. I never have understood why there has been a desire on the part of the judicial system to keep citizens in the dark as to what goes on behind the doors of the courtrooms. The more they understand and the more they know about the judicial system the better off we all are. So, the only problem I see is that we might over cover and then lose balance to our news casts.

I: You mentioned the public. What impact do you think the courtroom access, as we have now in Virginia, has had on the public?

ND3: I think they have taken more interest in fascinating crimes stories. And maybe if nothing else it has helped educate the judicial process somewhat. That was I guess the really high profile case of this area. And if it helps people to understand the judicial process, it's tremendous, its done a great service.

I: What kind of cases are you most likely to send your cameras and reporters to cover?

ND3: Certainly if it's a case that falls into the category of a real unusual test case or type of situation where it is likely to impact a great number of court decisions down the road and laws and rules and regulations. And it is a test

tradition, such as VMI. That's the kind of thing we would cover, a test case of the way things have been and the attempts to change them. Obviously you are looking for cases with personality and the personalities that are on trial, because they are of great interest to people.

I: Any tendency to favor criminal or civil or anything like that?

ND3: I think that there probably would be, just for the simple reason that criminal cases seem to be a little more interesting than civil cases. I think you probably would get a pretty good balance.

I: Would the type of cases you cover change, going back to that question, that if you had everything open?

ND3: I suspect it would, but I really don't know how.

I: Are there cases you did not cover, but if you had been able to take the cameras in, you would have covered?

ND3: No, I really can't. I can't say that we have purposely ignored trials because there were no cameras in the courtrooms. There are trials we covered that we wouldn't have covered. Like I say, it works the opposite way, but I don't think we have avoided covering a trial because there were no cameras in the courtroom.

I: Okay, so it is the opposite. You would have covered if you could have taken the cameras in. And just as a general rule would there be any kind of cases you wouldn't cover? Any particular subject areas or any particular type of cases that you would say we won't cover that.

ND3: I would hate to sit here and say as a blanket statement that we wouldn't cover something. I would end up eating my words. It's too hard to sit here and think about something. I would like to think that. I can't image of a category that we would not even consider. Maybe routine traffic violations or something. I don't know. Something that we wouldn't cover now. I would like to reserve the right to cover anything.

News Director 4

I: As you know I'm going to be asking you about your coverage of the court system. Kind of in general and also referring to the experiment that's under way in Virginia right now. First of all I need to ask you if I have your questionnaire? Yes I have that. How valuable would you say that the current experiment is to you as a news director?

ND4: I'd say it is semi-valuable. It's a very irregular occurrence. It is very selective in terms of which trials are open, so that eliminates any real form of planning. I don't know understand the criteria they use in deciding what ones are open but it certainly is a mess here around the newsroom the nature of it. Whether it's a matter of getting everybody, the judge, all the lawyers and whatnot to agree. You probably know more about that I do. It's nice. It's a nice diversion ever now and then when you have to cover trials to be able to have that capability.

I: My understanding is that in order to get coverage you only have to notify the judge that you would like to come in. So have you had some problems in getting in when you have asked for access?

ND4: Not that I am aware of. I'm not sure that is the case. I don't want to lead you wrong here because this is not an area of expertise on my part. I'm not aware of us having any difficulty, specifically requesting and being denied access.

I: How long have you been here?

ND4: Two years.

I: In the two years that you have been here, just off the top of your head, how many times have you sent reporters to the courts?

ND4: Any courts?

I: Let's just start with cameras in the courts.

ND4: Maybe a half dozen times.

I: Any particular trial that you can remember?

ND4: The only one I remember is the more recent one it was a drug killing just about three weeks ago in Virginia Beach. Virginia Beach is the only town who is doing it.

I: The Circuit Court?

ND4: Right. So that's the most recent in my mind. As I say I can't remember, the nature of these trials don't seem to be the kind that stand out in my mind. But that could be for other reasons.

I: So it sounds like your criteria isn't any different than for what you send cameras to and what you don't send cameras to? You are saying that the ones you send cameras to don't stand out any more than others?

ND4: I would hope that we would cover the trial for its news worthy nature and that usually tends to be the more violent crimes, the sensational, whatever. It certainly helps making the decision to know that you have that access of cameras in the court. In other words, if we are going well we really don't have any video of this crime when it happened, and we never really covered it before should we now cover the trial? That's a question that comes up fairly often. I don't think it's right but we might very well say well since we can get a camera in the courtroom let's cover the trial even though we may never have mentioned the story before. I'm not sure that's really the best way to do it. In a sense, it may be encouraging after the fact coverage of some things. So, having that access is likely to draw us into covering a trial that was supposed to be closed. If it is closed, and we have had our meeting and we say look this guy or this murder was a year ago and we didn't get the scene and we never covered it and we never mentioned it and the trial starts today, and it is closed, we are likely to go "to hell with it." But if it is open we are more likely to go.

I: In terms of overall coverage in the courts, including any court system, how adequate would you say your coverage is now?

ND4: So-so.

I: And, why would that be?

ND4: There are too many of them. I don't know whether you are familiar with this area, but there are 8 large communities here. These are not little burgs. They all

have separate court systems. They all have separate everything. And it is a nightmare, not only just to keep track of all the crime that goes on in this area, this is a very large area, but I don't have the staff or people. I'm lucky some days to get 3 reporters on the street. And I don't have the staff to be able to devote just to court, and that doesn't include Federal courts. So we do a decent job, I think, of keeping track of the major crimes. But even if we do get to the judicial stage of a story, I'm likely to have to throw a crew at it that has never even heard of it. Be down at the courthouse in 20 minutes and start from scratch. If you're lucky you get video of people going in. It is very haphazard. Of course on the major trials, the ones with real high interest we put more attention in those, and those come along once a month or so. I don't think we do, I don't think any television station that I have seen or worked with, does an adequate job of covering the courts. I'm not sure that is necessarily bad. I mean it just very well may be a case where that is not the best role for television. Maybe that is something the newspapers need to assume that role.

I: Let's look at some of your specific factors that influence your court coverage. Would you say that budget affects your overall court coverage?

ND4: Only in the sense that I don't have, and very few television news operations have, enough people to say just hey go and sit down in the courthouse all day. I can't afford it. You're not going to find many that do. But not specifically, that also applies to any other area of coverage. I don't have anybody to sit at a city council meeting all day. Television news reporters are quick and dirty. There are assignments, they are quick and dirty. There are assignments you never know what they are going to have they have to be able to start from scratch, and get something half-way colorful on the air. So I don't want to imply and complain that if I had more money I would cover courts better, because I'm not sure I would.

I: So that would incorporate staff size. Geographical area you mentioned too, so you are saying that does affect your coverage?

ND4: Yes. I have courthouses in Virginia Beach, for example, a 40 minute drive from here. I have Hampton, Newport News, Suffolk, they are just scattered all over. Just travel time alone is a problem. Some areas being able to get a live signal out is a problem, because a lot of

times a trial is going on through the newscast times and you don't have time to get in a car and drive back through the rush hour and put together a story. You can't do it live because you can't get a signal out.

I: Any difference in the courtroom facilities that would take affect whether you decide to send someone into a courtroom or not?

ND4: I can't answer that. I've never even been to one here. I'm sure there are but that question would be better approached to one of the reporters.

I: How about the existing pool arrangement, does that affect your coverage?

ND4: It works out fine. We have traded off, and there has never been any problem with it. We do it one day and WTEZ does it another day. That takes care of it.

I: In review then, has the access to courtrooms changed your coverage? Because you can go in some places has anything changed?

ND4: Again, there is only one place, so I think you could argue that it has caused us to have a slight increase in coverage of trials in Virginia Beach. But, we are still going to use the same criteria we would use to cover any story of news worthiness or of pure interest. And if it isn't there we aren't going to do it. It doesn't matter if it is open to cameras or not.

I: During this experiment, have you programmed any extended court coverage? What I mean by that is anything outside your regular newscast? Any special programs about coverage of the courts? Any live coverage, including something live from the courthouse?

ND4: Again there would be quite a bit of that because a lot of times trials go on past news times so we have to go live. But we can't actually tape the courtroom live because we don't have the capability.

I: Nothing like gavel to gavel with a specific trial? And have you ever preempted any regular scheduled programming for court coverage?

ND4: No.

I: This is hypothetical. How do you think your coverage would change if, let's assume that this year the Legislature says okay we don't have anything bad in this experiment now let's open everything up and all trial courts will be open and all you have to do is ask the permission of the judge and give the judge a few hours notice, then how do you see your coverage change?

ND4: I could see us devoting more time than maybe we should to it. We have a tendency to take the path of least resistance in this business, and I don't necessarily agree with that. The English version of that is that we take the easy way out many times and for a television assignment editor or reporter or whatever to be able to, say there is a trial starting and we have cameras in the courtroom, and we might not make the harder journalistic decisions that we need to make because that it is a easy story. And we might not ask ourselves the right kind of questions as to whether or not it deserves to be covered. When I was a reporter some days I would go and say I can't take it anymore and I need something easy and I would con the desk into letting me cover something that I knew I could coast on and that is human nature. I can see something like that happening, but there would definitely be more court coverage. I'm not sure it would be any better though. I mean it would still be 20 seconds here and a minute there. Whether you had video or a courtroom artist you are still having to tell a story in a fraction of the time.

I: The factors I asked you about are the various factors of your overall coverage. How would those factors influence your coverage? If everything were open would that give you different considerations as far as budget is concerned?

ND4: Okay, one more time if everything were open?

I: Let's pretend everything is open now and then we will look at the factors that we talked about a minute ago and see how that would affect your coverage. How about budget? Would it be considered in a different way?

ND4: I'm not sure it would. I would probably have to absorb it with what I've got. That's the nature of the business these days. The budget is tight. You don't say go in and say well I need 3 more people to cover the courtroom. They just look at you like you are crazy, so I just have to bite the bullet.

I: That would be true of staff size considerations.

ND4: It would not result in any increase of staff. It might result in a shifting of resources where I might say, "Okay I will just devote one crew to be covering courts." I might do that, I don't know that I would just to keep track of all the court stuff. Again I'm not sure that is going to serve the public.

I: You have referred to that several times about how important court coverage is.

ND4: I think court coverage is important. I'm not certain that television news is capable of doing justice to it, as it is not capable of doing justice to a lot of issues that are very complex. Just by our nature, again, we are a headline service and that's why I have never adopted cameras in the courtroom persay. Because I just don't feel that it really makes a whole lot of difference to us, the only difference it makes to us is that it makes it a little easier for us to cover it, and it gives us some television where we ordinarily wouldn't have it. I don't think it makes us cover the trials any better. I would say that and other issues are best done by the newspapers. That's their role. Even they don't do a very good job of it. That's a very simplistic point of view, I know, but I have just seen, maybe it's my changing view of my business that I see people, young people in particular, who just don't have the background or education to be able to understand the court system much less report on it. Unfortunately that is due to the economics situation of it. I don't mean to be mashing the latest generation, that's not my point. Young reporters just don't seem to have that background, and I'm concerned. I guess as I am getting older I'm seeing things from a different point of view now. More than I used to. People that twenty years ago that used to call and accused you of being biased and you are taking things out of context, you'd said the hell with you and then you would hang up on them. That's the mentality of the young journalists. You think the world is your oyster and you can do whatever you want. There is a real sense of that. As I have gotten older and hopefully more mature in the business I am seeing that we are capable of doing a real disservice to a lot of people by what we do on a day to day basis, and I think the court system, and the judicial system, particularly, makes us very vulnerable to that. The grandstanding lawyers, the grandstanding prosecutors. I have seen this happen so many times. A slick prosecutor can sucker in a reporter, newspaper or television, and they do this constantly.

I: But interestingly enough that is the argument people use who are against cameras in the courtroom.

ND4: Yes, I guess so.

I: So is it a stretch to say that it is not that a big a deal to you. You are just as happy if you're not there.

ND4: Right. I wouldn't do anything to make it too much easier for us, because I think we are the laziest industry, terribly lazy. I think the potential for harm exists already. I see it all the time. There is just no way you can capsulize a trial, any kind of trial. A speeding ticket takes more than a minute for somebody to explain. There is just no way. Are we really doing a service or justice even to people who are involved in this trial just by plucking this minute or minute and a half out of it? I'm not saying we shouldn't cover it. That's not it. I just don't think this is something that local television news is best at or network television news either.

I: Of course some people would accuse that you can't do that with anything.

ND4: I agree.

I: So it almost sounds like you're saying that television news can't cover anything adequately.

ND4: It never was designed to. The people who like to bash television don't get it, they don't understand. This has never been a medium which was for great thinkers or intellectuals or for people who really, really wanted to know what is going on in the world. WE are nothing more than a headline service for a very busy and preoccupied society that is trying to survive and scratch out a living and have a little fun with their kids. That's most of our society today. They don't want to know every little detail or everything that happens. Their life is already too complex, and I at least I have never claimed to be a part of anything more than that. But we have always been a target among the pseudo-intellectuals and newspaper people in particular, which I used to be one. That laugh at us and make fun of us, but they just don't get it. They don't understand what our role is, and barely understand what their role is. We are a supplement to print mediums. The people who want to know more will find it. They will go to their magazines, their newspapers and their books and they will find it. I don't mean to come across here as negative

against the industry. It's just that I don't think anyone has ever really understood the role that television has. We can't possibly be any more than that. There is no way, because nobody is going to watch it. And if they don't watch it you are not serving any purpose. It is easy to blame us. There is a school of thought that if we didn't do it people wouldn't be that way. I don't believe that is true. That's the chicken or the egg argument.

I: And yet legislators their argument is, you are saying that people won't watch, and legislators are arguing in general news directors want to use cameras in the courtroom as sensational drama as entertainment.

ND4: True. I'm not going to say that it isn't the case. I don't sit down here and actively plot let's go for sensational. But whether or not I had a camera in the courtroom wouldn't make any difference in that scenario. If we are sitting around deciding whether to cover a trial I would say 5 % of the decision is going to be whether or not there is going to be a camera in the courtroom. It is going to be for those factors as you say that we would use anyway. Is it sensational, is it interesting, is it bizarre or whatever? That has been the case since trials first started and the media first started covering them. You can't cover every single one of them. You have to pick the ones that based on your journalistic experience that have viewer and reader interest. That's what we do.

I: We kind of got off on a philosophical line. No, that is fine. Very interesting, but back to some nuts and bolts. What problems might you have if all courtrooms in Virginia were open to the cameras, other than anything you have mentioned?

ND4: I really don't foresee any serious problems. There shouldn't be any problems.

I: Do you think that this?

ND4: Wait a minute. I don't mean to digress . Every other news director you are going to talk to will probably be gung ho, gun on the table, first amendment rights and all that stuff. I'm not apologizing for not being that way, I'm just saying that I don't think this is the end all, be all that if someone measurably waves a wand. I think there ought to be cameras in the courtroom because I just think that it is not reasonable not to have them, and to exclude our medium from

coverage if they want to. But by the same token that doesn't automatically mean that our coverage of courts is going to be any better, because I'm not sure we are capable of it. That's why I never embark on a crusade. I think there are other more important things for me to do at least. For some people it is very important.

I: I just think this is interesting because it seems to be that this is like what the legislature wants to hear, in a way, that they are afraid that it is going to become a sensational use of their courtrooms. You are saying that it is not.

ND4: No, I don't think it will. It's a novelty. I mean you can look at it at any place where they have them. There is always a novelty involved and there will be an initial rush to cover everything that moves, and then it will settle back down and nobody will pay any attention to it. There is no use arguing about the grandstanding and all that stuff. Hell, we do that now. It doesn't make any difference whether they do it on the courthouse steps or do it inside. We get our pictures, we quote them, we send artists in there to draw bad pictures of them and we show them live saying it, so what's the difference? Now I'm saying bad pictures, we have the best courtroom artist in the world. And that is a fact, Betty Wells is NBC's courtroom artist and she lives in Virginia Beach, and because we are an NBC affiliate, we get to use her. She is magical, she is wonderful. Most local television stations draw stick people.

I: So you have used sketch artists on a number of occasions?

ND4: Sure

I: Any idea how many in the two years you have been here?

ND4: I can tell you what my budget is, so I can't go beyond that. I would say in a course of a year we use her 6 or 7 times average. And there will be sometimes like you know something every week or two months and then nothing for months, and if I run out of money there is nothing period.

I: What do you think the public reception has been? do you think that the public has recognized that something is going on in Virginia that suddenly you are the courtrooms. Let me ask you this way, what impact do you think the experiment has had on the public?

ND4: None. Not here. I don't think, first of all, that they care, and secondly they don't have any idea what is going on; and that can apply to most of the things that we think are very important. The public is going their own way. I find the things that I do, the job I do, the things that I take very seriously and I think I am doing this for the public and the viewers it is always eye-opening when you get out there and realize when you talk to them that they didn't get it. That's called barstool research and it's not worth anything. I've been in states, I was even on a cameras in the courtroom committee in Indiana, and I guess that's where I first started questioning what was the big deal about this? In a sense I do feel like a traitor but, you know, I have to be honest with you about this. I think we have far more fundamental things to be worrying about in this business, that this.

I: Let me ask you another question, ND4, just to be real frank with you. In fact, the major criticism of the news business has been, news directors are not using this so why should we extend it or expand it, or make it permanent? So how do you feel about that?

ND4: You mean in other states?

I: No, I mean in Virginia since the experiment has been under way there have been notices and publications where they say the only criticism is that news directors aren't using it enough and so that seems to say to legislators that they don't care so we won't bother with it. If they don't care enough to use it we won't extend it, expand it, or make it permanent. So what would you say to that, or how do you feel about that argument?

ND4: I think what they are seeing is the way it is going to work. We are going to be selective about it. We're not going to go running down there every day to cover every little mickey mouse trial. What they are seeing is that it has been here for a couple of years now and they are seeing exactly how it's going to work in progress. It's only in one courthouse. How many great trials can one have? So it is not accurate for them to say that there is no interest. Of course there is interest but Virginia Beach has maybe 3 or 4 interesting trials a year and we go to them. That's all we have access to so I think that is a bogus argument.

I: You are saying that you go to those interesting trials now and you would go even if you weren't taking cameras?

ND4: Probably. As I indicated earlier there might be an occasion where we are on the fence about covering it, that fact that we can get in, might make a difference. How they are seeing this is how it is going to be used and practiced. Remember if this is a blanket opening of courtrooms all across the state then you are going that's time a thousands of what is going on right now. Talk about interest. When you only have and you only say, "Well in each market there will be only one court open, and we will not down there every minute or every day, and they say you're not interested in it, that's bogus.

I: Let's put this into one neat little package. I know you have referred to this several times. What considerations do you look at when you decide whether you send reporters to cover something important regardless of whether there is cameras or not?

ND4: The big word journalism with a capital J. I prefer to think of that more as putting myself and my experience over the years of trial and error, what kinds of stories will people likely be interested in watching. And you can say that means you will only cover the sensational ones, but why else would you be covering a trial? If you are going to some kind of special criminal situation by the spirit of nature crime is sensational so covering the adjudication of that crime is a logical extension. So I am going to put myself in the place of the viewer, the interest of the story at the time, and that's another reason why it is hard to, with all the young people who come and go in this business, we have no history, we have no memory, myself included. I have been here for two years and if someone comes in and says the Spike Smith trial starts today; and I go "What's that?" Well, he killed this guy down on the beach back in 1984 and it was a big story at the time. How do I know it was a big story at the time? And I am likely to blow that off because it doesn't mean anything to me, but if I remember a crime that happened while I was here then I am more likely to go cover that. I am going to put myself in the place of the viewer, who cares and why? If it's a civil trial that affects people, utility rates and things like that, that's one reason why you would cover a trial, but that's a two hundred year old process that journalists go through. It's a very inexact science. I think we do too much crime, trials included. And I don't think it has too much impact on people except to impress the hell out of them.

I: Like this story I was listening to last night. This woman was chopped to pieces.

ND4: It doesn't affect people except to impress them. I think it doesn't serve any purpose except to entertain. Maybe that's the nature of this market to impress them with violence.

I: I think there are all like that anymore. Even in the small area I'm from, the Tri-Cities area, there used to be a murder a year anywhere in the region, and now every weekend. So you don't see the type cases changing even if you had total access of what you cover? Then you still cover pretty much the same thing?

ND4: Yes, with the addendum that we might be more likely to cover civil trials, complicated civil trials. Somewhat more likely, because that would help us to explain it a little bit better. To actually record it, and go back through and listen again to what someone said about utility rates or something. We use a tape recorder for back up.

I: Any cases that you didn't cover that you might have covered had you been able to take cameras into the courtroom?

ND4: Definitely, but I couldn't list them for you. There is going to be cases like that. As I said, sitting on the fence, should we cover, shouldn't we cover? And someone says well we have a camera in there, we more likely will do it.

I: In an overall sense, with or without cameras, are there any cases that you would not cover?

ND4: Probably any kind of, you know, like the whole thing going on right now with the Kennedy clan down there, rape cases. I'm not sure what kind of restrictions would be put on that, but we probably would be very careful about covering that. Anything to do with children. Where we weren't restricted we have to be very careful with the censor ourselves in certain cases, but not too much.

I: The final question. Is there anything else that I didn't ask you about, any thoughts you would like to share?

ND4: You've picked my brain on the topic.

News Director 5

I: I've got all kind of questions that kind of jump around over the gambit of the whole issue here. For starters, how long have you been here?

ND5: I have been in this market for almost five years. I came in late of 1986. I have been news director since December of 1989.

I: The first question is, how valuable is the cameras in the courtroom experiment been to you as news director?

I: I think it is incredibly valuable. I think that we have a wonderful opportunity to tell really good stories by being in the courtroom with cameras. I think that is something that should be open to all programs at all times. That's part of the process, that's part of the public's right, to know, and need to know. A lot of the public doesn't get to court, they don't have the time, they don't have the opportunity, and sometimes not even the inclination. So it is incumbent upon us to present them with those facts and that material. I find it very important.

I: And how adequate would you say your overall coverage of the courts is?

ND5: It would be much better if we had cameras in the courts. If we had a real setup where we had video cables already run into the courtroom where we could just walk in and plug in. If something were understood that this was going to happen every time you would be able to prepare for it better. As it is even when we go to Virginia Beach for Circuit Court we have to be very careful about running cables here and there and making sure it is all set up. In the courtrooms where we don't have cameras in our coverage is weaker. After all television is all about pictures.

I: How has your access changed your coverage of the system?

ND5: In Virginia Beach it has made it easier and more difficult at the same time. It has made it easier in that we can get into the courtroom and actually see the pictures going on and we don't have to have a courtroom artist draw it and then guess at how it looked. At least we have the pictures there. What has made it harder is that there is more coordination required because as the coordinator I've

got to talk to the other news departments in town and found out if they are interested in covering the same thing we are covering, who needs a camera in, and I've got to respond to their requests for cameras in court. And then there is a fair amount of technical setup you have to do with cameras in the court so that part is more difficult than normal.

I: So would you say that your coverage has increased?

ND5: No, I would say it is about the same. The problem is there are a certain number of cases you are going to cover regardless. If you can get cameras in fine, if not fine. You are going to cover them anyway. I just think the best way to cover them is with cameras in the courtroom. But I am not going to pass on a murder trial in the city of Norfolk simply because I can't get cameras in. I am going to cover it regardless. Our coverage has stayed the same, our coverage has probably increased because there has been more cases to deal with, more high interest cases.

I: That has been the most depressing part of this whole trip around the State is all the horrible crimes.

ND5: Yes. We deal with an awful lot of violent crime down here, and kids who have killed, parents who have killed, and lovers who have killed, drug stories and drunken driving. It is incredible, it really is.

I: So basically you are saying that any increase is because there are more cases not because of the cameras? Now just a few factors that I want to ask you and how they influence your court coverage. Budget?

ND5: It is more expensive for me to have an artist in the courtroom than it is to do cameras in the courtroom. If we do cameras in the courtroom we do it as a pool arrangement and we divide it up between the three stations. If I have to cover something with an artist in the courtroom it costs me a \$100.00 a day for equipment, so that makes it more difficult for me budgetwise. If I have to pay a courtroom artist a \$100.00 a day and a trial goes on for three weeks and you have to have an artist ten of those days you have spent a chunk of money. Depending on the case if we are cameras in court, in Virginia Beach, it might cost money to cover that, more than I planned. Essentially my budget allows me to do whatever I need to for basic news coverage, so courts isn't a separate item for me. It's not a line item in my budget. It's just part of my normal coverage.

I: Staff size? How does that influence your coverage?

ND5: Well we haven't increased or decreased because of cameras in the court. We are the largest newsroom in the market. We have 60 people on our staff. So I have more people to play with to start with so it makes it a little easier for me.

I: How about the geographical area influence your coverage?

ND5: That's a real problem. That's the biggest problem we deal with is deciding which stories we are going to cover. Some of the critics with cameras in court here say the problem is that you only cover the sensational stories. In a sense they are right. We only cover those stories that are high interest and we know will be interesting and that will be of appeal to those people who watch us, and are important stories. The problem is that you are dealing with about 10 different court systems in this general area, and that is a nightmare, because one day you may have a great court story in Virginia Beach and a great one in Norfolk, and great one in Suffolk, in Hampton; you could have potentially have 10 court stories to tell in any one given day and maybe you can only get to two or three or one. That is the biggest problem with this geographical area is that it has so many different cities and jurisdictions that you've got nothing cohesive.

I: How about the courtroom facilities? How do they affect your coverage?

ND5: None of them are prepared for cameras in the court, so that's a problem. Virginia Beach is building a new courts complex that will be camera friendly. They are installing video cables and the whole bit. They have asked us to part of putting that together, so all the new courtrooms will be capable of having cameras in. They are actually making it ready for that.

I: When will that be finished?

ND5: Sometime in late 1992. They really have just started it, but it's a whole new courts complex. Very fancy, high tech.

I: That's fascinating that they are preparing for that and yet the Legislature seems like they are dragging their feet

so much, so who made the decision to build this courts complex?

ND5: Virginia Beach. I think there are a lot of supporters in Virginia Beach for the judicial system in this. They realize that it is one of the possibilities, and one of the things that they are talking about doing in several of the areas down here, that they are doing in some states like California and Florida, where they are doing a lot of trials. Doing traffic court trials via video tape. You know where the judge is on camera and the defendant is on camera and they never meet. They never see each other. They are preparing for that is one of the things they are going to do. They are going to make it as high tech as possible. So I know that was in discussion when they first started putting the blueprints together, to include cameras and cable.

I: You have already mentioned this, but let me ask you again. The pool arrangement, how does that influence your court coverage?

ND5: It has a couple of affects. One is that I am the coordinator for coverage in the courts, and what I hate is giving my competition a lead on something. We tend to be pretty well up on what is going on in the courts. So when I make a request for us to put a camera in I have to tell both of my competitors and I have to tell them what the case is. I have to say it is something, something versus X. Now I don't have to tell them anything more about the case and I don't. In fact a couple of times I have been pressured by one of their assignment editors "what's that case?" "I'm telling you who the principals are that's it." That's not my role. My role is simply to say X station has requested cameras in court for X case. That's all I tell, and how it has affected us is that we tend to be the most concerned about making sure the cameras in the courtroom works and while WAVY has some interest they are not always as up on what is going on. WVEC seldom, if ever, joins us as a part of the pool arrangement. What happens is that when I request cameras in the court I'm generally the one that knows that there is a case coming up and I make request for us to put our camera in. I contact WAVY and WVEC and then I say we will put the camera in the first day. WAVY will also work with us and we can always rotate around. Getting WVEC into the act is a very difficult thing to do.

I: This may not be my role, but that's interesting, because Mr. Cassidy is very new there, and he seemed very confused about the whole pool system.

ND5: That's true. They have a lot of newer people over there. They have a lot of turnover in that station. Dave's been here about a year, so by now he should know enough about it not to be so confused. Maybe I need to send him a little primer on it. But it is a problem because I call in and say here's what we are going to do and they seem to have no interest in it.

I: Just off the top of your head, what cases can you remember covering, besides the deal one.

ND5: Certainly the Diehl case. A case of a woman named Deborah Wilmoth who was accused of killing her son-in-law in their fancy Virginia Beach home. She was weird. We've done a couple of drunken driving cases in Virginia Beach.

I: Involving vehicular homicide?

ND5: There is no vehicular homicide in Virginia Beach or in Virginia, it's vehicle manslaughter charge or injury. The most recent case we did in Virginia Beach was one of the fellow who was accused of killing a man over marijuana and also shooting that man's roommate. That man's roommate was paralyzed and they had to haul that man into the court in a wheelchair to testify that way. Pretty high interest case. That was just a couple of weeks ago.

I: Which won't show up in documentation. Tunis was the drug case?

ND5: Yes, that was the one I was just talking about.

I: Julie Benegar, is that one that you mentioned?

ND5: No, the one I mentioned was Tunis. The Benegar case was a murder at a motel. Three young kids murdered a night desk clerk.

I: And then somebody mentioned a woman accused of murdering somebody with a drug.

ND5: Oh, that was the Housinon trial. A woman accused of murdering someone with an injection.

I: So that looks like about 6 different cases you have mentioned.

ND5: Yes, I'm sure there are more and Danville will probably be able to have more on it. I'm trying to think if I asked him to go as far back as March, I'm not sure I did, but it will be easy to do because it is all on computers. We can find it quickly. I sometimes keep loose records on trials we cover. I don't think I have anything here. I am trying to think of any other high interest cameras in the courtroom cases right off the top of my head. There have been a lot of other cases we have covered that have been in court where we couldn't have cameras. The hearings on Sean Novak, who is accused of two murders.

I: Now here is where we get to the thing that you are doing today. Have you programmed any extended court coverage, and that means outside of your regular newscast?

ND5: Only in the Diehl case?

I: What did you do there?

ND5: We actually took a fair amount of testimony live for programming. We broke programming to bring live closing arguments in those cases. We also broke programming to bring live the verdict in those cases.

I: Here's the one for today. Have you scheduled any special programs. I guess that's not a program either. Yes, I guess you could say that, any special programs relating to courts?

ND5: Yes. For instance, today we are doing a story that revolves around a CBS prime time show called "Verdict." It deals with cameras in court and court cases and we are certainly doing that today as a tie in at both 6 o'clock and 11 o'clock news.

I: I want to ask you a question about the CBS show. It is based on actual trials?

ND5: Yes, indeed. We have done a fair number of stories about cameras in court for our newscast. We have never done a particular show.

I: So what kind of form would those take? Interviews with attorneys and judges?

ND5: Yes, interviews with attorneys and judges, and some defendants probably if they are willing with coordinators like myself, with news directors, journalists.

It can take a lot of different forms. The story we are doing today we are dealing with attorneys, judges, and myself.

I: Let me see if I have them all. Special programs, yes. Live coverage, yes. Gavel to gavel coverage?

ND5: We have not done any gavel to gavel courtroom coverage.

I: Do you know if anybody here has, cable systems or anything like that?

ND5: I don't think so. There was talk that they might, but I don't believe anyone ever did.

I: We are going to go back to those factors again, like budget, etc. and pretend that the Legislature is going to come along this year and say okay everything is open, so what would that do in considerations of where your budget is concerned?

ND5: Well, it would save me several thousands of dollars a year in courtroom artists. That would be the major effect on my budget, because everything else would fall into regular coverage.

I: Staff salaries?

ND5: It would not increase or decrease in this instance.

I: Geographical coverage area?

ND5: It would make it a lot easier to get to the cases we needed to get to, and a lot easier to tell the stories we need to tell.

I: Courtroom facilities?

ND5: It would, certainly Virginia Beach is on track with creating a camera friendly environment, and that is going to be a big problem solved. If we are allowed in other courtrooms as well we would go through the process of making sure that we knew how to wire those up quickly or to actually put someone in there permanently. We would make that attempt, otherwise it is a kind of a mess.

I: Pool arrangements? If everything were open would you change it?

ND5: No, we would continue with it. If you have 3 stations you are interested in the same story it doesn't make sense not to pool because you all are going to get the same video anyway. So instead of making a circus you only do the one camera. What would be nice is if you got into a case where 3 different stations are interested in 3 different trials in 3 different cities and then you not only pool your camera in each of those courtrooms but you pool between the three of you, you send 3 to one courtroom, 10 to another and 13 to another and you would still pool it. Suddenly you have created for each station 9 cameras instead of 1. So that's a good deal.

I: So, in these dream scenario here, can you think of any other problems you might have? Complications?

ND5: Probably the biggest complication would be the coordinators for cameras in court would be busier than ever. I think that would be the single biggest complication. You are going to have complications with the defense attorney who will argue that the presence of cameras will be detrimental to the case. Generally the judges don't put any merit in that and say sorry the trial goes on. I would expect that would continue to be the case of the argument that we can't do this because, and the judge saying sorry but we are going to do it so buckle your seatbelts boys it is going to be a bumpy ride. I think that we would not see a whole lot of trouble.

I: How much impact do you think this courtroom access has had on your coverage?

ND5: I think a lot. I think the public expects to be able to see pictures from court because they see it from so many other places. You see pictures from the Klaus Von Bulow trial. We will probably see pictures from the William Kennedy-Smith trial. We see so many pictures from trials across the country and even from around here. I think the public has become to expect it. Courtroom stories should be told with cameras there rolling. How come we can't see that? Certainly the Diehl trial being the first example to be seen here, to be able to see Defense Attorney Paul Sutton taking a piece of wood and slamming it down on the witness stand and is this how you hit this person? Nobody forgets that, and I think the public has become to expect it and they deserve it.

I: So do you really think they understand what is going on? You said you have done some coverage about it.

ND5: No, I don't think so. I think they are confused on why some stories are told with the camera in and some told with sketch artists. I have had people ask me when I have gone to do speaking engagements well how come you didn't put a camera in that trial, it was a good trial? You have to back up and say "well, why don't you write your legislator? Because they expect it and they are confused as to why they see drawings sometimes. The ones who know better and stay more in touch say "no cameras in the court, they really ought to solve that problem." I think the general public, no, don't realize it.

I: What considerations are generally involved in deciding whether to cover a case period?

ND5: Importance of the case. Gravity of the case.

I: What do you mean by gravity?

ND5: If it is a case of a teenager being accused of killing two young kids. That to me has more gravity, more serious case than one of your kind of a run of the mill murder in one of the projects because of a drug deal going bad. A lot of those simply go uncovered. So importance, gravity, interest. What the possible results are.

I: Another broad question. Just what kind of stories would you like to do more of?

ND5: There are some civil things. In fact, we have covered some civil things in Virginia Beach now that I think about it. They are dealing with the issue of the Lake Gaston pipe line from Lake Gaston, North Carolina all the way to Virginia Beach. We put cameras in court for several procedural items in that case. It isn't quite resolved yet. So that's one instance in which a civil matter was taken place and settled in court. I would like to be able to do more General District Court kind of things. Traffic court, minor crime stuff. You can get some good stories out of that stuff. A lot of investigative work could be done. We recently covered a case in North Carolina which has cameras and equipment. In fact we have covered several down there with cameras and equipment. The last one we covered down there was a murder trial. It was of very high interest, and we were the only ones who covered it.

I: Why did you cover it?

ND5: Because it is in this market and it is a part of our ADI. We take in all of the outerbanks and all the rest of northeastern North Carolina is our viewing area. All three stations have that area as part of their ADI.

I: So there setup is that you just go down there and go right on in.

ND5: That's correct. We do a pool arrangement down there. And there is another case we have been following down there, it deals with accusations and molestations in a day care center. We have been following that one and we have cameras in court and we did a lot of pooling with cameras in court with PBS's "Front Line." Quite a lot of stuff. "48 Hours" a few days dubbed one of our tapes. Civil trials would certainly be interesting if for instance if we were open to being in Federal Court we would be following a lot of civil actions. Civil rights trials and lots of good stuff.

I: Let's see. July 1 is Federal civil courts are open where does that stand?

ND5: I don't know where that stands now, I honestly don't.

I: I read in the newspaper the other day where some judge was confused and he let people in early.

ND5: I think that was the plan and I don't know whether it has actually worked out that way or not.

I: I guess it is just in a few locations.

ND5: It's not everywhere, it's just a few locations. We are not one of them.

I: I'm glad you mentioned that about Edenton because I read about that yesterday and just assumed that it wasn't a cameras in court story. Did any other stations use that privilege too?

ND5: Well they couldn't use the stuff we did with "Front Line" because we did a deal with "Front Line" and we shared tape and that was exclusive. Both stations have

shown very little interest in the Edenton tapes. We are the ones who broke the story.

I: Would the type cases you cover change if you had total access?

ND5: Yes. We would cover more civil trials. We spend more days where we actually would go to, say General District Court was open, we would spend more days where we would actually go to General District Court and just let the camera run for a while and just see what we get. We would do more cases, we would deal with more personal injury type cases because those are important to people. The bulk of people who are out there don't deal on a daily basis with murder cases. They don't affect their lives other than they are aware that they are happening and gee isn't that tragic. What really affects people everyday lives is traffic court, divorce court, civil rights cases and those type of things. Burglary charges, robbery charges, all the little stuff that goes on in General District Court. You know, the original charges that happen there.

I: Any cases that you did not cover that you would have covered if you could have taken cameras in?

ND5: Oh yea, Any case in Norfolk, Hampton, Newport News, Chesapeake, Suffolk, Williamsburg, James City County, any case in Federal Court, you name it. If there is any case in court I would rather have the camera in. In Virginia Beach we have put cameras in most cases that we wanted to be a part of, however, there have been days when we have known about the court story, we have opted to do reporter and a courtroom artist instead of putting a camera in there because I didn't want to tip the competition on what was going on.

I: That's what I was wondering about when you were talking about (tape stopped so I didn't get the question or the first of his answer).

ND5: So we let them cover us a lot because we were so busy with war-type things down here. I couldn't spare somebody all the time to go out there, so we relied heavily on WBBJ to do our slide shots.

I: Any cases you just would flat out not cover?

ND5: No! I don't think so. There certainly would be an argument from other news directors and even people in my

shop, heated arguments, that we would never cover a rape trial. Never say never. We might. I think that the rules on even rape trials are changing and there are people who would say we would never cover trials involving juveniles. That's not true either. A lot of molestation cases involve juveniles. We might be in a situation where children would be testifying by a close-circuit camera rather than having them in court, so we might see that. As a matter of fact, I suspect we will in North Carolina. I've been part of coverage like that in Troy. I set up the equipment coverage for the New Martin Pre-school molestation case several years ago, and that's how we did that it was close-circuit and we certainly covered the story by cameras in the court.

I: Finally, is there anything else you would like to say?

ND5: I feel strongly that in a competitive business that the coordinator should probably be someone other than someone in the news department. It probably should be a newspaper person or a radio person, but not a television person. I think that if it is going to be set up to be fair that is the only way to do it. It's hard but I always maintain my fairness now, but it is hard some days because you just don't want to let them know. Like you say, it has created a couple of cases where we have actually done court room stories without benefit of cameras in court when we have actually had that opportunity simply because we have tried to avoid letting our competition know about the story. If you are better at something you don't want to give it up. That would be my preference to be able to call a cameras in court coordinator and say this is ND5 Mitchell of Channel 3 and we would like to put a camera in this court, on this day, for this trial, and get a thumbs up from them and not have to notify the other guys in town.

I: And then if the people contacted that other person then the pool arrangement would work.

ND5: Correct. I think that would be the best way to do it.

I: Since you are so articulate, I'm going to ask you something else. What would you like to say to the legislators on the topic?

ND5: I would like for the legislators to understand that most of them are defense lawyers and that even though it is probably contrary to what they want for their personal cases and for their clients, they should make every effort

to do what I think is the right thing, and that is to supply the public with what they need and what they have a right to know. I think that they will find that courtroom stories are much better told with the direct access of cameras in court. There is no fuzzy area in reporting when you have a camera in court. What you see is what you get. You don't have a courtroom artist, you don't have interpretations of things, brought out by reporters, you don't have the opportunity to screw things up so much. It is a much more straight forward presentation. I think that is important to the whole issue of cameras in the courtroom and certainly with the coverage.

News Director 6

I: How valuable is the current experiment to you as a news director?

ND6: It's so new. My first impression is that nothing much has happened yet. We have a big trial coming up in Virginia Beach. Shawn Novak, a kid who's been certified for trial as an adult. he's been charged with killing two youngsters. I'm only vaguely aware that there will be some limited camera in courts for this upcoming trial and I'll be really fascinated to see how that goes. This one is even more touchy in a way because he's a juvenile and normally we wouldn't show any juveniles. That's been an issue in the broadcast community. But every news media used his name and picture because of the grotesque nature of the crime, so it will be pretty easy to use his picture while he's in court. By the same token there has been almost unbelievable sensitivity in efforts to block us from getting his picture by the authorities in Virginia Beach -- to the point where one of my photographers told me one day, they literally raced through a breezeway, trying to shield him. I think they're concerned the publicity will mess this up because it's so ... well, two youngsters, seven and nine killed by another kid -- a seventeen year old in the neighborhood. That's about as awful a way to lose a child that you can imagine so there's incredible public awareness of it, horror about it, revulsion, and a lot of that is being taken out quietly in the idea they ought to hang that kid from the highest tree. So, I guess they're nervous because of the sensational aspect, and I'll be interested to see what we really get for this camera in the court thing.

I: Who is the coordinator for the broadcasting side here?

ND6 This was in place before I got here, and again, I'm only vaguely aware, but Jay Mitchell, news director at WTKR is the coordinator for the TV stations. Somehow, he either volunteered or was chosen to be point man for this area. That's my rudimentary understanding of how this is working.

In one other trial and I can't tell you which one it was, Channel 3 had ... and if the trial had gone on long enough, we would have taken charge in rotation with other stations, making camera footage available to other stations. That's about all I know about it. But it would be silly to have three cameras side by side, shooting the same picture. Television has an obligation I believe to be smart enough to say, OK, one camera beats three.

I: How adequate is your current overall coverage of the courts?

ND6 I don't think it's very good at all. Television is so much a picture driven medium that being in a situation where it is virtually impossible to get pictures, it limits your aspirations to cover courts. I don't excuse that because it's kind of a weak rationale, but I think it's human nature almost, if you are by the very nature of the setup excluded from getting the one thing you need to visualize the story, and that's at least partially what television is about, particularly in a television market where ... I have a staff size of 44 which isn't the smallest, but certainly not the largest, I've got about eight daily reporters that I have to assign to beats, and I can assign someone to Virginia Beach City Hall and they can get in and out and get pictures of the meeting and get the interviews they need to tell the television story, and if I assign someone to the medical beat, they can get in, in most cases with permission and get pictures of surgery in the hospitals, and talk with doctors. I assign someone to cover courts, and I am basically saying to that person, you are starting with one hand behind your back because you don't have access like the city hall reporter or medical reporter, or even police, and they're not always easy. You are going to have to try to do television without one of the major tools, without pictures, and we may get a courtroom artist, but it's not the same.

I: How often do you get courtroom artists?

ND6 Oh, if there's a major trial we do, but the trial has to be almost huge for us.. and I don't think anyone argues that an artist is as effective as courtroom video. It's not very compelling television, so we use them when we need them, but it has to be a really big trial.

I: I know you haven't been here very long, but in your experience here, has the access changed coverage of the court system in any way.

ND6: I really don't know how to answer that. To use the Shawn Novak case, we would cover it regardless. We've been covering it since July. If cameras were allowed in more routinely, we'd be more apt to cover and try to explain less sensational and valid cases. Now, it's just not worth the investment of time. A newspaper reporter can go in with his pen and pad and do just as compelling an article, and my people can't do the same thing, and it limits the chance of

getting intelligent coverage of something that, Lord knows, could use some intelligent coverage.

I: So, you're not aware that coverage has increased.

ND6 No. I'm not aware that it has. I'm not aware that we've done very much at all, but I don't know how that compares to the previous level of coverage. I can put you in touch with people who have been around longer for other ideas on it.

I: I want to ask how some factors influence your coverage, even though you've mentioned staff size and others, but let's start with how budget influences your coverage.

ND6 As funny as it sounds, to try to get a really good courtroom artist... Right now, I'll send a reporter and a photographer unless it's something massive, a two person crew goes out on a city hall story or police story or any other institution or beat. To do anything intelligent on courts, I have to send a three person crew, a photographer to stand in the hallway to wait for a remote possibility of moving video, a reporter, and a courtroom artist. Well, that's a third more cost. That becomes a factor after a while. If we really wanted to cover courts, we'd have to have almost a full-time artist on staff and I can't make the argument to my boss that it's feasible for a forty second story. Maybe they can get away with that in a New York or Chicago, but I doubt it even there. That's such a specialist and even if you do it only occasionally, on that day's story that's a third more cost in manpower and salary.

I: How does staff size affect your coverage?

ND6: Again, staff size affects it in that I've got ... I'd love to have more people to cover more beats, particularly in a television market like this where there are Virginia Beach, Norfolk, Hampton, Newport News, Suffolk, Chesapeake. . . all of these are good sized communities. We are not dominated by a single city center like Richmond. This is several cities. My daily challenge is to try to give them the time to go out and make contacts and get intelligent news stories in a whole bunch of different communities. But, I'm much less likely to say to Joe, to go spend a lot of time in courts because we're not going get any pictures. With a limited staff size, I've got to have Joe get me a story today, or work a beat that can deliver stories, and the courts will not do that.

I: How about geographical coverage area?

ND6 Yea, this is so difficult because it's so many different communities. The same thing would hold true if I were in Richmond with the staff size I have here, although I guess they have to decide among the various beats in Richmond which ones are the most likely to produce television stories. I would bet the same thing would hold true there or Cincinnati or wherever. I could have a reporter sit on set and tell people what it's about and use file footage, but it isn't the same as access, even controlled access, to have something to explain to people through words and pictures to explain what's going on.

I: How do courtroom facilities influence your coverage?

ND6 Other than facilities that don't include access with cameras, I'm not sure where to go with that. Courtrooms aren't designed to be mini television studios and I'm not suggesting they should be, but neither are city council chambers or many other places we shoot. With proper planning, the courtroom could be as accessible and we could be as unobtrusive as we are at city council meetings. In many situations, we are basically assigned places and I'm sure council members would sometimes prefer not to have their remarks recorded, but the system there is that they have to accommodate cameras. No such agreement has ever been reached in courts.

I: The existing pool arrangement?

ND6 I have so little information on it. If it works, it ought to be that just one station shoots and provides video for the others.

I: Other than the upcoming Shawn Novak case, where you expect to be present, do you have knowledge of other cases your station has covered with cameras?

ND6 No. Again, I'll get you someone who knows more.

I: Okay. Now, hypothetically, if the legislature in the upcoming session should just miraculously say, "Okay, we're going to let cameras in everywhere on a permanent basis," what is that going to do to you in terms of budget and staff size etc. We'll take one at a time. First of all, budget.

ND6 In terms of budget, I doubt that I'm going to be able to add people. What I would be doing would be reallocating people I have now, saying here now is a beat, an entire area of government we now have access to. If it were happier economic times, I might make a case to my general manager that I need more people, but that's not going to happen.

I: Staff size is the same thing?

ND6 Yea. It's trying to move my staff around.

I: Geographical coverage area?

ND6 I would probably try to assign a court reporter to touch base with the major municipal courts in the larger cities here.

I: The pool arrangement?

ND6 If it's set up the way I think, it would be less cumbersome and something everybody could live with. Jay, at his station, might say he'd like to cover a certain case. I don't know if all three stations have to want to cover it in order to get cameras in, or if only my station did, we'd have to make video available to everyone, but I'm sure we could work it out.

I: I everything were open, what about courtroom facilities?

ND6 Unlike city council chambers where there tend to be open areas on the side and in the back, most courtrooms tend to be a lot more like churches, so you'd have to, on a case by case basis, work out a way to do it, per courtroom. Nobody's suggesting that cameras be in jurors' faces, so you'd have to be smart enough to figure it out. And nobody's suggesting you spend a lot of taxpayers money redesigning or rebuilding courtrooms to accommodate cameras. I've been in other states and other stations where the stations provided the lights and came in and did the work to set up for cameras on the theory that it wasn't the public's responsibility, but something we wanted to do our jobs better, so I'm not suggesting we shrug our responsibility.

I: Imagining this situation overall, are there any problems you foresee?

ND6 If everything were open, including minds, I don't think there's be any problems any more than there are times now in

difficult situations on city issues or other things where someone will say, "Why do these cameras have to be here?" That human nature factor would come in to play, but if it were understood that this had ben legislated, we would have to be very sensitive to feelings, but they'd have to understand that that's the way the game is to be played.

I: What impact do you think this access has had on the public? Any idea that the public knows what is going on?

ND6 I doubt it. For one thing, it's so new here.

I: When you're deciding what to cover, what are the considerations involved?

ND6 I start with, "Is it interesting?" On some level. And part of that interest is whether it's important.

I: How would you define what is interesting and what is important?

ND6 Well, certainly, a criminal case like Novak where two children are murdered is important because that is not supposed to happen. Today, we're covering a grand jury, or maybe tomorrow, when they talk to witnesses of this tape of Lt. Governor Wilder's telephone calls and how the tape got to Senator Robb. Well, that's interesting. It's public figures and a possible illegality. If cameras were available, we could do a better job of explaining how the judicial system works. Cable systems show city council meetings sometimes and for those who bother to watch, they have a better understanding of what city council members do -- better than before that technology was available. And it's happening on virtually every cable television system in the country. Similar thinking hasn't invaded the courts. Congress has accepted it--at least the House. I don't know about the Senate. Local governments have generally accepted it. Not all court systems have.

I: What are common characteristics of trials you are most likely to cover? Criminal seems to come up more.

ND6 Sure. Criminal.

I: Well, what would make you cover a civil case?

ND6 We covered a civil case, well, a riot is how it was described, at Greek Fest, when a black fellow wound up suing

the police in court, saying he was beaten unfairly. We covered that.

I: Why was that covered?

ND6 Because it had been a huge public issue about what happened out there, and the best discussion of it turned out to be in civil court. So, that was the best way to examine that ongoing public issue. Courts is where we're fighting a lot of our battles these days. You'll find civil cases addressing health care and a lot of things. To some degree, the conflict in civil court is a way to examine what is working and what is not. But the issues aren't being covered on television because we can't be there. If it's big enough like the Greek Fest, we'll be there anyway, but whether we can take our cameras sometimes can make the difference.

I: Would the type cases change if you had more access?

ND6 They might be broader because any time you have . . . we don't go looking for them now because of what I've said about lack of access and lack of pictures. I don't send someone to find out what's going on that's interesting in the court system now because of lack of pictures. It's as simple as that. I have a medical reporter whose job it is to come back with medical stories and if we didn't have pictures, we'd have fewer medical stories. It's really that simple. You're told people don't care about the courts, but people tend not to care about things they don't understand.

I: Any cases that you did not cover that you might have covered if you could have taken cameras into the courtroom?

ND6 I don't know of any.

I: Any cases that you would not cover, even if you could take cameras into the courtrooms?

ND6 I guess the easy answer is "no," that there isn't anything that we absolutely would not cover. I think in rape cases, child abuse, you can cover them, but you'd have to have extreme sensitivity about what you would show and what you would not show. I think that to some degree, in any case, you have to make a decision about whether emotion is excessive. You wouldn't want to exploit a situation. I would want to show the same sensitivity in court cases that I would at a fire where someone's house is burning down, or where someone just burned to death. We try not to get in

those people's faces and we'd do the same in court cases. But, other than that . . .

I: I guess the general public feels that TV news operations aren't as sensitive as what you've just described.

ND6 I know. But this one, the company I work for, tend to feel exactly the opposite. Part of the reason is the public perception that we're such grief mongers. I think we have to go out of our way to avoid doing that. If that's the image I carry, the best I can do is not do that so much to erase the image. If that's something people believe, we'll never erase the image entirely. I don't like doing that, but I can try not to be that kind of monster.

I: Anything I haven't asked you or any feelings you have about the issue you'd like to talk about?

ND6 I have emotions and feelings about it. I've covered cases where judges have tried to ban cameras, not just from the courtroom but from the floors of the buildings and in some cases from the sides of the streets. It's nothing personal with those judges, but part of the problem here, in my experience, has been a system in which the individual personality and/or arrogance of judges has been allowed to run people off -- out of buildings, to another side of the street. Are you going to tell me I can't take pictures of my children at the beach? At what point does a judge's authority, that the judge is the master of all he surveys, conflict with some public interest and right to know how the system works. And if there are problems with the judicial system, what better way to protect your turf than to keep public access limited? I'm not saying that's a conscious decision on someone's part, but it may be part of it because there are a lot of problems and a lot of aspects of American life, and one of them is probably the judicial system, and if my interest is to maintain the status quo, then I don't want a lot of people around with cameras and asking questions. I want to be left alone. And I've run into a lot of judges who basically have had the attitude that "I'm the judge and get out of my face. You're bothering me." Not defendant's rights or prosecution's rights, but this is my turf and I've got the robes and you don't and get out of my face. I think that kind of public arrogance of people in public positions is no longer something we should tolerate. If we show that arrogance, someone ought to complain.

News Director 7

I: Of course we are going to be talking about the coverage of the court system in general and cameras in the court and the experiment which you are familiar with. In fact, let me first get you to talk about, you were saying you were the coordinator, let's talk about that.

ND7: Okay, since I guess about middle of 1987 I was appointed coordinator of the Caroline County District Court. That was one of the four original local courts when this was started in 1987 Bedford Circuit, Virginia Beach Circuit Court, and the two general district courts Caroline and Charlottesville, and of course we had the Appeals Court and the Supreme Court. I was in charge of Caroline. And I guess it was two years later in 1989 when we added Henrico and I was asked to do Henrico as well. The reason we did Henrico was because there was some feeling among the broadcasters and legislators that the Richmond area was being ignored and we needed to get a court there. Last year, in August, I resigned from the Henrico Court because I was named news director, and it was just too time consuming. I am still in charge of Caroline County, and we just got a new judge in Caroline County. Just when I got the judge broken in they appointed a new judge. What is the name of the judge in Caroline County?
Judge Peyton Farmer. I have not talked to the new judge. I just haven't had time to do anything in Caroline County. And that's where we are right now. I am still in charge of Caroline and obviously Henrico is going to be up for grabs for someone to do. I have the sneaking suspicion that they are going to call me.

I: And, you said earlier that it really took a lot of time.

ND7. It depends on the courts. General districts courts are not that bad. There is an initial time commitment because you have to go up and meet with the judge. The general district judges tend to be a little newer, a little less familiar, they tend to be in rural areas. They hardly ever see a camera. But, once you get the initial meeting over it's not as time consuming. The problem in larger courts like Henrico, there are so many cases, and the way they have it set up is that if one person wants to get into the court room then the coordinator has to go through all the paperwork, make sure it's good, make sure it is filed in time, notify the other press. Then you have to be there

that day to make sure everyone has signed a form. Henrico requires a form that other courts do not. I will give you a copy. Everyone has to sign that. Basically it just explains the rules and says whatever photographer is in there that they understand the rules.

I: So you actually have to be there?

ND7: Yes, because of news directors. I am very critical of news directors because they have done an awful job in these for the most part. I think the worst offenders, quite honestly, is the Norfolk area. At this point, I don't think news organizations, I have mixed feelings, we belong in the courtrooms, we should be allowed in the courtrooms, but I understand the reality. The reality is that we have to prove ourselves to the legislators, and news directors have not done that. They have really done an awful, awful job of explaining the laws and the rules to their people. For example, Wayne Lynch, who is a coordinator; there was an episode five months ago where he had one of his camera people walk into the middle of a court session. He was supposed to shoot it, and he wasn't dressed correctly, and the judge stopped it and yelled at him, and this is a judge who likes us; whom I had spent two years cultivating and this one episode will probably ruin. It was an episode where Wayne just didn't explain to his people what you really need to do. Wayne just doesn't go down there at the beginning of each trial like I did, and that will hurt us. The news directors down the beach are just awful. They expect only to go in when there is a sensational trial, and they are not in there for other times. That is what angers judges more than anything else that they only show up for the sensational trials.

I: But some people would say that they are the ones that will be covered regardless. That newspapers will cover them as well as television. So what do you say to judges that have that criticism?

ND7: What you say to them is that is what people are interested in. But you always have to say to them that there are other stories that we will do that involve legal education, and that is important. I also think news directors use that as a crutch, and I don't agree with that argument. I think there are a lot of stories. We are always innovative in the stories we do, we can be innovative in coming up with stories and using courtroom video. Nothing says you have to only use courtroom video for trial coverage. I will give you an example. We went up to

General District Court and General District Court is impossible to do cameras in the courtroom because it is 30 cases on the docket, it is boring television file. But we wanted to do a story. We were up in court and we found out that they have a lot of speeding. They give a lot of speeding tickets up there. People are just driving faster and faster. So why not go to the courtroom and get a quick snippet on someone who was doing 95 and work that into a package on increase in speeding, rather than just going up there and covering a trial. If you want to do a story for instance on attorneys; are they are well trained? Use some of that video. In other words, news directors have to be more creative in their use, and we also have to realize that we have to earn this privilege. Which is contradiction, because it really is a privilege and really is a right for us to be in there. We have to earn that in Virginia. And we are going to have to do some less than spectacular stories, and news directors are just not willing to do that. We have got to do the nuts and bolts to keep the judges happy and more importantly to keep the legislators happy and the news directors are not willing to do that. They are just too hard-headed, too short-sighted as a group and that is why I don't think the legislature is ever going to approve this.

I: Oh, how pessimistic.

ND7: Well, I was the one doing the lobbying, when they just approved it. I physically had to go down there and twist arms. And the reason I could do that was because I used to cover the legislature. I don't know if you have talked to Peter Easter at the VAB yet, but Peter called me up and was extremely concerned about this getting through committee for extension. I honestly will tell you that the committee was ready to kill it. The senate, the court of justice committee was ready to kill this, just put it out. There were a lot of attorneys there and I went down there and physically cornered five key legislators and I can tell you I changed four of their minds. Something else that helped, too, was I got our polling people, Mason-Dixon people. I will get you a copy of this.

I: I have a copy of that.

ND7: You have a copy of this.

I: Yes, the Mason Dixon thing.

ND7: Did Jim give this to you?

I: I don't remember where I got that. I may have gotten it from Peter Easter.

ND7: Okay, because I commissioned this just for that. In fact Jim Shaver was down there too, just the two of us, but Jim didn't really know that many legislators. But I can honestly tell you that the panel was ready to kill this, but they gave us an extension. But I can tell you that they are not going to give us many more extensions. I know what their arguments are, and we have not answered their arguments. The other problem we have is judges, the Supreme Court is opposed to this. They are very negative. In my opinion, they rigged the report against us. I will give you two examples. It was a terrible report. First of all they asked every judge in the state, and not every judge is involved. And then they don't even asked the general district judges, they ignored Judge Farmer completely, and here is a judge who is involved in the experiment, here is a guy who was opposed to it in the beginning but changed his mind. And I ended up getting him to write a letter, Peter had that letter, saying that I have no problems with it. So it was a terrible report, and as long as the Supreme Court, it is left up to them to write the report, the Chief Justice we are in deep trouble. So I think given all those things I am extremely pessimistic that this thing is ever going to become full time. The only way it is going to become full time is that someone is going to have take the bull by the horns and really coordinate the television stations. You know, Peter tries as much as he can, but we really need a stronger effort, and without that effort we are going to fail.

I: Well, that's incredible, but you may have answered every question that I have on here. Let me just go down here, and after we have finished the official things, I want to talk to you some more about the committee budget. Okay, how valuable is the experiment to you? You talked about the difficulties?

ND7: About the news coverage? I think you have to break it down. For the General District Court it is not valuable at all, you really don't get anything out of it. I think if you went to a full time cameras in the courtroom you really wouldn't see them in a General District courtroom that often. It is very impractical for a General District Court, because the rules now say you have to give a ten day notice. And what happens in General District Court the big stories or important stories where someone is arraigned initially happens over night. So the way the rules are written now it

is impractical for General District Court. For Circuit Court it is very important. We just finished a trial this week in Henrico on a gentlemen who went into a former girlfriend's house, had sex with her, killed her, burned the house down and killed her two kids. It is a very high profile trial. We were in there. And I really think that any time an audience can really see these people, whether they are the victims or the criminals themselves, it is so important. The big thing you hear is they look normal. And, they do, and that is a educational thing that people do realize that they are normal. People actually see what the inside of a courtroom looks like, and I think that it is very important.

I: So it has been valuable in that way. In an overall sense how adequate do you think your coverage is of the courts?

ND7: Without the cameras in general?

I: With and without? Your current over all coverage? Is it adequate?

ND7: That's a tough question because court stories are boring television on the most part. More and more television stations have gotten away from covering courts. From a purely entertainment standpoint, and that is always a bad word to use in television, but news directors that don't use it are fools or they are liars. I mean, you have to at some point in addition to informing them you have to entertain them. That's the reality of the '90's. It is not very good entertainment. Sometimes it is not very good information. So we don't cover courts that often so obviously, inherently, I have to answer that question, no it is not adequate. The other problem is that reporters, the education that the reporter has is just awful. They don't know how the courts work, they don't understand the legal system, so when you throw a reporter into a courtroom and they don't know, how are they going to explain it to an audience? And I think that's a problem inherent in media markets. I don't think you have that problem in larger markets. You are going to have that problem in Virginia because you don't have that many major markets in Virginia. Despite what the people in Norfolk claim they are not a major market and they are still hiring people who are around 2 or 3 years out of school. So, those forces together combine for less than adequate coverage.

I: How has the access changed your coverage of the court system?

ND7: I don't think it really has. I think the only thing access has done has gotten us to go to General District Court a little more. We actually, ironically, cover fewer trials now than we did 3 or 4 years ago, but again that gets back to the news programming philosophy. It certainly makes it easier when you cover a trial. The video is always so much better than hiring an artist. So I think our coverage in Henrico is much better than in the other courts that don't have the video.

I: Where is the Henrico courthouse? Is it right down town?

ND7: No, It is in the county, so it is approximately 15 minutes away from downtown. It is northwest of Richmond.

I: So you are saying that coverage has not increased, in fact, well since the experiment began would you say it has decreased?

ND7: Court coverage overall has decreased. Only because, and it has nothing to do with the experiment. I think we even probably would have less coverage even if it wasn't for the pilot program,

I: I have just a few factors here that I would like to know how it influences your coverage. Does budget influence your coverage at all?

ND7: Oh, absolutely. In court coverage? Well, you know it is a lot of overtime when you do something like this. As a coordinator of a courtroom you have to pick a photographer to stay in court all day, and that takes a lot of time. Also the reality of the 90's is that you have to look at what every person does in the newsroom and say am I getting the most out of them. In the old days we only had to do a 6 o'clock and 11 o'clock news, an hour of news. Now we are doing 3 hours of local news a day plus hourly news updates plus updates on CNN Headline news. We have become a news factory. Channel 12 is the same way, Channel 8 is lagging behind, and that is probably why they are number 3. So, I think that is a good term, "news factory," so, as a news factory you have to look at I'm I getting the most out of my people? And putting someone in a courtroom all day is not getting the most out of someone. Also there are costs to be incurred when you're covering a court. We had to buy

distribution amps, which basically you get the video and audio into the distribution amps and everyone can just plug in. Luckily, I was able to connive the money out of Peter from VAB so my station didn't have to pay for them. But there are outlays there as well, so that's why budget influences the decision.

I: And staff size would be the same consideration?

ND7: Absolutely. I have on any given day five reporters to cover all the news. And if I have to, it happened this week, I had to take a reporter and have her tied up all day to cover a court case, which took up a total of maybe 2 minutes in a news cast. That places a burden. It's not like a newspaper where they can say Deborah Kelly you can go cover the news story all day and we have 40 other reporters. You know, I have one reporter covering Henrico, Chesterfield and Hanover. We call it the Metro beat. One reporter to cover the population of 500,000. So when she is in Henrico all day who is covering Chesterfield? Who is covering Hanover? It makes it tough.

I: Well that covers the question on geographical coverage.

ND7: Caroline presents a problem in itself, because Caroline County is 45 minutes away from here. It is still in our coverage area, because we have a very wide coverage area and that makes it very difficult. General District Court, and one of the reasons we don't go up there, it is kind of like the return on the money and time isn't worth it. General District Court in itself is inherently boring. In fact most of the stories we have done from there I had to do, because it was that difficult to get interesting stories out of them.

I: Since you had to be there anyway.

ND7: Yea. So that presents a whole different problem. The Caroline County thing has been very difficult.

I: Any problems with the courtroom facilities?

ND7: Not right now. We had a lot of problems initially. Caroline County, the problem we had it is a very small courtroom so we had to really work on the position of the camera and we have ended up right near the bench where all the prisoners are. So that is always interesting. And then miking the judge, these smaller courtrooms don't have audio systems built in, so we've got to get there very early and

you have to basically hide the microphone. You don't want to have it just dangling out there so that presents a problem. Then there is little stuff like when you get into the courtroom you've got to make sure the blinds are closed, because you can't have opened windows. Henrico is a major problem. I met with the judges when we first agreed to do this and we talked about all the problems we were going to have. We spent over a \$1,000.00 in Henrico running a cable. They had an audio system, but to tap into the audio system, run the cable, run the cable into a separate room was not easy. Henrico was very cooperative. But that's been a problem. Lighting. It is not as light in there as you want it to be, but you can't put artificial lights in there, so audio and video quality in most courtrooms is poor, and you can't augment it at all. So it is a problem. If this thing ever goes state wide that will be a major, major problem. Every courtroom is different, and you would literally have to have someone take it upon themselves to go to the courtroom and say this is what we need to do. The broadcaster is going to have to come up with a lot of money. The other thing that you are going to have to do, like in Henrico, there are 3 different courtrooms, but we have one courtroom designated the television courtroom. So that means also that judges and clerks have to be willing to schedule certain trials in certain rooms. In Henrico they have been very, very helpful in doing that.

I: The pool arrangement, has that been a factor in what you cover and what you don't?

ND7: Yea, If you are the only one that requests that trial, you have to have the pool call to shoot it. It's much easier if you are not the pool photographer. You just go and punch in, plug into the system, it is a lot easier because you can just send a reporter with a deck. So if you are the pool station that's in the courtroom, it takes up a lot of time and that affects how you cover it. And that is rotated. It runs into problems, for instance; we ran into a problem this week where we were the pool photographer. It was 3 o'clock in the afternoon and it was getting late and we do a five o'clock news and 8 doesn't, and I wanted to pull my people out because of staffing considerations. Channel 8 says No you can't pull out because we want to stay there, we want more stuff. So finally I had to leave them there. I had to pull another photographer to edit the stuff, and then they turned around and left anyway. They were just trying to make a point. So you get into situations where broadcasters are trying to knock each others heads in all the time. And now all of a sudden they

say hey, you have to work together and it just doesn't work. That's a problem. The VAB tries to mediate but really doesn't do it as often as I think they should.

I: About how much have you been in the courtroom? You said you just covered a case this week.

ND7: Caroline County I can count on my hand. I think we have been up there 5 times, and we haven't been up there in over a year. I have to be honest. The reason I haven't been up there, because I got so upset when I saw the Supreme Court ruling. I spent all this time with the judge, and they don't even ask the judge. I got so upset at that point that I said, you know, I just got really disgusted. I mean if you spend all that time, convince the judge, and then they don't ask the judge, they change the judge, it's kinds of like, I really wanted to drop that court, but Peter wouldn't let me. He sweet talked me into taking it. I really don't have the yearning anymore to break in another judge. In Henrico we have been in there a couple dozen times. In fact, there is one case and is the only case where we asked for, and we wanted to get in and shoot it and we were denied. It is the only time a judge has denied access to the media to shoot in court. And that's the Annie Hubbard case. So it was a collegiate girl, you know a very exclusive high school in town. She was driving with her friends one night. She was drunk and she rammed into another car and killed the person in the other car. So we requested that we wanted to get into that trial. The attorney fought it saying she was young, but she was over 18; but it would be damaging to her. The judge, Judge Parsons, who is the chief judge in Henrico, ruled against us. In fact, he is the one who wrote the opinion for the court. He ruled against us.

I: He is an Henrico judge, and has had cameras in his courtroom and then really wrote that report?

ND7: He contributed. He is the one who wrote the report to the Supreme Court, and I found out through my sources that his report was negative. That he didn't like it.

I: That's unusual. Usually once they are exposed to it they are interested.

ND7: We only did one trial with him. The judge we have done a lot of trials with is Judge Culp, and he is in favor of it. There was a judge, what was his name? He was dead set against it, but once we got into the courtroom he liked

seeing himself on television. So he is kind of into it now. But, of course the problem with Judge Culp was, the incident I told you earlier about the Channel 8 person, had happened with Judge Culp. You know because Wayne was running it, I let him run it, and this is not vindictive, but I can tell you our relations with judges has deteriorated since Wayne has been running it. Because Wayne just tried to be a news director, you know, I'm a journalist and I am not going to do any PR. I've seen one of the judges outside of the courtroom at a social gathering and he has indicated that he is starting to change his mind. You know if there is not the attention there was when I was there. I'm not boasting about myself, but I have a different outlook than some other people. So I think in Henrico County unless we do something so, do some good PR work, we are in trouble there.

I: Have you programmed many extended court coverages outside of your regular news casts?

ND7: The only thing we did is. We used to do a show called "News Makers" which is an half-hour talk show, and on one of the "News Makers" we ran a 14 minute segment on the subject of cameras in the courtroom. And it was from Caroline general district. Basically what it was, I took a package that I had done during the news and I just expanded it into more of a package. That was in 1988. And that's it. We haven't done what Jim has done. Doing the overnight deal. That's too labor intensive. In fact, I talked to Jim for a long while about that. Number one the GM's won't give up the programming time and number two it is too labor intensive. That's the thing that I think the public television stations have got to get involved with. Something you've got to get the cable stations involved with. That's something I think the VAB need to do more of. The news directors don't have time to do things like that. And someone has to provide direction and insight. It is really going to be a moving force, and I think if the VAB would start approaching this cable companies and say 'listen guys you are in on this too,' and then have the cable companies run it. Or the public television stations get involved. That's not going to happen!

Jim is very unusual that he is doing that but commercial stations are not going to turn over their time and mass for a court case. Whether it is 2 o'clock in the morning or whatever. And that's why we need some leadership in this instance. I don't mean to be critical of Peter, because he has done a very good job. He has worked very hard and he

does so many other things. It might not be the VAB, but someone has got to take charge of it.

I: So that was really a kind of special program. Anything live?

ND7: The problem of anything live is that there are so many interruptions. You know, for instance, the first day of the trial you can't shoot the jury selection. So you are going to go live, and you say okay let's go ahead and do it live. The problem is the first day you only do 10 minutes so what do you fill with? And then a lot of times when you have an undercover police officer. Any time you have conferences between attorneys, or they go up to the judge, you have to turn the cameras off. You would have to fill in a lot of blanks. Plus sitting in a trial all day is boring for the average audience, but that again is where the cable and the public television stations should come into play. They should be doing the live.

I: So you haven't preempted any regular programming at this station?

ND7: No. I don't know if Jim has actually preempted any of his programming.

I: Do you know what he preempted? The CBS evening news. Interrupted.

ND7: Just for a brief moment.

I: Well, for the verdict. I couldn't believe that he would do that.

ND7: That's pretty unusual. I can't believe he would do that.

I: But like you said, he is really gung ho.

ND7: The other thing that WDBJ has and it needs to be pointed out. WDBJ has a lock on the ratings there. They can do anything. They are doing 37 38 shares, and when you have that kind of comfortability factor you don't have to worry about what people think. You can be the purist as far as a journalist.

I: If all the courtrooms in Virginia were opened, how would all those factors we talked about before influence

your coverage? Would it change budget, staff, geographical area?

ND7: Television stations would have to do a lot of thinking if all the courtrooms were open. First of all it would be a massive coordination effort. Again we would have to get back to the thing of picking the right courtroom, you would have to have a television courtroom. Someone would have to go in there and say, "Here are the needs." There would be very high costs. Staffing? I don't think we would have to add staff but it would be a burden on management because you would need coordinators. You would need coordinators for these courts, and there are more courts than there are coordinators. So I can see news directors coordinating 3, 4 or 5 courts. And I don't have time to do that, I barely have time to do one court. So I believe the way the pilot program is structured now would be a miserable failure if it became a law and every courtroom was open. I think that VAB or the broadcasters would have to seriously consider hiring full-time coordinators that would do nothing but coordinate courtroom coverage. I think that is the only way that thing would succeed. Having news directors do it on the side would not work at all, and I think that is what the broadcasters would have to consider seriously doing; maybe splitting up the state in thirds or halves and saying you take this half and you take this half of the state and coordinate with all of the courts.

I: To make those arrangements we just talked about, courtroom facilities, etc.

ND7: Everything. The follow-up, making sure the people are following the rules. I think that person would also get involved in the disciplinary situations. You know if you had a news directors, and that's the only way a news director is going to pay attention, where a news director sent in a photographer without wearing a tie or sent him in late. Someone should be disciplined because it is at a point where if you do that once it can ruin a relationship permanently. And quite honestly I never see the state of Virginia turning over the courts to us. I think it is always going to be a chance for review, a chance for repeal, a chance for repeal, will always be there.

I: What do you think the courtroom access has done as far as public perception is concerned?

ND7: I think it has had some impact. I think people know now what the inside of a courtroom looks like. I think anytime you can show a real picture it has more of a

dramatic effect than a courtroom artist's drawing. I think it has brought some reality to people. It's been an education to others. I see nothing but positive arising out of giving them access to the courtroom. I think we have gotten that. I think we could have gotten more and I just think the reason they haven't is because we haven't been in the courts enough.

And there aren't too many news directors who are doing the educational type of stories that maybe we should do, and also the only way you are going to make an impact is to go in there and make it live. The Soering trial was, that was the trial of the century down there in Bedford County. You are never going to have a trial like that again. We get a trial like that, maybe. We had something where we had a kid named Steven Ray who went into a house and blew away three people. One was a former friend of his. He was sixteen. They tried him as an adult and we were allowed in the courtroom. That was a big trial. Big trial. It wasn't that big that I would blow off. I would be lynched if I blew off the "Young and the Restless" to carry it. If you consider the station's advertising time. Each commercial break is \$4,000 for the station, you can't do it; not in today's financial situation, and not just our station but any station. And what Jim Shaver's has done is very unusual and I think it's because they own the market. But I understand even WDBJ is having some financial problems now and I don't think if that happened today he would be allowed to do that.

I: Everybody is. I know in the Tri-Cities area even WCYB is in the same situation they have.

ND7: Is Steve Hawkins the news director?

I: Yes. In a general sense what considerations go through your mind in whether to cover a case or not?

ND7: What impact it will have long term. What I consider is will I remember this story a year from now? Because if I remember it a year from now the audience will remember it 10 minutes from now and that is number one. Number two you have to look at the element of the story itself. Is there anything that will make it different, make it stand out from the other trials? Some people might say sensationalism. I don't like that word. What makes this trial unique? If it is just "another murder trial" it's not unique, but if it is a guy who had sex with a woman, then killed her, burned the house and then killed the two kids, it will be something people will remember. If it is a sixteen year old who walks into a house kills the parents, kills another kid in the

house and then takes off and there is a massive man-hunt and people remember it. There has to be something unusual. Just going in to cover trials, and we have done that on occasion, just gone in to cover a regular trial, it doesn't work because it doesn't mean anything to the audience. You are in the day and age where people think "People's Court" is real. So it's got to be, they think that is real, so you can't just go in and cover the mundane trial because it is boring to you.

I: What kind of cases are you most likely to cover. Part of what I was thinking in my mind would be the question of criminal versus civil.

ND7: Well, you don't get many civil cases in circuit court. The only time I have seen civil cases is in the General District. Quite honestly, excluding General District because when you go into General District you just cover the docket. You really have to do an educational story or you have an angle, like we talked about before. You have a story on speeders. Another story we did was up in Caroline County on the increase of drug traffic. We found that out by being in the courtroom. That's a great opportunity to shoot someone who is accused of cocaine trafficking. We actually got a great story out of that because we went back up and there is an area, I can't remember the name of it, in Caroline County, a big drug area, and we found it out because we were in the courtroom. We used some of that video. So unless you come up with stories like that the only stories you are going to cover are the murder trials. You might cover, for instance we had a serial rapist, but the problem with any sex crime is that you can't show the victims. I can't think of any time that we cover anything but a murder trial. Oh, we did cover, if you have a truly unusual, there is a guy named Donald Hardmann, he is called a master criminal, he is wanted in like 15 states. He committed like 600 break-ins in western Henrico County. We covered that trial. But he was really unusual. One reason we covered that trial was because we got a one on one with him. We got the only interview he gave. I often joke and say, if it is going to be on "Hard Copy" or "Current Affair," it's the kind of thing you want to cover it. I'm half kidding and I'm half serious. That's the kind of thing you're up against these days.

I: So that one was a regular court coverage? When was that?

ND7: Late last year.

I: So you don't see the type cases changing with total court access?

ND7: No. The only thing I would see with total access is there is times when you have court officials or elected officials in court. We had a councilman here, Chuck Richardson, busted for drugs. If that would happen we would be in court. If we had a major extortion case. There used to be a lot of mortgage companies out there, or if someone ran a savings and loan and they were in court we would probably do that. But, with the same considerations, it has to stand out in people's minds.

I: Are there any cases that you didn't cover that you might have covered had you been able to take your cameras in?

ND7: Not really, because I use this criteria whether there is cameras or no cameras. If it is a good enough trial we will be in there. There is a trial going on right now in Chesterfield County you might be familiar with. The Taylor trial? Is it Taylor, is it Davis? This is a Roanoke real-estate woman who was killed. Our sister station SLS is covering that. We had to bring a courtroom artist in and we are interested in that and even if we had cameras in there we wouldn't do much more than we are doing. It would just make it easier. It would be much more compelling to have the cameras in there. And on the bottom line I think cameras should be in there. I think it is a First Amendment right to have the cameras in the courtroom.

I: Okay, and if anything were open are there any kind of trial you wouldn't cover?

ND7: I don't think if they ever opened it they would allow us in juvenile trials or domestic courts. I seriously doubt that they would let us in there anyway. The only ones you have to think about are any of the crimes involving children, those sex crimes, because, again, your access would really be limited. I probably would go in there, for instance, if there were a serial rapist. I probably would go in there and get a shot of the rapist because people always have the initial reaction: that animal how could he do that?

You can't shoot the victim which you really wouldn't want to do anyway. You wouldn't want to release the names. But I really can't think of any.

I: That's about it except can you think of anything else that I haven't asked you already?

ND7: No. I just think the three things I feel strongest about is that I don't think news directors have done their jobs, number two we definitely need one central entity coordinating this and overseeing it better, and number three unless something changes in the very near future at best we will have another 2 year pilot program. At some time point there is going to be a finality and I have this inner feeling that it is going to come up at the end of this period and I don't see any way the Legislative is going to approve this. I don't mean to be pessimistic.

News Director 8

I: This won't take too long. As you know we are talking about the cameras in the courtroom situation. Coverage of courts in general. So the first thing that I would like to ask you is just how valuable has this experiment been to you as a news director?

ND8: Very valuable, very valuable. Not nearly valuable enough, however.

I: How so?

ND8: Well we certainly been very happy to be able to finally telecast some important cases to the viewers, covering them the way television covers stories with pictures. And I think that the cases that we have been able to cover have been important; significant high viewer interest and they have gotten to know what it looks like inside of a courtroom particularly in the serious cases like murder and others. Unfortunately we are so limited we can't, for example, there is going to be a tremendous interest trial coming up in Chesterfield County in a month. A case that dominated the headlines here for weeks and weeks. We will not be able to be inside of that courtroom because it is not a part of the experiment this time. That's disappointing and it's not in the public's interest, but we understand that this is a gradual improvement situation, and we are trying to do all we can to show that we are worthy of more freedom and more expansion of the experiment beyond the experimental stage to a more permanent situation. We just covered a trial this week. A very good trial. It was a triple murder, and it involved a young woman and her two children and there was plea bargaining, there was straight compelling testimony. It took people there. It took our viewers right into the courtroom without having to go themselves. I think that what's the experiment does so well, giving us a chance to do that. That was our lead story for 2 or 3 days this week. That would probably would not have been our lead story without the pictures because then we would have had just art and interviews.

I: Do you use sketch artists?

ND8: Rarely, it has to be a pretty compelling case. This case I think we probably would not have used an artist even if we had been shut out of the court. We would have used file footage and interviews to do it.

I: How adequate do you think your current overall coverage is, including the experiment and otherwise too? Do you feel like you are doing an adequate job?

ND8: I am not completely happy with how we are covering courts. Covering courts has never been a strength of television news on the local level in my opinion. I think that we have a tendency to gravitate to stories that are obviously are picture stories, photo opportunities, and we often do not have the manpower available to cover a court or a case day after day because we have to move on to other things more quickly. So my general feeling about court coverage in this area is less than adequate and we do less than an adequate job.

I: You were saying that you weren't really happy with how you are covering the courts.

ND8: We tend to pick up a lot of coverage from wire rewrites, newspaper rewrites on court coverage because they are simply able to cover it better. We pick it up a day later. We only cover a story that has a very high, high interest. But I think we would be much more inclined to cover more routine courts if we could just go in, show the principals in court, and make that story come a little bit more alive for people. So they can see the defendant, see the prosecutor, see the judge. The court stories for television kind of become 20-second readers, 15 second transitional between one and another. I think because we can't get into every court we don't check the dockets as often because we know we can't cover it the way we want to. It would give us more incentive to come to the courts. I guess it likes a tail wagging a dog. We do have our limitations. We don't have as many people as newspapers do. In the ideal world we would cover every beat every time. This is not an ideal world.

I: Oh, really!

ND8: When you have 30 people to cover the news it becomes interesting.

I: How has the access changed your coverage? Would you say it has changed in any significant ways? Has it increased or decreased?

ND8: I definitely think it has increased our coverage because of the ability to cover stories that we haven't been able to cover before. This is the first year that Henrico

County has opened up their courtrooms. So finally we had a courtroom in Richmond that actually had real human cases. Previously the Virginia Supreme Court was the only court open to us here. There was a very small court in Caroline County, a extremely rural county, where your biggest cases were DWI or petty larceny. Stories that simple do not translate into television. We wouldn't cover them in Richmond, why would you cover there? Therefore, finally when Henrico opened up we were able to show people some really strong court situations.

I: So Henrico County, Richmond is in Henrico County?

ND8: No, Richmond is a city unto itself. It is not a county jurisdiction. Henrico is a northern and eastern county. Chesterfield is the southern, southwest county.

I: So you actually travel outside of the city to Henrico,. How far is it?

ND8: Twenty minutes.

I: Then Caroline County where is it?

ND8: Caroline County is about 40 minutes from here.

I: So Richmond would be the television market that would cover it.

ND8: Yes, it would. We have gone out to Caroline County at times to show just how a small town court works, but it has not been fruitful in terms of generating stories that overall mass appeal viewers would want to see. Conversely, in Henrico, this is now our second triple murder trial, we have had other serious murder cases that have been in there. So it is clear that those cases tend to get the cover.

I: Yes, I can imagine a legislator saying, "that's the problem with this system because that's what gets covered, the really sensational cases." How would you respond to that?

ND8: Well, this is a criminal court for one thing. Henrico Circuit Court, so it is a criminal court. Most of the cases that we would be interested in would be of a serious, violent nature, there is no question about that. It is one of the perimeters of news; one of the motivators of news is what is not normal. What is abnormal? What is different?

What is unusual? If everything is going along just swimmingly that's not news. It is the aberration that sometimes becomes the news in this business, and so we can't be faulted in my opinion for covering those stories because those stories are of high, high interest to our viewers. And we should not be looked at differently than our print brethren who put the same stories on the front page with big headlines, but yet have total access to the courtroom. News is news. Let us make the editorial judgements of what news is, and don't color the decision to allow us into the courtroom based on the stories that we elect or not elect to cover. Because not every story is elected for the same reason. Manpower can be a factor. Camera equipment can be a factor.

I: That leads into the next question. How do the following factors influence your coverage? Staff size, how does that influence your coverage?

ND8: I guess since we take turns being the turns, each of the three stations in Richmond take turns, so it doesn't drain one newsroom too often to be there. We are all three small news operations, and so if Channel 6 is covering this week, I'll take the next and Channel 12 will take the next one. So we don't wind up with one newsroom having to support the pool the whole time. Other than that I would say it's not that much of a limitation generally. There are times when we may send an intern up with a cameraman maybe just to take notes on the testimony rather than sending a full reporter up, because we are going to use the reporter on a different story. With the pool system you can send somebody up with a machine that just records the tape and you can just take some notes and come back and be written for the anchors to read. We can get around manpower shortages.

I: Does it cause any budget problems? Does budget have any affect on it.

ND8: No. Not at all.

I: The geographical coverage area?

ND8: We would try to cover any court in this area as long as it was a court that generated some important cases. I can't really sit here and say "if they put a court in we would be out there all the time." That's not correct. I'm not going to fake it. I have to make individual journalistic

decisions of what I think my audience wants and should see. We don't cover every single city council meeting either but they are open to us. We don't cover every school board function, but it's open to us. The judge shouldn't say they only come when it is sensational news. Because we only go to the school board when we know there is going to be a good story there. If they are going to sit and pass 14 little resolutions that carry no weight and influence no people we're not going to cover that story. It's not important. It may be important to them but it's not important to the average Joe Guy sitting out in his couch watching his television area. So we should not be penalized for being selective. I guess it would be a summary to that issue that we only cover sensational trials.

I: The existing pool arrangements, any affect that you seek in the way you do the pool, in how much coverage you do?

ND8: No. The pool has been working real well. Everybody takes care of each other.

I: About how much have you used the opportunity to go into the courtrooms since you have been here?

ND8: The best way to answer is every chance we get. If we can identify an important case we will go, and between all of the stations somebody will find something they want to cover. So every chance we get to identify a case that is significant we will put a request in either at the Supreme Court level or at the Circuit Court level here in Henrico. The opportunities are not extreme. They are intermittent opportunities, but every time we see one we jump on it.

I: About how many have you done for just the Supreme Court, for instance?

ND8: The Supreme Court has become less and less. Not less and less. The Supreme Court doesn't get as much attention as it once did when it was the only court of news worthiness available to us in Richmond. Initially when the experiment started it was Caroline County and the Virginia Supreme Court for Richmond. Obviously, Supreme Court carries stories that are of higher weight. Appeals on murder cases, disputes between large agencies and lot of litigation that has interest. So we would be on the lookout for those perhaps a little bit more than we are now. Now our attention is shifted to Henrico Court because there is a tendency to have stories that are a little more compelling.

With real testimony of real people. Where conversly in Supreme Court you have two highly paid lawyers arguing before judges who generally have little or no comment at the moment of the hearing. They just take everything under advisement, ask a few questions and issue their decision in camera. They don't come out and make a pronouncement. They will release it later on. There is sort of no completion to the stories and they are generally a little more, shall we say, legalese. So when you are sitting at home as a viewer, you don't enjoy, not enjoy, but have the opportunity to take part because the lawyers tend to be talking in very legalistic terms. I think we have sort of emphasized one over the other, at least for my perspective. Other news directors may disagree with that, but my perspective is it better be a hell of a Supreme Court case or I'm not going to be real interested in it. We had one just last week filed by a station in Roanoke about Governor Wilder's telephone records, and whether they should be made public by the Charlottesville newspapers. We all did cover that because Governor Wilder is a big player. Had it been a far lesser known person it wouldn't have been covered, undoubtedly. Say it had been a supervisor in one of those smaller counties we wouldn't have covered that. Again you could make the same argument that we only went down there because it was Governor Wilder. So!! Would you expect us not too? We realize that judges don't always understand that, but that's why there are judges and news people.

I: Have you all done any extended coverage? I mean coverage outside the regular newscast?

ND8: We were considering covering gavel to gavel the Lakeside triple murder case of last summer or late fall, but because juveniles were involved, and there were some restrictions on photographing them, we just decided that it wouldn't be good enough to show to the public. We would have to have blackout parts in it so therefore there would be no continuity. We were thinking about it and we were very close to doing it but when we finally looked at the whole picture we decided not to do so. I do know that one station did it in another case in Roanoke. I'm sure you're familiar with that one. Jim Shaver's station did it. The Soering case. I would love to do something like that. It would be a quantum leap for a television station to air an important case for people to see as it really unfolds, unedited, except to clean up gaps, tighten up for viewing purposes. I think that will happen with the right case at the right place at the right court. I think one of the stations will say ultimately let's do this. Some stations

that run 24 hours there is an opportunity to use that time fruitfully.

I: Are you on for 24 hours?

ND8: No. We will be soon but not right now. We sign off around 1:30 or 2 o'clock in the morning and come back on 5:30 a.m.

I: Have you done any programs relating to the court systems? Any kind of special programs other than regular news story?

ND8: No.

I: Any live coverage?

ND8: No there has been no live coverage inside a courtroom. It all has been taped by all stations.

I: Have you had to preempt any regular programming?

ND8: No.

I: How do you think you're coverage would change if suddenly everything were open?

ND8: I think we would be far more aggressive in seeking opportunities for courtroom coverage. I could envision being there 2 or 3 times a week for arraignments. Let's say there is a suspect involved in a fatal accident, a drunk driver, and he is brought in to court the next morning for his first court appearance, I think we would be there if we could. The problem with some of those things is that there is a 10 day notice rule on everything that we do. Obviously news doesn't work that way. In order to get immediate court appearances and access that would be an ethical plus. I don't know where that would stand ultimately in this state, but it would be nice if all we had to do would be to bring in some type of a card or credential or a letter that was on file. The court would bring in the letter and said to the clerk we are requesting coverage this morning of this arraignment. The story just happened last night we would like access and be given access. Sort of an on-spot access system for immediate courtroom activity, not just down the road 3 to 6 months later.

I: Do you see any problem with the things we talked about before with budget, staff, geographical area, courtroom

facilities, and pool arrangements? Would any of that change or would there be extra things to consider if everything were open?

ND8: Well, if everything were open and we had immediate access the courtroom coordinators would be pretty busy I think sometimes trying to make sure we could get in and that one camera crew could cover it and there were some kind of a system. We would have to come up with some kind of a system, a rotating system so that there would be immediate access and the stations wouldn't be overtaxed or unfairly requested to do this all the time. We would have to look at how that would be done periodically. And I haven't given it any thought. It hasn't been an option but I think for example, let's say everybody wanted to get an arraignment this morning. Theoretically all three stations could show up and say I want to get in. If all three stations do, does that mean that at that point of the day somebody draws straws and one of the stations becomes the pool? Is it the responsibility of the camera coordinator to call down and say Channel 6 is the pool today? That's fine if we have a system of I do it today, you the next one, Channel 12 does the next one, and so forth. It would have to be done that way in order for it to work efficiently. You never want to be put in the position in the courtroom of appearing to be competing. The idea is that everybody gets what everybody gets. There is no advantage. So you don't want to say I'm going in and my camera is better than your camera so I'm doing this one. Oh no you're not!

I: Any other problems that you can think of that bother courtroom coverage?

ND8: Problems for us.

I: If they were all open?

ND8: I'm just trying to think of some scenarios that I could pick out. I can't think of anything else. I wish there could be a better way for the courts to notify us about an important story as well as us knowing what the important stories are. In other words, I wish there were better communication between the courts and us about impending cases. The Virginia Supreme Court sends out a list of upcoming docket arguments. We then could pick out what we want. In Henrico there would be a better relationship, not that there isn't, but I wish we could push it a little further so that when there was a case there was a clerk up there that would call and say, "There are these cases coming

up next month that you may or may not be interested in. They may not see that as their role, but on the other hand, it could save a lot of time in the long run. These departments tend to get caught up in busying things and things will fall into the cracks. I just wish there was a little better relationship involved with it.

I: What kind of cases are you most likely to cover?

ND8: I think as much as I hate to say it, it would certainly be the important murder cases, the murder trials. This is a high crime, Richmond is a high crime community in certain areas of the city, and there have been some very, very high profile cases in this community. Outside the city as well, and they certainly attract the most attention without question. I think unfortunately that would be at the very top of the list.

I: Any cases that you would not cover?

ND8: You have to be very careful with certain cases. Under our Virginia rules we are automatically excluded from rape, juvenile cases. Have you seen those rules? The most sensitive cases are ruled out right off the bat. I don't think we would, we would cover let's say a man was arrested for masterminding a big burglary ring in the community, like they strike 50 Henrico houses. That would be a trial we would cover, although its not a murder case. I think we would cover, for example, we wanted to cover a case of a young lady who was, this was the Annie Hubbard case, who was a teenager responsible for two vehicular deaths of two of her classmates. Very, very celebrated case. We had to argue to get into that trial. We were excluded because of psychiatric damage to the young lady with the presence of cameras. But there is a case of was it murder, but it was high profile case, high interest. Those are cases we would cover.

I: What about civil cases?

ND8: I think civil cases would only be based on prominence of the litigants. Let's say it was the mayor suing the vice-mayor or something like that, or the city prosecutor trying to close down the local art theatre or something like that. Something where there would be a significant news angle to civil cases. Multimillion law suits that really have some interest.

I: Would the type of cases probably change if you had access?

ND8: I don't think we know how far we can go yet. We haven't had the chance to. We haven't had to consider all of these possibilities. Yes, I think it would definitely. I think we would expand our horizons. When you are excluded from so many things you sort of gravitate to the typical big stories. If everything is open to you it's like walk into this beautiful field of flowers and you can pick anyone you want. That's what I would like to see happen. We are running such a narrow tunnel that we don't see what's out there. I would love to be able to do more. It would be terrific.

I: The final question, is there anything else that I haven't asked you that you would like to say about this whole question?

ND8: Well, I would simply say that Virginia has been the seat of so many wonderful democratic history making events and men, the people, the Jeffersons, the Madisons. Madison is the founder of the freedom of the press in this country. He was the architect of the Bill of Rights. Jefferson, need I say more? A state that has now elected a black governor in the cradle of the confederacy. This state is behind other states in opening their courtrooms to its people. Based on the history of this state it should be more aggressive and less conservative in this area because it is going to help everybody not hurt anybody in the long run. There are simply too many states ahead of us, and that is a disservice to the people who live here, in my opinion. I'm sure the judges will love to hear that. I'm not leaving Virginia so they can still get even with me.

News Director 9

I: So you have been here since 1987, which is before the experiment started. So the first question then is how valuable has this experiment been to you as a news director?

ND9: Well, I firmly believe that we are better able to cover the courts when we have the cameras in there. Now the experiment has had us in, really for our purposes, only the court in Henrico which they added later in the process. The Supreme Court is not very visual or interesting. I shouldn't say not interesting, but it certainly is not very visual. You don't have the cross examination of witnesses, you have strictly one lawyer pontificating on usually points of law, and another lawyer pontificating on the other point, so it doesn't have much visual interest, much sex appeal, or whatever. The same thing is true of the Court of Appeals. We went up and did the General District Court, I'm trying to remember which county it was in, we went up to Caroline County and did the General District Court, more or less doing a story on the court system. That's the only time, I believe, that we have been in the General District Court. We were talking about crowded dockets and the fact that even in a rural county like that there is a lot of drug cases. We went up and did one story up there. So the real cases have come out of the Henrico court, in which we have had the Walker's family slaying, and a number of high visibility cases. Of course one of the criticisms is that we only cover the real sexy, tabloid type cases, and the truth of the matter is we are guilty. Yes, we are only going to cover the cases that are very interesting to our audience with cameras. The rest is going to be yes Joe Dufus did get sentenced or no he didn't. We aren't going to put a camera in a courtroom all day long for a small snippet like that. It has enhanced our ability to cover some of these very high visibility trials, and I think of the Walker case immediately.

I: Which one is the Walker case?

ND9: This is the youngster, Stephen Ray and Chris Palmer, that killed the man and his wife in their home, in Lakeside.

I: When was that?

ND9: I can't give you a date.

I: It wasn't recent.

ND9: It has been about a year ago.

I: So they killed both people, a husband and wife? That was in Henrico?

ND9: Yes. A very interesting trial and it had a lot of legal ramifications because these were two youngsters, one who was not even present during the murder but was a part of the conspiracy, and yet was tried on a murder charge. The second one faced capital punishment. We are talking about, I believe, a 18 year old, 17, 18 19 year old, we are talking about a very young person facing the death penalty; and I think that is a big question. We all know that juvenile crime is just out of control. You have 12 year old carrying uzees around the country and the question is how do you deal with juvenile crime? Do you execute an 18 year old? Are we as a society prepared to do that? So that was a trial of great interest that we ended up covering. I look my comparison to a lot of the trials that we haven't had cameras in, which is the bulk of them, and think how much more interesting, how much easier to understand it would be for example, the Freelander case that we have been through that was in the Federal Court. How much easier it would be to have explained that case and to talked about what was going on in that case with more than pictures of Eric Freelander going in the morning and coming out in the afternoon.

I: Can you tell me a little bit more about that one?

ND9: This is the guy, Freelander, who ran the mortgage company, that's the name of it, Freelander The Mortgage Company, second mortgage company in Richmond, that he was accused of basically bilking the depositors by making a lot of high risk loans and paying himself absortative sums of money, etc. He was convicted last week of 79 of some 80 counts of fraud. He will be sentenced in September. We are talking little investors who lost their life savings and their retirements, and etc. A very high visibility case in Richmond.

I: How adequate would you say your overall coverage of the court system is now?

ND9: I'm not satisfied with our coverage of the courts, and that's not a failure of cameras in the courts; it's just a failure to have enough people to be able, court proceedings are very labor intensive in terms of coverage. In order to get a 40 second story you may have to invest a person for

all day long and because of the recession and difficult economic times I am not putting on people. In fact, I have two vacancies which I am not allowed to fill at this time. As a result we are real manpower stretched and I don't believe we are doing as good a job covering the courts as we really ought to because we just don't have the manpower right now.

I: Has this access changed your coverage of the court system?

ND9: It has changed the logistics in the sense that it does require us to coordinate cameras with other stations and you have to plan ahead a lot more than just hopping in the car and riding down there. You have to arrange to get in, and so forth. I don't believe television news operations are as good at pre-planning as we ought to be. We tend to sit around in the morning meeting at 9:00 o'clock and decide what we are going to do at 9:15, so it is forcing us to pre-plan for some things. I believe that the stories we can cover with camera in the courtroom are visually more interesting. I think they probably communicate better with the viewer than courtroom art and people walking in and people walking out kind of shots.

I: So you haven't seen an increase or decrease in the number of stories?

ND9: It probably changes in some ways the way we would treat a story. There are probably a few examples of stories where we would put up simply the graphic of the defendant and say Fred Smith was found guilty in Henrico District Court today of second degree murder. You may recall he shot his mother six weeks ago, whatever. We may turn that into a package. We may see more about what is going on if we are able to put cameras in the courtroom because we have the video which will sustain a longer form.

I: A list of factors and how they influence your court coverage now. You just addressed the first, budget. So you are saying times are tight and you just don't have the budget.

ND9: Yes, which really translates into manpower.

I: Geographical coverage area, how does that affect your coverage of the court system overall right now?

ND9: The point is well taken, but I think I need to give you some background. I used to work in the Roanoke market and I know you have talked to Jim Shaver. Roanoke is a television market of small cities and towns. Roanoke is not a big city, but the Roanoke television market is fairly large because it includes Roanoke, Salem, Christiansburg, Clifton Forge, Danville, South Boston, Radford, and you can go on down and there are a lot of small cities. Richmond is Richmond, Petersburg and Charlottesville. I defy you to find another significant size town. Emporia is marginally in the coverage area. Farmville is marginally in the coverage area. But this is much more concentrated in the metro. We have subdivisions like Brandermill that's a part of Richmond which is larger than most of those towns that I just mentioned in the Roanoke area. We tend to cover the metro area because that is where the greatest concentration of population is. We cover Richmond, Petersburg and Charlottesville far more than we cover the outlying towns because there are very few outlying towns. When you get to Amelia County and there are only 5000 people in Amelia County. There are more than 5000 people in Woodlake which is next door to Brandermill, a sub division. So geographically we tend to concentrate in the metro area, Richmond, Henrico, Chesterfield and Hanover area. So I think it is fair to say that we probably don't do as much coverage out in the rural counties as maybe Jim Shaver does through WDBJ because of the fact that they have so many, I didn't mention Lynchburg and Bedford and all those small cities.

I: So you determine by the market?

ND9: Yes. It is just the nature of this market.

I: Do courtroom facilities, as they exist now, have any bearing on the courtroom coverage overall?

ND9: Courtroom facilities. We have had no problems in the terms of the cameras in the courtroom in Henrico because it is well equipped. It is a new courtroom and what we get is fine and I believe it has not been a problem for the judges as to where we set up and where we do it. There is plenty of light. I am the coordinator for the State Supreme Court, and we have been able to work out arrangements that seem to be fine and they seem to be happy with where we are and the facilities and so forth. I don't think that is a problem. We are used to working with difficult situations. We can pretty much handle anything. As long as it is consistent.

I: You mentioned that you are the coordinator. Does the pool arrangement have any affect on how you cover courts overall?

ND9: I don't want to give you an answer that encourages more pooling. I don't believe that is the answer. You read that on the national level as times get tough in Washington the networks are looking at pooling everything. I really think that is a sad commentary that for economic reasons we are going to see the same shot on all three stations and all three networks, and so forth. I don't believe that pooling is the answer. Increasingly you are finding governmental agencies and so forth that don't like news media in the first place, seeing pooling as the answer to all their problems. I think you are better off if you have three cameras pointed at an event, that one of the three will be running when something important happens, or you have three different perspectives on what is going on. But I think pooling is a very reasonable situation in the courtroom. I have no problem with it. We have been able to work it out fine. If it's a big deal case where we have to run a cable out the door, etc. as we do in Supreme Court, that allows us all to roll our individual tape machines at different times and get what we want. Most of what we do is to have whoever is the pool make copies or we make copies from them after the story is over with, and pull out what we need. That's perfectly reasonable. I don't think that has been a detriment. But having said that, I still don't believe in a lot of situations that going to pooling is as advisable as some people would like to push us to do. We are seeing things like boards of supervisors and so forth as camera proliferate. You can go out now and buy a cam recorder for \$600.00. And we are seeing board of supervisors attempting to put in pool cameras and route them off to boxes on the walls in attempting to try to keep cameras out of their board of supervisors meetings. I really don't think that is a very good idea.

I: Just from what you can remember, about how many times have you gone into the courtroom with your cameras since the experiment started?

ND9: I would hate to try and qualify it because I haven't been keeping count, but I'm sure a couple dozen times, counting Henrico. We have done a number in Henrico since they came on line as part of the experiment. We have done a few in the Supreme Court. I would say 25 or something like that in that time, maybe a few more.

I: Have you all done any extended court coverage, that is something outside of your normal news cast?

ND9: No.

I: Any special programs? You've already said one. Any other special programs related to courts other than the one on how the District Court operated in Caroline?

ND9: We did a couple of stories on the Supreme Court and the justices of the State Supreme Court. I would say probably a total of 2 or 3 or something in that nature. Obviously we did the obligatory, the cameras in the courtroom story. That's about the courts so that's another one.

I: I think that is wonderful that you could have the opportunity to get in and get pictures of the court and the justices. How many people have the idea of what goes on there?

Any live coverage of the courts?

ND9: No.

I: Any gavel to gavel?

ND9: No. We very seriously considered the Walker Family slaying. What we consider was to tape the whole hearing and running it late night, telling people that they could tape it.

But we didn't.

I: Why would it be that you wouldn't?

ND9: Very late and intensive.

I: So it was that more than... say interrupting.. were you going to put it after late night?

ND9: We were going to put it way late at night, say 2 or 3 o'clock in the morning and tell people that they could tape it. It was very late at night and intensive and I didn't think it was worth the investment for two or three people for several days to get it done. If I were in public television I would have loved to try and do something like that. Where you got basically a channel you can invest in that.

I: Have you ever preempted any regular programming for anything doing with the courts?

ND9: We did a cut-in, I think, when this Walker case was complete. I mean just from the court to stand up and say the trial was over and Christopher Ray was found guilty, etc. But I mean it was not what you would call a long form of interruption and continuing coverage type of thing.

I: I want to look at the situation hypothetically right now, and pretend that the Legislature comes along and says the experiment has gone okay, the courts are open. So then how would some of those things we have talked about earlier affect your court coverage? Would that give you different considerations as far as budget is concerned?

ND9: Yea, I think not only budget but coordination. You have a lot of courtrooms that somebody is going to have to be appointed for. But I think you would see more coverage in courtrooms because some of the stories that previously had looked marginal become much more interesting.

I: Staff size, would you add more people?

ND9: I'm not going to be allowed to add people. They could open up the heaven to coverage and unless the economy improves I'm not going to get additional staff to do it. It's just a question of deciding how to use the existing staff. I already have like 8 or more people than one of my competitors. I just have to decide how to use it better.

I: And geographical coverage area, no different considerations there for how you deal with things?

ND9: No I think that is more a factor of, it's not that we ignore the outlying counties, it's just that there are not as many people out there.

I: Then I guess what you said earlier, the courtroom facilities wouldn't affect your coverage?

ND9: I don't believe that is no longer a point. I believe that some of the smaller courtrooms in some of the rural areas which are really dull, where lightning is going to be a problem, but any courtroom that has been built in the last 10 or 15 or 20 years is pretty well lit.

I: And the pool arrangement, you said that was not a problem?

ND9: No, it's never been a problem. It does require a little coordination but that is a very reasonable expectation.

I: Is there anything that is in your mind that would be a problem if all the courts were open?

ND9: We have had one problem that really bothers me. I don't know if it fits into your questionnaire, but there is a clause in the law, and forgive me if I don't quote it correctly, but it has to do with testimony about juveniles and so forth. We had a case that was in the Supreme Court that involved an adult and we were denied permission to cover it because the defense attorney said, one of the possible arguments that I will make is that this man was abused as a child. Understand the man is an adult and he is not going to be testifying. We got one lawyer and another lawyer, but we are not going to be able to cover it because he might make reference to the fact as a child he was abused. We were not allowed to cover it and he didn't make that argument. I feel that may have been a decision that didn't really reflect what the law intended. I have a reputation and this station has a reputation for making what I would call very conservative decisions. We are not going to put pictures of some guy bleeding on the street corner. We are not a sensational news operation. We will miss stories and let our competition have them first to make sure we are right and take conservation action. I don't want bleeding people in my living room at dinner time and I don't think my viewers do. We are going to make conservative decisions. I don't want to put some child upon the screen talking about being abused, and so on and so on. We had the case in Henrico where the woman, I can't explain it any other way than, she suddenly flipped out and started screaming and bellowing and falling to the floor during a court case. We edited that very discreetly, it was a very important part of the decision. It was on the front page of the paper. One of my competitors ran it seven times in one newscast. I couldn't figure out the justification and we edited it very discreetly and we ran it. I'm not trying to say that somehow we sanitized everything. I don't think the court is trying to protect the world from everything. I'm a little worried that there are a lot of hiding places, a lot of excuses for stopping coverage. That is really up to the judge, and by and large they have made pretty good decisions. I think this is one that if the judges looked back at it they might say that wasn't what we intended. I was a little bit disappointed in that one. By the same token we have made some mistakes. I had a request, as the

camera coordinator, from a station in West Virginia, Bluefield who is right on the line, that wanted to come in and cover the Supreme Court. I sent the papers to the Supreme Court, they approved it and the camera crew came in from Bluefield, and the guy was in blue jean. Apparently in West Virginia that was the way they cover the courts. Stupid me, I assumed everyone did the it the same way. You wouldn't show up in Supreme Court in West Virginia in blue jeans, you certainly wouldn't show up; well, we heard about that. Well, we made a mistake. I'm sure there will be other mistakes, and if the Supreme Court tries to tell me that they never make mistakes, phffff on them, I don't believe that either. By and large there have been mistakes that if we look back on them they are not serious and they certainly don't impinge on the court. We apologized to the Supreme Court and the news director and I have had a long talk and if he ever comes back to Virginia he will send his photographer in a suit. By in large most the cases will be of interest. Roanoke will cover a Supreme Court case or Norfolk, because of their importance locally. WDBJ covers a number of court cases here in Richmond at the Supreme Court. We have had WSET in Lynchburg come in and cover some Supreme Court cases that we have set up, and a number of Norfolk stations have come in too. Primarily they have been just of importance to them.

I: What impact do you think this access has had on the public? Are they aware of what is going on?

ND9: I think there is probably two answers to that. I think that the audience is better informed about the cases that have been involved and have had cameras in the courtroom. I cannot help but think that folks had a better picture of what went on in the Christopher Palmer, Stephen Ray; the Walker family problem, in Henrico, I cannot help but believe that they were better informed on that case and other cases where we had cameras in the courtroom. Do I think they know more about courts or that somehow we have been this great educational institution? No! I'm sorry. If that was the argument that convinced the Supreme Court for experimentation, no we haven't done any great educational process; but I think they are better informed about the cases involved there. I think there is an opportunity to do a documentary and frankly public television is the only one doing documentaries any more. I think there is an opportunity to do a documentary on the court system in Virginia. It's different from other states' court systems. It certainly deserves to be done as a documentary or an in-depth piece on the present court system.

I: You will have to talk to my out-going president, Charlie Sydnor, at Emory & Henry.

I: What do you consider when you are making a decision whether to cover a court case or hearing? What criteria do you use?

ND9: What I think is of importance to my audience. It's interesting what is important and of value.

I: That translates into what kind of cases generally?

ND9: Cases that bring up issues that are on the public's agenda. Cases with very high visibility, with very high interest level. This murder case in Henrico that I am constantly referring to, in all kinds of overtones; the police stopped by the house in the middle of the night while the murders were apparently going on but didn't go in. Are our police doing their jobs? The conclusion basically they couldn't go in because they didn't have a search warrant. Policy issues like, what do you do with an 18 year old murderer? There were all kinds of indications that, I want to get this right, that one of the two kids involved had been abused, had all kinds of mental hang-ups, which is a whole question of what kind of defense or what is the appropriate defense for a clearly confused, a kid here who had some serious mental problems. Now what is appropriate? It is a very good question on the public agenda. What do you do with people who can tell right from wrong but are having some kind of mental problem? These issues that are on the public agenda they transcend, is this guy really guilty? What if the kid next door or down the street or around the block sneaks into their house in the middle of the night and hits them in the head?

I: So did you do some of those side issues?

ND9: Yes, we did. We didn't necessarily do them with courtroom footage. I'm not trying to suggest that if you don't have cameras in the courtroom you can't possibly explore these side issues. In many cases you sure can and we would do it anyway. The main benefit for cameras in the courtroom remains that you get a better look at and a better understanding of that trial, that day. The side benefit is that you get a little better understanding of how the court system works. If you look into a courtroom window and see the court system working you begin to understand what a judge is, what an attorney is, and why they are important.

We have a number of cases where you get to see some of that interplay. I have seen people walk into courts and they are so petrified that they are afraid to answer. It's a very scary situation. I think judges and attorneys that do it day in and day out for 20 or 30 years, don't realize that for a novice walking into court is a petrifying situation. Let me digress a moment, I have a son who was injured on a ride at King's Dominion and we did a settlement with King's Dominion, a big amount of money, he knocked his front teeth out on a ride that was missoperated. So we had to go into the court because he was a minor and accept the settlement. The court had to agree that we could make the decision for the minor child. A settlement for a few thousand dollars to have his teeth fixed and so forth. We walked in, with an attorney who did it for me for little or no money, and my wife was so terrified of having to stand up in a courtroom in front of a judge, that when the judge turned to her and said, "Mrs. --, do you feel like this is a fair settlement?" all she could go with was "yes" in a whisper. Now I don't know if cameras in the courtroom will solve that, but courtrooms are very intimidating places. I don't know of many places on the planet that are much more intimidating to a novice than a court, and the higher the court the more intimidating. They build them to look like a palace. I remember sitting in Judge Marriages courtroom, Federal District Court here in Richmond, the first trial I ever covered and I don't remember ever feeling so intimidated. I was the only reporter sitting in the back of the room. It was a very intimidating courtroom, and yet Judge Marriages is probably one of the most user friendly judges I have ever seen. He is hell on lawyers, but he is great with witnesses and jurors and so forth. I think anytime you can lift the veil from these hidden places that you make them more understandable to the public. I don't believe that somehow we are going to educate the people as to what all of these Latin phrases mean, I don't believe that is our mission. But anything you have seen before is a little less intimidating. I'm giving you terribly long answers.

I: You know we haven't talked about civil trials.

ND9: I'm trying to think if we covered any with cameras in the courtroom. I can't think of any. We have covered civil trials but I don't believe any of them have been in courtrooms that we had cameras in. I just can't recall any. We probably should have done a much better job of documenting. We should have kept a file from day one of everyone of these things, but we didn't.

I: That's what I was hoping to get out of this and that is why I asked those questions to name the ones that you can remember. I'm getting a good sense of what it is like and I hope that I'm going to get a good representation of cameras in the courts over these next three months. I seem to be. Do you think the cases that you cover would change if you had total access? For example, you just talked about the civil criminal issue.

ND9: Like I said, there are very few handful of civil cases that we have covered, but I don't see, we would cover them anyway. I'm not going to let the General Assembly with their decision as to where cameras can be, decide what is news. I'm sorry but I'm not going to advocate that. Now if we can do a better job of it, we are going to cover what is the news whether they let us take the camera or artist. They can put a ring of gunmen around the building but we are still going to find out what is going on. At least we are going to give it out best shot. I don't think it will change radically what we cover. I think it will help us better to explain better explain something like the Dalkon-Shield case. If we had been able to go into the Federal Courts. That was an unbelievably complicated case.

I: This is a digression and not a question I have on my questionnaire. Do you run into a problem with who to send to cover those complicated cases or is your staff?

ND9: I have an attorney on staff. I mean one of my reporters is a lawyer. He is my weekend anchor, and he is a member of the Virginia Bar and he is a lawyer. He doesn't cover every trial, but he does give us a lot of help in being able to determine what a lot of the legal jumbo mumbo is.

I: Good, I'm glad I asked that question. Are there any cases that you didn't cover that you think you would have covered if you could have taken cameras into the courtroom?

ND9: No. I don't believe there were any cases that we didn't cover. There are cases that we would have covered in a longer form. You know what I'm saying.

I: And I think that answer covered the next question too, that you are going to cover what you think is important.

ND9: And we are not visionaries. What one of side benefits, and again I keep referring to the Supreme Court because I am a coordinator for that and so I'm a little closer to that.

David Beecham is Executive Secretary, is a bureaucrat in the Supreme Court and he is the guy we deal with, sends us a rundown now on the court cases before they are heard. This is not something we have done before. It is not something that the law says he has to do, but we now have help in looking at the agenda of the Supreme Court cases in Virginia coming up. That has been as big a help, almost, as the cameras. Having somebody to really talk to and say 'oh this is the such and such case, I see.' That has been a big help.

I: Any cases that you would not cover, flat out?

ND9: I'm sure there are cases that we would not cover because of lack of news value or whatever. And again I have no problem with the court's decision that certain things are taboo, that you don't show a child in a situation where they are confessing that they were beaten by their parents or something like that. We don't do rape victims. It is a standing newsroom policy. You go down that list of things that the court has pretty much said that they are going to rule out for our coverage, I have very few qualms with any of that. I just think that is good taste. I hate to use the phrase "Virginia gentlemen" but I have lived in Virginia all my life and I kind of agree with the values that the court system and the General Assembly have set up. Those are the values that I have grown up with and I am going to make sure that my newsroom adheres to those values. We try to take the high road. I don't mean to sound self-serving.

I: Because, well you know, the New York City newscast is like the high road that has been forgotten.

ND9: New York is a different place with different set of values. A lot of the problem we have is the network which in many ways represents sort of an amalgam of values nationwide makes decisions constantly that are different from ours. Recently as naming the plaintiff of the rape case in Florida. That is not a decision we would have made. I know of at least one television station in the country that bleeped it out, that took out the network newscast even though our contract with the network won't let us do that. They simply said, "so sue us." WDBZ in Boston, when that section came up they prerecorded on a earlier feed of the nightly news and bleeped it out. I don't know how you could do that, I don't see how you could play God to the network newscast? I think probably one of the benefits of this whole experiment is that we have thought more and talked

more about what values and what ethical questions need to be asked about court cases.

I: That's all the questions that I had. Just anything that you might want to say.

ND9: One of the things that. . . or one of the problems that I have been troubled about is that, I think Jim Shaver is in a better position to talk about this and may have talked to you about this, because I think it happened to him. It concerns me greatly. Once the judge is in the position of telling the news media what it can and cannot do in his courtroom, then he starts setting up perimeters that you can't take pictures of the attorneys. Well, if you tell me that I can't take pictures of the attorneys in the courtroom, that's fine, that's your box, that's your room, you tell me that is your decision, fine; but don't tell me who I can tell pictures of as they go and leave the court building on public property. I think he had the situation where the jurors were not to be photographed and he took some pictures as they left the building. Has he talked to you about that?

I: Yes, that he was not to take pictures of the jurors as they came into the courtroom.

ND9: It concerns me. Judges should not run news departments. Judges should run courtrooms and I applaud them for their decisions. It is a job that I would find very difficult, and I acknowledge that they are experts at that and I am perfectly willing to abide by their decision as to what is proper in a courtroom. I wish they would extend to me the same authority to run my newsroom. Don't tell me what is news, and don't tell me who I may interview for a news story. Tell me what I can do in your courtroom. Judges are very used to being God and sometimes I don't think they see the limits of their divine authority. Maybe you will want to sanitize that so I won't come out quite so critical of the judiciary because they have a very tough job and I respect that.

I: Anything else?

ND9: No, that is a concern. There have been cases we have covered before cameras in the courtroom in which the judge takes the court out to the scene of the crime, and we talk either to the judge or his clerk and said, "Look we would like to take pictures of you going to this scene, and we have to stay X number of blocks away and we come up with

something where we can get a picture of the bus arriving or the people coming off of it. I hate to see us lose ground as a result of cameras in the courtroom, as opposed to gaining ground. You asked the question, "What happens if things open up completely?" Don't you think you should ask the question what happens if the General Assembly in its infinite wisdom says well it was a really neat experiment but it doesn't really work in Virginia so let's turn it off?

I: I'm working the other direction, but we are going to try and do what we can to make sure that it doesn't happen. Everybody seems to think that's a strong possibility though.

ND9: It is. I think it is. It is really scary.

I: What will we do then?

ND9: We will go back to stick figures and the courtrooms become even less where people go. It will become some divine hall where only gods visit and mere human beings are only invited in only when they get arrested. I think almost a parallel, we started something at this television station about 10 years ago which I was involved in and is being done now almost all over the country. It is called "Crimestoppers and Crime Solvers" which is where the police officer comes on television and says we need your help in solving the murder of, the robbery of, whatever; on a weekly basis. And the police tell me that there is a new relationship that has developed. People now actually see police officers other than when they get their parking tickets or speeding tickets. If you think about it the only time you have ever interacted with a police officer is when he shines the light in and says may I see your driver's license and you are sitting there going oh my god. It's certainly an unhappy relationship. Now you get to see policemen actually trying to solve crimes and being real. One of the great benefits in having that interaction in "Crimestoppers" is that police come into our newsroom once a week and see that television news people are not ogres out to free all the criminals in the world. It's built a new relationship of respect that involves the public, the news media and the police. I really would love to see us build that kind of new era of respect between the court system and reporters and the public. I think there is an opportunity to do that with cameras in the courts, and if we lose cameras in the courts it will be a big loss. The world will not come to an end because we cannot take a picture of a trial. But, I think increasingly, the courts will become little isolated bastions of legalese that the public never

sees and when they do have to interact with them it's just going to be this terrifying experience.

News Director 10

I: How valuable has the experiment been to you?

ND10: It's valuable more for the doors it may open in the future than it is for itself. The courtroom in our area is a district courtroom which means it's mostly minor crimes so the only times stories come out of it of significant interest to the news department, they relate to preliminary hearings in felony cases. If this opens the door to circuit court camera coverage, that's the coverage we're primarily interested in... state circuit courts, federal district courts, not general district courts.

I: How adequate do you think your current overall coverage is of courts?

ND10: Adequate. I think it's as good as it can be without being able to show people what happens in the courtroom.

I: How has the access changed your coverage of the court system?

ND10: Not significantly here. But again, that's because of the lower court. We still find ourselves in most of our stories of the court doing the same scrambling we did in the past, meaning scrambling to get pictures outside the courtroom, to get some artist to come in, to describe a proceeding that is closed off from our cameras.

I: So, would you say your coverage has increased or decreased?

ND10: It hasn't had an effect.

I: Do you use sketch artists often?

ND10: Not very often, no. Maybe once or twice a year, on major cases.

I: How does budget affect your coverage?

ND10: Significantly. I have to hire a sketch artist which is an expensive undertaking, not one that I undertake lightly. Whether or not I have a sketch artist determines how much visual material I have to tell a story with. So, without a sketch artist, the story is shorter. To get a

longer story, I have to pay someone, not on the staff, to come in a draw pictures.

I: How does staff size affect your coverage?

ND10: I don't know that it really affects it. If there's a story we feel is important to cover, we find a way to cover it.

I: Geographical coverage area?

ND10: That just determines which courtrooms we go to. It doesn't have an effect on whether we cover cases.

I: Are you as likely to go to an outlying county if it's an important story as you are to cover a closer one?

ND10: Yesterday, for example, there was a murder in Orange County. We're likely to be there to cover the trial when it comes up because it's part of our immediate coverage area. Whereas, if there was a murder today in Louisa, we would not be likely to do that because it's too far away and Louisa is not part of our primary coverage area. We border on a number of counties, Orange, Green, Madison, Nelson. The counties we border on, we're likely to go to cover major trials. Any courtroom close enough to be part of our major coverage area, we're likely to visit to cover major trials, but is it related to cameras in the courtroom, no.

I: How do courtroom facilities determine what you cover?

ND10: It doesn't. It may in the future, if there are cameras in some and not in others, but now, it doesn't.

I: How does the existing pool arrangement affect your coverage?

ND10: We don't have many people coming in here, but we have joined the pool in some other localities. We joined the pool for the Haysom/Soering murder trials in Bedford, and we've been part of the pool a couple or three times in the state Supreme Court. It worked quite well.

I: What other trials come to mind that you have covered with cameras?

ND10: There's not a great deal of coverage going on in the state. Jim Shaver is extremely active in Roanoke. There's not much going on in Virginia Beach. I understand

the judges there are complaining because they're not using the access they have. Caroline, I think it's too rural to get much coverage. Charlottesville, General District Court gets visited frequently by the radio stations and we've been in there several times. I think the Supreme Court gets visits quite often, and I don't know about the Appeals Court. Just flipping through my records, I find that in 1988 we were in Charlottesville for a preliminary hearing on a murder case involving two suspects from Charlottesville. Here is another case in General District Court with a complaint about a noisy rooster that wound up generating a court case. We went to cover it. Here is a preliminary hearing... another ... another .. another. That makes up the bulk of it. There's a time frame now with little coverage because we had a dispute with the judge about our operating parameters. The radio station kept going, and we didn't. Here is a case where a city official fired a gun while chasing off drug dealers. He jumped out of his car and fired a pistol into the air to scare off some drug dealers and he wound up going to court for illegally discharging a firearm. So, we went to court for that hearing. In several of these cases, this one included, either the prosecution or the defense would ask to have cameras excluded, and the judge, to my knowledge, always ruled in favor of keeping the cameras there.

Here is a case of about a year ago, April of 1990-- a man arrested for drunk in public was injured rather severely while he was being arrested. A major question arose of whether police brutality had been involved and there were several eye witnesses on both sides of the question, and when he went to court for his hearing on drunk in public, we had cameras in the courtroom.

Here's a Supreme Court case in February of '89. This is over a spanking issue at the Faith Mission Home, a home for mentally retarded children in Albemarle County. They used spanking as part of their school procedures in extreme cases. The state tried to stop them and it wound up in the Supreme Court and we were there to cover the arguments along with WXEX, WTVR, WWBT.

Here's another murder preliminary hearing last November.

Then we had another murder preliminary hearing in April and we were back in the Supreme Court in April, this time over arguments in an appeal over the Orange County electric generation plant. So, we've been to court quite a few times since the experiment opened in a variety of cases. If the issues rose to the level of news interest, we tried to be there.

I: What was the dispute with the judge?

ND10: The judge decided that in his view the future jury trials where the defendant could be put in jeopardy by news coverage, he wanted all news organizations to sign an agreement, essentially limiting our use of tape from preliminary hearings for a 24-hour period. Beyond that, we would not be allowed to use our own tape until the conclusion of the jury trial, if one came up. His feeling was that potential jurors might be exposed to this on the air. We disagreed and saw it as prior restraint and a Constitutional abridgment of our rights, so we were not going to back down and neither was he. In essence, in order to keep this from blowing up into a nasty dispute which would have tarnished the experiment, we decided to just withdraw, so we did not go back to his courtroom. We did not choose to make it a public issue. The radio station that is also involved in Charlottesville coverage took a different view and felt the experiment was so important that they should just swallow hard and sign on to this agreement for the sake of the experiment, so they signed the letter and continued to go. Since then, there's been a change in judges. The new judge does not share the view of his predecessor and we're back in the courtroom.

I: Have you done any extended coverage?

ND10: It's not likely to happen in the district court. However, something like the UVA fraternity cocaine cases might be a situation we would cover live because of the significant public interest. Some of that is in federal court and some in city circuit court.

I: Have you done any special programs related to courts?

ND10: We spent a day in district court at the beginning of the experiment just showing what happens, but we did that as part of our regular news program. Not full coverage. Even though we might not do them, local cable systems might be interested. They're not restricted as we are. The reason I mention that is that I understand the judges complain because they see a day of court in a 45 second story, but the long form of coverage and commercial TV are not compatible. There is a possibility with cable.

I: Any live coverage at all?

ND10: No, just cut-ins. We interrupted for ongoing progress and it was before the cameras in the courts. Throughout the

day, we interrupted with updates on testimony on a trial. It was the Worsky murder case years ago. Today, the guy who was convicted, in fact, was denied parole. A twelve year old had disappeared and they never found the body. He denies it. It's the second or third case in Va. history with a conviction when a body was never found. It got statewide coverage.

ND10: The stories would get longer and more accurately reflect what happens in the courtroom. The length is now driven by the quality of the video. If you're limited to sketches or defendants being hauled into the courtroom, it affects coverage. If you have excerpts of testimony, you can devote more time. Because you're showing what actually happened you're better able to show it to the audience. A five second clip of a rainstorm can better convey reality than much description. "The defendant said" is not the same as showing the defendant saying it.

I: If all courtrooms were open, how would budget/staff influence your court coverage?

ND10: We cover what we cover because it's our specific area unless it's a remarkable case in another locality. We would try to follow capital murder cases around the state, but mostly, we visit courts that hit "home" to our viewing audience.

I: Geographical coverage?

ND10: We might be more likely to go more distance if we had visuals.

I: Courtroom facilities?

ND10: We would have to see on a case by case basis. Some courtrooms are not designed for cameras. I'm not sure what problems might come up. We want to be unobtrusive.

I: Pool arrangement?

ND10: It's technical for us to get equipment to support the pool. It takes expensive equipment to do it. Who will buy it? Maintain it? I can't afford equipment to support a pool. I think VAB would need to help with equipment.

I: Problems if all were open?

ND10: It's not a problem if they're open. The problem is not having them open. You can't show what's happening. Today, that amounts to public access. Trials are open. But the reality is that members of the public who work and support families are closed out. We can't take them in. We can't show them by using the tools of our trade.

I: Impact on public from the experiment?

ND10: I don't know that enough stories have surfaced to say. But people are seeing real trials everywhere all over the TV dial, but they're not seeing them from their own locality. Eventually they'll be aware of that discrepancy.

I: Considerations for covering a case?

ND10: The interest level in the community is important. How important is it? Do people want/need to know? If yes, we'll try to cover it.

I: What kind of cases are you likely to cover?

ND10: Primarily criminal cases or major lawsuits. The criminal usually involve violent crime or major drug stories, and sometimes the two go together.

I: Would the type cases change if you had total access?

ND10: No, it wouldn't change the type case.

I: Are there cases you did not cover, but would have covered if you had been able to take cameras into the courtroom?

ND10: No. Generally, we'll cover it somehow if it's worth covering.

I: Are there case you would not cover?

ND10: Not allowed to cover sexual assault and child molestation. Beyond that, I can't think of any. We covered the noisy rooster. You just can't tell what people will be interested in. We also covered the trial of Goldilocks as a way to teach children. Situation where Goldilocks is periodically tried and takes the stand. Some kids shadow an attorney. Others serve as jurors.

I: Anything else you'd like to mention?

ND10: I get on a soap box about this issue. I think it's important. People have seen how good TV is at conveying reality of events. It's better at showing than describing. Technically, that lets people be in and see and hear it... how it's said. It could ultimately provide resources for that nation's law schools. Imagine putting in a video cassette of Darrow defending Scopes in the Monkey trial case. Or of leading attorneys of the day... showing opening and closing arguments. Showing an attorney interviewing a hostile witness. Transcripts don't tell you how it was said. It loses the human element.

News Director 11

I: How valuable is this experiment with the cameras in the courtroom to you as a news director?

ND11: Because of the courses that were chosen, it is of very little value to us. We don't have access in the courts. The courts they have chosen-- the only one we have access to is really the General District Court in Charlottesville. It is the only one in our immediate area that we have access to.

I: And Charlottesville is an hour away, right?

ND11: We have a bureau over there at the present time. We don't do a lot of things in General District Court. There are just aren't enough proceedings that we have time to go to. In fact about the only time we had a chance to use that was to do a story about the fact that the courts were actually open. The fact that the cameras were there. We did go in one day and do some filming when the experiment first began. To my knowledge we've never been back in that court.

I: So you have been here the whole time since the experiment has been underway, you've been here since '87. So far as you know you have been in court with your cameras one time with your staff?

ND11: Let me take that back. There was one other incident, we did get some video out of the Supreme Court. We did not use our own people. We used full coverage with Richmond and we did have a staff person there and we did get some video of an appeal sentencing.

I: How adequate is your overall coverage of the courts?

ND11: Somewhat less than I would like it to be. We are able to cover, in some fashion, the major cases that need attention. We probably don't do as much with the courts as we should, but that's a matter of staffing priorities and quite frankly video opportunities. Obviously it is tougher to cover a television story when you have no access to the visuals of the story, so consequently it influences our calls some days.

I: Has the access changed your coverage of the court system?

ND11: Very little. That's the only case I can think of where it was a significant factor.

I: You have touched on these already, but let me ask you these one by one. How these factors influence your court coverage.

How does budget influence your court coverage?

ND11: These factors being video availability?

I: Just in any way. It may not have any affect at all, but when you consider court coverage does budget have any affect?

ND11: No.

I: Staff size?

ND11: Yes. We have a limited staff and we have to make judgments prior to everything we do. If I am down to a certain number of reporters on a particular day then I have to make a judgement where they are going to be for the day. It's a factor in every aspect of our coverage with the size of our staff. Especially given the size of our market which is huge.

I: Geographical area, how does that affect your coverage then?

ND11: It's just a matter that we have counties in West Virginia we have counties to the north and down to Augusta. It just makes it more difficult for us to get out and do a story in timely fashion and get back and do the evening news.

I: Do the courtroom facilities as they exist now affect your coverage in any way?

ND11: Most courtroom facilities that I have been in, my reporters have been in, have tended to impair our ability to cover stories, and that is just in terms of the way they are laid out. One of the biggest problems I have is the acoustics in most of the courtrooms I have been in. We have a lot of historic courthouses and we wind up in facility with, even if the witnesses and even tables with mikes you have difficulty hearing what is going on. Usually you're away from what is being said and it's a factor because when you are in a courtroom situation you don't want to, you

can't take any liberties with what is being said. You need complete, accurate and thorough information, and witness will testify and you have difficulty in understanding in what they are saying it can really be a hurt to the court.

I: The existing pool arrangement, does that have any affect on your court coverage, or how does it affect your court average?

ND11: In our case it probably makes it a bit easier because, since we don't do it on a regular basis, it's much easier for us to rely on someone who has had the experience with a particular setup of equipment and etc.

I: No extended court coverage? You've nothing outside your regular news cast on courts?

ND11: No.

I: And special programming relating to courts? I guess we can consider what you did with the District Court, that was about the cameras in the courts?

ND11: Yes, that was a feature on the actual mechanics of it. We have had news stories about staffing, budgets, does the District or Commonwealth Attorney have sufficient staff those kind of stories related to the courtroom.

I: No gavel to gavel or nor preemption of regular programming for courtroom coverage?

ND11: No.

I: And nothing live?

ND11: No.

I: Now we get to play dreamland here and let's pretend the Legislature this year says, "We are going to extend and expand this, we are going to make this permanent and all courts are going to be open to cameras." Then what kind of considerations would you have to think of, in terms of, first of all in budget? Would it change anything?

ND11: Not really. If there is a significant trial, something we are going to cover, we will cover it with or without cameras. If it's a capital murder case or first degree murder case, or something very important to the

community we are going to cover it. So in terms of staffing, manpower, overtime or what have you, it wouldn't change anything. Our reporters do their own shooting so it's not a matter of bringing in an extra person. About the only thing that it would change would be that we would save some money on staffing because we wouldn't have the need of a courtroom artist. Which actually increases our costs of covering an extended weeks in a courtroom situation.

I: How often do you do that? How often do you use a courtroom artist?

ND11: We use an artist, a rough average, maybe once every two months we will have a trial of that much importance to us. That's real rough. I mean we can go five or six months without having any major situations, then we may have 2, 3 or 4 in a row that we may want to cover, whether it be here, Stanton or Winchester. So whenever we do extended coverage, more than a one-day hearing or an extended trial, we bring in the artist.

I: You know that surprises me for in my market area they never use courtroom artists, but I am finding out that all over the state everybody else does. How would considerations be as far as staff size if all courtrooms were open?

ND11: My staff size is determined by other factors.

I: And, the geographical coverage area? If the following courts were all open and you have all this territory what would you cover? Would that make any difference in how you cover the courts do you think?

ND11: I don't think it would have any effect on the decisions of what we are going to cover. If we feel it is something to be covered, we are doing it. Backing up a little bit, when we were talking about geographical area. I believe there was another situation where we went into a court in West Virginia.

I: Did you take cameras in?

ND11: We used cameras. I'm not sure exactly what West Virginia's statute is. I believe they have open courts. I'm not exactly sure.

I: That's interesting, because in the Virginia Beach area they can go into North Carolina and cover courts because they are open. So if everything were open then how would courtroom facilities affect your decision about what you would cover?

ND11: Courtroom facilities?

I: Meaning the setup of the courtroom and you are thinking about all these different places and all these different courts. Am I going to cover these or am I not?

ND11: Same answer in affect, I don't make decisions based on those kind of things. If it is important for us to be there, we will be there. The cameras, artist, whatever.

I: And the pool arrangement, would that have any affect on whether you would cover something or not?

ND11: No.

I: Anything else that you can think of that we would be a problem for you if all the courtrooms were open?

ND11: No.

I: You said you have been here since this experiment began, so how much impact do you think this courtroom access we have in Virginia has had on the public?

ND11: I can only speak for this market, and I would say virtually none because of a lack in access in this market.

I: Now back to reality. When you are taking a look at courtrooms, and you talk about determining, if it's important you are there. What are the factors that go through your mind in determining that it is important for you to be there?

ND11: Nature of the crime, nature of civil case, public interest, the effect the case might have on the public, especially in the event of a civil trial and law suit. Nature of the people involved, are they on trial here but are actually from Florida, and just happened to come in, or are they people who are native of here? I guess the type of case we are dealing with, is it a murder case, or is it a divorce case? Basically we don't do divorces, but we do

murders. What is the situation, does the public have an interest?

I: So is there a type of case that you are more apt to cover than others? You have mentioned criminal several times. You also mentioned civil. What kind of civil case would you most likely cover?

ND11: An action related to a particular governmental operation. A lawsuit against the state, a lawsuit against a governmental body, governmental official, someone in public office in terms of civil action, and cases where there are public issues involved, cases against school system and the way it operates its religious education program, where there is a public issue and public interest.

I: Have you done any of those recently that come to mind?

ND11: Yes. I guess the most recent one was probably the ACLU action against a school system regarding religious education. We covered the case; we didn't cover a trial because it didn't go to trial. We covered it because it was a public issue with public interest. That's basically what we do here, we look at the issues and say what is the public issue involved and what is the public interest, and what is the factor of this particular case, civil or criminal, down the road to public policy? And that is the basic part of news coverage as opposed to this might be glamorous or fun, or the public might be titillated by this. I don't make decisions based on that. I make decisions on news value, news contents, importance of the issues and policies to the people involved.

I: Do you have a feel that the type of cases you cover would change if you had total access of cameras?

ND11: I don't think so. I think not.

I: Any cases that you can think of that you did not cover that you would have liked to have covered if you could have taken cameras into the courtroom?

ND11: No.

I: Are there any cases that you would not cover regardless? Any kind of case where you would say I don't cover that kind of case.

ND11: Yes, sure. Most of them. 95% of them, most probably, because they are boring, divorces, custody fights, traffic violations, things that don't really have any news value beyond the people who are immediately involved.

I: Anything else?

ND11: Are you going to ask me if I would like to see coverage, or open courts? What value that might have?

I: I asked you that in there pretty much. Make a statement for me. How do you feel about cameras in the courtroom? Would you or wouldn't you like to see them?

ND11: If I have a choice of all or nothing, I certainly would like to have the access. It's typical situation, in happens in a lot of situations, because of the nature of what we do as journalists, we have a different set of rules to follow than do the print media, and in some cases the radio guys. It is something that the legal system has not caught up with yet in terms of technology advancements in the last 30 years. The attitude remains one of that newspaper print is somehow more legitimate than television or radio. That's an average attitude from the average Joe Citizen to the Governor of the Commonwealth and beyond. What is really striking about that is a newspaper reporter can walk into a courtroom with all the tools that he needs to do his job, unless he is also a photographer, but a television journalist has to leave his tools at the door, to walk in and basically to do the same job, in terms of reporting. The actually mechanics of doing that job are quite different, yes. The problem I see happening is that the legal system has not caught up with the realization that, I don't want to use the word 'discriminatory,' but it certainly puts us in a handicapped situation. It's quite interesting to observe that. I can't judge the affect of courtrooms on the public perception, but my own feeling is that if that should happen, that courtrooms were to be opened to cameras then the public would be well-served in terms of having an accurate reflection of what is going on in the courtrooms. I don't mean to say that people are being misled by newspapers, radio or television, what I am saying is that access to courtrooms with cameras would enhance our ability to tell and show them what goes on. We have to tell the story with our words and with our voices, and what radio and television does best is to let people tell their story with their own faces, voices and words. It is a very simple situation where my reporters go on the air and say " The defendant took his own defense and broke down

and cried and proclaimed his innocence" and what television is about is giving the people the opportunity to see and hear the experience themselves that which is taking place. Our function is not to sit back and be descriptive, our function is to take you there and show you the people who are involved in the story and what is going on. You can't do that. There have been certain instances. It hasn't happened in this newsroom, but there are definite instances where I know of news directors, assignment editors and reporters have said that would be a good story to do but the other thing down the road here has better visual and it is a better television story so we will do that story. I think that the public is disserved on that.

News Director 12

I: We are going to talk about cameras in the courts.

ND12: All right.

I: The first question is how valuable is the current experiment to you as a news director?

ND12: The results are valuable to us. For our station we are obviously not really involved in the experiment so we aren't learning anything first hand. We are very curious to see how it comes out and we are hopeful that we will be able to take cameras into the courtroom in this area.

I: How adequate would you say that your current overall coverage of the courts is?

ND12: I can't say it is better than fair. Because we are on the state line we occasionally get to go into a courtroom in Tennessee, but not very often. As you know, everyone has to approve before that happens and it is a difficult process to go through. So very seldom do we get to do it. On the Virginia side,

I: Everybody has to agree?

ND12: Everybody. Yes, even the defendant has to agree, and all the attorneys, and the judge.

I: The witnesses?

ND12: No, just the principals involved. It is set up as a pool so once you decide you are going to do it then it is available to everybody else in the market. It has to be a big case before we are able to take somebody and put them in a courtroom full time to cover a trial. On the Virginia side we run into the problem, the same as we do in Tennessee, cases where we are not in court, pictures, if you don't have pictures to illustrate the case, you show people walking into the courtroom, coming out for lunch, going back, the judge walking down the sidewalk outside the courthouse, the attorneys and perhaps a body picture. Occasionally you can go to a crime scene and take pictures, but you are pretty limited to what you can show. We are in the video business.

I: How often do you run into gag order?

ND12: In big cases it is almost routine. They are telling everybody not to talk. In a major case you have such publicity before hand anyway. Usually the judge will stop a gag order. There is this routine that attorneys go through, change the venue, with a sensational case, and they will get a gag order, so neither the principals can talk outside the courtroom. We are really limited to the kind of material we can work on.

I: So would you say that the access has changed your coverage anyway?

ND12: No, I don't think so.

I: As things stand now how did the following factors influence your court coverage? If they do at all. How does your budget affect the way you cover courts now.

ND12: Not at all.

I: Staff size?

ND12: Somewhat. To do a good job you have to have a good reporter and photographer on the story all day, and we are looking at people to do two and sometimes three stories a day. So it depends on who is available and how big the story is before we do it.

I: Geographical area, how does that affect your coverage?

ND12: Well we try not to go too far to cover a trial. We try to cover a trials that we feel most of the market is familiar with or else we would be in court everyday. We are pretty careful about that. It would have to be a pretty sensational trail for us to go to Wytheville or Boone. We did cover a case in Boone and were able to go into the courtroom. That was the guy who tried to rape an Appalachian State student and during that confessed to killing another Appalachian State employee. We were able to go into the courtroom during that case. Because it was so sensational we went to Boone to cover it. We thought most of the market knew about it.

I: Sensational is such a high emotion kind of word when you are talking about trials. How do you feel about that, because the Supreme Court sees that as total negative? The word sensational to them is total negative. How would you respond to that?

ND12: I think there is a side to that that is very negative. We use the term in our business in a negative way. Oh, that story was too sensational the way they did that. But on the other hand, when you are talking about a sensational court case, to me it is a case that nearly everyone is going to be familiar with. Almost all of your viewers will know about it because of the circumstances. In this case I told you about earlier, the Appalachian student was raped, and then during the course of the rape, after which she was able to escape, the guy admitted to her that he had killed another girl and was going to do the same thing to her shortly. Yea, that's sensational, but it is something that the public is very aware of and I think they are interested. Probably because it is sensational. There is a negative connotation to that. Sensationism is often times interesting as well.

I: How about the existing pool arrangement that you have in Tennessee. Does that affect the way you cover courts in Tennessee?

ND12: It does. We don't do it very often for several reasons: 1) Because it takes a long time. Everyone has to approve it; all the principals involved have to agree and that's difficult to do, 2) because it does require having someone on that case for as long as the case goes and usually if it is a trial you want to cover it is not going to be over in a day. So you have dedicated a team to be there all day for as long as the court is in session, for as many days as the court is in session, and 3) there is a competitive factor as well. You do all the leg work, you come up with the idea, and once it is approved then everyone else can be involved in the pool. So you are doing a lot of work for you competitors, and that doesn't make us real keen on going to the trouble either.

I: So during the experiment in Virginia, do you ever have an occasion to go into a courtroom?

ND12: No. We have earlier on used some material from WDBJ of a case in Bedford County. I don't honestly remember what it was.

I: Was it the Soering case? The one where the couple killed her parents?

ND12: Yes. That was what it was. We had video from that story, but Bedford is 2 1/2 hours away and that is

pretty far to go for a case that is going to be of little consequence to our market.

I: If all the courtrooms in Virginia, if by some miracle the legislators this year would say "okay, this is okay, this is no problem, open up all the courtrooms." Then what kind of considerations would you have with the same factors that we talked about before? Would you have any special considerations as far as budget is concerned?

ND12: No, I don't think so. If you are talking about local courts, I don't see it impacting our budget at all. Staff, sure, the same concerns, but we are covering trials in Virginia now, and I don't see a big difference in covering them as we cover them now. I don't see any real impact here. What is the other?

I: The geographical coverage area?

ND12: We wouldn't change anything. We would still only cover cases that are pertinent to our market.

I: What about courtroom facilities as they exist in this region, would that affect how you would cover courts if they were all open?

ND12: None that I know of. When we covered this case in North Carolina, the trial in Boone, we and WBTB in Charlotte went together and paid for a window to be put in one of the walls so we could shoot through the window, because they were concerned that there wasn't going to be space inside the courtroom for cameras, so we worked out an arrangement to put a window in the back of the room so the two of us to set our cameras up there, ran cables inside the courtroom, and shot actually from outside. That's something you can't anticipate. That's my point. I don't know whether that's the wrong answer to the question. There would probably be things you couldn't anticipate.

I: So you don't think of any other problems or do you?

ND12: No, no, I don't think of any other problems. If it's allowed I don't see any particular problem it would cause.

I: How much impact do you think this access has had on the public?

ND12: In our market, very little because they haven't seen a case. The only cases they have seen have been on CNN, like the Boston rape case, or something outside the market. I really think it has to be local people, local cases before they think about it. You remember a long time ago we did Ronald Richard Haries trial, and the market talked about that. It was happening here. It was the first time they had been inside a courtroom and seen what happens.

I: Where was that?

ND12: In Blountville.

I: Just in an overall sense when you are deciding whether or not to send somebody to cover a case what goes through your mind? What considerations?

ND12: Not looking for a particular number, but in general terms, what percentage of the audience is going to be familiar with this case? 1) Is it of high enough visibility that the audience will know about it? 2) Is there something of interest there besides what's happening between the judge, the attorneys and the principals involved? I think there is a case for reporting on the way the system works, and explaining to the audience here's what happens. An awful lot of people have never been in the courtroom and don't understand the process. I think if we were able to go into the courtroom we have the responsibility to explain that to them. So there is probably some coverage that is not necessarily related to the case itself, but an educational nature so the viewers understand what is happening. I think those are a couple of problems.

I: What kind of cases now are you most likely to cover?

ND12: The ones that people are more familiar with which generally means more sensational cases, the murders, the rapes, are probably going to be covered more than anything else.

I: What about civil trials, any of those that would fall into your criteria?

ND12: Yes, when something unusual happens. That's a tough question to answer. Why do you cover any story? Because it is interesting. Some civil cases would be interesting enough to present. Husband versus a wife, a property dispute, there could some of those that would be interesting because of who is involved or the circumstances.

I: How do you feel about whether or not the type of cases would change if you had total access? Do you see any kind that you might do if you had access that you don't do now?

ND12: No. I don't think so; other than the ones I have already told you. I think there would be a number of cases that we would probably cover as a teaching tool. To explain to the audience how the system works, to show them the court system in a way that they haven't seen before. I don't think we would cover a lot more cases than we cover anyway, because even though we have court video and few sound bites, if it's a big story we still go to court and cover it.

I: Any cases that you have not covered that you would have covered if you could take cameras in the courtroom?

ND12: No, no.

I: Are there any kind of cases that you just would not want your news people to cover? Any particular subject matter?

ND12: Not just based upon access. Sure there are cases we don't cover now. It goes back to interest. Whether you think the community is going to be interested. That's a determining factor in deciding whether to cover a trial. A trial, for most part, is pretty boring. They last a week in some cases, or more. The first day is jury selection and the story is they chose a jury. Second day they began to unravel the case and maybe there is some interesting information there. It's a whole process you have to go through. It's like a minister's five part sermon, once you get to the parts four and five, you are okay but when you are sitting there in part one or part two, you are saying, "Let's get on with it." So, I don't think so.

I: Anything else on this whole issue that you would like to say to the legislature?

ND12: It's time the court system came into the twentieth century. I spoke to Governor's Commission that came through the area for hearings a while back, and I talked to a couple of attorneys while we were there. Their main concern was attorneys grandstanding and would slow down the system. I found that to be rather humorous, because I have been to court before and I have seen some incredible grandstanding without cameras or cassette tapes around. I can't imagine how it could get much worse. It just seems odd to me that

it is a public trial and the public is not allowed access to it. We are there to represent them and we were unable to use our tools.

I: How recent was the Governor's Commission and was that the specific issue?

ND12: Yea. It was when they were deciding whether to try the experiment. The experiment had been proposed and like a five person commission traveled around the state for input. I don't remember who they were. One of those things that Bob called me and said "Would you take this? I was planning on talking to these people, but I have to be out of town, so would you go talk to these people and tell them why we think we should have cameras in the courtroom." "Sure, when is it?" "Tonight!" That's how it come about. I don't remember a whole lot about it.

News Director 13

I: So the first thing, I will start by asking you, how long have you been here?

ND13: Started here in 1985.

I: So you have been here since before the experiment began. Just from what you can recall, how many times have you used the opportunity to take the cameras into the courtroom, what cases, and where did you travel, and that kind of thing?

ND13: Well, that question needs a little more. If you look at our coverage area none of these experimental courtrooms are anywhere near us at all until you get, you know over, the case, I can't recall it, recently in Roanoke. We were there with cameras in the courtroom, but I think really that is the only time. We would have been there many, many more times on huge array of cases except that the cases are in Tazewell County, or Buchanan County, or Bland County, or Wythe County or some place where this experiment isn't taking place.

I: Were you at the Appeals Court? The one in Richmond?

ND13: I will have to check on that. It had to do with the Stan Elon murder case. It was some kind of an appeal that was in Lynchburg.

I: So any other things that you can remember that you took cameras into the courtroom other than this one? Since the experiment begun.

ND13: I don't think so.

I: So with that case did you do anything outside of your regular newscast?

ND13: No.

I: Have you done any special programs related to courts? For example, when the experiment started did you do a story saying, now we have this opportunity or have you done anything related to this experiment?

ND13: No, because you have to remember, we don't have that opportunity. This is not an equal opportunity

experiment because of the designation of the particular counties or courts. It has almost been an experiment that we haven't had a chance to participate in because of the location of these experimental courtrooms. We don't cover the news on a regular basis in the counties where these cameras are allowed. It is frustrating. We certainly would have liked for Tazewell to be a participant in the experiment, but it didn't happen that way so we got left out of the experiment really.

I: So, to sum that up, how valuable are you saying the current experiment is to you as a news director?

ND13: It is not very valuable to me at all, only in the hope that the experiment is very successful because what I think I can tell you here, that no other news director in Virginia can tell you, is that our market is 79% West Virginia and 21% Virginia. West Virginia has had cameras in the courtrooms for years so we are sitting here right on the border, the building we are sitting in right now is in West Virginia. The top of our tower and transmitter are in Virginia. You can spit out the back door and hit Virginia. I can sit here and speak on both sides of the line because we have covered court cases in West Virginia since I have been here and covered them consistently. And it has been highly successful.

I: What are the rules and regulations there regarding cameras in the courtroom?

ND13: I have a copy of the rules that came down from the Supreme Court, and there is some local discretion, it is at the discretion of the chief judge of the county. We have almost never had any problem at all. Most of the judges didn't like it to begin with. They thought it would impede justice somehow, but the ones that I talk to either off the record or in casual conversation since this began in West Virginia have said it's a valuable service, it's not a bother. It doesn't hamper proceedings in any way, and with very rare exception doesn't lend itself to showboating of some of the attorneys or prosecutors.

I: So you are saying that you have covered a lot of court stories and taken your cameras in in West Virginia?

ND13: Oh, yes. All the time.

I: How often would that be? Once or twice a week?

ND13: It depends on with the new quarter comes up and the docket comes out. I would say on the average we are in the West Virginia Circuit Courtroom, the State Courtroom, at least once a week. Maybe it's like 1.8 or closer to 2. It may not be for a full-blown trial, but it's for a motion on this case or a preliminary hearing, or whatever it is, we are in there a lot.

I: How adequate then would you say your current overall coverage of the courts is?

ND13: Are we back in Virginia?

I: Well, when I asked you that question, you are in a different kind of situation here. Maybe I better ask for separate states; in West Virginia your current overall coverage?

ND13: In West Virginia we are very well satisfied. The experiment in Virginia is full-blown in West Virginia and has been for half a decade or more. In West Virginia there are some rules that you look at and say they are an annoyance, but there are not nearly an annoyance as they are in Virginia because there you are just locked out. But in West Virginia court coverage with the exception of Federal courts, of course, we have had a great deal of latitude by those involved. Our coverage has been very successful. I think it has been important too. I'm not just saying that as a news director we are lucky we are in the courtroom because that makes for a better newscast. I think by being in the courtroom and showing it on television this message is that it gets back to people this important process in the judicial system. There is a message that comes with that, a message that you don't often get when you have to rely on courtroom sketches or nothing at all. We are doing a case in Roanoke today where we have a courtroom artist. Well that is not going to convey the emotion or the reality of what is going on in that courtroom.

I: So how satisfied are you with your overall coverage of the courts in Virginia?

ND13: Very dissatisfied. You know it is all the more frustrating because we are eating our cake over here in West Virginia and in Virginia the same type of cases you are just locked out. I guess in some ways it might be easier for me to swallow if I were in the heartland of Virginia and if it were all universal that anywhere you would go you couldn't get in. Here it is frustrating because one of the most

fascinating cases we have had in the last 2 or 3 years happens to be in Tazewell County. A murder that has some alleged drug kingpin connections. The Pocahontas murders. That would be tremendously fascinating and tremendously important. It's obviously an important story, but to be able to get that on tape so that the rest of the world could see what's going on in that courtroom. It has been a botched up case. The guy has been in jail, then he's out of jail, and they screwed this up, and then they screwed that up. It has been a bungled effort on a lot of key players in this story, and that doesn't kick home the same way that it does if you had that tape from the courtroom. There is no way, it is humanly impossible.

I: Were you here when you were first able to go into the courts in West Virginia?

ND13: I think it happened a year or two before I came here.

I: I was wondering if the coverage increased when you had the access?

ND13: Oh definitely. I have enough knowledge about it to give you an absolute answer on that.

I: So you foresee that would happen in Virginia, too, if you could get in you would cover a whole lot more court stories?

ND13: Well you would be covering them in more detail. I'm not saying in West Virginia that all of sudden because you can get pictures of someone on the witness stand, that all of a sudden that's a story where there wasn't a story before. It is just that you can do a better job of covering that story and I think it would give you the impression that we maybe were covering more stories. Maybe in fact we are. I don't know. It's a better way to cover it, and it better serves the public.

I: Just let me ask you this question as to the way it is in West Virginia. I guess it could apply to Virginia too. I was wondering how budget and staff size influence your court coverage?

ND13: I really don't think it influences court coverage much at all, because the court cases are relatively inexpensive to cover. Normally you are not driving long

distances, there are no costs to incur when you get there other than set up and break down.

I: How about the courtroom facilities? Are there any differences in the way the courtrooms are set up in West Virginia than in Virginia? How does that affect your coverage?

ND13: Well, I guess each courtroom has its own characteristics. One of the problems we have in West Virginia, which is a technical one, some courtrooms the acoustics are horrid. The one in this county, for example, it's a huge ceiling, the walls are very hard, and sitting in the front row you can barely hear what the judge, who is not more than 20 or 25 feet away from you, is saying because it is like an echo chamber. That has been an obstacle. But some of the other courtrooms, the more modern courtrooms are acoustically sound. But as far as the facilities, this state versus that state, there is not much difference. It is so different when we get there. We go to Tazewell County and the facilities might as well be a prison, you can't get in.

I: Do you have a pool set up in West Virginia?

ND13: Yes.

I: Does it work similar to the one in Virginia?

ND13: Yes, very similar.

I: How do you feel about how the pool arrangements are set up? Does that influence your coverage?

ND13: Not really. We seldom get into cases where we are pooling. We have much more say like in the Roanoke market. On the occasion when we do pool it, it is simple, one station calls the other station and it is simply where there are 3 or 4 stations involved then you pick a station, and that station's only obligation is to pass that video over to the others, and the next time it is the other guy's. It's a you scratch my back I'll scratch yours and it works out pretty well.

I: In general, if the Virginia courts were open too, what do you think that would do to your overall coverage? Would you be swamped with court stories?

ND13: No. We don't just cover court any court story in West Virginia, there is a specific reason, with a great amount of interest. We have had characteristically a number of violent crimes, crimes of interest of one sort of another in West Virginia. Would it influence? What was the question?

I: Just how would it influence your court coverage, if suddenly you had the same opportunity in Virginia as you have in West Virginia?

ND13: I don't think, and this contradicts the answer I gave before, and I'm glad it does because it will make more sense. I don't think we have increased the number of stories, but the quality of the individual story or group of stories will improve because we would have better access to what we need to put on a news program.

I: How much impact do you think being able to take cameras into the courtroom has on the public?

ND13: I think it has significant impact. I was trying to think of a good example. We covered a case not so long ago, the former head of the Foster Parent's Program in West Virginia. He stood trial for child sexual abuse. Hell of a story. It not only was a hell of a story but he was guilty. I don't think the impact of that case would have been anything like it was had we not been in the courtroom, because you saw this testimony for yourself. It was dramatic. This isn't an example of the normal kinds of cases we cover, this was high profile. I mean it is charged, you know, it is the kind of thing that could end up on "Current Affairs." It is kind of sleazy, but by the same token, it is a legitimate social problem that only exposure can help. There have been a number of cases like that.

I: I wonder if your audience has any idea or realizes that the courtroom coverage they see in West Virginia is in the courtroom and that the Virginia coverage is not?

ND13: I don't know.

I: That would be interesting to investigate sometime. When you are deciding whether to send someone to cover a court story what is the criteria you use?

ND13: That's a really good question. I will kind of have to think this outloud. Murder cases, cases that have an unusual level of emotional appeal within that particular

community, criminal cases involving wrong doing by public officials (that's a big one in West Virginia). We covered a case a couple of weeks ago in McDowell County where the amount of money involved wasn't that great, the crime certainly wasn't the crime of the century, but a couple of people working with the commission on aging. A couple of ladies down there decided to write a few checks to themselves. It was around \$4,000. It wasn't going to break or make the county. It's not the story of the year, but that's the kind of thing you can get into covering. I tell you I think there is an effect on the public office holders, if they know the media, particularly television, is going to be there to document and broadcast their dirty dealings, it is a pretty good incentive not to do it. You wouldn't want to see yourself on television in that kind of situation. We have done it in adjacent county where this bond is today. The newly elected sheriff got a DUI, we covered the case, and he had to stand up in front, what it really amounted to, it was a courtroom, but it really was a television audience. He goes through this thing, "Yes, I did stop at a parking lot and urinate on the parking lot. This is the sheriff of the county who is telling this. I wasn't drunk. I had a bad cert or something. There is something about seeing that on a witness stand and seeing through it, that you can't get from reading a newspaper. You can't get it from a reporter on television that can't show you how ridiculous that looked and sounded.

I: What about civil cases?

ND13: How does, "It depends," sound for an answer?

I: It sounds in keeping with what you said before.

ND13: I don't think there is a formula you can use rather than murder cases, you are going to look at them more carefully. I don't think there is a systematic process for saying yes we will carry this, we are going to cover all murder cases, we are going to cover all rape cases. I don't think you can do that. It varies so much from situation to situation.

I: And so how do you feel then about looking at the type cases you cover? Would there be any change in that if the courts were open?

ND13: I don't think so.

I: Are there any cases that you didn't cover that you might have covered if you could have taken cameras in the courtroom?

ND13: I'll bet you the answer to that is yes. There is no question to covering a court case in West Virginia. Let's say it is much more palatable to us, much easier to do and there is a much higher expectation of successful coverage of that story than there is Virginia because you don't know what you are going to get. We deal in pictures and human beings and it is difficult. Let's say you had the same type of case, or hypothetically, the same case being tried in the same county, same time. What do you think you would cover? If that were the choice you had to make, there is no doubt you would go to the one you could get the cameras in, and do the best you could with the other one but it would suffer in the input room camera.

I: Any type of cases that you just would not cover?

ND13: I wouldn't cover traffic court.

I: That's a perfectly legitimate answer.

ND13: If the alleged offense is not of the serious nature we wouldn't cover it. There are cases that you are a lot more sensitive in the way you cover them than others. We are still learning how to deal with cameras in the courtroom in West Virginia, but I think it is healthy, growing experience. We have made, we certainly aren't perfect, a couple of errors in judgement, I guess, in covering one particular case comes to mind. Really in this business, you seldom either do something so well or so poorly that you remember it and it changes your operating practice. This particular case did. It was a murder case in Wyoming County. It was a domestic abuse thing that had gone on for a long time and the boyfriend comes home, they are living together, the woman had just had enough and shot him dead. During part of that testimony the woman's 10 or 12 year old son was on the stand. His testimony was the best of the whole trial. It was really what convicted his own mother. It was really a sad situation. We put this 10 or 12 year old boy's testimony on the air and never really thought anything about it. Nothing says you can't do it. There is no legal barrier. Ethically, I guess we didn't give it the consideration we should have. I got a letter about a week later from this boy's teacher, and obviously he was going to be suffering from what had happened there for a long time anyway, she had written this well thought out letter and she said, "This

boy, because you've shown him on the air and everyone knows who he is, he is the subject of ridicule of everyone in his class," and at the bottom of this letter she had written the reason I know this is because I am his teacher. He wouldn't have gone through that if we hadn't shown him on the air. We easily could have avoided that. Since then, we have. We had another case, a drug case with a double murder here in Bluefield recently, and two of they eye witnesses were young kids. The newspapers printed their names, we didn't. We had their testimony, and fooled around with the video tape, distorted it, and you couldn't identify them, nor did we identify them orally or through some help with graphic assistance or anything like that.

I: But you could have?

ND13: Oh, easily. We did three things. We didn't identify them orally, we didn't do with it a super imposition of the name graphic, and we intentionally distorted the video section. That's a lesson we learned and I'm glad we did. You see sometimes that's a competition. Is the other television station going to do this or is the newspaper going to do that? I'm glad in this particular case. I felt really good about that because the newspaper named names and these are 8 and 10 year old kids, they are in school, and it wasn't necessary. We didn't need to know who these people were.

I: That was my last question except for is there anything else you would like to say? Especially in the situation you are in. It is so different from anybody else.

ND13: Well, tell me who I am talking to.

I: Primarily, me. The write up of this is going to the court justice committee of the Legislature.

ND13: Well, all I can really say, from this standpoint, with this particular study, it is pretty good. We have grown along with the system in West Virginia. Again, in casual conversations with the judges who were a little bristled about it in the beginning, they didn't like the idea, it was an invasion of their domain; they have come now to accept it to the point where it is of no consequence to the judges as to whether we are there or not. It is not a bother, it's not a distraction. And in the process you look at the potential for good that comes out of it, you know we are talking about first amendment of freedom is taking a step further. Who gets the benefit out of this? Well, you know, there is really only one beneficiary and that is the

viewers. It's really not the station. If you are in a situation where, I have said before, all the rules in the same situation can get in anywhere, and everyone is playing by the same game. Yes you want to be in there, because you want to do a better job. The real winner is the viewer, because the viewer gets to see and hear things. The only other way that a regular guy that works regular day's works, he can't go to the courtroom. He can't go to most any news story that we would cover. It is just impossible. This way he can see the process much more closely than ever before. I'll bet if you need a survey of viewers in West Virginia 90+ percent wouldn't even remember when cameras weren't in the courtroom and I'll bet you there would be a case or two that they would remember that they never would have remembered if it had not been for the public resource. When you get into public corruption, this State has had almost everybody on trial on one point or another. I remember I covered, it was a political corruption case involving the Attorney General, one of the highest ranked political official in the state. That is the kind of thing, I mean to see that on television, the impact of that case on television, and to know what the alternative is; and that is to read it in the newspaper or an artist's sketch along with a reporter's voice saying this is what he said, there is just no comparison. There is no comparison at all. That sort of thing needs to be as public as possible. People need to see that and they need to see these people as they are or at least if they want to see it, they can see it.

VITA

Teresa D. Keller was born August 23, 1951 and attended public schools in Washington County, Virginia. She received a bachelor's degree in English from King College in 1972.

She taught English, speech and drama at Marion Senior High School from 1972 - 1975. After receiving her master's degree in communication from the University of North Carolina at Greensboro in 1977, she was employed by Barter Theatre as director of public information.

Beginning in 1978, she co-hosted a public affairs program, called "Today on 5" at WCYB-TV in Bristol, Virginia. Her career continued at WCYB for seven years and expanded to include duties as reporter, producer and noon anchor.

She is presently chair of the department of mass communication at Emory & Henry College and continues her involvement in broadcasting as a media consultant and independent video producer.

She is president-elect of the Virginia Association of Broadcast Educators, a member of the Association of Educators in Journalism and Mass Communication, International Television Associates, and Kappa Tau Alpha, the national honor society for journalists.