

## COMMENTARY

BY GEORGE GERBNER

# CHALLENGING THE MYTHOLOGY OF THE TELEVISION COURTROOM

In recent years, many states have moved to admit television cameras to their courtrooms. But if Los Angeles, in the wake of the original Rodney King verdict, has taught us anything, it is how explosive the mixture of widely publicized imagery and an unexpected verdict can be. Those ingredients are always present when criminal trials are televised.

Other branches of government may profit from airing deliberations to inform and influence the public. But the mission of the courts is more sharply defined. It is not to inform, educate, persuade or legislate, but to try individual cases according to law. That requires insulation from outside pressure as much as possible. A fair trial depends on the courts' abilities to calm public passions, not contribute to them. Cameras in the courtroom, however, are more likely to generate public pressure of a most emotional, image-driven kind.

The decisions to admit television cameras into the courtroom have been made under relentless media pressure and on the basis of non-issues, straw-man arguments and so-called experiments that were travesties of social science. "Freedom of press," cried the broadcasters; "circus atmosphere," warned the opponents; "the public has a right to know," intoned many judges, with images of television fame dancing in their heads. But they do not control what goes out over the air. That is a function of the editor's selection and the camera's point of view.

This is not a First Amendment issue. Broadcasters have a constitutional right to report trials, as do other journalists, but not to transport the sights and sounds of trials into the public arena. Cameras inside the courtroom contribute only spectacle—the least informative and potentially most misleading and prejudicial aspect of trials. They show the broadcaster's version, created to capture and hold an audience.

While the Supreme Court has rejected the argument that cameras should be kept out of the courtroom merely because their presence is distracting, the court has not addressed the broader issue: the knowledge that "the whole world is watching," including one's family, neighbors, peers, constituents, friends and bosses, a knowledge that may be sufficiently "distracting" to overwhelm concerns with due process. How do judges, attorneys, jurors, witnesses and other participants play out their new



roles in the homes of tens of millions of viewers brought up on Perry Mason? Every student of communication knows that if you change the audience you change the message.

Our research at the University of Pennsylvania's Annenberg School of Communication has found that typical viewers of television drama see an average of 43 law enforcers, six lawyers and three judges every week. They work mainly on criminal cases, mostly murder, and always succeed in bringing the criminal to justice. Viewers rarely see arraignments, indictments, pre-trial hearings, plea-bargaining, jury selection. The television world's vastly inflated incidence of violence and crime, coupled with swift and unerring justice, contribute to frustration and impatience with

the courts, demands for swifter and harsher verdicts, and calls for a hard-line approach to personal rights.

High-quality dramatic programs and documentaries, aired after the trial is over and all appeals have been exhausted, can provide better insight into due process than courtroom snippets can. The entertaining trivia of *The People's Court* are predictably misleading, but no more so than other "reality" shows. The televising of civil and appellate cases and special pay-cable channels that televise trials are also not the issue. The real danger is the direct, real-time broadcast of television imagery of sensational criminal trials, piped into every home, arousing public expectations that the trial participants cannot escape.

Program ratings depend on appealing to, rather than challenging and correcting, the mythology of the television courtroom. Should broadcasters turn off viewers to teach them how real courts work when they can serve their sponsors better by selecting and editing images that cater to their viewers' expectations?

The basic policy issue is the compatibility of the mission of the courts and the need of commercial television to show and tell what sells. Before we open more courtrooms to television cameras, let us review past performance. Let us compare the results of public information surveys taken before cameras entered the courtrooms and in states that still do not admit them with the current state of knowledge in states where cameras are in the courtrooms. Before we establish courtrooms as cheap dramatic television program locations, let us find out whether televising criminal trials, no matter how entertaining, enhances or diminishes public understanding and thus the independence and integrity of the criminal justice process. □

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