

It's 11:30. And Heeeeere's Justice.

By George Gerbner

PHILADELPHIA — Now that the United States Supreme Court has agreed to decide whether televising trials may deny a defendant's constitutional right to a fair trial, it is time to call a moratorium on trials by television until the issues are fully explored.

Most of the public seems unaware that television is moving into the courtroom. This movement seems to fly in the face of the known risks of prejudice, the certainty of endless litigation, a prior Supreme Court decision opposing TV in the courtroom, resistance in Federal courts to televised proceedings, and an American Bar Association vote last year to uphold its opposition to cameras in the courtroom.

Freedom of the press is not the issue. Journalists, both broadcast and print, are free to cover most trials, and cameras would not change any of the current limitations on such coverage. The only issue is the addition of actual sight and sound to coverage. We must ask: What price would justice have to pay for plugging courtrooms into a system geared to ratings?

Many states have already let cameras into state courtrooms without serious investigation of the effects that televised trials have on the administration of justice, and, equally important, on the image of justice held by viewers, who ultimately shape our system of justice.

We can infer such effects from research here at the University of Pennsylvania and from investigations of other social scientists.

Typical viewers of prime-time and weekend daytime TV see an average of 30 police officers, seven lawyers and three judges every week. What do they learn? Most action revolves around demonstrations of justice and power. Violence, the stock dramatic device of such demonstrations, provides the quickest lesson on who should get away with what against whom.

Two-thirds of all major dramatic characters are involved in violence. When women and minorities are involved, they are more likely to be victims than victimizers, and they are generally underrepresented and devalued in many ways.

Television characters are the targets of crime about 10 times as often as people in the real world. Nearly 41 percent of all TV crimes are murders. A disproportionate number of victims are whites. (In the real world, property crimes are most common and a disproportionate number of victims

are blacks.) Television policemen observe suspect's rights in about 2 in every 10 cases.

Our research found that exposure to TV cultivates a heightened sense of living in a mean, violent world. Individuals who watch more TV than others in their same age, sex and socio-economic groups tend to exhibit a consistently higher degree of insecurity, mistrust and question for protection. All in all, TV viewing appears to cultivate relatively anxious and hardline attitudes among viewers of most types, particularly the young.

But if real trials are telecast, won't we get more accurate portrayals? No. Once in the courtroom, TV controls the message. Selected courtrooms become program-originating locations, transporting the sights and sounds of real courtrooms into millions of homes conditioned to a Perry Mason ritual of courtroom and crime drama. Trials will be picked and edited to fit and confirm that ritual.

A trial must proceed as independently as possible from conventional moral pressures and popular clamor. Televising trials can only erode judges' ability to do justice in each case. It would do nothing to ensure greater fairness that existing news-media scrutiny could not do. We may be on the verge of drifting into a major institutional transformation while assuming that we are only making a few public-spirited adjustments.

Television is not neutral. It presents a coherent world of images and messages serving its own institutional interests. Plugging courtrooms into the TV system can make them appendages of that system. Once televised trials attract a large national following, the process will be irresistible, cumulative and probably irreversible.

Neither history nor research support the contention that television coverage of courts would enhance fairness, protect freedom, increase public understanding and promote needed court reform. Indeed, the evidence suggests the opposite. We need independent investigation, not self-serving demonstrations and uncontrolled "experiments." Only an immediate moratorium on televising trials can give us the time and the opportunity we need for responsible action.

*George Gerbner is professor of communications and dean of the University of Pennsylvania's Annenberg School of Communications. This is adapted from an article in the April issue of *Judicature* magazine.*