

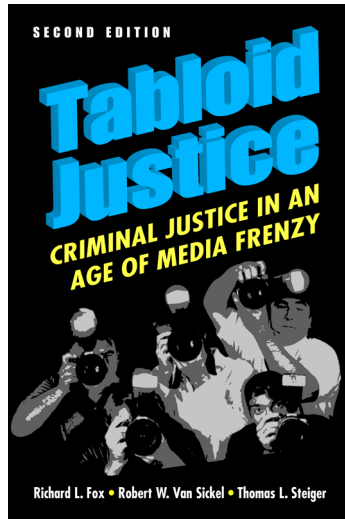
EXCERPTED FROM

**Tabloid Justice:
Criminal Justice in an
Age of Media Frenzy**

SECOND EDITION

Richard L. Fox,
Robert W. Van Sickle,
and Thomas L. Steiger

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Introduction: A Time of Tabloid Justice

The hope of 24/7 television news is that there is so much time to fill that every once in a while something of substance will be uttered or revealed. Alas, experience has shown that not to be the case. . . . The television age has paradoxically left people more informed and more ignorant at the same time.
—*Chicago Sun-Times* columnist William O'Rourke¹

This trial . . . is the most significant legal event ever to confront America's direct understanding of the legal process.
—law professor Frank Macchiarola,
discussing the O.J. Simpson case²

Starting around 1990, Americans began to repeatedly focus on lengthy, high-profile, often celebrity-centered criminal and civil trials and investigations. Many of these cases at times resembled something like national obsessions and were associated with extraordinary levels of mass media coverage. Although such “media trials” have occurred episodically at least since the 1920s, recent years have seen an enormous increase in their number. More important, the increased coverage of these legal stories is strongly correlated with a transformation in the way that nearly all legal and political news is presented. Legal news today is dominated by a presentation style that focuses on status, personality, score-keeping, and sex/violence titillation, rather than on legal rules, institutions, processes, and context. In short, the entertainment function of the media has transcended the more important educational function. In the wake of the terrorist attacks of September 11, 2001, the traditional mainstream media have, to a rather limited extent, returned to covering more serious and pressing issues. The cable news stations and Internet sources, however, have continued to devote substantial attention to these legal dramas. We call the years between 1991 and the present the era of *tabloid justice*, and we divide this era into distinct pre- and post-September 11 periods. In this introduction,

we delineate the major features of each period and provide a more detailed definition of *tabloid justice*.

Historically, the term *tabloid* has primarily been used to refer to a type of publication. The so-called Yellow Journalism, pulp magazines, and “muckraking” investigative reports of the early twentieth century can be considered examples. Since the 1980s, *tabloid* has taken on a different meaning, as the sensationalistic coverage of earlier publications has been adopted by more mainstream press organizations. In contemporary usage, the term refers most often to a style of coverage rather than a type of publication. The increasing tabloidization of the mainstream press is, broadly speaking, the focus of the present inquiry.

The first period of tabloid justice, lasting from 1991 until the terrorist attacks of September 11, 2001, witnessed an unprecedented explosion of media attention focused on the legal system. The rise of tabloid-style media coverage was driven by the confluence of several newly emerging forces. Among these were a sharp decline in the readership of newspapers and newsmagazines, the advent and expansion of cable television (with its scores of specialized channels), the emergence of the 24-hour news cycle, the increasing popularity of talk radio, and the phenomenal growth of the Internet after 1995. Other trends that encouraged the media shift to sensational and celebrity-centered legal coverage were the relative absence of a major foreign conflict and the presence of a generally healthy national economy. Finally, there occurred an event that, when combined with the preceding trends, created a “perfect storm” leading to the transformation of legal coverage. This, of course, was the murder trial of former star football player and popular celebrity O.J. Simpson. It is important to note, however, that the Simpson case did not create the media’s shift to tabloid justice–style coverage of the legal system. The necessary conditions for that change were already well in place by the time that Nicole Brown Simpson and Ronald Goldman were murdered in 1994.

Arguably (beginning with the William Kennedy Smith trial in 1991, certainly reaching a fever pitch during the Simpson trials in 1995 and 1997, and continuing through the largely irresponsible coverage of the Bill Clinton–Monica Lewinsky episode) the public’s apparently insatiable appetite for such events steadily rose through the 1990s, as did the media’s devotion to their presentation. Perhaps most significantly, in this first period, the mainstream media continually covered legal and political stories in a “tabloid-ized” style.

Other notable cases of the first tabloid justice period involved such figures as Lorena Bobbitt, Lyle and Erik Menendez, Susan Smith, Marv Albert, Timothy McVeigh, Louise Woodward, the Los Angeles Police Department officers who beat Rodney King, Dr. Jack Kevorkian, Elian Gonzalez, Andrea Yates, and Michael Skakel.³ Even legal cases that never actually made it to the trial stage of the judicial process, such as those involving the seventeen-year hunt for the Unabomber or the murder of six-year-old beauty queen JonBenet Ramsey, also became major, sustained media stories.⁴ And the Clinton–Lewinsky matter,

which did not even involve an expressly criminal charge in the sense that the preceding cases did, nevertheless seemed to push aside most other political and legal news for all of 1998. This scandal marked a sort of inevitable culmination to the decade's previous media cases in that it involved most of the elements that seem to be predictors of both media attention and public interest: politics, sex, law, crime, gender dynamics, and celebrity participants. As a final twist, once the Clinton-Lewinsky scandal evolved into the Clinton impeachment investigation and Senate trial, the mainstream press seemed ready to assure itself that it was, after all, only covering a profoundly important political development and not merely a tawdry saga of sexual misjudgment by the highest official in the land. Yet throughout 1998, the press covered this high-level legal battle in the very same manner that it had displayed in its coverage of the more expressly tabloid-like cases mentioned earlier.

The second period in the tabloid justice era began following the terrorist attacks of September 11 and continues into the present time. The moment of transformation is evidenced by a temporary (though sharp) decline in coverage of tabloid cases after September 11. In one important example, from June 1, 2001, through September 10, 2001, the three national nightly network news broadcasts aired sixty-three segments about Chandra Levy, the missing congressional intern, and twenty-one segments on Andrea Yates, who stood accused of killing her five children. Over that same time period there were eight segments mentioning Osama bin Laden, none of which identified Al-Qaida, the terrorist organization he headed. After the September 11 attacks, for the remainder of 2001, only one segment mentioned Andrea Yates and three mentioned Chandra Levy, but there were 292 segments mentioning bin Laden. Overall, media coverage in the second era of tabloid justice has been dominated by public debate over the war on terrorism, the US invasions of Afghanistan and Iraq, the Hurricane Katrina disaster, White House and CIA press leaks, the Arab-Israeli conflict, and immigration policy.

There are, therefore, important differences between the first and second periods of the tabloid justice era. Perhaps because of the dominance of public issues like the "war on terror" and all that that concept entails, sensational legal stories have not dominated mainstream news to the same degree that they did during the 1990s. The network nightly news programs and the nation's top newspapers and newsmagazines have devoted less space to high-profile legal proceedings. Gone for now are the days in which the ABC evening news repeatedly devoted a full ten minutes of its half-hour broadcast to the O.J. Simpson trial, or a five full minutes to the JonBenet Ramsey murder investigation. Still, within the mainstream media, though tabloid legal proceedings have taken on a lower profile, they remain a regular presence on all of the major news outlets. Thus, while tabloid justice cases are less likely to be the sustained and pervasive stories they were in the previous period, they have become a "normalized" subject for the news to cover. Among the notable cases of the second era

of tabloid justice are Robert Blake, Kobe Bryant, Elizabeth Smart, Mary Kay Le Tourneau, Scott Peterson, Martha Stewart, Michael Jackson, and members of the Duke University lacrosse team. An interesting aspect of the second period of tabloid justice is that in none of the highest-profile cases did the presiding judges permit cameras in the court, a development that made these legal dramas less well suited for sustained television coverage.

Further, the second period has seen an entirely new subgenre of news coverage and talk shows emerge—programs that seem constantly to search for the next “trial of the century,” or at least the trial of the year, or even the trial of the month. These new shows include *The Abrams Report* (on MSNBC), *On the Record* with Greta Van Susteren (on Fox), *Nancy Grace* (on CNN Headline News and Court TV), and the short-lived *Celebrity Justice* (on the E! channel). Additional cable news programs that regularly devote significant attention to trials and legal investigations include *Scarborough Country*, *Countdown with Keith Olberman*, *The Situation* with Tucker Carlson (later called *Tucker*), *Paula Zahn NOW*, *Larry King Live*, *O’Reilly Factor*, and *Hannity and Colmes*.

Finally, one of the most notable developments in the second tabloid justice period has been the phenomenal growth in the number of fictional legal dramas on television. Considering only prime-time network television, for instance, fourteen of the thirty top-rated television programs in 2005 were legal or crime dramas (see Table 3.10). In the spring of 2005, there were four distinct versions of the NBC program *Law & Order* and three different versions of CBS’s *CSI: Crime Scene Investigation*, all playing weekly in prime time. And none of this even includes the large number of legal dramas on cable channels, such as *Monk* (on the USA channel) or *The Closer* (on TNT), two of cable television’s highest-rated programs. Many of the fictionalized law dramas base their appeal on having a close resemblance to real life. The program *Law & Order* is often promoted with the tag line “ripped from the headlines.” In another example, the 2005 legal drama *Close to Home* used actual footage of the Menendez brothers, the BTK Killer, and Scott Peterson in its ad campaign to sell the premise that no one can be sure what lurks behind their seemingly ordinary neighbor’s locked doors. Thus, the blending of news and entertainment has continued to increase in prominence during the second period of tabloid justice.

As evidence of the centrality of high-profile legal stories in the lives of citizens, polls have demonstrated that more Americans were able to identify JonBenet Ramsey, a child generally unknown before her death at the end of 1996, than the vice president of the United States. Results from a similar survey revealed that roughly six times as many Americans knew the name of the judge who presided in the Simpson murder trial (Lance Ito) than could identify William Rehnquist, the late chief justice of the US Supreme Court (see Table 4.2). Comparable levels of public awareness exist for acquitted rape suspect William Kennedy Smith, Scott Peterson, and possible murder victim Na-

talee Holloway.⁵ These names, and the alleged or actual illegal conduct associated with them, have become cultural reference points for many Americans. Public knowledge and awareness of these events far exceeds those of subjects that many commentators would deem to be much more important and worthy of national focus.⁶

In both tabloid justice periods, media organizations have been the enthusiastic transmitters of extensive and in-depth coverage of these events, most of which have little public importance. Although stories about criminal trials and legal investigations, and detailed accounts of the personal lives of trial participants, have historically been the stuff of the tabloid press, mainstream print, television, and Internet sources have now joined the act. For instance, *Time* and *Newsweek*, the two highest-circulation newsmagazines in the United States, covered most of the aforementioned cases in great detail. Even the nightly network news broadcasts on ABC, CBS, and NBC, which ostensibly have as their mission the reporting of the most important news in the nation, have given these stories considerable airtime.⁷ A number of television network newsmagazines, such as ABC's *20/20* and NBC's *Dateline*, also pay frequent attention to trials and legal investigations around the country. Additionally, the explosion of cable television talk and news stations, such as CNN, MSNBC, CNBC, the Fox News Channel, and Court TV, has provided an outlet that has, perhaps, most fueled the coverage of trials and investigations. Even more "general" cable channels, such as Discovery, the Learning Channel, Arts & Entertainment, and the History Channel, now regularly broadcast shows that deal with crime, criminal justice, and the legal system. Perhaps most telling was E! Entertainment Television's unabashedly voyeuristic coverage of the 2005 Michael Jackson child molestation trial, when that channel actually presented actors reenacting each day's courtroom developments, via that day's official courtroom transcripts.

Further, the phenomenal growth of the Internet has resulted in countless websites that offer coverage and discussion of nearly every aspect of the legal system. At the end of 1998, for example, there remained about 100 websites dedicated to various O.J. Simpson matters, even though Simpson's civil trial ended in early 1997. These sites included a wide array of straightforward news, parodies, discussion groups, jokes, photographs, and games. Similarly, there were more than fifty websites that focused on the investigation of JonBenet Ramsey's death, as well as 27,000 individual JonBenet-related Web pages. In late 1998, a cursory search of the key words "Monica Lewinsky" on Yahoo!, a leading Web search engine, resulted in the listing of more than fifty dedicated websites, and an additional 94,000 individual references, including everything from fan clubs to pornographic satire. More recently, and as evidence of the tremendous growth of the Internet since the late 1990s, a 2006 Google search revealed more than 100 Scott Peterson-focused websites and over 26 million individual Web hits.⁸

Defining Tabloid Justice

Aside from the enormous increase in the amount of mass media coverage of the criminal justice process and the legal system more generally, it is the fundamental shift in the style of this coverage that is most interesting—and perhaps most alarming. In this book we argue that the United States has entered a sustained era of *tabloid justice*, in which the mass media, in both their traditional and emerging forms, focus predominantly on the sensationalistic, personal, and lurid details of unusual and high-profile trials and investigations. In short, a great deal of legal news has become a vehicle for entertainment, rather than for public education or for the reporting of breaking events with real public meaning. Throughout this book we employ the phrase “tabloid justice,” often referring to tabloid justice cases or tabloid justice coverage. This phrase embodies three important elements.

First, as previously mentioned, the educational function of the press is undermined by its entertainment role.⁹ The media focus on legal stories primarily as sources of entertainment, as opposed to opportunities for civic education. In covering the most titillating or personal aspects of a story, present-day coverage often trivializes more important structural and procedural issues. For example, during the period of January through October 1998, the *New York Times* ran at least eighteen stories that mentioned Monica Lewinsky’s infamous blue dress, which was found to be stained with President Clinton’s “genetic material.” In contrast, the *Times* presented only eleven stories that referenced the details of the independent counsel statute under which former judge Kenneth Starr actually derived his power and authority to investigate the scandal. *Newsweek* magazine’s coverage showed a similar disparity, with six stories mentioning the blue dress but no articles focusing explicitly on the details of Starr’s statutory authority.¹⁰ Similarly, during the 2005 Michael Jackson molestation trial, the *Los Angeles Times*, which ran approximately 317 stories on the case, printed only two pieces focusing on the crucial new California statute that allowed prosecutor Tom Sneddon to introduce evidence of past allegations against Jackson.¹¹ Much of the *Times* coverage offered almost daily trial updates, which consisted primarily of subjective descriptions of the personal behavior and appearance of the various witnesses and courtroom actors in the case.

The second component of the tabloid justice atmosphere is the frenzy of media activity that envelops a given legal proceeding. The more respected media outlets, as well as the many acknowledged tabloid sources, are deeply involved in the coverage. The story is discussed, dissected, and analyzed by all forms of media. This media frenzy can be illustrated by the veritable army of professional legal reporters and commentators who travel to the location of these trials and investigations. Perhaps the best evidence of a “media frenzy” surrounding high-profile legal cases is the heavy investment in resources and energy that news networks put into covering them. News outlets travel in droves from city to city and

courthouse to courthouse, quickly setting down roots and then disappearing just as suddenly once the proceedings are over. During the 2005 Michael Jackson trial, NBC, CNN, Fox, CBS, and Court TV erected large camera towers outside the courthouse, even though the only footage available was that of Jackson briefly entering and exiting the building each day.¹² When basketball star Kobe Bryant faced rape charges during the summer of 2003, veritable media cities were constructed in Eagle, Colorado, to cover his first court appearances. Tents, mobile homes, and platforms were all utilized to cover every development as quickly as possible. CBS and NBC rented office space nearby to serve as their headquarters, and roughly 400 media personnel descended on Eagle for Bryant's first court appearance on August 6, in which the only words he uttered were, "No, sir."¹³ The lengths the networks will go to in order to capture even the smallest, most insignificant piece of footage is a testament to the obsessive competition between news outlets.

The third characteristic of the tabloid justice environment is the presence of an eagerly attentive public that witnesses these legal events and to some degree uses them as a means by which to understand and assess the legal system and the judicial process. Public interest, as measured through increased television ratings, publication sales figures, and polling data, spurs continued media focus on these legal proceedings. Without question, the era of tabloid justice has resulted in an enormous increase in the public's basic "awareness" of law. However, the tabloid nature of contemporary coverage may actually result in higher levels of public misinformation about the workings of the system and a corresponding drop in the public's faith in American justice.¹⁴ Further, the polarizing manner in which the media now cover trials, often in terms of blacks versus whites or men versus women or good versus evil, has potentially aggravated some of the most troubling social divisions in US society.

When all three dynamics converge—a legal proceeding presented largely as entertainment, an obsessive media establishment, and an attentive public—the environment of tabloid justice emerges. Within this context, the idealized priorities of the legal system, such as justice and fairness, become secondary to the press's interest in attracting large audiences by presenting titillating images and compelling, personality-centered plots. This is the atmosphere of the tabloid justice era that we examine in this book.

Mass Media Effects on Public Attitudes

Central to our argument that the transition to tabloid-style, entertainment-oriented coverage of legal stories has important consequences for society is the question of whether mass media presentations actually do have important effects on public attitudes and behavior. Most observers fully accept that both factual and fictional media stories help shape the thinking and behavior of the

mass public.¹⁵ Scholars also offer propositions about the mass media's ability to influence public opinion and behavior. Many of these academic theories proceed from a perspective of *social constructionism*, or a belief that our reality is composed entirely of the information we gather from social interactions, rather than from any objective, empirical, or socially transcendent knowledge or insight.¹⁶ Intense exposure to media images alters our views of reality. However, exactly how this takes place may be the central conundrum in academic media studies. Many theories of mass media effects assert that heavy exposure to media-generated images may eventually convince consumers that the symbolic reality presented in the media is an accurate reflection of objective social conditions.¹⁷ But to see the world as it is portrayed in the mass media would be to clearly embrace numerous incorrect views. Research shows that many shared misconceptions about occupational pursuits, ethnic groups, racial minorities, the elderly, social and gender roles, and crime and crime rates are at least partly cultivated through exposure to the mass media.¹⁸ It is important to note, however, that such misconceptions may vary widely depending on both the audience and the particular medium conveying the message.

Assuming that the mass media do affect public attitudes and beliefs,¹⁹ it is important to make distinctions among the various forms of media, as many of these differences hinder the construction of a general theory of media effects. For instance, television is a powerful medium for transmitting a sense of realism and emotional appeal.²⁰ Television's greatest impact is probably derived from its ability to reach millions of viewers simultaneously with the same powerful visual images. Because of the immediate and noncontextual nature of such images, however, research has shown that more than 75 percent of average viewers cannot identify either the specific major facts or the general theses of many television news stories.²¹ In contrast, newspapers and magazines do a better job of providing readers with facts than either audio (radio) or visual (television) forms of media.²² The advent of cable and satellite television and radio, and the presence of video images on the Internet, have complicated matters further by making it difficult to determine what media have what impact.

Despite the various conceptual problems outlined above, three basic models have tended to dominate the academic debate about media effects. Each of these models offers an account of the mass media's effects on the public's notions of social reality.²³

The first of these approaches has been termed the *hypodermic needle* model.²⁴ As the term suggests, this perspective assumes that the mass media have a direct and significant effect on the way people perceive social conditions. The public imbibes media coverage like a drug, and the effects are powerful and long lasting.²⁵ Citizens are thought to be autonomous consumers of media-generated news, to which they turn for answers and from which they adopt beliefs about society and "acceptable" opinions about its various aspects.²⁶

A second perspective, standing in contrast to the hypodermic needle model, has been called the *limited effects* model.²⁷ As with the hypodermic needle idea, this theory posits that a person turns to the media for information and “answers.” But this perspective also holds that individuals do far more than simply take in and adopt the “reality messages” conveyed by the media. Rather, individuals assess the accuracy of that information in light of what they already “know” from other sources such as family, school, associations, church, and so on. Thus, although this model is also based on a notion of social constructionism, there is recognition that citizens have preexisting, relatively independent (and often, longstanding) perceptions that condition or blunt the power of new information, such as that emanating from mass media sources. What is more, people from similar backgrounds and experiences are thought to see the world and react to media images in a way that is more alike than different. In effect, they share both the same “symbolic reality” and “experienced reality.”²⁸

A third perspective has been called *subtle* or *minimal effects*.²⁹ This model posits that the impact of the mass media is neither total (hypodermic needle) nor significantly mitigated by other factors (limited effects) but somewhere in between. From this perspective, the media’s influence can be seen especially in the areas of “agenda setting,” “priming,” and “framing.” Each of these deserves a brief description here.

“Agenda setting” acknowledges that the media choose, for a variety of reasons, to cover a limited and rather predictable range of topics, persons, and organizations in their newscasts and stories.³⁰ Simply stated, the mainstream press, in effect, tells us “what to think about.”³¹ For example, when coverage of crime and legal issues so saturates local newscasts that other important topics are pushed to the side, the public will spend much more time thinking about legal proceedings than issues such as health care, US relations with China, border security, poverty, or education. Thus, the agenda-setting function of the media helps determine what citizens perceive as the most important issues of the day. Recent research has examined the relationship between saturation coverage and agenda setting in the Clinton/Lewinsky scandal³² as well as agenda setting in the post–September 11 period.³³ This research continues to confirm the power of the media to determine the public “agenda,” even as the media environment has become more complex.

Closely related to agenda setting, “priming” refers to the idea that when citizens think about people in the news, they will consider individuals in light of the issues and topics covered in the news. Most priming-effect research examines how people assess presidents.³⁴ In continuing with our example of crime, if crime is covered extensively in the news, then the priming effect would dictate that citizens evaluate the president in terms of how they feel the “crime problem” is being addressed.

The third component in this model, “framing,” embodies the notion that the content and format of news coverage may result in citizens adopting particular political attitudes. In the area of crime news, Shanto Iyengar has differentiated between “thematic” coverage, which employs statistics, context, and discussion of general trends, and “episodic” coverage, which employs anecdotal, individualized, and largely superficial legal stories.³⁵ Iyengar and others have found that the framing of crime news specifically—and legal news more generally—either in episodic or thematic terms, has led citizens to draw somewhat distorted conclusions about the appropriate course of action with regard to crime policy.³⁶ This finding is particularly important for our analysis, as all of the tabloid justice cases are examples of episodic coverage. In fact, one major feature of our argument that most legal news has become little more than entertainment is the fact that so much of this coverage is now episodic.

Importantly, all of the foregoing theories hold, albeit with significant variations, that mass media images do in fact influence the public’s general and specific perceptions of society.³⁷ Thus, if we accept the premise that media exposure affects how people view the world, then we must explore the question of how the media choose what to cover, as well as the style and approach of that coverage.

What Events Are Deemed Newsworthy?

On the most basic level, we might posit that the news simply exists, it simply happens, in some objective or natural sense, and that the mass media just cover as much of it as possible given their resources. But is the news already “out there,” with reporters and news organizations simply going out and “getting the story”? Media scholars would find this assertion far too simplistic. In contrast, perhaps the news is quite simply what the press says it is. In other words, reporters, editors, and producers literally decide what news is.³⁸ This idea accords with the previously discussed scholars who have ascribed an important agenda-setting function to the media.³⁹ A substantial body of scholarly research has concluded that the media do enjoy the power of agenda setting, at least to some degree.⁴⁰ This makes the focus of the following paragraphs particularly important, as we consider the manner in which the media determine both who and what are worthy of their attention.

In considering what the media cover, it is important to think about the theoretical role the press should play in a democratic society. In the idealized conception of a democratic press, newsworthiness would be determined by the “objective” importance of a story. For the national news media, this might require a primary focus on major questions of public policy, foreign policy, and serious national developments. The media would serve as public educators on issues and stories that are significant to large numbers of citizens, and they would provide

sufficient background and context for citizens to make sense of social and political developments of national importance. Additionally, the media would serve as “watchdogs,” holding government and other powerful institutions accountable for the exercise of their power. Finally, an idealized conception of the mass media would allow for the free exchange of myriad perspectives and ideas.⁴¹

When we contrast these idealized notions with the actual workings of the mass media, it becomes apparent that these democratic imperatives are strikingly absent in much of the present news environment. Obviously, the extent to which the media ever conformed to these ideals is debatable. Nevertheless, in the contemporary world of journalism, newsworthiness appears to be determined by the interaction of two factors: competition with other news media, and the internal goals of media organizations, which are often linked to the existence and perceived desires of a specific target audience or market. Portrayals of social reality reflect the subjective judgments of news organizations in their representations of human nature, social relations, and the norms and structure of society.⁴² Not surprisingly, in deciding what “news” is, the most self-serving activities and goals of the mass media themselves become nearly as determinative as the actual real-world events that they cover.

Since the 1960s, mainstream news organizations have consistently offered predictable coverage of certain actors and events. In his classic study *Deciding What's News*, Herbert Gans identified three subjects that dominate mainstream news coverage: “known people,” “unknown people in unusual circumstances,” and a “prescribed set of activities.”⁴³ Known people include all public figures and celebrities, whether they occupy positions of influence or not. Unknown people include protesters, victims (mostly of crime or natural disasters), lawbreakers, voters, and those engaged in highly unusual behaviors. The third category, activities, involves the kinds of “events” on which the media focus—government conflicts, disagreements, decisions, proposals, and personnel changes, as well as protests, crimes, scandals, natural and other disasters, technological innovation, and national ceremonies.⁴⁴

Gans’s work remains the classic starting point for mainstream American media analysis. Published in 1979, Gans’s study is based on media coverage during the late 1960s and early 1970s. Thus, one might assume his to be an outdated list of characteristics of newsworthiness. Gans’s assessment, however, established a framework that still applies today.

Writing more recently, media scholar Richard Davis identified eight factors that journalists and media outlets use to determine newsworthiness: major events, timeliness, drama, conflict, unusual elements, unpredictable elements, famous names, and visual appeal.⁴⁵ In comparing the lists of Gans and Davis, one can see a great deal of overlap. Importantly, though, Davis asserts that in the 1990s a new media culture took shape and that standards of newsworthiness evolved accordingly. Similarly, Davis and Diana Owen argue that “entertainment value” is now a central feature in the determination of newsworthiness, as

news outlets find themselves in an increasingly more competitive struggle for viewers, readers, and listeners.⁴⁶ This competition contributes to the mainstream media's willingness to cover tabloid stories with much more vigor and detail than they had previously. In this book, we actually go beyond Davis and Owen, arguing that "entertainment value," with only a few exceptions, now often trumps most other traditional assessments of newsworthiness.

Since the 1960s, the style, format, and especially the intensity of commercial competition have altered the relative balance and mix of so-called hard news and entertainment that the press presents. For instance, although there has never been a time in US history when a murder case involving a celebrity as well-known as O.J. Simpson would not have been a major media story, past coverage could not have compared to that of today in terms of its sheer volume, immediacy, and pervasiveness.⁴⁷ In the 1950s or 1960s, it would have been hard to imagine a scene, such as that which occurred the morning after the murders of Nicole Brown Simpson and Ronald Goldman, in which local network-affiliated news crews jostled one another to broadcast live, graphic video images from the blood-splattered front yard of the infamous Bundy Avenue condominium in California.⁴⁸ What has changed since the Gans study is simply the intensity and pervasive nature of today's media coverage, as well as the increased American obsession with the culture of celebrity.⁴⁹ In search of any unique angle, journalists and media organizations today are more likely to flock to a sensational story and cover almost every imaginable detail, including the most trivial. For example, cases such as those involving "the Runaway Bride," Scott Peterson, and Natalee Holloway would previously have been afforded far less or no national coverage, and would have been significantly more locally or regionally focused.

Beyond the general standards of newsworthiness identified earlier, the specific selection of stories is further strongly conditioned by the internal goals of the various media outlets themselves. National network news broadcasts, local news broadcasts, and cable news outlets all have different goals and imperatives, and all of them are ultimately beholden to a corporate bottom line. News events are packaged in ways that particular media outlets believe will be of interest to their specific targeted market or audience. Most obviously, Fox News has developed and cultivated a presentation of the news that is designed to appeal to ideologically more conservative viewers. Also, individual programs such as MSNBC's *The Abrams Report* and *Scarborough Country*, Fox News's *On the Record*, and CNN's *Larry King Live* cater to an audience of "scandal junkies," which apparently never tires of repetitive coverage of the latest trial or legal controversy. Clearly, these programs determine newsworthiness based on the niche of consumers they wish to attract. Finally, while not normally known as a news outlet at all, throughout most of 2005 E! Entertainment Television offered daily, extended coverage of the Michael Jackson molestation trial. Obviously, this channel was motivated by the idea

that this programming would appeal to Jackson's fan base and to those who normally follow celebrity gossip.

Purpose and Goals

The effects of media coverage and the decisions that news organizations make about what to cover provide a critical foundation in helping to carry out our general aim of explicating and explaining the dynamics of the era of tabloid justice. Throughout this book, two central questions guide our analysis: How have high-profile legal proceedings been covered in the media culture that has developed since 1990? And what impact has this coverage had on the public's knowledge of and attitudes about the legal system? The answers to these questions are necessarily complex, and they depend on particular personalities, stories, cases, and contexts. However, when viewed as a group, the tabloid justice cases have achieved an importance far beyond their existence simply as a new form of entertainment. Because of the public attention that they have received, as well as the public reaction to many of the outcomes of the criminal trials in particular, these stories have potentially broad and important ramifications for the functioning of the legal system in the United States.

In some instances, these tabloid justice stories and the fictional tales presented in the many legal television dramas have highlighted legitimately troubling and controversial aspects of the justice system. At other times, they demonstrate that the legal system is functioning somewhat as intended. But most important, we believe that these stories, and particularly the media's portrayal of them, have played a substantial role not only in exposing a new and irresponsible era of journalistic standards but also in undermining public faith in the justice system in contemporary US society in general. Of course, one could argue that the public would be entirely justified in being skeptical of (or even angry with) the legal system based on many of these proceedings. However, we believe that weaknesses in the system are exploited and sensationalized by tabloid-style coverage. The media emphasis on highly anomalous cases, presented as though they illustrate the everyday workings of the system, presents a highly inaccurate picture of law and justice in the United States.

Beyond explicating the two central questions of this book, an important goal of this work is to answer some of the questions posed by a number of scholars, journalists, and legal professionals such as Susanna Barber, Ronald Goldfarb, Alan Dershowitz, and Anna Quindlen, who have grappled with assessing the benefits of extensive televised coverage of the legal system.⁵⁰ Most such writers focus on the need to protect the rights of defendants, and they suggest that increasing the presence of cameras in courtrooms may have the effect of improving the behavior of legal professionals and juries by making certain that they are held publicly accountable for their actions.⁵¹ Often the

policy discussion over media coverage of the legal system turns to the debate over whether cameras should be allowed in the courtroom. Using a compelling argument about the need for open examination of judicial proceedings in a democratic political system, most commentators weighing in on the topic support a national law that would allow cameras in all US courtrooms.⁵² In 1999 the American Bar Association took a public stand advocating cameras in all federal court proceedings, including those of the US Supreme Court.⁵³ In contrast, some legal scholars, and most importantly, the US Judicial Conference (the policymaking arm of the federal court system), are adamantly opposed to cameras in courtrooms, arguing that they will distort, cheapen, and in general subvert the sanctity of the legal process.⁵⁴

While the debate over cameras in the courtroom is not something we address specifically in this text, we are able to assess whether more legal coverage and actual footage of the judicial process is a positive development. In considering possible wider public benefits from increased coverage of the justice system, three possible benefits could emerge: (1) civic education about the inner workings of the legal system; (2) greater public assurance of due process, as the media's coverage forces the courts to behave in the fairest possible manner; and (3) increased public confidence in the legal system. While some commentators are skeptical about these potential benefits (especially Barber, Dershowitz, and Quindlen), they tend to assert that any coverage is at least better than no coverage. What is missing in these assessments, as Barber notes, is any broad empirical evidence about the positive effects of trial coverage on public attitudes.⁵⁵

Although the increased tabloid-style media coverage since 1990 has provided an opportunity for the public to learn about the courts and the justice system, we will contend that the tabloid-like nature of even mainstream press behavior has seriously undermined the possibility of broader public benefits. We will argue that this style of media coverage has resulted in lower levels of public confidence while at the same time doing little to increase factual, substantive knowledge about the judicial process. In sum, observers of the legal system may make accurate predictions about the benefits of television coverage in modifying the behavior of lawyers and judges, but for the most part they have underestimated the negative effects of the contemporary media style of coverage on wider public attitudes.

Throughout this book we seek to demonstrate that the media's coverage of various high-profile legal cases has had a negative effect on the way in which Americans perceive the justice system, largely in terms of public confidence toward the everyday workings of that system. We believe that the new style of coverage has led us to a troubling intersection of mass media agenda setting and entertainment programming. The agenda that the media have adopted is now heavily skewed toward a series of legal proceedings that often have little objective importance to the lives of a vast majority of Americans. Further, as cover-

age of these cases is the dominant mode of conveying the workings of the legal system, the result is that these highly anomalous cases come to be viewed as examples of the typical functioning of the system. Here, we freely admit a basic bias that we harbor. We believe that regular, detailed, factual coverage of public policy, government, international relations, and the legal system is simply more important than stories about individual criminal trials, let alone stories about the personality quirks of defense lawyers, the hairstyles of attorneys, analyses of the president's phone sex preferences, extensive video footage of JonBenet Ramsey's beauty contests, or national press conferences held by lawyers representing college lacrosse players accused of rape.

Tabloid justice-style media coverage, then, has distorted the public's perception of the legal system. For instance, during the coverage of most of the cases we will discuss, the media tend to give the impression that the majority of defendants actually have trials and that they are either found guilty or acquitted after a jury has considered all of the relevant evidence.⁵⁶ In contrast, relatively little attention has been devoted to the more prevalent problems of plea bargaining, court bureaucracy, courtroom subcultures, race and gender discrimination, and access to effective legal representation. Thus, the agenda that is set by the media in legal coverage regularly ignores broader, substantive, and longstanding public issues. In sum, the style of media coverage that emerges from these legal proceedings represents a missed opportunity to inform the public about the real workings of the system.

Organization of the Book

In presenting our argument, we divide this book into three parts. Part 1 presents an account of the rise of the media's current obsession with covering high-profile legal cases and of the mainstream media's adoption of a tabloid style of coverage with regard to crime and the judicial process. In Chapter 1 we argue that the period since 1990 has been a unique one, both in terms of the sheer amount of media coverage that legal stories have received and the public's increased interest in legal cases generally. We introduce some of the period's major media cases and offer brief summaries of those involving William Kennedy Smith, Rodney King, the Menendez brothers, Louise Woodward, O.J. Simpson, JonBenet Ramsey, Martha Stewart, Scott Peterson, Terri Schiavo, and Michael Jackson. We assert that these cases have been, arguably, the most dominant ones, both in the levels of media attention they received and in the public interest paid to them. These are also the cases that best illustrate the mass media's behavior in the era of tabloid justice.

In addition, Chapter 1 considers the characteristics that seem to elevate a given legal proceeding to a very high level of national interest. Clearly, an urgent sense of human intrigue is important, but this can take many forms. Violence,

especially murder, has always been a predictable draw. In fact, murder accompanied by sex has traditionally been seen as the most provocative of all crime and law stories. After all, popular movie genres such as film noir and courtroom films were built on little else. But other factors, such as race, gender, celebrity, physical beauty, and social class, also appear to be good predictors of the public's (and the media's) interest in particular legal proceedings. In sum, Chapter 1 addresses the media's constant search for the next "trial of the century."

In Chapter 2 we recognize that the mainstream media's attention to such stories began at least as early as the celebrated Lindbergh baby case of the 1930s and has continued through the ensuing decades. However, since about 1990 we have definitely witnessed an exponential increase in both the amount and immediacy of such coverage. We offer empirical evidence of the overall increase in the media's coverage of US courts and criminal justice issues. Also in Chapter 2, we revisit the previous discussion of "newsworthiness" by drawing a distinction between the ways in which the traditional mainstream media and the so-called tabloid or entertainment media have historically defined a good story. We suggest that there have been important changes in the news business since 1990, and that the emergence of television newsmagazines, the growth of cable news-talk, and the tremendously rapid expansion of the Internet have been accompanied by an extraordinary increase in media coverage of law and the judicial process. Perhaps even more significantly, since 1990 there has been a blurring of the lines that have traditionally divided the mainstream and tabloid presses.

In Chapter 3 we discuss the rise of the so-called new media, considering in greater detail phenomena such as cable television news, talk radio programs, the Internet, and fictionalized legal dramas. These media have contributed greatly to the increasing entertainment flavor of political and legal news. In addition, they have blurred the line between the reporting of, and the consuming of, political and legal news. In effect, cable news-talk shows and Internet chat groups and blogs allow the public an opportunity to participate in, as well as to consume, the news. It is also worth noting that it is not at all unusual nowadays for cable news shows, in particular, to devote considerable time to journalists discussing how other journalists are covering particular stories. Media coverage of a story, in some sense, becomes the story itself. This new self-referential mode of coverage comprises yet another aspect of the new era of media behavior.

Part 2 of the book assesses the impact of the new tabloid justice media culture. We emphasize here that our primary concern is that the era of tabloid justice represents an important missed opportunity in which the press has squandered the chance to truly educate the public about the legal system and has instead left citizens with little more than a detailed memory of the personalities involved in these cases. The chapters in Part 2 present the findings from our 1999 and 2005 national polls, each involving more than 1,000 respon-

dents. The 1999 poll focused on six of the most prominent cases in the first period, and the 2005 poll focused on four of the most prominent cases of the second period of the tabloid justice era. (For a full description of our survey methods and a copy of the survey instruments, see Appendix B.)

Utilizing our survey results in Chapter 4, we examine public attitudes toward specific actors and features of the legal system and the current media environment, including the jury system, defense attorneys, prosecutors, judges, and the police. Importantly, we demonstrate that although citizens may now possess more familiarity with some of the basic structural and procedural components of the judicial process, the era's tabloid-style legal coverage has led to unduly negative assessments of the system. Finally, we conclude that the tabloid-like coverage of the law works to undermine the legitimacy and effectiveness of that system. Indeed, a significant number of citizens have begun to worry about their own possible treatment in the legal process as a result of what they have learned in the tabloid justice era.

Chapter 5 considers whether the new media culture has had different impacts on the public attitudes of citizens of different race, education level, income level, gender, age, and political party affiliation. Because divisions among these groups have been central features in many of the cases in our analysis, our goal here is to examine how the media coverage of these issues affects the public's views about them. For instance, did the Simpson and Rodney King cases change or inflame racial attitudes? Did the outcomes of the cases involving William Kennedy Smith, Martha Stewart, and Terri Schiavo have different effects on the views of men and women? We attempt to answer these questions by examining how blacks and whites, women and men, the rich and poor, and Republicans, Democrats, and Independents view the justice system and these specific cases. Ultimately, we focus on race, gender, and class issues, and conclude that tabloid justice coverage has simply reinforced different social groups' existing attitudes, biases, and assumptions about the system, rather than teaching them about the real everyday workings of law in the United States.

Finally, in Part 3, Chapter 6 summarizes our central arguments and findings. We then draw some broad conclusions about what this new era has meant, not only for the future of the legal system but also for the mass media's relationship with that system. We conclude by speculating about what the future holds in terms of this relationship.

Notes

1. William O'Rourke, "TV Has Left People More Informed and More Ignorant at the Same Time," *Chicago Sun-Times*, April 10, 2005, p. 35.

2. Frank Macchiarola, "Finding the Truth in an American Criminal Trial: Some Observations," *Cardozo Journal of International Comparative Law* 5 (Spring 1997): 97.

3. For a discussion of these and other notable trials in US history, see Alan M. Dershowitz, *America on Trial* (New York: Warner, 2004); Edward W. Knappman, ed., *Great American Trials* (New York: Barnes and Noble, 2004); and Gilbert Geis and Leigh B. Bienen, *Crimes of the Century* (Boston: Northeastern University Press, 1998).

4. For an analysis of the Unabomber case, see Robert Graysmith, *Unabomber: A Desire to Kill* (Washington, DC: Regnery, 1997); Alston Chase, *A Mind for Murder: The Education of the Unabomber and the Origins of Modern Terrorism*, (New York: W. W. Norton, 2004). We discuss the Ramsey case further in Chapter 1.

5. Polling information about the public's knowledge of well-known criminal cases was provided by the Pew Research Center. Questions were asked between 1991 and the end of 2005.

6. Although we would ideally hope for expanded coverage of important domestic and international political and social issues, those who have studied the media's portrayal of the electoral process have found that "issue coverage" has been rare and episodic. See Louis Sandy Maisel and Darrell M. West, eds., *Running on Empty?: Political Discourse in Congressional Elections* (Lanham, MD: Rowman and Littlefield, 2004); Thomas Patterson, *The Mass Media Election: How Americans Choose Their President*, 3d ed. (Westport, CT: Praeger, 1988); and Eric R.A.N. Smith, *The Unchanging American Voter* (Berkeley: University of California Press, 1989).

7. For a discussion of how the networks have historically determined what stories to cover, see Herbert Gans, *Deciding What's News: A Study of CBS Evening News, NBC Nightly News, Newsweek, and Time* (New York: Vintage, 1979), chap. 3.

8. Our Web searches for O.J. Simpson, JonBenet Ramsey, and Monica Lewinsky were conducted in November 1998; the Scott Peterson search was conducted in June 2006.

9. Historically, one of the primary arguments made in favor of increased electronic media access to the courts has been the supposed educational function of such coverage. For an effective summary of these arguments, see Susanna Barber, *News Cameras in the Courtroom: A Free Press–Fair Trial Debate* (Norwood, NJ: Ablex, 1987), 54, 94–95.

10. These figures are based on a Lexis-Nexis search conducted on October 6, 1998.

11. Based on an analysis of *Los Angeles Times* articles over the course of the trial, February 25, 2005, through June 14, 2005.

12. Paul Farhi, "A Trying Time for the Media at Jackson Trial," *Washington Post*, February 23, 2005, p. C01.

13. Kevin Brass, "Trial and Error?" *American Journalism Review* 26 (2004): 52–57.

14. Another major argument in favor of increased media coverage of the courts has been that press attention fosters an increased confidence in the system. See, for instance, Barber, *News Cameras in the Courtroom*, 54 ff. As we shall see, this has not been a result of the tabloid era of media coverage of criminal trials.

15. Doris Graber, *Mass Media and American Politics*, 7th ed. (Washington, DC: Congressional Quarterly Press, 2005), 182.

16. Ray Surette, *Media, Crime, and Criminal Justice: Images, Realities and Policies*, 3d ed. (Belmont, CA: Wadsworth, 2006), 31–32.

17. There are considerable methodological problems involved in attempting to measure the effects of media exposure on people's attitudes and perceptions. For good discussions of these difficulties, at least as applied to the study of politics, see Graber, *Mass Media and American Politics*, 205–207; Benjamin I. Page, Robert Y. Shapiro, and

Glenn R. Dempsey, "What Moves Public Opinion," *American Political Science Review* 81 (March 1987): 23–43; and Thomas R. Dye, L. Harmon Zeigler, and S. Robert Lichter, *American Politics in the Media Age*, 4th ed. (Fort Worth, TX: Harcourt Brace, 1992), 106.

18. Albert Bandura, "Social Cognitive Theory of Mass Communication," in Jennings Bryant and Dolf Zimmerman, eds., *Media Effects: Advances in Theory and Research* (Hillsdale, NJ: Lawrence Erlbaum, 1994), 76.

19. Assessing such effects is made yet more difficult when one considers the wealth of research that indicates Americans possess very little real knowledge about politics or the judicial process. See, for instance, John P. Robinson and Dennis K. Davis, "Television News and the Informed Public: An Information-Processing Approach," *Journal of Communication* 40 (Summer 1990): 106–109; L. Harmon Zeigler and William Haltom, "More Bad News About the News," *Public Opinion* (May/June 1989): 50–52; Michael Robinson, "Public Affairs Television and the Growth of Malaise," *American Political Science Review* 70 (1976): 425–430; Dye, Zeigler, and Lichter, *American Politics in the Media Age*, 104–108; and Richard Davis and Diana Owen, *New Media and American Politics* (New York: Oxford University Press, 1998), 165–166.

20. Graber, *Mass Media and American Politics*, 183.

21. See Jacob Jacoby and Wayne D. Hoyer, "Viewer Miscomprehension of Televised Communications: Selected Findings," *Journal of Marketing* 46 (Fall 1982): 12–26.

22. Robinson and Davis, "Television News and the Informed Public," 106–119; and Graber, *Mass Media and American Politics*, 189–190.

23. This discussion is adapted, in part, from Maxwell McCombs, "News Influence on Our Pictures of the World," in Bryant and Zimmerman, *Media Effects*, 1–16; and John R. Zaller, *The Nature and Origins of Mass Opinion* (New York: Cambridge University Press, 1992).

24. Roy Edward Lotz, *Crime and the American Press* (Westport, CT: Praeger, 1991), 40–41.

25. Cecil Greek, "Crime and the Media Course Syllabus and Lectures," <http://www.fsu.edu/~crimdo/grade&m.html#lectures> (June 12, 1998).

26. Ibid.; Lotz, *Crime and the American Press*, 37–48; and Surette, *Media, Crime, and Criminal Justice*, 33–34.

27. The foundation for this approach is laid out in Shanto Iyengar and Donald Kinder, *News That Matters* (Chicago: University of Chicago Press, 1987), 112–120.

28. Surette, *Media, Crime, and Criminal Justice*, 33–34.

29. The "minimal effects" conceptualization is presented in Iyengar and Kinder, *News That Matters*, 19–33 and 116–120.

30. For good overviews of agenda-setting research and theoretical approaches, see Stefaan Walgrave and Peter Van Aelst, "The Contingency of the Mass Media's Political Agenda Setting Power: Toward a Preliminary Theory," *Journal of Communication* 56 (2006): 88–109; and Everett M. Rogers, William B. Hart, and James W. Dearing, "A Paradigmatic History of Agenda-Setting Research," in Shanto Iyengar and Richard Reeves, eds., *Do the Media Govern?* (Thousand Oaks, CA: Sage, 1997), 225–236.

31. Iyengar and Kinder, *News That Matters*, 2–4.

32. See Bruce A. Williams and Michael X. Delli Carpini, "Monica and Bill All the Time and Everywhere," *American Behavioral Scientist* 47 (2004): 1208–1230; and Julie Yioutas and Ivana Segvic, "Revisiting the Clinton/Lewinsky Scandal: The Convergence of Agenda Setting and Framing," *Journalism and Mass Communication Quarterly* 80 (2003): 567–582.

33. See Matthew D. Matsaganis, "Agenda Setting in a Culture of Fear: The Lasting Effects of September 11 on American Politics and Journalism," *American Behavioral Scientist* 49 (2005): 379–392; and Stefanie Craft and Wayne Wanta, "US Public Concerns in the Aftermath of 9/11: A Test of Second Level Agenda-Setting," *International Journal of Public Opinion Research* 16 (2005): 456–463.

34. For an assessment of how the priming effect influenced voter assessments of President George H. W. Bush, see Joanne Miller and Jon A. Krosnick, "Anatomy of News Media Priming," in Iyengar and Reeves, *Do the Media Govern?* 258–275.

35. Shanto Iyengar, *Is Anyone Responsible? How Television Frames Political Issues* (Chicago: University of Chicago Press, 1991), 13–16, 26–31, and 39–45. This is generally considered the authoritative work on "framing."

36. For sources on how the media frames crime issues, see Carol Stabile, *White Victims, Black Villains: Gender, Race, and Crime News in US Culture* (New York: Routledge, 2006); Robert Entman, "Modern Racism and Images of Blacks in Local Television News," in Iyengar and Reeves, *Do the Media Govern?* 283–286; and Franklin D. Gilliam Jr., Shanto Iyengar, Adam Simon, and Oliver Wright, "Crime in Black and White: The Violent, Scary World of Local News," in Iyengar and Reeves, *Do the Media Govern?* 287–295.

37. Among the other theories of media effects are the "bandwagon effect," which posits that people simply want to be on the winning side. For a discussion of this approach, see Albert H. Cantril, *The Opinion Connection* (Washington, DC: Congressional Quarterly Press, 1991). Another approach examines the "third-person effect" (in which people perceive broad media effects on everyone but themselves). A description of this idea is contained in W. Phillips Davison, "The Third-Person Effect in Communication," *Public Opinion Quarterly* 47 (Spring 1983): 1–15. However, we believe that we have presented the most widely discussed theories here.

38. Kathleen Hall Jamieson and Karlyn Kohrs Campbell, *Interplay of Influence: News, Advertising, Politics, and the Mass Media*, 4th ed. (Belmont, CA: Wadsworth, 1998), 19; and Greek, "Crime and the Media."

39. See, generally, Donald Shaw and Maxwell McCombs, *The Emergence of American Political Issues* (St. Paul, MN: West, 1977), chap. 1; and Iyengar and Kinder, *News That Matters*.

40. For a wide range of works that examine the role of agenda setting, see David L. Protess and Maxwell E. McCombs, eds., *Agenda Setting* (Hillsdale, NJ: Lawrence Erlbaum, 1991); and Bryant and Zimmerman, *Media Effects*.

41. The political functions and idealized role of the mass media are summarized in Dye, Zeigler, and Lichter, *American Politics in the Media Age*, 6–19; Graber, *Mass Media and American Politics*, 92–102; and Kenneth Dautrich and Thomas H. Hartley, *How the News Media Fail American Voters: Causes, Consequences, and Remedies* (New York: Columbia University Press, 1999), 102–104.

42. Bandura, "Social Cognitive Theory of Mass Communication," 75.

43. Gans, *Deciding What's News*, 8–18.

44. *Ibid.*, 16–18.

45. Richard Davis, *The Press and American Politics*, 2d ed. (Upper Saddle River, NJ: Prentice-Hall, 1996), 129.

46. Davis and Owen, *New Media and American Politics*, chap. 1.

47. Gans, *Deciding What's News*, 8–18.

48. Jeffrey Toobin, *The Run of His Life: The People v. O.J. Simpson* (New York: Touchstone, 1997), 68. Toobin's book effectively recounts the media's often offensive behavior both before and during the Simpson criminal trial.

49. For good general accounts of the modern media environment, see Larry J. Sabato, *Feeding Frenzy* (New York: Free Press, 1993); and Thomas Patterson, *Out of Order* (New York: Knopf, 1993). For recent accounts of the increasing prevalence of a celebrity culture, see Su Holmes and Sean Redmond, eds., *Framing Celebrity: New Directions in Celebrity Culture* (New York: Routledge, 2006); and P. Da Marshall, *Celebrity Culture Reader* (New York: Routledge, 2006).

50. For works that have assessed broader public impact of media coverage of the criminal justice system, see Barber, *News Cameras in the Courtroom*, 95–98; Ronald L. Goldfarb, *TV or Not TV: Television, Justice, and the Courts* (New York: New York University Press, 1998), 160–166; Alan M. Dershowitz, *Reasonable Doubts: The Criminal Justice System and the O.J. Simpson Case* (New York: Simon and Schuster, 1997), 129–134, 146–148, and 203–204; Anna Quindlen, “Public and Private: Order in the Court,” *New York Times*, July 25, 1994, p. A19; Eileen Libby, “Court TV: Are We Being Fed a Steady Diet of Tabloid Television? No: Tacky or Not, It Helps Bring the Law to Life,” *ABA Journal* (May 1994): 47; Ruth Ann Strickland and Richter H. Moore Jr., “Cameras in State Courts: A Historical Perspective,” *Judicature* 78 (November/December 1994): 128–135; and Alan M. Dershowitz, “Court TV: Are We Being Fed a Steady Diet? Yes: Its Commercialism Hides Its Potential,” *ABA Journal* (May 1994): 46.

51. For a work in this area that focuses on the fair treatment of defendants, see Marjorie Cohn and David Dow, *Cameras in the Courtroom: Television and the Pursuit of Justice* (Lanham, MD: Rowman and Littlefield, 2002).

52. For a sampling of arguments favoring cameras in the courtroom, see “Let the People See the Court,” *Chicago Tribune*, May 3, 2006, p. 26; Ellia Thompson, “Courtroom Cameras: Issues Move In and Out of Focus,” *The Quill* (September 2004): 7–9; Anna Quindlen, “Lights, Camera, Justice for All,” *Newsweek*, January 21, 2002, p. 64; and Philip S. Anderson, “Time to Open the Electronic Eye,” *ABA Journal* (June 1999): 85.

53. “Cameras in the Court Gain Support, but Lose in Wyoming Trial,” *News Media and the Law* (Spring 1999): 301.

54. See Karen Aho, “TV and the Supreme Court,” *Columbia Journalism Review* 42 (September/October 2003): 63; and “Judicial Conference Nixes Cameras in the Courtrooms,” *Defense Counsel Journal* 67 (October 2000): 429–435.

55. Barber, *News Cameras in the Courtroom*, 122–123.

56. See Greek, “Crime and the Media.”