FREE PRESS-FAIR TRIAL: THE EFFECTS OF "SENSATIONAL" AND "NON-SENSATIONAL" PRE-TRIAL NEWS STORIES AND OF A JUDGE'S ADMONITION UPON "JUROR" AND "NON-JUROR" GUILT ASSESSMENT

By

MARLAN D. NELSON

Bachelor of Arts
Oklahoma State University
Stillwater, Oklahoma
1956

Master of Arts
Stanford University
Stanford, California
1957

Submitted to the Faculty of the
Graduate College of the
Oklahoma State University
in partial fulfillment of
the requirements for
the Degree of
DOCTOR OF EDUCATION
May, 1972

FREE PRESS-FAIR TRIAL: THE EFFECTS OF "SENSATIONAL" AND "NON-SENSATIONAL" PRE-TRIAL NEWS STORIES AND OF A JUDGE'S ADMONITION UPON "JUROR" AND "NON-JUROR" GUILT ASSESSMENT

Thesis Approved:

Richard P Jungers
Thesis Adviser

A. Stephens Hyfjen

Walter J. Ward

Henry E. Kraeth, Jr.

John E. Lusky

D Durham
Dean of the Graduate College

PREFACE

This dissertation is concerned with the effects of pre-trial news communications upon prospective jurors, and the effect of a judge's admonition to jurors upon their assessment of guilt of a person accused in a criminal case.

The free press-fair trial issue long has been debated, and in recent years has been climaxed by profession-wide studies by both the bar and the press. The news media have argued that it is imperative that practitioners cover crime news from arrest to trial if the justice system is to continue to serve the needs of a democratic society. The bar, on the other hand, argued that the right of a person accused in a crime to a fair and impartial trial cannot be guaranteed if prejudicial information--often that which cannot be admitted in evidence in the courtroom--about a case is disseminated via the mass media before the case reaches the courts.

This study has shed some light on the effect of sensational and non-sensational pre-trial news coverage upon prospective jurors' assessment of guilt of a defendant. It, too, has shed some light on the effect of a judge's admonition to prospective jurors to disregard information which they have read in the news media. One-hundred-twenty residents of Cache County, Utah, who were listed on the prospective jury duty list for 1970, participated in the study, as did officers of the First District Court, Logan, Utah.

Many persons made significant contributions to this project. I

would like to take this opportunity to express my appreciation for the assistance and guidance of Dr. Walter Ward, director of Journalism Graduate Studies at Oklahoma State University, in implanting the idea for the study while I was a student in Seminar in Responsibility Theory, and for his work in criticizing the research design for the study.

I would also like to thank Dr. Richard Jungers, Dr. Stephen Higgins, Dr. Harry Heath Jr. and Dr, John Susky of the Graduate Faculty, Oklahoma State University who served as critics and advisers for the study and the writing of the dissertation. Dr. Chilton R. Bush, head emeritus, Department of Communications and Journalism, Stanford University, read the original proposal and offered valuable criticisms.

I am indebted to the publishers of the Box Elder News and Journal, Brigham City, Utah, for printing the mock-up newspapers for the study, and to the Logan (Utah) Herald Journal for cooperation in the research.

Funds for conducting the research were provided through a University Research grant from Utah State University, Logan, Utah. I am grateful to the University for the financial aid.

Also, I would like to thank the 120 superb respondents, Judge VVe-Noy Christoffersen, First District Court, Logan, Utah; Attorneys Lyle Hillyard and Preston Thomas, Logan, Utah; and others who participated in the in-court portion of the experiment. Their help and encouragement were essential to completion of the study. The help of my colleague, Bruce Hadfield, as an interviewer was gratefully given.

Finally, I want to express appreciation to my wife, Mary Louise, and our children, Steven and Linda, whose patience, understanding and encouragement have contributed immeasureably to the completion of this dissertation.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

CHAPTER I

INTRODUCTION

The effect of pre-trial publicity in criminal cases upon the principle of fair trial has long been debated by members of the legal and journalistic professions. Basically, the question involves a seeming conflict between two fundamental freedoms guaranteed by the U. S. Constitution, as outlined in the First, Fifth and Sixth Amendments. These Amendments, with phrasing which applies to the problem under consideration underscored, follow:

> Article I: Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
>
> Article V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.
>
> Article VI: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury, of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

In recent years the chasm between the two professions has deepened

and each group has moved speedily--and in seeming opposite directions--toward resolution of the conflict. The press, on the one hand, has staunchly held to a philosophy that the First Amendment to the U.S. Constitution guarantees freedom of the press, that the freedom carries with it a concomitant obligation of the press to keep the public informed on all pertinent issues. Its practitioners have, as a result, held to the philosophy that the general public must be informed on all criminal events as they occur. Journalists recognize a responsible press as a hand-maiden of an effective democracy...if the democratic process is to operate as the founding fathers envisioned, journalists note, it is necessary that the public be fully informed of the actions of publicly elected officials. Following that philosophy, journalists have insisted on the right to access to records and information concerning criminal cases, from the commission of the crime, to arrest, to trial. Public trials, they argue, can only be guaranteed if the proceedings are publicly reported. To substantiate its argument that trials held up to public scrutiny through the press insure that justice prevails, the press points with pride to cases through history which have been dropped because a press campaign resulted in clearing a charged man's name and the subsequent confession by the person who actually committed the crime. The press, long concerned and cautious about governmental interference into the dissemination of information, has in recent years joined the bar in advocacy of mutual guides for coverage of criminal cases, however. The profession has been adamant in its insistence that adherence to these guidelines be left to the ethical codes of both the press and the bar. In 1966, the American Newspaper Publishers Association secured a grant through the McCormick

Charitable Trust Fund to explore the question of free press and fair trial. After a thorough investigation of the subject, the ANPA released its report under the title, Free Press and Fair Trial.[1] Major conclusions were:

* There is no real conflict between the First Amendment guaranteeing a free press and the Sixth Amendment which guarantees a speedy and public trial, by an impartial jury.

* The presumption of some members of the Bar that pre-trial news is intrinsically prejudicial is based on conjecture and not on fact.

* To fulfill its function, a free press requires not only freedom to print without prior restraint but also free and uninhibited access to information that should be public.

* There are grave inherent dangers to the public in the restriction or censorship at the source of news, among them secret arrest and ultimately secret trial.

* The press is a positive influence in assuring fair trial,

* The press has a responsibility to allay public fears and dispel rumors by the disclosure of fact.

* No rare and isolated case should serve as cause for censorship and violation of constitutional guarantees.

* Rules of court and other orders which restrict the release of information by law enforcement officers are an unwarranted judicial invasion of the executive branch of government.

* There can be no codes or covenants which compromise the principles of the Constitution.

* The people's right to a free press which inherently embodies the right of the people to know is one of our most fundamental rights, and neither the press nor the Bar has the right to sit down and bargain it away.[2]

---

[1]ANPA Special Committee on Free Press and Fair Trial, Free Press and Fair Trial, (New York, 1967).

[2]Ibid., p. 1.

The conclusions led to a renewed vigor on the part of the press that press freedom to cover crime news must not be bargained away. In essence, the press generally urged, with a stronger voice, that improvements could come only from within the profession.

Legal practitioners, on the other hand, have been as genuinely concerned--and rightly so--that persons accused in crime be guaranteed a "fair" trial. The tenor of their arguments has been that the press' coverage of details of the arrest, proceedings of investigators, and events of the arraignment and preliminary hearing prejudice prospective jurors before the trial opens. The argument has been advanced that publication of materials not admissible as evidence in court cases hampers justice...leads to an "unfair" trial, thus negating the intent of the Bill of Rights protection of the Sixth Amendment. The Bar's contribution culminated in the adoption of the "Standards Relating to Fair Trial and Free Press" by the American Bar Association House of Delegates, February, 1968, and in adoption of guidelines for federal courts very similar to the ABA standards by the Judicial Conference of the United States in September, 1968.

Further indication of the concern over possible collision of the rights of free press and fair trial has come through development and adoption of voluntary bar-press guidelines in at least 42 of the 50 states. The ABA points out in its publication, The Rights of Fair Trial and Free Press, that

> increasingly, news media are applying self-restraints in potentially prejudicial aspects of crime news coverage. Some state and federal courts already have adopted standards by rule of court--applicable to lawyers, court personnel and the conduct of trials--and patterned them after the American Bar Association and federal justice

guidelines.[3]

Spectacular cases of recent years have magnified the free press-fair trial controversy and brought it to general public attention. These cases have focused national attention on the matter of preserving the concepts of an impartial trial and a free press. During the 1960s there was extensive dialogue and investigation conducted by the bar associations and press groups. Concern on both sides reached a near "band-wagon" proportion; however, as Dr. Walter Wilcox, in his Association for Education in Journalism Monograph, The Press, the Jury and Behavioral Sciences, pointed out, little real development in solving the problem has evolved,

> Spectacular events have exacerbated the controversy and brought it to general public attention. The Sheppard murder trial, the Billie Sol Estes case, the two Kennedy assassinations and a multiple murder in Chicago--all are cases in point. None has so far led to a judicial answer to the question, nor have countless conferences among press, bar and bench and resolutions and guidelines by professional groups led to workable solutions.[4]

Bar and press have been aware of the free press-fair trial problem for a number of years, but especially since the circus atmosphere of the trial of Richard Bruno Hauptmann in the Lindbergh kidnapping case. However, it was not until the 1950s that the concern developed as a significant issue for both professions in general. Many writers attributed the changing philosophical attitudes to the maturing of both professions. For the mass media, the concern has been emphasized by

---

[3]American Bar Association Legal Advisory Committee on Fair Trial and Free Press, The Rights of Fair Trial and Free Press, (Chicago, 1969), p. 1.

[4]Walter Wilcox, The Press, the Jury and Behavioral Sciences, (Austin, Texas, 1967), p. 1.

the development of the social responsibility theory of mass communications which grew out of the comprehensive examination of the press by the Commission on Freedom of the Press.[5] New urgency to the issue came in 1959 when the U. S. Supreme Court ruled that a defendant had been denied a fair trial because of publication of prejudicial information in a newspaper.[6] From 1959 to 1966, the high court ruled that prejudicial publicity may be grounds for over-ruling a criminal conviction. (A summary of these cases is contained in Appendix A attached to the end of this study.) In his concurring opinion in Irvin v. Dowd, Justice Felix Frankfurther wrote in 1961:

> Not a term passes without the Court being importuned to review convictions, had in States throughout the country, in which substantial claims are made that a jury trial has been distorted because of inflammatory newspaper accounts--too often, as in this case, with the prosecutor's collaboration--exerting pressures upon potential jurors before trial and even during the course of the trial, thereby making it extremely difficult if not impossible to secure a jury capable of taking in, free of prepossessions, evidence submitted in open court. Indeed such extraneous influences, in violation of the decencies guaranteed by our Constitution, are sometimes so powerful that an accused is forced as a practical matter, to forego trial by jury.[7]

In the six cases cited above, jurors in the original trials indicated under oath that they would not be influenced by news articles they had read.

In the cases, the Supreme Court laid down the doctrine that

---

[5]Commission on Freedom of the Press, A Free and Responsible Press, (Chicago, 1947.)

[6]Marshall v. United States, 360 U. S. 310, 3 L. Ed. 2d 1250, 79 S. Ct. 1711 (1959).

[7]Concurring Opinion in Irvin v. Dowd, 366 U. S. 717, 730 (1961).

"protection for defendants rests primarily on controls available to judges within the framework of the legal order, rather than on direct judicial restraints on the media themselves."[8] In Marshall v. United States and in Irvin v. Dowd, the Supreme Court affirmed its view that a statement by a juror that he will not be influenced by adverse publicity carried in the press is not sufficient to assure erasure of prejudice. In Marshall v. United States, the Supreme Court opinion said, ". . . The prejudice to the defendant is almost certain to be as great when that evidence reaches the jury through news accounts as when it is a part of the prosecution's evidence. . . ."[9] The ABA points out that the six cases enunciate two rules:

> First, the statement by a juror that he will not be influenced by adverse publicity is not sufficient automatically to certify him as impartial. Second, at least, in cases of massive and pervasive prejudicial publicity, no showing of actual prejudice, or even that the prospective juror heard or saw the prejudicial material, is necessary to invalidate a conviction by jurors drawn from a community exposed to such publicity.[10]

Proponents on both sides of the issue argue primarily from "armchair philosophies" . . . foundations for both beliefs are wrapped in the whole of their professions' backgrounds and prejudices. An indication of the prejudice exhibited by both sides is contained in titles used in journals dealing with the subject during the past 19 years. In analyzing some 542 articles, the writer noted that if a lawyer discussed the subject, he usually titled his article "Fair

---

[8]American Bar Association Legal Advisory Committee on Fair Trial and Free Press, p. 20.

[9]Marshall v. United States, p. 312-313.

[10]American Bar Association Legal Advisory Committee on Fair Trial and Free Press, p. 24.

Trial-Free Press", and if a journalist wrote the article, he titled it, "Free Press and Fair Trial."[11] The point is that little empirical study has been attempted in the area, and for good reason: the justice system of the United States simply does not permit research upon jurors and their deliberative proceedings. Four studies have been conducted and reported in recent years. All were simulated, using a setting not typical of the courtroom, as well as respondents not necessarily representative of the prospective juror population.

Numerous studies in free press-fair trial have been conducted, to be sure, but they have dealt principally with in-depth interviews with judges, attorneys, publishers, and editors to determine why they felt that prospective juror prejudice did or did not stem from media treatment or pre-trial coverage. In 1966, the American Newspaper Publishers Association allocated $100,000 for a study of the free press-fair trial question. Out of the study has come the well-researched and documented publication, Free Press and Fair Trial, and the American Council on Education in Journalism Monograph, The Press, the Jury and Behavioral Sciences by Wilcox. Wilcox' monograph, together with articles by two other mass communications specialists, which looks into the problem of insuring a fair trial without hampering press freedom are contained in a book funded by the American Newspaper Publishers Association Foundation through a grant from the McCormick Charitable Trust Fund. The book is titled Free Press and Fair Trial: Some Dimensions of the Problem; it is designed to provide data for determining whether fur-

---

[11]Marlan D. Nelson, Free Press-Fair Trial: a Bibliography, (Stillwater, Oklahoma, 1972.)

ther research in the field will be rewarding. The three articles are "Trial Judges' Opinions on Prejudicial Publicity," by Dr. Fred Siebert; "Felonies, Jury Trials and News Reports," by Dr. George Hough III, and Wilcox' monograph.[12]

Review of the Literature

Until the mid-1960s, little empirical data had been gathered to analyze the free press-fair trial question. Two jury studies were conducted in the 1950s and four simulated experiments on pre-trial publicity and juror attitudes toward a defendant were conducted in the late 1960s.[13] Rita James Simon found that "sensational" presentation of pre-trial news prejudiced jurors; however, her study showed a judge's admonition to a jury resulted in putting "out of their minds the material they had read, and reaching a verdict solely on the basis of what they heard at the trial."[14] Mock jury studies indicated that news of a confession was damaging in prejudicing jurors toward a

---

[12]Fred Siebert, Walter Wilcox, and George Hough III, Free Press and Fair Trial: Some Dimensions of the Problem, (Athens, Ga., 1971.)

[13]H.P. Weld and E. R. Danzig, "A Study of the Way in Which a Verdict is Reached by a Jury," American Journal of Psychology, Vol. LIII (October, 1940) p. 518; Dale W. Broeder, "The University of Chicago Jury Project," Nebraska Law Review, Vol. 38, (May, 1959), pp. 744-760; F. Gerald Kline and Paul Jess, "Prejudicial Publicity: Its Effect On Law School Mock Juries," Journalism Quarterly, Vol. 43, (Spring, 1966), pp. 113-116; Rita James Simon, "Murder, Juries and the Press," Trans-action, Vol. 3, (May-June, 1966), pp. 40-42; Mary Dee Tans and Steven Chaffee, "Pre-Trial Publicity and Juror Prejudice," Journalism Quarterly, Vol. 43, (Winter, 1966), pp. 647-654; Walter Wilcox and Maxwell McCombs, "Crime Stories and Fair Trial/Free Press," unpublished report, University of California, Los Angeles, 1967.

[14]Simon, p. 42.

defendant. When a confession was coupled with a statement by the district attorney of the defendant's guilt, prejudice was more certain.[15]

Kline and Jess reported evidence that pre-trial publicity retained some potency in the trial procedure, that the effect was cut off before the verdict in some instances, that in some types of cases the publicity impact figured in the verdict itself.[16] Wilcox and McCombs, in a 1967 study of the way prospective jurors absorb three kinds of pre-trial news story elements, reported that the confession was the most potentially prejudicial element and particularly was potent when combined with a criminal record report.[17]

In an earlier study, the University of Chicago Law School ran an experiment involving auto negligence actions. The study was designed to see whether jurors could disregard (when instructed to do so) information they had heard about auto insurance status of people involved in an accident. Jurors instructed to disregard auto insurance information made noticeably fewer references to the defendant's insurance status in deliberations.[18]

It should be pointed out that the four simulated studies were conducted using respondents not representative of the prospective juror population; in most of the studies, the respondents' qualifications were nearer those of the "blue-ribbon" jury. A summary of the previous studies follows.

---

[15]Tans and Chaffee, p. 564.

[16]Kline and Jess, pp. 113-116.

[17]Wilcox and McCombs.

[18]Broeder, pp. 744-760.

I. Simon Study,

Professor Rita James Simon, University of Illinois sociologist, conducted a pilot study using adult mock jurors probing the questions, "Are juries really prejudiced by pre-trial news reports?", and "Once a juror has read a news report or seen a television newscast about a defendant, can he put that information aside and reach a verdict solely on the evidence he hears in court?" The sample consisted of 97 persons chosen from the voter registration list for Champaign and Urbana, Illinois. The researchers wrote two newspaper accounts of the same murder --one as it would be played by a newspaper such as the New York Times, the other a sensational version giving details of a crime. The respondents attended a meeting called by the researchers; sensational news stories were given to 51 respondents, conservative news stories to the remaining 46. When the respondents were through reading the stories, they were asked to ballot, indicating verdicts of "guilty", "not guilty", and "no opinion." In the first phase of the study, 67 per cent of the participants who had read sensational versions voted guilty, 21 per cent not guilty and 12 per cent no opinion; the figures for the conservative versions were 37 per cent, 39 per cent, and 24 per cent, respectively. Subjects who read the sensational version were more likely to assess guilt, and subjects who read the conservative version were more likely to suspend judgment, as indicated by the "no opinion" figures. In a second phase of the study, the participants listened to a tape-recording of the trial prepared by the researchers. The presiding judge presented the following admonition to the jurors:

> Before the trial begins we ask that you lay aside any opinion that you may have formed about the case and that you listen to the testimony and to the attorneys' closing statements with an open mind. The decision that you reach should be

> based on the evidence presented during the trial--not on the speculation of newspapers.[19]

Ballots again were taken with changes as follows: for the conservative version, 20 per cent guilty, 78 per cent not guilty, and 2 per cent no opinion; for the sensational version, 25 per cent guilty, 73 per cent not guilty, and 2 per cent no opinion. The most striking finding, Professor Simon reported, was that "after they had heard the trial, most of our jurors changed their minds and found the defendant innocent. This is true regardless of which version of the story the jurors had read before the trial."[20] In summarizing the study, the investigator reported,

> Our preliminary study indicates that the danger of pre-trial publicity may have been exaggerated. If the results can be reproduced in a larger sample and in communities of different sizes and in different locations, they would provide strong support for those who warn against the restriction of freedom of the press to report trial news.[21]

II. Kline and Jess Study.

In 1966, F. Gerald Kline of the University of Minnesota and Paul H. Jess, South Dakota State University, conducted a mock jury study of free press-fair trial. The pair hypothesized that printed and broadcast prejudicial news stories affect a jury in a civil suit. Findings in the case indicated that there was some evidence that pre-trial publicity retained a degree of potency in the trial procedure, that the effect was cut off before the verdict stage in some instances, that in some types of cases the publicity impact figured in the verdict itself,

---

[19]Simon, p. 41.

[20]Ibid.

[21]Ibid., p. 42.

Commenting on the significance of the study, Walter Wilcox wrote,

> There is some evidence that pre-trial publicity can survive the procedure of a simulated jury trial if not subjected to attack. To this might be added the proposition that the potency is diminished at the end of the journey, as indicated by the ability of most jurors to set it aside. However, the latter proposition is weakened by the nature of the subjects and the setting; students may well be more responsive to cautionary instructions than others and in this case may have reverted to the role of a student in responding to the judge.[22]

III. Tans and Chaffee Study.

A third study conducted in 1966 was done by Mrs. Mary Dee Tans, a senior in journalism at the University of Wisconsin, and Steven Chaffee, her senior adviser. Mrs. Tans' hypotheses were that the probability that a potential juror will prejudge a suspect's guilt or innocence is a function of the amount of his prior information, and the more guilty the more unfavorable his information. Both hypotheses were upheld in the experiment which used subjects registered in various courses and conferences at the University of Wisconsin. Subjects were exposed to versions of criminal news stories, using combinations of details about the accused's background. The key results were that potential jurors do prejudge guilt on the basis of news stories, especially if confessions are used. The more information provided, the more willing were jurors to make such a judgment.[23]

The major limitations of the study were that the subjects were not members of an actual jury, that no appreciable time elapsed between exposure and judgment. The methodology was straightforward and the

---

[22]Wilcox, p. 18.

[23]Tans and Chaffee, p. 647.

variables controlled, however.

IV. Wilcox and McCombs Study.

The Wilcox and McCombs study was conducted in 1967 under the title, "Crime Story Elements and Fair Trial/Free Press." Professors Wilcox and McCombs probed how prospective jurors absorb three kinds of pre-trial news story elements and how they organized them in terms of belief in guilt and innocence.

As in the Tans and Chaffee study, results indicated that the confession was the most potentially prejudicial element and particularly was it potent when combined with a criminal record.[24]

* * * * * * * *

Dr. Steven Chaffee, in a letter to Dr. Wilcox June 28, 1968, said,

> Willingness to prejudge should become an increasingly crucial variable the closer the situation comes to real jury duty. My hypothesis is . . . the more the person knows about the case as a juror, the more likely he is to suspend judgment until he's heard all the facts; I'd expect the reverse pattern for non-jurors.[25]

It was from Chaffee's comments that the writer became interested in studying an actual case using a simulation technique that brought a study case closer to consideration by "real" jurors. By randomly selecting the sample from the official jury list, and by using the courtroom scene with the principals present, the writer tried to bring the case closer to the real situation. Results from the study, while they can be projected only upon the population from which the sample was drawn, should point the way to further experimentation with samples from other populations and new theory on the overall problem,

---

[24]Wilcox, p. 21.

[25]Ibid., p. 6.

CHAPTER II

METHODOLOGY, DESIGN AND ANALYSES

The Problem

The problem under study can be stated as: "Do respondents seated as jurors and admonished by a judge in a criminal case alter their assessment of guilt of a defendant regardless of the pre-trial news stories to which they have been exposed?", and "Does the experience of being chosen as a juror and being admonished by a presiding judge cause one to expunge previous information about a case from one's mind, resulting in less likelihood of a guilty verdict?" Results of previous studies indicate that "sensational" news stories result in respondents' greater propensity to assess an accused guilty, whereas, "non-sensational" versions result in less a propensity to assess guilt. A subsidiary problem in the study asked if respondents selected from the jury list of a particular jurisdiction are prejudiced more by sensational pre-trial news stories than those exposed to non-sensational pre-trial news.

The Hypotheses

From a review of the literature on experimental studies in free press-fair trial and the research design of the present study, the writer formulated the following hypotheses to direct the study:

1. Respondents exposed to sensational pre-trial news communications

will assess the guilt of George Jackson Runbach significantly higher than will respondents who are exposed to non-sensational news stories.

2. Respondents in the experimental group in the second phase of the study chosen as jurors in the abbreviated voir dire and admonished by the judge to disregard what they had read about the case of George Jackson Runbach will assess the guilt of the defendant significantly lower than will the respondents who are excused from jury duty during the abbreviated voir dire.

3. Respondents who are given a pre-test measure on assessment of guilt of George Jackson Runbach, seven days after exposure to pre-trial news stories, on the post-test measure, will not differ significantly from those who were not given a pre-test.

4. Post-test mean guilt scores of jurors will be greater than non-jurors when the respondents are exposed to sensational pre-trial news.

5. There will be no significant difference between the mean scores of respondents produced by the interactive effects of the two independent variables, pre-trial news communications and test exposures.

6. In and of itself, the respondent-roles independent variable will produce significant differences in the guilt assessment score for respondents; however, there will be no significant differences produced by a combination of the respondent-role variable and the test exposure variable.

7. There will be no significant differences among the means of the groups produced by the interactive effects of the three independent variables, pre-trial news communications, respondent-role, and test exposures.

8. Respondents who are assigned as jurors in the George Jackson

Runbach case and who are admonished by the judge will lower their assessment of guilt scores after the admonition, regardless of the pre-trial news communications to which they are exposed. This will be reflected in a significantly higher pre-test measure taken prior to admonition, than on the post-test measure taken after admonition.

9. Respondents who are assigned as non-jurors (excused from the George Jackson Runbach case and not admonished by the judge) will not alter their assessment of guilt as reflected in the pre-test measure taken before the assignment to a role in the case and the post-test measure taken after being excused from the case, regardless of the pre-trial news communications to which they are exposed.

10. Respondents exposed to sensational pre-trial news communications and admonished by the judge to juror roles will assess the guilt of George Jackson Runbach significantly lower on the post-test taken after admonition than on the pre-test taken before admonition.

11. Respondents exposed to sensational pre-trial news communications and excused from jury duty after the abbreviated voir dire will not differ significantly in their assessment of the guilt of George Jackson Runbach in the pre-test measure taken after exposure to the pre-trial news, and the post-test measure taken after being excused from the case.

12. Post-test scores of respondents exposed to non-sensational pre-trial news prior to being admonished by the judge to a juror role will be significantly lower than the post-test scores taken after admonition.

13. Pre-test mean guilt scores taken on respondents seven days after exposure to non-sensational pre-trial news communications, and post-

test scores taken after the same respondents have been excused from jury duty will not differ.

The Population and the Sample

The jury list prepared by the Cache County Jury Commissioner was used as the population for the study. The jury list is prepared in Cache County, Utah, by drawing from a drum names taken from the voter registration list for the county. In selecting the sample, each jury list member was assigned a number, beginning with 001. Using a table of random numbers, 120 subjects (plus 100 for respondent loss) were drawn.

The respondents were randomly assigned to 8 groups of 15 each, using an extension of the four-group experimental-control group research design. In assigning respondents to treatment groups for news communications, the writer flipped a coin, and if heads came up, the first subject was assigned to the "sensational" news treatment; if tails, the first was assigned to the "non-sensational" news treatment. After the initial name had been assigned, the writer proceeded to assign subjects until all had been used. In the second assignment for manipulative treatment, the subjects who had been assigned to the two news communications treatment groups were assigned to "juror" and "non-juror" roles following the coin flipping procedure outlined above. Likewise, subjects were assigned to "pre-test" and "no pre-test" exposures. Randomization was used to equalize unknown sources of variance within the population.

Design and Study Description

The writer set up an experimental-control group research design after the four-group design of Solomon as outlined in Kerlinger,[1] The design tested the generalization that assignment as a juror leads veniremen to re-assess their judgment of the guilt of a person accused in a criminal case regardless of the type of news communication to which they had been exposed, One group of 60 respondents received 8 printed front pages from the Logan (Utah) Herald Journal which contained 10 news stories detailing a "local" murder. The group, designated the experimental group, was exposed to what the writer labeled "sensational" news coverage. Basically, the "sensational" news coverage comprised stories which contained details of the crime which have been outlined by the Reardon Committee as prejudicial and as detrimental to a fair trial.[2] The other 60 respondents, the control group, were exposed to what the writer labeled "non-sensational" news coverage. Basically, these stories were written to adhere to Reardon Committee recommendations. In the second phase of random assignment, one-half the "sensational" news coverage, and one-half the "non-sensational" news coverage groups were examined by the judge and attorneys, seated as jurors, charged by the judge in court, and admonished as to their responsibilities in adjudicating the case of the State of Utah v. George Jackson Runbach. The other 30 respondents in each were released

---

[1]Fred N. Kerlinger, Foundations of Behavioral Research, (New York, 1965), p. 311.

[2]A complete listing of operational definitions for the study are on pages 32 and 33.

after the voir dire session. Those charged as jurors were the "experimental" and those released were the "control" group. Pre-test sensitization, history and maturation were controlled by the pre-test/post-test variable. Post-test scores were obtained from each of the 120 respondents. Pre-test scores were taken on one-half of the respondents exposed to "sensational" news stories and assigned as jurors, on one-half of the respondents exposed to "sensational" news stories and assigned to "non-juror" roles, on one-half of the respondents exposed to "non-sensational" news stories and assigned to "juror" roles, and on one-half of the respondents exposed to "non-sensational" news stories and assigned to "non-juror" roles. (A copy of the "Sensational" and "Non-Sensational" news stories is contained in Appendix B of this report, Appendix C provides reproductions of the design of the actual printed pages for these two categories of news communications.)

Previous experiments in free press-fair trial, as indicated above, had been conducted using samples which could not be identified as representative of the prospective juror population. They, too, had been conducted in environments other than the traditional courtroom scene. In this study, the writer staged the experiment in the First District Court in Logan, Utah. To lend authenticity to the "trial", a local judge, a local prosecuting attorney, and a local defense attorney were used. Actors selected from Utah State University students and faculty were used as the court bailiff, the court reporter, a police detective, and the defendant. (A copy of the script used in guiding the action in the simulated and abbreviated voir dire examination is contained in Appendix D of this report.)

A murder case which occurred in New York in 1948 was used for the

study. News stories from a metropolitan newspaper were used in preparing the "sensational" and "non-sensational" coverage. The stories were rewritten, changing the names of the principals and giving indication that the event had occurred in Logan, Utah. Through cooperation of the publisher of the Logan (Utah) Herald Journal, the writer was able to have the news stories printed in a tabloid version of the Logan newspaper; the newspaper publishes a tabloid section every Monday which, in the writer's opinion, added to the authenticity of the newspapers.

Respondents in each group were sent the newspapers with "sensational" and "non-sensational" versions of the stories as randomly assigned to arrive at their homes May 1--two weeks before the "in-court" appearance for the voir dire simulation. Respondents had been contacted by telephone and their agreement secured for participation in the study prior to the materials being sent. The respondents were told they would be receiving the materials by mail and that they would be asked to report to the Hall of Justice, Saturday, May 15. Instructions were to treat the material as they would treat any daily newspaper which arrived at their home. Each respondent was sent a covering letter of explanation along with the newspapers. Judge VeNoy Christoffersen, First District Court, Logan, Utah, also sent a covering letter encouraging the respondents to cooperate in the experiment. (Copies of the letters are attached as Appendix E to this report.) In order to carry out the experiment on as authentic a scale as possible, it was necessary to mask slightly the purpose of the study in the covering letters. Respondents were told merely that they were chosen to participate in a study of the jury system in Cache County, Utah. This was done to avoid as much as possible calling attention to the respondents

of the specific case which was under consideration.

After one week's exposure to the message, the respondents assigned to the "pre-test" group were called on and the pre-test measure taken. The 60 respondents were visited by the writer and his trained interviewers on Thursday, Friday and Saturday, May 6, 7, and 8. A reminder notice was sent to each respondent to arrive at his home May 11. The notice simply reminded the participants that the writer was counting on them to report to the Cache County Hall of Justice, Saturday, May 15, at 10 a.m. to participate in the concluding portion of the study. (A copy of the reminder notice appears in Appendix F of this report.) Interest in the study must have been extremely high; actual refusals to participate in the study numbered 25. A total of 130 persons had been scheduled to appear at the Hall of Justice May 15; the number who appeared was 123, and 120 were used in the experiment.

The 120 respondents reported to the courtroom at 10 a.m. May 15. Judge VeNoy Christoffersen opened the proceedings and, with the attorneys, conducted the abbreviated voir dire. As the names of prospective jurors were called by the bailiff, the judge asked if they had any reasons they could not act impartially as jurors in the case. (The judge and the attorneys had been provided lists of respondents who had been randomly assigned to the "juror" and "non-juror" roles.) Challenges were made of respondents on the "non-juror" list, and 60 persons were retained for the case as "jurors."

In the abbreviated voir dire proceedings, Judge Christoffersen asked the "non-jurors" to remain in the courtroom until the jury seating was completed. Afterwards, the judge excused the "non-jurors" with the thanks of the court. The 60 jurors were told they had been chosen

to hear the case of the State of Utah v. George Jackson Runbach. A larger than usual number for the panel had been chosen in view of the case on trial. The judge then charged the jurors with their responsibility in hearing the evidence in the case, sifting that evidence and arriving at an impartial verdict. The judge emphasized to the jurors that they were to dismiss from their minds any materials they had read in newspapers or heard on the broadcast media pertaining to the case--that their verdict must come totally from the evidence presented in the courtroom. He further reminded the jurors that if there were those among them who had been influenced by the news coverage prior to the trial, they should so indicate and ask to be excused. Nobody made such a request. Non-jurors dismissed from the case were asked by a research assistant outside the courtroom to fill out the "post-test" Semantic Differential scales.

After the judge's admonition to the jurors, a messenger delivered an envelope to the defense attorney. The attorney examined the contents of the parcel and requested permission to approach the bench. After the attorneys had conferred with the judge for a few minutes, Judge Christoffersen called a 10-minute recess for a conference in chambers. While the principals were out of the courtroom, the writer distributed the Semantic Differential, instructing the jurors that the judge had requested the data. The measure constituted the post-test measure for the jurors.

When Judge Christoffersen returned to the courtroom, he said that new evidence had been uncovered in the case, and that he was granting the defense request for continuance and had re-scheduled the case for the November term of court. The jurors were told that they were ex-

cused and a new panel of jurors would be chosen at the new term of court.

The in-court session of the study was evidently authentic. Tapes made of the voir dire examination show that the respondents made numerous requests to be excused from the case. Several of the juror prospects asked to be excused because "in my line of work, I can't afford to be tied up in this court for so long a period as this case is apt to involve." One grandmother made a most dramatic appeal to Judge Christoffersen that she be excused because "my daughter is expecting a baby any day not, and, Judge, you know how unpredictable babies can be." After one woman told the judge that she already had made up her mind that the defendant was guilty, several other respondents asked to be excused on the same grounds. One observer invited by the writer to participate in the study (she knew the case was hypothetical) said after the experiment, "I knew that was a mock case when I entered the courtroom but after being there for about 15 minutes I was caught up in the drama and almost asked to be excused because I couldn't spend time in adjudicating such a long, drawn out trial." One woman told the writer that when she first volunteered to participate in the study she had been certain that it was a "staged" trial; however, after she got to the courtroom she concluded that the writer had been hired by the court to cagily bring prospective jurors into the courtroom for a real case. She asked to be excused from the case, telling Judge Christoffersen that she couldn't be away from her job with a state institution that long.

Paradigm for the Research Design

In reality, two manipulative experiments were conducted in the

the study. First, the news communication was used as a manipulation to test the impact of sensational and non-sensational news stories upon the sample. By administering the pre-test, the researcher was able to gather the guilt evaluation of the respondents in the upper-portion of the paradigm. (See Figure 1.) Further, there could be a test of the

PRE-TRIAL NEWS COMMUNICATIONS

Roles	Sensational				Non-Sensational			
	Juror		Non-Juror		Juror		Non-Juror	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
Pre-Test								
No Pre-Test	M:	M:	M:	M:	M:	M:	M:	M:
		M:		M:		M:		M:
N = 120								
n = 15		M:		M:		M:		M:

Figure 1. Study Paradigm.

impact of sensational and non-sensational news stories upon the total sample using the post-test score as the evaluative data. The second manipulation occurred in assignment of respondents to the "juror"/"non-juror" roles, and the subsequent "admonition" by the judge for the "jurors" and "no admonition" for the "non-jurors." The pre- and post-test scores for the 60 respondents provide data for analysis of the difference between guilt assessment scores using the judge's admonition as a manipulative independent variable.

The four-group design, after Solomon, is presented in Figure 2,

below. The design outlined in Figure 2 was used separately for 60 respondents who had been exposed to sensational news stories, and for 60 respondents who had been exposed to non-sensational news. The Experimental Group in the figure, under condition sensational news, was

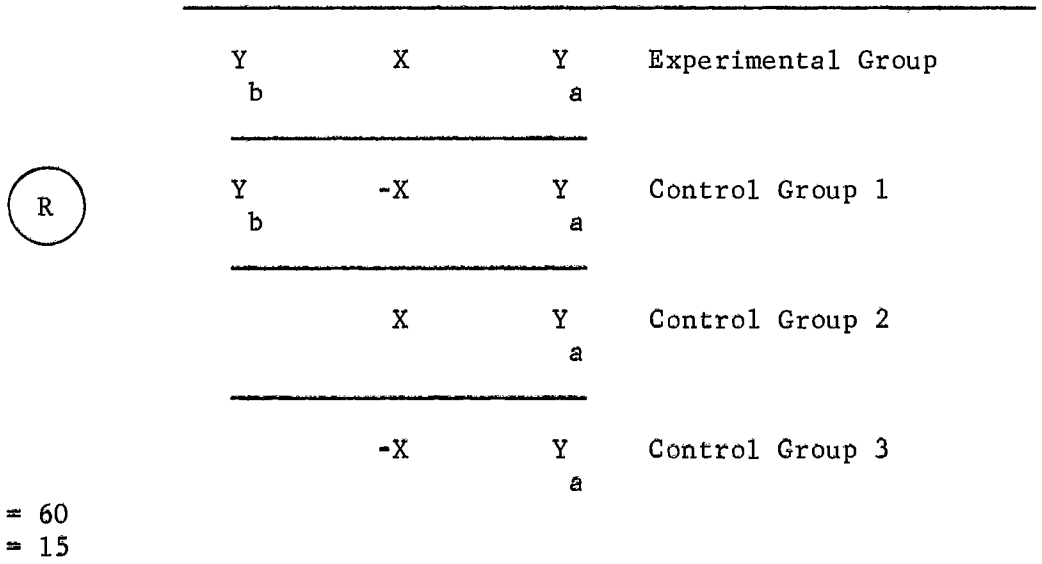


Figure 2. Four-group Experimental-Control design with randomization.

measured on evaluation of guilt of the defendant, brought into court, selected as jurors, admonished by the judge and then measured on evaluation of guilt of the defendant. Control Group 1, under condition sensational news, was measured on evaluation of guilt of the defendant, brought into the court, challenged as jurors, dismissed by the judge and thus given no "admonition"; they were then measured again for guilt evaluation. The 15 respondents in Control Group 2 (in reality an experimental group to test the effect of pre-test measurement upon respondents), under condition sensational news, were brought into the court, selected as jurors, admonished by the judge and measured on evaluation of guilt of the defendant. The 15 respondents in Control Group 3,

under condition sensational news were brought into the court, challenged, excused as jurors, and measured on evaluation of guilt of the defendant. The same procedure was carried out on the respondents who had been exposed to non-sensational news.

The overall 2 x 2 x 2 factorial design thus is a combination of the two experiments as presented in Figure 1, page 25.

The Variables

The active independent variables in the experiment were Pre-Trial News Communications, subdivided as sensational and non-sensational; and respondent-role, subdivided as juror and non-juror. Sensational news stories were operationally defined as those stories which contained a report of the arrest and the charge, run-down on prior criminal record, release by police chief that tests had been conducted on evidence which pointed to the suspect, statement by local police that the suspect had confessed, that the accused had been bound over for trial in the District Court, prosecutor-released statement that the defendant was definitely guilty and that he would have no difficulty proving it. Non-sensational news stories were operationally defined as those which adhered to the recommendations of the Reardon Committee Report, carrying only a basic story on the arrest, the accused's name, age, residence, occupation and family status. In these stories, information given by the accused, results of any examination, testimony or credibility of prospective witnesses, any opinion as to the accused's guilt or innocence was eliminated.

The juror role was operationally defined as veniremen randomly assigned, selected and charged by the judge to serve as jurors in the

adjudication of the criminal case used in the study, Non-jurors were defined as veniremen randomly assigned and excused as jurors in the abbreviated voir dire procedure.

The independent variable, test exposure, was subdivided into pre-test and no pre-test, The writer built the variable into the study design so greater control could be accomplished in analyzing for the effect of the test exposure upon the respondents' assessment of guilt. Operational definitions for these subdivisions of the variable are self-explanatory.

The dependent variable was the assessment of guilt score as reflected on the "Guilty-Innocent" scale of a 10-scale Semantic Differential for evaluative measurement. Respondents' assessment of guilt of the defendant, George Jackson Runbach, was made on a seven-point scale, with a score of 7 the highest assessment of guilt, 4 the "no opinion", and 1 the smallest assessment score.

The Measurement Instrument

In previous studies on juries, Simon and Tans and Chaffee used the Semantic Differential as a measuring instrument, since it has been deemed effective in measuring jurors' evaluations of a defendant. The 10 adjectives used were Good-Bad, Honest-Dishonest, Guilty-Innocent, Old-Young, Dumb-Smart, Cruel-Kind, Valuable-Worthless, Nice-Awful, Fair-Unfair, Unpleasant-Pleasant. Placement of adjectives within scales was reversed to control for response bias, The guilty-innocent scale was the criterion measure. The other scales were used as general evaluations to test the uniqueness of the guilty-innocent judgment. Pearson r correlations revealed inter-correlations of the scale

adjectives significant beyond the .001 level, except for the young-old, dumb-smart, and fair-unfair. The attribute of guilt seems to be part of a global evaluation of the defendant.

One week before the date for the opening of the case in court, "pre-test" respondents were administered the Semantic Differential on the concept, "George Jackson Runbach"; the scales and instructions used are described below.

Instructions for Semantic Differential Scales

> The purpose of this study is to measure the meanings of certain persons or things to various people by having them judge them against a series of descriptive adjectives. In taking this test, please make your judgments on the basis of what these things mean to you. On the following pages you will find a different concept to be judged and beneath it a set of scales. Please rate the concept on each of these scales,
>
> If you feel that the concept at the top of the page is very closely related to one end of the scale, you should place your checkmark as follows:
>
> Good __X__ _____ _____ _____ _____ _____ _____ Bad
>
> or
>
> Good _____ _____ _____ _____ _____ _____ __X__ Bad
>
> If you feel that the concept is quite closely related to one or the other end of the scale (but not extremely), you should place your check mark as follows:
>
> Good _____ __X__ _____ _____ _____ _____ _____ Bad
>
> or
>
> Good _____ _____ _____ _____ _____ __X__ _____ Bad
>
> If the concept seems only slightly related to one side as opposed to the other (but is not really neutral), then you should mark the scale as follows:
>
> Good _____ _____ __X__ _____ _____ _____ _____ Bad
>
> or
>
> Good _____ _____ _____ _____ __X__ _____ _____ Bad
>
> The direction toward which you check, of course, depends upon which of the two ends of the scale seems most characteristic of the thing you are judging. If you consider the concept to be neutral on the scale, both sides of the scale equally associated with the concept, or if the scale is completely irrelevant, unrelated to the concept, then you should place your mark in the middle space,
>
> Do not look back and forth through the items. Make each

item a separate and independent judgment. Work at a fairly high speed. It is your first impressions we want.

Concept: GEORGE JACKSON RUNBACH

Good	___	___	___	___	___	___	___ Bad
Honest	___	___	___	___	___	___	___ Dishonest
Guilty	___	___	___	___	___	___	___ Innocent
Old	___	___	___	___	___	___	___ Young
Dumb	___	___	___	___	___	___	___ Smart
Cruel	___	___	___	___	___	___	___ Kind
Valuable	___	___	___	___	___	___	___ Worthless
Nice	___	___	___	___	___	___	___ Awful
Fair	___	___	___	___	___	___	___ Unfair
Unpleasant	___	___	___	___	___	___	___ Pleasant

Concept: THE JURY SYSTEM IN CACHE COUNTY

Good	___	___	___	___	___	___	___ Bad
Brave	___	___	___	___	___	___	___ Cowardly
Weak	___	___	___	___	___	___	___ Strong
Fair	___	___	___	___	___	___	___ Unfair
Valuable	___	___	___	___	___	___	___ Worthless

The first Semantic Differential with 10 scales was the only one used officially in the study. Further, the "guilty-innocent" scale was used as the major criterion measure. The other scales were used primarily for diversionary tactics. The five-scale Semantic Differential on the concept "The Jury System in Cache County" was used in an effort to mask the study's purpose. In view of the imperviousness of the court system to in-court study and experimentation on the effect of pre-trial publicity in an actual case, respondents had to be told in the initial letter that they were being asked to participate in a study. Interpretation of results in the study must, therefore, be made with this in mind. No doubt such a procedure biases the results to some unknown degree. However, by using the letter of endorsement by the District Judge, together with the courtroom scene and officers of the court, the study comes closer to the "real case." As indicated by the above scales, the dimension measured was evaluative, since we

dealt with an evaluation of the respondents' attitude toward the defendant's guilt or innocence of the crime accused.

Analyses

The data in the experiment were analyzed using statistical procedures called for by the design. Since the factorial design and the hypotheses suggested interactive effects of the independent variables, news communications, respondent-roles, and test exposures, a 2 x 2 x 2 factorial analysis of variance was run to test the significance of the differences between the means for sensational vs. non-sensational news exposures, using the post-test measure; for juror vs. non-juror roles, using the post-test measure; for pre-test vs. no pre-test, using the post-test measure; and for any interactive effects produced by these three independent variables.

To analyze the effect of the admonition by the judge upon jurors' and lack of the charge upon non-jurors' assessment of guilt, t-tests were run on the significance of the difference between the pre-test and post-test scores for jurors and non-jurors exposed to sensational and non-sensational news reports.

Since the 60 respondents who were exposed to a pre- and post-test measure were correlated with themselves, analysis of variance for correlated data was performed. In the process, variance due to "between subjects" was extracted from the error thus giving a more accurate measure of the true systematic variance.

Diagrammatically, the statistical analyses are presented in Figures 3, 4, 5 and 6, pages 34 and 35.

Operational Definitions

In setting up and carrying out the experimental study in free press-fair trial, the writer used the following operational definitions:

1. Pre-Trial News Communications--news stories published in a printed newspaper and disseminated to the respondents in the packets of information.

2. Veniremen--respondents randomly selected from the jury duty list of Cache County, Utah, chosen for a specific term of court duty for this study.

3. Jurors--veniremen randomly assigned, selected, and charged by the judge to serve as jurors in the adjudication of the criminal case used in this study.

4. Non-jurors--veniremen randomly assigned and excused as jurors in the adjudication of the criminal case used in this study because the jury was completed or because they were challenged in the abbreviated voir dire.

5. Guilt-innocence scale--scale contained in the 10-scale Semantic Differential used as a dependent variable measure in this study.

6. Sensational News Stories--stories which contained a report of the arrest and the charge, run-down on prior criminal record, release by police chief that tests had been conducted on evidence which pointed to the suspect, statement by local police that the suspect had confessed, that the accused had been bound over for trial in the District Court, prosecutor-released statement that the defendant is definitely guilty and that he will have no difficulty proving it.

7. Non-Sensational News Stories--stories which adhered to the recommendation of the Reardon Committee Report, carrying only a basic story on the arrest, the accused's name, age, residence, occupation, and family status. In these stories information about the prior criminal record, identity, confession or admissions by the accused, results of any examinations, testimony or credibility of prospective witnesses, any opinion as to the accused's guilt or innocence was eliminated.

8. Pre-Test Exposure--the measurement of the respondent's attitude of guilt-innocence of the defendant using the Semantic Differential one week after exposure to the news communication and prior to his being assigned to a juror or non-juror role in the courtroom.

9. No Pre-Test Exposure--refers to the fact that the respondent did not fill out a Semantic Differential one week after exposure to the news communication and prior to his being assigned to a juror or non-juror role in the courtroom.

10. Admonition--statement given by the judge in the case to those respondents chosen as jurors in which the respondents were cautioned to dismiss prejudicial statements and information which they might have read in the media about the case, and to arrive at their verdict on the basis of the testimony and evidence to be presented in the courtroom.

Sources	Sum of Squares	df	Mean Square	F-Ratio	p
Between Sensational/ Non-Sensational News		1			
Between Juror/ Non-Juror		1			
Between Pre-Test/ No Pre-Test		1			
News Communications x Respondent Role		1			
News Communications x Test Exposures		1			
Respondent Role x Test Exposures		1			
News Communications x Respondent Role x Test Exposures		1			
Error		112			
TOTAL		119			

Figure 3. Analysis of Variance Table of Respondents' Guilt Assessment in Murder Case.

$X:_e$ Experimental Sensational			$X:_c$ Control Non-Sensational		
Before	After	Difference	Before	After	Difference
$\dot{Y}_b$	$\dot{Y}_a$	$\dot{Y}_b - \dot{Y}_a$	$\dot{Y}_b$	$\dot{Y}_a$	$\dot{Y}_b - \dot{Y}_a$

Figure 4. t-test, Pre-Test, Post-Test Measures on Sensational, Non-Sensational News.

$X:_e$ Experimental Juror			$X:_c$ Control Non-Juror		
Before	After	Difference	Before	After	Difference
$\dot{Y}_b$	$\dot{Y}_a$	$\dot{Y}_b - \dot{Y}_a$	$\dot{Y}_b$	$\dot{Y}_a$	$\dot{Y}_b - \dot{Y}_a$

Figure 5. t-test, Pre-Test, Post-Test Measures on Juror, Non-Juror Respondent Roles.

Sources	Sum of Squares	df	Mean Square	F-Ratio	p
Between Trials		1			
Among Subjects		14			
Interaction		14			
TOTAL		29			
		(N = 30) (n = 15)			

Figure 6. Analysis of Variance Table, Correlated Groups by News and Respondent-role.

CHAPTER III

FINDINGS

In the study presented here, the researcher found that pre-trial news about a murder case, and admonition to a prospective juror by a judge resulted in differences in guilt assessment of a defendant. As reported in the previous chapter, 120 respondents were randomly chosen from the jury list for Cache County, Utah, with one-half of them exposed to sensational pre-trial news coverage of the George Jackson Runbach case, and one-half exposed to non-sensational pre-trial news. The news exposures constituted the first phase of the experimental-control group study. A second phase was in random assignment of respondents to juror and non-juror roles. One-half of the respondents in each of the news communications groups was randomly assigned as jurors, publicly chosen in an abbreviated voir dire, and admonished by the district court judge to adjudicate the case on the information and evidence to be presented in the courtroom; the other half of the respondents in each of the news categories was randomly assigned to a non-juror role, and publicly excused by the judge after the abbreviated voir dire. Findings in the study indicated that the respondents admonished as jurors assessed the guilt of the defendant significantly lower than did those who were excused by the judge. Further, there were indications that jurors exposed to sensational pre-trial news stories, after having been admonished by the judge, significantly lowered their assessment of

of guilt of George Jackson Runbach. The non-jurors, whether exposed to sensational or non-sensational news, did not differ significantly in their assessment of guilt from pre-test to post-test. These results indicate, at least in this study, using this group of respondents, that while sensational pre-trial news stories condition the prospective jurors to assess a defendant guilty, the experience of the abbreviated voir dire and the judge's admonition influenced the respondents to less inclination to assess guilt. Results in this study indicated that the admonition to the jurors to disregard information read in the newspaper was effective with this group of "jurors". The mean scores for the post-test of all jurors was 4.30 on a 7-point scale, near the mean of the scale, 4.0, which, in this study, was the "no opinion" point. Non-jurors did not significantly lower their guilt assessment regardless of the pre-trial news to which they were exposed. As shown in Figure 7, the post-test mean score for all non-jurors was 4.78, higher than

	PRE-TRIAL NEWS EXPOSURES				
	Sensational		Non-Sensational		
ROLES / TESTS	Juror	Non-Juror	Juror	Non-Juror	Grand Means
Pre-Test	4.27	5.20	4.33	4.33	4.53
No Pre-Test	4.86	5.40	3.73	4.20	4.55
Means	4.57	5.30	4.03	4.27	4.54

Grand Mean Sensational News: 4.93 (N = 120)
Grand Mean Non-Sensational News: 4.15 (n = 15)
Grand Mean Non-Jurors: 4.78
Grand Mean Jurors: 4.30

Figure 7. Mean Guilt Scores by News, Roles, Tests, and Interaction of Variables (posttest).

the mean score for all jurors, 4.30. These results generally bear out the findings of Rita James Simon, Kline and Jess and Tans and Chaffee cited above.

Data in the study were analyzed, first of all, through the use of the factorial analysis of variance to assess the main effects of the independent variables, pre-trial news exposures, respondent-role, and test exposures, and the interactive effects of these variables. Post-test measures were used in this analysis. Further, a two-way analysis of variance for correlated data was used to assess change from pre-test measure to post-test measure, with the judge's admonition to jurors and lack of admonition to non-jurors being the manipulative criterion. The correlated design was used, since the subjects were matched with themselves from pre- and post-test, and this analysis permitted extraction of the variance due to individual differences, resulting in a more accurate measure of the error variance. The researcher also conducted t-tests for matched pairs on pre-test and post-test data which yielded the same results as the correlated ANOVA.

Testing the Hypotheses

Hypothesis No. 1. Respondents exposed to sensational pre-trial news will assess the guilt of George Jackson Runbach significantly higher than will respondents who are exposed to non-sensational pre-trial news stories.

A factorial analysis of variance on the post-test guilt-innocence assessment scores revealed that the mean score for respondents exposed to sensational pre-trial news about the case was 4.93, while the mean score for respondents exposed to non-sensational news was 4.15. The

F-ratio for news was 11.51, which indicates that the differences of 4.93 and 4.15 could be expected to occur by chance alone fewer than one time in 100. (See Table I and Figure 8 below. $F = 11.51$, $p < .01$.)

PRE-TRIAL NEWS EXPOSURES

Sensational	Non-Sensational
4.93	4.15

(N = 120)
(n = 60)

Figure 8. Mean Guilt Scores by Pre-Trial News Exposures (posttest measures).

TABLE I

FACTORIAL ANALYSIS OF VARIANCE TABLE: NEWS, ROLES, TESTS, INTERACTION

Source of Variation	SS	df	ms	F	p
TOTAL	211.80	119	---	---	---
Error	178.67	112	1.60	---	---
MAIN EFFECTS					
Between Sensational & Non-Sensational News	18.41	1	18.41	11.51	(.01)
Between Juror/Non-Juror	7.01	1	7.01	4.38	(.05)
Between Pre-Test & No Pre-Test Exposures	.01	1	.01	<1.00	(n. s.)
FIRST-ORDER INTERACTION					
Between News x Roles	1.88	1	1.88	1.18	(n. s.)
Between News x Tests	4.41	1	4.41	2.76	(n. s.)
Between Roles x Tests	.01	1	.01	<1.00	(n. s.)
SECOND-ORDER INTERACTION					
Between News x Roles x Tests	1.40	1	1.40	<1.00	(n. s.)

In other words, all other things being equal and controlled through the study design, the experimental stimulus, sensational pre-trial news stories appeared to make a difference in the way a random sample of prospective jurors assessed the guilt of George Jackson Runbach. The respondents exposed to sensational news appeared more likely to lean toward guilt before the actual trial opened. The hypothesis above was accepted.

Hypothesis No. 2. Respondents in the experimental group in the second phase of the study chosen as jurors in the abbreviated voir dire and admonished by the judge to disregard what they had read about the case of George Jackson Runbach will assess the guilt of the defendant significantly lower than will the respondents excused from jury duty during the abbreviated voir dire.

The mean guilt score for admonished jurors on the post-test measure was 4.30, and that for the non-jurors was 4.78. (See Figure 9.) Statistically, the two mean scores differ significantly (Table I, page 39, $F = 4.38$, $p < .05$.) In other words, all other things being equal, differences as great as 4.30 and 4.78 could be expected to occur by

RESPONDENT ROLES	
Juror	Non-Juror
4.30	4.78

(N = 120)
(n = 60)

Figure 9. Mean Guilt Scores by Roles (posttest measures).

chance alone about five times in 100, indicating that something other

than chance fluctuations led to differences. In our randomized design, we can conclude that the judge's admonition was effective in reducing the prospective jurors' propensity to assess guilt prior to the actual trial, regardless of the pre-trial news to which they had been exposed. The hypothesis, therefore, was accepted.

Hypothesis No. 3. Respondents who are given a pre-test measure on assessment of guilt of George Jackson Runbach, seven days after exposure to pre-trial news stories, on the post-test measure, will not differ significantly from those not given a pre-test.

Here we are concerned with the effect of testing upon the respondents; that is, we are asking the answer to the question, "does the experience of testing, itself, influence respondents in assessment of guilt in the case?" In short, we are testing for "test-sensitization" of the respondents. The post-test mean score for respondents who filled out the pre-test Semantic Differential was 4.53, and that for those who did not was 4.55. (See Figure 10.) Statistically, the two means do not differ. (Table I, page 39, F = less than 1, not significant.) The variation is no greater than could be expected to occur by chance fluctuations, that is, the pre-test experience itself did not seem to affect the respondents' guilt assessment. We, therefore, accepted the hypothesis.

TEST EXPOSURES	
Pre-Test	No Pre-Test
4.53	4.55 (N = 120) (n = 60)

Figure 10. Mean Guilt Scores by Test Exposures (posttest measures).

Hypothesis No. 4 (Interaction). Post-test mean guilt scores of jurors will be greater than non-jurors when the respondents are exposed to sensational pre-trial news.

The mean score for jurors under the condition of sensational pre-trial news was 4.57, and for non-jurors, 5.30. (See Figure 11.) The variance analysis showed there was no significant guilt assessment differences produced by the interactive effects of pre-trial news communications and respondent roles. Table I (page 39) shows an F-ratio of 1.18 which is not significant. In other words the pre-trial news communications and respondent roles operated independently of each other. The differences in guilt assessment assigned by the sensational and non-sensational pre-trial news groups did not depend on the respondents being jurors or non-jurors. We, therefore, rejected the hypothesis.

	PRE-TRIAL NEWS EXPOSURES		
	Sensational	Non-Sensational	Mean
ROLES			
Juror	4.57	4.03	4.30
Non-Juror	5.30	4.27	4.78
Mean	4.94	4.15	4.54
		(N = 120) (n = 30)	

Figure 11. Mean Guilt Scores, Interaction, News, Respondent-Roles (posttest).

Hypothesis No. 5 (Interaction). There will be no significant difference between the mean scores of respondents produced by the in-

teraction of the two independent variables, pre-trial news and test exposures.

The mean scores for respondents exposed to sensational pre-trial news and given a pre-test was 4.73, for those given no pre-test, 5.13; for non-sensational pre-trial news respondents given a pre-test, the mean was 4.33, and for those not given a pre-test, 3.97. (See Figure 12.) The F-ratio for comparison of means for interaction of news and test exposures was 2.76 which is not significant. (See Table I, page 39.) These differences, regardless of the combination made, are no greater than chance, and the hypothesis was accepted.

	PRE-TRIAL NEWS EXPOSURES		
	Sensational	Non-Sensational	Mean
TESTS			
Pre-Test	4.73	4.33	4.53
No Pre-Test	5.13	3.97	4.55
Means	4.93	4.15	4.54

(N = 120)
(n = 30)

Figure 12. Mean Guilt Scores, Interaction News, Test Exposures (posttest).

Hypothesis No. 6 (Interaction). In and of itself, the respondent role independent variable will produce significant differences in guilt assessment by respondents. However, there will be no significant differences produced by a combination of the respondent role variable and the test exposure variable.

Mean scores for jurors exposed to a pre-test was 4.30, for those

with no pre-test, 4.30; for non-jurors exposed to a pre-test, the mean was 4.77, for non-jurors not exposed to pre-test, 4.80. (See Figure 13.) The variance analysis showed no significant differences produced by the interaction of respondent-roles and test exposures. The F-ratio, as shown in Table I, page 39, was less than 1. Therefore, we accepted the hypothesis.

	RESPONDENT ROLES		
	Juror	Non-Juror	Mean
TESTS			
Pre-Test	4.30	4.77	4.53
No Pre-Test	4.30	4.80	4.55
Means	4.30	4.79	4.54

(N = 120)
(n = 30)

Figure 13. Mean Guilt Scores, Interaction Roles, Tests (posttest measures).

Hypothesis No. 7 (Interaction). There will be no significant differences among the means of the groups produced by the interactive effects of the three independent variables, pre-trial news, respondent-role, and test exposures.

Mean scores for the interactive combinations are shown in Figure 14, page 45. Variance analysis showed that differences produced by the interaction of the three independent variables were no greater than chance. (F = .88, not significant; See Table I, page 39.) The hypothesis was accepted.

Hypothesis No. 8. Respondents assigned as jurors in the George

Jackson Runbach case and admonished by the judge will lower their guilt assessment after admonition, regardless of the pre-trial news exposure. This will be reflected in a significantly higher pre-test measure prior to admonition, than the post-test measure taken after admonition.

	PRE-TRIAL NEWS EXPOSURES				
	Sensational		Non-Sensational		
ROLES/ TESTS	Juror	Non-Juror	Juror	Non-Juror	Grand Means
Pre-Test	4.27	5.20	4.33	4.33	4.53
No Pre-Test	4.86	5.40	3.73	4.20	4.55
Means	4.57	5.30	4.03	4.27	4.54

(N = 120)
(n = 15)

Figure 14. Mean Guilt Scores, Interaction News, Roles, and Tests (posttest)

In the second phase of the study, we were concerned with the effects of a judge's admonition upon prospective jurors' guilt assessment as reflected in the difference between the pre-test taken prior to admonition, but after exposure to pre-trial news, and the post-test taken after admonition. The juror admonished group was the experimental group, the non-juror group the control group. In other words, we were concerned with the effectiveness, before the actual trial was heard, of a judge's admonition to a prospective juror. A summary of pre-test and post-test means is presented in Figure 15, page 46. The mean for jurors on pre-test was 5.10, on the post-test (after admonition), 4.30. (See Figure 16, page 46.) A two-way analysis of variance showed that a mean difference as great as that between 5.10 and 4.30 could be

expected to occur by chance about five times in 100; therefore, we can suggest that, all other things equal, the judge's admonition was effective in reducing the guilt assessment by these jurors. (Table II, page 48, $F = 4.19$, $p < .05$.) A two-tailed t-test for matched pairs on the data also showed significance at the .05 level. ($t = 2.05$, $p < .05$.)

PRE-TRIAL NEWS EXPOSURES

	Sensational				Non-Sensational			
ROLES /	Juror		Non-Juror		Juror		Non-Juror	
TESTS /	Pre	Post	Pre	Post	Pre	Post	Pre	Post
	5.53	4.27	5.53	5.20	4.66	4.33	4.80	4.33

(N = 60)
(n = 15 repeated)

Figure 15. Pre-Test/Post-Test Means (Repeated Measures) by News and Roles.

JUROR ROLE

Pre-Test	Post-Test
5.10	4.30

(N = 30)
(n = 15 repeated)

Figure 16. Pre-Test/Post-Test Means, Jurors Regardless of News Exposures,

Respondents seated as jurors in the abbreviated voir dire, charged as jurors and admonished by Judge Christoffersen assessed the guilt of the defendant George Jackson Runbach significantly lower than they had prior to the admonition. The hypothesis was accepted.

Hypothesis No. 9. Respondents assigned as non-jurors (excused from the George Jackson Runbach case and not admonished by the judge) will not alter their assessment of guilt as reflected in the measure prior to role assignment, and the measure taken after dismissal from the case, regardless of the pre-trial news exposure.

The non-juror group thus becomes the control group here. The mean for non-jurors on the pre-test measure was 5.17, and on the post-test, 4.77. (See Figure 17 below.) A two-way analysis of variance showed an F-ratio of 3.18--not significant. (See Table III, page 48.) The means differed only by chance. There was no change in guilt assessment from pre- to post-test. A t-test for matched pairs on the data showed no significance: t = 1.78, n.s. The variance analysis showed significance in means among subjects which indicated substantial reliability of the measuring instrument's capacity to measure "true" individual differences. In this study we were not concerned with the differences among subjects. We accepted the hypothesis of no difference.

NON-JUROR ROLE	
Pre-Test	Post-Test
5.17	4.77

(N = 30)
(n = 15 repeated)

Figure 17. Pre-Test/Post-Test Means for Non-Jurors Regardless of News Exposure.

Hypothesis No. 10. Respondents exposed to sensational pre-trial news and admonished by the judge as jurors will assess the guilt of George Jackson Runbach significantly lower on the post-test taken after

TABLE II

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA: ALL JURORS

PRE- & POST-TEST

Source of Variation	SS	df	ms	F	p
TOTAL	134.60	59	--	--	--
Residual	66.40	29	2.29	--	--
Between Pre-Test and Post-Test, Jurors	9.60	1	9.60	4.19	(.05)
Among Subjects	58.60	29	2.02	<1.00	(n. s.)

TABLE III

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA: NON-JURORS

PRE- & POST-TEST

Source of Variation	SS	df	ms	F	p
TOTAL	111.93	59	--	--	--
Residual	21.61	29	.75	--	--
Between Pre-Test and Post-Test, Non-Jurors	2.39	1	2.39	3.18	(n. s.)
Among Subjects	87.93	29	3.03	4.04	(.01)

TABLE IV

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA

SENSATIONAL + JUROR

Source of Variation	SS	df	ms	F	p
TOTAL	62.70	29	--	--	--
Residual	18.50	14	1.32	--	--
Between Pre-Test and Post-Test, Sens. + Juror	12.00	1	12.00	9.09	(.01)
Among Subjects	32.20	14	2.30	1.74	(n. s.)

admonition than on the pre-test before admonition.

The mean scores for respondents exposed to sensational pre-trial news and admonished as jurors are presented in Figure 18 below. A two-way analysis of variance showed that a difference as great as that between 5.53 and 4.26 could be expected to occur by chance fluctuations

SENSATIONAL NEWS-JUROR ROLE

Pre-Test	Post-Test
5.53	4.26

(N = 30)
(n = 15 repeated)

Figure 18. Pre-Test/Post-Test Means for Jurors, Sensational News.

about one time in 100. ($F = 9.09$, $p < .01$, See Table IV.) A t-test for matched pairs showed significance at the .01 level; $t = 3.01$. All other things being equal, it appeared that the judge's admonition was

effective in reducing guilt assessment in the George Jackson Runbach case, even when the respondents had been exposed to sensational pre-trial news. The judge's admonition, in this case, was taken seriously by the jurors. The hypothesis was accepted.

Hypothesis No. 11. Pre-test and post-test guilt assessments by respondents exposed to sensational news and excused from jury duty after an abbreviated voir dire will not differ significantly.

Mean guilt assessment scores for pre-test and post-test measures of non-jurors exposed to sensational pre-trial news are presented in Figure 19. Table V presents the Correlated Analysis of Variance on the data under study. (See page 51.) Respondents exposed to pre-trial

SENSATIONAL NEWS-NON-JUROR ROLE

Pre-Test	Post-Test
5.53	5.20

(N = 30)
(n = 15 repeated)

Figure 19. Pre-Test/Post-Test Means for Non-Jurors, Sensational News.

news of a sensational nature and later excused from duty as jurors in the case did not differ in assessment of guilt on the pre-test and the post-test. The means of 5.53 on pre-test and 5.20 on post-test differed by chance fluctuations. ($F = 4.36$, not significant; Table V, page 51.) A t-test for matched pairs showed no significance, $t = 2.07$. The scores, statistically speaking, were equal, and we can accept the hypothesis. The F-ratio of 14.10 for differences among subjects was significant beyond the .01 level; that is, some respondents consistently assessed guilt of the defendant considerably lower than others.

TABLE V

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA

SENSATIONAL + NON-JURORS

Source of Variation	SS	df	ms	F	p
TOTAL	40.97	29	--	--	--
Residual	2.67	14	.19	--	--
Between Pre-Test and Post-Test, Non-Jurors Sensational News	.83	1	.83	4.36	(n. s.)
Among Subjects	37.47	14	2.68	14.10	(.01)

Hypothesis No. 12. Pre-test scores of respondents exposed to non-sensational pre-trial news prior to being admonished by the judge to a juror role will be significantly lower than the post-test scores taken after admonition.

Mean scores on guilt assessment for pre-test and post-test for jurors exposed to non-sensational pre-trial news are presented in Figure 20.

NON-SENSATIONAL NEWS-JUROR ROLE

Pre-Test	Post-Test
4.66	4.33

(N = 30)
(n = 15 repeated)

Figure 20. Pre-Test/Post-Test Means for Jurors, Non-Sensational News.

A correlated analysis of variance of the data showed that the respondents did not differ in their assessment of guilt on the pre-test and post-test. Even though jurors, over-all, gave significantly lower guilt assessment scores after having been admonished by the judge, the respondents exposed to non-sensational news did not change. The mean score was 4.66 on pre-test and 4.33 on post-test. Table VI shows an F-ratio of less than 1, not significant. The admonition in combination with non-sensational news did not produce a difference. We rejected the hypothesis. A t-test for matched pairs showed no difference, t = .506.

TABLE VI

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA

NON-SENSATIONAL + JURORS

Source of Variation	SS	df	ms	F	p
TOTAL	69.50	29	--	--	--
Residual	44.67	14	3.19	--	--
Between Pre-Test & Post-Test, Jurors, Non-Sens. News	.83	1	.83	<1.00	(n. s.)
Among Subjects	24.00	14	1.71	<1.00	(n. s.)

Hypothesis No. 13. Respondents' pre-test mean guilt scores taken seven days after exposure to non-sensational pre-trial news, and post-test scores taken after the same respondents were excused from jury duty in the George Jackson Runbach case will not differ.

Respondents randomly assigned to non-sensational pre-trial news exposure, and to non-juror roles rated the guilt of George Jackson Runbach by a mean score of 4.80 on a measure taken seven days after exposure to the news. These same respondents, after going into the courtroom and being excused from jury duty by the judge assessed the guilt of the defendant by a mean score of 4.33. (See Figure 21.) A correlated variance analysis showed that the two mean scores were, by probability estimates, equal. That is, they did not differ except by chance fluctuations. ($F = 1.21$, not significant; see Table VII.) A t-test for matched pairs showed no difference, $t = 1.10$. Both independent variables in combination did not produce differences which make a difference; the hypothesis was accepted.

TABLE VII

ANALYSIS OF VARIANCE TABLE

CORRELATED DATA

NON-SENSATIONAL + NON-JURORS

Source of Variation	SS	df	ms	F	p
TOTAL	61.37	29	--	--	--
Residual	18.87	14	1.35	--	--
Between Pre- and Post-Test, Jurors + Non-Sens.	1.63	1	1.63	1.21	(n. s.)
Among Subjects	40.87	14	2.92	2.16	(n. s.)

The factorial analysis of variance for data in the study revealed that pre-trial news stories do make a difference in the degree prospec-

tive jurors assess the guilt of a defendant. The difference is best expressed by the fact that sensational pre-trial news resulted in respondents exhibiting a greater propensity to assess guilt, and that non-sensational news resulted in exhibition of a lesser propensity to assess guilt. Post-test measures by respondent-role showed that those assigned as jurors and admonished by the judge to disregard what they had read about a case, were less inclined to assess guilt than were those excused from jury duty, regardless of news exposure received.

NON-SENSATIONAL NEWS-NON-JUROR ROLE

Pre-Test	Post-Test
4.80	4.33

(N = 30)
(n = 15 repeated)

Figure 21. Pre-Test/Post-Test Means for Non-Jurors, Non-Sensational News.

The judge's admonition to the jurors appeared to have an overriding effect on the pre-trial news stories. However, in analyzing changes in assessment of guilt on pre-tests taken after exposure to news and prior to the admonition, and of post-tests taken after admonition, variation appeared only in the cases of sensational news. Jurors exposed to non-sensational news did not alter their assessment from pre- to post-test. This indicates that, in this study, differences among jurors were closely allied to the pre-trial news exposure. The admonition was effective when dealing with jurors exposed to sensational news. When dealing with those exposed to non-sensational news, apparently the news was not strong enough to produce prejudice. However, over-all, pre-test respondents, on the post-test, assessed guilt nearer the

"no opinion" or "neutral" point of 4.0, thus indicating they were approaching the case as it went on trial with an "open" mind.

CHAPTER IV

SUMMARY AND CONCLUSIONS

As indicated in the problem statement, this study was designed to test further the theories of Simon,[1] Kline and Jess,[2] and Tans and Chaffee[3] about the effect of pre-trial news coverage upon jurors in a criminal case. Professor Simon, in her pilot study using adult mock jurors, reported that exposure to sensational news about a case resulted in a majority of the respondents' assessing a defendant guilty. Similarly, non-sensational exposure resulted in less propensity to assess guilt. However, when the mock jurors were admonished by a judge to make up their minds about the case on the basis of what was presented in court--not on the basis of newspaper or television speculation about the case--the respondents changed their minds and found the defendant not guilty. She summarized the significance of her study findings as indicating that

> the danger of pre-trial publicity may have been exaggerated. If the results can be reproduced in a larger sample and in communities of different sizes and in different locations, they should provide strong support for those who warn against the restriction of freedom of the press to report trial news.[4]

---

[1]Simon, Trans-action, pp. 40-42.

[2]Kline and Jess, Journalism Quarterly, pp. 113-116.

[3]Tans and Chaffee, Journalism Quarterly, pp. 647-654.

[4]Simon, Trans-action, p. 41.

Dr. Steven Chaffee said in 1968:

> willingness to prejudge should become an increasingly crucial variable, the closer the situation comes to real jury duty, My hypothesis is..,the more the person knows about the case as a juror, the more likely he is to suspend judgment until he's heard all the facts; I'd expect the reverse pattern for non-jurors.[5]

Both these studies were conducted with respondents who were not equivalent to prospective jurors in most jurisdictions. Samples could not, in other words, be considered representative.

The problem under study herein asked if respondents seated as jurors and admonished by a judge in a criminal case alter their assessment of guilt of a defendant regardless of the pre-trial news stories to which they have been exposed. Subsidiary to this, of course, was testing of the theory that prospective jurors are "prejudiced" toward a defendant when they are exposed to sensational pre-trial news stories, and not prejudiced toward the defendant in a case when the pre-trial news is of a non-sensational nature. The study was directed by thirteen hypotheses, and the data were analyzed using randomized factorial and correlated groups analyses of variance, as well as t-tests for matched pairs.

Respondents to the study were chosen from the prospective jury list for Cache County, Utah. They were randomly assigned to groups to receive sensational or non-sensational pre-trial news coverage of a case in which George Jackson Runbach was accused of murdering a local businesswoman. The "sensational" and "non-sensational" pre-trial news groups were further randomly assigned to be chosen as jurors

---

[5]Wilcox, The Press, the Jury and Behavioral Sciences, p. 6.

in an abbreviated voir dire and then admonished by the judge as to their responsibilities, or to a non-juror role in which case they were excused in the abbreviated voir dire in the courtroom. The abbreviated voir dire and jury admonition took place in the First District Court, Logan, Utah, with Judge VeNoy Christoffersen presiding. The courtroom scene was authenticated through use of the usual court officers, and a local prosecutor and defender. Major findings are summarized as follows:

1. Respondents exposed to sensational pre-trial news stories about George Jackson Runbach, the defendant, were more prone to assess the defendant guilty than were respondents who had read non-sensational pre-trial news stories. The ratings were made on a 7-point scale with 1, innocent, and 7, guilty. It would appear here that sensational news stories, in and of themselves, were more effective than non-sensational news stories in prejudicing prospective jurors against a defendant.

2. Respondents lowered their guilt assessment after having been selected for jury duty during the abbreviated voir dire and admonished by the judge. Statistically, the change was significant at the .05 level, meaning that such changes downward on the guilt-innocent scale, as observed after admonition, could be expected to occur by chance about 5 times in 100. The finding held regardless of the pre-trial news to which the respondents were exposed.

3. Respondents excused during the abbreviated voir dire and, thus, not admonished by the judge made no change in guilt assessment from the pre-test taken after exposure to the pre-trial news stories, and the post-test taken after the courtroom experience. This held regardless of the pre-trial news to which the respondents were exposed.

4. When considering post-test scores, all respondents assigned as jurors were less inclined to judge the defendant guilty than were non-jurors; the post-test was taken after admonition. This finding held regardless of the pre-trial news to which the respondents had been exposed.

5. It appeared that the experience of being selected as a juror and admonished by the judge to disregard any information the respondents had read in newspapers was effective. Jurors' guilt assessment of the defendant after admonition was near 4.0, which would be the "no opinion" category on the 7-point scale. Even though respondents exposed to sensational pre-trial news showed a greater propensity to assessing the defendant guilty, they lowered their assessment score after instructed by the judge to disregard information gleaned from sources outside the courtroom. This supports Professor Simon's conclusion that the judge's admonition results in prospective jurors' making their decisions on the basis of in-court presentations, not on the basis of newspaper speculation about a case.

Recommendations for Further Study

On the basis of findings in this study, the writer makes the following recommendations for further study into the free press-fair trial controversy:

1. That the study conducted in Logan, Utah, be replicated using other cities in the United States, so comparisons can be made on the results to further explore the theory advanced here.

2. That a study be carried out measuring guilt assessment of prospective jurors prior to news exposure, after news exposure, after

voir dire, and after the case has been heard in court. The data should be analyzed for changes that occur from one test to the other. Respondents should be rated on an Authoritarian Scale[6] to see if personality is a factor in predicting juror prejudice.

3. That a study be conducted using different kinds of cases--major as well as minor crimes--to see if results could be replicated.

Implications for Press and Bar

Results from the study and from Simon indicate that, in these instances, the free press-fair trial controversy may be exaggerated. Indications here are that the jury system, as it now operates, is effective in dealing with potential juror prejudice that may be produced by pre-trial news. The judge's instructions appear to be effective, and even though sensational news resulted in a "first-impression" impulse to judge adversely against a defendant, that impression was overridden by the judge's admonition to jurors. Both press and bar should be concerned, but their reasons may well be re-assessed. As indicated in numerous articles on the free press-fair trial subject, both professions should give their energies to professional development, rather than to "arm-chair" philosophizing." The press should be an ever-alert watchdog in all news coverage--including what goes on in the dispensing of justice from the arrest to the trial. The major goal should always be that of assuring that the justice system operates as envisioned in the Constitution. If the news coverage veers toward sensa-

---

[6]T. Adorno, et al., The Authoritarian Personality, (New York, 1950).

tional coverage in making that assurance, any prejudice may well be mitigated by a judiciary that demands professional standards in the courtroom and in the conduct of defense and prosecuting attorneys. The bar should ever concern itself with guaranteeing that the justice system works in a democracy, and it should make every demand that that operation be held up for the general public to see, a factor which should make law enforcement and dispensing of justice more effective and acceptable by the public.

An attorney who participated in the study, in commenting on the effect of the abbreviated voir dire and the judge's admonition, said

> It appears to me that if your results show significant changes by jurors under these abbreviated procedures, the changes by jurors should be even more marked in a real case involving a full-length voir dire, evidence presentation and admonition.[7]

---

[7]H. Preston Thomas, head, Department of Political Science, Utah State University, Logan, Utah, in a discussion with the writer.

A SELECTED BIBLIOGRAPHY

Ainsworth, R. A. Jr. "Fair Trial and Free Press." Louisiana Bar Journal, XV (June, 1967), 7-13.

Allen, Florence E. "Fair Trial and Free Press: No Fundamental Clash Between the Two." American Bar Association Journal, XLI (October, 1955), 897-900.

American Bar Association Legal Advisory Committee on Fair Trial and Free Press. The Rights of Fair Trial and Free Press. Chicago: ABA, 1969.

American Society of Newspaper Editors. Report of the Bar-Press Committee, American Society of Newspaper Editors, 1964-65. New York: ASNE, 1965.

ANPA Special Committee on Free Press and Fair Trial. Free Press and Fair Trial. New York: ANPA, 1967.

Baker, Leonard. "Fair Trial and Free Press: Balancing the First and Sixth Amendments." New Leader, XLIX (January 17, 1966), 15-17.

Bloom, Sigmund L. "Newspaper Advertising, An Interference with a Fair Trial by Jury." University of Pittsburgh Law Review, XXII (1961), 601-609.

Broeder, Dale W. "The University of Chicago Jury Project." Nebraska Law Review, XXXVIII (May, 1959), 744-760.

Bromley, Dorothy Dunbar. "Free Press vs. Fair Trial." Harpers, CCII (March, 1951), 9.

Buckley, F. W. "Judicial Interpretation of Powers and Responsibilities to Deal With Excessive Publicity in American Criminal Cases." Unpublished doctoral dissertation, School of Journalism, Southern Illinois University, Carbondale, 1966.

Burch, A. T. "News Media and the Law." Chicago Bar Record, XLIII (March, 1962), 297-304.

Commission on Freedom of the Press. A Free and Responsible Press. Chicago: University of Chicago Press, 1947.

Cowen, Zelman, et al. Fair Trial v. A Free Press. Santa Barbara, California: Center for Study of Democratic Institutions, 1965.

Daly, J. C. "Ensuring Fair Trials and a Free Press: a Task for the Press and Bar Alike." American Bar Association Journal, L (November, 1964), 1037-1042.

Daniel, Clifton. "Pre-Trial Publicity." Nieman Reports, XIX (September, 1965), 2.

DeLuca, George B., et al. "Fair Trial-Free Press: a Panel Discussion." New York State Bar Bulletin. (July, 1954), 202-225.

Dickinson, W. B. "Fair Trial and a Free Press." Federal Rules and Decisions, XLIV (May, 1968), 85-102.

Eimermann, Thomas E. "Free Press-Fair Trial: an Empirical Look at the Problem and Its Solution." Unpublished doctoral dissertation, University of Illinois, Champaign-Urbana, 1970.

Ericksen, Gerald L. Scientific Inquiry in the Behavioral Sciences. Glenview, Ill.: Scott Forsman, 1970.

"Fair Trial-Free Press: a Symposium." Oklahoma Law Review, XXII (May, 1969), 125.

"Fair Trial v. Free Press; the Psychological Effect of Pre-Trial Publicity on the Juror's Ability to be Impartial; a Plea for Reform." Southern California Law Review, XXXVIII (1965), 672-688.

Feibelman, H. U. "How Can 'Trial by Newspaper' be Avoided?' A League Commission Explores the Question." Commercial Law Journal, LXX (April, 1965), 100.

Felsher, Howard, and Michael Rosen. The Press in the Jury Box. New York: Macmillan, 1966.

Fischer, G. H. "Jurors Reading of Newspaper Account of Trial in Criminal Cases During Its Progress as Ground for Mistrial, New Trial or Reversal." American Law Reports Annotated (2d Series) XXXI, 417-436.

Frankfurter, Justice Felix, and Justice Thomas Clark. "Trial by Newspapers." Nieman Reports, XV (July, 1965), 3.

"Free Press and Fair Trial." Quill, LII (February, 1964), 8-14.

Freedmon, N. J. "Fair Trial--Freedom of the Press." Osgoode Hall Law Journal, III (April, 1964), 52-76.

Friendly, Alfred, and Ronald L. Goldfarb. Crime and Publicity. New York: The Twentieth Century Fund, 1967.

Geis, Gilbert. "Preliminary Hearings and the Press." University of California at Los Angeles Law Review, VIII (March, 1961), 397-414.

Gelb, Harvey. "Fair Trials and Free Speech." George Washington Law Review, XXXI (March, 1963), 607-626.

Gillmor, Donald M. Free Press and Fair Trial. Washington, D. C.: Public Affairs Press, 1966.

Gillmor, Donald M. "Free Press v. Fair Trial: a Continuing Dialogue." North Dakota Law Review, XLI (1965), 156-176.

Gillmor, Donald M. "Free Press vs. Fair Trial: a New Era?" Journalism Quarterly, XLI (Winter, 1964), 27-37.

Gillmor, Donald M. "The Reardon Report: a Journalist's Assessment." Wisconsin Law Review, 1967 (Winter, 1967), 215-230.

Gillmor, Donald M., and Jerome A. Barron, Mass Communications Law. St. Paul: West Publishing Co., 1969.

Gillmor, Donald M. "Trial by Newspapers: the Constitutional Conflict Between Free Press and Fair Trial in English and American Law." Unpublished Ph.D. dissertation, School of Journalism, University of Minnesota, Minneapolis, 1961.

Goldfarb, Ronald. "Ensuring Fair Trials: the Impropriety of Publicity." The New Republic, CL (February 29, 1964), 11-14.

"Guidelines for Press and Police." Judicature, L (June-July, 1966), 6-11.

Haley, J. O. "Fair Trial and Free Press." Alabama Lawyer, XXVII (October, 1966), 374-387.

Harum, A. E. "Free Press, Fair Trial Controversy." Florida Bar Journal, XL (April, 1966), 231-239.

Helwig, G. J. "Fair Trial Versus Free Press: Must We Choose?" Judicature, L (January, 1967), 149-152.

Hills, L. "Justice by Daylight--Law and Press Are Allies, Not Antagonists." Oklahoma Bar Association Journal, XXXVII (May 28, 1966), 1023-1027.

Hudon, Edward. "Freedom of the Press vs. Fair Trial: the Remedy Lies With the Courts." Valparaiso University Law Review, I (Fall, 1966), 8-39.

Huffaker, Robert A. "Constitutional Law--Adverse Trial Publicity as a Violation of Due Process." Alabama Law Review, XIX (Fall, 1966), 150-156.

Inabuit, Linza. "Trial Jury--the Possible Prejudicial Effect of Newspaper Articles on Juries in Criminal Cases." Kentucky Law Journal, XLVII (Winter, 1959), 225-243.

Irvin v. Dowd. (Concurring Opinion). 366 U. S. 717, 730. (1961).

Isaacs, Norman E. "The Crime of Present-Day Crime Reporting." The Journal of Criminal Law, Criminology and Police Science, LII (1961), 405.

Jaffee, Carolyn. "The Case Against Trial by Newspaper: Analysis and Proposal." Northwestern University Law Review, LVII (1962), 217-254.

Jaffee, Carolyn. "The Press and the Oppressed--a Study of Prejudicial News Reporting in Criminal Cases." (Part I). The Journal of Criminal Law, Criminology and Police Science, LVI (March, 1965), 1-17.

Jaffee, Carolyn. "The Press and the Oppressed--a Study of Prejudicial News Reporting in Criminal Cases." (Part II). The Journal of Criminal Law, Criminology and Police Science, LVI (June, 1965), 158-173.

"Judge Rejects Survey of Pretrial Publicity." Editor and Publisher, LCIX (January 15, 1966), 11.

"Jurors Say Publicity Doesn't Sway Verdict." Editor and Publisher, CI (May 25, 1968), 15.

Kerlinger, Fred N. Foundations of Behavioral Research. New York: Holt, Rinehart and Winston, 1965.

Kline, F. Gerald, and Paul H. Jess. "Prejudicial Publicity: Its Effect on Law School Mock Juries." Journalism Quarterly, XLIII (Spring, 1966), 113-116.

Lemert, J. B. "Publicity and Prejudice." Editor and Publisher, C (January 21, 1967), 54.

Lofton, John. Justice and the Press. Boston: Beacon Press, 1966.

Marshall v. United States. 360 U. S. 310, 3 L ed. 2d 1250, 79 S. Ct., 1711 (1959).

Meyer, Bernard S. "Trial Judge's Guide to News Reporting and Fair Trial." Journal of Criminal Law, LX (September, 1969), 287-298.

Murray, J. Edward. "The Reardon Report." Nieman Reports, XXI (December, 1967), 16-19.

Nelson, Harold L., and Dwight L. Teeters Jr. Law of Mass Communications. Mineola, N. Y.: The Foundation Press, Inc., 1969.

Nelson, Marlan D. Free Press-Fair Trial: an Annotated Bibliography. Stillwater, Okla.: Journalists Services, 1972.

Nizer, Louis. "Trial by Headline." McCalls, LCIV (February, 1967), 93.

Notson, Robert C. "Pretrial Reporting: the Cauldron Keeps Bubbling." ASNE Bulletin, No. 482 (January 1, 1965), 8-9.

Otterbourg, Edwin M., and Herbert Brucker. "Fair Trial and a Free Press--a Debate." Connecticut Bar Journal, XXIX (December, 1955), 423.

"Prejudicial Publicity versus the Right of the Accused." Louisiana Law Review, XXVI (June, 1966), 818-847.

"Press on Trial; Cleveland Press and S. Sheppard Case." Time, LXXXVII (March 11, 1966), 64.

"Pre-Trial Publicity as a Denial of Due Process." Mississippi Law Journal, XXXVI (1965), 369-391.

Powell, Lewis F. Jr. "Right to a Fair Trial." American Bar Association Journal, LI (1965), 534-538.

Reardon, Paul C. "Fair Trial--Free Press Controversy--Where We Have Been and Where We Should Be Going." San Diego Law Review, IV (June, 1967), 255-268.

Reardon, Paul C. "Fair Trial-Free Press Standards." American Bar Association Journal, LIV (April, 1968), 343-351.

Richardson, L. "What Constitutes Prejudicial Publicity in Pending Cases?" Kentucky Law Journal, LIV (Summer, 1966), 625-642.

Rifkind, Simon H. "When the Press Hampers Justice." American Mercury, LXXI (July, 1950), 14-21.

Riley, Samuel Gayle. "The Free Press-Fair Trial Controversy: a Discussion of the Issues Involved and an Examination of Pretrial Publicity by Survey Research." Unpublished Ph.D. dissertation, University of North Carolina, Chapel Hill, 1970.

Rivers, William L., and Wilbur Schramm. Responsibility in Mass Communications. New York: Harper and Row, 1969.

Royster, Vermont. "Free Press and a Fair Trial." North Carolina Law Review, LXII (1965), 364-371.

Segal, R. M. "Fair Trial and Free Press; an Analysis of the Problem." Massachusetts Law Quarterly, LI (June, 1966), 101-116.

Siebert, Fred S., Walter Wilcox, and George A. Hough III. Free Press and Fair Trial: Some Dimensions of the Problem. Athens, Ga.: University of Georgia Press, 1971.

Simon, Rita James. "Murder, Juries and the Press." Trans-action, III (May-June, 1966), 40-42.

Simon, Rita James. "Use of the Semantic Differential in Research on the Jury." Journalism Quarterly, XLV (Winter, 1968), 670-676.

Sowle, Claude R. "Free Press and Fair Trial: Some Predictions and Suggestions." Nieman Reports, XX (December, 1966), 18-20.

Sullivan, Harold W. Trial by Newspaper. Hyannis, Mass.: The Patriot Press, 1961.

"Symposium 1967." Notre Dame Lawyer, XLII (1967), 857.

Tans, Mary Dee, and Steven Chaffee. "Pre-Trial Publicity and Juror Prejudice." Journalism Quarterly, XLIII (Winter, 1966), 647-654.

Tauro, Joseph G. "Fair Trial--Free Press Revisited." American Bar Association Journal, LV (May, 1969), 417-419.

Taylor, Telford. "Crime Reporting and Publishing of Criminal Proceedings." Columbia Law Review, LXVI (January, 1966), 34-61.

"Trial by Newspaper and the Social Sciences." North Dakota Law Review, XLI (1965), 156-176.

Walker, J. H. "U. S. Courts Usually Discredit Pre-Trial Publicity Squawks." Editor and Publisher, LCVII (March 13, 1965), 13.

Weld, H. P. and E. R. Danzig. "A Study of the Way in Which a Verdict Is Reached by a Jury." American Journal of Psychology, LIII (October, 1940), 518.

Wilcox, Walter. The Press, the Jury and Behavioral Sciences. Austin, Texas: Association for Education in Journalism, 1967.

Wilcox, Walter, and Maxwell McCombs. "Crime Stories and Fair Trial/ Free Press." Unpublished Report, University of California, Los Angeles, 1967.

Wright, J. Skelly. "Fair Trial-Free Press." Federal Rules and Decisions, XXXVIII (1966), 435-437.

Zcobert, Felix J. "Constitutional Law--Fair Trial and Free Press--State Courts Contempt Power." Western Reserve Law Review, XVIII (May, 1967), 1376-1384.

APPENDIX A

SUPREME COURT DECISIONS 1959-1966 ON PREJUDICE

Marshall v. United States.
360 U. S. 310, 3 L. Ed. 2d 1250, 79 S. Ct. 1711 (1959).

Defendant was convicted of unlawfully dispensing dextro amphetamine sulfate tablets without a prescription from a licensed physician. The government proposed to prove that defendant had previously practiced medicine without a license. Such evidence was ruled inadmissible but during trial two newspapers published accounts which recited that Marshall had practiced medicine without a license and had been convicted of forgery. The seven jurors who had seen all or portions of the news articles swore that they would not be influenced by them, that they could decide the case only upon the evidence of record, and that they felt no prejudice against petitioner as a result of the articles. Despite the testimony of the jurors, which under earlier rulings would have been sufficient to show impartiality, the case was reversed and sent back for new trial because the jurors were exposed to the inadmissible evidence through the news articles.

Janko v. United States.
366 U. S. 716, 6 L. Ed. 2d 846, 81 S. Ct. 1662.

The Supreme Court reversed in a per curiam memorandum decision without opinion. The case below is reported at 281 F.2d 156 (CA 8 1960). Janko was found guilty of willfully attempting to evade income tax for three years by improperly claiming two of his own minor children as dependents. The tax amounts involved were $134.00 for 1954 and $264.00 for each of the years 1955 and 1956. Although divorced, Janko contributed certain sums to the support of his children; but he was charged with willful evasion on the theory that he had not contributed more than one-half of each child's support. The first trial ended in conviction but a new trial was granted when four members of the jury admitted that they had read or had been apprised of prejudicial newspaper articles. During the second trial a local newspaper published an article with reference to the defendant as a former employee of East Side rackets boss Frank (Buster) Wortman and as a former convict who was found guilty in January in the same case but was granted a new trial when four jurors acknowledged that they had read newspaper accounts of the charges against him. After the verdict, the jurors were asked en masse whether they were persuaded or influenced by anything other than testimony in the Courtroom during the trial and none responded.

The case was similar to Marshall in that inadmissible evidence was published during the trial. Presumably the Supreme Court thought the case was covered by the decision in Marshall and no opinion was published.

Irvin v. Dowd.
366 U. S. 717, 6 L. Ed. 2d 751, 81 S. Ct. 1639 (1961).

Six murders were committed in the vicinity of Evansville, Indiana, between December, 1954, and March, 1955. Defendant was arrested April 8, 1955, and shortly thereafter police officers issued press releases which were intensively publicized stating that defendant had confessed to six murders. Defendant sought a change of venue which was granted but only to the adjoining county. Defendant then sought a further change of venue because of widespread and inflammatory publicity which he claimed had prejudiced the inhabitants of that county. The second change of venue was denied. After the conviction was affirmed by the Indiana Supreme Court, defendant brought this habeas corpus proceeding. Although the court recited the ancient rule that,

> "...it is sufficient if the juror can lay aside his impression or opinion and render a verdict based on the evidence presented in court. . . ." (At p. 723).

it went on to say that such a rule does not close inquiry as to whether in a given case the application of the rule deprives a defendant of due process of law. As a result of the barrage of publicity eight jurors thought defendant guilty. The court found prejudice established despite the jurors' statements that they would be fair and impartial.

> "...With such an opinion permeating their minds it would be difficult to say that each could exclude this preconception of guilt from his deliberations. . . . Where so many, so many times, admitted prejudice, such a statement of impartiality can be given little weight. . . ." (At p. 727).

The court clearly abandoned any belief that a juror exposed to prejudicial publicity is proven impartial by his declaration that he will not allow such evidence to influence him.

> ". . . The influence that lurks in an opinion once formed is so persistent that it unconsciously fights detachment from the mental process of the average man. . . ." (At p. 727).

Rideau v. Louisiana.
373 U. S. 723, 10 L. Ed. 2d 663, 83 S. Ct. 1417 (1963).

The day following his arrest the defendant was interviewed by the sheriff concerning a robbery and murder. Defendant was not represented by counsel nor advised of his rights. The interview which was televised on three consecutive days was characterized by the Supreme Court as a kangaroo trial presided over by a sheriff with no attorney to advise Rideau of his rights to remain mute. The court said it was not necessary to examine the transcript of the examination of the jury to hold that due process required a trial before a jury drawn from a community of people who had not seen and heard Rideau's televised interview. Denial of change of venue was held error. Justices Clark and Harlan

dissented on the grounds that it was not shown that adverse publicity had fatally infected the trial two months after the televised interview. This was the first case in which it was clearly held that denial of due process may result from prejudicial publicity even in the absence of any showing of actual prejudice by particular jurors as a result of such publicity.

Estes v. Texas.
381 U. S. 532, 14 L. Ed. 2d 543, 85 S. Ct. 1628 (1965).

Conviction for swindling was reversed as a result of televising of the two day preliminary hearing and part of the trial. "No isolatable prejudice" was shown but the court held that in some cases actual prejudice is not a prerequisite to reversal.

Sheppard v. Maxwell.
384 U. S. 333, 16 L. Ed. 2d 600, 86 S. Ct. 1507 (1966).

Defendant's wife was bludgeoned to death July 4, 1954, in the upstairs bedroom of the home. Defendant claimed that he was dozing on the couch in the living room when he heard his wife cry, rushed upstairs, grappled with a "form" and was rendered unconscious. The court recites in detail the massive buildup of publicity culminating in front page editorials demanding the arrest of the defendant which occurred promptly thereafter on July 30. The publicity then grew in intensity until indictment August 17. Clippings from three Cleveland newspapers covering the period from the murder until conviction in December, 1954, filled five volumes. At the trial representatives of television, newspapers and radio stations completely filled the Courtroom except for a few seats in the last row. Defendant, the attorneys, witnesses and the jurors were constantly exposed to the news media. As a result of publication of names and addresses of jurors, anonymous letters, and telephone calls were received by all prospective jurors.

The Supreme Court indicated that the burden of showing essential unfairness as a demonstrative reality need not be undertaken in cases with such massive and pervasive publicity. The trial court had refused to interrogate the jurors as to whether they had read or heard specific prejudicial comment about the case, but the Supreme Court said that "...In these circumstances, we can assume that some of this material reached members of the jury. ..." (At p. 358).

The Sheppard case is another landmark decision because the Supreme Court there enunciated specific suggestions as to what should be done to avoid the effects of prejudicial publicity. The Supreme Court said that the trial court should have limited the number of members of the news media in the Courtroom; should have insulated the witnesses (who though barred from the courtroom during trial had available to them from the news media the full verbatim testimony of other witnesses); should have made efforts to control the release of information by police officers, witnesses and counsel for both sides; should have warned newspapers to check the accuracy of their accounts; should have proscribed extra judicial statements by any lawyer, party, witness or court official concerning refusal to submit to lie detector tests, any

statement by the defendant, the identity and credibility of prospective witnesses, belief in guilt or innocence or like statements concerning the merits of the case; should have requested City and County officials to promulgate regulations with respect to dissemination of information about the case by their employees; and reporters should have been warned as to the impropriety of publishing material not introduced in the proceeding.

Finally, trial judges were instructed that where there is a reasonable likelihood that prejudicial news will prevent a fair trial, the judge should continue the case or transfer it to another County, consider sequestration of the jury, and grant a new trial if publicity during the proceedings threatens the fairness of the trial. Collaboration between counsel and press as to information affecting the fairness of a criminal trial was said to be not only subject to regulation but highly censorable and worthy of disciplinary measures.[1]

[1]ABA Legal Advisory Committee on Fair Trial and Free Press, pp. 15-18, reproduced with permission.

APPENDIX B

SENSATIONAL NEWS STORIES

Woman found murdered
In apartment house here (4 columns/60 bold, page 1, 3-31)

With her wedding ring and a diamond engagement ring missing from her finger, Mrs. Gladys Jakson, an attractive and successful business woman whose home and office records indicated a large circle of friends and clients, was found murdered at 5:30 o'clock yesterday afternoon in her apartment at 545 Lynnwood Rd.

Mrs. Jakson, who was married last Nov. 22 to her second husband, an insurance company executive, had been bound, stabbed repeatedly and strangled, the latter perhaps to prevent outcry, the police said. Besides the two rings, nothing appeared to be missing from the apartment, although other articles that would tempt a thief were available. The evidence available consisted almost entirely of the names and addresses of those who knew her, plus the fact that her assailant had entered violently.

The lock of the door had been forced or taken apart, said police. Mrs. Jakson, who was co-owner of the Gladjak Travel Bureau here and usually spent the day there, apparently had been dead for about an hour when her husband, Noah Jakson, service manager for a local insurance company, returned from his office and found her body, the police said.

Her body rested on the floor near a couch in the well-furnished apartment. A brown and yellow necktie, apparently taken from a chest of drawers which showed signs of having been ransacked, bound her feet together.

A second tie, bluish-brown, was knotted about her wrists, and a third, gray in color, was drawn so tightly about her throat the Deputy Medical Examiner, Benjamin Vance said it was difficult to tell whether death had been caused by strangulation or by a half-dozen stab wounds in the chest. A pink blouse had been spread over the dead woman's face. She apparently had entered the apartment attired in a gray suit of which she still wore the skirt and a blouse. The coat of the suit and a mink coat were on near-by chairs.

Because of the number of wounds, Dr. Vance expressed the belief that the slaying resulted from passion or vengeance. Chief James Jobe, who took charge of the situation, concurred in the view. Police first on the scene reported that Mrs. Jakson's purse lay on the floor near

her, its contents scattered on the rug, with no indication of any missing articles.

No weapon that might have inflicted the stab wounds was found. In their search for clues, the police called a mobile crime laboratory to the scene to examine the apartment for fingerprints or other evidence and questioned Mr. Jakson and his sister, Agnes, who came to the apartment after being informed by telephone of the slaying.

In the later stages of their investigation, the police also found several address books and began seeking out persons named in them. The dead woman had two partners in the travel bureau, both of whom were reported to be in Bermuda.

Seeking employees of the bureau, detectives found and questioned John Smith, a part-time worker also employed as a program director by a local radio station. He told them that Mrs. Jakson was at the bureau in the forenoon, but left at 2:15 p.m. and did not return. He closed the bureau and went to his other job at 4:30 p.m., Smith said.

Jakson said that he had left home at 8:45 a.m. and that his wife was then in the apartment. At 4 o'clock in the afternoon, the husband said, he telephoned to his wife and received no answer, although the telephone is one which has extensions in both the travel bureau and the apartment.

Mr. and Mrs. Jakson met on a cruise to Bermuda two years ago, the police said. The missing engagement ring was one of his gifts to her. She was the former Mrs. Hollis Quiggel. Her first husband died in 1963.

* * * * * * * * *

No new clues in death
Here, police report (1 column/24 italic, p. 1, 4-1)

Detectives trying to find who murdered Mrs. Gladys Jakson in her apartment at 545 Lynnwood Rd. on Tuesday afternoon made no appreciable progress yesterday.

A report by Dr. Thomas A. Gonzales, medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises indicated that Mrs. Jakson had been beaten.

The police seem inclined to assign vengeance as the most likely motive for the murder, chiefly because 15 stab wounds were inflicted. They have not ruled out the robbery motive.

Noah Jakson, insurance man who married Mrs. Jakson late last November, was certain she had her wedding and engagement rings just before she was killed. He fixed the value of the rings at $800.

Door-Lock Cylinder Missing

One of the most puzzling factors in the case centers around the

removal, apparently by the murderer, of the apartment door-lock cylinder. There were signs that it must have been pried away.

Since removal of the cylinder did not prevent the door's locking and because Mrs. Jakson would certainly have heard any intruder working at it, police think it may have been removed merely to leave a false clue.

Such a clue, they figure, might indicate that the intruder might have had a key and that he knew Mrs. Jakson well, but wanted to divert suspicion from him when the police started questioning her close friends.

Access to the apartment building itself was simple. A broken door pane, just above the front door lock, would have enabled anyone to reach in to open the lock from the inside. The pane was broken weeks ago.

Arrest of Neighbor Recalled

Mrs. Jakson's first husband, Hollis Quiggel, died eight years ago. About 10 weeks before she married Noah Jakson--they had met in a Brigham City restaurant 18 months ago--she had caused the arrest of a neighboring shopkeeper.

She accused the man of trying to break into her apartment at 3 a.m. and of "constantly annoying" her. When the case came before City Court, though, she refused to press the charge, and the shopkeeper was released. Police questioned him on Tuesday night, but freed him.

Delano Humpton, apartment house superintendent, told detectives that between 1:30 and 2 p.m. Tuesday, he met Mrs. Jakson coming from a shopping tour. She had an armful of bundles.

Dr. Gonzales thinks she must have been murdered between 3 and 3:30 p.m. The body was warm when her husband found it on the floor at 5:30 p.m. with his neckties knotted around her wrists, ankles, mouth and neck.

* * * * * * * * *

Slain woman's book
Searched for clues (2 columns/36 italic, p. 1, 4-2)

An augmented detective detail worked last night on hundreds of names and addresses gleaned from memorandum books found among the possessions of Mrs. Gladys Jakson, 36 years old, who was strangled and stabbed to death at her 545 Lynnwood Rd. apartment last Tuesday afternoon.

Some of the entries, police said, are a little baffling. They consist merely of men's or women's first names, some with addresses, some with telephone numbers and some with both, but many without last names. Included, police said, were the inevitable "Bill," "Joe" and "Doc." Ten additional policemen were assigned to trace them, wherever possible.

Delving into Mrs. Jakson's personal affairs, the police discovered yesterday that she was even more heavily in debt than they supposed at first. She had borrowed money from three loan companies and had borrowed to within $20 of the limit of her $2,000 life insurance policy. She had apparently also pawned almost everything she had that was of any value, including rings and trinkets.

While some detectives worked over the 16 memorandum books Mrs. Jakson had kept--and many of these, incidentally, included notes and names connected with her travel bureau--others visited clothing shops to see if her murderer might have left garments to be cleaned of stains incurred in the killing.

Still other detectives kept making the rounds of local bars that Mrs. Jakson had frequented before and after her marriage to Noah Jakson, insurance man, last November.

One story that seemed to puzzle the police had to do with her shopping. Superintendent of the apartment building, Delano Humpton, had said he met Mrs. Jakson about two hours before she was killed on Tuesday, and that she had an armful of food packages. Clerks at a chain store where she was a steady customer, said Mrs. Jakson had not visited their store on Tuesday, but had bought a large amount of supplies on Monday.

The police indicated that they are most inclined now, to suspect robbery as the murder motive instead of vengeance. They had based the revenge theory on the fact Mrs. Jakson was not only strangled with her husband's neckties, but was stabbed 15 times with some sharp, narrow weapon. The murder weapon was not found.

* * * * * * * * *

Police begin tests
in Jakson murder (2 columns/36 db, p. 1, 4-4)

Exhaustive chemical tests were started last night to link a glib ex-convict, held on $50,000 bail as a material witness, to the slaying of Mrs. Gladys Jakson, 545 Lynnwood Rd.

The sudden shift in the case came soon after the police announced that a supplementary autopsy report indicated that the woman had been raped a short time before she was found strangled and stabbed Tuesday afternoon.

Captured Friday after a fierce battle with a detective, the ex-convict, Runback Jackson George, 29, was booked as a witness after 15 hours of intense questioning that sent the police on one false lead after another.

The prison-type George, arrested on three occasions for rape and now on parole after serving time for impersonating a Federal officer, offered several fanciful alibis. The police finally agreed they were unable now to connect him directly with the murder of Mrs. Jakson.

Certain He Is Involved

They said they were certain he was involved, brushed aside his contention that the victim's fur coat, which he had tried to pawn, had been bought from a shadowy friend and held it significant that every article reported stolen from the apartment had either been found in his room or pawned by him.

While scores of police hunted for a man seen near the Paulson Pawnshop when George offered the coat for pawn and was seized by detective Harold Woodurd, others searched for the murder weapon. It was described generally as a long, piercing instrument, possibly a letter opener.

Detectives also were trying to break down George's story that he was at home the Tuesday afternoon of the slaying and said that the man's wife did not support that alibi.

Meanwhile, every item of clothing found in his place was hurried to the laboratory. After his arraignment in First District Court, the witness was lodged in city-county jail, and the clothing he was wearing was taken from him, too.

Complicated Tests Underway

Complicated tests to corroborate the police theory started. It was disclosed that blood grouping of Mrs. Jakson differed from George's.

There also was medical opinion that the killing probably was a two-man job. Dr. Thomas A. Gonzales, chief medical examiner and assistant district attorney George P. Monaghan, in charge of the homicide bureau, said there would be no further details until the tests were completed, probably tomorrow.

In District Court, assistant district attorney Vincent J. Dermody asked for high bail for George because "it is our belief that this man possesses vital information as to the identity of the killer of Mrs. Jakson."

George's police record showed he was arrested in Idaho for rape in 1955, sent to reformatory and fined $500.

He was held again on a rape charge in February, 1956, in Nevada. It was reduced to third-degree assault. He again was sent to a reformatory. He escaped and was recaptured. He was sent to jail on a policy charge in 1960, was free of another rape charge in 1961, and in March, 1962, was convicted of mail theft. He escaped from Federal custody, too, was recaptured and soon after he was released was seized again for impersonating a Federal officer and was sent to Atlanta for three years.

* * * * * * * * *

Suspect is seized
in Jakson murder (3 columns/48 bold, p. 1, 4-4)

Runback Jackson George, 29 years old, an unemployed handyman, was taken into custody Friday as he tried to pawn a fur coat stolen from Mrs. Gladys Jakson's apartment at 545 Lynnwood Rd., after she was strangled and stabbed to death there last Tuesday afternoon.

Detectives said that George had a police record, and that he admitted he had pawned other property taken from the Jakson apartment, including the dead woman's diamond engagement and wedding rings, her wrist watch, and five suits, a suitcase and a tuxedo that belonged to her husband.

George fought savagely when taken. His captor was policeman Harold Woodwurd. Police Commissioner Homer Eubanks came to the police station and promoted Woodwurd to the rank of first grade detective on the spot. It was the policeman's second promotion for extraordinary duty within six weeks. On Feb. 12, he shot and killed a hold-up man in a local bank and was promptly raised from third grade to second.

Ask Pawnbrokers' Aid

Detectives assigned to the Jakson murder case withheld the information that the killer had looted her apartment of her fur coat and her husband's wardrobe. They asked the city's pawnbrokers, however, to keep a sharp eye for the missing garments. On Wednesday, some 10 men's suits were pawned in the city. Three of them had Noah Jakson's name inside the trouser band in ink.

When the detectives learned this, they got the name of the man who had pawned them and his address. The man answering to that name established an alibi. Like George, he was Negro. He said someone must have used his name.

The police had asked pawnbrokers to also watch for Mrs. Jakson's raccoon coat missing from the apartment with the other garments. At 11 a.m. yesterday, the Paulson Pawnshop telephoned police to say that a man had called to ask if shopkeepers would look at a raccoon coat.

Police Summoned

Woodwurd dashed over to the shpp in his car. He arranged with the shopkeeper to signal him when the man with the raccoon coat turned up. At noon, George, a husky, dark-haired man, and a companion somewhat taller and rather shabbily dressed approached Paulson's. The shabby man stayed outside. George carried the fur coat into the shop. It was wrapped in a paper bag.

George grew uneasy as the clerk pawed the coat. He snatched it from the counter, stuffed it part-way into the paper bag, and hurried out. The clerk pointed at George's back, and Woodwurd caught the gesture. He slipped out of the car, fell into step beside the two men as

they walked south. He said quietly, "I'm the law."

George's partner bolted. The former ran into the side street and up three steps to the hallway of 104 N. Main, a tenement. He whirled and asked Woodwurd, "You trying to shake me down?"

Goes Into Building

At this point, a woman tenant entered the vestibule and put her key in the inside door. She opened it and the man identified as George slipped through. Woodwurd caught at George's raincoat. "Lemme go," the swarthy man shouted, "I got friends in here." He caught at the policeman's necktie and twisted it with all his strength. It cut off the detective's breathing momentarily.

The tenant, identified as Mrs. Mary Siento, ran down the hall. She heard the men scuffling behind her. Woodwurd got out his blackjack and landed several blows, but George broke away, and ran down the hall, apparently hoping to make the stairs and the roof.

Woodwurd called out, "You start up those stairs, and I'll shoot." He closed with George again, and the men were locked when Al Braverman, son of the pawnshop manager, ran into the hall with his father.

Young Braverman is six feet tall, weighs 235 pounds, and was a professional boxer. He called to his father, "Hold off, Pop, with that gun." He caught George by the arms, lifted him bodily, and thudded him against the wall. George slumped.

The raccoon coat was identified by owners of the R-M Fur Shop as one they had made to order for Mrs. Jakson eight years ago when she was Mrs. Quiggel. Quiggel, her first husband, died in 1963.

* * * * * * * * *

Jakson slaying suspect
changes story 3rd time (3 columns/48 italic, p. 1, 4-5)

Runback Jackson George, held since last Friday as a material witness in the murder of Mrs. Gladys Jakson, changed his story for the third time yesterday and named one of his kin as involved in the crime.

Officials said that George in his latest switch, said he acted as a lookout while Willie Runbach, 18 years old, his cousin, went to the apartment at 545 Lynnwood Rd. last Tuesday afternoon. Runbach, according to this version, came downstairs with two suitcases and a package containing loot from the apartment.

George is alleged to have told the authorities that he then called a taxicab and, when they left that Runbach told him: "I had to kill that woman with a screwdriver. She put up a fight, and I had to kill her." Mrs. Jakson was strangled with a necktie and was stabbed 15 times with a long, thin blade of some kind, an autopsy showed.

Willie Runbach, it is understood branded George's story as "crazy" and named two friends with whom he insists he spent most of Tuesday afternoon. These friends were taken to the district attorney's office yesterday for a check on the Runbach alibi. Officials said they were a little vague as to the exact time Runbach was with them, but did recall he spent part of the afternoon with them. This angle is still under investigation.

Vincent J. Dermody, assistant district attorney, arraigned Runbach before the District Court judge as a material witness, maintaining he held "vital information." He told the court that George accused Runbach of being involved in the murder and that the prosecutor's office was anxious to keep Runbach in custody while his alleged implication is under investigation. Bail was set at $25,000. Runbach, authorities said, was arrested as a juvenile delinquent in 1969 and escaped from the Industrial Training School, a correction institution.

Everett Runbach, an uncle with whom Willie lives, was questioned by Dermody. Police said he had admitted that he was with George when George tried to pawn Mrs. Jakson's fur coat in the pawnshop last Friday; that he had met George on the street that day by chance and that George had asked him to walk with him. The uncle said he did not know the coat was loot from the Jakson apartment.

Everett Runbach was detained for further questioning. So far the authorities have two material witnesses in the case--George, and Willie Runbach--but no one held for murder.

* * * * * * * * * *

Police praise
murder probe (1 column/24, p. 1, 4-6)

Mayor Adelman and Police Commissioner Homer Eubanks joined yesterday in expressing their admiration for the 11 members of the police department primarily responsible for capturing George Jackson Runbach in the murder of Mrs. Gladys Jakson 10 days after the crime occurred.

The mayor said he read first accounts of the apartment murder while he was on the West coast. After 30 years of association with police work, he said he recognized the case as a tough one to crack. He praised the police for their methodical investigation. Eubanks expressed the thanks of his department to district attorney Frank S. Hogan and assistant district attorneys George P. Monaghan and Vincent Dermody for their cooperation.

Certificates of commendation were given by the mayor to the policemen.

Detective Woodwurd who captured Runbach after he tried to pawn the victim's coat in a pawnshop, told the mayor that the Braverman family, proprietors of the pawnshop, had helped in making the arrest. Woodwurd had been promoted to first grade detective for bringing Runbach in after a struggle.

Runbach confesses
slaying local woman (3 columns/60 bold, p. 1, 4-6)

George Jackson Runbach confessed yesterday, according to the district attorney's office, that he stabbed and garroted Mrs. Gladys Jakson last March 30 when the victim caught him looting her apartment at 545 Lynnwood Rd.

The statement came after Runbach--he is 29 years old of 107 South Hewlett street--had all but exhausted the authorities with fantastic stories implicating innocent or fictitious persons as the killers.

The name given by the prisoner at his official booking on the homicide charge differed, as had his stories, from the name he had given earlier. When first taken, he said his name was Runback Jackson George.

Tells Court of Confession

"This defendant," assistant district attorney George P. Monaghan told the court, "has confessed the brutal and vicious murder of Mrs. Gladys Jakson."

The prisoner clamped his jaws tightly on his gum, but his swarthy features were otherwise impassive. He was taken to a cell in the city-county jail.

Court records showed that Runbach, born in Salt Lake City out of wedlock, was an incorrigible child committed to correctional institutions by his hard-working mother; that he was arrested twice for offenses against young girls. Psychiatrists had rated him "dull" with an intelligence quotient of 95.

Mrs. Jakson was 36 years old. She was the wife of Noah Jakson, an insurance man, and had owned a small travel agency. Jakson found her on the apartment floor at 5:30 p.m. March 30. She had been stabbed 15 times and had been garroted with one of her husband's ties.

Urged to Tell the Truth

Monaghan told reporters the confession came at 3:30 a.m. after Runbach had talked with his wife and with Jackie Robbiens, 14, a stepson. They had urged him to "tell the truth."

Runbach's story, as given out by the authorities, was substantially as follows:

He did not know the Jaksons. He was looking for a place to rob. He found the front door of the apartment house open, went upstairs, and getting no answer to repeated rappings, picked the lock with a knife and a screwdriver.

Monaghan said Runbach told the authorities:

"I was kneeling on the floor packing a suitcase with stuff when I

heard her at the door. She came in and wanted to holler. She came toward me. I grabbed the screwdriver and stabbed her. I tied her with neckties."

With Mrs. Jakson motionless beside him in the apartment, Monaghan said, Runbach continued packing until he had filled two suitcases and had taken both her engagement and wedding rings. He worked with black gloves and left no fingerprints.

Runbach left the house with the suitcases, Monaghan said, walked a few blocks and discarded the gloves, a handkerchief with which he had wiped the murder instrument, and the cylinder he had pried from the Jakson door lock.

The screwdriver was found in the home of Everett Runbach, the prisoner's uncle. Runbach left it there with the loot two days after the killing, Monaghan said. It has a seven-inch steel shaft.

Runbach pawned Mrs. Jakson's rings for $100. He also pawned some of her husband's suits. He was arrested at noon on April 2 while attempting to pawn Mrs. Jakson's fur coat.

After his confession, Monaghan said, the prisoner asked to talk to Willie Runbach, 18, son of Everett. He shook Willie's hand and said, "I'm sorry I lied about you. Forgive me." At one point in his series of oral fantasies, he had named Willie as having entered the Jakson apartment.

Meanwhile, Monaghan said, the prisoner re-enacted the crime in the Jakson apartment immediately after he had made his statement on the murder. Then he was booked at the police station.

* * * * * * * * *

Runbach indicted
in Jakson slaying (2 columns/36 db, p. 1, 4-7)

A County Grand Jury, after hearing evidence for less than an hour yesterday, handed up in District Court a first-degree murder indictment against George Jackson Runbach in the stabbing and strangulation of Mrs. Gladys Jakson, 545 Lynnwood Rd. last March 30.

The true bill was returned to the district judge, and Runbach was ordered held without bail in City-County jail.

The 29-year-old defendant, according to police, has admitted the slaying of Mrs. Jakson, a bride of only a few months, when she caught him looting her apartment. For almost a week after he had been taken into custody, Runbach confounded the authorities by relating a series of stories in which he accused others in the crime.

The Negro man has a prior criminal record, and has twice served time in a reformatory for rape and assault. He was sent to the federal prison in Atlanta for mail theft. He escaped from prison twice.

Man enters
innocent plea
in slay case (1 column/24 italic, p. 1, 4-9)

In an unemotional voice, George Jackson Runbach pleaded not guilty in First District Court yesterday to an indictment charging first-degree murder in the stabbing and strangulation of Mrs. Gladys Jakson March 30. On the request of court-assigned attorneys for the defense the judge set April 30 for a hearing of motions.

The trial is expected to begin in District Court May 15.

Runbach, police reported, earlier confessed that he had stabbed Mrs. Jakson when she surprised him as he was looting her apartment. Reportedly the murder weapon was a 6-inch screwdriver. The woman had also been strangled. Her body was found tied with neckties when her husband returned from work at 5:30 p.m. last March 30.

Prosecutor Monaghan said he expects no difficulty in getting a guilty verdict. "This man is guilty, and we'll prove it when we go to trial."

NON-SENSATIONAL NEWS STORIES

USED IN THE STUDY

Woman found dead,
assailant sought (2 columns/36 italic, p. 1, 3-31)

A Logan businesswoman, Mrs. Gladys Jakson, 545 Lynnwood Rd., was found dead in her apartment late yesterday afternoon. Police said she had been stabbed and that the apartment had been searched and items of clothing as well as jewelry were missing.

Mrs. Jakson, wife of Noah Jakson, service manager for a local insurance company, was co-owner of the Gladjak Travel Bureau here. Her body was found by her husband when he came home from his office about 5:30 p.m. yesterday.

Mrs. Jakson, 36, had lived here for 15 years. She was married last Nov. 22 to her second husband, Noah. She had operated the Gladjak Travel Bureau for the past 10 years.

Police reported that entry to the building was made by removal of the lock of the door.

Mrs. Jakson was the widow of the late Hollis Quiggel. Investigation into the death is continuing.

* * * * * * * * *

Search continues
in woman's death (2 columns/36 db, p. 1, 4-1)

Investigation into the death of Mrs. Gladys Jakson, who was found stabbed in her apartment at 545 Lynnwood Rd., continued today with police reported "checking several leads."

The body of Mrs. Jakson, wife of insurance office manager Noah Jakson, was found by her husband when he returned from work Tuesday. Police reported that items of clothing, as well as jewelry, were missing from the apartment. Jakson said that the value of the clothing and jewelry was approximately $2,000.

Dr. Thomas A. Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises, he said, indicated that Mrs. Jakson had been beaten.

Entry to the apartment was apparently made by taking the door lock

apart. Mrs. Jakson, widow of Hollis Quiggel, was married to Jakson last Nov. 22. She had been a resident of Logan for 15 years, and had operated the Gladjak Travel Bureau here for the past 10 years.

* * * * * * * * *

Police press
investigation
in death here (1 column/30 db, p. 1, 4-2)

Police continued today their investigation into the death of Mrs. Gladys Jakson, 545 Lynnwood Rd., who was found dead late Tuesday afternoon. The 36-year-old wife of insurance manager, Noah Jakson, had been stabbed sometime Tuesday afternoon, the medical examiner's office reported.

Mrs. Jakson, operator of the Gladjak Travel Bureau, had been a resident here for the past 15 years. She was the widow of Hollis Quiggel, and had married Jakson last Nov. 22.

According to the police report, clothing and jewelry valued at $2,000 had been taken from the Jakson apartment sometime Tuesday afternoon. Entry to the apartment was made, police indicated, by dismantling the lock on the door.

Dr. Thomas A. Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises, he said, indicated Mrs. Jakson had been beaten.

* * * * * * * * *

Police hold man
for questioning
in woman's death (3 columns/48 db, p. 1, 4-4)

Police today reported the arrest of a material witness in the death of Mrs. Gladys Jakson, 545 Lynnwood Rd. The body of Mrs, Jakson was found by her husband as he returned from work late Tuesday afternoon.

Arrested today was Jackson Runbach George, 29, who gave his address as 107 S. Hewlett St. George was arrested after he tried to pawn a fur coat that reportedly belonged to Mrs. Jakson.

George is an unemployed handyman who is married and the father of one child. He has been a local resident for the past three years having moved here from Nevada.

George, police reported, took a raccoon coat to the Paulson Pawnshop early today and attempted to pawn the item. Police had asked pawnshop keepers to notify them if anyone tried to pawn a raccoon coat. The manager of the Paulson shop called police who in turn took George into custody.

Mrs. Jakson's death occurred some time Tuesday afternoon. Dr. Thomas A. Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises, he said, indicated Mrs. Jakson had been beaten.

The body of 36-year-old Mrs. Jakson, co-owner of the Gladjak Travel Bureau here, was found by her husband, Noah Jakson, as he returned home from work last Tuesday. Entry into the apartment had been made by taking the door lock apart. Clothing and jewelry valued at $2,000 had reportedly been taken from the apartment some time during the day.

* * * * * * * * *

2nd arrest made
in slay case here (2 columns/36 db, p. 1, 4-5)

Police today arrested Willie Runbach for questioning in the death of Mrs. Gladys Jakson, 545 Lynnwood Rd. Runbach was taken into custody after having been implicated in the case by Jackson Runbach George, who is being held as a material witness in the case.

Runbach, who gave his address as 310 South Hewlett St., is 18 years of age and attends the local high school. He lives with his parents, Mr. and Mrs. Everett Runbach at the family home here.

Mrs. Jakson's body was found in her apartment late last Tuesday, when her husband came home from work at a local insurance agency. Dr. Thomas Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises, he said, indicated Mrs. Jakson had been beaten.

Entry into the apartment, the investigation shows, was made by taking the door lock apart. Clothing and jewelry valued at $2,000 were reportedly taken from the apartment some time last Tuesday.

* * * * * * * * *

Grand jury
indicts man
in local death (1 column/30 ital, p. 1, 4-7)

A county grand jury, after hearing evidence, yesterday indicted George Jackson Runbach, 107 S. Hewlett street, in the death of Mrs. Gladys Jakson, 545 Lynnwood Rd.

Mrs. Jakson's body was found in her apartment March 30 when her husband, Noah, returned from work at a local insurance company.

Runbach, who earlier had been identified as Jackson Runbach George, was taken into custody earlier this month and held as a material witness in the case. Bail at that time was set at $50,000, but because he was unable to make bail he had been held in city jail.

* * * * * * * * *

'Not guilty'
plea entered
in death case (1 column/24 ital, p. 1, 4-9)

A plea of not guilty was entered yesterday by George Jackson Runbach as he was arraigned in District Court on an indictment charging him with first-degree murder in the death of Mrs. Gladys Jakson.

The judge set the trial date for May 15.

Mrs. Jakson's body was found in her apartment at 545 Lynnwood Rd., March 30. Dr. Thomas A. Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart.

The 36-year-old Mrs. Jakson was co-owner of the Gladjak Travel Bureau here. She was the wife of Noah Jakson, manager of a local insurance agency.

* * * * * * * * *

APPENDIX C

SENSATIONAL NEWS PAGE

The Herald Journal

WEDNESDAY, MARCH 31, 1971

Ghanaian doctoral candidate: 'unique'

"I shall continue to have strong sentimental attachments for Utah State University and for this area when I return to Ghana," said Yeboa Alex Dodoo from Nsaba, Ghana, doctoral candidate in entomology.

Dodoo based his comment on experiences which he has gone through since his arrival in America on a United States Agency for International Development (AID) grant to pursue a master's degree.

When he completed his master's program and began a doctoral program in 1968, fraternal organizations of the campus collected enough money to bring the two Dodoo children, Rex and Cynthia, to Logan, and suprised Mrs. Dodoo, who knew nothing of their travel to America.

Last spring when Dodoo needed a heart operation, Utah doctors volunteered their services and the LDS hospital in Salt Lake City offered its facilities free of charge for the operation and post-operational care.

"I shall return to Ghana and go back into research in biological and integrated controls of insects. My experience and training here have shown me the importance of extension work and I have seen the value of research couple with education in America."

Woman found murdered in apartment house here

With her wedding ring and a diamond engagement ring missing from her finger, Mrs. Gladys Jakson, an attractive and successful business woman whose home and office records indicated a large circle of friends and clients, was found murdered at 5:30 o'clock yesterday afternoon in her apartment at 545 Lynnwood Rd.

Mrs. Jakson, who was married last Nov. 22 to her second husband, an insurance company executive, had been bound, stabbed repeatedly and strangled, the latter perhaps to prevent outcry, the police said. Besides the two rings, nothing appeared to be missing from the apartment, although other articles that would tempt a thief were available. The evidence available consisted almost entirely of the names and addresses of those who knew her, plus the fact that her assailant had entered violently.

The lock of the door had been forced or taken apart, said police. Mrs. Jakson, who was co-owner of the Gladjak Travel Bureau here and usually spent the day there, apparently had been dead for about an hour when her husband, Noah Jakson, service manager for a local insurance company, returned from his office and found her body, the police said.

Her body rested on the floor near a couch in the well-furnished apartment. A brown and yellow necktie, apparently taken from a chest of drawers which showed signs of having been ransacked, bound her feet together.

A second tie, bluish-brown, was knotted about her wrists, and a third, gray in color, was drawn so tightly about her throat the Duputy Medical Examiner Benjamin Vance said it was difficult to tell whether death had been caused by strangulation or by a half-dosen stab wounds in the chest. A pink blouse had been spread over the dead woman's face. She apparently had entered the apartment attired in a gray suit of which she still wore the skirt and a blouse. The coat of the suit and a mink coat were on near-by chairs.

Because of the number of wounds, Dr. Vance expressed the belief that the slaying resulted from passion or vengeance. Chief James Jobe, who took charge of the situation, concurred in the view. Police first on the scene reported that Mrs. Jakson's purse lay on the floor near her, its contents scattered on the rug, with no indication of any missing articles.

No weapon that might have inflicted the stab wounds was found. In their search for clues, the police called a mobile crime laboratory to the scene to examine the apartment for fingerprints or other evidence and questioned Mr. Jakson and his sister, Agnes, who came to the apartment after being informed by telephone of the slaying.

In the later stages of their investigation, the police also found several address books and began seeking out persons named in them. The dead woman had two partners in the travel bureau, both of whom were reported to be in Bermuda.

Seeking employees of the bureau, detectives found and questioned John Smith, a part-time worker also employed as a program director by a local radio station. He told them that Mrs. Jakson was at the bureau in the forenoon, but left at 2:15 p.m. and did not return. He closed the bureau and went to his other job at 4:30 p.m., Smith said.

Jakson said that he had left home at 8:45 a.m. and that his wife was then in the apartment. At 4 o'clock in the afternoon, the husband said, he telephoned to his wife and received no answer, although the telephone is one which has extensions in both the travel bureau and the apartment.

Mr. and Mrs. Jakson met on a cruise to Bermuda two years ago, the police said. The missing engagement ring was one of his gifts to her. She was the former Mrs. Hollis Quiggel. Her first husband died in 1963.

Women display even more-wear see-through dresses

Rome (AP) — With tight pants and skimpy short-shorts already introduced, two noted Italian fashion designers suggested Monday that women display even more of themselves.

In Carosa's presentation for spring - summer 1971, bare breasts, stomachs and legs come into view. Sarli made similar revelations.

Carosa's models stood practically naked in their see-through crepe veil dresses. They really didn't look sexy. In lieu of necklaces they sported feather collarettes in gaudy colors. Their head gear were turban-shaped, one the size of a pumpkin.

Carosa baptized a number of models her "follies" - and indeed they were. Collars were shaped into giant-sized cat faces with yellow eyes and moustache, or immense black flowers supporting an insect.

BILLIE SOL ESTES won parole from federal prison, effective July 12, after serving six years of a 15-year sentence for mail fraud and conspiracy. (UPI telephoto)

U President

Emery fills position

By Quane Kenyon
Associated Press Writer

Salt Lake City (AP) — The State Board of Higher Education has named law professor Dr. Alfred C. Emery as acting president of the University of Utah, but left the door open for Dr. James C. Fletcher to return to the school some time in the future.

The board Tuesday appointed Emery acting president until July 1, 1972 "and thereafter until a permanent president is chosen."

Vice chairman Donald Holbrook said on that date, "or earlier as the best interests of the university may require, the board will commence an active search for a permanent president."

Fletcher Still Open

"At such time as a permanent search committee is appointed, we will advise President Fletcher so that he may determine whether he desires to have his name considered as a candidate," Holbrook said.

Fletcher, president of the University of Utah since 1964, has resigned effective May 1 to become head of the National Aeronautics and Space Administration NASA.

But Fletcher made it clear he wants to return to Utah. He said he didn't plan to work more than two years with NASA.

"I've put a fair amount of my life blood into the University of Utah and I'd like to spend the rest of my life here," he said.

Successor Discussed

Holbrook and board chairman Peter W. Billings said school officials have met with various faculty and student groups to discuss a successor to Fletcher.

"Unanimously, the groups felt that we should provide Dr. Fletcher an opportunity to return if he so desired," Billings said.

"But we made no commitments and he made no commitments," Billings said.

Emery, 52, has been with the school for 24 years. He started as a part-time lecturer in law in 1947, while he continued his private legal practice.

He became an associate professor in 1949 and a full professor in 1956. He has served several times as acting dean of the College of Law.

Fletcher Administration

Emery called his new job "a challenging and frightening assignment to fill the shoes of Dr. Fletcher."

But he said he felt confident the job could be done, because of the team of top administrators gathered by Fletcher.

Emery was reported to have been favored by Dr. Fletcher as the acting president. Other candidates were reported to have been Dr. Thomas C. King, university provost; and vice presidents John Dixon and Jerry Andersen.

The Herald Journal

FRIDAY, APRIL 2, 1971

Police press investigation in death here

Police continued today their investiation into the death of Mrs. Gladys Jakson, 545 Lynnwood Rd. who was found dead late Tuesday afternoon. The 36-year-old wife of insurance manager, Noah Jakson, had been stabbed sometime Tuesday afternoon, the medical examiner's office reported.

Mrs. Jakson, operator of the Gladjak Travel Bureau, had been a resident here for the past 15 years. She was the widow of Hollis Quiggel, and had married Jakson last Nov. 22.

According to the police report, clothing and jewelry valued at $2,000 had been taken from the Jakson apartment sometime Tuesday afternoon. Entry to the apartment was made, police indicated, by dismantling the lock on the door.

Dr. Thomas A. Gonzales, chief medical examiner, said death might have been due either to strangulation or to stab wounds in the heart. Face bruises, he said, indicted Mrs. Jakson had been beaten.

Retaining cultural identity urged

Bob Bennett, former commissioner of Indian affairs under former President Lyndon B. Johnson, told a Utah State audience Tuesday that Indians must retain their cultural identity if they are to survive as a unit.

"It is mainly through tribal identification that we can maintain our identity as Indians," Bennett told the audience. He said termination policies aimed at disbanding tribal units were detrimental to this identification process, but that Presidents Kennedy, Johnson and Nixon have tried to build up the Indian culture.

Bennett, the second Indian ever named to the commission post, spoke in conjunction with Indian Emphasis Week.

Education Necessary

Bennett cited the necessity of Indian education, but said it is not always easy to take youths off their reservations, educate them in an outside society and expect them to fit into the tribe when they return home. "Indians have been violently opposed to education," he said. "When the federal government first proposed education for Indians many Indian parents told their children they would be taught by their enemies and learn things that would not be in accord with the teachings of the tribe."

The former commissioner said a common saying among Indians was "If they can't educate us, they can't assimilate us."

Bennett criticized persons outside the Indian culture who pity improverished conditions on reservations and who petition for equal rights for Indians.

"Equality is no motivation to Indians," he said. "Indians don't want to be equal to anyone else because they feel what they have is better than what they would have if they were equal to other people.

"Indians know what their problems are and don't need rich people from the East to tell them they are poor. Indians have adjusted to these conditions," Bennett said in reference to poverty among reservation Indians.

Bennett said he wasn't trying to give the impression that Indians can get along entirely on their own because they can't.

Officials concerned over rock fest

A proposed rock-music and peace festival at Monte Cristo, Cache National Forest campground 40 miles east of Ogden, has brought concern to commissioners from Cache, Rich and Weber counties.

They discussed the proposal at a meeting last Wednesday to which newsmen were barred.

The promoters say they expect 50,000 persons to attend the festival, scheduled July 23-25. The campground can only accomodate 300 people, say Forest Service officials.

Atty Gen. Comments

Utah Atty. Gen. Vernon Romney reacted Friday to the proposal when he stated that the Bonneville Salt Flats would be a better location for a proposed peace and rock music festival than the Cache National Forest.

"That way they wouldn't burn anything down," Romney said in an interview after a televised news conference.

Romney will be meeting today with county attorneys Burton Harris of Cache County and Robert Newley of Weber County "to figure out what we can do."

Dangers of Young

Among the dangers from a large gathering of young people, Romney said, would be "possibility of a fire, to say nothing of the sanitation problems...and of course there is the drug problem."

'India night' plans event

'India Night' will be held Monday night in the UC ballroom.

The scheduled events include a folk dance, "Garbaraas" which is a popular folk dance from Gujarat, performed by men and women during Dussehra Festival. The dance is performed by clapping hands or striking sticks to the beat of the music. The tempo of the dance increases as it progresses.

A radio jumble skit will be presented as a funny radio program, designed to receive three stations on the same frequency.

A 'Kathak' dance will be presented which is known for its quality of rhythm and footwork. It is because of this, that the dance is a popular medium for depicting scenes from the Indian epics.

The traditional musical instrument Sitar will be played by Hiro Chhatpar. It is a stringed instrument with six or seven main strings and eleven or thirteen sympathetic strings. The ancestry of Sitar can be traced back 700 years.

A duet featuring the Sitar and flute will be presented also, by professor Larry Smith from he music department and Hiro Chhatpar.

2 Students Win National Awards

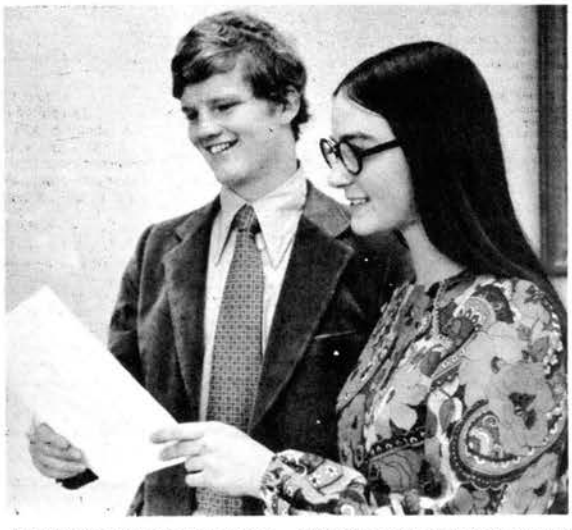
Two Logan High School seniors — Jody K. Burnett and Christine A. Carter — have been named winners of National Merit $1000 Scholarships today by Edward C. Smith, president of the National Merit Scholarship Corporation.

The National Merit Scholarships are nonrenewable one-time awards, each providing a $1,000 grant payable to the winner next fall after he enrolls as a full-time student in an accredited U.S. college or university. The awards are underwritten by 215 sponsoring organizations, including corporations, foundations, labor unions, professional societies, trusts and individuals.

A member of the Logan High debate team, he won fourth place in extemporaneous speaking at the national tournament. He has participated in

Jody is a son of Mr. and Mrs. Nolan (Red) Burnett while parents of Christine are Dr. and Mrs. O. Carter.

During the last year, Jody has served as senior class president, student body assemblies executive, and member of the National Honor Society. He was a Boys' State and, subsequently, a Boys' Nation delegate.



PLEASED TO LEARN that they are 1971 Merit Scholarship winners are Jody Burnett, left, and Christine Carter, seniors at Logan High School. (Herald Journal Photo).*

APPENDIX D

SCRIPT FOR IN-COURT ABBREVIATED VOIR DIRE

First District Court, Logan, Utah, May 15, 1971

THE CASE: The State of Utah versus George Jackson Runbach.

George Jackson Runbach is charged with the March 30, 1971, murder of Mrs. Gladys Jakson; indicted by the Grand Jury, April, 1971.

COUNSEL: Lyle W. Hillyard, for the defense.
Preston Thomas, prosecutor.

BAILIFF: Richard Haycock,

DETECTIVE: Harold Woodwurd (played by Bryce Adkins).

DEFENDANT: George Jackson Runbach (played by Nick Taylor).

COURT REPORTER: Marilyn Liddle.

THE SCENE: Prospective jurors are seated in the back part of District courtroom by 10 a.m.

Detective Woodwurd escorts the defendant into the Courtroom at 10 a.m.; he is taken to the defense attorney's table. Hillyard and Runbach exchange remarks.

BAILIFF: (At 10:10 a.m.) Hear ye, hear ye, the First District Court, County of Cache, State of Utah, is now in session. The Honorable VeNoy Christoffersen presiding. (Door opens and judge enters.) WILL YOU PLEASE RISE. (The judge takes his seat at the bench.) You may be seated. (Bailiff takes seat at the front of the courtroom.)

JUDGE: You have been asked to come into this court today as prospective jurors to hear the case of the State of Utah versus George Jackson Runbach. The defendant is represented by attorney Lyle Hillyard, and Preston Thomas, district attorney, is representing

the State. Is the counsel for the defense ready?

HILLYARD: We are, your Honor.

JUDGE: Is the counsel for the State ready?

THOMAS: We are, your Honor.

JUDGE: The law provides that a person accused in a crime is innocent until proved guilty. It further provides that a person accused in a crime shall have the right to a public trial by a jury comprised of his peers. You have been called as a prospective juror in keeping with that provision. In selecting jurors for a case, the Court, with the aid of the attorneys, will examine prospects before they are seated as jurors. The attorneys may challenge prospects indicating the reason for the challenge; additionally, each attorney is permitted to challenge some prospects without giving cause. If you are challenged, you are considered excused from the case. Additionally, prospective jurors will be asked if there are reasons they cannot serve in this case; each request for excuse will be weighed by the Court. The Bailiff will read the names of those called for jury duty; as he reads your name, would you please come to the front of the Courtroom.

The panel called in this case is considerably larger than the usual one. We will be choosing a larger than usual list of jurors in order to have substitutes should it become necessary to excuse members later in the case.

I am going to ask that those excused from jury duty remain in the Courtroom until the jury has been completed.

(The judge and the attorneys have been given a list of "jurors" and "non-jurors" and have agreed to excuse only those persons on the "non-juror" list.)

BAILIFF: (Begins reading the names in groups of 10. The 10 are examined, one-half seated, one-half challenged and excused.)

ATTORNEYS: (Conduct abbreviated <u>voir dire</u> for the 120.) Non-jurors leave the courtroom after the proceeding.

JUDGE: Ladies and gentlemen, we have chosen you as jurors to hear the case of the State of Utah versus George Jackson Runbach. It is incumbent upon the State to present evidence in this case such that the defendant is proved beyond a shadow of doubt to be guilty

of the crime accused. You are going to hear witnesses and see evidence presented in this courtroom. It is your duty to lay aside all information which you may have read or heard about this case; your decision in the case must be made strictly upon the evidence presented in court. A man is accused of a serious crime; your evaluation of the evidence presented in the case is essential to the effectiveness of the justice system. If there are those among you who feel that you have been influenced by what you have read or heard about this case and can not, therefore, render a verdict on the evidence presented, would you please so indicate so you can be excused from the case.

MESSENGER: (At 11:40 a.m., enters the courtroom and hands a brown envelope to attorney Hillyard.)

HILLYARD: (Looks at one page from the envelope.) Your Honor, may counsel approach the bench? (Both attorneys go to the bench and speak with the judge briefly.)

JUDGE: The counselor for the defense has asked for a 15-minute recess to discuss a procedural matter in the case. We will be in recess for 15 minutes; will the jurors please remain in the courtroom.

(The judge, Hillyard and Thomas go to judge's chambers.)

NELSON: Ladies and gentlemen of the jury, I am going to pass a questionnaire out to you. Would you please read the covering page of the questionnaire and fill out the second page as indicated. The first page is for instructions only. (Give brief explanation of how to fill out Semantic Differential and remind the jurors of the identification number.) The Court is interested in obtaining your opinion on certain subjects prior to continuing the trial. Judge Christoffersen has asked me to gather your views at this point. (When all questionnaires have been picked up by Nelson, the bailiff informs the judge so he can return to the court.)

BAILIFF: (Sees door open.) Will you please rise. (Judge and attorneys come back into the courtroom.)

JUDGE: Ladies and gentlemen, thank you very much for your cooperation in reporting for jury duty today. The counselor for the defense has requested a continuance of the case. In view of new information which has just come to the attention of the Court, I am granting that request and will set a new trial date for November 15, at which time a new panel of jurors

will be drawn. You are hereby dismissed from jury duty with the thanks of the Court. (Sounds gavel.)

NELSON: Ladies and gentlemen, thanks for your cooperation in taking part in this research study. The case about which you have read in the newspaper which I distributed to you is a true case which occurred in New York City in 1948. The stories were published through the cooperation of the Logan Herald Journal as part of this study; the case did not occur in Logan. The young man appearing today as the defendant is not George Jackson Runbach; he is a very fine young man from Utah State University, Nick Taylor. He did not commit any crime; his character is above reproach. Your participation in this study has provided me with information which hopefully can lead to greater understanding of the effects of various information upon the decision-making process of the prospective juror in Cache County. An abstract of the study is expected to be finished by early fall and each of you will receive a copy of it when it is available.

I will mail your $5 to you as soon as the checks can be processed.

THANKS SO MUCH FOR YOUR HELP.

APPENDIX E

LETTERS OF INSTRUCTION SENT TO RESPONDENTS

Initial Letters

You are one of 120 public-spirited citizens chosen to participate in a study of the jury system in Cache County, Utah. The study--one of the first of its kind in the United States--should prove significant in further study of aspects of the jury system.

To participate in the study, you will be asked to report to the Hall of Justice, Logan, Utah, between the hours of 10 a.m. and 12 noon, Saturday, May 15, 1971. While at the Hall of Justice, you will participate in the preliminaries for a criminal trial.

Judge VeNoy Christoffersen of the First District Court which serves Cache, Box Elder and Rich Counties, has indicated interest in the study and will sit as the judge May 15.

For participating in the study, you will receive $5, which will be paid you at the end of the study, May 15. The fee should not be thought of as a jury fee because the funds are not coming from taxpayer sources.

I will be in touch with you by telephone Wednesday or Thursday of this week; I am eager to have you as part of the select group of citizens to study such a vital aspect of our justice system. If you have any questions about the study, please feel free to call me at 752-9254, or at my office number, 752-4100, extension 7375.

Sincerely yours,

Marlan D. Nelson,
Assistant to the Dean.

MDN/ml
Enclosure

Letter of Enclosure
from Judge VeNoy Christoffersen
typed on District Court Letterhead

April 19, 1971

Professor Marlan Nelson of Utah State University is conducting a study dealing with the jury system in Cache County, Utah. I am interested in the study and will be participating May 15 by sitting as the judge for that portion of his work.

I endorse this study, and I believe that it has significance to the operation of our justice system. If it is at all possible, I would urge you to participate and to give Professor Nelson your fullest cooperation. The study, in my estimation, is worthwhile; your involvement in it should be a rewarding experience.

Sincerely yours,

VeNoy Christoffersen,
Judge.

VC/m

Instruction Letter Sent to "Pre-Test" Respondents
who received Sensational News Stories

U T A H S T A T E U N I V E R S I T Y
College of Humanities, Arts and Social Sciences
Logan, Utah

April 30, 1971

Thank you so much for agreeing to help me with the study which I am doing pertaining to the jury system in Cache County. I have been very much impressed with the willingness of the people of Cache County to participate in this worthwhile project.

Enclosed please find the front pages from eight issues of the Herald Journal which I indicated I would be sending to you this week. Would you please read these pages with the same care that you exercise in reading your regular daily newspaper?

As I indicated in the telephone conversation with you, I will be calling on you at your home on one of the following dates to ask you to fill out a short questionnaire: I WILL CALL ON YOU THURSDAY, MAY 6, FRIDAY, MAY 7 or SATURDAY, MAY 8. Since I will be calling on several other people during that period, I will simply arrange to reach you on one of those dates. If you indicated a specific date to me in the telephone conversation, you may expect me on that date.

The questionnaire is a check-list type and will take only about 5 minutes to complete.

Again, let me say how much I appreciate your help in my study. I look forward to meeting you; if something should arise that prevents your participating in the study, would you please contact me immediately? I must have a specific number of people to carry out the study--this means that I am counting on you!

Sincerely yours,

Marlan D. Nelson,
Assistant to the Dean.

MDN/s
Enclosure

Instruction Letter Sent to "Pre-Test" Respondents
who received Non-Sensational News Stories

U T A H S T A T E U N I V E R S I T Y
College of Humanities, Arts and Social Sciences
Logan, Utah

April 30, 1971

Thank you so much for agreeing to help me with the study which I am doing pertaining to the jury system in Cache County. I have been very much impressed with the willingness of the people of Cache County to participate in this worthwhile project.

Enclosed please find the front pages from seven issues of the Herald Journal which I indicated I would be sending to you this week. Would you please read these pages with the same care that you exercise in reading your regular daily newspaper?

As I indicated in the telephone conversation with you, I will be calling on you at your home on one of the following dates to ask you to fill out a short questionnaire: I WILL CALL ON YOU THURSDAY, MAY 6, FRIDAY, MAY 7, or SATURDAY, MAY 8. Since I will be calling on several other people during that period, I will simply arrange to reach you on one of those dates. If you indicated a specific date to me in the telephone conversation, you may expect me on that date.

The questionnaire is a check-list type and will take only about 5 minutes to complete.

Again, let me say how much I appreciate your help in my study. I look forward to meeting you; if something should arise that prevents your participating in the study, would you please contact me immediately? I must have a specific number of people to carry out the study --that means that I am counting on you!

Sincerely yours,

Marlan D. Nelson,
Assistant to the Dean.

MDN/s
Enclosure

Instruction Letter Sent to "No-Pre-Test" Respondents
who received Sensational News Stories

U T A H S T A T E U N I V E R S I T Y
College of Humanities, Arts and Social Sciences
Logan, Utah

April 30, 1971

Thank you so much for agreeing to help me with the study which I am doing pertaining to the jury system in Cache County. I have been very much impressed with the willingness of the people of Cache County to participate in this worthwhile project.

Enclosed please find the front pages from eight issues of the Herald Journal which I indicated I would be sending to you this week. Would you please read these pages with the same care that you exercise in reading your daily newspaper?

I will send you a note to arrive at your house on May 13 reminding you of the part of the study which will take place in the District Court at the Hall of Justice in Logan. I hope that you have circled your calendar and saved that date for the study.

Again, let me say how much I appreciate your help in my study. I look forward to meeting you; if something should arise that prevents your participating in the study, would you please contact me immediately? I must have a specific number of people to carry out the study--that means that I am counting on you!

Sincerely yours,

Marlan D. Nelson,
Assistant to the Dean.

MDN/s
Enclosure

REMEMBER MAY 15!

Instruction Letter Sent to "No-Pre-Test" Respondents
who received Non-Sensational News Stories

U T A H S T A T E U N I V E R S I T Y
College of Humanities, Arts and Social Sciences
Logan, Utah

April 30, 1971

Thank you so much for agreeing to help me with the study which I am doing pertaining to the jury system in Cache County. I have been very much impressed with the willingness of the people of Cache County to participate in this worthwhile project.

Enclosed please find the front pages from seven issues of the Herald Journal which I indicated I would be sending to you this week. Would you please read these pages with the same care that you exercise in reading your daily newspaper?

I will send you a note to arrive at your house on May 13 reminding you of the part of the study which will take place in the District Court at the Hall of Justice in Logan, I hope that you have circled your calendar and saved that date for the study.

Again, let me say how much I appreciate your help in my study. I look forward to meeting you; if something should arise that prevents your participating in the study, would you please contact me immediately? I must have a specific number of people to carry out the study--that means that I am counting on you!

Sincerely yours,

Marlan D. Nelson,
Assistant to the Dean.

MDN/s
Enclosure

REMEMBER MAY 15!

APPENDIX F

REMINDER NOTICE FOR RESPONDENTS

U T A H S T A T E U N I V E R S I T Y
College of Humanities, Arts and Social Sciences
Logan, Utah 84321

Just a short note to remind you of the appointment you have with me Saturday, May 15, to complete the work on my Cache County Jury Study project.

Would you please plan to arrive at the Hall of Justice so you can be seated in the First District Courtroom by 10 a.m. The Hall of Justice is located at 160 N. Main Street in Logan.

I'm looking forward to meeting you Saturday, and may I impress upon you the importance of your being in attendance. It is most essential that you be among those participating in Judge VeNoy Christoffersen's courtroom May 15. We will be finished by 12 noon.

I have assigned you the following identification number_____. You will need the number for identification purposes in my processing your $5 check. Please remember to bring the number with you Saturday.

Thanks so very much for your helping me. Cooperation from civic-minded Cache County citizens has been most gratifying--it's good to see so many people who will take time to help their fellow man.

Sincerely,

Marlan D. Nelson,
Assistant to the Dean.

MDN/ml

APPENDIX G

PRE-TEST AND POST-TEST SEMANTIC DIFFERENTIALS

Pre-Test

INSTRUCTIONS FOR FILLING OUT QUESTIONNAIRE. 016

The purpose of the questionnaire which follows is to measure the meanings which GEORGE JACKSON RUNBACH, THE JURY SYSTEM IN CACHE COUNTY, CHARLES MANSON, AND LAW ENFORCEMENT IN CACHE COUNTY have for YOU, and to judge them against a series of descriptive scales. In filling out the questionnaire please make your judgments on the basis of what these things mean to YOU. On the following pages you will find the four concepts to be judged and beneath a set of scales. Please rate the concept on each of these scales.

If you feel that the concept at the top of the page is very closely related to one end of the scale, you should place your checkmark as follows:

Good __X__ ____ ____ ____ ____ ____ ____ Bad

OR

Good ____ ____ ____ ____ ____ ____ X Bad

If you feel that the concept is quite closely related to one or the other end of the scale (but not extremely), you should place your checkmark as follows:

Good ____ X ____ ____ ____ ____ ____ Bad

OR

Good ____ ____ ____ ____ ____ X ____ Bad

If the concept seems only slightly related to one side as opposed to the other side (but is not really neutral), then you should mark the scale as follows:

Good ____ ____ X ____ ____ ____ ____ Bad

OR

Good ____ ____ ____ ____ X ____ ____ Bad

The direction toward which you check, of course, depends upon which of the two ends of the scale seem most characteristic of the

thing you are judging. If you consider the concept to be neutral on the scale, both sides of the scale equally associated with the concept, or if the scale is completely irrelevant, unrelated to the concept, then you should place your mark in the middle space.

Do not look back and forth through the items. Make each item a separate and independent judgment. Work at a fairly high speed. It is your first impression that we want.

Concept: GEORGE JACKSON RUNBACH 016

Good ____ ____ ____ ____ ____ ____ ____ Bad

Honest ____ ____ ____ ____ ____ ____ ____ Dishonest

Guilty ____ ____ ____ ____ ____ ____ ____ Innocent

Old ____ ____ ____ ____ ____ ____ ____ Young

Dumb ____ ____ ____ ____ ____ ____ ____ Smart

Cruel ____ ____ ____ ____ ____ ____ ____ Kind

Valuable ____ ____ ____ ____ ____ ____ ____ Worthless

Nice ____ ____ ____ ____ ____ ____ ____ Awful

Fair ____ ____ ____ ____ ____ ____ ____ Unfair

Unpleasant ____ ____ ____ ____ ____ ____ ____ Pleasant

Concept: THE JURY SYSTEM IN CACHE COUNTY

Good ____ ____ ____ ____ ____ ____ ____ Bad

Brave ____ ____ ____ ____ ____ ____ ____ Cowardly

Weak ____ ____ ____ ____ ____ ____ ____ Strong

Fair ____ ____ ____ ____ ____ ____ ____ Unfair

Valuable ____ ____ ____ ____ ____ ____ ____ Worthless

Concept: LAW ENFORCEMENT IN CACHE COUNTY

Good ____ ____ ____ ____ ____ ____ ____ Bad

Brave ____ ____ ____ ____ ____ ____ ____ Cowardly

Weak ____ ____ ____ ____ ____ ____ ____ Strong

Fair ____ ____ ____ ____ ____ ____ ____ Unfair

Valuable ____ ____ ____ ____ ____ ____ ____ Worthless

Concept: CHARLES MANSON

Good ____ ____ ____ ____ ____ ____ ____ Bad

Brave ____ ____ ____ ____ ____ ____ ____ Cowardly

Weak ____ ____ ____ ____ ____ ____ ____ Strong

Fair ____ ____ ____ ____ ____ ____ ____ Unfair

Valuable ____ ____ ____ ____ ____ ____ ____ Worthless

The same Semantic Differential was used for the post-test measure, except that the scales were randomly arranged so that they did not appear in the same order they appeared in the pre-test version. The same instructions were given to the respondents on both testings. For the post-test, only the Differential on the Concept George Jackson Runbach was used.

VITA

Marlan D. Nelson

Candidate for the Degree of

Doctor of Education

Thesis: FREE PRESS-FAIR TRIAL: THE EFFECTS OF "SENSATIONAL" AND "NON-SENSATIONAL" PRE-TRIAL NEWS STORIES AND OF A JUDGE'S ADMONITION UPON "JUROR" AND "NON-JUROR" GUILT ASSESSMENT

Major Field: Higher Education

Biographical:

Personal Data: Born in Porter, Oklahoma, August 11, 1934, the son of Mr. and Mrs. C. R. Nelson.

Education: Graduated from Haskell High School, Haskell, Oklahoma, in May, 1951; received the Bachelor of Arts degree from Oklahoma State University in 1956, with a major in journalism; received the Master of Arts degree from Stanford University in 1957, as a Stanley S. Beaubaire Scholar, with a major in Journalism and Mass Communications; attended State University of Iowa, Summer, 1964, for doctoral seminars in mass communications; completed requirements for the Doctor of Education degree at Oklahoma State University in May, 1972.

Professional Experience: Editor, Haskell News, Haskell, Oklahoma, summers 1953, 1954, 1957, 1958; production employee, Muskogee Daily Phoenix and Times-Democrat, summer, 1956; Instructor in Journalism, University of Idaho, 1957-1959; Lecturer and assistant to the chairman of Journalism, Southern Illinois University, 1959-1963; Assistant professor and chairman of journalism, Utah State University, 1963-1965; Assistant professor, chairman of journalism and assistant to the dean, College of Humanities and Arts, Utah State University, 1965-1968; associate professor, chairman of journalism, assistant to the dean, Utah State University, 1968-1970; associate dean, coordinator of fine arts and chairman of journalism, Utah State University, 1970-present; member, American Society of Journalism School Administrators, Omicron Delta Kappa, Pi Gamma Mu, Kappa Tau Alpha; recipient of Charles Allen Award as Outstanding Graduate Student In Journalism, Oklahoma State University, 1970.