

# Effects of the media in the courtroom assignment



“ Freedom of the press” The media’s rights of access to the courtroom have had effects on the public, the defendants and the victims. The United States form of government’s is founded on the fundamental law of the Constitution of the United States and its Bill of Rights. The Constitution has Amendments which are designed as protection of an individual “ rights” against governmental interference with their freedoms.

Freedoms that includes, “ freedoms of speech”, “ freedom of the press”, and the “ right of assembly” and “ freedom of religion” with the guarantee of a separation of church and state, and many other rights which also obtain their protection from Amendments of Constitution. Can these rights conflict? Can we have a fair trial and a free Press? The press has played a critical role in America’s history, it was instrumental in bring about American’s Revolution. However, not everyone was impressed with the Media’s role, or place.

George Washington believed the press should be firmly “ managed” and kept in its place. While Jefferson disagreed and declared “ nature has given to man no other means [than the press] of sifting out the truth either in religion, law, or politics. “(Grunwald, 1979). The desire of the citizen’s need or desire to know and armed with the Constitutional right of “ the Freedom of the press”, it was natural that the media would eventually start covering courtroom events and cases.

The media’s courtroom mission is to report on courtroom activities and proceedings in an effort to keep the public inform, it also allows the public to see how the judicial system works and allowing the citizens to witness the system in operation for themselves, insuring that all trials are fair and

unbiased. But is this the case? Is the media's coverage fair and unbiased?

Effects of the media on the defendants Fifth Amendment to the U. S.

Constitution provides a defendant cannot " be compelled in any criminal case to be a witness against himself. " Meaning, the defendant cannot be forced to make statements against themselves.

Should the defendant choose to remain silent, that silence can not be used against them. Under the Sixth Amendment the defendant has the right to be confronted by the witnesses against them and the right to cross-examine those witnesses. Other rights that the accused enjoys is the right to have a public jury trial, and to have representation by an attorney, it also protect against being tried twice for the same offense (" double jeopardy").

Everyone in the United States is entitled to a fair trial by jury, a jury of one's peers; the defendant remains innocent until proven guilty.

It is important that suspected criminal receives a fair trial and that they not become victims of unfair reporting, guilty or innocent as seen through the lens of a camera, defeat or victory. Therefore, it is important that not only the trial be fair and unbiased, it is equally important that any reporting of courtroom activities by the media be held to the same fair and unbiased standards. But is that the case? In 1954, in Bay Village, Ohio Dr. Sam Sheppard was on trial for the brutal murder of his wife. A Cleveland newspaper had a huge interest in the Sheppard case long before it had even gotten started.

Before the trial had begun the Cleveland area newspapers printed headlines and editorials that were obvious bias toward Dr. Sheppard, printing headlines

like “ Somebody Is Getting Away with Murder” and “ Why Isn’t Sam Sheppard in Jail? ” The newspaper went to the extent of listing all 64 names, addresses and telephone for potential jurors which the court had to choose from. A federal judge blasted the Cleveland newspapers for “ trying” Sam Sheppard in the media, making reference to it as “ a mockery of justice” . Dr. Sheppard was found guilty and sentenced to life in prison in 1954.

In 1964 Sam Sheppard was released on an appeal, after spending almost 10 years in prison. The Sam Sheppard case is to this day still a debatable issue in the Ohio Judicial System. Was the judge right? Had the Cleveland paper influences the conviction of Dr. Sam Sheppard? After all while the Constitution guarantees “ freedom of the press”, just as firmly guarantees the right of “ due process” for the defendants. (Adam, S. (n/d). Effects of the media on the Public Media coverage of the courtrooms had substantially changed since 1954, taking on an entrainment role.

In 1981 the first reality court show attracted the public’s attention “ The People’s Court”. Since then there has been a number of others similar show such as , “ Judge Judy” and “ Judge Joe Brown”, then came “ Court TV” which have been successful in capturing the publics attention. But these reality court shows paled in comparison to the media courtroom events that waited just around the corner. Few things in television news have been as “ entertaining” as the 1995 low speed chase of a Ford Bronco across the freeways of Los Angeles last June. Two people were dead. A third was allegedly threatening to kill himself.

Millions across the country, in fact, around the world, tuned in to watch a spectacle. Since that day, the O. J. Simpson murder case has received more newspaper and television coverage than any crime in recent memory. Since recent memory at the time would have also included cases like Jeffrey Dahmer, Amy Fisher, William Kennedy Smith, Oliver North as well as the 1993 World Trade Center Bombing, and the Menendez case, that means that there is, that cumulatively there is a large amount of television, radio, newspaper, news magazine coverage of these criminal court cases. ”  
(Howard, H. (n/d).

Effects of the media on the victims While the Constitution of the United States protects the rights of the “ defendants”, what about the rights of the victims? Constitution of the United States does not address “ victim’s rights” Does this alleviate the media of how their reporting affects the victims? Does the news media can in some cases fails to recognize or take into consideration the feelings of victims and their survivors? Dose this failure enhance feelings of having been violated. Some victims often suffer from disorientation, and maybe even feel like they have lost of control of their lives.

Sometimes the victims believe that they are not treated with dignity and respect and often believe that they have no rights to privacy. Some victims have even confessed that they believe that in some cases it is the victim that is being placed on trial. Does the media’s freedom of the press outweigh the rights of the victims? A number of states have amended their state constitutions to include victim rights amendments, most approved by wide margins. 32 states currently recognize victim’s rights as part of their  
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fundamental law, and there is a campaign to have the federal constitution amendment enacted by congress to protect victim's rights.

Has the time come for the media to focus some of its attention on the victims of crime and just on those who are the perpetrators of crime?

Conclusion The media in the courtroom has had an effect on the public, the defendant and of course, the victims. While the protection of the media's "freedom of the press" is one of the founding fathers corner stone of our form of government, it is plain to see that it has gone from reporting the events of the courtroom in an effort to inform and enlighten the public, to a source of entertainment. "Tabloid Justice" a phrase coined by attorneys to describe the era, when the tabloids turned from reporting the news, and turned it into a form of entertainment. In some cases the judges themselves have referred to the media in the courtroom as a circus. The media has possible influence the outcome trials, and may have jeopardized the Constitutional rights of the defendants, maybe because of an over zealous editor, or a need to promote a product. Whatever the reason it is important to keep in mind that these are rights of the defendant, rights that need to be protected.

The rights of the defendants are protected by lawyers, with an arsenal of objections and appeals. Most importantly is the problem of lack of protection for the rights of victims. For the most part, individuals that did not choose to become involved in the circumstances that engulfed them. "Victims of crimes", which in some cases become victims of the media. How many times have we watched the news at the scene of a crime, or after a trial and the first thing we see is a camera shoved in the face of the victim, followed by a bombardment of questions, the most popular being "how do you feel. The <https://assignbuster.com/effects-of-the-media-in-the-courtroom-assignment/>

media's right of access to the courtroom has had its effects on the public, the defendants and the victims. If the media is willing to exercise its right of "freedom of the press", it only seems fair that they also assume the responsibility of understanding and respecting a victim's right. References Adam, S. (n/d). The Sam Sheppard Trial. Providence College in Providence, Rhode Island. Retrieved September 8, 2008, from [http://www.providence.edu/polisci/students/sheppard\\_trial/media.htm](http://www.providence.edu/polisci/students/sheppard_trial/media.htm) Carter, C. A. (1981). Media in the Courts. National Criminal Justice Reference Service.

Retrieved August 25, 2008, from <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=77571>.

Grunwald, H. (1979, July 16). The Press, the Courts and the Country. Time Magazine. Retrieved September 8, 2008 from <http://www.time.com/time/magazine/article/0,9171,920536-2,00.html> Howard, H. (n/d). The Courts and Media Coverage. Lectric Law Library. Retrieved August 25, 2008, from <http://www.lectlaw.com/files/jud08.htm> Rosen, R. E. (1990). Liberal Battle Zones and the Study of Law and the Media. Law and Human Behavior, 14. (5), 511-521. Retrieved August 25, 2008, from <http://www.jstor.org/pss/1393938>.