

The Impact of Pretrial Publicity on Jurors

A Study to Compare the Relative Effects of Television and Print Media in a Child Sex Abuse Case*

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Previous research on how jurors are prejudiced by pretrial publicity (PTP) has focused on the impact of print media (i.e., newspapers). However, in this "television age," we are exposed to compelling and vivid images of crimes and cases. This raises the question of whether potential jurors may be more influenced by television media (e.g., news programs or televised hearings) than print media (e.g., newspaper and magazine articles). Using an actual case involving extensive PTP, the present study varied the type of medium (print articles, video, articles + video) presented to potential jurors. The results indicated that exposure to the various media had a prejudicial impact on people, and that they were unaware of their biases. As hypothesized, television exposure and television plus print articles biased potential jurors significantly more than exposure to print media alone.

As many others have observed before us, we live in a television age that brings us compelling and vivid images of news events around the world and down the block. As pertains to events that become legal disputes, we see firsthand the beating of Rodney King and truck driver Reginald Denny in Los Angeles. The subject of

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interest in this article is the relative effect of television and newspaper coverage of crimes and alleged crimes on the attitudes and perceptions of potential jurors.

Long before the Los Angeles incidents, Americans saw Jack Ruby kill Lee Harvey Oswald and later they watched with riveting attention as John Dean testified about the events preceding and following the Watergate break-in. Oliver North testified before Congress about the Contras and later faced trial on related charges. We saw Patty Hearst in the midst of a bank robbery. The trial of John Z. DeLorean on charges of attempting to buy drugs was vastly complicated by the pretrial airing of a videotape showing him allegedly in the act, and the trial of Washington, D.C. Mayor Marion Berry was similarly affected by nationwide viewing of his activities in a hotel room. In uncounted numbers of lesser known cases, local news reports have shown police displaying captured weapons or crime scenes, or reporters' interviews with victims and witnesses. The listing of examples could fill many pages, but let us conclude with mentioning the extensive pretrial television coverage of parents, witnesses, police, attorneys, and alleged crime sites in some of the most notorious day care sexual abuse cases: the Mc-Martin Pre-school case in California (Timnick & McGraw, 1990), the Little Rascals Day Care case in North Carolina (Barnes, 1992; "North Carolina Day-Care Operator Convicted", 1992), and the Martensville cases in Saskatchewan ("The Martensville Scandal", 1992).

The focus of the research in this article involves the issue of the potential impact of television on the pretrial attitudes, perceptions, and beliefs of jurors. The experiment that we report compares television coverage of testimony about child sex abuse with similar newspaper coverage, and the combine effects of television and newspapers. We examine the effects of these conditions (against a control group) on the emotions and attitudes of our subjects and on self-reports about their capacity to be fair and impartial jurors. Our review of the literature will show that little research on mass media effects on jurors has involved actual television coverage and none has compared the effects of television versus newspaper. Moreover, prior studies have used relatively pallid stimulus materials to examine biasing effects. That is not the case with our materials, which involved actual graphic testimony about homosexual child abuse that was alleged to have occurred in a St. John's, Newfoundland, Canada orphanage. Before reviewing previous research it is helpful to first describe the background that led to our experiment.

The Mount Cashel Orphanage Cases

In late 1989, several members and former members of the Congregation of Christian Brothers of Ireland were charged with physically and sexually abusing young boys at the Mount Cashel Orphanage in St. John's, Newfoundland, Canada, a metropolitan community of approximately 160,000 people. The Christian Brothers Congregation is an organization of lay ministers within the Roman Catholic Church. The allegations of physical and sexual abuse stemmed from the early to mid-1970s. The allegations did not come to light until the victims, now young men in their twenties, began to report them. Amid additional allegations that

reports and knowledge of child abuse, including sex abuse, had been covered up by church leaders and police and government officials in the 1970s, the Government of Newfoundland and Labrador constituted a Royal Commission (Commission) to investigate possible obstructions of justice. The proceedings of the Commission were televised live for 150 days in the greater St. John's metropolitan area and throughout Newfoundland. They were rebroadcast in their entirety on a separate cable channel during the evenings of the same days as the live coverage. All major television networks in Canada were allowed access to the live cable feed, and they rebroadcast the "highlights" of the proceedings, either as news items or as weekly magazine-style summaries. The story was so "hot" that it was the focus of television programs such as the U.S.-based "Oprah" program. In addition, approximately 800 articles appeared in local and national newspapers and news magazines, and two books were written about the Mount Cashel incidents. Both types of media reported highly graphic, explicit accounts of the specific incidents of which the Christian Brothers and former Christian Brothers were accused. The following excerpts are taken from television and newspaper articles reporting on the Commission's hearings bearing on one of the defendants, Mr. Douglas Kenny, the former superintendent of the orphanage. The excerpts are from men who reported events that occurred when, as young boys, they were wards of the Christian Brothers at Mount Cashel.

He [Brother Kenny] used to go from bed to bed every night and say goodnight to the lads and when he came to my bed he slipped his hand down the front of my pants and started to fondle me . . . At the same time he was doing it to the [boy] . . . who was sleeping next to me . . .

He would put me on his knee and he would slip his tongue into my mouth and get me to bite on his tongue . . . And, he would be rubbing me at the same time and I would bite on his neck. And, if I wasn't doing what he wanted me to do he would more or less squeeze my arm to the point that it would hurt until I did what he said.

Once when he had chicken pox, [the witness] said the Brother rubbed lotion on his body and began fondling his penis. He added that the man then put his finger in his rectum, causing him to cry. "I couldn't understand why he was doing this to me, because I thought he liked me. I confided in him so much as my guardian. I thought he loved me."

Another witness testified that when he did not cry after being hit with a leather strap on his hand and arm following a shoplifting incident, Kenny "punched me in the stomach and knocked the wind out of me . . . and then when I came up after being bent over, he hit me in the face and made my nose bleed. I fell and I remember seeing stars and starting to sweat."

Much of the media coverage blended together stories of abuse by the Christian Brothers as well as other unrelated cases of child sexual abuse by priests and ministers. Results from a telephone survey of 154 people in the community of St. John's, conducted for the defense by the authors of this article, revealed that over 91% of respondents reported watching the proceedings on the Commission on television and 79% of respondents reported reading about the case in the newspapers. More than 80% reported discussing the matter with family, friends, and co-workers. Finally, over 95% of respondents said that most of the community believed that the Christian Brothers were guilty. These results demonstrate the extent of prejudice emanating from the case, suggesting that the media coverage

had a considerable impact on the public. Of course, the survey respondents may have assumed the guilt of the brothers and former brothers even in the absence of media coverage through rumors and gossip transmitted through informal social networks within the community. Nevertheless, the overwhelming media coverage, its extremely graphic nature, and the high proportion of respondents who watched the hearings, leads to the conclusion that the media had a substantial impact on the public's perception that the defendants were guilty of heinous crimes.

Not surprisingly, lawyers for the defendants argued that the news coverage jeopardized the right to a fair trial. While they were concerned with all forms of media coverage and community-based rumors on juror attitudes, an important part of their argument concerned television coverage. From the beginning of the scandal they had protested that the Commission of Inquiry should not be held until after the trials of the accused were completed; at the very minimum, they argued, the hearings should not be televised because of the inflammatory nature of the testimony. As one part of our research on the effects of the pretrial publicity for one of the defendants, we undertook the experiment described in this article. The experiment has implications for understanding the effects and dynamics of pretrial publicity in other cases.

Prior Empirical Research on Pretrial Publicity

Analyses of the content of newspaper coverage shows that serious crimes dominate the news (Antunes & Hurley, 1978; Humphries, 1981). Crimes that are particularly scandalous or shocking are particularly likely to be covered. Content analyses of media reporting shows that the coverage is more likely to be biased toward the conclusion that the defendant is guilty because the stories report information about such things as the details of the alleged crime and the arrest of the accused person rather than information that might be favorable to the defense, such as exculpating or mitigating evidence (see Drockset, Netteburg, & Arborisade, 1980; Russell, 1986). The bulk of the information upon which reporters rely comes from police reports and prosecution charges; from the commencement of the case the source of publicity is prosecution-focused (American Bar Association, 1968, Russell, 1986). Not surprisingly, then, a number of studies have demonstrated that people who have had greater exposure to media reporting of a crime are significantly more likely to believe that the defendant is guilty (e.g., Constantini & King, 1980; McConahay, Mullin, & Frederick, 1977; Rollings & Blascovich, 1977; Simon & Eimerman, 1971; Vidmar & Judson, 1981).

The literature on pretrial publicity indicates that authors have distinguished two types of pretrial prejudice; factual prejudice and emotional prejudice. Factual prejudice involves information known by jurors that would be excluded as having no direct legal relevance or as being more prejudicial than probative, e.g., prior criminal convictions, reports of the defendant's character or mental health. It might also include erroneous information generated through rumor or inaccurate media reporting that could unfairly bias the jurors (see Vidmar & Melnitzer, 1984).

Emotional prejudice involves reactions that may affect jurors' judgments of

evidence or their ultimate verdict but do not have any evidentiary value and do not necessarily bear directly on the defendant's guilt (see Hoiberg & Stires, 1973; Kerr, Kramer, Carroll, & Alfini, 1991; Simon, 1966). Emotional prejudice may be generated, for example, from media reports of the gruesome details of crimes such as the victim's suffering or injuries, bloody death, or sexual violation.

Studies by Simon and Eimermann (1971), Sue, Smith, and Gilbert (1974) and Padawer-Singer, Singer, and Singer (1977) primarily involved factual prejudice. For example, Simon and Eimermann found that a majority of people surveyed had heard about a highly publicized murder case in California (79%) and could provide details about the case (75%). The people who could supply details were more likely to have pro-prosecution bias and were less likely to feel the defendants could receive a fair trial, but they were no less likely to feel that they could hear the trial evidence with an open mind than persons who did not know the details.

A number of investigators have distinguished factually and emotionally based prejudice precisely because of their qualitative differences (e.g., Hoiberg & Stires, 1973; Kramer, Kerr, & Carroll, 1990; Simon, 1966). Research on human cognitions and memory indicated that events that result in a strong emotional response are more memorable, and less subject to counter or control, than less emotion-arousing events (e.g., Brown & Kulik, 1977; Clark & Fiske, 1982; see Kramer et al., for additional discussion and references).

Kramer et al. (1990) had mock jurors view a videotaped trial involving the robbery of a supermarket. Prior to the trial some of the jurors were exposed to either factually biasing pretrial publicity (involving the defendant's prior criminal record and information about incriminating evidence) or emotionally biased publicity (a child with health and family problems was killed in a hit and run accident linked to the defendant). In two control conditions the jurors received information that was low in factual or emotional biasing content. Some of the jurors in each condition saw the trial and rendered verdicts immediately after exposure to their publicity condition, but for others there was a 12-day delay between the publicity and the trial and verdicts. Individual jurors' responses showed no effects between conditions, but verdicts after jury deliberation showed that in comparison to the control conditions the emotional conditions produced more verdicts against the defendant regardless of whether the trial followed immediately or was delayed. The factually biasing condition produced more guilty verdicts when the trial immediately followed, but its effect dissipated when there was a delay.

Kramer et al. suggested four hypotheses to explain the stronger effects of the emotional publicity: It might have been more biasing than the factual conditions; it might have been produced by the "joinder" effect of linking the defendant to the hit and run death; it may have produced a more coherent story structure; or it might have produced higher levels of emotional arousal. Kramer et al. provided some data supporting the emotional arousal hypothesis, but overall the confounding in their experiment did not allow clear interpretation of the effects of emotional publicity.

Research also has found that publicity about other cases unrelated to the specific crime or defendant may produce prejudicial effects. Padawer-Singer and Barton (1975) found that case-specific factual publicity has a biasing effect on

jurors' decisions, but in addition, they found that publicized national events predisposed jurors toward a "hard-nosed," prosecution attitude toward the case that they were asked to decide. Greene (1990; also see Greene & Wade, 1987) reviewed her own research and that of others showing that general media coverage of crimes affected juror attitudes and verdict decisions in legally unconnected cases. This research, however, does not distinguish between emotional and factual prejudice.

The literature on pretrial publicity points to two other matters that are germane to this article. The first is that judicial admonitions to disregard pretrial publicity do not appear to be effective with respect to emotional biases, though they may have some effectiveness with regard to factual biases (see Kramer et al., 1990; Kerr et al., 1991 for reviews and data). The apparent ineffectiveness of judicial admonitions may be due to the greater biasing effect of emotional publicity, as suggested by Kramer et al. (1990), but a complementary hypothesis is that it is ineffective because jurors do not make cognitive connections between their emotions and their ability to be impartial jurors. This raises the second additional matter suggested by the pretrial publicity literature.

Data from a number of sources strongly hint that jurors may be unaware of their biases, or at least believe their impartiality is unaffected. Recall that Simon and Eimerman (1971) found that jurors with biased attitudes against the defendant in a murder trial were no less likely than other persons to believe that they could be impartial jurors. Survey research conducted for pretrial publicity motions in a number of Canadian cases (*R. v. Utzi*, 1980; *R. v. Kenny*, 1991; *R. v. McGregor*, 1993; *R. v. Brunner*, 1977; see Vidmar & Judson, 1981; Vidmar & Melnitzer, 1984) rather consistently has shown that respondents often make highly prejudicial remarks about defendants (e.g., "[the defendant] should get the electric chair") and, then, a few questions later indicate a belief that he or she could be a fair and impartial juror. Blauner (1972), Bronson (1989), Nietzel and Dillehay (1982) Sue, Smith, and Pedroza (1975; see also Kerr et al., 1991; Vidmar & Melnitzer, 1984) have noted similar disconnections between admissions of bias and statements of ability to be impartial jurors during voir dire questioning. It is probable that some of the disjuncture between expressed attitudes and opinions may reflect conformity pressures in the courtroom that produce socially desirable answers about being impartial, but this does not negate the possibility that jurors do not recognize how their emotions may affect their ability to be fair and impartial jurors. Substantial research in other domains (Kahneman, Slovic, & Tversky, 1982; Nisbett & Ross, 1980; Nisbett & Wilson, 1977; see Kramer et al., 1990 for a review of additional literature) indicates that people often are unable to make connections between attitudes and behavior.

This partial review of the literature on the effects of pretrial publicity indicates that there is still much that we do not know about the phenomenon or its underlying dynamics. The experiment conducted for one of the Mount Cashel defendants allowed us to assess the effects of very emotion-arousing pretrial publicity about child sexual abuse as conveyed by television versus print media and to examine the relationship between these media effects and self reports of ability to be impartial jurors.

The Experiment and Hypotheses

The experiment involved presenting participants with some of the most graphic testimony involving allegations of sexual abuse given by former Mount Cashel residents to the Commission of Inquiry. Participants were randomly assigned to receive the stimulus testimony through (a) television alone (b) newspaper articles, or (c) combined television and newspaper articles. A fourth, control, condition involved only background information about Mount Cashel without the graphic testimony. Participants were then given a questionnaire to assess the effects of these conditions on their emotional reactions, perceptions of guilt and recommended punishment, and reported beliefs that they could be fair and impartial jurors.

Hypothesis 1: The effect of combined newspaper and television presentations will result in stronger biases than television presentation alone; television presentation will be more biasing than newspaper articles; newspaper articles will have a greater effect than the control (no media) condition.

The pioneering theorizing of McLuhan (1964, 1988) suggests that the visual nature of television results in stronger more vivid images than print media. Thus, television should produce greater emotional reactions. We could find no research comparing television and print media with respect to pretrial publicity, but some research (e.g., Chaiken & Eagly, 1976, 1983) has shown that audio- and videotaped presentations are more persuasive than written forms of communication, particularly when messages are easy to comprehend. The testimony about sexual abuse in the Mount Cashel cases was very comprehensible. Combining both television and print media should produce the strongest effects because the double exposure would reinforce effects produced by either alone.

Hypothesis 2: The effects of the various media conditions on emotional responses, perceptions of guilt, and punishment reactions will not be reflected in statistically different responses to reported ability to be a fair and impartial juror. As discussed previously, research (e.g., Kramer et al., 1990; Kerr et al., 1991; Simon & Eimerman, 1977; Sue et al., 1975) has shown bias and reported impartiality to be uncorrelated. To the extent that the prediction of Hypothesis 1 is confirmed, the experiment allows further elaboration of this finding by predicting that the reported impartiality will be unaffected by the degree of bias produced by the various media conditions.

METHOD

Participants

Participants consisted of 121 (63 female, 58 male) undergraduates, graduate students, and staff at Simon Fraser University in British Columbia. Participants were not selected from the St. John's area because so many people there were contaminated by multiple sources of exposure that experimental conditions would

be subject to ceiling effects. Participants were paid \$10.00 for their assistance. The average age was 23.8 years.

Media Stimulus Materials¹

The need to measure the relative impact of type of media (print vs. video) in this study raised a serious methodological concern. Ideally, in order to provide a direct comparison of media, it is necessary to vary only the *type* of media, while holding the substance of the media constant. Strictly speaking, this was impossible for two reasons. First, the substance of the video and newspaper material was not identical. Second, even if the material was substantively identical, the problem still exists that when the media and newspaper material was combined, the length of exposure to media was almost doubled (from 20 minutes and 25 minutes for print and video, respectively, to 45 minutes when participants were exposed to both types of media).

Two approaches were taken to reduce and control for the possibility of confounding the study results with the substance and length of presentation effects. First, great care was taken to choose newspaper articles and television excerpts that were substantively as identical as possible so that participants across conditions were presented with similar media content. Because there was no possible way to reduce the length of the combined media presentation without raising additional concerns about the comparability of results to groups that were presented with only one medium, statistical analyses were performed employing type of media as independent variables in a 2 (exposure/no exposure to print media) \times 2 (exposure/no exposure to television media) factorial design.

Newspaper Articles. Care was taken to select newspaper articles that represented the nature and scope of articles written about the Mount Cashel cases. Six newspaper articles were selected. The articles recounted Commission testimony of witnesses. They comprised a total of 4,466 words, and took an average of 20 minutes to read. The examples of newspaper coverage presented in the description of the Mount Cashel cases presented earlier in this article were taken from articles selected for the experiment.

Television Excerpts. The same concerns mentioned above guided the selection of television excerpts. The final product was a 25 minute videotape consisting of edited segments of testimony by victims, now young men, at the Commission as well as a brief introduction from the Canadian Broadcasting Corporation's (CBC) news program, the "Journal."

Procedure

Participants were recruited from the general university population, and included undergraduate and graduate students, as well as staff. When asked to participate in the study, people were told that we were conducting a study to

¹ A sample print article employed in this study appears in the Appendix. Copies of the stimulus materials are available from the first author.

investigate the effect of media on people's judgments in legal cases. If they agreed to participate in the study, they were taken to the law and psychology laboratory where they were presented with a consent form that explained the procedures, risks, and benefits of the study. Care was taken to ensure that the consent form was clearly written and understandable (see Ogloff & Otto, 1991).

The participants were randomly assigned to one of four groups. The Control Group received no media information; instead, participants were given a brief amount of information about/concerning the Mount Cashel incidents (similar to the information about the case provided in this article). The second group (Articles) received the newspaper articles about the Mount Cashel incidents. The third group (Video) were presented with the television excerpts. The final group (Articles & Video) were presented with both the newspaper articles that members of Group 2 received as well as the videotape that members of Group 3 received.

From four to 12 persons were involved in a session. They completed a preliminary questionnaire in which they provided demographic information and indicated their knowledge of the Mount Cashel incidents generally. They were then presented with the media stimuli appropriate for the condition to which they were assigned. Then, they were given a questionnaire asking questions about the guilt of defendants and the effect of the media information.

Because of the sensitive information about sexual abuse to which participants were exposed, extensive debriefing was necessary. The study was explained to participants and they were given ample opportunity to ask questions and discuss the subject matter. A number of participants became teary eyed and upset during the study. The primary experimenter met with these people and discussed the study and the subject matter at length.

RESULTS

Two general sets of analyses were conducted. First, analyses were completed across the four experimental conditions to which participants were assigned (control, articles, video, articles + video). Second, to help identify the specific effects of having been exposed to print versus television media, additional 2 (exposure/no exposure to print media) \times 2 (exposure/no exposure to television media) analyses were conducted.

Participants' Prior Knowledge and Attitudes

Almost half of the sample reported that they had heard of the Mount Cashel Orphanage cases and the Christian Brothers (46%). Sixty-three percent of the sample indicated that they had heard that some members and former members of the Christian Brothers were charged with sexually abusing children at Mount Cashel. Finally, 51% of the sample had heard of the Commission. ANOVAs were conducted to determine whether the percent of participants with preexperimental media exposure to the Mount Cashel incidents differed among the conditions; There were no significant differences among experimental conditions. Thus, be-

tween condition comparisons were not confounded by preexperimental media exposure to the Mount Cashel incidents.

Participants who had heard that some Christian Brothers were charged with abuse found the victims' testimony in the stimulus media significantly more believable ($M = 8.00$, where 1 = *completely unbelievable* and 10 = *completely believable*) than those participants who had not heard that some Christian Brothers were charged with abuse ($M = 7.00$), regardless of the experimental condition to which the participant was assigned, $F(1,109) = 9.56, p < .01$.

Similarly, participants who had heard that some Christian Brothers were charged with abuse were significantly more likely to believe that the accused was guilty ($M = 8.20$, where 1 = *completely unlikely* and 10 = *completely likely*) than those participants who had not heard that some Christian Brothers were charged with abuse ($M = 7.37$), regardless of the experimental condition to which the participant was assigned, $F(1,110) = 5.25, p < .05$.

There was no significant difference regarding the participants' belief that they could be a fair juror (M for those who had heard = 5.05; M for those who had not heard = 5.09). Thus, even though participants who had heard that some Christian Brothers were charged with abuse were significantly more likely to believe the victims' testimony and to believe that the accused was guilty, they did not differ regarding the extent to which they believed they could be impartial jurors.

Participants' Initial Perceptions of Christian Brothers' Guilt

Forty-six percent of the sample thought that at least some of the Christian Brothers were guilty, 12% thought that some of the Brothers were not guilty, and 41% had "no opinion" about the guilt of the Brothers. There were no significant differences among the experimental groups for these questions.

Results Following Participants' Exposure to the Media

Analyses across the Four Experimental Conditions

The findings presented in this section are summarized in Table 1. Participants who were presented with articles and video information reported being significantly more affected emotionally than participants in the control group (the means are displayed in Table 1; $F(3,118) = 3.23, p < .05$).

Because of the general nature of the previous questions asking participants about the emotional effect of the media, participants were also asked a more concrete question about any physiological reactions they may have experienced during the stimulus presentations. The percentage of participants who indicated that they had experienced a physiological reaction to the materials to which they were exposed increased significantly across experimental groups (the percentages are displayed in Table 1, $\chi^2(3, N = 122) = 7.63, p < .05$). Those participants who reported experiencing physical reactions described symptoms ranging from sadness and upset to "sick feelings," tension, goose bumps, lumps in their throats, deep breathing, and teeth grinding.

As shown in Table 1, there was a pattern of differential belief in the credibility

Table 1. Summary of Results Following Presentation of the Media by Experimental Conditions

Question	Control		Articles		Video		Articles and video	
	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>
How did the media information to which you were just exposed affect you? (1 = completely unaffected emotionally, 10 = completely emotionally affected)	5.09 ^a	32	6.29	31	6.28	29	6.63 ^a	30
How believable was the victim's testimony? (1 = completely unbelievable, 10 = completely believable)	6.69 ^{a,b}	29	7.42	31	8.00 ^a	29	8.33 ^b	30
How likely is it that the Christian Brother is guilty? (1 = completely unlikely (not guilty), 10 = completely likely (guilty))	6.76 ^a	29	7.97 ^a	31	8.34 ^a	29	8.50 ^a	30
How long a sentence should the accused Brother receive if he is found guilty? (range from no prison time to 25 years)	14.67 ^a	30	13.73 ^{b,c}	30	19.66 ^c	29	21.27 ^{a,b}	30
How likely would it be for you to be a fair juror in this case? (1 = completely unlikely, 10 = completely likely)	5.16	32	5.10	31	5.34	29	4.63	30
	% Yes	<i>n</i>	% Yes	<i>n</i>	% Yes	<i>n</i>	% Yes	<i>n</i>
Did you have any physical reactions to the media to which you were exposed?	31%	32	48.4%	31	55.2%	29	65.5%	29
Have any of the Brothers or former Brothers been found guilty of child abuse or child sexual abuse?	18.5%	27	25.8%	31	44.0%	25	59.3%	27

Notes: Means that share superscripts within a row are significantly different from each other at the $p < .05$ level or greater. Both chi-square analyses were significant.

of the victims' testimony from participants who were exposed to various types of media, $F(3,114) = 5.73$, $p < .001$. As the means in Table 1 reveal, participants in the Video and Articles-and-Video groups found the victim's testimony significantly more believable than participants in the Control condition.

There was also a pattern of belief in the likelihood that the Christian Brother was guilty of having sexually abused the witnesses. As we move from the control to the combined conditions, perceptions of guilt significantly increase $F(3,115) = 6.73$, $p < .0001$.

Although jurors do not assign sentences to defendants in Canada or in the vast majority of U.S. jurisdictions, it was felt that asking participants what sentence they would choose to give the accused would provide indirect evidence of the strength of their emotional reactions against the defendant. The duration of sentence options ranged from 0 years to 25 years in prison (25 years is considered "life" in the *Criminal Code of Canada*). Life imprisonment, with the eligibility of release on full parole after seven years, is the maximum sentence for aggravated sexual assault in Canada.² As Table 1 shows, participants in the Articles plus Video condition assigned significantly more severe sentences than those participants in the Control and Articles condition, $F(3,115) = 7.44, p < .001$. Participants in the Video alone condition also assigned sentences that were significantly longer than participants in the Articles condition.

In order to discover whether participants were able to realize the extent to which they were biased by their exposure to the media, they were asked to indicate whether they believed that they could be a fair juror if they were called to serve on the jury in this case. The results revealed no significant differences among groups, $F(3,118) = 0.45, p < 0.72$. In light of the differences in responses between conditions to the previous questions, these results show that participants were unable to assess their level of bias regarding the PTP to which they were exposed.

The preceding questions required some subjective judgment about the believability of witnesses, the guilt of the accused, appropriate sentences, or participants' perceived self-bias. The final question was an objective one that asked participants whether any Brothers or former Brothers *had been* found guilty of child abuse or child sexual abuse in a court of law.³ Although the question was an objective one, significant differences were obtained across groups of participants, with participants in the Articles and Video group being more likely to believe that some Brothers had been found guilty (see Table 1). These results are most illuminating since they clearly show that people's perceptions of even apparently objective events are significantly affected by their exposure to PTP.

To identify the specific effects of having been exposed to print versus television media, 2 (exposure/no exposure to print media) \times 2 (exposure/no exposure to television media) analyses were conducted. The main effects for these findings from this section of the article are summarized in Table 2. As Table 2 shows, significant main effects were found between participants who were exposed or not exposed to video stimulus. Compared with those participants who were not exposed to video, participants who were exposed to video were significantly more likely to believe (a) that the media affected them emotionally and/or physically, $F(1,114) = 4.51, p < .05$; (b) the victim's testimony, $F(1,114) = 17.03, p < .0001$; and (c) that the Christian Brother is guilty, $F(1,103) = 11.85, p < .001$. In addition, participants who were exposed to the video assigned significantly longer sentences to the Christian Brother than participants who were not exposed to the video, $F(1,103) = 16.47, p < .0001$.

² *Revised Statutes of Canada 1985, c-46, S. 273.*

³ At the time of the study, three former accused had been found guilty in the Mount Cashel cases.

Table 2. Summary of Results Following Presentation of the Media by Exposure/No Exposure to Video and Articles

Question	Type of media							
	Video				Articles			
	Exposure		No exposure		Exposure		No exposure	
	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>	<i>M</i>	<i>n</i>
How did the media information to which you were just exposed affect you? (1 = completely unaffected emotionally, 10 = completely emotionally affected)	6.46 ^a	61	5.68 ^a	63	6.46 ^b	59	5.66 ^b	61
How believable was the victim's testimony? (1 = completely unbelievable, 10 = completely believable)	8.17 ^a	59	7.07 ^a	60	7.89 ^b	61	7.34 ^b	58
How likely is it that the Christian Brother is guilty? (1 = completely unlikely (not guilty), 10 = completely likely (guilty))	8.42 ^a	59	7.38 ^a	60	8.23 ^b	61	7.55 ^b	58
How long a sentence should the accused Brother receive if he is found guilty? (range from no prison time to 25 years)	20.47 ^a	59	14.20 ^a	60	17.50	60	17.12	59
How likely would it be for you to be a fair juror in this case? (1 = completely unlikely, 10 = completely likely)	4.98	63	5.13	59	4.87	61	5.25	61
	% Yes	<i>n</i>	% Yes	<i>n</i>	% Yes	<i>n</i>	% Yes	<i>n</i>
Did you have any physical reactions to the media to which you were exposed?	61.5% ¹	26	38.5% ¹	26	56%	34	44%	34
Have any of the Brothers or former Brothers been found guilty of child abuse or child sexual abuse?	68.8% ¹	16	31.3% ¹	16	60.7%	24	39.3%	24

Note: Means and percentages that share superscripts within a row are significantly different from each other at the $p < .05$ level or greater.

Similarly, significant main effects were found between participants who were exposed or were not exposed to articles. Those participants who were exposed to articles were significantly more likely to believe (a) that the media affected them emotionally and/or physically, $F(1,114) = 4.79$, $p < .05$; (b) the victim's testimony, $F(1,114) = 4.37$, $p < .05$; and (c) that the Christian Brother is guilty, $F(1,103) = 4.57$, $p < .05$. Interestingly, there was no significant difference in the

sentences participants assigned based on whether or not they had been exposed to the articles.

As with the above analyses of results across the four media conditions, no significant differences were found for participants regarding the extent to which they believed they could be fair jurors.

Finally, loglinear analyses were performed on the objective questions by using video exposure/no exposure and articles exposure/no exposure to create the cells for comparison. With respect to the question regarding physical reactions to the media, the only significant main effect was for participants who were or were not exposed to video, $\chi^2(1, N = 124) = 4.75, p < .05$. As Table 2 shows, participants who were exposed to the video were significantly more likely to report having had a physical reaction to the media. There was no significant article by video interaction. The results for the objective question of whether any Christian Brothers had been found guilty were similar to those regarding participants' experiences with physical reactions. Indeed, the only significant loglinear analysis was for participants who were or were not exposed to the video, $\chi^2(1, N = 124) = 4.19, p < .05$. Those participants who were exposed to the video were significantly more likely than all other participants to believe that "any of the Brothers or former Brothers [had] been found guilty" (see Table 2).

DISCUSSION AND CONCLUSIONS

As predicted by Hypothesis 1, presentation of the testimony about sex abuse had a greater biasing impact when conveyed by television than when conveyed by print media, but the combined effects of both had the most biasing impact of all. These findings should not be surprising. To any objective observer who compared the testimony of the four Mount Cashel boys in video versus print form the old saying that "a picture is worth a thousand words" would have particular salience. The impression was confirmed by the data showing the greater impact of the video presentation on our subjects' reports of emotional and physiological responses. The fact that the combined presentation condition produced still greater effects, for several dependent variables, has practical implications since in most high publicity cases the public receives this double exposure.

It is reasonable to hypothesize that the emotional reactions to the stimulus conditions are the reasons for the relationship between the conditions and the guilt and punishment reactions. It seems unlikely that factual elements in the testimony caused changes in beliefs that affected emotional reactions since the factual components were similar across video and print conditions. Nevertheless, the experiment does not provide a direct answer to how emotional responses act as a mediating mechanism for guilt and punishment beliefs. Additional research will be required to understand the precise psychological dynamics of these relationships.

The methodological criticism that our stimulus materials were not precisely equivalent needs to be addressed. To have exact equivalence, the print stimulus should have been a transcript of the video version of the testimony. However, our

intent in the experiment was to compare the impact of actual television and print media with respect to the reporting of legally relevant materials. Printed media and television media do present material in slightly different ways. Our desire to reflect ecological conditions in the real world, however, should not detract from the fact that the printed materials reported the quotes of the witnesses and their context in a manner that was roughly equivalent to the video version. Similarly, the methodological criticism that the combined video and print condition was twice as long as the single video or print conditions begs the fact that in reality the public often gets double exposure to important news events, and our concern was with how media conditions in the real world affect attitudes and beliefs. A major contribution of the present experiment that distinguishes it from previous research is that it shows the relative and combined effects of different types of media coverage.

Unlike the study by Kramer et al. (1990) that examined the effects of publicity on individual jurors and groups of deliberating jurors, our study only involved individual jurors. However, while Kramer et al. found no effects of their stimulus conditions on jurors, our research found striking differences. One explanation may be due to the fact that their study involved both pretrial publicity and juror responses after hearing the evidence, legal arguments, and instructions in a simulated trial, whereas our study only examined responses to the publicity itself. A second major difference is that on its face, the emotion-evoking content of our stimulus materials—graphic testimony from actual victims of homosexual, pedophilic sexual and physical abuse by lay priests—was far more powerful than Kramer et al.'s emotion-arousing conditions, which involved second-hand reports of the background and death of a girl who might have been accidentally killed by the defendant. Clearly, the two studies differ in many significant ways, but both reach the conclusion that emotion-arousing publicity can strongly affect the attitudes and beliefs of prospective jurors.

Hypothesis 2 was also confirmed. There was no statistically significant relation between the media conditions and subjects' reports of their ability to be fair and impartial jurors. This finding is particularly striking in light of the fact that the conditions produced such strong and statistically significant effects on emotions, guilt judgments, and punishment responses. This finding has considerable importance for the questions of whether jurors can or will report whether they have been biased by pretrial publicity.

There are several hypotheses that can be generated to explain the disjuncture between guilt beliefs and punishment reactions and the subjects' reports of impartiality. The first is that potential jurors do not recognize how the publicity affects their judgments about guilt and punishment. The hypotheses would be consistent with the bodies of research showing that people often do not make verbal connections with behavior and attitudes (e.g. Nisbett & Ross, 1980; Nisbett & Wilson, 1977). The second is that subjects responded to the question on impartiality by giving socially desirable responses (e.g., Bronson, 1989; Marlowe & Crown, 1968; and generally, National Jury Project, 1983) despite the fact that they knew that they were biased. The third hypothesis is that despite their emotional reactions, the jurors truly are capable of setting them aside and deciding the

case with an impartial mind. It could be that one hypothesis explains the responses of some jurors while another explains the responses of other jurors. The striking differences in beliefs about guilt and punishment across conditions leads us to the conclusion that it is probable that the first two hypotheses explain most of the observed behavior, but the present experiment is not capable of providing further insights about underlying psychological dynamics. Regardless, the findings lend considerable support to the position that prospective jurors' self reports of impartiality after being exposed to emotion-arousing pretrial publicity may not reflect the true state of their minds (e.g., Bronson, 1989; Kerr et al., 1991; National Jury Project, 1983).

Furthermore, if the primary explanation of this behavior is eventually shown to be that subjects do not cognize the relation between their emotions and beliefs about their impartiality, we may have at least a partial explanation for the finding that judicial admonitions appear ineffective in reducing juror biases (see Kramer et al., 1990). If jurors do not understand that they are being biased by their emotional reactions, it is unlikely that they can see the relevance of the admonitions or gain cognitive control over emotions.

In conclusion, this experiment raises a number of important questions about the effects of pretrial publicity and indicates that more needs to be learned about the phenomenon. Even without a precise grasp of the psychological mechanisms involved, however, we believe the study unequivocally demonstrates the potential impact of sensational television and print media coverage of crime on prospective jurors.

APPENDIX: SAMPLE NEWSPAPER ARTICLE

Sexual Abuse Detailed

A former resident of Mount Cashel Boys Home told a judicial inquiry Monday he was physically and sexually abused by three Christian Brothers at the institution, including its former superintendent Douglas Kenny.

Robert Connors, 25, who is now living in Kitchener, Ont., was the first witness to provide the inquiry with a first-hand account of alleged sexual abuse by some members of the Roman Catholic religious order. Other former residents testified before the Royal Commission of Inquiry into the Response of the Criminal Justice System to Complaints that they were physically abused by some brothers. However, Mr. Connors, who opened the third week of public hearings at Exon House, identified three former brothers who allegedly sexually abused him and another who physically abused him. He also said he had two younger brothers at the orphanage who were abused.

Slow, Deliberate, Testimony Recalls Mount Cashel Abuse

Besides Bro. Kenny, he named Bro. Alan Ralph and Bro. Edward Patrick English as those who sexually abused him. He said Bro. Harold Richard Thorne

physically abused him. In a slow and deliberate voice, he recalled graphically where and how those incidents allegedly occurred. He told the inquiry he and another resident, Billy Earle, decided to leave the orphanage in early September, 1975, following an incident with Bro. Ralph in their dormitory.

“He used to go from bed to bed every night and say goodnight to the kids and when he came to my bed he slipped his hand down the front of my pants and started to fondle me,” Mr. Connors said. “And at the same time he was doing it to the gentleman (Billy Earle) who was sleeping next to me.”

When asked by inquiry co-counsel David Day how he knew Billy Earle was being fondled, Mr. Connors replied: “Because I saw him.” He testified it “the normal routine” for Bro. Ralph to fondle the boys when they retired for the night. “There were even some nights that I would pretend to be asleep but he would still do it,” he said.

Pool Area

Mr. Connors, who stayed at the orphanage from 1971 to 1984, said the incidents with Bro. Kenny occurred in the area of the swimming pool at Mount Cashel. “He would put me on his knee and he would slip his tongue into my mouth and get me to bite on his tongue,” he said. “And, he would be rubbing me at the same time and I would bite on his neck, And, if I wasn’t doing what he wanted me to do he would more or less squeeze my leg or squeeze my arm to the point that it would hurt until I did what he said.” Mr. Connors said his encounters with Bro English took place after he had showered. The boys, he said, showered every night in the basement of the institution.

“When we used to come out of the shower Bro. English used to pay quite an amount of attention to me and otherwise he would like to dry me off himself, and he would spend a good amount of time drying off my private parts,” he said. Mr. Connors said Bro. English called his private parts Peter. “He used to tell me that Peter needs to be dried more than other parts of the body and that kind of thing and he’d try to make me laugh when he was rubbing me,” Mr. Connors testified. He said the incidents of physical abuse occurred on several occasions. In particular, he recalled being beaten by Bro. Thorne. That occurred while the boys were on a summer camping trip at a cabin near the Conception Bay town of Carbonear. He said he didn’t know why, but Bro. Thorne hit him for “every little thing that I would do.” He claimed the brother hit him with the handle of a wooden mallet that was used to drive tent pegs into the ground.

When asked by Mr. Day where he was hit, Mr. Connors responded: “On the hands, on my rump, wherever he wanted to.” After Mr. Connors and Billy Earle ran away from Mount Cashel in September, 1975, they went to the St. John’s home of William Earle, Billy Earle’s father. Together with Mr. Earle, the boys went the following day to the Department of Social Services’ office on Harvey Road where, Mr. Connors said, they were referred to social worker Robert Bradbury. Mr. Earle said they told Mr. Bradbury what had happened to them, but he never did hear back from social services after they lodged their complaint. Mr. Bradbury, the department’s liaison officer with Mount Cashel between 1974 and

1977, told the inquiry earlier he completed a report on the accusations and sent it to Frank Simms, director of child welfare, on Oct. 23, 1975.

After meeting with Mr. Bradbury, Mr. Connors said he, Billy Earle, and Mr. Earle went to Mount Cashel where Mr. Earle met with Bro. Kenny. He didn't hear the conversation between Mr. Earle and Bro. Kenny, he said, because Bro. Kenny sent him and Billy Earle to their dormitory. The inquiry, headed by retired Ontario Supreme Court Judge Samuel Hughes, is expected to continue until late December.

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