

No. 81-300

STATE OF MINNESOTA

IN SUPREME COURT

In Re

Modification of Canon 3A(7) of the
Minnesota Code of Judicial Conduct

WCCO Radio, Inc.; WCCO Television, Inc.;
WCCO FM, Inc.; WTCN Television, Inc.;
United Television, Inc.-KMSP-TV; KTTC
Television, Inc.; Hubbard Broadcasting,
Inc.; Northwest Publications, Inc.;
Minneapolis Star and Tribune Company;
Minnesota Public Radio, Inc.; Twin Cities
Public Television, Inc.; Minnesota
Broadcasters Associations; Minnesota
Newspaper Association; Radio and Television
News Directors Association, Minnesota
Chapter; and Sigma Delta Chi/Society of
Professional Journalists, Minnesota
Chapter,

Petitioners.

TRANSCRIPT OF
COMMISSION HEARING
ON MODIFICATION
OF CANON 3A(7) OF
THE MINNESOTA
CODE OF JUDICIAL
CONDUCT

Transcript of Commission hearing held on Monday, October 5, 1981
in Room 1409 of the Ramsey County Courthouse, Saint Paul, Minnesota
at 9:30 A.M. before John S. Pillsbury, Jr., Chairman, Sidney E.
Kaner and Rosemary M. Ahmann, Commissioners.

SUPREME COURT COMMISSION HEARINGS ON CAMERAS IN THE COURT

October 5, 1981

Pillsbury: I think we can get underway now and I will just say good morning and welcome to you. This proceeding is being televised, photographed, recorded in accordance with the rules currently in effect for the Supreme Court of Minnesota. I understand that in accordance with the rules a formal request was made so that this is being run really in accordance with those rules as now in effect. I should first apologize for myself. I have a little frog in my throat which I picked up in Greece and haven't been able to get rid of, so that you will excuse me if I don't sound as good as I would like to. To follow the rules, of course, do not precisely fit this situation so we are doing the best that we can, but I do think that we may appear, the three of us Commissioners, may wish at some time to have a little conference among ourselves. I think it should be understood that if and when we do that it will be appropriate to ask you to turn these microphones off. That is understood and agreeable and I think in accordance with rules that are generally in effect in this kind of situation. With that I have asked you all know the Commissioners and Deb Regan is the clerk acting as our clerk/secretary or whatever you want to call her. She is a clerk for the Supreme Court, and I

have asked her to note the appearances which means the attorneys for the petitioners. I believe there are three or four judges who are appearing for themselves and for the associations, but do not have other counsel and they are -- have you got them down there -- Judge Segell, Judge Godfrey, Judge Fitzgerald and I believe that is all, is that correct? And the others are witnesses for the petitioners. Is there anybody else here who is appearing in some capacity? They should be noted here. We might as well have the appearances down to start with. Well, if that is the way, excuse me.

Armour: I am Norton Armour, General Counsel to the Minneapolis Star and Tribune. I will be introducing Kent Kobersteen.

Pillsbury: All right. You are one of the petitioners, I believe. Isn't that correct?

Armour: That's correct.

Pillsbury: Yeah, we will let your counsel mastermind that for all of you. With that I think we might as well get underway and, having checked with the Supreme Court, it appears that it is appropriate in this proceeding to swear in the witnesses. So we will start with the first witness who is your counsel, Mr. Hannah. Do you want to swear him in? (MR. HANNAH SWORN IN)

Pillsbury: I should say one more thing. I hope that all of you

who are appearing have had an opportunity to read the rules which the Supreme Court has adopted for this proceeding. It is an informal proceeding. Strict rules of evidence do not apply, but it is also specifically provided that the interested parties, in other words those who are hear appearing as interested parties, have the right to interrogate the witnesses. So that if after the initial statement is made, the Commissioners can, of course, too interrogate the witnesses, but if after they are through if any of the persons who are appearing who I have referred to a minute ago wish to question the witness, would they just please let me know. Go ahead.

Hannah: Thank you very much. Mr. Pillsbury, Judge Kaner, Ms. Ahmann, Ms. Regan, I am Paul Hannah. Catherine Cella and I represent the petitioners before you today. I was a little concerned for a moment. Actually having to swear I began to look through my statement quickly to see if I was going to have to excise anything, but I recognize that I would be a witness, and so I think I probably limited my statements to items of fact and hopefully you will think that they are true. In March of this year WCCO Radio, TV and FM and twelve other press organizations filed a petition with the Minnesota Supreme Court seeking an amendment to Canon 3A(7) of the Minnesota Code of Judicial Conduct. That Canon now

prohibits the use of still cameras and broadcast technology in Minnesota's trial courts. We petitioned the Supreme Court to change this Canon to allow us to cover activity in these courts. To show you how important this is to us, I only have to point out the petitioners include such typically feuding organizations as newspapers and broadcast media, radio and television stations, commercial and public stations and WCCO and KSTP. I would like to think it was counsel that brought them together, but it wasn't. What brought them together was a common concern for the quality of coverage of court matters they now provide to the public. Because they can't show the public what goes on in courtrooms, the press is forced to use artificial means to set the backdrop of the court's action -- courtroom artists, corridor interviews with participants, the all too familiar summary by a reporter standing half frozen on the steps of the courthouse. The problem is, if anything, these artificial settings may overdramatize the event, so a petition to gain access to courtrooms was filed. You were appointed by the Court to study the question. We are here to give it our best shot. My job is to describe the state of the law, which should be easy. I am also suppose to discuss the guidelines to courtroom coverage we propose. Since you have copies, that shouldn't take long. The difficult task will be to convince you

that we are serious, responsible and professional, and that our coverage of courts will reflect those qualities. Everyone, including each one of you, has preconceived notions of the press. Skepticism is probably high and a good many judgments are unfavorable. The press even looks at itself with some self-doubt. Recently CBS and ABC aired programs which included criticisms of their news organizations. The Washington Post scandal prompted thoughtful articles and an editorial in yesterday's Dispatch/Pioneer Press Focus section. I am going to be blunt with you. I can't expect you to put aside your preconceptions as you listen to our presentation, so I am going to ask a favor -- test those theories of yours. We will present several editors, news directors and reporters whose job will be to decide what is covered and what goes on the air, if we can cover the courts with cameras and microphones. I believe Minnesota's news staffs are the best in the country. They are ready and able to answer your questions. Now your preconceptions may come from an isolated instance of coverage we didn't like or from someone else's experience. There aren't many professions where your mistakes are seen in every living room or at every breakfast table, but remember, there is a difference between whether you like the coverage and whether you believe it is fair and accurate. That is why we have the First Amendment.

If you decide we can't cover courtrooms because you don't like what we do, the First Amendment guarantees of a free press are gone. So the challenge is to set aside the preconceptions, to remember that the First Amendment protects the content of what the public sees and hears, and to decide whether there will be a net gain to Minnesota if cameras and broadcast equipment are allowed in its courts. We think they would be. There are really only three legal cases which affect this question directly. The first isn't even a court decision. I am referring to the case of State v. Bruno Hauptman convicted of the kidnap murder of the son of Charles Lindbergh. Because of the intense coverage of the trial by the press, the American Bar Association adopted Canon 35 of the Canon of Judicial Ethics, which ban the taking of photographs in the courtroom and broadcasting proceedings there. In 1952 the Canon was amended to include a ban on televising those proceedings. The second case is Estes v. Texas. Texas had not adopted the Judicial Ethics. Estes, a political and financial figure, was convicted of swindling in a state court in Texas. It was a sensational trial and was taped and broadcast by both radio and television. A circus atmosphere prevailed as you will see in some of the demonstrations we have planned. Estes argued before the Supreme Court that he was de-

prived of his right to due process because of the broadcasting of his trial. The U.S. Supreme Court agreed. Four members of the court felt the broadcasting of criminal trials was a denial of due process. The deciding and, therefore, governing opinion was that only Estes was deprived of a fair trial because of the peculiar circumstance of his particular case. That was the only message of Estes, but a lot of people gave that case a broader meaning until the court decided Chandler v. Texas in January of this year. Now in 1975 the State of Florida began a limited experiment of media coverage in trial courts. In 1977 the experiment was expanded to allow full coverage of all proceedings in trial courts. In 1979 the coverage was made permanent. During the experiment two Miami Beach policemen, Noel Chandler and Robert Granger, were convicted of breaking and entering a well-known Miami Beach restaurant. Portions of the trial were taped and about three minutes was actually broadcast on the air. The defendants appealed their conviction and one of their arguments was that the media had denied them a fair trial. The Supreme Court found that the U.S. Constitution does not prohibit photographic and broadcast coverage of trial courts. Shortly after the Chandler decision, we filed our petition with the Minnesota Supreme Court. Because the United States Supreme Court specifically found that the

Florida experiment was constitutional, we patterned our guidelines after the Florida guidelines. They are fairly conservative. Here are a few of the highlights. Only one television camera and audio system can be used in any courtroom. In most cases the courtroom audio system is to be used if it is feasible. The proposed guidelines provide only one still photographer may be in a courtroom, using not more than two cameras with two lenses. However, we understand that the Supreme Court presently allows two photographers in its court. During the course of these hearings we may be using two still photographers and, if all goes well, we will amend the proposed guidelines accordingly. The guidelines call for a pooling of broadcast coverage. Mr. Curtis Beckmann of WCCO-AM will discuss this in greater detail. The location of the equipment is meant only to provide reasonable access to coverage. Some modification of existing light sources is allowed when it is necessary to allow coverage to proceed. However, the modifications cannot produce distracting light and they must not be installed or maintained at public expense. Finally, the Canon itself contains standards to insure proper decorum and the fair administration of justice. Should disputes occur, a quick and inexpensive appeal route is available. In sum, the guidelines are conservatively drafted and are meant to provide the maximum coverage

available consistent with maintaining the proper atmosphere in Minnesota's courtrooms. Now this completes my prepared statement, but there are two areas I want to cover to provide some references for you during the hearing. There will be testimony from petitioners' witnesses describing the benefits which will accrue to the people of Minnesota, if this coverage of our trial courts is allowed. I only want to put those benefits in a legal content. There is an excellent history of the concept of open trials in the Supreme Court's decision in Richmond Newspapers v. Virginia. There the court said that openness of trials gave an assurance that the proceedings were conducted fairly to all concerned That is the legal imperative. The court also said that openness may inspire confidence in the system of justice which requires confidence to succeed That is the social imperative. Now I can't tell you that each newscast or any one newscast will inspire confidence or provide education to the people of Minnesota. I can tell you that over time I personally believe that our citizens will have a more realistic view of what goes on in court and that can't be bad. And if only a few programs are produced to explain various aspects of the court system, such as conciliation court, traffic court, or sentencing procedures, I can promise there will be a gain to society. Twenty-six states already think so. Second, I must comment on some of the

arguments we will hear against broadcast and photographic coverage. Now this may be more appropriate at the end of these hearings, but there is a reason for discussing them briefly now. I will be blunt again. It is my belief that the arguments you are going to hear are nothing but smoke screens for some prejudices and some unspoken fears. Now I have asked you to put aside your preconceptions. I am also going to ask you to look closely at the reasons behind the arguments you will hear throughout the hearing. For example, you will hear that cameras and microphones violate a defendant's right to due process. There are three responses. First, the Chandler case which says that that is not true in all cases. Second, on a case-by-case basis the court can take those arguments and make a decision based on the facts in the case, and it has a wealth of case law behind it. For example, should the court wish to limit access to pretrial hearings, it has the recent case of Gannett v. DePasquale. Should it decide that pretrial publicity should be limited, it has the Nebraska News Association case. Those arguments are best created and argued at the trial level at the time of the case. Finally, it is obvious that most defendants would rather have a trial with no spectators, but that's not the law and it hasn't been the law for nearly 500 years. Again, the

reasoning behind the entire concept of open trials is that the public and the system benefit from knowledge of what goes on in that system. Second, you will hear of witnesses quaking in their boots at the thought of being televised. There are some answers. There are scientific studies, a court study in Florida which says that in fact, witnesses and jurors felt more responsible during a covered case. And we have been taping here for fifteen minutes and I want you at this point to measure your own emotions and to continue to do so as the hearing progresses. Third, we have been told that judges and lawyers will grandstand before the cameras. Please, judges and lawyers take an oath. They take an oath to uphold the law. Lawyers have clients, they are supposed to win their cases for their clients. Lawyers have a Code of Ethics that tells them that in case they forget. And lawyers know that jurors don't like lawyers who grandstand for a camera or the press. And in point of fact in every case in which we may be using broadcast technology, you can bet that there would have been coverage at that case in any event. Now that is not to say that there aren't reasonable disputes between those of us who favor cameras and broadcast coverage and those who don't. That is why you're here. I hope you'll push both sides as hard as

you can during this hearing. Ask us the questions you want answered and I am sure you will get those answers. I was trying to look for an appropriate quote from one of the giants of the press, but I couldn't find any and I was forced to refer back to what my wise grandfather used to say and that is "Let's put this boat in the water and see if it floats." I am ready for questions.

Pillsbury: Have any of the Commissioners any questions they would like to ask?

Kaner: None at this time.

Pillsbury: Any of the persons appearing as interested parties like to ask any questions at this time? Why don't you call your next witness then.

Hannah: Next witness will be Mr. Curtis Beckmann who is the news director at WCCO-AM Radio.

Beckmann: Good morning members of the Commission. It falls to me to describe to you what has gone on prior to this date because I have been involved in it from the beginning. It is my judgment at this point that we are at the end of a long, long debate and I, for one, am very grateful. For you it is the beginning or near the beginning of your familiarity with this issue. For me and others in and out of this courtroom, Judge Segell, Stan Turner and many others, we are near the end, and speaking for myself,

I feel very good about that. We have discussed, debated, deferred, voted, compromised, won and lost on this issue for more than four years and we have achieved almost nothing. It has been a study in frustration for me and my colleagues in the journalism professions, but now it appears that we will have, if not a decision, a recommendation to the Minnesota Supreme Court for a decision. I cannot predict what you might recommend. We will do all we can in the days ahead to persuade you to our side. But whatever recommendation you make, it will represent a conclusion and, again, for me, I am grateful. I am also grateful to my company, Midwest Radio and Television Incorporated, and to Chairman Tom Doar for pressing this issue in a petition to the Minnesota Supreme Court. I am proud that the concern which we express to you in these days ahead for greater public access to Minnesota's legal system comes from the very top of Midwest Radio and Television Incorporated and from the very tops of those broadcasting and publishing concerns which have joined us as co-petitioners. The breadth of that lineup of co-petitioners is perhaps unprecedented in Minnesota history. Who can recall when Minnesota news media have come together, as they have here, in record numbers to argue for anything. Suffice it to say, we are together on this issue. I have a distinction, perhaps

dubious in the eyes of the Judge Segell, of having started all this, and it started with a letter. It was a letter to Chief Justice Robert Sheran in February of 1977, nearly five years ago. I proposed one of two things. One, let WCCO Radio come into your courtroom, Mr. Chief Justice, and record a hearing before the Minnesota's high court. We sought to produce a Law Day program from such a recording and such a program would follow in a series of Law Day programs produced in conjunction with the Hennepin County Bar Association. These are award-winning programs I am proud to say. They re-enacted actual trials, they re-enacted a grand jury hearing, they debated capital punishment within the walls of Stillwater prison where life term members testified. In each broadcast we invited listeners to sit as jury to decide the issue at hand. The programs were grand learning experiences and consistently took top honors in prestigious award programs, most notably the American Bar Association's Silver Gavel Award, but in 1977 we sought a new learning experience for our listeners. What is it like in the Minnesota Supreme Court? Is this third branch of government more than nine distinguished wise people in black robes who sit for the annual portrait? Or do they just think hard in their chambers and then decide? There was only one way to get that ultimate experience and that was to hear and to see what actually happens.

Short of getting permission to tape record in the Supreme Court, I proposed, secondly, that the Chief Justice and I sit down informally and talk about the prospect of broadening access to Minnesota courtrooms for the public by using microphones and cameras. A week passed and no answer. Another week, still no answer. Two, three, four weeks went by and never a word. It is clear to me now what was going on in those chambers. Then a very brief note in the mail from the Chief. The entire Court would meet with me informally on April 28, 1977 to talk about the issue. All of what is before you today began on that April day four and one-half years ago. Ron Handberg, then news director at WCCO Television, came with me to answer questions about television, and it was a very good discussion from my perspective, but it also showed me that we had some persuading to do. It was clear from that session that the Court wanted a recommendation from the Minnesota State Bar Association. A recommendation on possible broadcast coverage of the Minnesota Supreme Court only. The word got to the Bar Association and its president, then Kelly Gage of Mankato, appointed a Joint Bar, Press, Radio, Television committee with David Donnelly, the immediate past Bar president as its chairman and I as its secretary. I called together an ad hoc group of Minnesota broadcasters and other journalism

representatives and that group selected representatives for the joint committee. The committee as first drawn was evenly balanced - lawyers and judges on the one hand, news people on the other. It was representative of various news media and professional law groups. It would not stay that way. With each new Bar Association administration new legal people were added. I could not match that with news people who were in possession of the necessary time and resources to attend meetings. The meetings began, there was open-mindedness. We discussed, debated, agreed, disagreed, resolved, amended, witnessed, demonstrated ---- we did it all -- and finally arrived at a recommendation for the Bar Association Board of Governors. It was a recommendation for experimental coverage of the Minnesota Supreme Court only. It was our best judgment that a positive response from the Board of Governors would be the recommendation our Supreme Court needed to establish an experiment. It was not to be. The Board of Governors balked, suspecting that our course of action was subterfuge for the greater question -- a broadcast coverage in Minnesota trial courtrooms. That was the ultimate goal of the news media's side of the joint committee, of course, but we were satisfied to delay consideration of that issue until after experiencing the appellate court. On its own motion, the Board of Governors

of the Bar Association broadened the issue to include trial court coverage and remanded the new wider issue to its 1978 convention with no recommendation to the Supreme Court on broadcast coverage there. Within a month, however, the Minnesota Supreme Court went ahead on its own. Justices Otis, Peterson and Todd met with the joint committee for a demonstration of equipment and a discussion of proposed rules for coverage of the court. And in early January of 1978 the Court ordered an experimental period of broadcast coverage in this courtroom. Coverage began almost immediately and total camera and microphone coverage has occurred in the Supreme Court perhaps fifteen times. Experimentation has gone well, that's my judgment. The cases covered have been newsworthy. They included very controversial reserve mining cases, cases involving government agencies, campaigns for public office, legal education, cases that grew out of criminal trials which received a great deal of public attention. I said the experimentation has gone well and I said further that's my judgment. There is always a question about news judgments. The brevity of reports on complicated questions. Judge Segell likely will bring that up, but this is the time honored in constitutional process of journalism and, as you know, journalism is condensation -- highlighting the important, sorting out complicated

issues. While there have been quite natural questions about why this excerpt was used or why that portion highlighted and not the other, the issue before you in the coming days and weeks is not the value of the First Amendment. News judgments by editors and reporters are beyond the scope of this proceeding. Back to the joint committee of the Bar Association. As experimentation in the Supreme Court continued in the first half of 1978, the joint committee grappled with the broader issue of broadcast coverage in Minnesota trial courtrooms. And where strong willed men and women meet to discuss issues invariably you find extensive compromise. That happened in the joint committee's deliberations prior to the 1978 Bar Association Convention in St. Paul. There was a joint proposal for experimental camera and microphone coverage in Minnesota trial courtrooms, but it never saw the light of day. I will tell you why in just a moment. That plan proposed broadcast coverage of six trials over a year's time. The trials would be carefully chosen and consent would be sought from all parties. The fact that consent would have been required would have doomed the plan to failure, it represented too much compromise. Where consent is required, there is no camera or microphone coverage, plain and simple. That has been proved in Florida where

the experimentation period required consent, after six months there were no experiments. The Florida Supreme Court finally threw out the consent provisions in its experimental plan. There may be broadcast coverage rules on the books now in many states, but where there are consent provisions, there is no broadcast coverage. Our six trial consent plan was adopted by the joint committee. It was to be presented to the Minnesota District Judges Association and the Bar Convention -- that would not be. The Judges Association voted not to permit me to describe the proposal. At the Bar Convention a more pressing issue had come to the floor. Judge Segell had brought a resolution to the convention which called for a dismissing of the issue in Minnesota forever. That was a more fundamental question obviously and became the focal point of convention debate. Judge Segell and David Donnelly squared off. They pleaded their case as eloquently and both pleaded for no substitute motions, but not surprisingly, there was a substitute motion and it passed. It called for a one year study of experience in certain other states. We had apparently won that immediate battle, but the war raged on. More discretion, more debate, the joint committee grew in size, frustrations were magnified. With our direction uncertain and with willingness to compromise receding on both sides, we asked for another

year to study at the 1979 Bar Convention. It was granted. The committee seemed to grow again, more discussion, more debate. A compromised statement was arrived at and adopted for the 1980 convention, but both sides prepared very strong minority reports. And on a close vote the majority report was defeated in the 1980 Bar Convention, but the committee was continued, more new people, it met once. The joint committee lay dormant because the U.S. Supreme Court had agreed to hear a challenge from Florida which Mr. Hannah already discussed. Why discuss and debate some more when the Burger court may decide it all for us. The Burger court did decide, as you know. It's for lawyers to outline the precise meaning of that now famous Chandler ruling, but the ruling did not foreclose broadcast coverage of courtrooms. There was no proof that such coverage leads to an unfair trial. I had the good fortune to be in the U.S. Supreme Court chamber for the Chandler case oral arguments. Almost from the very start of the appellant's argument Chief Justice Burger probed for proof. What proof do you have? He was quickly joined by other members of the Court. There was no proof. The Court ruled accordingly. The question back in Minnesota -- should we take the issue back to the Bar Association Joint committee for more discussion and debate, or should we petition the Minnesota Supreme Court to decide the issue. We decided on the latter course and

found our fellow journalists agreeing completely. Midwest Radio and Television Incorporated took the lead and has contributed the entire legal cost to this effort. Our co-petitioners have pooled resources to fund the work of this Commission.

(END OF TAPE) Because I, and I am sure others who have joined in this effort so diligently have gained new friendships among the legal profession and have a greater appreciation and respect for the Minnesota legal system, it has been a great learning experience, but the issue remains. We seek access to Minnesota courtrooms with microphones and cameras on power with our access to the executive and legislative branches of the Minnesota government. The courts are at the people's business, the people have a right to witness what they do through society's broadcast media. I think you will discover in the coming days and weeks that we are a responsible lot. We, broadcast and photo journalists, will answer any questions you may have, we will demonstrate present day broadcast and photo equipment, and we will call people who have had experiences in courtrooms where broadcast coverage was allowed. We are hopeful, of course, that you will agree to recommend that Minnesota experiment with camera and microphone coverage of trial courts. And that's our goal -- experimentation. How can a final decision be made without experience? So we

stand by to answer any questions you may have.

Pillsbury: Thank you, Mr. Beckmann. Have any of the Commissioners any questions they would like to ask?

Kaner: None at this time.

Pillsbury: Let me ask a question and preface it with a statement. I think that during the course of these proceedings I and the other Commissioners will have questions and I hope you will agree with me that to one degree we can be sort of a devil's advocate. Because I ask a question or any of the other Commissioners ask a question which might seem to indicate a point of view, remember that we are more letting matters out than expressing a point of view. One of the, I think I got correctly, one of the statements you made you indicated that the mission of the media was to "highlight the important", and I think that one of the concerns that people have is the distinction between highlighting the important and giving prominence to the spectacular. Have you any comment on that subject?

Beckmann: We get down to newsworthiness. You know, what is news? I think that news is reports of opinion or event which are significant to a great number of people. We are all using that kind of a judgment to make news judgments. When something is going to

get a lot of public attention, it is newsworthy. And from the point of view of covering in trial courts, the complaint we often hear is you're only going to be there for the sensational cases. That's not true, and I think in the next couple of days you are going to find out from these news directors and reporters just where we are going to go with this experiment, if we get it, I mean, what kind of coverage is available. But, on the other hand, yes we will be there for those celebrated cases. I would like to reverse the tables on that a bit by saying what better time for the public to learn something about its legal system than at the time when they are interested in what is going on. We can show municipal court all day, I suppose, and nobody will listen or watch, but give us a trial that is getting a lot of public attention and the people will pay attention. So what better time for the legal system to shine and to demonstrate itself than in these circumstances. There's, you know, I have a feeling about you lawyers and judges and I guess, without sounding like a jerk here, I am quite impressed with the legal system in Minnesota and with judges and lawyers. I think if we ever get to this kind of experimentation, you are going to be quite proud of what the public is now hearing and seeing of your profession. I believe that to be very true. I think a lot of people ought to

see this courtroom. It is a beautiful room and I think they ought to see the intelligent, well-meaning people who come here to practice profession and to help people in and out of their legal scrapes. I think there is a lot to show, there's a lot to witness.

Pillsbury: Have any of the interested parties who are appearing here have any questions they would like to ask at this time? All right, well thank you very much.

Beckmann: Thank you.

Pillsbury: Counsel, you and I had some discussion about a time in which you would like time because of the next witness. You think it appropriate to have a recess at this time. Well, should we have a recess now for five minutes then. (RECESS) I think we can reconvene.

Hannah: Mr. Pillsbury, I am going to introduce Norton Armour who is General Counsel of the Star and Tribune newspapers. He will be introducing Kent Kobersteen who is a staff photographer at the Tribune and they will be giving you a demonstration of the technology of still photography. Mr. Armour.

Pillsbury: Are you appearing as a witness too or are you not wearing a witness hat so you don't have to be sworn?

Armour: I am going to be making a brief statement, so I guess I had better be sworn. (MR. ARMOUR SWORN IN).

Pillsbury: Mr. Armour is also making an appearance as counsel so that you might note his appearance. Proceed then.

Armour: Members of the panel, we are getting to a more pragmatic approach to these hearings, but before I have Kent Kobersteen demonstrate the various cameras for you, I would like to open with what I consider to be the broad purpose of this particular still camera demonstration. Pictures taken by newspaper photographers generally are used to enhance related printed material published in the newspaper. In this regard, any photographs that may be taken in a courtroom during a trial would generally be used to enhance the printed portion of that trial's coverage. The presence of a photographer we agree has its own impact. It is the examination of the size and direction of that impact we believe is an essential part of the investigation of this panel. To aid the panel in its investigation this presentation has three purposes. The first purpose is to look at the advancement in technology of still cameras. The members of the panel will be in a position to determine if the noise levels alone of certain types of cameras will be sufficiently unobtrusive as to not unduly disrupt an ongoing court proceeding. The second purpose is to demonstrate the manner in which a still photographer will conduct himself or herself, as the case may be, while taking pictures. The

members of the panel will be in a position to determine whether appropriate controls and guidelines for that conduct can be promulgated for proper courtroom decorum. Then the third purpose of this demonstration is to relay to the members of the panel the types of pictures a news photographer might consider to be newsworthy in connection with a trial proceeding. And, of course, we'll be available for any questions that the Commissioners might have. With that I would like to introduce Kent Kobersteen, staff photographer of the Minneapolis Tribune.

Pillsbury: We got to swear him in as a witness.

(MR. KOBERSTEEN SWORN IN).

Armour: Kent, maybe the first thing to do is to indicate how long you have been with the Minneapolis Tribune.

Kobersteen: I have been a staff photographer with the Minneapolis Tribune since 1965 and recently I have had the opportunity to cover one of the proceedings in the State Supreme Court.

Armour: How many types of cameras did you bring with you and you might show them and demonstrate them for the Commissioners.

Kobersteen: Well, I would like to show you basically two types of cameras that are in general use in

journalism today. They will also be shown with various modifications which will limit the sound produced. One which is familiar to many of you, I think, from sporting events and news conferences is a motor drive Nikon F. (DEMONSTRATION) I would like to just go over these rapidly and then go back and make some points about each one. This camera through the use of a blimping mechanism can be quieted considerably. (DEMONSTRATION) The camera without the motor drive and without the blimp produces a sound such as this. (DEMONSTRATION) There is a smaller blimp for the Nikon F which the Nikon F2 which quiets it to this extent. (DEMONSTRATION) There are also Leica and Nikon rangefinder cameras. These are the cameras that the Leica is the one that is used in the Florida courts. (DEMONSTRATION) By the way, during the first part of this morning's session, I was seated over there and made, I think, fifteen or twenty frames with the Leica and the Nikon. Obviously, the Nikon F with the motor drive is not the type of photographic equipment that you use when you're in a situation where you're trying to be unobtrusive. I think that most photo journalists today regard being unobtrusive and putting the subject at ease as being a prime importance. That would be true not only in a courtroom situation but if I came to your home to photograph you or whatever.

Armour: What is the function of that motor drive?

Kobersteen: Primarily the motor drive camera would be used for sporting events where sequences are necessary. It's used quite a bit in political situations, campaigns, press conferences. Obviously, if anything like this was used in a courtroom (DEMONSTRATION) I would recommend that the person be abjected.

Pillsbury: Well, the motor enables you to take the things in succession.

Kobersteen: Yes, it's a method of advancing the film. In addition, on this type of camera, the single lense reflex, you have a mirror flopping up and down which adds to the noise.

Armour: That camera inside the large blimp, I think, quiets it considerably obviously.

Pillsbury: What is a blimp?

Kobersteen: The blimp is designed primarily for use on movie sets and it's a padded box basically that the camera fits into. It, I think, provides you with a quiet camera, however, I think, it is more obtrusive appearing than some of the other alternatives. As I mentioned, the unblimped camera, and this is the one that's been used in the Supreme Court, is far less noisy than the motor drive (DEMONSTRATION) but there is still obviously a click that is quite audible.

Pillsbury: Just to refresh my memory will you please, what are the types of camera described in the rules at the present time?

Armour: The Leica. The difference between the rangefinder and the single rangefinder.

Pillsbury: Am I right that counsel there are two camera types? The still photographer is entitled to have two cameras and is the type described.

Hannah: I believe all we said in the proposed guidelines was that it was to be no noisier than the pathfinder. And we also said in the guidelines that each photographer could have two cameras with two lenses.

Pillsbury: But their precise type is not described.

Hannah: No, we were awaiting this sort of demonstration.

Pillsbury: Well, then it is no noisier than which one?

Armour: The Leica.

Pillsbury: I just thought we might as well be sure we know what we are all talking about.

Kobersteen: Yes. The least noisy of the cameras is the Leica. The rangefinder camera--the Leica or the Nikon Rangefinder. And I think that they're small, they're compact. Unlike the Nikon motor with the blimp, they are easily concealed more easily concealed and present less of a problem to the court.

Armour: Is there a difference mechanically between the rangefinder and the single lens?

Kobersteen: Well, one basic reason that the rangefinder is less noisy is that it does not have the mirror that is moving around which produces a lot of the noise.

Armour: Are there any questions about the mechanical processes of these cameras?

Kaner: Not so much that, but assume Mr. Kobersteen that you had a jury case going on in this courtroom right now. What would be your position in the courtroom? When you begin to take these pictures, where would you be?

Kobersteen: I would imagine seated much as I was this morning.

Armour: Would you want him to go back and

Kaner: Yes, I would like to see where he would go.

Pillsbury: Right beside the television cameraman, is that correct?

Kobersteen: That would be my preference.

Kaner: Which camera would you be using then?

Kobersteen: I would be using these two with different lenses on them so you wouldn't have to change lenses.

Kaner: Why don't you demonstrate exactly what would happen?
(DEMONSTRATION)

Kobersteen: Seated in this area. The jury would be over here then. This area or any place along the front row preferably.

Armour: I might indicate that most of the pictures that he snapped were while people were talking and, in that sense, you could hardly hear the click.

Pillsbury: Well, there's no question but that by doing right in front of the microphone to the extent that these proceedings are being recorded, they are going to sound a lot louder than they would if he did it over there. Judge Segell, did you have your hand up? Did you have a question?

Segell: I have a question.

Kobersteen: Yes, sir.

Segell: Do those rangefinders have interchangeable lenses?

Kobersteen: Yes, they do. That would be the reason for two bodies, so that you wouldn't have to change lenses, so that you wouldn't have to change film, basically causing less disruption.

Armour: One of the questions that we were dealing with was the manner in which a photographer can take pictures. Can you describe different positions that you would take say if you were going to a schoolroom, or a legislature, or a sporting event? From what positions does a photographer or can a photographer take a

picture?

Kobersteen: Well, I think a lot depends on the situation. If you are at a sporting event where it's not necessary to blend into the background, you obviously work differently than you do if you are in a schoolroom, if you're in a courtroom, if you're in someone's home. It seems to me that being photographed is slightly an unnatural act. I don't like to be photographed. I think that it then behooves a photographer to make every effort to become the fly on the wall, to be as unobtrusive as possible, and to work in a manner that will permit the event to continue as if he weren't there. And it's only in that way that an accurate photographic report of the event can be produced. And I think that you would find that all of the photographers, I would say, who come into the courts would feel this way. This goes not just to do you remain seated when you photograph, do you stand, do you make noise, but also I think it goes to the manner of the dress. It would seem to me that it would be appropriate to go into the courtroom dressed as the attorneys and perhaps better than the spectators.

Armour: One of the questions that has to do with some of these earlier cases such as the Sheppard case and Estes case where there were movements, unrestricted movements, of photographers to get the proper angle or whatever it was and the sensational coverage.

In this case in the Supreme Court you are bound, in a sense, to your seat. How do you feel about that as inhibiting you from getting the pictures you may need?

Kobersteen: I think that it is the price you pay for being unobtrusive. I think, and I'm not saying that it's a price you pay because the court requires it, I'm saying it's the price you pay for being a professional and, while the angle from over there might produce a better photograph, to work in the court I feel it is necessary to stay in one position.

Kaner: Would you feel it best there for you to stand up from time to time in order to take the pictures?

Kobersteen: No.

Hannah: In fact I think that the guidelines state that the photographer assumes a shooting position and maintains that general position until recess at which time he can either take it out or

Kobersteen: That's right. In some, excuse me, in some lighting conditions it may be necessary to use a tripod much the same as would the television camera. In this courtroom that's not necessary and so my preference is to not use one if it is not necessary.

Pillsbury: Well, I gather then that those cameras as you demonstrated them would be all the flash, or I should

say lack of flash that would exist under normal operating conditions.

Kobersteen: That's right. There would be no additional light. I believe in some situations in Florida light levels in courtrooms have been raised prior to the proceeding. The 15 watt bulb has been replaced with a 40 or something.

Kaner: What would you feel about your taking those kinds of pictures in our rural courtrooms? Any change in your procedure?

Kobersteen: No, sir.

Pillsbury: Maybe this is the time to make mention of the fact that we originally called this hearing in Judge Segell's courtroom and Judge Segell's courtroom, I don't know whether it's smaller than this, but apparently it's darker,

Segell: Same size.

Pillsbury: Same size and Judge Segell was anxious that we see it. I suggested that perhaps at the noon recess we might recess a few minutes early and the Commissioners and anybody else who would like to see the room can go up and take a look at it, but there is apparently a greater problem with some courtrooms, at least in this courthouse.

Segell: Every courtroom except for two on this floor.

Kaner: What is the problem with those?

Segell: Total different lighting. We have very minimal lighting. These courtrooms were built about 10 or 12 years ago from scratch. They're brand new. The others are 50 years old. They have the lighting (INAUDIBLE) and it's probably half or less of what's in this room.

Kaner: Well, do you feel that that would make a substantial difference in the procedure that they would have to use in your courtroom?

Segell: I'm not even sure they could photograph unless you boosted this film. You use I take it 400 feet film.

Kobersteen: 400 or 1200, yes.

Segell: You would have to use 1200, I think, to get all of it.

Kobersteen: That's what's generally used at the Supreme Court is 1200.

Pillsbury: Mr. Armour, I don't know if whether this witness is the right one or somebody else, but there was a decision made sometime Friday that the other courtroom would not be satisfactory. Would some of those who were involved in that decision want to express the problem as they saw it?

Armour: I was not. This was not a still photographer problem.

Pillsbury: I see. We can comment on it later then at the appropriate witness.

Armour: Ken, maybe you can comment. If it is a much darker room, can such photographs be taken?

Kobersteen: I'd welcome the opportunity of seeing Judge Segell's courtroom and could comment then I feel in that situation.

Armour: I think, along those lines, if the lighting isn't sufficient then under the rules the idea that you can't take the picture, I mean, part of this is can we promulgate guidelines which are acceptable both to the court as well as to the news media. One of the areas, the third area, I would like to get into briefly would be is that if you did cover as you have here in these proceedings, what in a trial would you consider to being newsworthy that you would want to take pictures of?

Kobersteen: Well, it seems to me, and it is difficult to generalize, but it seems to me from a photographic point of view you'd be looking at four basic portions of the trial itself -- certainly the opening, any time a key witness was present, the verdict and the sentencing. It seems to me that generally you would not find photographic, still photographic coverage being done on a daily basis. Obviously it wouldn't be every case.

Armour: I think that's, unless there are questions on that.

Ahmann: In selecting the photos for the story, as has been pointed out, the photograph is to emphasize or to dramatize a certain fact or certain part of the process. How is the decision made? Do you make the decision? Are you instructed by the news writer what kind of photographs to take? How is that decision made?

Kobersteen: This varies from newspaper to newspaper. At the Tribune I would make the initial group of photographs, would then return, would select frames to be printed which would then go to the news desk, and the final selection would be made there, as to what would appear in the newspaper.

Armour: In other words you would send a composite of pictures you have taken and the final decision would be made by the news desk.

Kobersteen: That's right.

Ahmann: I guess a follow-up question to that then. As the trial would be proceeding, clearly some trends of that trial would be followed by the newspaper. Would you then be instructed to take certain kinds of photographs to emphasize that?

Kobersteen: The, and this is again speaking of my situation at the Tribune, at the Tribune the photographers work not

independently of the writers but in conjunction with the writers and make decisions as the writers do. The writer would decide what to report in words, the photographer would basically decide what to report in photographs. There is conferences between the two that go on that produce the final product, obviously so that there is some coordination, but that is generally how we work.

Armour: As a matter of teamwork, if a reporter, print reporter, were here, photographers like to think of themselves as reporters too, so if a print reporter were here and you were covering the photography, who would in a sense is there someone in charge of what you would be taking?

Kobersteen: The editor would be in charge, the ultimate charge. We would do our reporting photographically and the writer would do his or her reporting in words.

Pillsbury: Am I right, Ms. Ahmann, that you're trying to get at the question of to what extent are the decisions made by you, if I can use the phrase in the field, or to what extent do you have specific direction from your office before you leave? Is that what you are trying to get at?

Ahmann: In part.

Kobersteen: I am having a little difficulty with the hypothetical situation. Pardon me. Obviously in some situa-

tions there is some discussion beforehand. Generally in photographic reporting I tend not to try to preconceive situations. I don't know if this is getting at your question. The decisions are not given by an editor on what to look for when you go to the trial, generally. The ultimate decision of what appears in the paper is the editor's decision, as it is with the word reporting.

Armour: Are we getting to it? If the editor asks you if the judge sleeps, do you take a picture of it?

Ahmann: I wasn't thinking that at all.

Kobersteen: I can't believe that would ever happen -the judge sleeping.

Ahmann: What I'm getting at, and possibly am concerned about, is the cases that have gone to the Supreme Court are cases that the question of the circus atmosphere, the question of the photographing, it isn't just the decorum of the photographer in the courtroom, but what they're portraying in the paper, or whatever the media would be. The question is around that. To what extent, since we emphasize and since we have to make decisions narrowing the scope of what we are going to report, when we condense there is a possibility of sensationalizing. I am not accusing you of doing that, but I think one photograph you clearly can't convey the whole event and that decision has to be made. I'm just asking how does it get made. In

what larger context does it get made?

Kobersteen: Basically, it is a decision that's made by the editors at the newspaper and I must say at the Tribune it's a decision that's often anguished over. A lot of thought goes into what photographs are used as well as what words are used.

Armour: It's an editorial decision, I think, is the answer.

Kobersteen: That's right.

Kaner: And it must be that you're allowed, of course, a certain amount of discretion at an ordinary trial. Wouldn't that be so?

Kobersteen: That's right. (END OF TAPE).

Hannah: I think he's scheduled at 11:15 and we're about ten minutes ahead. Perhaps if Mr. Armour and Mr. Kobersteen are able to stay through his testimony, if we shorten up the time this morning, we might be able to all go upstairs to Judge Segell's courtroom and take a look. I presume you've got enough equipment to be able to measure lighting.

Kobersteen: Certainly.

Hannah: If you wouldn't mind, I would appreciate it.

Kobersteen: I'd like to do that, thank you.

Pillsbury: Fine. Are there any of the interested parties who

are appearing today any questions at this point.
Thank you very much.

Hannah: Our next witness is going to be Mr. Ron Handberg. He is now the General Manager of WCCO TV and for many years has been WCCO's News Director. Mr. Handberg. (MR. HANDBERG SWORN IN).

Handberg: Good morning. I am sorry I haven't been able to be here earlier and hope what I have to say will not be repetitive or unduly repetitive. During the course of these hearings I'm sure you are going to hear a lot about, as you have already with still cameras, about the improved technology of radio and television and of still photography --the portable and silent cameras, the need for only low light levels in the courtroom, the unobtrusive nature of our coverage. I do not plan to go into a lot of those things, but I thought I would try to share with you three major thoughts I have. As Mr. Hannah indicated, I come out by way of personal background of about twenty years in the broadcast news business. I am a graduate of the University of Minnesota School of Journalism. I worked for about three and a half years at WCCO Radio and for the past seventeen years have been at WCCO Television, as a reporter, producer, writer, associate news director and until five months ago news director for eleven years. I am now the General Manager and to some extent no longer con-

cerned with the day-to-day operation of our news department. It seems to me the first of these points may sound self-serving, but nonetheless should be made for the panel to hear. In recent years, there has been a lot said about the increasing importance and impact of particularly television news on the public. Recent surveys for the past several years have shown that television news is now the primary major source of news for most people in this country. I think the first point that ought to be made is the quality of local broadcast journalism in this community. I think it's fair to say that the Minneapolis-St. Paul television market is viewed nationally, as one of, if not the finest, news markets in the country. Stations here, by and large, have large staffs, (INAUDIBLE) ownerships and managements, in two cases local ownership, big budgets, the best in equipment, by and large, responsive, responsible and professional staffs. WCCO Television, for example, now has five one-half hours of news per day, KSTP has four, the other stations have lesser amounts. In addition to that, WCCO has an eight-person documentary staff that produce the Moore Reports and specials. We have a twenty-person local programming department which produces such programs as PM Magazine, Sunday Supplement and others. This perhaps will sound indeed self-serving, but again I think it's important. This is a television

market and the stations here are stations that have been recognized over the years for the quality of their news programming. WCCO Television, for example, has won every national and international news award that's offered in broadcasting, some of them several times over. This year alone WCCO has won a national emmy, the only one awarded to a local television station in the country and the Edward R. Murrow Award awarded by the Radio-Television News Directors Association signifying the best local news operation in the country. The other stations have won their share as well. WCCO Television now has more than a dozen of its news alumni working for the national networks -- the likes of Susan Spencer, Jerry Bowen and Don Kladstrip, Bob McNamara, Phil Jones -- people who have received their training here who have grown up professionally here, who have covered their share of trials here. There is an active professional journalistic community in Minnesota and in the Twin Cities represented by associations like Sigma Delta Chi, the Radio-Television News Directors Association, the Northwest Broadcast News Association and others. In short, this is an active, concerned, responsible, professional broadcast news community in my opinion. This market has always been in the forefront of its

profession, it seems to me, through the years in technology and professionalism. Now it seems to me strange, indeed, and tragic in a way that it lags behind in what the professionals in the business think is a very important area -- namely cameras and microphones in the courtroom. It is fair to say that as good as I believe this television news market is and radio, it is also one of the most highly competitive in the country, perhaps the most competitive in the country. I have always been struck in my years in the business with the ease with which people have translated competitive to irresponsible or sensational. The kind of thinking that says they'll do anything for the ratings. I am here to tell you on the basis of many years in the business that that's simply not true. We do care about the ratings. We do compete vigorously for stories and eventually for viewers and, now in my new position, increasing the advertising revenue, but we have not gained and do not maintain today the kind of national reputation we have for news in this community on the basis of sensational, irresponsible news coverage. It's my estimation, I think shared by some in this room, that television and radio in this market, at least in the eyes of the legal community and among trial court judges, is still suffering from an event of some twenty years ago --

the T. Eugene Thompson trial. There is no question that it was a circus atmosphere at that time. It was chaotic. It rightfully did lead to restrictions then on access of cameras and microphones in or near courtrooms in Hennepin County. It was to some extent to the local media what the Billie Sol Estes case was to the national media until the Chandler decision, but I point out that that case, the T. Eugene Thompson case, was twenty years ago. A lot of things have happened since have changed -- the equipment, the people, attitudes, a sense of professionalism. I don't think that's a chapter in our professional lives that any of us who were here then look back with any kind of pride, but the years have passed, the situations have changed. But I believe those memories of that case linger on and over the years have affected in this state attitudes toward cameras unfairly, if I might say so, affected the attitudes toward cameras and microphones in the courtroom. Countless trials have happened since. Trials that have been sensational, spicy, headline catcher, almost all of which, I believe, have been covered competently and professionally, but, in my estimation, could have been covered more competently, more professionally, more completely, if we had had the camera in the courtroom instead

of the courtroom artist. The second point I would like to make, or to re-emphasize because I am sure you are going to hear a lot of it during these days of hearings, is the experimental nature of our request. We are not asking for forever. We are asking for a limited time to prove to the legal and the judicial community and to the people of Minnesota that the broadcast news media can perform as responsibly as we say we can perform. It seems incredible to me to deny us that opportunity on the basis that we may act irresponsible or that our actions may interfere with the fair trial process. The experience of some two dozen or thirty other states simply cannot be forgotten or ignored in this regard. To deny the media this opportunity, this experiment, if you will, seems to me as to deny us a fair trial. The third and final point I would like to make is some confusion, at least, that I sense in the arguments against cameras and microphones in the courtroom. I think there's no question that I believe, as does every media person in this courtroom and around the state, that the legal community has every right to demand and expect that the presence of cameras and microphones in the courtroom will not interfere with the decorum of the courtroom, with the rights of participants and the fair administration of justice.

The news media have the responsibility to abide by the agreed upon guidelines to assure that goal. What troubles me is the feeling that I sense from the legal community that somehow there is a parallel right to demand and expect coverage to be to the legal community's liking. Coverage which meets some kind of preconceived expectation. I am sure you have heard the argument, as all of us have, that they'll just give it thirty seconds on the ten o'clock news, as if that prospect alone is enough to justify banning cameras and microphones in the courtroom. I could not stand here on the basis of a lot of years in this business and promise you that every story covered by every radio or television station in this state of every trial that is chosen to be covered will be complete and accurate. I don't think there's a news director or a journalist here who could, anymore than I could, tell you that every story covered by every station of every city council meeting, of every Senate Committee meeting is complete and accurate, but that prospect, it seems to me, of some kind of insufficient or incomplete coverage is not enough to justify some kind of pre-censorship by exclusion of cameras and microphones. If the television coverage of the courtrooms somehow proves inadequate, as opposed to our conduct in

a courtroom, it seems to me that there are a number of remedies available. As I mentioned, there are active professional associations in this state. They raise the Minnesota News Council. There are news directors in every station who are willing and wanting to raise the professional standards of their staff and their station and it seems to me that this case of adequacy of coverage, as opposed to the decorum in the courtroom and the preservation of the fair trial process, they're different issues, yet tend to be treated the same by critics of cameras in the courtroom. I felt obliged to address that. That is the end of my prepared remarks. I would be happy to answer any questions that I could.

Pillsbury: Judge Segell.

Segell: I assume you are not suggesting, Mr. Handberg, that you are going to cover for more than thirty or forty-five seconds any particular case.

Handberg: I would not be willing to say that at all. I think that there are many trials that will be covered in far greater depth than thirty or forty seconds. In fact, one of the things that I should have mentioned, it seems to me that the decision to allow cameras in the courtroom will open up many kinds of opportunities for in-depth coverage

that do not now exist. For instance, documentaries. For instance, special programs that are not now being done simply because of limited access or no access. I think our Moore Report unit, for instance, would love the opportunity to tape in-depth in courtrooms, to do educational, informative documentaries. So I think it is simplicity, at its worst, to make the charge that all of our trial coverage would end up in thirty or forty seconds. I think there are some cases where that would be true. I would trust the television news staffs in this community to make the same kind of judgments about trials as they make about other news events. The question, it seems to me, is not how many seconds it gets on the air, but the kind of accurate, complete reporting that's there. There are many stories that are covered in thirty and forty seconds, non-courtroom stories and I think provide a sense to this community of what happened at an event.

Segell: Well, I suppose you know that there are (INAUDIBLE) seven or eight documentaries right now in broadcast news and educational institutions which prove to be helpful educationally.

Handberg: We are in commercial broadcasting.

Segell: I understand that. So the likelihood of your making such a documentary, I would suggest, is rather moot.

Handberg: I think that's absolutely untrue.

Segell: You haven't done so far.

Handberg: When we make a documentary, we like to make it to show on the air, I mean, that is what our business is. We do not have a separate production unit that makes documentaries for educational institutions. That's not our business. There are those people who do that. That's not our business. It is fair to say that every documentary we make is now being distributed to schools to any organization on a loan basis or on a rental basis or on a purchase basis that wants to tack into our library.

Pillsbury: Mr. Handberg, without implying that I either consider it material or not, just for my edification, on a standard news program, like the ten o'clock news, is there more or less a pattern of any news story of whether it deals with these matters in the courtroom or anything else that has a certain time element, is there a pattern to that? Is it thirty seconds or does it depend entirely on the story?

Handberg: It varies widely. I think it's safe to say there is something of a pattern. I think when you see on any of the television stations a reporter voicing a story, as is the case with most trial reports, the length will go from a minute thirty to two

minutes, two fifteen. What we call the anchor voice over, where the anchorperson will read the copy, the narration, it's common for those stories to go thirty to forty-five seconds. We do now special reports on our ten o'clock news program that will go up to eight minutes in length in a half an hour. So it does vary widely depending on the import, the interest of the story, the impact on our audience.

Pillsbury: In other words, there isn't a tight pattern.

Handberg: No, there's not.

Pillsbury: So much for each item.

Handberg: The only pattern is, the only restriction obviously is, the half hour total time. One of the reasons I mentioned the number of newscasts we now have and our competitors because we are trying very hard to make those newscasts as different one from another as we can. And there is ever greater opportunity in terms of time for us to broaden out with reports. One of the interesting things people tend to think of the news as the ten o'clock news. Right now we have seven -- noontime, six and ten and there are four other half hours of the day we are trying to use in unique, different ways. The ten o'clock news does tend to be a compendium of the day because there is national and international news as well

as local. We have less freedom in time at ten o'clock than we do in our other newscasts, but even at ten o'clock there are no definitive restrictions.

Kaner: Mr. Handberg, you know you have made a very impressive pitch from your position and many of the things that you say are true without question. I'd like to have your thought about the possible impact of what your segment would be on the ultimate fairness take of a criminal trial. Do you have any thoughts about that?

Handberg: On the ultimate fairness?

Kaner: Fairness to the litigant. Fairness to the person on trial.

Handberg: I can envision no substantial difference with the new set of guidelines and the cameras and microphones in the courtroom on that aspect of the legal system than is now true with our current coverage -- the courtroom artist, the taping of people to and from the courtroom, outside the boundaries. I think, if anything, it will provide the public with a better sense, with a fairer sense, of the happenings of a trial. One of the by-products of the present situation is that television cameras are often in the position of literally chasing litigants to and from the elevators

up to the courtroom because there is no other access to look at the attorneys or the defendants or the plaintiffs or whatever. I don't think there's one of us in the business who likes doing that. I certainly didn't when I was in the business. It is unseenly and we know that, but the public also has a desire, and we feel we have an obligation to try to show, aside from courtroom sketches, what the principals in a case look like and to try to draw some comment from them before or after a trial. It seems to me, and it's been, I think, demonstrated in other states, that there is a far greater, a better sense of the actual happenings, the fairness of a trial and the decorum of a trial and all the other things that we are all interested in when you simply don't have to scramble the way we now have to scramble, and assuming, of course, that the cameras are unobtrusive, that the light levels are not and all the other things that are part of the assumptions we are making.

Pillsbury: You mentioned the Thompson trial. My memory may be too short, but did that involve actual use of the cameras in the courtroom or was that some of this chasing around the corridors that you mentioned?

Handberg: It was basically, in effect, right outside the courtroom and it was a mob scene. At that time

the restrictions did not exist in the Hennepin County courthouse about cameras nearby the courtroom. You simply could not go in. As that verdict, as the jury came back in, and the verdict was delivered, it was horrible.

Pillsbury: Yes, Judge.

Fitzgerald: Sir, I wonder if you know of any studies that have been made by people who have never seen a trial because of their reluctance and remission to be recorded. (INAUDIBLE) other states that they use that.

Handberg: I have no knowledge of any such study. In the reading I have done in the other states I have seen no mention of that. I simply have no

Fitzgerald: It is one of the big worries that the judiciary has. People involved in the disposition of testimony in the State of Minnesota and that is how many cases, given the now tendency of people not to want to get involved, we wonder how many cases are ever going to come up because witnesses are going to say hey, I don't need that.

Handberg: The reading I've done of the Florida experience and others, it seems to me that quite the contrary has been shown. That the studies that they have done there, and I cannot cite the specific although I am sure it's in the brief, to the contrary, witnesses were oblivious and jurors became oblivious to the

cameras and the microphones.

Fitzgerald: Well, that's after the case has started. But we already have come across this problem in high profile cases and underlying jurors. People don't want in. They don't need it and I'm not talking about jurors now. I am talking about witnesses who might be able to give very important testimony, but who are reluctant to come forward because they don't want everybody in the community and in the state and every place else knowing that they are the ones that put the finger on the fellow who isn't going to go to jail. Now under the guidelines for a shorter period of time come out and maybe talk to them about it. That's a very practical point.

Handberg: I would have two responses to that. One I think that in any trial that is getting coverage that person is going to be identified by name and by courtroom sketch anyway. Secondly, it seems to me that in the experience of the other states, if that had arisen as a major problem, that the experiments would not have been sustained and, if that had arisen as a major factor, I have not seen in any of my readings where it has. Now maybe I have not done complete enough reading, but I don't think it's been a factor that has been seen as major in the other states.

Pillsbury: Perhaps I should have noted since these proceedings are being recorded on tape, that the question was Judge Fitzgerald's, the last questions. Are there any other questions? Thank you very much.

Hannah: We do, in fact, have a half an hour until lunch time so perhaps we could get Mr. Kobersteen and some of our camera people up to Judge Segell's courtroom (IN-AUDIBLE) testimony although will have to be off the record. May be we can try and recapitulate it this afternoon for purposes of the record.

Pillsbury: All right. Those who are interested will go up to Judge Segell's room which is what number?

Segell: 1409

Pillsbury: Room 1409. Otherwise we will reconvene at 1:30.
(RECONVENE)

Pillsbury: We reconvene and are there any additional appearances over those this morning? There has been arranged for the convenience of those who are appearing, that's Judge Segell and Judge Fitzgerald, a portable mike so that their questions, if they have questions, they may record. The other thing, I think, before we start with the afternoon witness, Mr. Hannah, we might put into the record the fact that we did adjourn at I guess about 11:35-11:40 to Courtroom 1409 which is Judge Segell's courtroom for the purpose of seeing the problems existing in certain court-

rooms here and perhaps other places where the lighting isn't as good. Would you want to make us some kind of little statement that just put that into the record.

Hannah:

We met in Judge Segell's chambers for approximately fifteen minutes and at that point we heard testimony from Mr. Kobersteen from the Tribune and from a WTCN cameraman who described the state of the lighting in that courtroom. Both of them gave opinions that in the case of the WTCN cameraman that the picture that he would receive, without any additional lighting source in the courtroom, would be marginal, if not below that line. And that, if it were his decision, no film taken in that courtroom would be aired because of the lack of the quality of the film. He described it essentially as a problem when the light source was so low that the contrast between light and dark images tended to blur and also that the picture would contain, I think he described it as noise or snow. Mr. Kobersteen said that under certain circumstances, using some fairly fast film, he thought that he would be able to take printable still pictures, but that, at least to some extent, was going to be determined by the position of the subject of the picture. We then discussed the fact that the lighting in that courtroom was fifty years old, and that while it might be con-

ceivable that the lighting source could be enhanced, nobody was really clear about the amperage which that system could hold. So that essentially the findings at that point were that the television picture would be marginal and that it would probably not go on the air. Under certain circumstances, some of the still photographs taken during the proceeding there might be good enough to be printed.

Pillsbury: Thank you. Would anybody else like to supplement that statement in any way among those who were there. Well, if not, why don't you proceed with your witness.

Hannah: Thank you, Mr. Pillsbury. Our next witness will be Stan Turner who is anchorman, assistant news director at KSTP-TV. He and people from KSTP will be giving you a demonstration of the old and new in terms of the video equipment that's now available to us.

(MR. TURNER SWORN IN.)

Turner: Members of the Commission. You will have noticed that some additional furniture has been moved into this courtroom during the noon recess. This is purely for the purposes of our demonstration today. I have referenced specifically to the monitor over there and this museum piece immediately before you, which is something, I hope, better than

anything else, to point up the advances in technology in television news coverage in recent years. I am not a technical person. I function more on the editorial side. I have never been able to master the intricacies of this business, but at least I was smart enough to bring along some people who can answer your questions should they tend toward the technical side. Gordon Bartusch of WCCO Television is here, as well as our photo chief, Bill Juntunen, who will assist me in the demonstration. (END OF TAPE).

Technological revolution, it was an evolution for sometime, but, I would say in the last five or six years, we have seen the advent of technology that was unthinkable to us working in the field in the trenches in the mid-1970's and that is what is variously called ENG -- electronics, mini-cams, action cams. You have probably at one time or another heard all of these bewildering terms, but they all have to do with this camera which is being operated now by Russ Brown over there. That's the new technology. Perhaps the positive features of this new technology can best be pointed out, if with your permission, I may wander over a bit by the equipment. I may have to use the hand microphone as I go along so I stay on the record. Again, this is Bill Juntunen, our chief photographer, at KSTP-TV. This is a 16 millimeter film camera

which really has been the mainstay, the primary piece of equipment in television news gathering since television news gathering got underway in the late 40's. It's gone through various modifications and variations and generations, but basically this is what we've worked with. When we talk about coverage in the context of a courtroom in sensitive settings, you will see how ill-suited this kind of equipment is. Bill, let's, for example, this has lots of moving parts, lots of widgets and wheels and so forth, all of which produce an unseemly amount of noise from time to time. I will say that you've heard much about and read much, I'm sure, about the Sol Estes case. During the course of that trial, there were upwards of twelve cameras in the courtroom, many of which were variations of this. The problem there was you had to have each camera for every television station represented because you could not pool. That is to say one camera could not take the picture and in turn feed it to the other stations wanting that footage, that is just not done. It cannot be done technically, it's not feasible with film. Bill will show us that you can turn this around and start the camera with the gate open. (DEMONSTRATION) That level of noise, of course, is muted somewhat when this is closed, but nevertheless you've heard the

famous grinding of cameras. Can you start that again, please? (DEMONSTRATION)

Pillsbury: Can I ask a question?

Turner: Sure.

Pillsbury: I didn't realize what pooling was like. Pooling is really producing separate tapes for each person and not taking one tape and then reproducing it afterwards.

Turner: It can be done both ways actually. In the present context we are talking about one camera distributing that single picture to various stations with their tape recorders right there. So they are actually all making the same copy, that's correct. You have moving parts up here, of course, too. With a normal load of film, which would be about 360 to 400 feet of film, you only have about eleven minutes of film time there, so what we are saying is you are faced with this cumbersome and often noisy process of changing the magazine. Again, that would just not be suited to a setting such as this. This is a typical process right here of changing magazine, and, even though in the hands of a skilled professional like Bill, it can be done relatively quickly and smoothly and quietly, there still is a distraction which would work to the detriment of the smooth

running court setting. To make certain that this device is no longer in use in the State of Minnesota, we re-canvased all the television stations. There are twelve, I believe, state-wide twelve markets and they all virtually have this camera now as compared to this. As I say, we almost had to go to the Smithsonian Institution to get this for the purpose of the demonstration today. They are just not around anymore. There it is. The job of pooling is complete. Another thing, Bill has set up lights which also were a standard part of this kind of operation. The camera, because of its film, even though we can adjust for low light, relatively low settings, can come nowhere near what the electronic camera over here can do. Thus, artificial lighting, and this has often been the bane of legislative settings and the rest, but it was a necessary feature and what you are confronted with right now, literally, those lights in your eyes, is what it took to produce film that was of their quality.

Pillsbury: I remember those days. I remember trying to make a speech when you couldn't see your audience.

Turner: Absolutely. Sometimes that was good and bad. We will shut these off. I know I have addressed some audiences I didn't want to see either. Now,

as I say, we have consigned this equipment to the museums and the electronic camera here, I think, speaks for itself. It speaks volumes by its silence. It was operating all morning and in just a moment we are going to show some of the footage which we made this morning. This is all videotape, as opposed to film, so it is no longer accurate to say we are filming a proceeding, that just isn't done anymore. It is on reuseable videotape and it's color. It's three-quarter inch videotape. The advantages of this camera are many over the film, but lighting, I think, is perhaps one of the most apparent next to the virtual quietness of the camera. You will see by the videotape and, Gordon, if you're prepared, if we can take a look at some of what we shot this morning in here.

Pillsbury:

You may lose your case right here.

Turner:

They're all flattering scenes. This is all available light. As you know, there were no artificial lights set up here. (DEMONSTRATION) Can you go ahead? Perhaps we can see this courtroom setting in a wider angle. This is Paul at his oratorical best right there. This is the real Paul Hannah right here. He gets nervous. While we're moving ahead, I might say, well here we are here is the wider shot. (DEMONSTRATION) You can see that with the

type of lens here, one camera can give the illusion of multiple camera coverage because we can zoom in zoom out. (DEMONSTRATION) If you care to see more, we can continue with that, but I think that should you give you a flavor for what this camera can do in this kind of setting.

You didn't destroy your case, you just damaged it mildly.

Turner:

Well, then I'm doing a lot better than I thought. Very good. I should point out too that one of the advantages of this camera is that we do not have to go through that cumbersome reloading process. Number one there is no tape within the housing of that camera. That is in a separate tape recorder which is situated outside the courtroom. Only an umbilical cord, which can be strung outside, is the only piece of equipment actually, in addition to the camera and the tripod, that need be in the courtroom. The picture is actually funneled into a box called a video distribution amplifier. That is the device into which various stations can plug their tape recorders. In the event there is only one tape recorder, of course, duds can be made for other stations. So on two fronts there we are able to distribute the same image from the one camera to many stations. Once

again I think the selling points of this camera are very evident. The only really moving piece of equipment on that camera is the zoomer lens. Russ, if you could operate that, I think you'll hear that it is virtually noiseless as well. It does not need to be blimped, as that curious term we heard this morning. No covering need be put on it. Interesting that you are able to see Judge Segell's courtroom this morning. We were up there with a camera such as this last Thursday and Bill Juntunen and I did a test there. Bill, I think it's fair to say that in a pinch we could have used the footage on the air, but it would have been marginal or less. It's right on the border.

Juntunen: Right. Our camera is a bit more sensitive than the other one that was up there this morning, and we can gain probably twice the light equivalent by using this particular camera here. In our test it was marginal, but it was airable. Of course, with minor modifications, maybe even clean the light bulbs, we could have increased the light.

Turner: I will do my best to answer any questions you might have and, as I say, defer the technical ones over to Bill Juntunen and Gordie Bartusch.

Pillsbury: Are you going to describe or show to us the equipment, the monitoring equipment, you have outside?

Turner: Yes, indeed. We would probably have to go out there since some of it is in a stationary setting.

Pillsbury: I don't have the right time for it, but when do you propose to do it?

Turner: Perhaps at the next recess, Paul, would that be appropriate or now?

Hannah: Why don't we do it right now?

Turner: All right. Fine. Very good. (DEMONSTRATION)

Beckmann: Stan, why don't we just move the group down here. This is as close as we are going to get.

Turner: All right. Mr. Pillsbury, your question was there has been a concern among some court officials and jurors that they are often times confronted with this particular technical setting, and I think the implication is it may be a bit non-plussed or intimidated by it as they come into the courtroom. In response to that I would

Pillsbury: It's not totally that. I don't know all the circumstances, but I gather that there are some cases where a witness, for one reason or other, is not wanted in the courtroom until he is to testify and this, in a sense, gives him a preview of what either the judge or parties did not want him to witness. I'm not sufficiently familiar with all legal proceedings to know when that would be, but that's the impression

I got (INAUDIBLE).

Turner:

That's certainly an understandable concern and the way we respond to that is this way. We would not, under normal circumstances, were we granted a trial period or permanent experimental period, have this equipment in this setting. It would be removed to a room so allocated or made available, perhaps a jury room or an anteroom of some kind where this would be totally out of the way. I should tell you that in the setting of the Minnesota Supreme Court it is our plan to actually house all of this equipment in the press room in the subbasement of the Capitol, so it would be far, far removed. There is no reason why reporters and editors cannot operate just as effectively in a setting away from the courtroom as they can out here. So, again, the direct answer is we would not have this equipment here, it would be virtually out of sight of the public and any participants to the trial.

Hannah:

Stan, is it true, for example, he has a small monitor now that he's using to check the integrity of the picture, but that monitor isn't giving you any sound is it?

Turner:

No, it's not. The sound can be monitored by a headphone which this gentleman is working right here, so you would hear no audio. No one would.

But, again, I would stress that this equipment would not be in this setting. It would not be in a public corridor, it would be out of the way, presumably in a room that is cornered off and the door is closed.

Beckmann: What you have here, in essence, is there are two or three reporters covering the story inside this courtroom out here. The man sitting there is a reporter, and he is covering the story in there from out here. Were this to be a permanent arrangement, there would only be conceivably those two extra people in the courtroom -- the still photographer and the television photographer -- the reporters could, and probably would, opt to cover the story from outside of the courtroom.

Pillsbury: Have you any further questions?

Beckmann: Another point which might be made. The silver box on the floor is pooling the audio from the floor microphones which have been set out in the courtroom and that audio, therefore, is running into each of the television pictures. There are two distribution boxes -- the one on the bench is video, the one on the floor is audio.

Ahmann: Could you give me the number of pieces that would actually be (INAUDIBLE),
I'm sure it's not all.

Turner: Bill, perhaps you could.

Juntunen: Aside from each recorder's tape deck.

Turner: Would you point out the tape deck, Bill?

Juntunen: Like this, or this. Those are the individual units that each station would use to record the proceedings. There would be a monitor, distribution amplifier for the video and a multibox that's basically the distribution point for the audio and probably some sort of power supply. That's about the size of it and, if we were to set up in any way that was more permanent or a recurring nature, we could consolidate this into one nice little cart and avoid a lot of this.

Turner: Bill, is it also not true that as newer and newer models come forth of all this equipment -- the camera, the amplifiers, the tape recorders -- they are getting smaller and smaller. They're only going smaller. Eventually we will have a camera probably half the size of what you see in the courtroom now.

Kaner: And as you have indicated, there would be some kind of a carrier maybe that would just combine all these units.

Juntunen: That could be done now if it happened more often. Just a little cart, some kind of a small control unit, compact thing.

Hannah: In other words, we are still learning (INAUDIBLE) too. This is the first step we have ever had to, other than the Supreme Court experience, actually put this kind of technology together and figure out where it's going so that the technicians can make use of it. So we are, in a sense, learning.

Pillsbury: Any further questions. Okay, we'll go back.
Any further questions. Any questions that anybody would like to ask.

Beckmann: Mr. Pillsbury, I think it might be worthwhile pointing out that the setup in this room today is extraordinary because of the circumstances of this Commission hearing. Were this to be a trial setting every effort would be made to use the audio system that exists in the courtroom, and there would be far fewer wires on the floor and people in the room. This is a hybrid situation today and tomorrow as we demonstrate to you what will go on.

Pillsbury: Would that equipment on that desk back there be there?

Beckmann: That would be outside too. The reason he's in here he's controlling the audio level on all of these microphones. For him it is better to have eye contact with you and when you are talking so that he can arrive to gain to give us the good record. But that process also can be done, and would be done,

outside of the courtroom, especially if we were using an existing sound system where the volumes are set. So that also is hybrid in the sense that it wouldn't be here.

Segell: May I comment on this.

Pillsbury: Yes.

Segell: I thought, Mr. Beckmann, that you had concluded, when you were in my courtroom last week, that you could not hook into our sound system.

Beckmann: It's adequate but we could. We would come to you, were we to have some permission to cover court cases in your courtroom, and offer to use that, if we have to, or with your permission, we would put microphones in as we now do in which case we would have the wires. Sound systems vary from courtroom to courtroom.

Hannah: Actually the proposed guidelines state that, if it's not technically feasible to use the courtroom system for that reason, the media may place another system in the courtroom, as long as the microphone and wires are not set in some manner that would disturb the process of the hearing. So that you would end up in this courtroom if it had no system and we were actually doing a trial with the microphone at the judge's bench, the microphone at the witness stand and probably

with one microphone at counsel table which lawyers would use, which, as you could tell, would probably have three wires with one lead going out to the master control. But the proposed guidelines do take into account the fact that there may be several courtrooms that have no audio system at all. Those that don't have one that would be helpful, we could bring in a system as long as it's unobtrusive.

Segell: Even those courtrooms that do have audio systems, do not have microphones at any place except in the witness and at the judge's bench. None of them have microphones at counsel table, and that points up a problem that Mr. Pillsbury pointed out this morning. When counsel confer at counsel table, the matter of whether the commercial television tape is going to be cut off or it's going to be recorded is a problem that I don't know how you resolve because you can't stop the trial at each point when counsel want to confer at counsel table and say we want these microphones off at this point.

Hannah: All microphones that are used in a trial, at least in the states that now have systems, have on and off switches. In Hennepin County, for example, the building is quite new, there are jacks for microphones at counsel table as well. The problem

is very easily handled because there is also a difficulty and that is the rules specifically provide, the guidelines that we prepared, that number one we will take no tape of counsel to counsel or counsel to witness-client or counsel to judge, if there is a discussion to be held outside of the ears of the jury. So those microphones simply have to be provided with a switch so that counsel and the court can, without much difficulty, remove them from the system by turning them off until their bench conference is completed. That's not a real technological problem. I would think tomorrow, at least, you will be hearing from Mr. Durenberger on the audio portion and I think he will lead you to believe that there really isn't a great deal of difficulty in either sprucing up audio systems or creating audio systems that don't look quite such as this and this was simply because there was very little time.

Segell: So what you are saying, Paul, is that both counsel and the judge have to remember to turn their switches.

Hannah: They do have to remember when they are on and when they are off, that's true.

Pillsbury: Does that go for both audio and visual?

Hannah: I don't know if the visual would make any difference. The impact on counsel's conferences is that you don't want those people who may have something to pass on that isn't public to have to do it public. (INAUDIBLE).

Pillsbury: Do the rules cover video or just audio?

Hannah: Just audio.

Kaner: Was it your concern that, Judge Segell, when counsel confer at the bench, and everyone is much interested in having none of those proceedings made of record or known in any way, that there would be some real problem with that?

Segell: Yes, unless we, as technical directors, turn our switches all the time.

Fitzgerald: Even more important how about counsel conferring with his client at the bench, I mean, at the counsel table in a criminal case?

Hannah: That's provided for, Judge.

Fitzgerald: Yeah, with him turning it off.

Hannah: That's right.

Fitzgerald: Here he is in the middle of a tough criminal trial. He has his hands full trying to defend this guy, and he is supposed to remember to turn his

switch off. I forget my name when I'm trying a case and, I don't know, it's a practical point which is awfully important because you're suppose to be able to talk to your client without everybody and his brother sitting in on it. I don't know. It's something that has to be dealt with in this matter.

Hannah: We have one more thing, I realized. At one point Mr. Pillsbury, you requested that we provide you with a description for the record of the video portion of the technical coverage. Would you like to do that now? (INAUDIBLE)

Juntunen: This camera here is a video electronic.

Pillsbury: Maybe we'd better swear him in, all right?

(MR. JUNTENEN SWORN IN).

Pillsbury: What is his name? Counsel, what is his name?

Juntunen: The camera we're using for the purposes of the pool camera is a video camera --technically, it's a Sony DVP 330. Of course, with that is a tripod and a length of cable that runs to a distribution amplifier where we can pick up various video feed for the reporters and cameraman that come from the media. With that the lights, now those would be part of the regular courtroom scene. Excuse me, only the camera would be. The distribution amplifier and the monitor, which is with the amplifier, that would be part of the feed. The parts that are

not included for demonstration purposes only are the tape recorder, video cassette tape recorder, monitor in the courtroom and the lights, of course, would not be a part of the normal situation. There is a power supply outside, I think I mentioned, that goes with either a camera or tape recorder. A very small little box -- AC adapter to 12 volts. That's the extent of the equipment necessary to do the video pool feed.

Pillsbury: Any questions? All right.

Hannah: Our next witness will be Mr. Wayne Ludkey, who is presently the news director of KTTC-TV in Rochester. Mr. Ludkey has also been a reporter and has held, I believe, he was an assistant news director in Wisconsin, and will be able to give you an idea of his experiences in that state. (END OF TAPE).

Ludkey: Good afternoon. My purpose here is two-fold. Number one to relate some of the experiences I have had in Wisconsin. Also to talk to you as a news director from an out-state television station. I participated in cameras in the courtroom in Wisconsin since the practice was instituted as a one year experiment on April 1, 1978. Prior to the beginning of the experiment, I was asked to localize television's role in the courtroom for Wisconsin's Sixteenth Judicial District. With the help of the District

judges I clarified and determined camera placement, what could be recorded, when camera operators could leave proceedings and whether broadcast equipment could be patched into existing audio systems. Once the experiment had begun, I held a clinic for my television news staff and detailed in writing the courtroom procedure for the other stations in the market. Upon moving to Green Bay, some four months later, the experiment was in full swing and everyone there seemed well aware of the dos and don'ts of cameras in the courtroom. I can recall no difficulties with judges and lawyers in our viewing area. A designated media coordinator kept things regulated as far as who would pool the camera, how many stations would attend, who was to bring the audio and video pool boxes, etc. Stations wanting in on a trial normally let the media coordinator know at least one day in advance of the trial. Sometimes notice was given weeks in advance if you knew that a particular trial was going to start on a certain date. The media coordinator is a news person mutually agreed upon by participating news organizations to act as a liaison between the media and the judges. The designated media coordinator is required under the Wisconsin Supreme Court guidelines. The most courtroom coverage I have been associated with has been orchestrated in a similar fashion. The camera is positioned behind the public access bar very

similar to where that camera is. In most cases the courtroom audio system was not compatible with our TV or radio station equipment, so in that case we had to string microphones many times one to the witness box, between the witness and the judge so we could pick up either person. Usually in Wisconsin, this courtroom is a little smaller than what we dealt with, there was a table for the defense and a table for the prosecution and, depending upon who was presenting their case, you normally put a microphone there. You may also have stuck a microphone over here so that, if an attorney was talking to the jury, you would pick up his remarks. Participating stations then hooked their audio and video recorders into these pool boxes. You saw what those are like out in the hallway. In Wisconsin, in the places that I was associated with reporters toed their own video recorders, video and audio recorders, and they sat in a line alongside the cameraman. Each reporter was responsible for turning it on and off for whatever particular statement he wanted.

Pillsbury: Just for clarification. You're talking about the TV reporters. So that while it was available to all television stations under the pooling arrangement, one reporter could just turn his off if he wasn't particularly interested in some portion of the testimony.

Ludkey: Right. You have one camera, but you may have had three or four reporters with recorders.

Pillsbury: And they were right there in the room.

Ludkey: Rather than covering an entire event, as we are today through its entirety, they would stop it and start their tape as a timesaver. There are many times when you don't need it rolling. Example, attorneys walking around or the judges conferences or something like that. You don't need to record that, you couldn't record it anyway, so why turn it on. The following are some examples of courtroom stories that I have either done or assigned others to do with a camera -- Judge profiles, murders, rapes, kidnappings, robberies, arsons, shopping center construction injunctions, preliminary hearings, initial appearances, examination of divorce laws and child abuse. Now all these stories required a reporter to be in the courtroom, if a camera had not been available to go in there, only a newspaper reporter would have had the tools of his trade -- that being a notebook and a pen. The stories that I have covered or assigned with cameras in the courtroom were not covered solely on the basis of being allowed in the judicial chamber with a camera. They were stories that would have been covered just because of their newsworthiness and value to the public. There were

times when a reporter was sent to a court proceeding without a camera. These situations usually involved continuances, motion hearings or brief scheduling appearances that presented merely scheduling information for the parties involved in the suit. The bringing of cameras into the courtrooms in Rochester were, for the most part, to educate, I feel, the public who have not attended or cannot attend judicial proceedings for one reason or another. Television news is the eye of the public and it has, since its inception, kept the public aware of community, state, national and international news. The public expects TV to be on the scene of important events and a trial should be no different. The 1980 Rope Organization study recently completed surveyed 2,000 people and it found 64% of those people rely on television for their news, 44% turn to newspapers and 18% to radio. Now I think it would be a disservice to deny this section of society the type of news coverage they are accustomed to getting from any other public event. A court proceeding can be as much of a learning experience as a County Board meeting where the public may learn of a new law set by governmental body. It is constantly reminded of the right and wrongs as accepted by society in a courtroom. Each judge's verdict is a lesson to everyone who might be watching a trial in the courtroom or on television. The public

would also be able to visualize the events of the trial in their correct order from attorneys' opening remarks to the questioning of witnesses, to judge's clarifying points of the law, to closing arguments, to summations, to the jury verdict. Television can make the public more aware of this nation's judicial process through television reporters who are better able to explain and show the importance of each segment of a court proceeding. There is some worry, by some, that a reporter could not possibly widdle down an eight hour proceeding to a two minute report on television. Considering the fact that entire city council meetings or county board meetings may last for an equal amount of time, few people complain if they see a minute or minute and a half of that on television, or has a newspaper article ever completely transcribed an entire proceeding. Journalists, either print or broadcast, are taught how to condense an event into a professional package of the most essential facts. A courtroom report is no different. The next part of my presentation, I guess, is stories that I have been associated with in Wisconsin and it will show how one day has been condensed to a two minute, one minute report, if you would like to see those.

Pillsbury: Are you going to do that at a later time?

Ludkey: No right now.

Pillsbury: Oh, I see. Excuse me, I see.

(DEMONSTRATION)

Ludkey: There are several stories on here, but because they are dubbed from the original stories some of the quality is a little poor, so I'm going to roll through some stories to get to others. This is a man who was convicted of killing his mother and father. He is being charged before a County Circuit judge. We will listen to this for a second. (DEMONSTRATION) Here the judge is being miked and I don't think we were able to get a microphone close enough to the judge.

Pillsbury: Did his call appear on television?

Ludkey: I believe the only reason this would have been saved was the fact yes it did. We'll move onto another. I will show you an entire report.

Kaner: Was that actually shown on the television what you just showed us or is that just tape that you took?

Ludkey: This was shown.

Kaner: Shown on news television.

Ludkey: Yes. I don't know what this is. This is not something that I myself was associated with. This

is something that occurred since I have left Green Bay. What I did was call Green Bay and asked them to send me some courtroom stories and they sent me this one. This goes on a little bit longer. You can see as we roll through here, for some reason this one did not have any audio on it, as far as a reporter audio. This is the video of the story that was laid down without the reporter's voice. I don't know why they sent me this one, but as you can see the courtrooms there are a little larger. (DEMONSTRATION) This is the same man you first saw. Would you like to see another one? (DEMONSTRATION) There are several other stories on there. I can make this tape available to you, if you would like to view it later. Do you have any other questions?

Pillsbury: Are there any questions from the Commission?

Kaner: I think we are particularly interested in your experience in Wisconsin because that is a neighboring state. You heard the judges indicate some question about, for example, what happens between lawyers in the court, lawyers and their clients and so on. What was your experience with those items?

Ludkey: Our experience was that it was clearly understood by everybody that was covering a trial that that would not be recorded. It was a matter of not the

attorneys or the judges remembering to turn their mikes off or on, it was up to the reporter not to turn his recorder on. I never experienced a violation of that.

Pillsbury: Judge Fitzgerald.

Fitzgerald: I wonder is it your statement that that one shot that you had or that one trial that you covered, involving the fellow who allegedly shot his mother and his father, was all of that, did you show us

Ludkey: He was convicted.

Fitzgerald: All of that was on the news report. In other words, it is something to take the pictures, it is another thing to show it on a newscast, the ten o'clock news or whatever. Was all of that

Ludkey: The first one.

Fitzgerald: Yeah, that first one that you showed us.

Ludkey: As I explained before, I am not aware of how much of that was aired. I wasn't in Green Bay then.

Fitzgerald: That wasn't the Green Bay one, that was the Manitoa one.

Ludkey: It was covered by Green Bay television stations.

Pillsbury: Are there any other questions?

Ludkey: Thank you.

Pillsbury: Thank you.

Hannah: Our next witness will be Bob Jordan, who is presently the news director at KSTP-TV. He will be testifying regarding certain experiences he had while in Florida, which has, as the Commission knows, has allowed broadcast coverage in the courtrooms for several years and will also discuss possible coverage here in the Twin Cities.

(MR. JORDAN SWORN IN).

Jordan: I find it interesting, just sitting back there, I was watching the judges here to my left and members of the Commission, and if I am reminded of anything regarding my Florida, it is, in fact, how unobtrusive the presence of television cameras in the courtroom might be. As Mr. Ludkey before me was saying and as you watch the videotape from his Wisconsin station on the monitor, not one person looked back at the video camera and not one person looked back to take a look at the still photographer who is in the courtroom. I think, if anything, if I have one sum total little gem to pass along from the experience I had in Florida, it is that the novelty of the presence of television cameras in a courtroom wears off extremely quickly. We live in an age of television. There probably was a time, not so many years ago, when the presence of these microphones on the desk here would have

been a cause for wonderment and perhaps one would have argued that they were obtrusive and made witnesses or jurors nervous or perhaps even enticed a judge or a skilled attorney as an order to be flamboyant. Well, that's not the case and my personal experience with television cameras in the courtroom in Florida is exactly the same. I am a native of Minnesota. I was born and raised here. I am happy to be back and I hope by appearing here today I can play some small token in helping bring cameras to our courtrooms here. I went to Florida about five years ago. I was there when the experiment began and, as you all have been told prior to my appearing here today, it continues to this date. I think Stan demonstrated, and I think you all have demonstrated to one another, if not to yourself, that our equipment is unobtrusive. As a matter of fact, if this were a trial, as has been pointed out, you would not have all these cords draped on the floor. We would not have auxiliary lighting standing in the corners and we would not be here paying attention to the fact that there are cameras in the courtroom. We would be here to listen to arguments. We would be here to listen to testimony of witnesses and not to pay any attention to cameras. A study was done, as I think passing mention has been made in this room today, to a follow-up study that was done after

Florida's initial one year experiment. I think even members of the Florida Supreme Court were somewhat reluctant when they approved the one year experiment in Florida courtrooms. I think everybody pretty much agreed that television cameras were unobtrusive because they are now silent and we don't require fancy lighting as used to be the case. I think when the experiment began, and perhaps to a much smaller degree even to this day, there is still some concern over what the impact of cameras in the courtroom is on the minds of people who are in the courtroom who are required to be here. Well, I can only speak of my own experience. I can say that first of all, the Florida experience, as was later a poll was done of witnesses and jurors, and it was determined that the presence of cameras in the courtroom had no major impact on anyone's thought process. That, in fact, the novelty of a camera in the courtroom disappeared quite quickly. I can say, as a matter of fact, if we had an artist back there with a sketch pad and a pen in hand making noises and flipping pages, first of all, you all would want to see I wonder what he is drawing and, secondly, do I look like to him what I think I look like to me. So I think the equipment we have nowadays is actually less obtrusive than what we used to be forced to go into a courtroom with. Judge Segell, I am sure you have seen this happen before outside

your courtroom and that is this mob scene of reporters and cameramen trying to extract a little sound bite for the 6 o'clock news from an attorney or perhaps a trial judge or perhaps a witness. That is certainly not the kind of an atmosphere we like to work in. We would much rather have the liberty of being in the courtroom and reporting every word and every movement and then going back to our television stations or back to the newspaper and extracting in a rational and calm manner what was actually said that day. I don't think you would see the mob scene outside courtrooms that you currently see. I heard it argued that attorneys when they know they're on camera become flamboyant and the judges sometimes want to pontificate. Well, the experience we had in Florida was that the flamboyant lawyers are flamboyant when the cameras are in the courtroom, as they are when the cameras are not. If anything, I think the presence of a television camera in a courtroom forces people to be on their toes. People tend to choose their words more carefully. I think the point of jurors, and we talked to many jurors who served on trials in Orlando, was that when they saw a television camera in the courtroom, if they had any gut reaction to the presence, it was that the trial that they had been asked to be a juror for was important and they took their job as jurors more seriously. I

will have to go back and stress again that the presence of the camera is something that people forget about very quickly. I am sure I will be asked what kind of trials did we cover. I will get the obvious out of the way first -- sex and murder. Even before television, even before radio those kinds of crimes are the crimes in which people have the most interest. They are by their very nature sensational. I don't mean to suggest or infer that it is our right or obligation to sensationalize what is already sensational -- that is not the truth, but we do cover the sex and murder cases. The ones that you have probably heard about up here in Minnesota because they were carried in the network were two very important trials. First of all, the trial of Ronnie Zumora. A 15 year old boy who was accused and then convicted of murdering his 83 year old neighbor. His defense attorney made the argument that he was innocent by reason of insanity, and that he was insane by reason of television intoxication. It was, in fact, the first trial we covered in Florida of any repute and there was the ironic twist that television was the defense for the accused man.

Pillsbury: Could I just ask a question?

Jordan: Yes, sir.

Pillsbury: Your position here is news director. What was your capacity when you were in Florida?

Jordan: I was news director as well in Florida at the ABC station in Orlando.

Pillsbury: You were not actually in the courtroom yourself.

Jordan: I had occasion, however, to go into the courtroom myself, especially the next one, Ted Bundy, alleged mass murderer convicted in Florida of killing FSU co-eds at the Chi Omega House. I think both of these trials, especially the Zumora trial which had such widespread media attention, proved two things to me. First of all, as television stations responsibly cover a trial day-to-day, the sensational testimony, while it is not lost upon our viewer, is certainly put into the perspective of the rest of the chain of evidence that is presented in the courtroom -- the other arguments that are made, the other legal motions that are made and dismissed. That the sensational somehow becomes more relevant to the actual trial. Secondly, it was living proof, and we all sighed a great breath of relief, that an army, if you will, of reporters can cooperate under the pooling arrangements that the State of Florida had left for us. In the case of Zumora, there were at least sixty reporters and in the Bundy trial in Miami certainly as many. Both of these trials were carried live, gavel-to-gavel as it were, or, if not live, on the delayed basis on the public broadcast stations and

reporters from all over Florida and all over the country covered both these trials and went back to their respective hometowns and boiled down, as we have heard, the eight hours of testimony into the salient and germane two to two and a half minutes for the nightly news. I think, as a matter of fact, that cameras in the courtroom, and I eluded to this earlier, makes it easier for us to be accurate in our coverage of what is said in a courtroom. In the past we couldn't even bring in a tape recorder to record testimony. As a result, we, as members of this society, had to depend on the memory and good faith of a reporter to accurately recount what has happened, but the technology that we have now allows us to record everything verbatim. I think we are less apt, as a result, to have a reporter's interpretation of someone's testimony rather we have that person's testimony verbatim on camera for everybody to see. You are probably worried too, Judge Segell, as I am sure, that massive publicity, as I have heard it described, of a "sensational case" bogs down the judicial system, and that it increases the chances for a change of venue. We have found in Florida that that was not the case. We had a very, very highly publicized crime in Orlando, shortly before I came to Minnesota in June, in which the chairman of the Orange County Commission, a man by the name of Ed Mason, was accused of murdering his wife. They were estranged at the time. He drove

to her apartment, pulled out a gun. He was charged with doing and shooting and killing her. This man was the top elected official in Orange County, Florida. His crime, charges that were leveled against him, received as wide a coverage as could be expected under the circumstances. But, despite that, the judge hearing the case refused his request for a change of venue. I think that probably hits home an earlier point that television is so pervasive in our society that it is something we have all grown up with and are used to. One other point, and this one's probably difficult, if not impossible to prove, but I think our viewers developed, after a couple years of coverage in the courtrooms, a greater understanding for the legal process. It's difficult for me to place a value on that, but it certainly wasn't harmful. In addition to those sex and murder cases that everybody will talk about, we covered matters that otherwise might be considered mundane and might otherwise also go undercovered. We had, for example, a case of a game preserve near Orlando called Tosahatchee. The State of Florida had one idea on what should be done with that game preserve and Orange County, Florida had another idea. Now, under any other circumstance, the only people who would have cared probably would have been a few lawyers and the deer hunters. It was a question that really went to the heart of who controls this game preserve --

the State of Florida or the people of Orange County, Florida. The arguments that were made in court would probably never have been heard and I think there was some value in that. We had a case where a sheriff in a nearby county, Ravard County, Florida, was accused of election law violations. Very splashy accusations. A former assistant of his then went to work for the democractic governor of Florida. This man was an independent, and it was supposed that this was nothing but political operation, but the accusation caused the governor of the State of Florida to suspend this sheriff, and the man's repuation, in my view, was certainly harmed by the charges that had been leveled against him. The initial charges that were leveled were widely reported and I am proud to say that, as the trial continued and as the man was eventually exonerated, the television news coverage, I think, gave the man an equal shot in having everybody know that he was innocent of the charges that have been leveled against him. I can only wonder what would have happened had we not had cameras in the courtroom. We had a sheriff who was accused of election law violations by a former aide in a very splashy manner. I wonder how many of the people in the media would have followed that through to its conclusion and reported with equal vigor that the man was innocent.

Other kinds of stories that we have covered. This is strictly mundane and boring to anybody else, but I will recount it just the same --bond validations. I doubt that half the people in this room even know what bond validation means, but in a high growth area of the sun belt where they are borrowing money from future generations to build civic centers and airports and what have you, bond validation became a very serious matter to the taxpayers of that county. I wonder how many people have been in small claims court or even know that they have, as a matter of recourse to some disputes between people, that avenue of going into small claims court. Our cameras went into small claims court. Labor disputes that were, in the past perhaps not covered all that widely, covered as they went into court as one side would seek an injunction against the other. I would like to leave you with, if nothing else, the fact that we went into court to cover stories that were newsworthy. We came out with what we honestly believed to be more accurate and balanced reports. That as a result of that justice was served and that we also served our own purpose and that is informing our audience. I would be happy to answer any questions you might have.

Kaner:

The situation in Florida now, is it still in an experimental stage?

Jordan: No, the experiment was deemed to be a success and the media now has permanent access.

Kaner: There's been a rule of court now which allows the TV coverage in the courtroom.

Jordan: The Florida Supreme Court which initiated the experiment, then branded it a success.

Kaner: How long did the experiment continue?

Jordan: It started for an initial period of one year and then was extended for another year before being made permanent. I may be wrong, in fact, on that, but the experiment was extended. I know of no case, by the way, of any of the pooling arrangements running amuck or anybody violating the guidelines. I think everybody knew what we had and everybody shuttered at the thought of losing the access to the courtroom. (END OF TAPE).

Pillsbury: Did you just say, are you implying, that to the best of your knowledge in what you observed there was no, I guess a good word is, friction between the media and the presiding judge?

Jordan: None. None from my personal experience. I am sure there must have been one or two cases, but none I heard of.

Segell: Did you not see the cartoon that appeared in one of the Florida papers concerning Judge Sholts' trying the

Herman case?

Jordan: No, I did not.

Segell: Okay. We will have that before the Commission. We will have that report of Judge Sholts. In fact Judge Sholts will be here to describe his experiences with the media.

Kaner: He is a Florida judge, is he?

Segell: He is a Florida Circuit Court judge, yes. He has been involved in several major trials in the area that he is in which is West Palm Beach, Florida. He wrote a detailed report concerning the trial of Mark Herman, which was also a murder case, and in his report he has a cartoon, which I would especially commend to your attention, as to how the media treated this judge when he found it necessary to refuse to have cameras covering certain witnesses. But he will also describe for you some of the incidents that he has had which have gone to the Court of Appeal and have gone to the Supreme Court of Florida.

Fitzgerald: One question.

Pillsbury: That's Fitzgerald. Just repeating the name so they know who it is.

Fitzgerald: Do you know of any instances there in those Florida cases where a judge sequestered the witnesses and

a problem arose because a witness testified that some of the witnesses who were sequestered had occasion to see or hear some of the testimony that that witness had testified to.

Jordan: Yes.

Fitzgerald: You understand what I am talking about?

Jordan: Yes, I certainly do. That happened during the Bundy trial as a matter of fact.

Fitzgerald: How did they work that out?

Jordan: I don't recall. It certainly had no impact on the finding of guilt regarding Mr. Bundy. Whether or not that will probably be the basis of an endless string of appeals for him. You reminded me to comment on one other thing. It's a legitimate concern of those who are gathered here today to wonder what kind of people we would not take pictures of and not put on television. I can tell you from my personal experience that rape victims were not put on television, children were not put on television as they testified in criminal matters. We also did not identify undercover narcotics agents by showing their pictures.

Pillsbury: Are these as a result of rules or guidelines or your own judgments?

Jordan: Our own judgments. It isn't, I believe, in the

State of Florida illegal to publicize the name of rape victims, so that would be

Kaner: Well, you put on the pictures of defendants in criminal cases, of course.

Jordan: Yes sir, of course.

Kaner: What is your comment about one of these that we saw on the monitor here? It shows this defendant sitting in a courtroom and doing some things with his fingers while the charge is being read to him.

Jordan: Well, if he was doing something with his hands while the charges were actually being read to him, I would find nothing wrong with that. If, however, the photographer waited for the man to fidget and look nervous and then saw that as an occasion to try to say something else than what the man was actually saying, I would find fault. We are careful. Believe me we are careful in covering trials to let the words and pictures speak for themselves and not to sensationalize them, not to hype the story.

Kaner: Yeah, but didn't you think there was something strange about him showing the picture of the man twiddling his fingers at that crucial moment.

Jordan: I didn't personally see that. I was seated back there. However, I would say that as many people

as there are in this room there would be as many reactions to that shot.

Ahmann: Mr. Chairman, I have a question. You did bring up the case or the issue of change of venue. While you said that that wasn't prevalent or it hadn't occurred, was there any measurement done to determine to what extent that occurred after cameras were allowed in courtrooms and had that actually increased, stayed the same or decreased?

Jordan: I have no empirical data to answer that question with. My recollection is that there was no increase in requests for change of venue. Change of the venue granted that frequently to begin with. I don't think that television had any impact one way or another on that.

Segell: But must admit that judges have had to sequester juries.

Jordan: Certainly.

Segell: As a matter of fact, the co-defendant in the Mark Herman case, I believe, they had to sequester a jury and it cost the county \$11,000. That wasn't picked up by any TV station that I know of.

Jordan: I think there are all sorts of costs that society bears, and I think there is something to be benefited here by having media access in the courtrooms which

far outweighs an occasional \$11,000 fee.

Kaner: Let me ask you this. Were you personally present at some of these things where the cameras were in operation?

Jordan: Yes. I was, in fact, called to testify by an attorney for Mr. Bundy on a change of venue hearing.

Kaner: Were there some instances, for example, where it increased the duty and burdens of the trial judge, and he was called upon for rulings that happened when certain segments of the trial were being televised? Were there some rulings that the court was requested to make as to whether or not there should be a picture taken of those? Anything like that?

Jordan: Only rarely did an attorney object to the presence of cameras in the courtroom and I would say that, as the experiment wore on, it became, as we are sitting here now, no one is watching that camera. I think initially there was some resistance but very little toward the end.

Kaner: Now, for example, in one of these studies that we have listened to an attorney for a defendant objected violently when the camera pictured a courtroom scene in which the prosecutor placed a gun in the hands of the defendant and then that picture was run as a still picture. He claimed, of course, that was

very prejudicial to his client, which was obviously so.

Jordan: Did the jury see that picture?

Kaner: Apparently it was published in the newspaper. I suppose everybody saw it.

Jordan: If the jury was sequestered at the time, they perhaps did not. That would be legitimate in my view.

Kaner: Legitimate objection to the

Jordan: Well, no wait. I think it would be legitimate for a newspaper to run a picture of a defendant holding a gun or another witness holding a document or pointing to something, but you would have to judge it on a case-by-case basis. Perhaps that would be the most newsworthy point in the testimony of the entire day.

Hannah: And in point a fact the harm was done not by the newspaper running the picture, but by the prosecutor putting a gun in the hands of the defendant and the jury, whether or not they saw the picture in the paper, saw the prosecutor do it. That maybe is something that we tend to ignore -- that is the camera shows what the camera sees. The oldie decision that comes into play is what part of that picture is going to be put on TV but the camera picture itself can't be changed, so that if the prosecutor in that case committed what I think is an unconscionable

act for which there should have been a mistrial, is really not the fault of a newspaper man for putting the picture in the paper. On the other hand, this is just a question perhaps it goes back and relates to Judge Segell's question. Mr. Jordan, was there a lot of press interest in the Bundy trial irrespective of the fact that that case was being televised?

Jordan: Absolutely.

Hannah: In your experience in covering trials of this nature, depending on that sort of public interest, there could have been any number of requests to sequester witnesses or other defendants or the jury themselves, could there have been?

Jordan: That is true.

Pillsbury: Are you located now where the mike is able to pick up what you are saying?

Hannah: I'm all done. I didn't realize that.

Jordan: All I can say in parting is that it worked beautifully in Florida and I know of no reason why it cannot work equally well here to everyone's satisfaction.

Pillsbury: Are there any further questions? Ms. Ahmann, any further questions?

Ahman: No.

Jordan: Thank you very much.

Pillsbury: Thank you very much.

Hannah: Our next witness will be Mr. Chuck Biechlin who is the news director at WTCN-TV in Minneapolis. Mr. Biechlin was also involved in attempting to get some rights to experiment with cameras and broadcast technology in courtrooms on the West Coast and, I think, will probably describe a little bit of that experience to you.

(MR. BIECHLIN SWORN IN).

Biechlin: I guess I'm the first one to speak here, at least from those of us who are outsiders and there seem to be a lot of them lately, who hasn't had any personal experience with cameras in the courtroom, but, like Curtis, I have been working on the question a long time. I'm a relatively recent convert over the last five years to the idea of having cameras in the courtroom. Frankly, prior to that, anything I saw I didn't see where it would add or detract from the coverage we were giving whether or not we had cameras in the courtroom. The question that began to change my mind was the Patricia Hearst case. I was working in San Francisco at the time as the assistant news director of a television station there. Patricia Hearst was caught in the fall of 1975, I believe, and tried early in 1976. The situation we ran into was that the World Press descended on San Francisco, literally hundreds of them. We had all the national news organizations in this country.

We had the European press and you had, as well, the Communist block countries covering that trial. The courtroom wasn't much bigger than this one. Right away we found out we didn't have the facilities for even the minimal coverage we are allowed under the guidelines we are using now in Minnesota. There wasn't room for the artists, there wasn't room for the reporters. We did suggest that perhaps a television camera could be placed in the Federal Court and send the picture to the press room, which was several floors below, and allow those pictures to be used as a document of the trial, but not to be recorded and not to be broadcast, but at least to get the reporters out of the courtroom and out of the hallways around the courtroom. It's already been described here the kind of chaos that can occur when the press gets involved in a case of that sort. That idea was rejected by the then Attorney General and, frankly, I don't remember who it was. There were some changes of administration rather rapidly between 1972 and 1976. The trial went on. The Radio-Television News Directors Association in San Francisco spearheaded a move to arrange pooling arrangements and the rotation of artists between morning and afternoon sessions between the local stations, and the networks, and the national news magazines, and the wire services and the overseas press as well. There were some charges following

the trial. Again, I don't remember the specifics, but I remember that it occurred. Some of the news reports were misleading or inaccurate, but I would like to suggest that in a celebrated trial of that sort, if cameras were admitted to the courtroom, it is a strong likelihood that the kinds of misrepresentations that occurred would not have occurred just because there would have been an accurate record. People wouldn't be relying on hastily scribbled notes to run out call their editors and have the information transmitted through several hands before it gets into print or onto broadcast. I should say for our own station on the question of thirty seconds or ninety seconds, we were doing in those times anywhere from three to five to seven minutes a night on the Patricia Hearst trial. It was an important case because mind control was part of that. Was Patricia Hearst responsible for her actions or was she under such duress and stress from being kidnapped by terrorists that she wasn't held accountable? As you recall, she was convicted. I get up to Oregon and this question was advancing quite a bit farther in Oregon than it had in California. We didn't have any celebrated cases of that sort, but I did find myself on the Bar Press Broadcasters Committee arguing endlessly these questions of fair trial, free press. I think they are legitimate questions. They are certainly worth discussion and I am pleased to see that they are

being discussed here. We did finally have a case, however, of some national concern in Oregon and that was the Rideout marital rape trial -- very sensitive and certainly, by any definition, sensational case, one of great national interest. Certain trends in our society were being discussed in that trial. In that particular case it was much like the Patricia Hearst case in that the national press was there. I don't think we had any world press coming, but certainly had all the national news organizations -- the New York Times, the Washington Post, the wire services, the networks, the local stations, local press in Oregon. That was more of a sideshow in a circus, I think, than perhaps the Hearst trial was. We managed to get some control in the Hearst trial largely because the Federal building in San Francisco allowed that -- areas could be sealed, access could be restricted. In the case of the Rideout trial it was another one of those hallway circuses. Everybody was out in the hallway, only a few were in the courtroom and at every court break the press descended like sharks on all the witnesses and the attorneys to get that statement that they weren't getting out of the courtroom. I am talking about my colleagues primarily in broadcasting. To one point where the prosecutor objected strenuously that the jury had been tainted because they heard some of the press's questions out in the hallway. Again, there would have been

no need for hallway interviews. There would have been no need for that kind of circus if the kind of guidelines we are discussing here had been in effect in Oregon at that time. In the area of sensational cases, I want to bring up one other that none of you have heard of. It happened in Eugene, Oregon, I believe in 1978. A case in which a high school teacher had been accused of sexually molesting twelve of his female students. The trial was covered by television, print and radio. Afterwards the judge commended all concerned for their restraint and for the way they handled it. The names of the defendants were never given. The facts in the case were given in the press, but the names of the girls were never given, their privacy was protected. There were no admonishments before the fact to be restrained. There were no restrictions on anyone to cover that trial any differently than they would cover any other trial and, yet we were allowed to go in there, we did cover the trial and we didn't violate the privacy of those girls. Like Bob Jordan before me and the others, I am sure in our case at WTCN, we will be covering several trials quite a bit. Many of the changes in our society and many of the things that happen to affect our lives happen in civil courts and I see that as a real challenge and opportunity. I see a real challenge and opportunity in just being able to show how the judicial system works, because, frankly, I don't know.

My only experience with the judicial system was traffic court twelve years ago now, I think. I hope to maintain that record as well. That is all I have on the subject.

Pillsbury: In Oregon, this last trial you are mentioning, was that under court guidelines? Is Oregon a state that permits it in a trial court?

Biechlin: No, that trial was covered individually by each of the organizations involved without consulting the others or without consulting a court.

Pillsbury: But they did permit the television media in the courtroom?

Biechlin: To the same extent that any media is welcomed in an open courtroom now.

Pillsbury: I see, but not for television cameras.

Biechlin: Not for television cameras, no, but we could have used an artist and had the same impact.

Kaner: Are you familiar with the situation in California now?

Biechlin: Yes.

Kaner: Are they permitting TV cameras in the courtroom generally?

Biechlin: Yes, they are. They have a one year experiment, I believe, very similar to Florida's. The Carol Burnett case is one. I don't like to talk about it, because

the impact on our business, while I believe Carol Burnett deserved every penny she got, I hate to think that the kinds of cases that might come to us as a result of Carol Burnett.

Kaner: You indicate some interest in ordinary civil cases as well as the highly dramatic criminal cases, such as rape and murder and so on.

Biechlin: Yes, I think the case of any given temporary restraining order or any action that might occur in a strike -- the public employees strike here in Minnesota. There was some legal action that we would have covered to a certainty, if we had had access to the courtrooms when that was occurring.

Pillsbury: Judge Segell.

Segell: Are you suggesting that lawyer interviews in the halls would be eliminated by covering courtroom trials?

Biechlin: I'm not saying that they would be eliminated. I am saying that there would be much less need for them. We have two ways of going about our business. One is we can show what is actually happening and present that on the air or we can go outside that system and try to reconstruct what happened to the best of our ability. It is always the first choice to show what happened.

Segell: Well, lawyer interviews are just simply reconstruction. Often times they are an attempt to find out what's going to happen the next day, find out the reaction to a verdict, that sort of thing. That isn't going to stop, is it?

Biechlin: There's two aspects to that question. The first is what's going to happen the next day and the lawyer, I assume, would have some ulterior motive in telling me that. I don't believe lawyers, like the rest of us, reveal their competitive moves. The second is that it's clarifying at the end of a trial to ask a lawyer what happened here. How do you think the case was handled? From your standpoint, win or lose? That is clarifying, but in terms of showing the process, that is outside the process. It isn't talking about the process itself as it occurs.

Pillsbury: Any other questions? You'd like to have some, counsel.

Hannah: I have just a clarifying question. Mr. Biechlin, you mentioned the public employees strike. Did you have a reporter in the hallway in Ramsey County District Court on the day that an argument was had before one of the judges here on the restraining order?

Biechlin: I believe we did. I can't say for a fact that we did.

Hannah: Do you recollect that there was also coverage of the Supreme Court argument on the appeal of that order

and, I believe, that that Supreme Court argument was televised, wasn't it?

Biechlin: That's right.

Hannah: Did you have any need to interview any of the lawyers after the televised argument in the Supreme Court?

Biechlin: No.

Hannah: I don't have anything else.

Pillsbury: Are there any other questions? Thank you very much. We will have a recess for five minutes.

(RECESS)

I would just like to cover one mechanical item that we discussed a little at lunch. As you know, we have hearing times set up through the 21st of October. Chief Justice Sheran has indicated to us that he would like to have our report by November 15. We do feel that counsel and interested parties who are opposing should have an opportunity for briefs if they like. We thought that, if we gave you advance notice, even though the hearings may not end until that day, I think we have actually nothing scheduled on October 21 at the present time. It's sort of a time in case things go slower, so far we are going faster, so we are doing very well. But we would like to suggest that all those who wish to file briefs would be able to do so by

October 30, that's on a Friday. That will give you in the clear, if we're here on the 21st, it will give you almost two weeks. It seems to me that by that time you should be able to, if you know in advance that you're going to have the opportunity, if you want it, to file briefs. It will give you shall we say time for formative thinking, which we want ourselves. But does that sound satisfactory to all of you?

Hannah: Certainly.

Pillsbury: We are under a rather tight time schedule and it may be that we will be through early. We do have two witnesses, one of whom comes from out of town, set for the Thursday morning, October 20, but at the present time we have no witnesses beyond noon on the 20th. So that will be it in the absence of any objection. Fine. All right, do you want to proceed to the next witness?

Hannah: Our next witness will be Ms. Joyce Holm. She is the news director at KWLM-AM Radio in Willmar. She will be talking to you about anticipated court coverage by an out-state radio station.

(MS. HOLM STROOTMAN SWORN IN).

Strootman: This is the second time I have said I do in a week and a half. My name is Joyce Holm Strootman now. I got married just a week ago and Curtis, so con-

veniently, called me the day before my wedding and how could I say no to anything at that time.

Pillsbury: We will correct that in the record. Did you get her name, it's now Mrs.

Strootman: Mrs. Strootman. A good Dutch name, I guess.

Pillsbury: S-T-R-

Strootman: O-O-T-M-A-N.

Pillsbury: O-O-T-M-A-N. Thank you.

Strootman: As Paul mentioned, I am the news director. Our stations are KWLM-AM and KQIC-FM in Willmar. The city of Willmar, 100 miles to the west of the Twin Cities, a population of slightly under 16,000, much smaller and on a smaller scale than here in the Twin Cities. Our part of the state, largely rural in nature, and Willmar, the county seat, and the larger city in that area with St. Cloud to the east. The next thing in larger size before the Twin Cities. In our area, the situation is a little bit different in the fact that I think the people in the community are much more interested in what is going on in the community than they are in the Twin Cities. The interests they focus on, the news and happenings, is much more intense, and they follow situations sometimes more closely than followed here in the Twin Cities, and they also know the cast of characters much better than they

may in a metro area. It is not a situation where everybody knows everybody, but it's just about that way. Sometimes news hits the coffee tables in downtown Willmar before it hits the radio station or newspaper. If you can sit downtown for awhile, you may find out more than turning on the radio. The type of crime you may find in our area is also different than the metro area. It is of a much more routine nature -- burglaries, thefts, forgeries, bad checks, that type of thing. Our county hasn't had a murder for seven years, and our chances to cover that type of crime are going to be much fewer between than they are in this area. The reason I am pointing this out is the fact that coverage in out-state Minnesota of the courts, electronic coverage of the courts, is going to be much different than it is in the Twin Cities area. When there is a crime or happening that is considered newsworthy by people other than ourselves, such as a murder, you will find the coverage of the metro area moving in. Television stations, radio stations, newspapers may move in to cover a murder, but the day-to-day crime you'll find just the one local radio station, maybe a daily newspaper as in the case in Willmar, maybe only a weekly newspaper covering what is going on in the courts, the county courts or the district courts. I think this will lend a different atmosphere

to the courtroom and, of course, be on a much smaller scale. What is sometimes not covered by the media in a larger market, may be considered big news in a smaller market. Some examples that I can think of in the Willmar market are the abundance of forgeries or bad checks. This is a constant problem, not only law enforcement and the business community, but also to the people in that area and the cast of characters is constantly repeating itself. It is the same people over and over. I think that coverage of even something like this, showing what is actually going on in the courtroom, may lead to prevention of this type of occurrence. People write a check and they don't even realize that they are committing a crime, but, if maybe it is pointed out to them that they are, this may help in prevention of this type of occurrence. Also something that many local radio stations do every year is the Law Day. They invite judges, lawyers in. Most stations have a call-in talk show. On our station it's called "Open Mike" and we invite the county judges in, the district judges in and the lawyers to give free legal advice or talk about the judicial system. Why not instead go into the courtroom and show this to the people? Many people do not even know what is going on in a courtroom and, frankly, are intimidated by it and may not find out through the radio, the newspaper, possibly

television in our area. You could show them what is actually going on and possibly educate them, show them what they can do in the courts and what can occur in the courts. Another area of the legal system which has been touched on by many people is, of course, the civil courts. In our area often times there is more happening in the civil courts than there is in the criminal courts. A couple of examples that I can think of just recently in the past year that would have merited better coverage by allowing the electronic media and the newspapers to go in with still cameras are when a local credit union folded due to high interest rates, high cost of money, the credit union went under. This was, of course, a big concern to the customers of the credit union. They are inconvenienced by their money being tied up for a period of time, not being able to use it, and also scared that their money was all of a sudden going to disappear. This involved a civil hearing in district court and, I think, this would have merited better coverage and would have gotten better coverage if we could have gone in and used the sound of what was going on in the courtroom instead of reading a legal brief and trying to decipher those and translate those to the listening public. Another situation in the last two weeks that, I think, would have merited better coverage was a situation in a local school district. The school board had chosen to share a teacher with

another school district, reduce their costs and still provide this service to the students. The teacher objected to this. The teacher's union objected, so they took the school board to court. This involved two day long hearings and a lot of editing down, but I think the editing down would have been made easier if we could have had the sound of the teacher's explanations, the school board's explanation and the judge's questions. Let the public hear those things instead of taking copious notes and trying to decipher these to the listening public. This still is going to be decided in the future. Less media covering the courts, less staff and still try to do a good job in trying to service the public the way they should. I think that allowing myself as a news director, news reporter, on air newsperson, all in one, to go into the courtroom and tape what is going on, I think I can better explain to the listening public what is actually going on. I would welcome any questions on our situation, if you have any.

(END OF TAPE)

Pillsbury: Thank you.

Kaner: Yes, I have a question. Have you observed your local courtrooms there to determine how they would compare, for example, with this as to the facility for being taped?

Strootman: In our county, Kandiyohi County, our courthouse is

fairly new. The courtroom is very similar to this and has its own audio system. In fact, in the county court right now the judge, when he is having a county court trial whether it's a DWI or whatever, there are no clerks present. He tapes the whole proceeding because of the shortage of clerks, the shortage of personnel. He swears in the witnesses and it is handled completely by the judge. In the district court there is a clerk present to take over those duties. Now I can think of other courtrooms, a neighboring county, Renville County. Their courthouse is extremely old and the courtroom is immense and would, of course, mean that you would have to bring in some microphones and set up an audio system on your own, because there isn't anything like that available. It varies. Many of the courtrooms in our part of the state are extremely old, but then there are the exceptions -- Kandiyohi County, Meeker County -- has a new courthouse. But whereas Renville and Swift County extremely old courthouses may require some adaptations to that.

Kaner: Does your station have equipment roughly comparable to what we have seen here?

Strootman: We are a radio station and we have equipment comparable to what is in the back. We would have any type of

equipment that would be required to set up to cover a court case and also the facilities and the equipment, if there were a pooling arrangement, other radio stations in our area coming in to cover something. We would have the facilities and the equipment available to do that. I think that's true of most radio stations throughout out-state Minnesota. When called upon, they can provide the equipment and the facilities needed to set up a system and also provide for pooling. Some of the stations in our area are considerably smaller than even ours. Less personnel and things are on an even smaller scale than our station, but, if called upon, they could provide. Also there is a great deal of cooperation in our area between radio stations. We trade stories on a daily basis and we trade off covering things for each other. If something is going on in your city, in my city, I cover it and I feed other stations in our area. So just as there is cooperation in the metro area, you will find that sometimes the cooperation is even more so in the out-state because we are not in direct competition with each other. We are kind of all in the same boat and we help each other out.

Pillsbury: Did you say that the Kandiyohi courtroom has an audio system built into?

Strootman: Right. Microphones so that they can tape all proceedings if need be.

Pillsbury: Are there any other questions? Counsel, have you got any questions you'd like to ask? Thank you very much.

Hannah: For our next witness we would like to call Ms. Nancy Reid. She's a legal reporter at KDLH-TV in Duluth and can describe the station's use of access to the Wisconsin courtrooms located in Superior and give you an idea of some of her experiences.
(MS. REID SWORN IN).

Reid: For those of you who aren't familiar with Duluth, it does have an out-state flavor so some of the out-state things you have heard described do apply. On the other hand, there are three commercial television stations and one educational station, just as here in the Cities. It's kind of a blend of a small town and a big town, so your television coverage reflects that. In my experience I was allowed to cover a murder trial in Superior, Wisconsin, which is across the way from us. There were some differences in what's being proposed in Minnesota -- we do not use a pool method. The judge met with us beforehand and we agreed on the terms of it. He said that, as long as we set up our cameras beforehand, he'd allow as many cameras in as wished to do so. Two stations chose to cover it -- ours and another affiliate. We were required to set up beforehand and not interfere or come in late, that kind of thing. These were our agreements beforehand. Our station

chose to set up sound equipment and we miked it in two different places, one was the witness stand, a podium like this, the other was another podium that was used at times by the attorneys. It was right in front of the jury. So, in general, they wouldn't always use it and, when they didn't, our sound suffered and sometimes we didn't get a bite that we wanted, but that basically was our problem because it was found to be the least interfering in the trial to do it that way. That way also conversations between a judge, private conversations between the judge and attorneys were not jeopardized at all.

Pillsbury: There was no mike up by the judge.

Reid: No, it was right about where this is. Near the judge certainly, but more muffled discussions as there are sometimes.

Pillsbury: The judge made a ruling that came across.

Reid: Certainly, sure. Also private conversations between the attorney and his client were not heard. We didn't light the situation. We used the available light. It happened to be adequate, if it hadn't been that would have had to be discussed with the judge in advance so that it wouldn't have been distracting as well. During the trial, our station did cover it everyday. We did have comments from witnesses

included in our taping. We had comments from attorneys and each story was probably anywhere from one thirty to two minutes in length. I think in one instance it was longer, but, in general, it was around two minutes. As I said before, we didn't pool, so the other station did choose to use mikes, so there weren't a great array of mikes. It was an old fashioned small courtroom, but it seemed to work out fine for all purposes. After the trial, I had an opportunity to interview the judge on our public affairs program, which we have every Sunday. It's a half hour discussion type thing. I found that to be very enlightening in that my impressions and the judge's of the affect on the jury were pretty much identical. When the cameras were first in, there wasn't even much notice taken of them and certainly after five minutes into the proceedings, the jury was riveted on what was going on and who was speaking and the cameras did not seem to phase them at all. The judge was very satisfied with it and said that his ground rules that he laid down beforehand in chambers with us were followed to his satisfaction. Neither the witnesses nor the jury seemed to be affected by it, in his opinion. Are there any questions I could answer?

Kaner: Whose courtroom were you in?

Reid: Judge Arthur Soreli. You are familiar with him, I am sure. He is a (INAUDIBLE)spoken type person. I don't

think he would sugar coat it with me. If he thought we were in the way, he certainly would have said so.

Ahmann:

Mr. Chairman, I have a question. I noticed that you are the only one that has been designated as a legal reporter. We have been talking a great deal about education and the need for the community. A number of the witnesses have talked about the need for the community to better understand what goes on in the courtroom. In no time has anyone said that they were a professional or someone who is an expert in the legal field. Could you describe to us how you came by this title?

Reid:

I should clear this up. I am not an expert in legal proceedings anymore than any other reporter who has covered the beat. My boss, I think, called me that. I am the reporter at our station who covers police and legal proceedings and a lot of stations do that -- designate one person -- which does give you an amount of practical expertise, but as far as advanced graduate work in legal type things, I don't have that.

Kaner:

You're familiar with our courtrooms, of course, in Duluth. Do you consider that those would be adequate for these purposes?

Reid:

I do think so. We don't have the dark wood situation that we have here, which sometimes does interfere with lighting and makes extra lighting necessary. I do think that it could happen if the judges and

everyone cooperated.

Pillsbury: Did you have supplemental lighting in Superior?

Reid: No, we didn't need it. We had windows on one side and fluorescents, so that was adequate.

Pillsbury: Any further questions? Thank you.

Hannah: Our final witness of the day will be Mr. Reid Johnson who is presently the news director at WCCO-TV. He will generally be describing the anticipated court coverage which might occur by a major metropolitan television station.

(MR. JOHNSON SWORN IN).

Johnson: I am pleased to be able to appear before you this afternoon and, I guess, if I were to summarize what the main points that I am going to cover, would largely be what I feel the benefit of allowing cameras and microphones into the courtroom will allow to the media. If you can allow me a personal indulgence, I would like to start with a story. In 1972 I was a freshman at the University of Minnesota. I was just hired at WCCO in a part-time capacity and I had to delay the starting date of my hire because I was called to jury duty. I think that experience has helped me tremendously in my duties as a news director. I learned what the jury selection process is all about. I, for example, did not have any idea that there could be six people on a jury.

I was on a six member jury. I learned about attorneys. I learned that attorneys do not stand and shout and raise objections and meander about. I learned that attorneys do not haggle and badger witnesses until they confess or someone in the audience stands up to confess. I learned that the judge is not an obscure figure who mumbles sustained or overruled when asked to say something. I learned that a judge is really the watchful referee in a court process and I think the most important thing for me was learning that the court, the justice system, is not an intimidating or frightful experience. My conclusions came about through my own personal observations -- through seeing and hearing the four days of testimony in which I was a juror. We have talked about this before, but I don't think it can be stressed enough, that a significant benefit of cameras and microphones in the courtroom is the opportunity given the media to accurately portray and give a picture of what is happening in the courtroom. I think the media has done an inadequate job of contributing to the public's understanding of their court and I specifically mean their court. It is not a judge's court or the attorney's court or even the media's court --it is the people's court. We have done an inadequate job of conveying what is going on through our use of handwritten notes and hand drawn artwork. I think, as we have talked about

this very difficult process of editing, that there is a corollary point that should be drawn here. When I was a juror, I watched the full four days of the trial. As journalists, we have to condense and edit our observations. It is in that distillation process that the danger for not conveying the proper picture occurs. Yet the issue before us is really not whether or not we will condense six or eight hours of testimony into two minutes, the issue is what tools should we be allowed to use to ply our trade as journalists. There is no doubt in my mind that the use of the microphone and the camera will greatly enhance our ability to more accurately approach this difficult editing process. Instead of having only handwritten notes and crayon drawings, we will have the proceedings at our fingertips. We will be able to refer back to them and to use them for broadcast. We will not have to paraphrase, which at times can lead to misunderstanding. We will have the actual words of the lawyer or the judge or the witnesses involved. We will not confuse the understanding of the proceedings with uninteresting crayon drawings. We will have the actual videotape of the proceedings. I see these two points as being the two primary benefits of allowing cameras and microphones in the courtroom, allowing for a better understanding of the justice system and to more accurately allow

journalists to do their job. There are some other benefits which we really haven't touched upon and I would like to address those for a moment. This question of time to me is vital. Before becoming news director, I was producer of the 10 PM report and, without belaboring what a producer does, it is really like the architect of a news program. A producer decides in what order the stories go and how much time should be allotted to each story. As a producer, you make your judgments on a number of various criteria. Some journalistic and some which could be best described as how well a story fits television. There are some stories which do not fit television well. It is those stories which we, at times, short shrift. I think it is fair to say that a courtroom proceeding which has crayon drawings and relies on the reporter to summarize and really carry the tone of the piece, the story, is not very good television. As a result, a producer will, at times, reflect that that story should only get, let's say, a minute and a half. As a producer who has also been involved with national stories, I know that cases where television has been allowed in the courtroom, allows for a better understanding of the story, and is a better television story. It is in that regard that I think that allowing television cameras and microphones in the courtroom will also allow and really encourage

television producers to give more time to stories than they otherwise would have. I would think that that would be a significant advantage, both in the coverage of the areas that we have already talked about and in some other areas which I would like to discuss. I think one point that has to be made in terms of television and that is that our most precious resource is really the air time that we have. As a result of permitting cameras in the courts, I would expect the activities of the justice system would get more coverage. I think that's important. There is a tendency not to cover stories which are not good television. I think that allowing cameras and microphones into the courtroom will greatly expand our ability to cover these difficult stories. We will be able to cover some social issues. Last week in Hennepin Court there was an injunction to prevent the cutoff of AFDC funds. We covered that story with a researcher who went over to the proceeding, stayed the entire day and, at the end, filed a report which ended up in being about fifteen to twenty seconds on the 10 PM report that night. I have no doubt, and I talked about it with my assignment editor before coming over here this afternoon, that we would have sent a crew -- a television camera, a reporter -- to cover that story, which is an important story had we had the tools to do our job correctly. I am thinking of another business story.

One which the Arctic Enterprises, a major economic concern to a small Minnesota town, was going bankrupt. We really had no effective way of telling the people how that company, vital to their economy, was being reorganized. We attempted the best we could, but again, having cameras and microphones in that specific courtroom would have allowed us to do a much better job of reporting this business issue. We are not specifically talking about sex and murder cases. There is the social issues, business issues, environmental issues. Certainly, if Chief Justice Burger is correct, there is going to be more emphasis on small claims court. I think television, the media should be there. There's another different aspect of covering the court and that is dealing with stories that don't involve court proceedings, but they involve the justice system. I am thinking specifically now of the concern we have in Hennepin County where for the next two months civil trials will be suspended to allow us to catch up with the criminal trial calendar. It is very difficult for us to tell that story correctly. We have to show exteriors of buildings. We have to show interviews with people who are involved in the instance. But we are not allowed to show our audience and tell our viewers what is involved when criminal cases are moved up and civil cases are pushed back. What is a civil case? What is a criminal case? It will not only allow us to be able to do a better job

reporting court stories, but we will be able to do a better job reporting stories about the courts, about the justice system. Speaking strictly for my colleagues in the television industry, I don't think that it can be denied that television has an awesome responsibility. I think that as the cable industry grows and as people have more access to cable, there is going to be an even greater emphasis on television's really call to do a better job of informing the public. I think that through this communication vehicle the public's court must be better brought to the public's understanding. I don't believe the court should be an arena of mystery. I think that we contribute to that with the present way we report activities in the court. Really what brings me to this courtroom this afternoon is my responsibility as a journalist and as a citizen. I am concerned about my professional responsibility. I think you should know that, if we are able to enter into this arrangement, the staff at WCCO Television and, I am sure I speak for the others, would be fully informed of what the guidelines are. It would not be something that oh here, we're trying something new I think it would be taken very seriously. We are professionals, I think we have a tradition that demonstrates that. Beyond the journalistic aspects and it's the point I began with, as a citizen, I

think that bringing cameras and microphones into the court would allow us to provide a better and more accurate picture of the court system which serves us all. I would be happy to entertain questions.

Pillsbury: Do you have any questions?

Kaner: I have one question that I think goes to the heart of what you have been saying. Do you have any comment about the highly selective feature of what you folks will be putting on the air?

Johnson: In what fashion?

Kaner: The selective feature of what you would propose to put on the news stories. What parts of the trial you would be selecting that you say will educate the people generally?

Johnson: In terms of, I think, the education process will largely become, over time, seeing a number of different court proceedings -- business, social, criminal, civil. I think that will be beneficial. If you are speaking strictly is it the editing process?

Kaner: The editing process in a given case.

Johnson: The editing process in a given case. That is really our craft as journalists. That is what we are called upon to do in virtually every story that we encounter. Again, it is something that we are forced to do now.

We have to distill that information currently. It's not whether or not in the future we are going to do it. It's what tools we have to do it with and how judiciously we do it. I think our reputation shows that we are responsible. I think that logic in this case would speak to the fact that better tools would allow us to do a better job in that process.

Ahmann: The question put forth, or the statement you put forth, is that the tools can improve the accuracy. I think that's been stated here earlier in the day. To what extent do you require an education or some type of background before you assign reporters to cover the courts? What knowledge information do they have before they're assigned?

Johnson: We have an assignment system that is geared now a great deal towards researching stories before reporters go out on them. Over at my chair, I should have brought it with me, is a briefing pack on cameras in the courts that our researchers prepared for me before I went out. It was a document of about twelve articles on Florida, the Supreme Court decisions, the Wisconsin experience, some Minneapolis and St. Paul newspaper articles. That is kind of the ground step we go in on. Our reporters basically have to cover on an average of about a story a day. So there is a great press to learn a lot quickly, which is why in court proceedings

we usually tend to keep one reporter on the story from start to finish, which is why we spend such a great deal of our time researching stories before we put them on the air. I would like to also, if I could, tell you about the other end of it which is the editing process. We have an assignment editor whose basic responsibility it is for all of our editorial content. He in the morning makes decisions what we cover. Next the story comes back to the individual show producers, for example, the six o'clock producer then sees a reporter's script. That producer looks at that script and edits it for accuracy, for grammatical errors and for how well it tells the story. From there that script goes to the executive producer, who does basically the same backstop editing and, at that point, if it passes those two editorial tests, it's put on the air. That is kind of how we do that job.

Ahmann: As far as the reporter is concerned, then there really isn't any educational requirements before they come other than whatever you require of any of your journalists.

Johnson: That's right basically. Most of our reporters, as a rule, have about three to five years professional experience before coming to WCCO Television. There are exceptions to that case. We have one reporter

who was formerly the managing editor of the Minneapolis Star, but there is no formal education required in matters of law before they are assigned to cover a courtroom proceeding.

Pillsbury: Judge Segell.

Segell: Just wondered what it was about these blazing social and economic issues that you haven't covered up to now that would be so enhanced by a camera that you'd suddenly start covering them. You haven't covered those things in the courts up until now.

Johnson: Respectfully, we have covered them. We have not covered them and given the information as well or as effectively as I think we could by having cameras and microphones in the court. We covered the Arctic Enterprises bankruptcy hearing by going to, I believe, it's Thief River Falls and talking to the people there, talking to the individuals who were involved in the economic dispute and trying to get a sense from the courtroom. Again, with artwork and the statements of people after the proceedings, as to how the reorganization was going to occur, I think we could have done a better job by having the actual testimony for our report. The case of last week where television does not always broadcast the information that it covers. I think that that's also probably true of

newspaper and radio. We do a great deal of coverage and finding out what is going on and not everything is newsworthy on a certain day to make the broadcast. We did cover the entire hearing on the injunction to prevent the AFDC blockage. We were forced, because of what makes good television news reporting, to only limit it to this is what happened today -- the bottom line decision. We were not able to get into the intricacies or the arguments on either side of that because we were crippled by our inability to tell it as well as television can.

Pillsbury: Are there any other questions? Thank you very much. We have learned that counsel's estimate of time is conservative.

Hannah: (INAUDIBLE) but then you have to realize that these people are used to talking in two minute bites.

Pillsbury: You're right. They're used to watching a sweep second hand on the back wall, I am sure.

Hannah: They are just much more efficient than lawyers are, that's all.

(END OF OCTOBER 5, 1981 HEARING.)