

The impact of pretrial publicity on jurors:

Are there posttrial effects?

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There is an apparent conflict which exists between the individual's right to a fair trial and the freedom of the press. To ensure a fair trial, it is essential that jurors not hold any preexisting opinions that might have an impact on their ability to judge the evidence impartially. There is a concern that any prospective jurors who have been exposed to prejudicial publicity will approach the trial with an anti-defendant bias. This dissertation consists of four studies that investigate whether and under what circumstances pretrial publicity affects posttrial opinions and verdicts.

A field experiment found that, as expected, individuals who had been exposed to a great deal of publicity surrounding a real-life case were more likely to assume that the defendant was guilty, but this effect disappeared after they had read a fictional account of the trial.

Three laboratory experiments were designed to create realistic conditions within the constraints of mock jury situations. The first experiment found an effect for the type of information that participants were exposed to. Publicity that was not later refuted in the actual trial affected individual verdicts. The second experiment, using the same trial, demonstrated that extremely negative character information, as well as an apparent eyewitness identification of the defendant, led

to increased ratings of guilt. However, there were ultimately no effects on final jury verdicts in either of these studies. The third laboratory study used a different trial and added a condition where a strong motive for the crime was described in the pretrial publicity. Despite predictions that providing a motive for the crime would be the most damaging, in this case, there was only a slight effect found for individuals who read extremely negative character information. Once again, there were no effects on final jury verdicts.

Based on the findings from these four studies, we conclude that it is difficult to predict when, or even if, pretrial publicity will have an effect on posttrial opinions and verdicts. The fragility of pretrial publicity effects, and the implications for applied law and psychology research, is discussed.

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" *He that is possessed with a prejudice is possessed with...one of the worst kinds of devils, for it shuts out the truth and often leads to ruinous error*" (American Theologian Tyron Edwards, cited in Flynn, 1995, p. 869-870, note #129).

"*There are two ways to be quite unprejudiced and impartial. One is to be completely ignorant. The other is to be completely indifferent. Bias and prejudice are attitudes to be kept in hand, not attitudes to be avoided*" (Early 20th Century American Lawyer Charles Curtis, cited in Flynn, 1995, p. 869-870, note #129).

Introduction

The Jury System in North America

Although most of what is known about the modern jury is based on the English system from the late Middle Ages, trial by jury was quite a common feature of life in ancient Athens. The legal process was quite different from that of today, as all those involved in the trial were nonprofessionals; judges and jurors alike were chosen by lot for any given trial. The accused was required to defend himself, while any able citizen was allowed to prosecute the case. In contrast to what we might consider a 'normal' jury size of twelve, it was not uncommon in those days to find juries comprised of between 200 and 500 members. With such large jury panels, formal jury deliberations were generally unheard of. Instead, each member of the panel was given two tokens, one representing guilt and the other innocence. The juror placed the token representing his decision into a brass urn, and the other into a wooden box. The final verdict was decided by counting the tokens in the urn and determining the majority vote. If there was a tie, the defendant was declared not-guilty.

Trial by jury was mostly abandoned until it emerged in a different form in England, after the

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Norman Conquest in AD 1066. Henry II, who ruled from 1154 to 1189, began to use average citizens to decide civil cases, especially those that involved property disputes, although it was some time before jurors were used in criminal cases (Simon, 1980). By 1215 a person's guilt was decided by whether or not he or she survived an "ordeal" (Nova Scotia Law Reform Commission (NSLRC), 1997). In 1219, Henry III replaced this often painful method of proving one's innocence by having the defendant's neighbours ask questions and decide the case based on their personal knowledge of the accused. It was believed that people who knew the defendant were actually the most competent to render a fair verdict. Of course, this assumes that none of the members of the jury held a grudge against the defendant for any reason. As early as the 14th Century, the defendant was allowed to "peremptorily" challenge up to 35 people selected for jury duty (NSLRC, 1997).

It was not until the end of the 17th Century that jurors were required to decide the case solely on the basis of the evidence presented. After the evidence was presented to the jury, the jurors were locked up without food or water until they reached a verdict. As the jurors could not leave the room until they reached a unanimous verdict, disagreements were understandably rare.

The jury system did not come to America until 1607, at which time James I granted a charter to the Virginia Company which then established the community of Jamestown. Juries in the Virginia colony were generally composed of 12 men, although some had 13, 14 or even 24 (Simon, 1980). Jury trials were popular in both the United States and Canada as they were looked upon as a way to prevent the enforcement of British laws that were unpopular with the public. The basic elements of English common law jury trials were carried over into North America; all trials should have a 12-member jury panel, the trial should have a qualified judge, and all verdicts should be unanimous.

Early jury selection required ownership of property, and mental competence; women were not allowed to serve until the 20th century. Until quite recently, ownership of property was still a requirement for jury service (as recently as 1985 in Nova Scotia). Thus, anyone who was poor, most often people of colour and women, were excluded from the process (Hans, 1992).

Jury size and Decision Rule:

As mentioned previously, the earliest juries decided their verdicts on the basis of a majority vote, and often they contained far more members than the current standard of twelve. However, from the middle ages until 1967, unanimous jury verdicts were required in Great Britain. Shortly after the discovery that some members of a jury panel in a criminal trial had been bribed by the defense, the Criminal Justice Act was changed to allow for a return to a majority decision rule (Hans, 1992). By 1972, following the British lead, some U.S. courts had decided that nonunanimous juries should be allowed. According to Simon (1980), this decision was based on limited social scientific literature which compared the proportions of hung juries occurring in unanimous and nonunanimous jurisdictions (Kalven & Zeisel, 1966). The requirement of unanimous verdicts apparently produced more hung juries, as might be expected. While not always required in state courts, unanimity is still required at the Federal level.

In 1970, the United States Supreme Court ended its centuries-old tradition of 12-member criminal juries (Simon, 1980). Padawer-Singer, Singer and Singer (1977) reported fewer hung juries for 6- than for 12-member juries, although there were no differences in the rate of conviction or acquittals. Davis, Bray and Holt (1977) estimated that verdict differences between 6- and 12-member juries amount to a maximum difference of only eight percent. However, several studies (e.g. Hastie,

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Penrod & Pennington, 1983) have found that smaller juries are less likely to represent the community from which they are drawn, and that the verdicts of smaller juries are often not consistent with those of larger juries.

In Canada today, a criminal case requires a unanimous verdict by a 12-member jury. Civil juries can have fewer members, although the specific number depends on the province where the case is being tried. In Ontario, only six members of the panel need to be present, while in Nova Scotia, the number is seven (NSLRC, 1997).

Is the jury competent?

Despite its long history, the jury system has not been without criticism. Some argue that those individuals chosen for jury duty do not have the expertise or knowledge necessary to ensure that a competent legal decision is made, and therefore trial by judge alone would be more suitable. Proponents of the jury system argue that although a judge may be better educated, he or she may not be trained in specific technical areas; the presence of a jury ensures that the attorneys present their information in as clear a fashion as possible, ensuring that both judge and jury understand the evidence. Kalven and Zeisel (1966) have shown that jury decisions are, in most cases, consistent with those of a judge. They asked judges to indicate how they would have ruled on a number of trials that were decided by jury. They found that the jury and the judges' rulings were in agreement eighty percent of the time. For the twenty percent where they disagreed, the jury was six times more likely to acquit than was the judge.

Gigone and Hastie (1997) argue that a group is more fully informed and can therefore make higher quality decisions than its members acting alone. They found that group discussion did not just

reinforce the majority member opinion but rather led to reliance on more information and produced more accurate decisions.

Whether or not the jury always follows the letter of the law has led to numerous studies on how well the jury understands the evidence presented to them, and how they apply the law to this evidence. There is little question that occasionally the jury votes more in line with community notions of fairness than with the legal definition (Hans, 1992; Horowitz, 1997; Kassir & Wrightsman, 1988). Kalven and Zeisel (1966) concluded that in the cases where judge and jury did disagree, it had far less to do with jurors not understanding the law, than with the judge and jury having different notions of the concept of reasonable doubt and sympathy for the defendant. As Finkel (1995) noted, jurors bring a certain amount of what he called *commonsense* notions of justice to the courtroom, leading to some tension between what the law expects of them, and how they view the law.

We, the jury:

Scholarly interest in the workings of the jury began in earnest in the 1950's and 1960's with the work of Simon, as well as Kalven and Zeisel. Such research is not easy, as the inner workings of the jury are, for the most part, completely secret. In the United States, jury members are allowed to be interviewed post-trial, although in Canada and Great Britain, jurors are forbidden by law to discuss their deliberations (Hans, 1992; Criminal Code, section 649).

In order to study the jury, simulations are the most common approach. Mock jurors are often student participants (e.g. Tans & Chaffee, 1966) or may be individuals chosen from actual jury rosters who are either asked to take part in a study instead of participating in an actual trial (e.g. Simon, 1980; Visher, 1987). Using such simulations allows for better understanding of the relationships

between various types of evidence presented, and the way in which such evidence affects the process and outcome of jury deliberations (Hastie, Penrod & Pennington, 1983). Not everyone agrees that mock juries provide the best solution for trying to understand jury processes (e.g. Erlanger, 1970). It is virtually impossible to find a randomly selected group of people whom we could guarantee would act identically to a real jury, and of course this mock jury would be watching a mock trial and deciding on a mock verdict. No matter how realistic the simulation, the verdict reached by the mock jury will never have the same importance as a real-life judgment. Some would argue that what is lost in ecological validity is not made up for in the findings of more controlled laboratory experiments (Riley, 1973; Vidmar, 1979).

Jury Deliberations:

The process of jury deliberation is perhaps ideally suited to social psychological research, as it provides a naturalistic way to study persuasion and minority and majority influence. As Hans (1992) noted, the jury is theoretically composed of twelve equal individuals, meaning that each has an equal voice in deliberations. However, studies of mock juries have shown that this is rarely the case. The group leader is, more often than not, a person who is a leader in the "outside" world; those with higher education, particularly white males, are more likely to be chosen as the jury leader (Strasser, Kerr, & Bray, 1982).

Kalven and Zeisel (1966) found that the final verdict is highly related to first-ballot results. When there is a unanimous decision rule, the majority first-ballot decision usually predicts the final outcome. However, when members of the minority argue for acquittal they are more likely to affect the majority than when they are arguing for conviction (Strasser et al., 1982).

Jury decision-making processes:

Several different models of jury decision making have been proposed. Some of the earlier models were based generally on Anderson's (e.g. 1981) information integration theory. Kaplan and Kemmerick (1974) suggested that each piece of information that a juror is given has some value in trying to determine an individual's guilt, and that this information must be combined in some way. As each piece of evidence is evaluated, an individual will moderate his or her judgement by a weight which indicates how important, relevant or reliable the individual feels this evidence is. Therefore a statement by an eyewitness such as "I saw him do it," which is quite a strong piece of evidence, objectively, will be moderated by how much a juror believes this witness. Each piece of evidence presented to the juror would therefore have both scale value and weight on a dimension of guilt. The final judgement would then come from a weighted-average combination. This theory stresses the processing and combination of information which may be particularly useful for certain types of evidence, such as when jurors are trying to determine source credibility.

Similarly, Ostrom, Werner and Saks (1978) studied how likely a mock juror was to judge a person as guilty on the basis of written trial evidence. Participants read about a case which had either moderately or highly incriminating evidence (scale value). Three different cases were presented with either one, three or six items of evidence. They found that participants averaged the items of evidence with their initial dispositions (based on a brief attitude scale that rated them as either pro- or anti-defendant). Pro-defendant jurors gave lower probability of guilt ratings, while anti-defendant's ratings were higher, as the latter placed more weight on their initial disposition.

Perhaps the most popular model of jury decision making is that developed by Pennington and

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Hastie (1986, 1992, 1993). Known as the Story Model, this approach suggests that jurors use the information presented to them to form a coherent story, or plausible sequence of events. After the trial, jurors then match their story with the appropriate verdict category. Pennington and Hastie interviewed mock jurors after they watched a videotaped trial, and asked them to explain how they came to the decision that they did. Most of the jurors explained their decisions by re-telling their narrative version of events. In addition, they found that, when evidence was missing, jurors filled in missing pieces themselves to make the story more coherent. In a second experiment, Pennington and Hastie (1990) presented evidence from criminal trials in several different orders to manipulate how easily the jurors would be able to form an explanatory narrative. They found that by manipulating the order of the evidence, verdict choices were similarly shifted in the direction of the more coherent story. From these results they inferred that the story structure determines verdict decisions.

Summary:

The jury system, for better or worse, is currently the process by which many criminal trials are decided. Twelve individuals, each with his or her own personal characteristics and biases, are to join together as a group to listen to often complex evidence, and decide the fate of a defendant. While we may have theories as to how members of the jury process the evidence to which they are exposed, and how they function as a group, we cannot be certain that the system will function in the same way every single time. In addition to the uncertainty of the trial process itself, there is another potential unknown - how the jury members will deal with any extra-legal information they are exposed to, specifically pretrial publicity.

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The legal perspective:

“Common sense” would suggest that pretrial publicity can have detrimental effects on a defendant's ability to obtain a fair trial. If, as has been suggested, such extra-legal factors as personal characteristics of the parties in the dispute (such as race and physical attractiveness), character, attorney presentation style (Hahn & Clayton, 1996), or who the juror feels "deserves" to win (Brooks & Doob, 1975) can affect trial verdicts, then it is plausible that pretrial publicity might be another non-evidential factor affecting jury verdicts.

In the case of pretrial publicity, there is a feeling that a natural conflict exists between an individual's right to a fair trial and the right of the press to free speech (Gillers, 1987). In Canada, the freedom of the press is guaranteed under Section 2 (b) of the Canadian Charter of Rights and Freedoms while in the United States it is guaranteed under The First Amendment to the Constitution. The right to a fair trial is guaranteed under Section 11 (b) of the Canadian Charter, and the Sixth Amendment to the Constitution in the U.S. Until recently, the “fair trial” aspect took precedence over the rights of the press; however, in 1994 the Supreme Court of Canada, in *R v. Dagenais*, ruled that only in the case of a “real and substantial risk” to a defendant’s chance at a fair trial should the rights of the press be compromised. Determining what constitutes such a risk is a matter of some debate. Suggestions of prejudice allow for judges to override the legal concept of a “speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed” (U.S. Constitution, Amendment 6). Thus, a judge may grant a request for a change of venue “if the court is satisfied that there exists in the district where the prosecution is pending so great a prejudice

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against the defendant that the defendant cannot obtain a fair and impartial trial at any place fixed by law for holding court in that district" (U.S. v. McVeigh and Nichols; Criminal Code, section 599).

Richard P. Tinkham, cited in Gillmor (1966) said that "I don't think we can solve our problem by shouting 'free speech' and 'fair trial' at each other. I think what we need is an impartial scientific investigation of this subject by an impartial agency, an agency of such stature that both the Bar and the media would respect it" (p.197).

Although there has been little empirical evidence over the years to back up the claims of prejudicial pretrial influence (Gillmor, 1966), starting in the 1960's the courts began to take an interest in regulating such issues. The burden has fallen on trial judges to remedy any possible problems due to unfair and prejudicial pretrial information. In 1995, the American Bar Association (ABA), in its Model Rules of Professional Conduct, identified six specific categories of information which, if made public, could threaten a fair trial. These included a defendant's previous criminal record, character or reputation, or any confession by the accused. They also established constraints on attorneys to reduce the likelihood of their making any prejudicial statements to the media. In addition, the ABA suggested possible remedies, such as changes of venues or granting continuances. "Perhaps the most controversial recommendation was that judges should grant a defence motion to close pretrial hearings to the public and the press if there is a "substantial likelihood" that information disclosed at the hearing will interfere with a defendant's right to a fair trial" (Standard 3.1). Over the years, these standards have been tested and amended. In 1978, the ABA Committee on Fair Trial and Free Press changed the "substantial likelihood" to "reasonable likelihood." While these decisions were somewhat controversial in the U.S., such motions for "non-publication" of preliminary hearings occur routinely.

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Concerns regarding pretrial publicity stem from the fear that defendants could lose their right to a fair trial due to extensive (and unfavourable) pretrial publicity (e.g. Sue, Smith & Gilbert, 1974). Theoretically, the media could bias a jury either by sensationalizing the crime, portraying the defendant as a bad person (Riley, 1973), or by giving out information that may later be ruled inadmissible during the actual trial proceedings (Sue, Smith & Caldwell, 1973). Imrich, Mullin, and Linz (1995) recently conducted a content analysis of crime stories reported in 14 major newspapers across the United States. They found that, despite the rulings of the ABA regarding what is considered fair information to print, over one-quarter of the suspects described in the articles were mentioned in the context of at least one of the 6 categories identified by the ABA as being problematic. The main sources of the information were the police, who mentioned prior arrests, and defence attorneys, who offered opinions as to the defendant's innocence.

The empirical studies conducted to date examine a broad range of judicial elements; while this may on one hand be a strength, as it is obviously a complex issue, such diversity of study has not led to a consistent set of findings that might enable one to draw conclusions regarding the effects, if any, of pretrial publicity. Justice Felix Frankfurter wrote:

Science with all its advances has not given us instruments for determining when the impact of such newspaper exploitation has spent itself or whether the powerful impression bound to be made by such inflaming articles as here preceded the trial can be dissipated in the mind of the average juror by the tame and often pedestrian proceedings in court (Stroble v. California, 1952).

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The ABA has criticized such specific research for "inadequate understanding of the way pretrial publicity influences the thought processes of prospective jurors" (American Bar Association, 1978, p.20). Moran and Cutler (1991) point out an important distinction between how social scientists view the problem, in contrast to a more legal concept. They argue that while we as social scientists may want definitive results, a defendant waiting to hear whether or not his or her change of venue motion has been granted needs to know immediately, and cannot afford to wait until the literature is conclusive (Fulero, 1987).

If we assume that being fair or impartial refers to a state of mind, then legally the mere existence of a preconceived notion is not enough to claim that a trial has been biased. The trial judge must decide if the publicity has caused an individual to have a stable, inflexible opinion on the case. The role of social science research in such an applied legal issue is not a simple one. One may better see the dilemma when the question is posed "is it tenable to assume that the '.05 level of confidence' test for the experimenter is equivalent to the 'beyond a reasonable doubt' test for the trial jury?" (Wilcox, 1970, p.60).

Early attempts to study the issue have been fraught with conceptual difficulties. Beland Honderich, Vice-president and Editor-in-Chief of the Toronto Daily Star in 1966 suggested that a more specific definition of pretrial publicity was needed before guidelines could be suggested to curb the influence of the media. Otherwise "a ban, or even severe restriction, on pre-trial news reports would sharply limit a newspaper's ability to expose wrong-doing in government and in the business community" (Honderich cited in Parker, 1966, p.19). Similarly, Barth (1976) argued that pretrial publicity is "essential to the welfare of any community. When people come to feel that the truth

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about crime, law enforcement, and the administration of justice is being withheld, they become prey to rumours and mistrust" (p.10). Wilcox (1970) wondered whether or not pretrial publicity actually has any scientifically measurable effect upon jury verdicts. He suggested re-stating the question as "do some kinds of pretrial publicity under some kinds of conditions have some kind of influence upon some kinds of jurors with a scientifically measurable effect upon jury verdicts?" (p.51).

There is also an important distinction to be made between public opinion and the actions and judgements of a juror. As discussed above, part of the role of the jury has been that of community moralist even if this differed from what the law stated. Justice Holmes (1889, cited in Brooks & Doob, 1975) stated that "...jurors will introduce into their verdict a certain amount-a very large amount-so far as I have observed-of popular prejudice, and thus keep the administration of the law in accord with the wishes and feelings of the community" (p.172). It may be that excessive publicity makes it quite difficult to find an unbiased jury, and so there is less chance of fair judgements of guilt (Rollings & Blascovich, 1977). Members of the public who are surveyed regarding their pretrial opinions are free to use all information that they have been exposed to in forming their judgements. Jurors, on the other hand, are supposed to make their decisions entirely on the basis of what they hear in court, ignoring any existing opinions, beliefs or information they may have. However the law does not expect a potential juror to come 'empty headed' but merely able to put aside any biases. The role of the press in creating these "biased" views is certainly an issue in this free press-fair trial debate. The question of whether or not newspapers are able to create community attitudes, and to what extent community attitudes affect the minds of jurors (Friendly & Goldfarb, 1967), is not an easy one to answer. It is difficult to know for certain whether or not a person exposed to arrest records, lurid

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crime details, statements from the victims' families and the like can act impartially when asked to be a juror in a particular case (Riley, 1973). Most worrisome, perhaps, are cases in which the press prints crime news which, however legitimate, may not be admissible by judicial standards and has not been subjected to the law's procedures to judge its truth and credibility.

Case Studies:

Perhaps the first known incidence of pretrial publicity being cited as a cause of concern in a legal battle was the case of Aaron Burr (U.S. v Burr, 1807). In the election of 1800, he and Thomas Jefferson tied in votes for the office of the presidency. The house of representatives chose Jefferson over Burr, and Burr became Vice-president. In 1804, Burr was defeated in his campaign for governor of New York. He accused Alexander Hamilton of ruining his campaign by making slanderous statements against him and challenged him to a duel, which Burr won. Though he was indicted for murder, he completed his term as vice-president. However, when he attempted, in 1807, to try to colonize an area west of the Mississippi, he was accused of planning to invade Mexico and found his own empire. Thomas Jefferson, now his enemy, had him tried for treason. (U.S. v Burr). His feud with President Thomas Jefferson led to increased public interest in his trial. His attorneys argued that 'inflammatory' newspaper articles had made it virtually impossible to find impartial jurors. Chief Justice John Marshall ruled that while jurors who had formed 'strong impressions' of the case should be excluded, those who only held 'light impressions' could remain. As he felt it was virtually impossible to find people who had absolutely no preconceived notions about the case, he ruled that it should not be required (Flynn, 1995). Burr was eventually acquitted on the charges of treason.

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A more modern example of the free press-fair trial controversy can be found in the case of *Stroble v. California* (1952). Stroble's attorney claimed that his client did not receive a fair trial as a result of his numerous confessions being widely published. Stroble's conviction for first degree murder was overturned, in part owing to the fact that "a fair trial was impossible because of inflammatory newspaper reports inspired by the District Attorney" (Campbell, 1994, p.81).

In the case of *Irvin v Dowd* (1961), the defendant, due to widespread publicity, was granted a change of venue to a nearby town. Although this request was granted, the defence then asked for a second change, arguing that pretrial publicity had infected this new town as well. The judge in the case denied the request, citing an Indiana statute that stated that only one change of venue was allowed in any one case. When the voir dire was completed, eight of the twelve individuals chosen for the jury said they thought that the defendant was guilty, but that they could set aside this view and act impartially. The defendant was convicted of murder shortly after the prosecution issued press releases claiming that he had confessed to six previous murders. This conviction was later reversed after the Supreme Court ruled that "deep and bitter prejudice" existed in the community, and therefore the defence should have been allowed a second change of venue.

By 1966 the Court had made it clear that pretrial and extra-trial publicity could indeed unconstitutionally prejudice jurors and so deprive a defendant from trial by an impartial jury. In July of 1966, Dr. Samuel Sheppard, a prominent Cleveland doctor was accused of murdering his pregnant wife (*Sheppard v. Maxwell*). Police subjected him to numerous interrogations without a lawyer present (Flynn, 1995). He was even interviewed on the day of the murder, after being hospitalized and sedated. There were rumours of police and media collusion; while the Sheppard property was

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sealed off, the media were allowed access to take pictures. After viewing the house, the coroner, Dr Gerber, stated "Well, it is evident the doctor did this, so let's get the confession out of him" (p. 337). On the same day that a newspaper headline read "Why isn't Sam Sheppard in Jail" (Sheppard, 1966, p. 341), he was arrested.

The newspaper coverage was massive, not only discussing the crime, but also the merits of the case itself. The editor of one of the newspapers speculated that the authorities were actively trying to protect Sheppard as they wanted the investigation to continue, and so keep the media spotlight trained firmly on themselves. Both of the main newspapers, the Cleveland Press and the Plain Dealer, gave out highly biasing information that could only have come directly from the police (Friendly & Goldfarb, 1967). Those chosen for the jury panel had their names and addresses published in the newspaper a month before the trial even started, and found themselves to be minor celebrities. Of the 75 chosen for the jury panel 74 admitted to hearing about the case. Although Sheppard was initially found guilty, the charges, more than a decade later, were reversed. The judge who granted the reversal concluded that Sheppard had not received a fair trial due to massive and prejudicial pretrial publicity. Interestingly, the Supreme Court has not overturned a conviction because of prejudicial publicity since Sheppard (Helle, 1997).

The most recent example of a case in the United States involving massive amounts of pretrial publicity is the trial of a former football star, O.J. Simpson, accused of murdering his ex-wife, Nichole Brown Simpson, and her friend Ronald Goldman (*California V. Simpson*). This trial, and its ensuing media coverage, became popularly known as "the trial of the century." Much of what was reported by the media was information that would not be considered admissible as evidence (Fein, Morgan,

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Norton, & Sommers, 1997), yet a great deal of rumour and innuendo became commonplace “knowledge.” In order to keep the jury as “pure” from media corruption as possible, the judge in the case sequestered the jury and denied them access to media reports of the case. Despite, or perhaps because of, the massive pretrial publicity, Simpson was acquitted.

In Canada, publication bans on pretrial proceedings are more common than in the United States. In 1982, the Canadian Daily Newspaper association recorded eight separate orders for publication bans, and in 1987 there were 33. By 1993, the number had dropped to 15 (Englade, 1995). There are probably many more cases where a ban is ordered; the association records instances only when the banning order is challenged by a news organization. One of the most sensational legal cases in Canadian history was that of Paul Bernardo-Teale (R. v. Bernardo) and his wife Karla Homolka, both accused of sex crimes and a double murder. In an unusual move, the Crown asked for a publication ban on information regarding Karla Homolka’s trial. Bernardo’s defence team opposed this motion. Reportedly, the defence team was concerned that the secrecy surrounding Homolka’s trial would serve to deepen public sentiment against Bernardo. In contrast, the Crown argued that if testimony from Homolka’s trial were made public, and she implicated her husband, then it would be virtually impossible for Bernardo to receive a fair trial. The judge in this case allowed the publication ban. Homolka received what some considered a light sentence, while her ex-husband was given a life sentence with no chance of parole for twenty-five years.

Case law in Canada changed with the Dagenais decision. This ruling came about as part of an appeal on behalf of several members of the Christian Brothers, a religious order, who were accused of the physical and sexual abuse of young boys in their care at a Christian school. On December 7 of

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1992 the Canadian Broadcasting Corporation (CBC) intended to broadcast a four-hour mini-series entitled "The Boys of St. Vincent," a fictional account of how young boys in a Catholic institution were physically and sexually abused. The jury for one of the four defendants in the Christian Brothers order, Dagenais, was scheduled to be charged by the judge in the case on December 8, 1992. The Christian Brothers who were awaiting trial applied for a ban on the CBC broadcast until after their trials were complete. The injunction was granted, on the basis that "the harm that would be caused by the showing of this particular film before the jury trials of the three remaining accused persons would be such that the possibility of impartial jury selection virtually anywhere in Canada would be seriously compromised..." Although the ban was granted, this case marked one of the first times that the rights of both the press and the defendant were consciously balanced by the judge, rather than deciding automatically in favour of the defendant, as had been common in the past.

How might pretrial publicity unfairly bias jurors?

Juror Characteristics

How individual characteristics of the jurors might interact with pretrial publicity has been examined by several researchers. Hoiberg and Stires (1973) and Sue et al., (1974) have found greater sensitivity to pretrial news reports among women than among men. This result may partially be explained by the fact that the crime descriptions used in these particular studies included the murder of a child and a rape, crimes which it might be argued women are more sensitive to.

Authoritarianism has been considered as a possible mediating factor in susceptibility to pretrial publicity (Bray & Noble, 1978; Sue, Smith & Pedroza, 1975). Sue et al. (1975) explored whether

levels of authoritarianism would affect the decisions of individuals acting as jurors in a simulated criminal trial. One hundred and fifty-eight undergraduate students completed a scale designed to measure their level of authoritarianism, read an account of a robbery and murder trial, and made recommendations for sentencing (if warranted). The pretrial publicity manipulation involved showing some subjects a newspaper account of the crime in which it was reported that the gun in the defendant's possession had been identified as the murder weapon - but due to illegal search procedures, this gun could not be used as evidence in the trial. Other subjects were told that the defendant's gun was not the murder weapon.

Results indicated that when subjects were asked if they felt they could act in an unbiased manner, 26% of those who saw the damaging newspaper article compared to only 5% in the neutral condition admitted to feeling biased. Those who admitted bias were also significantly more likely to convict the defendant than were those who claimed that they were impartial. Interestingly, those subjects who received the damaging evidence but who claimed they had not been affected also returned significantly more guilty verdicts (53%) than those who saw only neutral pretrial publicity (23%). However, almost half (47%) of those subjects who were exposed to damaging pretrial publicity returned not-guilty verdicts. What was unusual was that participants were asked whether or not the pretrial publicity they had read had biased them in any way *before* they gave their verdicts. One could argue that asking this question first made it more likely that participants focused on the publicity while coming to a decision. If they said that the material had biased them, then presumably they would be more likely to say that the defendant was guilty, in order to appear consistent. Although individuals high in authoritarianism tended to rate the prosecution's case as more

convincing than those low in authoritarianism, there was no support for the notion that authoritarianism would act as a mediating variable for the influence of pretrial publicity.

This issue of whether or not jurors can recognize their own biases is an interesting one. It is also a potentially difficult one - by studying whether or not jurors recognize their biases, are we assuming that pretrial publicity will have an impact on a jurors' verdict? It seems logical to assume that if jurors openly admit to having intractable opinions regarding the guilt of the accused before the trial even begins, then they should be excused from trial. The more problematic issue surrounds the case where jurors may not realize that they have been unduly influenced by outside sources, or perhaps falsely feel that they are able to put their biases aside for trial purposes and so do not disqualify themselves (Sue, Smith & Gilbert, 1974). Rollings and Blascovich (1977) state that, despite the lack of conclusive empirical findings, potential jurors can be influenced by pretrial information. Simon, however, concludes that for the most part juries are able and willing to put aside extraneous information and base their decisions on the evidence. "When ordinary citizens become jurors, they assume a special role in which they apply different standards of proof, more vigorous reasoning, and greater detachment" (p.117).

Finally, how any one juror might act in a group situation, and how much influence this individual might have is certainly difficult to predict. Any one person in a group can have more or less impact depending on a number of factors, such as how committed the person is to his or her position or how persuasive the individual is. However, Kerr and Huang (1986) have found that these characteristics or predispositions have little predictive power as to how the group may vote, unless the group members are relatively homogenous with regard to a particular characteristic. It appears,

then, that particular characteristics of the individual jury members tell us little about how pretrial publicity might have an effect on jury verdicts.

Possible Cognitive Processes.

While it may be true of most applied research, one finds that there is a great deal of effort put into determining the effects of pretrial publicity, and little effort expended trying to explain why a specific effect was, or was not, obtained. The research to be described in the next few chapters was not specifically theory-driven; however, a brief discussion of some of the theories that might help to explain some of the processes would seem to be helpful.

The Elaboration Likelihood Model:

Petty and Cacioppo (1986) proposed two different possible routes to persuasion. The central route causes an individual to think more deeply and thoroughly about the arguments presented in a message. The reliability of the facts, and the strength and consistency of the arguments are considered. We will be influenced by a message only if we believe that the argument itself is strong. In contrast, an individual who processes an argument via the peripheral route thinks little about the actual content of the message. The person can be easily distracted by his or her mood, or even the personal characteristics of the communicator. The general trustworthiness of the source can be enough to persuade an individual so that he or she is not forced to think too deeply about the contents of a message. In the case of pretrial publicity, it may be that, instead of thinking too deeply about the content of the material, and therefore discounting purely sensational news accounts of a crime, the individual is either distracted by the glitzy material presented, or perhaps merely relies on the "integrity of the press" and assumes that the newspaper wouldn't print information unless it was true

and relevant to the case at hand. Therefore, irrelevant and sensational pretrial publicity should have a greater effect when individuals process the information using the peripheral route, than when they take more time to analyse the information using the central route.

Accountability

Tetlock (1983) believes that, given the opportunity, most people will take the easy way out and act as what he called "cognitive misers," being as lazy as possible in their decision-making processes and taking a route that involves the least possible mental effort. The peripheral route, discussed above, is therefore more likely to be employed. He argues that individuals who are less accountable are more likely to take this route, whereas those who have some sort of stake or personal commitment in the judgements they make, such as those involved in jury deliberations, are more likely to put more effort into their judgements, and less likely to jump to quick conclusions or try to protect their initial beliefs. Tetlock believes that such accountability causes individuals to engage in more complex and vigilant information processing. He found that the order of evidence (pro- then anti-defendant, versus anti- then pro-defendant) affected verdicts, with those exposed to the latter condition more likely to vote guilty; but this effect disappeared when subjects expected to have to justify their decisions. These findings would suggest that, in cases where the jury members must actually deliberate and express their opinions in front of others, pretrial biases should have less of an impact on final jury verdicts. Justifying an opinion on the basis of extra-legal information would be difficult. This issue will be explored in greater detail when the empirical literature is reviewed.

The Story Model

The Story Model (Pennington & Hastie, 1992), discussed previously, may help illuminate a

possible route by which pretrial publicity may have an influence on the jury. This theory proposes that jurors form a narrative based on the evidence presented to them in trial; their final version of the story then helps to guide them toward the appropriate verdict category. Recall that Pennington and Hastie also found that when jurors felt that information was missing, they substituted their own inferences in order to make the story complete. It is theoretically possible that pretrial publicity may allow jurors to form a more complete story. Specifically, one could imagine that, in a case where the evidence itself was weak or even sparse, jurors might be more inclined to rely on this extra-legal information in order to arrive at a complete narrative of the crime. If the trial evidence itself was quite strong then one might assume that the impact of pretrial publicity would be significantly less.

On-line versus memory-based decisions:

In a somewhat related vein, Otto, Penrod and Dexter (1994) propose two possible strategies that jurors might employ to make their decisions. If they make a decision in an "on-line" fashion, then judgements spontaneously created by their feelings regarding the defendant after being exposed to pretrial publicity would then influence their subsequent judgements. If their decisions were more "memory-based," then rather than using the pretrial information to form an impression, they would simply store this information in long-term memory and subsequently use both pretrial information and evidence from the trial to make their decisions. This latter process is more akin to the story model, where jurors presumably use all of the information available to make their decisions.

Summary

None of the above theories provides a definitive answer to the question of how pretrial publicity might have its effects. As was mentioned, few of the studies that will be discussed even

attempted to search for the mechanism that led to the effects that the researchers found. As we will see by the diversity of the studies, it may be virtually impossible to point to one particular mechanism that explains all the findings. Probably the particular process depends on the specific case.

Judicial Remedies

If we believe that there is a potential for a negative effect of pretrial publicity on jurors' verdicts, then it is important to look at potential remedies in place to reduce these effects. Several of the more traditional methods that the courts employ to reduce potential juror biases will be discussed below.

A *voir dire* is generally the preferred way to judge the effect of pretrial publicity on a community (Branigan, 1995; Flynn, 1995). One of the tasks of a *voir dire* is to determine if publicity about the case has caused potential jurors to form preconceptions about guilt or innocence (Wrightsmann, 1978). In the U.S., potential jurors may be questioned extensively by both attorneys, as well as by the presiding judge. In Canada, by contrast, the questioning is more restricted; potential jurors are asked if they have knowledge of the case, if that knowledge has led to an opinion, and whether or not they can put aside this opinion (Englade, 1995). The final decision is not left to the judge, but rather to two "triers" of fact, generally members already picked to serve on the jury. Kasson and Wrightsmann (1988) argue that, rather than merely trying to ferret out bias, the true purpose of a *voir dire* is for attorneys to develop rapport with jurors. They want any potential bias on their side (Friendly & Goldfarb, 1967).

A more expensive option, once the defence has convinced the judge that the community in

which the crime occurred is so biased that it is impossible for the defendant to receive a fair trial, is a *change of venue*. However, no judge wants to admit that another jurisdiction is more fair, or better at judging case than his or her own (Flynn, 1995). By making such a request, the defence also sacrifices its right to a local trial in favour of an impartial jury, although some may not see it as a sacrifice. Although the trial will be held locally according to where the crime was committed, this may not be "local" as far as the defendant is concerned. Granting such a request also usually means that there will be a delay before the case can actually be brought to trial. Zagri (1966) points out that with today's widespread media coverage, such an option may not be effective.

The judge also has the option to *continue*, or delay, a trial until he or she feels that public interest in a particular trial has waned sufficiently for the defendant to face an impartial jury. Such a remedy clashes with the defendant's constitutional right to speedy trial (Flynn, 1995). In addition, there is a greater likelihood of inconveniencing or even losing witnesses. The paradox of such a remedy is that, by hoping jurors' memories fade, those involved in the case risk having the memories of their own witnesses fade. Finally, there is no guarantee that the media coverage will not increase again when the time comes to hold the trial.

Sequestering the jury is the most dramatic remedy. If sequestered, jury members are often cut off from family and friends for possibly long periods of time, and told to avoid all exposure to material relating to the case that does not come directly from the court. However, it is likely that revelations in the media appear long before a trial even starts. Thus, whatever biasing impact the publicity may have, it probably has already had its impact on the jurors who were exposed to it. This also tends to be an expensive solution (Barth, 1976).

Judicial instruction to disregard irrelevant or inadmissible evidence is yet another remedy (Friendly & Goldfarb, 1967). The judge simply tells jurors not to expose themselves to the potentially damaging information. If they have already been exposed to it, then they are instructed to disregard it. However, there is evidence from the thought suppression studies of Wegner (1994) that demonstrates how difficult it is for people to actively suppress some thought just because they are told to do so. This is especially true when the information is highly emotional or exceptionally vivid.

Fein et al. (1997) suggest that by providing some sort of discounting cue at the outset of the trial which causes the jurors to ignore the irrelevant information, the publicity should theoretically have less of an effect on verdicts. For example, Fein, McCloskey, and Tomlinson (1997) found that when jurors are forced to consider the motives of the media in their reporting of pretrial information, or of witnesses who give highly prejudicial testimony, this "suspicion" eliminates prejudicial effects on verdicts. Therefore, raising suspicion in the minds of the jurors may be a much more practical remedy than a judicial admonition to "forget what you just heard," because jurors can make a more thoughtful appraisal of the information presented to them, without trying to suppress it. Fein suggests that this may help explain the Not Guilty verdict in the O.J. Simpson case; that despite vast negative media coverage of Simpson, the jurors were suspicious of the motives of those who collected and reported the evidence. Other research which has attempted to look at subjects' ability to disregard biasing publicity have shown mixed results (e.g. Dexter, Cutler & Moran, 1992; Kramer, Kerr & Carroll, 1990; Sue et al., 1975).

Finally, while *jury deliberation*, discussed previously, is a judicial process, some consider it to be a judicial remedy for pretrial publicity. Studebaker and Penrod (1997) suggest that through the

deliberation process different viewpoints are given, which helps to eliminate any effects of pretrial publicity. If one juror begins to discuss such extra-legal information, others will admonish him or her not to. In contrast, Kalven and Zeisel (1966) argue that jury deliberations should be accorded only a minor role in jury research; it is their belief that the group decision could almost always be decided simply by seeing which way the majority opinion lay before deliberations began. Their research was based on a "first ballot" assessment of verdict preference. Therefore, if pretrial publicity had already influenced a majority of individual jury members before deliberation, then the verdict would probably reflect such bias. Not all researchers find this first-ballot effect (e.g. Kerwin & Shaffer, 1994; Kaplan & Miller, 1978). As Diamond (1997) has recently pointed out, to find such a direct first-ballot to verdict effect, one must be assured that no discussion among the jurors has taken place before the tabulation of the first vote. She points out that there may be significant shifts in opinion *before* that first vote is taken, which are then not reflected in a change in vote (or lack thereof) between first-ballot and final verdict.

Finding first-ballot effects may be related to two different deliberation styles identified by Hastie, Penrod and Pennington (1983; Pennington & Hastie, 1990). Juries that are "verdict driven" take an initial public ballot before their formal deliberations even begin. Jurors then present evidence that supports their particular verdict preference. In contrast, "evidence driven" juries do not take a public ballot until quite late in their formal deliberations. Individual jurors are not so closely aligned with particular verdict preferences, but instead cite evidence that may lead to several different verdict categories. The evidence is reviewed in order that the jury, as a group, may come up with the most plausible story summarizing the events that occurred at the time of the crime. Verdict decisions are

not made until the later in the deliberations. In the case of pretrial publicity, one could argue that jury deliberations would act as more of a remedy in the case of an evidence-driven jury, as there would be less chance that any consideration of extra-legal information would be tolerated. Verdict-driven juries, by contrast, would be more likely to choose verdicts in line with the initial majority position, whether or not these had been tainted by pretrial publicity.

Jury deliberations may simply increase opportunity to think about information, which in turn may help reduce the effects of any negative initial impressions caused by pretrial publicity. In a study of jurors' pre- and post-deliberation verdicts, Kaplan and Miller (1978) found that deliberation not only polarized individual jurors' pre-deliberation responses, but also reduced their reliance on biases. By having a chance to discuss the facts of the case at length, jurors may take more evidence into account in the post-deliberation judgment than in the pre-deliberation response. This is, of course, as it should be. Once jurors have heard all sides of a story, they should be able to make a more accurate judgement based on the evidence presented.

On the other hand, Kline and Jess (1966) found that all four of their juries which had been exposed to prejudicial reports referred to prejudicial publicity during deliberation, contrary to judicial admonitions, and one based its verdict, in part, on the news reports. Unfortunately, many studies to be discussed at length later do not allow participants to deliberate as a real jury might; this further compromises the external validity of simulated jury research. As was discussed previously, there is no simple or obvious relationship between the views of one individual, and how that person would vote in a jury situation (Pennington & Hastie, 1990). Kerwin and Shaffer (1994) suggest that those in an actual jury situation will be much more likely to follow judicial instructions and ignore

information that has been ruled inadmissible than will those only acting as individual jurors. They base this hypothesis on the notion that jury simulations are more likely to increase juror accountability, while simple juror simulations do not.

Summary:

Once again, there are no clear answers to whether or not any particular remedy is the answer to the potential problem of pretrial publicity. It is more likely that no one remedy is the answer in all situations. Flynn (1995) argues that whenever possible, defendants should avail themselves of the possible remedies, such as continuance, voir dire or sequestration, if for no other reason than that they preserve their right to appeal.

By implementing these "remedies" we are in a sense agreeing with the idea that pretrial publicity will reduce the likelihood of receiving a fair trial. However, until we can say, conclusively, that there is no effect, then it seems best to err on the side of caution - certainly no defendant wants to wait and see what the social science literature has to say.

Perhaps one solution is to align ourselves more with the British system. English lawyers do not hold press conferences or issue publicity releases. Once a person is arrested, the newspaper is required to refrain from publishing any pre-trial comments regarding any confession or criminal record of the accused, or face contempt of court charges (Friendly & Goldfarb, 1967; Gillmor, 1966). Such a method virtually ensures that no further remedies are necessary; the court is almost assured of a jury free from any undue influence of the press.

Pretrial Publicity: The Research.

Field Studies.

While the number of trials that can truly be described as sensational or which receive massive media coverage is somewhat limited, those that do occur, such as the Simpson trial in the United States or the Bernardo trial in Canada, provide a forum for studying how pretrial publicity can 'inflamm' the minds of the average citizen. However, the relationship between what we may term public opinion and jury verdicts is a tenuous one, at best.

Moran and Cutler (1991) examined whether individuals exposed to pretrial publicity are more likely to have negative attitudes toward the defendant than those who are not. They were specifically interested in public opinion, or pretrial bias, rather than outcome measures. They claimed that "whether prejudicial pretrial publicity affects verdicts or not is irrelevant from the perspective of the judicial system" (p.348). They telephoned 604 jury-eligible community members and asked them about their knowledge of a well-publicized drug smuggling case, as well as their general attitudes to crime, and this case in particular. They found that many respondents had drawn the conclusion that there was a great deal of evidence against the defendants before hearing any testimony. However, 74% of respondents said that they could judge the defendants impartially if chosen as a member of the jury. Perhaps surprisingly, those who were most likely to know a great deal about the case, and therefore to think there was a lot of evidence against the defendant, were also more likely to state that they could be impartial jurors. As noted previously, simply knowing something negative about a defendant does not necessarily translate into prejudicial behaviour. Without some kind of outcome measure (e.g. a decision of guilt or innocence) these results are hardly conclusive.

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As mentioned, it tends to be quite sensational publicity that is at issue. Metropolitan newspapers enjoy different news value criteria than do community newspapers. There is evidence that community structure can affect what information is published and how it is reported (Drechsel, Netteburg, & Aborisade 1980). Studies indicate that in contrast to urban press, community press puts much sharper limits on the reporting of any local controversy. Community newspapers tend to avoid news of unpleasant local happenings. However, informal channels are probably sufficient and effective. Thus, it is assumed that the effect of pretrial publicity is greater in a small town where residents are likely to know each other, and crime is less common. It has been shown that simply knowing more about a case predisposes an individual to favour the prosecution (Constantini & King, 1980-81; McConahay, Mullin, & Frederick, 1977).

Simon and Eimermann (1971) conducted a telephone survey of 130 potential jurors one week before a murder trial was to start, in a small town in the U.S. There had been a substantial amount of publicity in the paper almost every day in the two months between the murder and the trial. The defence protested that there had been too much media attention, while the prosecution claimed the media was indeed mild according to the ABA standards. There had been no previous criminal records of the defendants reported, nothing about their character, nor any opinions of their guilt or innocence. However, the stories did describe how the victim, a long-time local resident, had his skull repeatedly "bashed" in by two out-of-town youths, using golf clubs. The authors described this as "natural antagonism" built up because of circumstances.

Results indicated that 65% of those who remembered details about the case said that they favoured the prosecution. None favoured the defendants. They also asked whether they felt they

could listen with an open mind to evidence if they were called as jurors - 59% of those who were surveyed, regardless of whether they could recall details of the case or not, said they thought they could serve with an open mind, while 30% said they could not and the remaining 11% said they did not know. The defence used the details of this survey to ask for a change of venue, which was denied. Interestingly, while one defendant pleaded guilty, the other, after a long trial and jury deliberation, was found not guilty. This seems to be a prime example of how difficult it is to conclude that public opinion translates into a guilty vote. Unfortunately, it was not stated how many potential jurors disqualified themselves in the actual trial, so it is difficult to say if those who remained were simply more open-minded, or if they had been persuaded by the evidence despite their biases.

Other attempts at more naturalistic studies of the effects of pretrial publicity have focused on prominent cases in the news. Riley (1973) focused on the actual case of Army Green Beret Captain Jeffrey MacDonald, whose pregnant wife and two small daughters were found stabbed and beaten to death in their home. The author contacted individuals by telephone in three different cities, including the one where the crime had occurred. He found that, while the publicity was actually quite conservative and Captain MacDonald was generally described quite favourably, 26% of the respondents in the city where the crime occurred, and 21% in two nearby cities, prejudged him as guilty. Perhaps more interesting, there were no differences found between those individuals who knew several correct facts about the case and those who knew only a few. While he found that those respondents who listed incorrect facts about the crime were more likely to prejudge, only 14 of the 183 interviewed gave incorrect "facts." Perhaps merely publicizing that someone has been suspected of a crime is enough to bias some, especially those who believe most strongly in the ability of police

to "get their man." The fact that a quarter of the respondents had prejudged the defendant is not particularly surprising; we have no way of knowing how such a finding would translate into jury decision-making. The charges against Captain MacDonald were, in fact, dropped at the time of the writing of the paper, (1973), although since that time he has been convicted of murder.

Friendly and Goldfarb (1967) noted that the bulk of the coverage tends to come at the time of the arrest. However, between arrest and trial, the potential for prejudice increases (Carroll et al, 1986). Rollings and Blascovich (1977) focused on the case of Patricia Hearst which was widely publicised in the media. While she had originally been seen as a victim of kidnapping, she was later arrested as being a co-conspirator - a terrorist. It was assumed that immediately after her arrest, publicity would increase dramatically. Opinion polls were taken four days after her arrest, then 23 days later. The assumption was that any changes in opinion could be attributed directly to the increase in publicity. They asked 438 students, among other things, if Patty Hearst was guilty of the charges against her and would therefore be convicted, if convicted what her sentence should be, and whether or not she had been brainwashed.

Results indicated that there were no significant changes from the responses on the first questionnaire, where 94% said she would be convicted, to the second, where 91% thought she would be convicted. Given the fact that such a high percentage believed that she would be convicted four days after her arrest, it seems somewhat implausible to suggest that publicity could have much more of an effect. Apparently the publicity surrounding her arrest was sufficient to convince those surveyed that she was guilty. They were never specifically asked to act as jurors in the case, and therefore had no particular reason to respond according to the presumption of innocence.

Finally, Constantini and King (1980-1981) questioned hundreds of jury-eligible individuals regarding their attitudes to crime in general, as well as their opinions about a specific case. They found that the more an individual claimed to know about a case, the higher was that individual's level of prejudgment - they were far more likely to be pro-prosecution. Across three different cases on which they surveyed, an average of only 11% of those who had heard little about the case, compared with 60% of those who had heard a great deal, thought the defendants were guilty.

Summary

What the above studies indicate is that we, as individuals, have a "propensity to prejudge" (Constantini & King, 1980-1981, p. 36). Merely hearing that someone has been accused of a crime makes us more likely to believe that the person is probably guilty; in a society where, for the most part, we have faith in our justice system, this is only logical. There would be little point in having a judicial system if we believed that every accused person was actually innocent, although the law does ask us to assume the person is innocent until proven guilty.

The majority of these studies show quite clearly that there is a link between pretrial information and pretrial attitudes (e.g. Friendly & Goldfarb, 1967; Moran & Cutler, 1991; Riley, 1973; Simon & Eimermann, 1971). What none of these studies can prove is any link to final verdicts. Authors of some of this research (e.g. Moran & Cutler, 1991) would argue that as long as there is the slightest chance of a defendant not receiving a fair trial, this chance is enough to warrant some sort of judicial remedy, such as a change of venue (Moran, personal communication, 1996). The results of these types of studies are often the basis for such change of venue motions. Ironically, for the authors who did mention actual trial outcomes in their reviews of the cases (Riley, 1973; Simon &

Eimmerman, 1971), the defendants in both of their studies were eventually acquitted, despite overwhelmingly negative pretrial attitudes regarding their guilt. Moran and Cutler's statement that trial verdict is irrelevant is simply untrue. Until we can separate public opinion from the complex issue of pretrial publicity and jury processes, we will have little to say on this issue - at least that will be any of use to the courts. While asking for a change of venue may be a temporary solution to a potential problem, it means finding a costly way to remedy something that we are not even sure is a threat to justice.

Empirical Research.

Recognizing the limitations of naturalistic studies, many researchers have attempted more controlled laboratory studies to try to more clearly demonstrate the effects of pretrial publicity. The importance of empirical research in this area cannot be overstated. Yet, no matter what we as social scientists may say about the free-press fair-trial issue, unless we can convince those who must actually form policy and law on these issues that we have something important to say, then much of what we do may simply be disregarded. Padawer-Singer and Barton (1975) stress the importance of *realistic* empirical work; this would involve rigorous scientific control, including authentic courtroom settings, potentially "real" jurors, and authentic procedures, including materials that are as close to what might be found in the 'real world' as possible. This is the ideal - however, much of the empirical literature to date falls far short. Rigorous scientific control of jury research may mean that external validity is sacrificed. There are a variety of different approaches to this type of research; each will be outlined below.

General Pretrial Publicity

Pretrial publicity can take many forms; the medium in which it is presented can vary, the content of the material can vary, and how related the material is to a particular court case can also vary. While most of what will be discussed relates to "specific" pretrial publicity, that is, material that is directly related to the a particular case, there is another form of pretrial publicity, known as "general pretrial publicity." This type of publicity refers to information in the news that is similar in some way to a particular case, without actually being related to it. Therefore, jurors may be exposed to a great deal of information about a case or topic, but not the particular case that they will be involved in.

For example, the media could provide an overview of the issue of spousal abuse which might appear at about the same time as the trial for a man charged with spousal abuse. Similarly, the Christian Brothers case, described earlier, was technically seeking a ban on general pretrial publicity when it asked the CBC not to show the mini-series "The Boys of St. Vincent" - a fictional account of the abuse of young boys by Christian Brothers. The television program never discussed the guilt or innocence of the Christian Brothers who were actually facing a trial. However, given the startling similarities between the mini-series and the real-life charges against the Christian Brothers, one could argue that this was more like specific prejudicial pretrial publicity than general publicity.

Greene and Loftus (1984) examined whether or not information regarding a highly publicized real-life case was having an impact on their laboratory research into the issue of eyewitness testimony. Conviction rates in a mock-trial study they were conducting over several months dropped dramatically after a four month break in data collection. Many of the subjects who were questioned

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as to their verdict choices mentioned the name "Steven Titus," a name which was prominently in the news during one of the data collection periods. Titus had been convicted of rape on the basis of an eyewitness identification by the victim, but later was exonerated; another man eventually confessed to the crime. For their initial study, Greene and Loftus had 168 students read about a robbery of a small grocery store where the owner was shot and killed - half of the subjects read that a clerk identified the defendant. Greene and Loftus included the date on which the subject participated in the experiment as a factor. They found that, in general, subjects were more likely to convict a defendant when they had previously read about an eyewitness identification than when they had not. However, if subjects read about the clerk's identification of the defendant while the Titus case was in the news, the overall rates of conviction dropped dramatically from either of the other two data collection times. While many of those in the eyewitness condition mentioned Titus, none of the "no-eyewitness" subjects ever mentioned him. The mistaken conviction of Titus apparently affected subjects' willingness to convict a mock defendant when the main piece of evidence against this person was eyewitness testimony.

In their second study, half of the subjects selected reported being regular readers of a magazine that had recently contained an article about a man who had been wrongly accused of horrendous crimes, due to inaccurate eyewitness testimony. Subjects were then given the same crime description as in the first study. In this study, only 30.5% of those who claimed to read the magazine said he was guilty, compared with 41.7% who stated they never read that particular periodical. This difference was not significant. However, when they asked people to recall specific details of the article, those who recalled the facts were significantly less likely to say the man was guilty than those

who did not remember the details. Thus, those who remembered a wrongful conviction were more cautious in their conviction decisions, in what they termed a "softening" effect. Greene and Wade (1988) found that this effect was even stronger when the general pretrial publicity was more similar to the case that the mock jurors would have to decide than when the cases were dissimilar. They suggest that this may be explained by Tversky and Kahneman's (1973) idea that people evaluate the probability of an event (in this case, the defendant's guilt) by the ease with which relevant examples or associations come to mind. What is not specified is how long this effect lasts in the case of jurors. How fresh must this additional information be? In the Greene and Loftus study, there was no real control over who had or had not been exposed to the article, although the results suggested that over time details are forgotten and so exert less of an influence over decisions of guilt or innocence.

Riedel (1993) examined the effects of pretrial publicity on both the verdict and the severity of the sentence imposed. Participants read either negative information, in which a man accused of rape was acquitted (mistaken acquittal), but then raped and murdered a woman two weeks later, or more positive information, where a man was mistakenly convicted for rape (mistaken conviction), but released six months later when the real rapist confessed. This first phase of the study was described to subjects as a reading comprehension experiment. They were "tested" on comprehension immediately after reading the articles and told they would be re-tested after watching a trial. All participants then watched a 66-minute videotaped mock rape trial. Half the subjects had been randomly assigned to be jurors, while the rest were assigned to be judges. After the trial, jurors were asked to indicate their verdict, by ballot, while judges were asked to assume that a guilty verdict had been rendered, and so assign an appropriate sentence, which could range from 0, to probation, to life

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in prison. Riedel found no effect of pretrial publicity for juror's verdicts, but those subjects who acted as judges and who were exposed to negative information tended to give longer sentences to the defendant than did those subjects exposed to more positive information. Specifically, male judges assigned a sentence of 9.4 years in the mistaken conviction condition compared with 29.9 years in the mistaken acquittal condition. Of course, as the author himself points out, it is not clear that a real judge in a real setting would be as easily influenced.

Specific Pretrial Publicity

Specific pretrial publicity, as noted, refers to information that is directly related to a particular trial. One of the first empirical studies of pretrial publicity was carried out by Tans and Chaffee (1966). Participants in their study were psychology students, members of a steel workers auxiliary, and members of a local Parent-Teachers association. Pretrial material varied according to the severity of the crime described, as well as the type of prejudicial information the newspaper stories contained. Some read about how the defendant had previously confessed (or denied) being involved, and others read either favourable or unfavourable comments from the district attorney. Some read that the defendant had been released, while others read that he was still in custody. Participants were asked to respond to several questions regarding the defendant, including whether they thought he was old or young, guilty or innocent, and honest or dishonest, on a 7-point scale which included a "no opinion" option.

Results indicated that the single most damaging piece of information was a police report of a prior confession. While none of the other individual elements appeared to be particularly damaging, the more information that a participant read, the more likely they were to prejudge the defendant,

suggesting a cumulative effect of information.

Simon (1968) focused on the lurid details that the press often reports as the basis for several empirical studies. She looked at the effects on 97 volunteers who read either three sensational or three conservative newspaper stories about a murder case involving two defendants, prior to hearing a 45-minute tape of the trial. Sensational stories were based on tabloid-style articles, using inflammatory words (such as "slashed" or "murderer") and details to describe the crime, whereas the more conservative articles were more neutral in their reporting. Simon also included information regarding a "long-standing criminal record" of one of the defendants in the sensational stories. Subjects were then asked whether they had formed an opinion as to the guilt or innocence of the defendants, before trial, and if so, what this opinion was. Finally, all subjects were asked by the judge, twice, to disregard the newspaper "evidence" they had seen; they then listened to the trial.

Simon found that subjects who read the sensational stories were more likely to indicate that the defendant with the prior record was guilty, before trial. Results for the second defendant in the sensational condition were in the same direction (higher than with the conservative stories) but not significant. Subjects exposed to the conservative stories made no distinction between the defendants, although one would not expect any as no differences were reported in the articles.

After the trial and the judicial admonitions, no differences in verdicts were found between the subjects who had read the sensational stories and those who read the conservative ones, nor were there any differences in verdicts for the two defendants. In fact, the majority of participants changed their initial opinions from guilty to innocent, for both defendants. Of the 67% who voted the defendant with the prior record guilty before the trial, after the trial and the judges admonitions, only

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25% voted guilty. Unfortunately, all subjects who read the sensational stories were asked to disregard this information prior to hearing the trial. There was no comparison group of subjects who read the stories but were not asked to put aside the biasing information. It is therefore difficult to say for certain whether it was the judge's admonitions that reversed the verdicts, or if the information presented in the trial persuaded the jurors to change their minds. This study has also been criticized for using an unrepresentative sample; in this case all subjects were self-selected, and all were of relatively high intelligence.

In their study of the prejudicial effects of pretrial publicity, Sue, Smith and Gilbert (1974) compared a student and non-student sample of men and women to examine the effects of pretrial publicity on verdicts and on the perceived strength of the prosecution and defence cases. Participants read a bogus newspaper account of a crime, a robbery of a variety store in which the owner of the store and his five year old granddaughter were shot and killed. In the "gun-relevant" condition, subjects read that a gun which matched the one used in the robbery was found in the defendant's apartment. This information was ruled inadmissible in the trial as illegal search procedures had been employed. For the "gun-irrelevant" condition, the gun found in the defendant's apartment was shown to have no connection to the robbery. After reading the article, participants were asked to read the evidence from the trial and to render a verdict. Subjects were then exposed to one of two judicial statements; the first warned them that all "past prejudices and preconceptions" were to be left out of their decision-making processes. Newspaper and television influences were specifically mentioned. In the neutral condition, jurors were simply told how important their job was, and that they needed to take it seriously.

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There were no significant effects of either the sample or the judge's instructions. There were significantly more guilty verdicts in the gun-relevant than in the gun-irrelevant condition; this effect was due to the fact that women in the gun-relevant condition were far more likely (55%) than in the gun-irrelevant (25%) condition to vote guilty. This difference was not significant for the men. In addition, while pretrial publicity tended to increase the ratings for the strength of the prosecution's case, it did not influence ratings of the defence's case. Sue, Smith and Gilbert could offer no explanation for why the women in the study were more affected by the publicity than were the men, although subsequent research has suggested that the fact that the case involved the death of a child may have made it more salient to women.

Padawer-Singer and Barton (1975) completed an ambitious study in which they tried to ensure that courtroom conditions were as realistic as possible. They used jurors called from regular jury pools to create 10 juries, gave their subjects either prejudicial or neutral newspaper clippings to read, had them listen to a three-hour audiotape of a murder trial, and then had their juries deliberate (up to six hours) until they reached a verdict. The authors do note that the trial itself lacked the realism of an actual filmed trial; however, they were unable to find one suitable for their purposes. Instead they had students perform the various roles indicated on the transcript, and the audiotape was created. The newspaper clippings were based on the original publicity surrounding the case. The prejudicial clippings contained information regarding the defendant's prior record and his confession, which was later retracted (both of these types of information are considered inadmissible at trial, based on the ABA guidelines). The neutral articles dealt only with factual material regarding the crime which could be presented in court.

Most of their juries (seven out of ten) ended up as "hung," even with what might be considered an unusually long deliberation time for an experimental project. Due to the small number of subjects, only jurors' individual verdicts were reported, although such verdicts cannot be considered statistically independent. Padawer-Singer and Barton did find that, individually, the jurors in the prejudicial condition were much more likely to vote guilty (78%) than were those in the neutral condition (55%). A follow-up study found similar results after exposure to prejudicial news stories.

The authors concluded, following Kalven and Zeisel's (1966) findings that the "first ballot determines the outcome of the verdict," that most of the prejudicial juries would have eventually voted guilty. Therefore, they argue, they can consistently produce "prejudiced" juries. However, given the extremely small number of jurors, and the fact that apparently only one jury was able to reach a unanimous verdict (in the neutral condition), it is virtually impossible to confirm their conclusions. It is unrealistic to conclude that individual votes can be equated with a jury verdict. The fact that so many juries ended up as "hung" may simply suggest that the "real" jury might also be hung, which would ultimately lead to re-trial or acquittal rather than to a conviction. If more hung juries had been found among the "prejudiced" sample, then that finding, in and of itself, would suggest some possible bias; however, this was not the case.

Davis (1986) points out another serious problem in much of the empirical research. There is generally no time lag between when the potentially damaging publicity is presented and the questionnaire asking for opinions of guilt. This is probably quite different from a real-world situation, in which publicity regarding a crime may pre-date the trial by several months, if not longer. It is possible that, over time, any potential impact of pretrial publicity is weakened due to subjects

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forgetting the information. Davis exposed 224 subjects to a 40-minute videotape of a criminal trial involving a break and enter with attempted rape, immediately after, or one week after, news exposure. All subjects were run in 12-person mock jury situations. Initially, they read either negative or neutral publicity. Following the appropriate delay manipulation, they saw a 40-minute videotaped criminal trial of a break and enter with attempted rape. Juries were asked to reach a verdict and deliberations were tape-recorded. Both pre- and post-deliberation verdicts were obtained.

No significant effect of the publicity conditions were found, nor did delayed trials produce more acquittals than immediate trials. In general, there seemed to be considerable resistance to the influence of prejudicial news. In this case, length of delay had no effect, although really there was apparently no effect of pre-judgment that needed to be remedied.

Otto, Penrod and Dexter (1994) conducted a study in which they exposed 262 introductory psychology students to an actual videotaped (edited to two hours) trial of a man accused of disorderly conduct. They were interested in determining which category of pretrial publicity, based on ABA guidelines, would likely be the most damaging to a defendant. Bogus newspaper articles were created for five different types of pretrial publicity, including statements about the defendant's character, weak inadmissible statements about the defendant by a neighbour, the prior police record of the defendant, a statement about the low-status job held by the defendant, and strong inadmissible statements by a neighbour of the defendant.

Participants, in groups of 6 to 20, read the articles prior to viewing the trial and were also asked to indicate whether or not they believed the defendant to be guilty. Following the presentation of the trial, they were again asked to render a verdict. Otto, Penrod and Dexter found that, before

viewing the trial, those subjects who read negative information about the defendant's character were more likely to vote guilty, as were subjects exposed to either the weak or strong inadmissible evidence. However, after viewing the trial, a path-analysis revealed that none of the five conditions had a significant direct effect on final verdict compared to a control condition, although there was a slight indirect effect for the negative information regarding the character of the accused. This latter findings suggests that trial evidence weakened, but did not eliminate, pretrial bias due to negative character information about the defendant.

While the authors conclude that this study shows some support for the notion that pretrial publicity can negatively affect jurors, the lack of post-trial findings is problematic. It is not particularly helpful to say that prior to seeing the evidence, a person may be affected by publicity. In essence, the subjects are being asked to use all of the available information to come to a decision. Presumably they have little or no knowledge of a particular case until they are supplied with some specific information. There is no logical reason why they should not, at this point, use the material. What is of concern is how jurors actually vote after seeing the relevant evidence. In addition, jurors in this study were not given the opportunity to deliberate, even though they were run in groups. In order to better simulate a trial situation, having subjects participate as actual jury members would have been helpful. Finally, the choice of trial is somewhat questionable. As previously noted, cases that involve pretrial publicity tend to be quite sensational and often emotional. It is not clear how a disorderly conduct trial would meet these criteria. In Canada, such a 'crime' is termed "causing a disturbance", and is classified as a summary conviction (Criminal Code, section 175), punishable by a maximum penalty of six months in jail or a two-thousand dollar fine.

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Kerwin and Shaffer (1994) had 312 subjects participate as either individual jurors or as members of 4-6 person juries. Subjects were then assigned to either an admissible or inadmissible evidence condition. Results indicated that before deliberations, there were no differences in verdicts between individual jurors and the juries. In apparent contrast to Tetlock's findings, merely expecting to have to justify one's views did not have much of an effect on jury members' judgements. However after deliberations, there was a difference. Those subjects who participated in a jury simulation were less likely to recommend a verdict consistent with the inadmissible testimony. They were more likely to ignore the testimony that had been stricken, and so choose a verdict (e.g. acquittal) that would be more consistent with the remaining, rather weak, admissible evidence.

Emotional versus Factual Information

Some researchers have attempted to determine which types of pretrial publicity are more likely to induce bias in jurors, rather than simply trying to find an effect. Hoiberg and Stires (1973) noted that pretrial publicity tends to vary along either a prejudgment or a heinousness dimension. Prejudgment by the press implies the guilt of a possible perpetrator of a crime, while heinous pretrial publicity tends to play up the crime itself, often in a lurid fashion. They assigned 337 high school students to one of four conditions; high or low prejudicial or heinous pretrial publicity. The heinous material either simply described the murder of a 16 year old girl, or included the fact that she had been raped and mutilated as well. The prejudgment material stated that an individual had been picked up either for questioning, or as a suspect. All participants were then exposed to a transcript of the mock-trial of the accused.

Results indicated that among subjects who read a lurid and highly prejudicial description,

female subjects attributed more guilt to the defendant than did male subjects, and women with low I.Q. scores attributed more guilt to the accused than did women with higher I.Q.'s. Yet men with high I.Q.'s attributed more guilt than men with lower I.Q. scores. Again there were no appropriate comparison groups - no subjects were asked to disregard the possibly biasing information. Given the criticisms regarding ecological validity inherent in this type of research, using a sample of high school students is somewhat questionable.

Kramer, Kerr and Carroll (1990) completed what is perhaps the best study of those published to date. They exposed 791 mock jurors to publicity regarding an armed robbery trial. Subjects also read an emotional account of a child in a hit and run accident, which was apparently unrelated to the case, or they read damaging information in which the hit-and-run vehicle was identified as being the same one involved in the crime, and in which the defendant was a passenger. Half of the jurors waited an average of 12 days before viewing the trial in order to simulate a continuance. Participants then watched a 51-minute reenactment of the armed robbery trial. After the trial, jurors were given a chance to deliberate. They found that neither form of prejudicial pretrial publicity had a significant main effect on juror verdicts before deliberation, but after deliberation, those subjects exposed to the emotionally biasing information were 20% more likely to vote "guilty" than were subjects who were not exposed to this type of publicity. When hung juries were removed from the analysis, this difference increased. In this case, judicial instructions were not effective in reducing the initial impact of the publicity, which seemed to become stronger, rather than weaker, even after a delay. It may be that once again, knowing ahead of time that deliberations are part of the paradigm causes subjects to be particularly cautious about their pre-deliberation verdicts; they will have to justify these opinions

to others later.

Simon (1980) argues that juries are quite able to put aside any extraneous information and instead base their decisions on evidence presented. She has noted that prejudicial publicity may even cause a leniency effect before deliberation. Specifically, jurors may perceive slanted news as a threat to their freedom to reach a verdict uninfluenced by extralegal information, and so try to actively avoid using this information.

Presentation of Pretrial Publicity.

One other issue has received very little attention in the scientific literature - specifically which form of media presentation (if any) might lead to greater damage from pretrial publicity. Most research tends to rely on written publicity, something Rollings and Blascovich (1977) termed the problematic "unimodality" of presentation. While it is clear that what one medium carries, the others will also pick up, there may be stronger effects associated with one over the other. Indeed, different individuals may rely on different forms of reporting. Felsher (1966) notes that "an x impact on newspaper readers would inevitably be worth about 5x on a television audience." (p.137) While he admits that television does not try to prejudice its viewers, it is simply more powerful than any other medium of communication, as what we see on television is more likely to remain with us. He goes so far as to say that "television will do more to make fair trials impossible than newspapers have been able to do in a hundred years" (p.149).

Ogloff and Vidmar (1994) recently compared the relative effects of television and print media on jurors exposed to a child sex abuse case. They were interested in whether or not the defendants in the case could get a fair trial anywhere in the province in which the alleged crimes took

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place. Instead of an actual trial, they used publicity surrounding evidence from a Commission which was formed to investigate charges of sexual abuse by the Christian Brothers Congregation. The proceeding garnered extensive coverage in both the print media as well as on television. The publicity also tended to blend specific evidence from the proceedings with unrelated cases of sexual abuse by priests and ministers involving children. Lawyers for the Christian Brothers had argued that due to the extensive nature of the publicity, the inquiry being conducted by the Commission should not take place until after the trials of the accused. The authors hypothesized that subjects exposed to both newspaper and television publicity would show the strongest biases, followed by those exposed to television alone, followed by those who were exposed to only newspaper articles, who in turn would show greater biases than those in the control condition who received no pretrial publicity. They tried to ensure that the information in the two forms of presentation were as equal as possible in terms of content.

After being presented with the information, subjects were asked questions regarding the guilt or innocence of the defendants and how they thought the information presented to them affected them. When asked how likely it was that the Christian Brother was guilty, results supported the hypothesis that those exposed to both types of pretrial publicity were most likely to vote guilty, while those in the control condition were the least likely to vote guilty. As the authors themselves note, a problem with this study is the fact that subjects were responding to the publicity itself, rather than to any actual trial evidence. Therefore, those participants who had been given information on the case had the basis for a guilty verdict, while those without the information did not. In addition there was no jury deliberation, and it is questionable whether or not the information presented could be

called pretrial publicity at all; it included, in fact, actual testimony from an ongoing government inquiry which may be quite different.

Summary

What the majority of the research to date demonstrates is that pretrial publicity generally has an effect before trial (e.g. Otto, Penrod & Dexter, 1994; Tans & Chaffee, 1966). While several studies asked individuals to imagine they were members of a jury (e.g. Greene & Loftus, 1984; Kline & Jess, 1966; Otto, Penrod & Dexter, 1994; Sue, Smith & Gilbert, 1974), few included actual deliberations as part of the paradigm. The verdict preferences of individuals who are asked to "act like a juror" are not representative of how the judicial process might actually work. The few that did include deliberations as part of the paradigm (e.g. Kramer et al., 1990; Kerwin & Shaffer, 1994; Padawer-Singer & Barton, 1975) found some effects of pretrial publicity only after deliberations. Other studies were confounded by poor samples, minimal numbers of juries, as well as judicial instructions and varying types of trial. Sue et al. (1974) found fairly strong effects due to damaging inadmissible pretrial information, yet nearly half of their sample was *not* affected by this information.

What we may conclude is that certain types of pretrial publicity may be more likely to exert an influence on the members of a jury panel than other types, and this bias may influence jury verdicts if the evidence presented is not enough to overcome the pretrial publicity. Specifically, evidence that targets the negative character, prior convictions, or confessions of the defendant can increase the likelihood that pretrial publicity will have an effect (Studebaker & Penrod, 1997).

Even with improvements in experimental paradigms for research on pretrial publicity, one can always argue that the laboratory simulation is simply not analogous to real-life processes. Perhaps the

basic process is not even the same. Having real-world jurors who are able to self-select the type and amount of pretrial publicity they are exposed to, over often long periods of time, poses a problem for this type of research. It is nearly impossible to equate the presentation of publicity in a laboratory situation to real-life exposure.

Conclusions.

Once again we are left with the question of whether or not pretrial publicity will have an adverse effect on jury decision-making outcomes. While many researchers claim that the body of evidence as a whole, despite methodological problems, suggests that pretrial publicity has an adverse effect on jurors (e.g. Fulero, 1987; Fein, Morgan, Norton, & Sommers, 1997; Studebaker & Penrod, 1997), others (e.g. Carroll et al. 1986; Helle, 1997; Simon, 1980) see just the opposite. They conclude instead that the available social science literature on the effects of actual news coverage on potential jurors or on actual jury verdicts is not very useful. "It appears that news coverage in highly publicized cases may influence the public, but it is also possible that those who are pro-prosecution choose to expose themselves to more news and/or remember more of it. There is little evidence of any pervasive effects of news coverage on actual verdicts, although in the cases sampled it would be no surprise that case evidence far outweighs the effects of news coverage." (p.192). At this point, the research into the effects of pretrial publicity is incomplete (Linz & Penrod, 1992).

As we concluded in a recent review paper (Freedman & Burke, 1998) the results so far have been inconsistent. There is no convincing evidence that information that does not go directly, clearly and convincingly to the defendant's guilt will have any effect on jurors' post-trial judgements. If

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conclusive (or near conclusive) evidence of the defendant's guilt is supplied, then there is an increased chance that jurors will be affected by it. However, this is probably true only when the pretrial information is not also presented in court. If it is, there is no evidence in the literature that the pretrial exposure enhances the effect of the information. In other words, only when the pretrial publicity contains conclusive evidence that does not appear in court is it likely to have an effect.

Yet the common sense argument, that pretrial publicity is damaging to a defendant, will persist until such time as researchers can conclusively state when the publicity will have an effect, and under what circumstances. A survey of judges, defence attorneys, prosecutors, media attorneys, law professors and journalists found that most of those interviewed recalled at least one case where they felt that news coverage posed a threat to a client's fair trial (Carroll et al., 1986). However, most felt that concern over publicity was exaggerated. Only the defence attorneys expressed any real concern regarding the possible effects of pretrial publicity. This, of course, seems logical, as the majority of pretrial publicity would appear to be most detrimental to the defendants; prosecutors would, if anything, find their cases possibly bolstered by negative information about a defendant. Most also agreed that judicial remedies worked well; judges in particular were strong believers in a *voir dire*.

The present research

While it was hardly the goal of the present research to overcome all of the problems discussed above, the elements selected for inclusion are ones that seemed to be the most important and relevant to the study of pretrial publicity. The most glaring inconsistencies seem to be a by-product of incomplete paradigms. While one of the benefits of a laboratory setting is that it is possible to study one or two variables in isolation, such an approach does not necessarily suit applied psychology and law research. Without a great deal of realism between actual courtroom procedures and experimental procedures, much of what could be learned from such research may be lost.

The initial study combined a survey of exposure to real-life publicity with an experiment in which an excerpt of a *possible* trial transcript was presented to participants. By using a real case, we attempted to determine whether or not the amount of pretrial publicity that an individual had been exposed to would affect pretrial opinions, as well as final judgements of guilt or innocence, after exposure to a fictional account of the trial. While there have been several studies, discussed above, that examine pretrial opinions, few have used real cases. In addition, usually only one key piece of information is presented to the participants, whereas in reality, an individual might be presented with several different types of publicity, over several weeks, or even months. We predicted that individuals who had been exposed to a great deal of publicity surrounding this case would be more likely to assume that the defendant was guilty. Pretrial effects aside, it is our contention that members of a jury, even a mock jury, take their role seriously, and therefore any pretrial effects would be much weaker once subjects had read a (fictional) account of the trial. Decisions would be based more on the trial evidence, rather than on pretrial publicity.

The three experimental studies attempted to create as realistic a paradigm as possible in the laboratory setting. Several elements were common to all three experiments. First, participants were required to come to two separate sessions so that the presentation of the pretrial publicity would not be so directly linked to the trial. In almost all of the previous research, subjects are given one or two key pieces of material to read often immediately before viewing the trial. Cover stories are often vague and/or implausible, as the researchers attempt to persuade subjects that the material they are reading is unrelated to the trial they are about to watch. In addition, such presentation of pretrial material is hardly analogous to the real world, where an individual may be exposed to the publicity over a long period of time, often well in advance of the trial. Each of our three laboratory studies provided subjects with a plausible explanation for the presentation of the pretrial publicity; the first session was simply to set up a trial date, and to allow subjects to read some background on the case that they would be seeing. We explained that, while the actual jurors had spent several weeks in court, they would be seeing only a highly condensed version of the trial, and that without some background knowledge of the case, the trial would be difficult to follow. By scheduling the trial for, on average, two weeks after the initial session, we provided a much more realistic delay between presentation of the publicity and participation in the trial.

Second, the material presented in each of the three laboratory studies was made to be as realistic as possible. Actual videotapes of trials were used. In addition, public libraries in the city and/or state where the trials were held were contacted, and arrangements were made for copies of original newspaper articles describing the crime, the defendant and the trial to be sent to us. All material that we then created was based on these original articles.

Third, all studies included a jury simulation as part of the paradigm. Groups of three to seven subjects watched the trial and were asked for their individual ratings and judgements; in addition, post-trial, they were given time to deliberate in order to reach a unanimous verdict. Each of these elements has been explored in previous research, but with few exceptions, such research has been done on a piecemeal basis, making it difficult to draw conclusions regarding how these elements interact.

The first laboratory study explored the differential effects of pretrial publicity that was or was not subsequently presented in the trial. Participants were given either negative character information that was never discussed in trial, or evidence that was, eventually, brought up by the attorneys in the courtroom. We predicted that evidence that was never refuted would be far more damaging to a defendant's case, as it would be harder to discount. Evidence that is presented or discussed later in the courtroom should carry less weight, as both sides of the issue are likely to be brought up by opposing counsel.

The second study used the same trial as the first, but the publicity was modified. We postulated that the most damaging evidence might depend more on the specific case than any general category of publicity. Specifically, some information might target the defense, while other publicity might target the prosecution. We included two different types of negative character information, neither of which later appeared in the trial. The defendant was described as either a violent man, or simply an unlikeable man. This particular trial featured a rather mild-mannered defendant; we expected that violent character information would be more damaging to his case than the fact that he was unlikeable, as it could provide jurors with an image of him as a killer. A third category of

publicity was added to this study; an apparent eyewitness identification of the defendant. It was predicted that while the negative character information might directly target the defense's case by eliminating the "nice guy" image, eyewitness testimony might specifically improve the prosecution's case, which was lacking in hard evidence.

The final experiment attempted to solidify the findings of the first two laboratory studies by using similar publicity in an entirely different trial. We predicted that if the effects of pretrial publicity were highly case-dependent, then the category of information (negative character) that we hypothesized to be the most detrimental in the first two studies would have less of an impact in a different trial in which the defendant's character was a less central issue. Three categories of pretrial publicity were used for this study; two types of negative character information (from the second study) as well as a condition in which a motive for the crime was created. Whereas in the first two experimental studies negative character information seemed to be the most important, interviews with actual jurors from this second case suggested that a motive was missing from the trial; we provided one.

In summary, the present research attempts to combine several different aspects of pretrial publicity research into as realistic a package as possible. By including so many different aspects of the research, we hope to mirror some of the complexity of the real-life interaction between individuals, pretrial publicity and the judicial system.

Study #1¹

As was discussed previously, the majority of the cases that have been used in past research are fictitious (e.g. Hoiberg & Stires, 1973; Sue et al., 1974, 1975) or are the kind that would be unlikely to generate a great deal of publicity in the real world (e.g. Otto, Penrod & Dexter, 1994). Some researchers have attempted to re-enact trials using actors or real lawyers and judges in the original trial roles (e.g. Dexter et al., 1992; Kramer et al., 1990). Several (e.g. Rollings & Blascovitch, 1977; Simon & Eimermann, 1971) have shown that those who have heard a great deal about a case tend to be more pro-prosecution, and that pretrial public opinion generally assumes that the defendant is guilty. Few (e.g. Davis, 1986; Kramer, et al., 1990; Otto, Penrod & Dexter, 1994) include post-trial verdicts as part of their paradigm. There is little consistency or realism in terms of the types of pretrial publicity that participants in these studies are exposed to.

In a real-life situation, potential jurors would be exposed to as much, or as little, pretrial publicity as they wished, depending on the number of sources they used, and the amount of information actually reported. Material would probably be spread out over several months, from the time of a defendant's arrest through the actual trial. Some of this information might appear in newspapers, some might be seen on television or on the internet, and some would possibly be discussed with friends or co-workers, depending on individual interest in a particular case. If they were then chosen for jury duty, and if they affirmed that they could judge the defendant fairly and impartially, they would hear all of the trial evidence, deliberate with a group of 11 others who had

¹ This research was recently published (Freedman & Burke, 1996).

also been exposed to varying amounts of publicity, and finally come to a verdict.

There is simply no research to date that can replicate this sequence of events perfectly, nor will the present research attempt to overcome all of the aforementioned limitations. However, we will attempt to come up with a consistent set of findings using material, and a research paradigm, that is as realistic as possible. In this initial study, we assessed how many people had been exposed to pretrial publicity and to what extent, in a high profile case being played out in the Ontario courts. After presenting bogus 'new' trial evidence to participants, we wanted to see if their opinions regarding the guilt or innocence of the defendant changed in any way. The central question was how the extent of exposure to pretrial publicity related to initial opinions, and more important, to final opinions. We assumed that, initially, most individuals would have strong negative opinions regarding the guilt of an accused, but that these opinions would be less strong after exposure to the trial.

We chose the case of *R. v Paul Bernardo (Teale)*. At the time of this study, July 1993, Bernardo had been charged with first-degree murder in the sex-slayings of two Ontario teenagers. He also faced 28 rape-related charges for a series of assaults that took place in Ontario between 1987 and 1990. His ex-wife Karla Homolka had been convicted, in a separate trial, of two counts of manslaughter in the deaths of the two teenagers. She was sentenced to 12 years in prison, and was expected to testify at his murder trial. The judge in the case imposed a ban on reporting Homolka's plea and everything else that was said in the courtroom concerning the deaths. It has been suggested that this ban was imposed to try to protect Bernardo's right to a fair trial or possibly to ensure that the impact of Homolka's testimony against him was not diminished in any way. Despite this ban, publicity surrounding the case was massive, with constant rumours regarding what actually happened

being circulated in foreign press, internet news groups, as well as through word of mouth.

We assumed that the more information subjects had been exposed to, the greater would be the chance of a "guilty" opinion before trial. We further assumed that if we offered a plausible defense for the accused, such pre-trial bias would be reduced and possibly eliminated post-trial. This would demonstrate that, while public opinion may be against the defendant, those asked to judge the actual case are willing to base their decisions more on the evidence presented to them than on rumour and pretrial publicity.

Method

Subjects

Subjects consisted of 155 visitors (63 men and 92 women) to the Ontario Science Centre. Participants were given a comprehensive consent form describing the various questionnaires that they would be asked to complete. They were informed that their participation was voluntary and that they were free to discontinue their participation in the study at any time.

Procedure

Subjects were first given a questionnaire which consisted of items querying their age and sex, as well as which province or country they lived in. In addition, they were asked how much they had heard about the Paul Bernardo-Teale/Karla Homolka case, on a five point scale ranging from "Nothing at all" to "A great deal". They were also asked to indicate the source of their information, such as newspapers, radio and/or the internet. Finally, they were asked to briefly describe exactly what they had heard regarding the case, if anything.

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Subjects were then given a brief description of the actual case against Bernardo. This description included information about the murders of the two girls, the conviction of Karla Homolka, and the ban imposed by the judge. Half of the subjects also received information about the rape-related charges. At the end of this description, subjects were asked "Considering everything you have heard and/or read about this case, do you feel that Bernardo is..." and asked to indicate their view on a seven-point scale ranging from "Definitely Not Guilty" to "Definitely Guilty." They were also asked to indicate if they would vote "guilty" or "not guilty" if they were asked to be an actual juror in the case.

Participants then read a fictitious account of Bernardo's trial. It was made clear at the beginning of this account that we had no inside information about the trial, nor were we suggesting that the information to be presented was factual or true - just that we would like them to imagine that what was presented actually occurred. This one page account described how the case against Bernardo was based on two sources of evidence - Homolka's testimony, and some hairs and fibres that were found in Bernardo's house that could be from one of the victims.

An expert witness for the defence countered that the hairs and fibres could match any number of individuals and that if the murders had occurred in Bernardo's house, that much more forensic evidence would have been found. As for Homolka's testimony, Bernardo testified that she was a bizarre and violent person and the reason they split up was due to a long-standing affair she had. He suggested that it was Homolka and this other man who committed the murders and framed Bernardo, in order to ensure a shorter sentence for Homolka, while protecting her lover. Following this account, subjects were once again asked to indicate their opinion regarding Bernardo's guilt on a

seven-point scale ranging from "Definitely Not Guilty" to "Definitely Guilty," as well as their verdict if they were asked to be an actual juror in the case. In addition, they were asked "If you were in fact called to be a juror on this case, do you feel that you could act fairly and impartially, regardless of whatever information you had been exposed to previously?," indicating either Yes, No or Not Sure. (See the appendices for a copy of all materials presented).

Participants were then thanked for their participation and fully debriefed regarding the study. Once again they were reminded that the information we presented to them was not factual and in no way implied that we had any additional knowledge of the case.

Results

Overall exposure to pretrial publicity

In total, 35.5% of the participants reported having heard nothing about the case, while 9.9% said they had heard a great deal. The amount heard about the case was strongly influenced by where the subject lived, with those who lived in Ontario much more likely to report they had heard something about the case than those living elsewhere ($\chi^2(4) = 116.5, p < .001$). Of those who indicated they had heard something about the case, the main sources were newspapers (83%), television (74%), radio (63%) and friends (57%). The internet was mentioned by 12% of the participants.

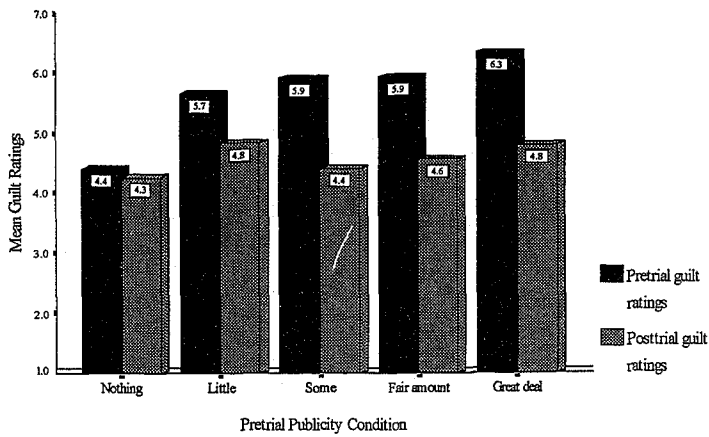
Pretrial publicity and ratings of guilt.

Pre-trial: The amount of information to which subjects had been exposed was significantly related to their initial opinions of how guilty Bernardo was, $F(4, 147) = 22.35, p < .001$. Multiple range post-hoc tests (using Tukeys-HSD, $p < .05$) indicated that the group that heard nothing was

significantly different from every other group - whether they had heard a lot or a little. No other groups were significantly different from one another.

Post-trial: After subjects read the fictional account of the trial, there was no longer any relationship between what subjects had heard, and their opinions of how guilty they felt Bernardo was, $F(4, 146) = 0.82, p > .51$. See Figure 1, below.

Figure 1: Mean ratings of guilt by condition

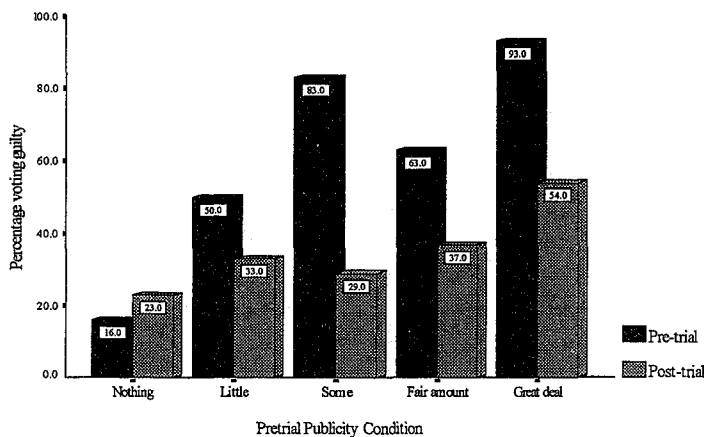


Pretrial publicity and verdicts

Pre-trial: Among the participants who had heard nothing, only 16% voted guilty compared with 93% of those who had heard a great deal. Chi Square analysis indicated that the amount heard was strongly associated with pretrial verdicts, $\chi^2 (4) = 41.67, p < .001$.

Post-trial: There were no longer any differences among the groups in terms of guilty verdicts, $\chi^2 (4) = 5.59, p < .25$, regardless of how much they had heard initially. See Figure 2, below.

Figure 2: Percentage of guilty verdicts by amount heard



Knowledge of rape charges

Telling subjects about the additional rape charges against Bernardo had no significant effects on pretrial opinions ($t(152) = .86, p > .3$) or guilty verdicts ($\chi^2 (1) = 1.70, p > .1$). There was, however, a marginally significant difference between rape and no rape conditions in posttrial opinions, with those told about the rapes rating him more likely to be guilty ($M = 4.71$ with rape; $M = 4.30$

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without rape), $F(1, 151) = 2.78, p < .10$, and this difference was stronger if those exposed to the most publicity are eliminated, $F(1, 134) = 3.46, p < .07$. The effect on posttrial verdicts was similar. Those told about the rape charges were more likely to vote guilty (39%) than were those not told (24%), $\chi^2(1) = 3.59, p < .06$.

Of perhaps greater interest is the relation between getting information about the rape charges and the effect of pretrial publicity. Among those subjects who were not told about the rape charges, there was a marginally significant effect of publicity, $\chi^2(3) = 6.63, p < .09$. In contrast, among those who were told, there was no effect of pretrial publicity on posttrial verdicts $\chi^2(3) = .78, p > .05$ (both analyses combine the two highest levels of exposure because the numbers in those categories are too small otherwise). The interaction is not significant, but at every level of exposure except the two highest, those who were told about the rape charges were much more likely to vote guilty. Among those hearing the least publicity, the difference was 32% vs. 14%, the next level it was 40% vs. 29%, and the next highest it was 45% vs. 10%. In contrast, among those who had heard the most publicity about the case, the percentage voting guilty was almost identical in the two conditions, (41% vs. 43%). To put it another way, the only significant posttrial effect of pretrial publicity was the difference between the highest and lowest exposure groups in terms of verdicts, and this difference was eliminated by giving information about the rape charges (no rape charges condition, by Fisher's exact test, $p < .03$; rape charges condition, by Fisher's exact test, $p < .7$).

Ontario Subjects

As was mentioned previously, most of the subjects from Ontario had heard something about the case, in contrast to those who lived outside of the province. These subjects were the only ones who would conceivably be eligible for jury duty in this case. When these subjects were looked at in isolation, all effects of pretrial publicity disappeared. Pretrial opinions of Ontario subjects were not

related to the amount of pretrial publicity ($F(3, 78) = .56, p > .05$), nor were pretrial verdicts ($\chi^2(2) = 3.78, p < .16$). Results were similar for post-trial opinions and verdicts.

Impartiality

Neither the amount of publicity the subjects had been exposed to nor the extra information regarding the rape charges had any effect on subjects indicating they could act in a fair and impartial manner if called as an actual juror in the case.

Discussion

Generally speaking, it appears that a publication ban on pretrial publicity may not have been warranted in this particular case, given the type of evidence we provided. Of course this assumes that the only issue to be resolved before making this decision is whether or not the pretrial publicity would adversely affect a final verdict. There may have been other motives for the motions for a publication ban. The only real effect occurred for those subjects who did not live in Ontario - the place where the crime occurred and where the defendant would be tried. It may be that once an individual has heard *anything* about a case, particularly such a lurid case, it matters little how much he or she subsequently hears, although certainly we do not know the actual limits of this process. Thus, unless a judge can ban absolutely all information regarding a case, the effort may be somewhat in vain.

Although there was some effect of pretrial publicity before reading the "evidence" in the trial, this does not necessarily indicate anything other than that public sentiment, or opinion, assumed Bernardo to be guilty. Once asked to act as much like a real juror as possible and consider just the evidence presented, most subjects seemed able to put aside any preconceived notions of the guilt or innocence of the defendant. The finding that information about the rape charges eliminated any

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further effects of publicity follows from the above finding that any information about the case is the same as a lot of information. It is likely that most of those subjects from Ontario had already heard about the additional charges, and so presentation of this information added nothing to their decisions. When those who had heard nothing were given this additional information, their ratings become more similar to those who had already been exposed to a fair amount of publicity.

Several limitations of the study should be noted. First, it is difficult to say if there were actual differences among the "heard" conditions in the measurement of exposure to information about the case. Some who said they had heard "very little" gave a great deal of information when asked to explain in detail, while some of those who said they had heard a "Fair amount" recounted very little detail. This may be related to the apparent finding that once a subject has heard something about a case, the actual amount makes very little difference.

A second problem is the fact that these were not jurors and they were never exposed to a real trial, nor were they given any chance to deliberate their verdicts; we looked only at individual verdicts. However the study did attempt to increase the realism of this type of study by looking at a real case and people who, if living in Ontario, could be eligible jurors in this case.

Finally, the case against Bernardo was made to be quite weak, which may be problematic. When Bernardo was actually tried in court, the case against him turned out to be quite strong. It is possible that whatever subjects had heard prior to completing the study was much more compelling than anything we presented, and so may have obscured possible findings. Many of the more lurid rumours and innuendos heard before the trial, such as that he and Homolka videotaped their victims, unfortunately turned out to be all too true. Bernardo was eventually found guilty of all charges and

sentenced to life in prison. However, as was discussed previously, it may be that a weak case is the kind most likely to be affected by pretrial publicity. If the actual evidence is strong, then any pretrial publicity effects should be marginal.

The fact that knowledge of the rape charges eliminated even the small effect due to initial exposure to pretrial publicity suggests that certain types of information may have a greater, or smaller, effect, depending on the particular case. Our scenario put all of the blame on Karla Homolka; knowing that there are other charges against Bernardo for sex crimes, although not specifically for murder, may make it more difficult to view him as innocent. However, if the other charges against Bernardo were for less related crimes, such as embezzlement or fraud, then knowledge of these charges may have had less of an impact on the participants. It would presumably be easier to believe in the innocence of an embezzler charged with a violent sex crime and murder, than in the innocence of an accused rapist charged with the same thing.

This study suggests that banning pretrial information may be unnecessary, if not unrealistic in such a sensational case. As noted, unless all information is concealed, there is little evidence that those exposed to some degree cannot put aside this information and pay attention to the information presented in court. In this particular case, information regarding the rape charges was widely reported in the media, and was never the focus of the publication bans. If we could show definitively which pieces of information in a particular case are the most likely to have an adverse impact on jurors, then such *specific* information could be withheld from the media, rather than imposing a publication ban on all material. Of course, determining the material most likely to be damaging in any particular trial is a daunting task; this is the goal of the next three studies.

Study #2

The previous research using a real-life case demonstrated that while public opinion may be strongly against the defendant, those asked to judge the case can put aside their biases and judge the case on the basis of the evidence, rather than on the basis of what they have heard in the media. However, this demonstration was based on a case where we implied that the evidence against the defendant was weak, and participants read only a brief transcript of the trial. There were no jury deliberations, nor were jury verdicts reached. While this study extends the findings of some of the early field research, which demonstrated only pre-trial bias against an accused, it does not allow us to examine how jurors, as a group, might use or process the pretrial publicity and how such publicity affects their decision-making. While we suspect that certain types of information might be more damaging to a particular case than others, as we found with the rape charges in the Bernardo study, we would like to study this issue further.

The next three studies return to the laboratory setting. The goal of the second study was to look at how different types of pre-trial publicity, such as information about the character of the accused, or the luridness of the crime, affect jurors' verdicts. Previous research has demonstrated that evidence that is damaging, but later ruled inadmissible, can affect the pre- and post-trial opinions of those asked to judge the case. For example, recall that Sue et al., (1974; 1975) had individuals read about the robbery of a variety store in which the owner of the store and his five year old granddaughter were shot and killed. In all conditions, participants read that a gun had been found at the home of the accused. Half of the participants heard that the gun matched the one used in the robbery and murder, but that due to an illegal search this information was ruled inadmissible. The

other half heard that the gun did not match the one used in the crime. Not surprisingly, those given the damaging, though inadmissible, news about the matching gun were more likely to vote guilty. Such damaging information may be almost impossible to overcome; it is not simply sensational news, it is strong *evidence* of the guilt of the accused. Although it is possible, it is difficult to imagine that such evidence would not in fact be ruled admissible, and be brought up later at trial. Ideally Sue et al. would have included a condition where the gun was found to match, but where this information was discussed, and perhaps refuted, at the trial. Then the damaging impact may have been lessened.

Assuming that the publicity generally stays within the limits imposed by the courts regarding material that is fair to print, it may be that no matter how damaging the pretrial information, its impact will be reduced by the actual trial proceedings where both sides of the story are told. Therefore, it may be unnecessary to ban information that will be discussed in trial anyway. The more damaging information may be that which is presented by the media, but never refuted in court by the attorneys.

The present study was an attempt to determine which types of evidence would be most likely to have an impact on both pre-trial biases and post-trial verdicts. Mock jurors were presented with damaging evidence, in the form of pretrial publicity, that was either included in the trial, or never mentioned again. We improved upon the realism of experimental laboratory research by using a real (edited) trial, recorded on video, as well as actual pretrial publicity from the original case. Jurors in this study were presented with pretrial publicity at least two weeks before viewing the trial, rather than immediately before. After the trial, they were asked to deliberate, as a jury, and reach a verdict.

We hypothesized that any effects of pretrial publicity would be related to the amount of negative information that the subjects were exposed to before seeing the actual trial. Those in the

most negative condition should have a harder time ignoring this information both before and after deliberations. This is especially true given that this material was never refuted in the actual trial. Those given only mildly negative information should find it easier to set aside the extraneous publicity and focus on the specific trial evidence; everything that they heard before trial would be repeated in the trial, with the added benefit that they would hear both sides of the story. While we expect that there will be a stronger impact of the publicity on guilt ratings before deliberation, particularly in the extremely negative condition, any effects should be weakened by the deliberation process.

Method

Subjects

Ninety-one introductory psychology students, 14 men and 77 women, at the University of Toronto participated in the experiment in partial fulfilment of a course requirement. Subjects ranged in age from 18 to 47 years. Students were given a comprehensive consent form detailing the procedures, in particular explaining that they would be required to complete two experimental sessions approximately two weeks apart. Participants were informed that their participation was voluntary and that all information gathered was confidential. They were also informed that they were free to discontinue their participation in the study at any time, at either session. A small group (27) of additional subjects was asked to complete only the first part of the experiment (Session 1) in order to determine whether or not the material was having the desired impact on the jurors.

Materials

The case upon which our study was based occurred in Denver, Colorado, in June, 1990. Four bank guards were brutally murdered, and the assailant escaped with over one hundred thousand dollars in cash. A former bank security guard, James William King, was arrested within two weeks of the crime. At the trial, approximately one year later, Mr. King was acquitted.

Participants in this study read actual newspaper articles that appeared in either the Rocky Mountain News or the Denver Post around the time of the actual crime and trial. Three different packages of articles were prepared:

In the "Negative" condition, the package contained a total of eight articles. The first two were Associated Press articles, which briefly reported the crime. The first simply stated that the bank had been robbed and that four guards were dead. The second described the subsequent arrest of James King, a part-time bank security guard. A third article gave detailed information about the crime and the sequence of events that led to the killing of the four guards. The violence of the crime was evident; seventeen shots were fired at the four guards. This latter detail was linked to a police theory that the killer was probably a member of the police force, as Denver police carry 6 bullets in their service revolvers, and 12 others in two automatic reloaders. The fourth article described the charges against King, and how the District Attorney wanted to ask for the death penalty. Several key pieces of evidence were included here; a shoe was recovered from King's house which apparently matched a footprint found at the bank; several aliases on forged police identification cards were found in King's home. The fifth article discussed in greater detail (even showing photographs) the fake identification cards found at King's home. The sixth article reported that a floor plan of the Bank had also been

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found in his home. In addition, a former guard at the bank reportedly told police that King had described to him how he might one day kill the guards and rob the bank. In the seventh article, King was described as a man whom "nobody knew," generally a loner. His knowledge and expertise with guns were described in detail, as was his former army training, where he had apparently honed his martial arts skills. Finally, the last article was slightly altered to suggest that King 'often' (as opposed to 'never') yelled at his children. Information regarding a previous bankruptcy was highlighted. None of these evidentiary details, such as the footprint, floor plan, or the fake identification documents, as far as we know, were actually described in the trial; none of them were included in the two hour version sent to us. Of course, the fact that the original trial lasted three weeks suggests that there was a great deal of evidence that was omitted in the version we received.

Participants in the "Mildly Negative" condition received six of the eight articles; the first three articles were identical to those in the Negative condition, while the rest were modified to ensure that information that would not ultimately appear in the trial was not presented. From the fourth article, all mention of the shoeprint and the false identifications was removed, and the fifth and sixth articles were removed completely (these described in greater detail the false identifications and the floor plan). All mention of his expertise with handguns and his martial arts training was deleted from the seventh article. Finally, the last article was altered to read "never raised his voice" to his three children, and the mention of the bankruptcy was removed.

Subjects in the control condition read only the two brief Associated Press articles, which, as described above, simply reported the crime, and the subsequent arrest of James King.

In addition to the newspaper articles describing the case, participants watched an edited

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videotape of the actual trial of James King. Original footage of the trial was supplied by "Court TV," in the United States, an organization that films court cases. We received a two hour edited version of the trial, which we further edited down to 1 hour and six minutes. Most of what we removed was commentary that had been added by Court TV to make the trial easier to follow for television audiences. Statements such as "here comes the turning point in the trial..." were deleted so that our jury would be better able to make their decisions on the basis of the evidence presented in court, rather than on the basis of the narrator's comments. Nothing was added to the tape.

Procedure

Session 1: Up to seven participants came to each of the initial sessions; as a group, they were randomly assigned to one of the three conditions. Therefore all individuals present at any one session all read the same stimulus materials. Subjects were first asked if they had ever heard of a bank robbery case that occurred in Denver Colorado, where a man by the name of James King had been arrested - (none had). They were then informed that they would be reading a series of articles on the crime, as they would be acting as jurors in this case at their next session and needed just "a little bit" of background information so that they would have some idea what the case was about. As a cover story, participants were told that there was no lead-in for the videotaped trial and so it would be hard to follow without some background information on the case. They were told to familiarize themselves with the case by reading the articles provided.

Once participants had completed the readings, they were thanked for their participation, and a time was arranged for their next session, approximately two weeks later. A trial schedule had been created for each of the three conditions; as participants finished reading the articles, they were told

of the available trial times. Each participant was given a choice of several different times, all of which corresponded to their particular condition. They were also asked not to discuss the case with anyone before the second session, just as real jurors would be asked not to.

The twenty-seven subjects who were part of the manipulation check were asked to read one of the three sets of articles, then indicate how guilty they felt that King was, as well as render a verdict based on what they had heard so far. They were not scheduled for a second session.

Session 2: Participants in this session were run in groups of 3 to 6 individuals, in order to simulate a real jury. Before the trial was started, participants were asked not to talk, and not to take any notes. Whether or not jurors are allowed to take notes varies from state to state, province to province, and even court to court. Studies that examine the issue of juror note-taking generally conclude that there is no particular benefit, nor any harm done, when jurors do take notes (e.g. Heuer & Penrod, 1994; Penrod & Heuer, 1997). However, it was felt in this case that the trial itself was short enough so that note-taking would be of no particular use later in terms of aiding the memories of the jurors during deliberation. The videotape was played on an eighteen inch television set which was placed at one end of the jury table. Participants watched the trial as soon as all members of the jury had assembled; they were given no instructions regarding the information presented at the first session. They were told to watch the trial without any discussion or interruption, and that they would be given a chance to discuss it at the end.

Immediately after the trial, subjects were asked to fill out a brief questionnaire, which asked their age and sex, and how guilty they felt that King was, on a 7-point scale ranging from Not Guilty (1) to Definitely Guilty (7). In addition, they were asked to render a verdict, without discussing their

decision with the other members of the jury. Next, a foreperson was randomly selected and asked to oversee the deliberations. Deliberations were allowed to proceed in any way they chose; they were not specifically instructed when it would be appropriate for them to take a first ballot vote. They were informed that, if they took an initial vote and found that they were all in agreement right away, they were to take some time to discuss how and why they came to their decision. The foreperson was asked to ensure that each person was given a chance to express his or her views. They were given approximately 20 minutes to deliberate, without the experimenter present, and (if possible) come to a unanimous decision regarding the guilt or innocence of King. At the end of deliberations, the foreperson was asked to notify the experimenter and state the verdict.

Jurors were then given a second questionnaire. Once again they were asked to state how guilty they felt King was on a 7-point scale. They were also asked to state the verdict that they had reached as a group - Guilty, Not Guilty, or Hung. A checklist of "evidence," some bogus and some real, was provided for subjects to indicate which pieces of information they remembered being exposed to (though we did not specify whether the information was contained in the articles themselves or the trial). In addition, jurors were asked what the strongest piece of evidence was that caused them to vote as they did, and whether or not they felt any of the material they had read prior to seeing the trial had biased them in any way. (See appendices for a copy of all materials)

Once subjects had completed this questionnaire, they were debriefed and thanked for their participation. They were also asked not to discuss the case with anyone who might participate in the study at a later date.

Results

Manipulation Check

(For 27 subjects who participated in Session 1 only)

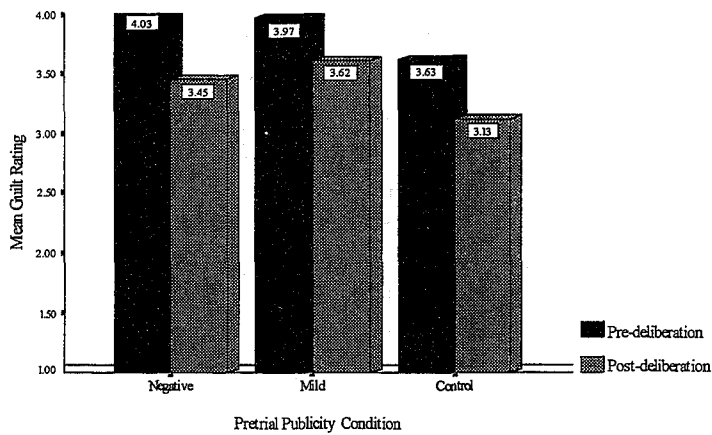
Although an Analysis of Variance (ANOVA) indicated that there were no significant differences among subjects in the three conditions ($F(2,24) = 2.87, p < .077$), there is a trend. Multiple-range post-hoc tests (Least Significant Difference, $p < .05$) revealed that participants in the negative condition ($M = 5.2$) were significantly more likely to rate King as guilty than were subjects in the control condition ($M = 3.75$). There were no differences between subjects in either of these two groups, and those in the mildly negative condition ($M = 4.11$). A Chi Square analysis found that these same two groups (negative and control) were also the only groups to differ significantly in their final verdicts, ($p < .03$, by Fisher's Exact test), with those in the negative condition more likely to vote guilty than those in the control; these were individual verdicts reported, not jury verdicts. In addition, there were no differences among the three groups in terms of reports of being able to act impartially ($\chi^2(4) = 4.55, p > .33$).

Individual Subjects:

Ratings of Guilt

One-way ANOVA found no differences among the three conditions in terms of their ratings of King's guilt either before deliberations ($F(2,88) = .48, p > .05$), or after ($F(2,88) = .67, p > .05$) (see figure 3).

Figure 3: Mean ratings of guilt by condition.



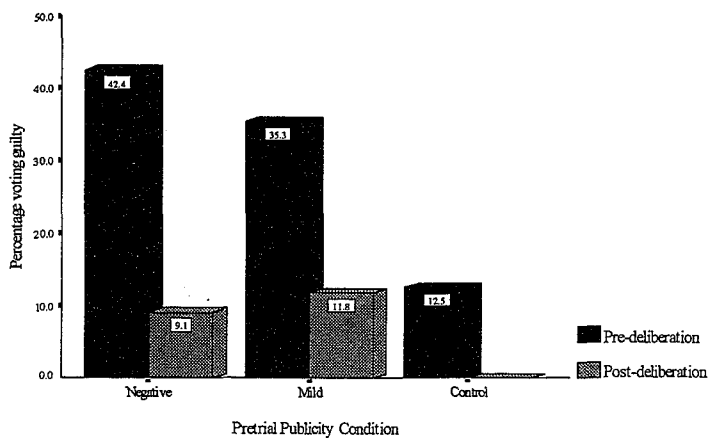
Verdicts

Pre-deliberation: A Chi Square analysis revealed significant differences in pre-deliberation verdicts as a function of the information condition. Those in the most negative condition were more likely to vote guilty than were control group subjects ($\chi^2(1) = 5.94, p < .01$), and subjects given mildly negative information were also significantly more likely to vote guilty than were subjects in the control condition ($\chi^2(1) = 3.81, p < .05$) (See Figure 4 for percentages). However, the negative and mild conditions did not differ from one another ($\chi^2(1) = .358, p < .54$).

These data were then subjected to an ANOVA in order to avoid increasing the error rate due to multiple chi square comparisons. "Not Guilty" verdicts were coded as (1), "Hung Jury" as (2) and

"Guilty" as (3). This ANOVA confirmed the above findings; Pre-deliberation individual verdicts were affected by the type of information that participants were exposed to ($F(2,88) = 3.12, p < .049$). Post-hoc multiple range tests (using Tukeys-HSD, $p < .05$) found the negative ($M = 1.85$) and control ($M = 1.25$) conditions significantly different, indicating that those in the negative condition tended to vote guilty more than did those in the control condition.

Figure 4: Percentage of guilty verdicts by condition (for individuals).



Post-deliberation: While it is statistically problematic to include individual verdicts after the members of the jury have deliberated, as the verdicts are no longer independent, these results were

included for comparison purposes (see figure 4). Both a chi square analysis ($\chi^2(2) = 20.55, p < .0001$) and an ANOVA ($F(2,88) = 6.12, p < .003$) indicated that there was a significant effect of pretrial information on post-deliberation verdicts, for individuals. Once again, the negative ($M = 1.67$) and the control ($M = 1.13$) groups were significantly different (by Tukeys-HSD, $p < .05$).

Feelings of Bias

Responses to the question "did you feel the material biased you?" were coded so that a (1) indicated "No," a (2) indicated "Not Sure," and a (3) indicated "Yes." An ANOVA revealed a main effect for condition ($F(2,88) = 6.98, p < .001$), where subjects in both the negative condition ($M = 2.21$) and the mildly negative condition ($M = 1.68$) were significantly more likely to say the material biased them than were subjects in the control ($M = 1.42$) conditions. However, a chi square analysis revealed only two of the subjects who reported feeling biased by the materials actually voted guilty.

Evidence Checklist

There were four main pieces of evidence that were mentioned only in the negative articles and not at trial; the bankruptcy, the map, King's knowledge of guns, and the footprint. Each of the first three was checked an average of 67% of the time by those in the negative condition, compared to 6% of those in the other two conditions. The footprint was only checked by 15% of those in the negative group, as compared to 8% of the other two. The rest of the items on the checklist either appeared in trial, or were bogus items added later. For the pieces of evidence that appeared in the trial, the accuracy rate across all three conditions was 93%. Only 2% of the entire sample ever indicated that they had heard about one of the bogus items.

Jury Results

Ratings of Guilt

Ratings of Guilt were averaged across jury members for each of the 22 juries to produce a single score for each. These were then subjected to one-way ANOVAs which revealed no significant differences among the three groups as a function of the information condition either before ($F(2,19) = 1.95, p < .17$) or after deliberation ($F(2,19) = .57, p < .58$).

Verdicts

A one-way ANOVA indicated there were no differences in final verdicts among any of the three groups as a function of the information condition ($F(2,19) = 1.44, p < .26$). Table 1 shows the distribution of final jury verdicts.

Table 1: Final Jury (Group) Verdicts

Condition	Verdicts		
	Not Guilty	Hung Jury	Guilty
Negative	3	4	1
Mildly Negative	6	1	1
Control	5	1	0

Group Influence

Results were tabulated for the pre- and post-deliberation verdicts, to determine whether the final vote was affected by a majority decision rule (see Table 2). There were no majority verdicts that

were ultimately overturned by the minority, members of minority factions either voted with the majority for the final verdict, or deadlocked the jury.

Table 2: Relationship between pre-deliberation verdicts and final jury vote.

Pre-deliberation Verdicts	Final Jury Votes		
	Not Guilty	Hung Jury	Guilty
Unanimous Group (NG)	6 (100%)		
Even split	3 (50%)	2 (33%)	1 (17%)
Not Guilty Majority	5 (63%)	3 (37%)	
Guilty Majority		1 (50%)	1 (50%)

Discussion

The results from this study suggest that while pretrial publicity may have an impact on jurors' individual ratings and verdicts, when jurors are given a chance to deliberate in a group situation, these effects are reduced or even eliminated. Initially, subjects in all three conditions expressed a "feeling" that King was guilty, although only those in the extremely and mildly negative conditions apparently felt that this was enough of a rationale to actually vote guilty. There were ultimately no effects on final jury verdicts. The findings from this research may help to explain some of the disparity in results from previous studies - as was mentioned earlier, there is a difference between how jurors feel and how juries act. Although some researchers have combined hung jury results with the not guilty

verdicts (e.g. Heuer & Penrod, 1994), doing so in this case may have masked the differences found in terms of individual verdicts. Finding more hung juries in those exposed to highly damaging information is as interesting as finding more guilty verdicts; it suggests that a bias still exists. It is interesting to note of course that even after viewing a trial, but before deliberation, those exposed to potentially biasing material are still more likely to be affected by this information, but it may be that there is something that occurs in the deliberation process which causes subjects to think more carefully about their final verdict.

Perhaps this is a prime example of Tetlock's (1983) accountability phenomenon. The findings are similar to those of Kerwin and Shaffer (1994), where those subjects who participated as actual jury members were more able to ignore inadmissible evidence. Knowing that they were going to be acting as members of a jury and would have to present their views publicly may have tempered initial ratings of King's guilt. The evidence checklist indicated that participants remembered important pieces of information even two weeks after reading it, and yet their ratings did not differ from individuals in the other two conditions. Without this damaging information being presented in the actual trial, jurors, after group discussion, kept their focus on the evidence given in court.

It is certainly interesting to see that all those exposed to some type of negative pretrial publicity felt that this information had affected their ability to be impartial, although these feelings of being biased never seemed to actually influence their decision-making process. It may be that, when asked to focus on this information in the questionnaire, jurors felt an obligation to "admit" to remembering the damaging evidence. However, when it came time to actually make up their minds, they may have gone out of their way to ignore what they knew to be extra-legal information.

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There are several limitations to the study that should be noted. First, it is unfortunate that we could not watch the deliberations of the jurors. As was discussed previously, Pennington and Hastie (1990) distinguish between two type of deliberating styles - evidence-driven and verdict-driven. The former involves jurors pooling information and then trying to influence one another in the "appropriate" direction, while the latter involves taking a public vote on the verdicts, rather than trying to reach consensus first, which often leads to a more adversarial approach as "competing factions" then argue their point of view. It would have been interesting to see which style jury members adopted, and whether or not this choice was related at all to the type of information that they had been exposed to previously. It is interesting to note that in all cases where there was a pre-deliberation majority faction (although the individual members were unaware of this), no minority members ever overturned the majority. As was noted, the minority ultimately either voted in line with the majority, or deadlocked the group. Such findings are similar to those of Kalven and Zeisel (1966) who concluded that in most cases, the majority wins. However, as Diamond (1997) pointed out, this may be directly related to the type of deliberation style adopted by the jury. It may be the case, for instance, that taking an initial ballot is more likely to lead to a deadlocked jury than is a more gentle discussion of the evidence.

A second limitation comes from the use of individual jury members as subjects - to analyze the data one must consider the entire jury as one unit, which unfortunately lowers the statistical power of the tests. Although the results were reported, it is problematic to study the score of the individual members once they have discussed the case, as their responses can no longer be considered independent of one another. However, such results allow for easier comparison to previous research,

most of which tabulates only individual verdicts (e.g. Otto et al., 1994; Sue et al., 1974). On the other hand, being able to study jury verdicts is really the most important aspect of the study, as this is most analogous to a real-world situation. Increasing the number of juries would improve the statistical relevance of the jury results.

One of the difficulties in this study was trying to ensure that we could get six people assigned to each trial. While there were several different trial times set aside for each of the three conditions, times were not always convenient for the participants, especially for those who, by the time they came in for the first session, found many of the trial times booked up. This led to many trials of fewer than six individuals - some were cancelled altogether due to only 1 or 2 individuals being present. This is certainly one aspect of the methodology that should be improved upon in future research.

The manipulation check, which was based on the twenty-seven subjects who participated only in session 1, may suggest that the materials were not quite as strong as expected, at least in terms of differences between the most negative and the mildly negative conditions. However, as these subjects were merely asked for their pre-trial opinions, once again it is really only public opinion that is being surveyed. It seems likely that without further evidence, all subjects who received any material beyond the two control articles based their decisions on the fact that a crime had been committed, and the evidence to that point seemed to suggest that James King was the culprit. There was no disconfirming evidence. One might assume that the majority of subjects, with little else to go on, would assume that the police had a good reason for arresting King, and so it would appear likely that he was in fact guilty. The "extra" pieces of information contained in the most negative articles may therefore have been superfluous at such an early stage.

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Finally, it is not clear which of the pieces of information presented in the most negative condition had the greatest impact on the individual jurors, or if the effect was caused by the actual amount of information that they were exposed to. There was certainly a confound between the amount of negative information and discussion of the evidence at trial. A certain type of evidence may lead to a direct inference of guilt, or it may be that, at some point, increasing the amount of damaging information pushes individuals over some sort of threshold. We would like to be able to say that a certain type of information is more damaging for jury members to be exposed to. The evidence in the negative condition that was not presented in court suggested that King was a less than perfect man, having had problems with money and his family in the past. Such information may have been more damaging than evidence of a possible footprint match, or a floor plan of the bank being found in his house. The key to the defense's case was that James King did not appear to be the kind of man who could commit such crimes - such negative character information would tend to go to the core of this defense.

As a preliminary study, the findings are quite interesting, as well as promising, due to the fact that this was probably one of the most realistic studies done to date in the area of pretrial publicity, limitations notwithstanding. It suggests that, even when it is not specifically refuted in a trial, damaging pretrial publicity can be ignored by jurors; this may be directly related to the deliberation process. While individuals may feel lingering doubts about the publicity, the jury process forces a decision based more substantially on the evidence. The next study will use the same trial but will attempt to narrow down the key types of damaging publicity even further.

Study # 3

As was discussed in the first King case, what types of information are likely to be the most biasing to jurors is of specific interest. However, the results to date are still inconsistent. A review of the literature concluded that when powerful, virtually conclusive evidence against the defendant is provided, effects of pretrial publicity are more likely (e.g. Hoiberg & Stires, 1973; Kramer et al., 1990; Sue et al., 1974; 1975). What we have learned from our first laboratory study is that even strong pretrial publicity against the defendant can be set aside by a jury, although individuals may have a harder time doing so. Evidence that is not later refuted in the trial is apparently the most difficult for individuals to ignore. To the extent that the impact of the information is due to its evidentiary value (i.e. it is evidence against the defendant), this makes sense. An individual may need this information in order to form a plausible explanation of how the crime occurred. If the evidence gleaned from the publicity is repeated in the trial, all jurors are exposed to it and there is less reason (if any) for the earlier exposure to increase influence. This may suggest that any effects of pretrial publicity are due to a relatively direct influence of the evidence obtained from the publicity. On the other hand, the lack of final verdict effects suggests that the story constructed by the jury as a group is less reliant on this extraneous information; a pooling of information may allow for more coherent explanations based more fully on the trial evidence.

It is also possible that there are specific types of evidence that are more likely to have an impact on final verdicts, which are related more to the specific case than to a more general category of overwhelmingly damaging information. For example, some cases may simply be weaker or stronger than others. A particularly weak prosecution or defense case might be further damaged by

information that specifically targets these weaknesses. Rather than a direct influence effect, such a result might depend more on how much jurors feel they must rely on this information to make sense of the trial evidence. As discussed previously, Pennington and Hastie's (1992) "story model" of jury deliberation explores how jurors process the information they encounter. The story that the jury constructs is based on actual evidence, knowledge of similar events, and a general knowledge that allows them to infer how things "should work." In this way, all these different elements, including information not specifically given in the trial, leads to the jurors' decisions.

While people may develop these stories, it is not clear that they are completely committed to them. Often, we may suppose, they can suspend judgement. However, certain types of evidence may increase the possibility that an individual is locked in to his or her decision. If jurors are able to construct a very coherent story, then they may be less likely to change their minds. If they have been given the crucial piece of information ahead of time, and then the trial itself doesn't change or dispute this information, then an effect of pre-trial publicity may be found. Therefore, general information will have little impact, but if the information is crucial to the case, then we should get an effect. The following studies specifically include information that is central to the defense, as well as more general information.

Based on our own feelings, and comments from the participants in the first King study, we decided that two factors seemed crucial to King's real-life acquittal - the weakness of the prosecution's case, and the character of James King. Participants in Study 2 told us that they felt that the prosecution's case fell apart mostly due to poor and confusing eyewitness testimony. In addition, many noted that King simply did not look like a killer. He came across as being very mild-mannered

and even meek on the witness stand. It was difficult to equate the quiet man on the witness stand with the cold-blooded killer who carried out the crime. With these two points in mind, we attempted to come up with “evidence” that would address these issues.

The point must be made that it is the centrality of the evidence to either the defense's or prosecution's case that may be crucial; in this particular trial, it appeared that character information was most central to the defense. As King appeared to be too mild-mannered to commit the crime, providing damaging character information should weaken the defense. However, in another case, what is central may be something completely different. For example, in a trial involving a member of the Mafia, "bad character" information is probably irrelevant, as this would tend to be assumed anyway. However, forensic evidence or eyewitness testimony might then be central to the defense.

Several articles that we used in Study 2 included negative information that may have been particularly damaging to King's apparent meek, mild, and law-abiding image. Pretrial evidence that fake identification cards were found in King's home, that he yelled at his son often, and that he went bankrupt may have led jurors to infer that King is of generally bad character. On the other hand, the fact that a footprint possibly matching his was found at the crime scene, or that he had a copy of the bank floor plan at his house, may be considered equally negative information, but does not necessarily relate to his character, and, therefore, may not be so central to his case.

For the present study, we focused on this general category of “negative character” information by creating two distinct packages of pretrial publicity material. As was discussed, King seemed like a relatively quiet, unassuming man, yet the actual crime was quite violent. The pretrial articles for Study 3 attempt to compare different types of negative information, by parcelling out the generally

negative character information from the articles in Study 2 into two distinct categories - negative information that suggests unsavoury character versus negative information that points to a violent character. We believe that information that goes directly to the heart of King's defense's (such as information showing that he was, in fact, quite violent) or the prosecution's case (such as improved eyewitness testimony) would be more likely to have an impact on the jurors than would other information that was equally negative.

Thus, the study included four different conditions; violent character, non-violent bad character, eyewitness evidence, and a control group. We hypothesized that the violent character information, in this case, should be more likely to have an effect than other generally negative, non-violent, character information. In addition, we hypothesized that if we improved the prosecution's case against King by providing the prosecution with an eyewitness placing King at the scene of the crime, ratings of his guilt should increase. Both the violent character information and the eyewitness testimony should improve an individual's story-making efforts by providing much needed information to fill various gaps left by the actual trial evidence.

Method

Subjects

One hundred and thirty-two introductory psychology students, 44 men and 88 women, at the University of Toronto participated in the experiment in partial fulfilment of a course requirement. Participants ranged in age from 16 to 60 years. All students were given a comprehensive consent form detailing the procedures involved, in particular explaining that they would be required to complete

two experimental sessions approximately two weeks apart. All were informed that their participation was voluntary, and that all information gathered was confidential. They were also informed that they were free to discontinue their participation in the study at any time, at either session.

Materials

We used the same version of the trial of James William King, accused of robbing a bank and killing four guards. Four different packages of articles were prepared, by modifying articles that appeared in the Denver Post or the Rocky Mountain News. The number of articles provided in each of the publicity conditions was reduced for this study, as the length of time required to read and process the information contained in the second study was excessive. In addition, an effort was made to ensure that the same amount of extra information was included in each of the three experimental conditions. Thus, the first three articles were identical for each of the experimental conditions, with all of the key evidence contained in the fourth article.

In the “Bad-character, Violent” condition, four articles were included. The first two were Associated Press articles that briefly reported the crime. The first stated that the bank had been robbed and that four guards were dead. The second described the subsequent arrest of James King, a part-time security guard. The third article described the charges against King, and how the District Attorney wanted to ask for the death penalty. The fourth article contained three key pieces of information that we created. Participants read that King had once become involved in a shoving match with a delivery person, pushing the man to the ground; that King had a temper, causing his associates at the chess club to be afraid of him; and that King, with his martial arts training, had once broken a fellow cadet’s arm while practising hand-to-hand combat in the army.

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The “Bad-Character, Non-Violent” package also contained four articles. The first three were identical to those in the “violent” condition described above. The fourth article contained three different pieces of information. King was described as always raising his voice to his children, always borrowing money without repaying it, and often cheating at chess.

Those in the “Eyewitness” condition also read the same three articles, with the following modifications to the fourth. One neighbour described how King had returned home shortly after the crime had been committed, walking quickly with a package under his arm. Another neighbour reported hearing that King had been seen near the bank that morning. Finally, participants read a compelling report that a bystander placed a person with King’s description in the area of the bank at the time of the crime.

Participants in the control condition once again read only the two brief associated Press articles which, as described above, simply report the crime and the subsequent arrest of James King. In the first King study, we kept all material not subsequently presented in the trial in the highly negative condition - in this study, in order to make the information appear more realistic, all conditions contained equal amounts of both admissible and inadmissible information.

Procedure

The procedure was virtually identical to Study 2.

Session 1: For this study, a 'reverse condition assignment' was used. Recall that, due to the pre-set trial schedule in the first King study, the remaining available times for students who participated in later sessions were not convenient and led to the problem of some juries with fewer than six people present. For this second King study, this method of assignment was improved. When

an individual came to session 1, he or she was first shown a schedule of trials, which had been preassigned a condition number, although participants were unaware of this fact. Once they picked a convenient trial date, they were then assigned to whatever condition matched this trial, and given the appropriate stimulus materials. This meant that often there were several different conditions being run at the initial session, as up to seven people were in the room at any one time, although subjects were unaware of this. The packages were made to look as identical as possible, so that individuals would not become suspicious of what another student was reading.

While this procedure reduced the randomness of the assignment process, as students were, in a sense, self-selecting to a convenient condition, it ensured that all trials had at least 4 and often 7 jurors present. Each trial/condition was offered several times a week at various times in order to minimize any self-selection confounds such as the time of day.

The same cover story was given; subjects would be acting as a member of a jury in the second session, and they needed to read a little bit of background on the case so that they would be better able to follow the rather fast-moving video of the trial. Once again they were asked not to discuss the case with anyone before coming in to watch the trial.

In addition, 67 of the participants in the first session were asked to tell us their opinions and verdicts up to that point, partly as a manipulation check for the materials, and partly to determine if stating an opinion that early in the trial process had any impact on later decision-making. They were given a questionnaire that asked "Considering everything you have read about this case, do you feel that James King is...", and were asked to indicate their response on a 7-point scale ranging from 1-Definitely Not Guilty, to 7-Definitely Guilty. They were also asked to indicate what their choice of

verdict would be, if they had to make a decision right at that moment, given the limited information to which they had been exposed. They were not asked whether or not they felt the material had biased them. In the first King study, the twenty-seven individuals who completed this part of the study did not participate as jurors in the second part. As these sixty-seven individuals would be assigned to trials, it was felt that asking them to specifically focus on the pretrial manipulation might have too great an impact on their decision-making processes in the second session.

Session 2: As in Study 2, participants were run in groups of 4-7 individuals, in order to simulate a real jury. They were told not to talk or take any notes while the trial was playing. The videotape was played on an eighteen inch television set which was placed at one end of the jury table. Participants watched the trial as soon as all members of the jury had assembled; once again they were given no instructions regarding the information presented at the first session. They were told to watch the trial without any discussion or interruption, and that they would be given a chance to discuss it at the end.

Immediately after the trial, they were asked to fill out a pre-deliberation questionnaire that was similar to the one used for half of the subjects in session 1. They were asked to indicate their age, sex, and how guilty they felt that King was, on a seven-point scale ranging from Definitely Not Guilty (1) to Definitely Guilty (7). In addition, they were asked to render a verdict, without discussing their decision with the other members of the jury. A foreperson was then randomly selected by the experimenter, and asked to ensure that everyone had a chance to talk even if they found that they were unanimous right away. Other than these instructions, they were told to proceed any way they wished for deliberations. The experimenter then left the room, while the jury was given approximately

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20 minutes to deliberate and (preferably) come to a unanimous decision regarding the guilt or innocence of King. At the end of deliberations, the foreperson was asked to notify the experimenter and state the verdict.

The post-deliberation questionnaire was the same as for Study 2, with the exception that some of the items in the evidence checklist had been changed to reflect the new information presented in the articles at session 1. Once again jurors were asked to state their individual ratings and their group verdict, as well as whether or not they felt that any of the materials they had been exposed to had biased them in any way. (See the appendices for a copy of all materials). Once participants had been debriefed, they were asked not to discuss anything about the case with anyone who might be participating at a later date.

Results

Manipulation Check

(For 67 subjects, 16 men and 51 women, from session 1).

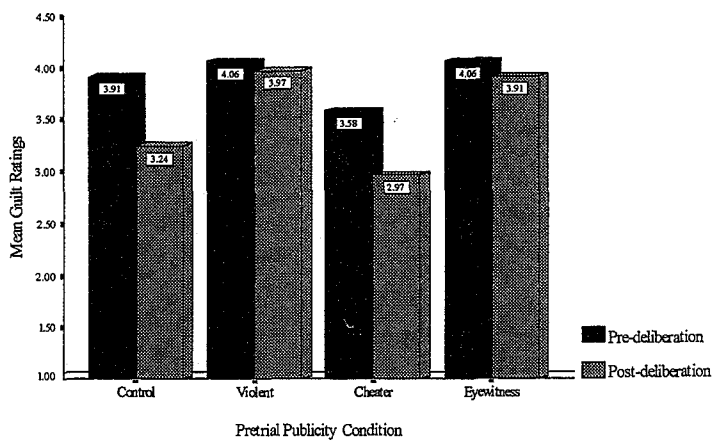
A one-way Analysis of Variance (ANOVA) indicated that there were no significant differences among the groups as a function of pretrial publicity condition, in terms of their ratings of guilt ($F(3,63) = 1.04, p < .38$) suggesting that the manipulation was not successful. The mean guilt ratings were 4.57 for the control group, 4.88 for the bad-character/non-violent group, 4.63 for the violent character group, and 5.06 for the eyewitness condition. Chi square analysis found that early verdict preferences were also not affected by the pretrial manipulation, ($X^2(3) = .59, p < .89$). There were approximately equal numbers of guilty and not guilty individual verdicts across the four conditions.

Individual Subjects

Ratings of Guilt

One-way ANOVA found no differences among the four conditions in terms of their ratings of King's guilt before deliberation ($F(3, 128) = .57, p < .63$). After deliberations, however, an effect emerged for pretrial condition ($F(3, 128) = 2.92, p < .03$) (see figure 5). Multiple-range post-hoc tests (using LSD test with significance level of .05) reveal that those in the bad-character/non-violent ($M = 2.97$) group actually had overall mean ratings that were lower than the control group ($M = 3.24$). This mean rating for the bad-character/non-violent group was significantly different from both the eyewitness condition ($M = 3.91$) and the violent character condition ($M = 3.97$).

Figure 5: Mean guilt ratings by condition.

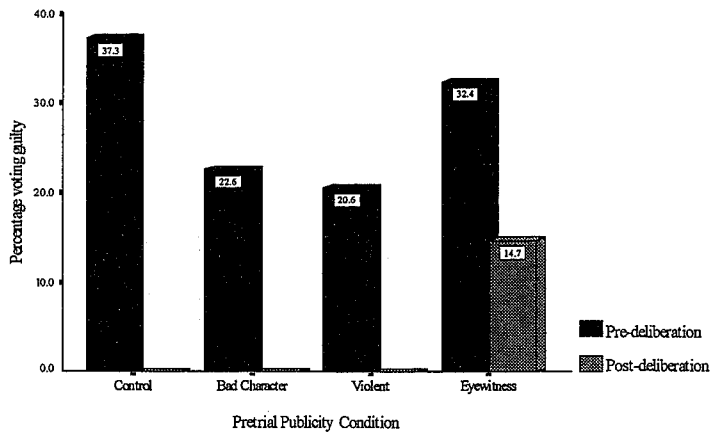


Verdicts

Pre-deliberation: Chi square analysis indicated that there were no significant differences in pre-deliberation verdicts as a function of the information conditions ($\chi^2(3) = 1.45, p < .69$) (see Figure 6 for percentages).

Post-deliberation: Individual verdict results were once again included for comparison purposes (see figure 6), although they are no longer statistically valid; responses are no longer independent. A 4 x 3 chi square analysis ($\chi^2(6) = 26.55, p < .002$) revealed a significant effect of pre-trial information on post-deliberation individual verdicts. Rather than increasing the error rate by computing several 2 x 2 tables, these data were subjected to a oneway ANOVA, with Not Guilty coded as (1), Hung Jury as (2), and Guilty as (3). This analysis confirmed the effect of pretrial publicity ($F(3, 128) = 2.37, p < .072$); multiple-range post-hoc tests (using Tukey's-HSD) found the eyewitness ($M = 1.29$) and control groups ($M = 1.00$) to be significantly different from one another at the .05 level of significance. The only group to have any members vote guilty was the eyewitness condition; all members of control juries voted not guilty.

Figure 6: Percentage of guilty verdicts by condition (for individuals).



Feelings of Bias

When asked whether or not they felt that any of the material they had read prior to seeing the trial had influenced their decisions in any way, an average of 30% of the jurors across all conditions indicated that they felt that it had. However, there were no differences among participants in the four conditions in terms of their responses to this question ($\chi^2(6) = 7.13, p < .31$).

Evidence Checklist

There were ten different pieces of evidence listed on the questionnaire. The three violent

character items were checked an average of 14% of the time by those in the violent character condition compared to 4% of those in the other three groups. The three items from the non-violent articles were checked an average of 10% by those in the non-violent condition, compared to 2% by those in the other three groups. The two eyewitness items were identified an average of 37% of the time by those in the eyewitness condition, compared with only 14% of the time by those in the other three groups. Finally, one item common to all three experimental conditions items was checked 17% of the time by all group members, while one bogus item was never chosen by any individual.

Jury Results

Ratings of Guilt

Ratings of guilt were averaged across jury members for each of the 27 juries. One-way ANOVAs revealed no significant differences among the four groups as a function of the information condition either before ($F(3, 23) = .43, p < .73$) or after deliberations ($F(3,23) = 1.19, p < .34$).

Verdicts

A one-way ANOVA indicated there were no differences in final verdicts among any of the four groups as a function of the information condition ($F(3, 23) = .43, p < .73$). Table 3 shows the distribution of final jury verdicts.

Table 3: Final Jury (Group) Verdicts

Condition	Verdicts		
	Not Guilty	Hung Jury	Guilty
Control	7	0	0
Non-Violent	5	1	0
Violent	6	1	0
Eyewitness	6	0	1

Group Influence

Results were tabulated for the pre- and post-deliberation verdicts, to determine whether the final vote was affected by a majority decision rule (see Table 4). As in the first King study, there were no majority verdicts that were ultimately overturned by the minority; members of minority factions either voted with the majority for the final verdict, or deadlocked the jury. There was only one trial in which an initial "guilty" majority resulted in a final "guilty" jury verdict.

Table 4: Relationship between pre-deliberation verdicts and final jury vote.

Pre-deliberation Verdicts	Final Jury Votes		
	Not Guilty	Hung Jury	Guilty
Unanimous Group (NG)	6 (100%)		
Even split	1 (100%)		
Not Guilty Majority	16 (89%)	2 (11%)	
Guilty Majority	1 (50%)		1(50%)

Discussion

These results suggest that pretrial publicity is more likely to have an effect after deliberation, rather than before, in apparent contrast to what we found in Study 2. This finding must be interpreted with caution as this was the case only with individual verdicts, which are problematic in terms of their statistical independence. However, neither of the King studies indicated that pretrial publicity had any lasting impact on final jury verdicts. Indeed, it appears here that while differences in terms of individual ratings of guilt were found, there were no effects on final jury verdicts. The fact that those in the eyewitness and violent conditions tended to show longer-lasting publicity effects, in terms of their ratings of guilt, than did those given only unsavoury character information shows partial support for the hypothesis that information that goes to the heart of the defense or prosecution cases is more likely to have an impact on jurors. These differences were apparent only when individual ratings (and verdicts, in the case of the eyewitness condition) were tabulated, and were eliminated once the group deliberation process began.

One could argue that the materials in this case were not strong enough to tease apart the subtle effects of pre-trial publicity, as the manipulation check apparently failed. However the differences found in individual ratings of King's guilt suggest that this was not entirely the case. The trials were generally held two weeks after the presentation of the pretrial material; while the evidence checklist does not show a great deal of retention among subjects for individual pieces of information, it may be that such material helped them to form the basis for their stories before the trial began. The eyewitness evidence seemed to be slightly more memorable, which may mean that the specific information we provided in this condition was somehow more salient than in the other conditions. It

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may also be the case that this evidence helped to improve the prosecution's case, which was generally weak, and therefore this information was retrieved more readily in order to assist in the formation of a coherent story. In addition, the eyewitness information provided pretrial was arguably more evidential than was information regarding the character of James King; it is probably more difficult to disregard evidence that directly implicates the defendant.

While those in the violent character and eyewitness conditions were more likely to feel that King was guilty, the fact that jury decisions did not reflect such a verdict may mean either that individual jurors simply followed the not-guilty majority factions, or that they were not all that committed to their initial stories. The group deliberation process once again seems the key to unravelling the effects of pretrial publicity. In this study, as in the first one, overall ratings for King's guilt were reduced from pre- to post-deliberation, suggesting a moderating effect of the jury. If initial ratings and verdicts were inflated due to pretrial publicity, then this makes sense; as jurors are forced to focus on only the trial evidence, ratings should become more moderate.

As for why there did not appear to be any differences among subjects who completed a questionnaire at the initial session, it may be, in light of the above findings, that pre-trial publicity has to interact in some way with the trial to have an effect. In this experiment, all jurors knew that they would be expected to justify their opinions at a later date, and conceivably have wanted to appear more open-minded at this point. The fact that there were lingering feelings of doubt among all subjects who had been exposed to the most damaging information supports such a notion. Those in the control and non-violent condition may have been most influenced by seeing King on the witness stand - there was nothing to disconfirm their belief that King was basically a nice man. Those in the

violent and eyewitness conditions, in contrast, may have had some difficulty reconciling the mild-mannered man they saw on the witness stand with the man whom they had read about previously, leading to the lingering doubts.

It is curious that there were so few guilty or hung juries, in contrast to the initial King study, especially in light of the fact that there were generally at least a few members of each jury who initially voted guilty. Of course, most juries had an initial not guilty majority, which may have more easily persuaded the rest of the jury members. On the other hand, the "correct" verdict, based on the actual trial evidence and outcome that we were given, was "not guilty." Jurors may simply have been better at focusing only on the trial than in the first King study. One possible explanation for the lack of guilty verdicts may be found in the notoriety surrounding the O.J. Simpson case, which was coincidentally being televised during the course of this experiment. It appeared that these mock-jurors were far more "trial-smart" than were those participating in our previous studies. Many made reference to the Simpson case, and it is arguable that almost all had watched at least some of it on television. As Greene and Loftus (1984) found in their studies, participants may have been extra-careful both in terms of how they interpreted pre-trial information, and how they came to a verdict.

Many of the same limitations we faced in the initial laboratory study are found here. Once again, we did not videotape deliberations, which may have provided more insight into what types of information jurors paid attention to, and how the idea of "accountability" actually affects individuals in such a setting. Once again, we used students as our mock-jurors. While this is generally the norm for these types of studies, we cannot say with certainty that "real" jurors in a "real" case would act in the same way, though it is difficult to imagine that the mechanism would be all that different.

We were also not able to track those individuals who completed questionnaires in the first session to the second session. We wanted to avoid making too salient the idea that they were giving a verdict before even seeing the case, and thus committing them to a certain viewpoint. Therefore we didn't include their names on their questionnaires. We also only had half of the participants fill it out, in case there were differences between those who had completed it and those who hadn't. As we could not follow them up individually, we expected that they would be randomly distributed throughout the various trials, and so would not unduly affect final verdicts in their respective juries. Having such individual information would have provided a better opportunity to look at how jurors come to their decisions, as well as whether or not Hastie's story model would help predict such results. It may be that those who are asked for their opinions early in the experiment are more likely to remain committed to their stories, even after deliberations..

We are also still unable to make any definitive statements regarding the types of evidence that are more likely to have an effect on jurors' verdicts. While it may be true that information that goes to the heart of either side's case may be more likely to have an impact, the extent of this impact may be the result of a subtle interaction between the pretrial publicity and the specific case. As noted, the eyewitness material may have been more evidential, and, therefore, more difficult to ignore. If the prosecution's case had been stronger, then individual jurors may have been less inclined to use this information. Perhaps jurors are more likely to use extra-legal information when what they are given in court is not enough for them to form a coherent "story," whereas a really strong case either way may lead them to rely less on such information.

The two King studies demonstrate that certain types of pretrial publicity can affect individual

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ratings regarding a defendant's guilt, as well as individual verdict preferences. The effects on final verdicts are not clear; while neither King study found increased guilty jury verdicts after exposure to pretrial publicity, the first study did find more hung juries among these groups. Both studies do suggest that it may be possible to narrow down the possibilities regarding the types of information that are most likely to have an effect; this latter study in particular supports the idea that material that either damages the defense's case or bolsters the prosecution's case will be most likely to have an effect. However, it is important to demonstrate that such findings were not unique to this particular case.

Study #4

The results of the first two laboratory studies illustrate the fact that, besides the difficulties encountered in finding consistent pretrial publicity effects, determining which types of evidence are most likely to have an effect, and under what circumstances, is even more problematic. Given the inconsistencies between the first two King studies, we were interested in assessing what impact the specific case used would have on the results. Much of the previous pretrial publicity research has been completed in isolation. Many different researchers, over many different years, use different materials, different trials, and often completely different designs. Few seem to do follow-up studies in order to replicate and improve upon their results, although there are some exceptions (e.g. Sue et al., 1974 & 1975; Greene & Loftus, 1984 & Greene & Wade, 1988; Kramer et al., 1990 & Kerr et al., 1991).

Given our notion that evidence that was crucial to either the defense or prosecution would be more likely to have an effect, which we do now have some evidence for, we thought it important to attempt to build on the results of the initial research by using similar evidence, but a different trial. Ideally, we would like to have found a case that was the opposite of the King trial in terms of its key features. In the King case, we felt that King's character was crucial to the defense's case, and so our pretrial publicity reflected this issue. Specifically, we thought that showing that he was not a very nice man, and could even be dangerous, would have the greatest impact. The results from the first two studies, although weak, suggest that this was at least partially true.

We would like to have found a case where the same evidence could be presented, but with opposite effects. This would mean that while we could still present violent character information, we would not expect it to carry much weight, whereas perhaps the bad-character/non-violent would. For

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instance, as suggested earlier, we could imagine a case where a person known to be a violent criminal in the past was charged with a more “white-collar” crime such as embezzlement. While it is clear that the person is not particularly nice, it may be unlikely that he would be involved in such a different kind of crime. (On the other hand, such violent character information may be hard to ignore. People may be more likely to punish a person they assume to be a criminal anyway). However, if we were able to find such a case, jurors might be forced to focus more on the actual evidence provided rather than simply on the character information.

Such a perfectly matched case proved difficult to find. What we found instead was another murder case, with a different focus. The defendant was charged with murdering his wife; his first two trials resulted in a hung jury. For the third trial, the charges were reduced and the jury found him guilty. When the actual jurors were interviewed after the second trial, many admitted that they thought the defendant was probably guilty, but that they were unable to convict him due in part to poor evidence, but mainly due to the fact that there was no apparent motive. After viewing the trial, it was our opinion that the defendant did not appear to be as unlikely a suspect as James King, and so bad character information, either violent or simply unsavoury, would be less relevant. Based on the post-trial interviews with the original jurors, and our observations after watching the trial, we created four new pretrial publicity conditions. To allow for comparisons with the first two King studies, we included both bad character and violent character materials. In addition, we added a motive condition. Thus, the first two experimental conditions would presumably damage the defense’s case, while the latter condition would bolster one of the weaknesses of the prosecution’s case.

We hypothesized that any effects of pretrial publicity would be most apparent in the “motive” condition. Providing a motive should allow for more complete “stories” in the minds of the jurors. We assumed that while bad character information in general would be less relevant for this case, the violent character information might still affect jurors’ judgements, as such material would be more directly relevant to the crime. Therefore we predicted that any impact of violent character information would be more similar to the motive information, but that information that simply portrayed the accused as not particularly nice would have less of an effect.

Method

Subjects

Two-hundred and forty-nine introductory psychology students, 193 women and 56 men, at the University of Toronto participated in the experiment as partial fulfilment of a course requirement. Subjects ranged in age from 16 to 52 years. Students were given a comprehensive consent form detailing the procedures, in particular explaining that they would be required to complete two experimental sessions approximately two weeks apart. Participants were informed that their participation was voluntary and that all information gathered was confidential. They were also informed that they were free to discontinue their participation in the study at any time, at either session.

Materials

The court case used in this study was once again based on an actual trial that occurred in New Jersey, and which we obtained from Court TV. The videotape showed the re-trial of Daniel Bias, a man charged with murdering his wife of five years by shooting her in the head. Bias had claimed

that his wife Lise had been attempting to commit suicide, and that when he tried to take the gun away from her, it accidentally went off.

Articles that originally appeared in several Belvidere, New Jersey, newspapers were modified for the study. Four different packages of articles were prepared. Three of these conditions, the bad character, non-violent, the bad-character, violent, and the control conditions, were similar to those in the King studies, although the actual material in each was new. A "motive" condition was added.

Participants in the motive condition were given four articles. The first was an obituary page that contained a brief report on the death of Lise Bias, with the headline indicating that her death was under investigation. This article was common to all four conditions. The second article reported that Bias had been charged in the death of his wife. This article described Bias' expertise with firearms, his apparent agitation earlier on the day that Lise was shot, and how he had yelled at a fellow competitor at an archery tournament, claiming that soon he would have "more money than he knew what to do with." An acquaintance of Bias noted that Bias apparently hated children. The third article contained Bias' version of events the night of the shooting. He described how he and Lise argued frequently over her obsessive attention to him, and her penchant for luxurious items they could not afford. The fact that Bias had remarried only ten months after the death of Lise was reported. The final article included statements from neighbours who stated that the marriage of Daniel and Lise was less than idyllic, and that Bias had been seen with another woman on occasion. In addition, a life insurance policy with Bias as the beneficiary was mentioned.

After reading the obituary of Lise Bias, those in the violent character condition read a second article that described how Bias became so angry with a fellow hunter that he fired a warning shot at

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the man's feet. An acquaintance reported that he and Bias once got into an argument which led to Bias threatening him with a knife. In the third article, Bias admitted to once breaking down the bedroom door when he and Lise were arguing. The final article included reports from friends and neighbours of Bias who described him as "macho" and power hungry, a man with a violent temper who often got into fights.

The first bad-character/non-violent article, after the obituary, described Bias as being a moody, whiny individual who was also a cheater. A colleague reported that he had and Bias had once argued over target practise scores, which Bias had apparently changed. The next article described some bizarre behaviour that Bias occasionally engaged in; when he and Lise fought, he would howl to aggravate her. Bias claimed that his wife's worst nightmares involved werewolves, and that if he began howling, their Siberian Husky would join in, which would apparently so upset Lise that it ended any arguments (NB. this information comes directly from one of the original articles). The final article for this condition described Bias as emotionally distant and uncaring; as a man who often borrowed money which was never returned; and as a liar and cheat.

The control condition contained excerpts from each of the same four articles (although the obituary was included in its entirety). The information presented briefly described the crime and the arrest of Daniel Bias.

The videotape of the trial that we received was one hour in length. We edited this down to a final running time of approximately 31 minutes. Portions which were edited out involved in-depth commentary by Court-TV reporters, and post-trial interviews with the jurors. No information was added to the tape.

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There were three different questionnaires used in this study. The preliminary questionnaire was used as a manipulation check in the first session. We were somewhat concerned that asking obvious questions about the participant's feelings about the defendant's guilt or asking for an early verdict, as we had in the initial studies, might be more likely to cause the individual to form an early intractable opinion on the case. This time, we embedded our key question in several distracters such as "Have you ever taken part in a trial before?" (almost impossible, given the young age of most of the sample), or "Have you ever taken a course in law before?" Our key question was "Considering the limited information that you have been given about this case, how would you rate Daniel Bias as a person?", with participants responding on a 7-point scale ranging from (1) "Negatively," to (4) "Neutrally," to (7) "Positively."

The pre- and post-deliberation questionnaires were identical to those used in the first two King studies. The pre-deliberation questionnaire asked for "ratings of guilt" and a verdict. The final questionnaire also asked for ratings of guilt (in terms of the individual's own personal view, in case it was different from the group), and the jury verdict. Once again they were asked to indicate in an open-ended fashion which pieces of evidence caused them to vote as they did. They were also given a 10-item checklist to indicate which "facts" listed they recalled about the case. These items were taken from the 4 different packages of articles, and were intended as a further manipulation check to determine if participants actually had any recall of information presented to them pre-trial. Finally, they were asked to indicate if they felt that the material that they had read prior to seeing the trial had influenced their decision about the guilt or innocence of Daniel Bias in any way; if they answered yes, they were asked to explain in detail.

Procedure

The procedure was virtually identical to that used in Study 3.

Session 1: Participants entered the laboratory and were given the same cover story as was used in the preceding studies; they were going to be acting as a member of a jury in approximately two weeks, and so it was important for them to have some background information on the case so that they would be better able to follow the extremely brief trial. It was pointed out that the original trial took place over several days, whereas they would only be exposed to a half-hour condensed version which might be difficult to follow without some lead-in.

Once participants had agreed to participate and had indicated that they had no prior knowledge of this particular case, they were asked to fill out the consent form and indicate when they would be able to return for the second session. As in Study 3, subjects' choice of trial time dictated which condition they would be assigned to. Therefore, participants once again self-selected into one of the four experimental groups by choosing the most convenient trial time for themselves, although, of course, they were kept unaware of the fact that there were several different conditions.

Participants were then given the appropriate package of articles and told "What I am giving you are just a few brief articles that appeared in New Jersey area newspapers and which contain some background information on the case. Take as much time as you like to read them over. There is no need to take any notes, or to try to memorize the information. It is simply background." Approximately half (132) of the participants were asked to fill out the preliminary questionnaire upon completion of the articles and told "I know that you have very limited information to go on, but just do your best." Once subjects finished reading their articles (and completing their questionnaires) they

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were reminded of the trial date that they had chosen and asked not to discuss any of the information that they now had about the case, especially if they knew someone else participating in the study.

Session 2: All but two of the 42 juries were made up of between 5 and 7 individuals. These other two juries had 4 members. One large rectangular desk was placed in the middle of the room, so that 3 people could sit along each side. This way all jury members could see each other, as well as the eighteen inch colour television, which was set up at one end of the table. As soon as all members of the jury were assembled, they were told to watch the tape straight through - not to stop it or replay any parts of it. They were also told not to take any notes or discuss anything they heard until deliberations. No instructions were given regarding the information presented at the initial session. As they were watching a re-trial, and the video displayed this information at the bottom of the screen throughout the trial, subjects were told "you will see the words "re-trial" from time to time on the screen. The judge in the first trial became ill and so they had to stop the proceedings." While this may seem a little unusual, no juror expressed any suspicion regarding this comment. The jury then watched the trial.

Immediately after the trial, each person was assigned a juror number, to be placed on each of their questionnaires. This was our only method of identifying individual jurors. They were then given the pre-deliberation questionnaire and told to fill it out without discussing anything with the other members of the jury. They were told to use this form to indicate how they *personally* felt, before deliberations began. Therefore, they reported their individual ratings regarding the guilt of Bias, as well as their individual verdict preferences. Once these forms were completed, the experimenter assigned juror number one to be the foreperson. They were told to ensure that each person on the

panel was given a chance to express his or her views, but otherwise they were to deliberate in any way they felt appropriate - it was up to them to decide how and when to take a vote. Before they were left to deliberate, the jury was told to take some time to discuss why they felt the way that they did, even if they found that they were unanimous early on. This was done to avoid some juries possibly hurrying through deliberations without considering all views expressed and to encourage them to feel more accountable for their decisions by spending more time thinking about and discussing the evidence. The juries were given approximately 45 minutes to deliberate. The amount of time used for deliberation was recorded. Once they had reached a verdict, or declared themselves deadlocked, they were told to alert the experimenter in the next room.

Individual jurors then filled out the post-deliberation questionnaire. They were told that the question regarding their ratings of guilt still pertained to their personal feelings (in case these were different from those of the group) but that the "verdict" question was to reflect their group decision. Jurors were then debriefed, thanked for their time, and asked not to discuss the case with anyone who might be taking part in the study at a later date. See the appendices for a copy of all materials.

Results

Manipulation Check

(For 132 subjects who completed the questionnaire during session 1).

A one-way analysis of variance indicated significant differences in ratings of Bias as a person, as a function of the pre-trial condition ($F(3,128) = 9.88, p < .05$). Multiple-range post-hoc tests (using Tukeys-HSD, $p < .05$) revealed that those in the bad character/non-violent group ($M = 5.35$) and those in the violent character group ($M = 5.45$) were more likely to rate Bias negatively than

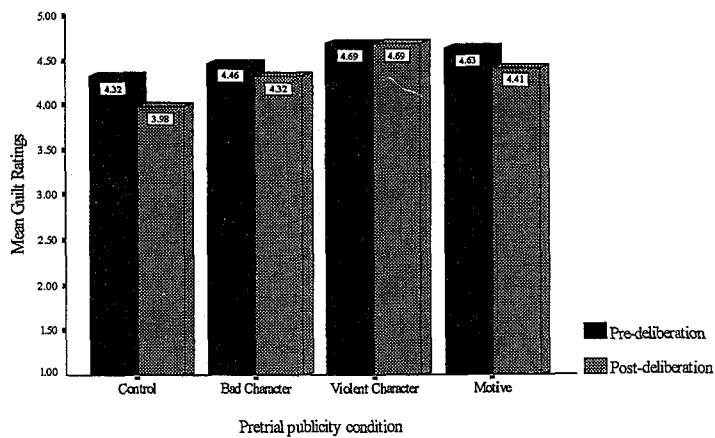
were those in the control condition ($M = 4.47$). There were no differences for those in the motive condition ($M = 4.96$).

Individual Subjects

Ratings of Guilt

One-way analysis of variance (ANOVA) indicated there were no significant differences among the four groups either before deliberation ($F(3, 245) = .62, p < .60$), or after ($F(3, 245) = 1.61, p < .19$) for ratings of Bias' guilt (see figure 7).

Figure 7: Mean guilt ratings by condition

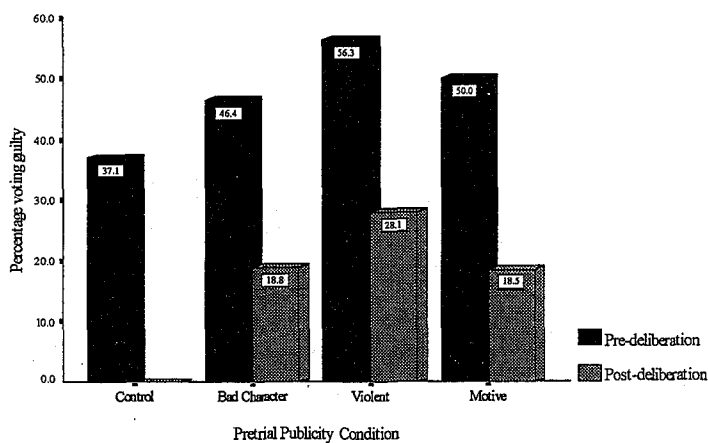


Verdicts

Pre-deliberation: A Chi Square analysis found no differences in individual verdicts as a function of pre-trial condition ($\chi^2(3) = 4.83, p < .19$). As can be seen in Figure 8, the guilty verdicts are fairly evenly distributed across the four conditions.

Post-deliberation: After deliberations, a 4 x 3 Chi Square analysis revealed significant differences in verdicts among the four experimental conditions ($\chi^2(6) = 63.96, p < .05$). These data were then subjected to a one-way ANOVA, with "Not Guilty" coded as (1), "Hung Jury" as (2) and "Guilty" as (3). The overall F-statistic ($F(3, 245) = 11.33, p < .0001$) confirmed the above chi square results and multiple-range post-hoc tests (Tukey's-HSD, $p < .05$) revealed the following differences among the conditions. The jurors in the violent character conditions ($M = 2.01$) tended to choose verdicts which were closer to the "guilty" end of the continuum than did participants in the motive ($M = 1.61$), bad-character/non-violent ($M = 1.38$) or control ($M = 1.39$) conditions.

Figure 8: Percentage of guilty verdicts by condition (for individuals).



Feelings of Bias

When asked if they felt that the material had influenced their decision in any way, 32% of the entire sample said yes, 46% said no, and 22% said they were not sure. One-way ANOVA found significant differences among the conditions ($F(3, 245) = 2.56, p < .055$); Multiple-range post-hoc tests (LSD, $p < .05$) indicated that those in the bad-character/non-violent group ($M = 2.03$) were more inclined to say that they had been influenced by the material than were those in the control group ($M = 1.66$). There were no differences found for either the violent character ($M = 1.95$) or the motive ($M = 1.74$) conditions.

Evidence Checklist

There were ten items included in the checklist. There were initially three items chosen from the motive condition; however, it was discovered that one (that Bias and his wife fought over flashy things) was mentioned in the trial, and was therefore checked by 89% of the entire sample. The remaining two items were selected by those in the motive condition an average of 19% of the time, as compared to only 8.4% of the time by those in the other three conditions. There were four items that were exclusive to the violent character condition which were checked an average of 35% of the time by those in the violent character condition, and an average of 6.7% of the time by those in the other three groups. Finally, those in the bad-character/non-violent condition checked items pertaining to that group an average of 31% of the time, while these items were chosen by those in the other groups only 9% of the time.

Jury Results

Ratings of Guilt

Ratings of guilt were averaged across jury members for each of the 42 juries. One-way ANOVAs revealed no significant differences among the four groups as a function of the pretrial publicity manipulation either before ($F(3, 38) = .43, p < .73$) or after deliberations ($F(3,38) = .51, p < .68$).

Verdicts

A one-way ANOVA indicated there were no differences in final verdicts among the four groups as a function of the information condition ($F(3, 38) = 1.55, p < .22$). Table 5 shows the distribution of final jury verdicts.

Table 5: Final Jury (Group) Verdicts

Condition	Verdicts		
	Not Guilty	Hung Jury	Guilt,
Control	6	4	0
Non-Violent	9	0	2
Violent	3	5	3
Motive	6	2	2

Group Influence

Results were tabulated for the pre- and post-deliberation verdicts, to determine whether the

final vote was affected by a majority decision rule. As can be seen in Table 6, among the eighteen juries with initial "guilty" majorities, six were eventually hung, six changed their verdicts to "Not Guilty," while six stayed committed to the majority opinion. Fifteen of the juries with an initial "Not guilty" majority rendered final "not guilty" verdicts, while five of them remained deadlocked. There were no juries with a "not guilty" majority that switched their final vote to guilty.

Table 6: Relationship between pre-deliberation verdicts and final jury vote.

Pre-deliberation Verdicts	Final Jury Votes		
	Not Guilty	Hung Jury	Guilty
Unanimous Group	2 (67%)		1(33%)
Even split	1 (100%)		
Not Guilty Majority	15 (75%)	5 (25%)	
Guilty Majority	6 (33%)	6 (33%)	6(33%)

Deliberation Time

The average deliberation time across all four conditions was 20.57 minutes; Control juries took, on average, 19 minutes compared with bad-character/non-violent juries (18.45 minutes), violent juries (24.54 minutes) and motive juries (20.1 minutes). No differences were significant ($F(3, 38) = .01, p < .40$).

Delay

The average delay between session 1 and session 2 was 24.40 days, across all conditions. Control juries faced a delay of, on average, 24.76 days compared with 23.5 days for the bad-character/non-violent condition, 25.21 days for the violent condition, and 24.16 days in the motive condition. No differences were significant ($F(3, 38) = .26, p < .85$).

Discussion

Findings from this study show once again the elusiveness of consistent findings in the pretrial publicity research. Despite the lack of motive in the case and actual jurors' comments, the motive material appeared, overall, to have less of an impact than either the bad or the violent character manipulations. The average ratings of Bias' guilt were higher after the trial in all three experimental conditions, yet these were not statistically different from the control group. Individual verdicts seemed to be most affected by the violent pretrial publicity; however, these results should be interpreted with some caution due to the non-independence of the judgements. The final jury verdicts show interesting patterns; the control condition is the only one that does not have a single guilty verdict, yet these findings are not significant.

The fact that the material had little influence on participants at any stage of the study suggests one of three possibilities. It may be that, as in the second King study, the materials were simply not strong enough to have any impact. On the other hand, it may lend further credence to the idea that, when expecting to have to justify one's opinions and views in front of others, individuals tend to be more moderate in their judgements. They may be more likely to wait to hear all the evidence

presented before making a decision. Finally, the case against Bias was certainly stronger than was the case against King. This can be seen by the fact that there were so many juries with initial "guilty" majorities. I suggested earlier that jurors may be much less inclined to rely on extra-legal information when the case itself is strong, which may help to explain the findings from this study.

There were some differences in ratings of Bias as a person among those subjects who completed a questionnaire at Session 1. While we had expected that the motive material would have the greatest impact, we found instead that any bad character information was most likely to have an impact on initial views. Such a findings may be explained, at least in part, by the question we asked. In the previous studies we asked for ratings of the defendant's guilt and an initial verdict. We had some concerns that this might cause an individual to become too committed to an initial opinion, and so chose a more neutral question for this study. Asking how an individual would rate Bias as a person (Negatively to Positively) is quite a different question; character information seems more directly relevant to answering this question than does information regarding a motive. The fact that these differences did not even emerge in pre-deliberation ratings of guilt for Bias support the idea that participants were answering two questions that simply did not relate to one another as much as we had hoped. However, regardless of the specific question, the results from the initial session do suggest that the pretrial materials were having at least some impact on initial impressions of Bias.

The bad character information may also have been more salient in this study than we had anticipated. There was some rather bizarre behaviour included in this condition, such as the fact that Bias howled at his wife when they were fighting in order to upset her to the point that she gave up her side of the argument. While this information was apparently true, and was included in at least one

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of the original newspaper articles from Belvidere, New Jersey, it may have increased the likelihood that an individual would remember it. It is unclear why the motive condition failed to have an effect, at any stage of the experiment, given that this issue figured so prominently in at least one of the early trials of Daniel Bias. The results from the evidence checklist suggest that this information was remembered less well than was information from the two negative character conditions. While we felt that this information was quite strong, especially reports that Bias remarried within ten months of Lise's death, this material may simply have been too weak.

It was surprising that there were no differences in the amount of time required for deliberation among the four conditions. We would have expected that those in control juries would be able to more quickly make up their minds. Indeed, there were no final guilty verdicts among these control juries, but some of the individual members had indicated before deliberations began that they felt that Bias was guilty. It appears then that even in these groups, there was some discussion and persuasion needed to sway these individuals toward a not-guilty vote.

While we had hoped for an average delay of 2-3 weeks between the sessions, the large number of subjects meant that the trials took closer to 5 weeks to run, and thus many of the juries faced delays up to a month. While this delay is certainly more realistic in terms of how the 'real world' might work (e.g., we may read about a case months before it ever comes to trial), it may have been a little long for a laboratory study. On the other hand, if Hastie is correct and individuals form a schema or framework for their 'story' early on, then the delay should not have had that much of an impact, beyond simple forgetting of the information. Kramer et al. (1990) had delays ranging from 1 to 53 days and still found increased effects of pretrial publicity after the delay. One-third of our

participants, even after delay, reported feeling that the material that they had read prior to the trial had influenced their judgements of Bias' guilt.

We were unable to track the individuals who filled out the session 1 questionnaire through to final deliberations, as we ensured them that their initial questionnaires would remain anonymous. Perhaps the individuals who rated Bias more negatively at session 1 were more likely to vote guilty at the second session, and therefore more likely to end up on a hung jury. It would be interesting, in a future study, to follow these individuals through each stage of the experiment.

The jury results, although non-significant statistically, show more interesting patterns than either of the two King studies. Simply increasing the numbers of juries improved upon the statistical power of this research. The fact that there were eighteen different juries with an initial "Guilty" majority suggests, as noted above, that the case against Bias was stronger than the case against King. Having twelve of these eighteen shift to either a hung jury or, more impressively, to a "Not guilty" verdict shows that deliberations were an important aspect of this research.

Once again, it appears that the effects of pretrial publicity, when they do appear, are very subtle effects, not easily pinned down in a laboratory situation. It does seem that bad character information in general may be more likely to initially bias individuals toward guilty verdicts, but this does not then mean that this will lead to a final guilty verdict. However, these findings may be particular to these two cases. Mock jurors have shown us that they are capable of putting aside extraneous information and focusing on the facts presented to them. It is a job they take seriously, even in such a simulated environment as a university laboratory.

General Discussion

These four studies were designed to examine the relationship between pretrial publicity and post-trial judgements of guilt or innocence. A review of the literature indicated several different aspects of the research that could be improved upon. Some of these were methodological and some were theoretical. The goal of the present research was to increase the realism of the standard experimental paradigm in addition to illuminating the conditions under which pretrial publicity is most likely to have an effect. The results of these studies show some interesting patterns.

Pretrial effects

One of the most robust findings from previous pretrial publicity research is large pretrial effects. From the earliest field research (e.g. Simon & Eimermann, 1971; Riley, 1973) to the more recent laboratory studies (e.g. Otto, Penrod & Dexter, 1994) strong effects of publicity on pretrial judgements have been found. Our first study (Bernardo) did show the common pattern; increased exposure to pretrial publicity was related to increased ratings of guilt. Our laboratory studies, however, did not show such consistent effects. With the exception of Study 2, the first King study, the pretrial materials seemed to have only moderate effects on pretrial ratings. There are several possibilities why this might be the case. The strongest effects in Study 2 were found among those who participated only at the first session; they were never scheduled for trial, nor were they asked to deliberate as a jury. They simply gave an "opinion" after reading about the case. In the other two laboratory studies, all participants were aware that they would be acting as a member of a jury and would have to discuss their views in front of others at the second session. Such findings suggest support for the accountability theory (Tetlock, 1983) whereby those who expect to have to justify

their opinions in some sort of group or public setting are more likely to be moderate in their initial opinions. As a "juror" in this study, it may not have been prudent to make too strong a statement regarding the guilt or innocence of the accused without first listening to the actual evidence in the trial. Interestingly, the excellent study done by Kramer et al. (1990), which included both a delay condition as well as jury deliberations, also found no effect of pretrial publicity on verdicts before the trial.

A second possibility may be that the materials were not strong enough to have any lasting impact on juror decisions. It is difficult to believe that the pretrial publicity should be made stronger. Most of the information was based on actual newspaper articles; increasing the amount of damaging information too far beyond what one might reasonably expect in real-life seems somewhat unnecessary. If an effect cannot be found with real-life materials, then one should not try to manufacture an effect using unrealistic publicity. However, for several of the conditions, most notably the "motive" condition for the Bias trial, the most damaging information we could find, or create, was included and still had little effect. It is hard to imagine how we could have provided a better motive for the crime than we did in this case; the defendant needed money and his wife had a large insurance policy; she wanted a baby and he didn't; he was having an affair and was re-married within months of his wife's death.

The lack of findings in this condition suggests that it is almost impossible to predict if and when we will find an effect of pretrial publicity. On the basis of interviews with original jurors in the Bias trial, the lack of motive was identified as a key point, yet this gap was apparently not as glaring in the thirty-one minute version of the trial that we used. The focus in this particular case may have

been on whether or not the defendant's version of the events leading up to his wife's death was plausible or not, from the perspective of our subjects. This was not something that we could have easily predicted ahead of time.

Delay

The majority of the previous research seemed to imply that including a delay between presentation of the publicity and assessment of verdict preferences was unnecessary, as few ever included it as part of the paradigm. Most asked for opinions, or showed a trial, within minutes of administering the pretrial publicity (e.g. Greene & Wade, 1988; Sue et al., 1974; 1975). This is highly unrealistic; it is hard to imagine that a real juror would read all of the relevant pretrial publicity moments before entering the courtroom. The two studies which did include a delay (Davis, 1986; Kramer et al., 1990) found, in general, more acquittals after a delay than before. In the Kramer study, however, a long-term effect was found for one type of publicity. Emotional publicity was more likely to have an impact on a jury even after a delay than was factual information. Kramer et al. (1990) did find reduced recall for pretrial publicity after a delay. Similarly, in our three experimental studies, recall for material that was not reiterated in trial was recalled less well than was material that did appear in the video. However, it is possible, given that there were still effects for ratings of guilt in the King cases, as well as a hung jury effect in the first study, that an enduring negative image of the defendant may have remained. This too is consistent with the findings of Kramer et al. (1990), who suggested that while specific facts may be gone from memory, an overall impression may remain.

Deliberations

As discussed previously, deliberations may be thought of as a remedy to the threat of prejudicial pretrial publicity (e.g. Kaplan & Miller, 1978; Kerr 1994). There are two competing predictions here. On the one hand, jurors may police themselves and allow for no discussion of extra-legal factors. If a member of the group brings up information remembered from pretrial articles, the others on the panel will ensure that such information is not included as part of the decision-making process of the jury. On the other hand, deliberations may polarize the jury, so that any initial majority that has been unduly influenced by the material will unfairly bias the jury. Kerr (1994) says that the latter prediction is borne out more clearly in the literature. Giving the defendant the benefit of the doubt, a normal procedure, may be weakened in jurors exposed to pretrial publicity.

What we found consistently among all three studies that included jury deliberations was a decrease in overall ratings of guilt; all of the juries became, on average, more lenient after deliberations. While group polarization seemed to be more of a factor in the first two laboratory studies, as no minority factions ever changed the verdicts of the majority, almost all were "not guilty" to begin with. The relatively low number of juries makes such conclusions problematic. In the third laboratory study, however, there were far more juries, allowing for better statistical power. In addition, there were several juries that were, in fact, swayed by the minority, suggesting that "majority rule" may not always be the norm. What is obvious is that deliberations were an integral part of the experimental paradigm. Including them may have tempered pretrial opinions, and allowed for a more thorough processing of the trial evidence, through group discussion.

Types of pretrial publicity

Our research has demonstrated effects for some types of pretrial publicity, but not for others. Otto, Penrod and Dexter (1994) also found effects for some evidence, such as negative character information, but not for others, such as prior record. The findings suggest that different types of pretrial publicity may affect verdicts through different routes. The Bernardo study demonstrated that large amounts of pretrial publicity can be damaging to pretrial opinions, although these effects can be weakened or even eliminated by providing sufficient trial evidence. The first King study, using more general categories of publicity, found that highly negative information can affect opinions of guilt. As we discovered, however, trying to predict which specific types of publicity are most likely to have an impact is difficult. Often the decision can come down to one or two key pieces of evidence, rather than any particular type. It is difficult enough trying to determine what these specific types might be after viewing the trial; it would be almost impossible in a real-world situation to make these predictions about any specific case *a priori*. There are all kinds of competing variables that can have an impact on which types of pretrial publicity might have an effect. While this research lends support to the idea that key prosecution or defense evidence is the most likely to have an effect, determining this for every single case would be almost impossible.

The mechanism

While it was made clear that this research was not theory driven, several different possible processes by which pretrial publicity might have an effect were discussed. Given the lack of consistent results, it seems most plausible that different theories explain different types of pretrial publicity effects. We concluded from our findings that the types of evidence that are most likely to

have an effect are highly case-specific. A general category of pretrial publicity may not adequately capture the subtle interactions between the evidence and the case. The first two studies, the Bernardo field study and the first King study, seemed to indicate that the more negative information that an individual was exposed to, the greater the assumption of guilt. This is similar to the findings of Ostram et al. (1978), who suggested a linear or additive model of jury decision-making. This theory does not, however, fully explain the results from the final two studies, where the amount of information given to the jurors was kept constant.

The story model proposed by Pennington and Hastie (1992) provides a tempting explanation for the results of all four studies. This model suggests that jurors form a coherent story that best encompasses the events surrounding the crime. What we propose, on the basis of the current findings, is that the decision to include extra-legal information in the story will be most dependent on whether or not the information is *needed* to form a coherent story. When the evidence is strong enough, then jurors will be less likely to rely on the extraneous information. If the evidence is weak, then they may need this information to fill in any gaps. In the Bernardo study, all jurors had to base their initial decisions on what the pretrial publicity they had been exposed to. After hearing the evidence, this publicity was no longer needed to help them form an opinion. In the two King studies, the evidence itself was weaker, and so the jurors may have relied on this extra information more. In the Bias study, the prosecution's case was stronger, and so jurors may have been more inclined to ignore the pretrial publicity. However, the results of all three experimental studies were not particularly powerful.

It may be that, in the absence of jury deliberations, a biased story will be more likely to affect final verdicts. However, the reduction in ratings of guilt from before to after deliberation suggests that

jurors are not as committed to these stories as has been suggested in the past. If this is true, then we do not need to be as concerned about the damaging effects of pretrial publicity, as long as the trial itself provides evidence on both sides of the issue, as well as a chance for a group discussion of the evidence. Tetlock is probably right when he suggests that we are cognitive misers, taking the shortest and easiest route to a making a decision. A story is relatively easy to construct, on limited information. We don't have to think too deeply about the material; we need only put it into a plausible framework. However, when asked to assume the role of juror, an individual is forced to go through three processes; he or she must think more deeply about the information presented, think about the sources of that material, and justify an opinion in front of others. Ultimately, it may be these three processes that better explain the findings than any one theory.

Implications for Pretrial Publicity Research

The results of this thesis suggest that, while this research is important, it still has a long way to go before it can be used to make definitive statements regarding if and when a publication ban is warranted in a particular case, or whether or not a jury has been unduly influenced by pretrial material. The lack of consistent research paradigms, and a tendency for researchers to complete and publish only one or two studies on the issue before moving on to something else, means that there are too many variables that are ignored in the overall reading of the literature. Findings will remain vague and inconsistent until a solid body of research is completed.

The fact that the findings in this thesis are inconsistent, given a strong experimental paradigm and the use of similar materials across several different studies, supports the notion that it is still too early to come up with general rules regarding pretrial publicity.

Assessment of Experimental Design

Perhaps the greatest strength of the present research was the experimental design. There are several important methodological improvements included in this research. Aside from the initial selection procedure, each of the three experimental studies tried to simulate the entire jury process. Pretrial publicity was given out well in advance of the trial, and participants were given a plausible explanation for why they were reading such material in the first place. Both the pretrial publicity and the trial itself were based on actual cases and materials. Jurors watched the trial in groups and were given a chance to deliberate as a jury, in order to reach a unanimous verdict. Each of the elements has been included in previous research, but with few exceptions, they have been looked at in isolation. By combining as many of these factors as possible, we are better able to mimic some of the complexity of the actual judicial processes.

Having pointed out the strengths of this research, it is important to note that even the best laboratory simulations are no match for the realism of an actual courtroom. No matter what conclusions we draw from this research, they must be tempered by the fact that the judicial process is a complicated one, and it is impossible to say definitely that the processes that we study in the laboratory would work in exactly the same way in a real trial. In all but the Bernardo study, mock jurors were drawn from a student population. Such a sample is hardly representative of a real jury panel. However, as discussed previously, mock jurors seem to make an effort to take their assigned roles seriously, and we have no particular reason to doubt that the actual decision processes engaged would be any different for them. If we believe that jurors take their role seriously and try hard not to be affected by extraneous information, then it may be that actual jurors would be even less likely

to be affected by pretrial publicity, as they would be more highly invested in the case and would feel an even greater amount of accountability for their decisions.

While we believe that jury deliberations were integral to the results of this thesis, we have little knowledge of the actual process through which our mock jurors reached their decisions. Had we videotaped deliberations, we would be in a better position to argue that jurors police themselves with regard to pretrial publicity. It would also be the case that we would have a better understanding of the type of deliberation style that our juries adopted. Without manipulating explicitly the instructions either to take an initial ballot or to wait until the end, we cannot say which of these two styles will most likely be affected by pretrial publicity. Kaplan and Kickul (1996) conclude that inducing an evidence-driven deliberation enhances the effectiveness of deliberation, as well as magnifying the leniency norm and reasonable doubt. We can predict that a verdict-driven jury would be less inclined to ignore the pretrial publicity, but we cannot say for certain.

In addition, the number of juries for most of the studies was quite small. While much of the existing research relies on individual 'verdicts' when assessing the effects of pretrial publicity, it is not realistic to do so. A verdict in a trial is a decision reached by a group of individuals who have listened to and discussed the evidence. Once the deliberations have taken place, an individual's judgement can no longer be considered independent from that of the group, and therefore should not be considered valid evidence of any effect. Only jury verdicts should be considered after deliberations, and therefore the statistical power of the analyses drops considerably as the data from several individuals are collapsed into one unit.

Conclusions and Future Directions

These studies have demonstrated that the effects of pretrial publicity are elusive at best. At this point, it is quite difficult to state with any certainty when an effect will be found. Trying to determine which specific types of pretrial publicity will have an effect and under what circumstances is even more difficult. We have learned from the literature that certain overwhelmingly negative pieces of information, such as conclusive evidence of guilt, are almost impossible to ignore. What these studies have demonstrated is that any effect of pretrial publicity, even a strong one, can be weakened or even eliminated; this may be mediated by the provision of strong evidence within the trial itself and a jury deliberation process. Helle (1997) stated "The [U.S.] Supreme Court has not had to overturn a conviction because of prejudicial publicity since Sheppard. Charging judges with the duty to protect Sixth Amendment rights has worked; these past 30 years have proven publicity does not equal prejudice" (p.17).

There have been many suggestions as to where the research should go from here. Certainly the research should attempt to maintain as high a degree of realism as possible. More realistic cases and publicity materials are important. Increasing the involvement and accountability of the mock jurors would be useful. "Shadow" juries who sit in court and observe a highly publicized trial then deliberate a verdict, is one possibility (Gerbasi, Zuckerman & Reis, 1977). However, this is an expensive option and still these individuals may behave differently from those truly involved.

Having many different trials, all with "interchangeable" evidence, and all run simultaneously, would be the ideal. With a range of cases and categories of material, we would be better able to rule out certain types of evidence and perhaps narrow down the specific types of pretrial publicity that

might be most damaging to certain *types* of cases. In terms of exposure to the pretrial publicity, being able to manipulate the exposure in a manner more similar to what happens in the real world would be helpful. It might be possible to mail packages of information to mock jurors over a period of time before they are exposed to the actual trial. However ensuring that all of the individuals read the material to the same extent would not be easy.

The British approach is to simply punish any publication of material that is deemed to be a threat to a fair trial. Nothing that might conceivably affect the attitude of a potential juror may be published unless and until it is formally disclosed in court. In North America, it is, of course, up to the courts to decide if and when exposure to pretrial publicity is a justification for dismissing jurors or allowing a change of venue. However, the existing literature and the present research suggest that such justification will be quite rare. The effects of pretrial publicity are fragile and elusive. It is our opinion that a match between the crucial pretrial publicity and a specific trial is key to understanding this issue. Every trial is different, as is the pretrial publicity preceding it, so that trying to come up with general rules may be a fruitless endeavour. As long as there is freedom of the press, however, the concerns surrounding pretrial publicity will remain, and ultimately, the particular circumstances of each and every trial must always be taken into account.

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Appendix

Pretrial Publicity
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Materials for Study 1
The Bernardo Case

CONSENT FORM

**A study of pre-trial publicity.
University of Toronto**

I _____ agree to participate in this study regarding pre-trial publicity, and I understand that my participation involves the following:

I agree to answer a series of questions regarding my knowledge of a current criminal case. I will also be asked to read 2 brief passages containing information about this case, and then answer a few questions about my opinions concerning this case.

I understand that all information given by me will remain in the strictest confidence, and that at no time will information of a personal nature (such as my name and address) be released to anyone, nor will this information appear in print.

I understand that the study should take approximately ten minutes, and that if I choose to discontinue my participation at any time this will be freely granted. I have been assured that my participation in this research is totally voluntary.

If I have any complaints or questions about the research, I may direct my enquiries to Tara Burke, through the University of Toronto Psychology Department.

Having been fully informed as to the nature of this study, and having been assured that all information will be confidential, I agree to participate in this study.

Signature

Date

Welcome to the Science Centre Psychology Exhibit.

We would like to ask you a few questions regarding a criminal case that is currently before the courts. Your questionnaire package should contain 4 pages. Please complete each page before moving on to the next.

- 1) What is your current age? _____ Years.
- 2) Are you: _____ Male. _____ Female.
- 3) Where do you live? _____ Ontario. _____ Other Province.
_____ The U.S. _____ Other Country.
- 3) Please indicate how much you have heard regarding the Paul Teale-Bernardo/Karla Homolka case:
_____ Nothing at all. _____ A fair amount.
_____ A little bit. _____ A great deal.
_____ Some.
- 4) What has been the source of your information, if you have in fact heard anything? (Please check all that apply).
_____ Newspapers. _____ Internet.
_____ Magazines. _____ Friends.
_____ Radio. _____ Other (Specify) _____
_____ Television.
- 5) Please state (briefly) what exactly you have heard regarding the case, if anything.

(Use back of page if necessary)

Please turn to next page....

Below is a brief description of the Bernardo-Teale/Homolka Case. Please read it carefully.

On June 29, 1991, Leslie Mahaffy's dismembered body was retrieved from a lake near St. Catharines, Ontario. Ten months later, Kristen French's body was found in a ditch near Burlington, Ontario. Twenty-nine year-old Paul Bernardo (who also goes by the name Paul Teale) faces charges of first-degree murder in the slayings of both girls. [For half of the subjects: He also faces 28 rape-related charges for a series of assaults that took place in Scarborough, Ontario, between 1987 and 1990. A date for the trial on the rape-related charges has not yet been set.]

In July, 1993, Karla Homolka, Paul Bernardo's ex-wife, was convicted of two counts of manslaughter in the deaths of the two teenagers. She was sentenced to 12 years. She is expected to testify at the upcoming murder trial of Paul Bernardo.

The judge in the case, Mr. Justice Francis Kovacs, imposed a ban on reporting Karla's plea and everything else that was said in the courtroom concerning the deaths, or anyone mentioned in the trial.

It has been suggested that this ban was imposed to try to protect Bernardo's right to a fair trial, or possibly to ensure that the impact of Homolka's testimony against him is not diminished in any way.

Please answer the two questions below:

- 1) Considering everything you have heard and/or read about this case, do you feel that Bernardo is: (Please circle the number which best represents your view).

1 2 3 4 5 6 7
Definitely Not Guilty No Idea Definitely Guilty.

- 2) If you were asked to be a juror in this case, how would you vote?
* Remember that to vote guilty, you must be convinced beyond a reasonable doubt - otherwise you should vote not guilty.

_____ Guilty.

_____ Not Guilty.

Please turn to next page....

Please read the material below carefully. It is important that you understand that we have no inside information about this case and that we are in no way suggesting that the information below is factual or true. However, we would like you to imagine that this is what happens at the trial:

There are two sources of evidence against Bernardo. First, an expert testifies that 6 hairs found in his house match the hair of one of the victims, and that a small bunch of fibres, also found in the house, match those from a sweater worn by the other victim. Second, Karla Homolka, his ex-wife, gives extensive testimony in which she describes in horrifying detail how he committed the murders. She admits that she was an accessory, but says that she only went along with him because she was terrified of what he would do if she didn't.

To these statements the defense replies that Paul Bernardo is totally innocent of all charges against him. An expert witness for the defense testified that while the hairs do seem to match the victim's hair, they would match many people's hair as they are not unusual; and that the fibres are not a very good match with the sweater and even if they were, they are common wool found in millions of sweaters. In fact, the expert says that if the murders had occurred in the house, as alleged, after two months of searching the house, the police would have found much more physical evidence. Indeed, according to this witness, the fact that there is so little and such weak evidence indicates that the crimes did not occur in the house.

This leaves only Karla's testimony against Bernardo and it is thus her word against his. He claims that she is a bizarre and violent person and that the marriage broke up because of her behaviour and because he discovered that she had been having an affair that had started even before their marriage. He does not know the man, but says he has interrupted Karla talking to him on the phone several times, and often has picked up the phone only to hear someone quickly hanging up. In addition, he once saw Karla getting out of his car down the street from their house. Bernardo says he is convinced that Karla and the man committed the murders. He assumes that Karla was afraid that the police knew about her involvement and would soon find her lover also. Together she and the man made up the story about Bernardo to protect the lover and to get Karla a mild penalty - 12 years with the chance of parole in four instead of life imprisonment with no chance of parole for 25 years.

Please answer the 3 Questions below:

- 1) Assuming that this is what occurred in the actual trial, what is your opinion regarding Bernardo's guilt?

1 2 3 4 5 6 7
Definitely Not Guilty No Idea Definitely Guilty.

- 2) If you were an actual juror in this case, would you vote:
* Remember that to vote guilty, you must be convinced beyond a reasonable doubt - otherwise you should vote not guilty.

_____ Guilty? _____ Not Guilty?

- 3) If you were in fact called to be a juror on this case, do you feel that you could act fair and impartially, regardless of whatever information you had been exposed to previously?

_____ Yes. _____ No. _____ Not sure.

Thank you for your time and effort in completing this questionnaire.

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Materials for Study 2

James William King

CONSENT FORM

You be the juror.
University of Toronto

I _____ agree to participate in this study of how jurors make their decisions. I understand that my participation involves the following:

I understand that participation in this study involves two different sessions, on different days, approximately two weeks apart. In the initial session, I agree to read a series of articles regarding a court case that I will be asked to participate in as a juror during my second session. I understand that this first session will take approximately half an hour. During my second session, I understand that I will be asked to watch a videotape of an actual trial, and that at the end of this trial I will be asked to make a decision regarding the guilt or innocence of the accused. I understand that this second session takes approximately 1.5 hours.

I understand that all information given by me will remain in the strictest confidence, and that at no time will information of a personal nature (such as my name and address) be released to anyone, nor will this information appear in print.

I understand that if I choose to discontinue my participation at any time, and at either session, this will be freely granted. I have been assured that my participation in this research is totally voluntary.

If I have any complaints or questions about the research, I may direct my enquiries to Tara Burke, through the University of Toronto Psychology Department.

Having been fully informed as to the nature of this study, and having been assured that all information will be confidential, I agree to participate in this study.

Signature

Date

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Articles for the Negative Condition

...cian and, more important, the military officer who carries codes for launching nuclear missiles. Unnerved by this omission, White House aides hurriedly rounded up transportation and sped the officer to the tennis courts.

neglected by the Bush White Pretrial Publicity
Mr. Bush declined to offer
on whether Californi
move its primary to March, from June, when it can be anticlimactic if the nominations are already decided by then.

Still Fighting the 'Wimp'

The President may have been having fun with his old boss on the links, but there are some things that just make him mad.

"I'm going to take a heroic position on that one and say let Californians decide," Mr. Bush said. But his political advisers said the President would be deeply immersed in California politics before too long.

Two years and eight months after he was overwhelmingly elected President, two and a half months

"Keep your sunglasses and Lycra pants packed," one aide said. "We're going to be coming out here a lot as '92 heats up."

4 Guards Killed in Denver Bank Robbery

N.Y. Times

DENVER, June 16 (AP) — Four guards were shot to death today in a bank robbery, the authorities said.

said in a preliminary report that the guards were shot by a man believed to be in his 40's. The authorities said they were looking for a 6-foot-1-inch white man with silver hair and a mustache.

The police said three guards were found in a basement room used for monitoring the United Bank of Denver. The room is near the bank's vault. A police spokesman, David Neil said, the fourth victim was in the same general area.

The police said they did not know how the robber entered the building.

Five other people were in the building, but they were not injured.

The bank's chairman, N. Berne Hart, said the robber made off with a "nominal" amount of money.

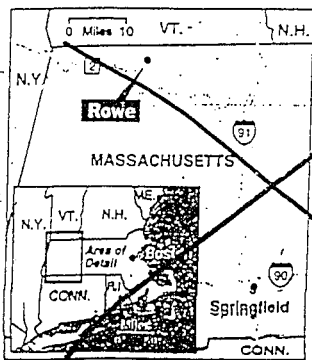
The police received a call about an attempted robbery just before noon.

The guards were killed in a secured area, the police said. Coded electronic cards are needed to enter the building and to use the elevators on the weekends and evenings.

The Federal Bureau of Investigation

June 17/91
PA10 (L)
cd. 5

Causes Fire at A-Plant in Massachusetts



The plant's status will continue to be classified as that of an unusual event until the reactor reaches "cold shutdown," when the water in the cooling system is below the boiling point at atmospheric pressure, Mr. McGee said.

With no power available from the outside, emergency diesel generators were started to provide electricity for pumps and valves. The plant has two backup telephones that continued to work, one of which was taken over by resident inspector for the Nuclear Regulatory Commission, Mr. McGee said. The fire was put out by the plant's fire brigade, he said.

Yesterday plant workers were checking equipment for hidden damage from power surges and seeing what repairs and parts were needed to

A nuclear plant in Rowe, Mass.

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the 15 members of the committee, and other influential senators, soliciting their advice on intelligence policy and seeking their support. Friends and colleagues describe Mr. Gates as being afraid that he may again be blocked from gaining the post that would cap his career.

"Wouldn't you be?" asks a friend and former colleague in the intelligence agency. "It's a job he's always longed for, and this is his last shot."

Most troubling to panel members and their staffs are suggestions in recent news reports that records made public since the withdrawal of Mr.

Robert M. Gates, Pretrial Publicity
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 tion as Director of
 gence is facing close scrutiny.

Gates's first nomination for the post in February 1987 show that he knew more about the Iran-contra affair than he has admitted. The records suggest that he may have had fuller and earlier warnings about the diversion of millions of dollars in profits from American arms sales to Iran to buy weapons for Nicaraguan rebels at a time when

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Arrest in Denver Bank Killings

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DENVER, July 4 (AP) — A retired police sergeant was arrested on Wednesday in the slayings of four unarmed security guards during a bank robbery in which an estimated \$100,000 was taken.

The man, James William King, a 54-year-old part-time security guard at the bank until last fall, was arrested at his home near Golden, Police Chief Ari Zavaras said. Today, Mr. King was ordered held without bond.

On June 16, a gunman evaded the electronic security system at United Bank of Denver to enter a basement room where five employees were counting at least \$1 million in weekend receipts from businesses. The gunman ordered the employees into another room and took some of the money.

A short time later, the police found bodies of three guards in the security control room and the body of the fourth

guard in a sub-basement. They had been shot to death.

Investigators later discovered that the gunman had removed videotapes from the security system's cameras.

The slain guards were identified as Phillip Mankoff, 41, and William Rogers McCullom Jr., 33, both of Aurora, and Scott McCarthy, 21, and Todd Allen Wilson, 21, both of Englewood.

Mr. King, who is expected to face formal charges next week, retired from the Denver Police Department five years ago after a 25-year career, Chief Zavaras said.

Neighbors of Mr. King said he was seen pattering around his house on June 16, when the robbery occurred.

"I just can't believe he would do this," said Roberta Trujillo, who lives across the street. "He's too nice of a guy. He couldn't kill a mouse in the road if he were going down the street."

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1 Gunman enters building by freight elevator on Lincoln St. and confronts guard William McCullom Jr.

2 Gunman accompanies McCullom by gunpoint down elevator to sub-basement level.

3 Gunman kills McCullom in a remote storage room. McCullom's body later is found here.

4 9:20 a.m. Gunman ascends stairway to Concourse level.

5 9:24 a.m. Gunman enters monitor room. Guards Phillip Mankoff and Scott McCarty later are found dead in adjacent battery room. Gunman re-enters monitor room.

6 Guard Todd Wilson enters monitor room and is killed. Gunman removes log sheets, master keys, a walkie-talkie and 10 video tapes.

7 9:48 a.m. Gunman enters cash vault, where six employees are counting receipts. He orders them into adjacent room and directs David Barranco to fill a bag with unmarked bills. Barranco places \$197,080 into the bag.

8 Just after 9:56 a.m. Gunman exits bank from parking level 7, which opens onto Sherman St.

SOURCE: Courtroom testimony

The Denver Post

The guards were unarmed, a policy that officials of United Bank, now called Norwest, defended. They said the presence of armed guards can spark greater amounts of violence. A bank spokeswoman last week would not say if that policy has changed.

At the towering downtown bank, the events of Father's Day 1991 began about 7:30 a.m. when guards from Wells Fargo & Co. and Loomis Armored Inc. arrived to make weekend deposits from stores, bars and restaurants.

Police were able to retrace the killer's 42-minute crime spree from the access card he took off one of the murdered guards. Once he had it, his run of bank rooms was unlimited. Each time he used the card to enter or exit a room, it was recorded by computer.

At 9:14 a.m., police say, the gunman entered the bank on Lincoln Street. He called the guards from a telephone near the elevator and claimed he was bank vice president Bob Bardwell. Bardwell was spending the day in the mountains, but the guards didn't know that. They recognized the name and figured he had business inside.

McCullom was dispatched from the security monitor room in the basement to let him in. When the freight elevator opened, McCullom faced the man who would kill him minutes later.

The intruder led McCullom to the sub-basement at gunpoint, walked him through a tunnel to a storage area and opened fire.

Three shots pierced McCullom's head. Two others penetrated his torso and one hit him in the arm.

Then the killer stole McCullom's access card and key, allowing him to enter the monitor room at 9:24 a.m. He killed Mankoff and McCarty in an adjacent room. McCarty's body was found on top of Mankoff's, an indication, police say, that he struggled with the gunman.

In the meantime, police theorize, the gunman either hid in or left the monitor room. Two minutes later, Wilson walked in and was murdered. The gunman then removed the guards' log sheets, a walkie-talkie, 10 videotapes from surveillance cameras and 16 sets of master keys.

At 9:48 a.m., the gunman strode into the cash vault, where six employees were counting receipts. He ordered them into an adjoining room and told clerk David Barranco to fill a bag with unmarked bills. Barranco stuffed it with \$197,080.

The gunman left the bank 8 minutes later, having physically harmed none of the vault employees. Investigators believe he was out of ammunition. In addition to the 17 bullets that hit the four guards, one shot misfired.

Investigators considered the 18 spent bullets crucial evidence that pointed toward a cop or former cop. Denver officers carry six bullets in their service revolvers and 12 others in two automatic reloaders.

King charged in 4 slayings at United Bank

By John C. Enslin and Dan Luzzader Rocky Mountain News Staff Writers

Prosecutors charged a former Denver cop yesterday with killing four United Bank guards in the Father's Day robbery.

District Attorney Norm Early said his office will try James W. King, a former bank guard, on 15 felony charges, including eight counts of first-degree murder.

Four of those counts accuse him of gunning down, in a deliberate and premeditated manner, guards Phillip Mankoff, Todd Wilson, William McCullom Jr. and Scott McCarthy. The other four counts accuse King of killing the guards while robbing the bank. He could be convicted at most on four of the eight murder charges.

Until yesterday, a person convicted on any of those charges could face the death penalty. However, that was thrown into question yesterday when the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed.

"If we still have a valid death penalty, I will still consider filing a death-penalty case," Early said.

However, King's attorney, Walter Gerash, said the high court decision would prevent prosecutors from seeking capital punishment against his client.

Gerash said King will plead in-



UNITED BANK HEIST PROBE

WEEK SPECIAL
Death penalty ruled, 22, 23

Early weighs his options on death penalty
By Ben Lindqvist
Norm Early said his office is considering yesterday a Colorado Supreme Court decision and said he may have three options in pursuing death-penalty cases.
"One is to assume the death penalty statute has been revived, he said. That means his office would use the law that was in effect before the offending 1983 amendment.
"Another option is to create as if Colorado had a death penalty and use the Colorado legislature's acts one, Early said. That means that no death-penalty cases would be pursued, and a new law would cover only crimes committed after the statute is enacted.
"The third option is to use a special legislative session expected to be enacted in September, Early said. This option has been affirmed by the U.S. Supreme Court in a Florida case in which a crime was committed while there was no death penalty. Before the trial, the Florida legislature enacted a death-penalty statute, and the court ruled that it could be used to seek the death penalty, even though the law was enacted after the crime.

JUL 10, 1991



Wed., July 10, 1991 Rocky Mountain News 1

Suspect in 4 bank slayings charged

ROBBERY from 6

innocent. The lawyer has suggested that the case against his client is largely circumstantial.

King, who turned 55 today, also faces one count of aggravated robbery and six counts of menacing, one for each of the six United Bank employees he is accused of holding at gunpoint but did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

Denver police said yesterday they've gotten test results from the FBI on a key piece of evidence seized from King's house after his July 3 arrest. Investigators recovered a shoe they believe matches a footprint found on the wall inside the bank's security control monitoring room.

The gunman apparently left the print as he tried to kick his way into a room that contained videotape from the security cameras. Yesterday, police refused to comment on the outcome of that exam.

The brother of one of the six unharmed employees said his sister is still terrified by the experience. She was one of the witnesses who caught a glimpse of the gunman as he ordered them to lie on the floor.

The brother, who spoke only if his name was not released, said King's arrest and the charges bring some comfort to his family.

"I feel a little bit better, but still, I'm a little bit worried," he said. "You know, maybe (the robber) and someone else were working together."

Police, however, say they believe the gunman acted alone.

Meanwhile yesterday, police said they continued to pursue leads generated by the discovery of several aliases on forged police identification cards found in King's home.

One of four names on the cards belonged to a man from whom King had bought a house in 1980. Oren W. Marshall, a mechanical

engineer, and his wife, Dorothy, sold King and his wife, Carol, a house at 8090 W. Eighth Place Lakewood, in December 1980.

King sold the house in November 1984, two years before retiring from the police department.

The I.D. cards are similar to those issued to police officers by the identification section, where King once worked.

In addition to Marshall, the names William Scott Goodby, James W. Ette and William J. Keplinger were found on the cards.

Peg McRechnie, spokeswoman for United Bank of Denver, yesterday confirmed that Gerash appeared in one of the television ads the bank pulled on June 18. "We didn't feel it was appropriate for United to be running television commercials when we just had four people killed," she said. "He is a customer, and he was in one of the ads. Certainly, at the time, we had no idea Mr. Gerash would be representing Mr. King."

Police reveal aliases linked to King

Officers find six phony ID cards in suspect's home, win judge's OK to release the names

By John C. Ensslin
and Fawn Gormer
Rocky Mountain News Staff Writers

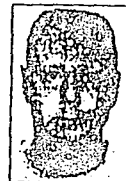
Investigators last night released aliases found on six phony police identification cards they seized from the home of an ex-Denver cop suspected in the bloody Father's Day heist at United Bank of Denver, all with the likeness of James William King.

The cards were found July 3, the night police arrested King, 55, during a search of his house. Detectives released the aliases moments after a judge yesterday denied a motion by King's lawyer to limit pretrial publicity in the case.

The ruling came two hours after investigators completed their second search of King's Jefferson County home within a week.



Mustachioed



Clean-shaven



Police and FBI investigators leave James W. King's Jefferson County home with evidence — including computer equipment — possibly linking King to the bloody United Bank of Denver robbery.

Denver District Attorney Norm Early said he expects to file charges today against King, whom police arrested last Wednesday night in the bank robbery and slayings of four unarmed guards.

The aliases found on the cards are: William Scott Goody, William J. Kepfinger, James W. Ette and Oren W. Marshall.

Police are asking for information from citizens who recognize King or who had dealings with anyone using those aliases, said Denver homicide Lt. Tom Haney.

In particular, police are looking for information on King's whereabouts between the June 16 robbery and his arrest on the night of July 3, Haney said.

Meanwhile, police also released photographs of King that showed him with and without a mustache. Witnesses in the robbery described a gunman with a salt and

pepper mustache and sunglasses. Police suspect King may have shaved off his mustache since the robbery.

After the second search, at least 10 detectives and FBI agents left King's Pleasant View bungalow near Golden with stacks of files, a home computer and a pair of dark sunglasses.

Among the items taken were a file box labeled "Plans" and numerous file folders crammed with records.

See KING on 16

King, James

Bank floor plan reported found in King's home

By Sue Lindsay ^{RMN} 10/5/91
Rocky Mountain News Staff Writer

During a search of James King's house, police found a floor plan of the concourse level at United Bank where three guards were killed and the vault is located, a Denver detective testified yesterday.

Detective Calvin Hemphill testified that the map was in a folder marked "plans" that was found at King's house during a search July 3, the day King was arrested.

"The item that struck me was a layout of the level of the bank that contained the money vault and guard room," Hemphill said.

The robber stole \$197,080 from the vault and killed three guards in the security office on June 16. The body of a fourth guard was found on another level.

The floor plan was revealed during a Denver County Court hearing that will decide if King, a former United bank guard and police officer, must stand trial on robbery and murder charges.

Gerash said he expects King to be ordered to stand trial.

"The whole case is speculation," he said. "They're constructing a house of sand. . . . The joints are conjecture and the beams are suspicion."

Hemphill said King told him in a July 2 interview about the procedures for letting a person into the bank. He said the name would be verified as a bank employee in the computer. "He said you wouldn't know if they were a vice president or a secretary," Hemphill said.

The robber gave the name of bank vice president Bob Bardwell when seeking entry to the bank.

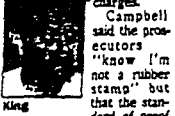
On Thursday, prosecutors presented evidence from former guard Dana Pappas who said King told him last year how he might kill guards and rob a bank — a plan that precisely parallels how police believe the crime occurred.

Sgt. Doug Hildebrand testified that King told him he got up on Father's Day at 8 a.m. and went to play chess about 9:30 a.m., couldn't find anyone at the chess club and returned home about 10:30 a.m. King told him he saw no one at the chess club or in the neighborhood who could corroborate his alibi.

Police have learned that the crime took place between 9:10

Judge says King likely to stand trial

Denver County Judge Brian Campbell indicated on Friday that he probably will order James King to stand trial on murder and robbery charges.



King

Campbell said the prosecutors "know I'm not a rubber stamp" but that the standard of proof at a preliminary hearing is lower than it is in a trial and that he must view the evidence "in the light most favorable to the prosecution."

Campbell made the remarks during King's preliminary hearing, saying he wanted King's friends and family and victims in the case to understand the process.

The judge also said he is considering setting a bond for King, freeing him until his trial if he can raise the money. Campbell cautioned that any bond would be "in the hundreds of thousands of dollars" and the entire amount would have to be raised.

— Sue Lindsay



a.m. and 9:56 a.m. Detective Richard Penington Jr. said King's wife, Carolyn, told him she and King had breakfast and he went to play chess about 9 a.m. She said King returned about 10 a.m., saying he couldn't find anyone at the chess club.

Hemphill said janitors working that morning at the Capitol Hill Community Center, where King said he went to play chess, told him they didn't see anyone.

Carolyn King told the detective that she was having trouble getting used to seeing her husband without a mustache. He told her he shaved it because he was developing pimples under it. The bank robber had a mustache, and King became a suspect after shaving his following the robbery.

JAMES W. KING. THAT that nobody really knew?

Records paint portrait
of United Bank suspect

By Jeffrey A. Roberts, Marilyn Robinson
and Peter Chronis
Denver Post Staff Writers

To police and prosecutors, James William King is the man accused of gunning down four unarmed guards at United Bank of Denver on Father's Day.

But to his brother, King is "a very good and decent man" who couldn't have committed such a heinous crime.

"My mom wrote that if this wasn't happening to us, she wouldn't believe it was possible the police could be so unfair," Thomas E. King said in a brief interview last week. "They haven't released what information they have, and it seems it's all circumstantial."

(Thomas King lives in San Francisco.)

hasn't seen James King in several years. But he remains an ardent defender of his 55-year-old brother, a retired Denver police sergeant who later worked as a guard at the bank he is accused of robbing.

"I just hope he's got a good lawyer and can weather the storm," Thomas King said. "I guess his reputation is already ruined" — despite 25 years as an "exemplary" Denver cop.

Public records paint a portrait of King that his brother, other relatives and close friends would not confirm. His wife and children declined to be interviewed.

King was born James W. Ette on July 10, 1936, in San Francisco. He was adopted by Harold Scott King, a Ford Motor Co. mechanic from San Diego, and Doris Louise King, a native of Delta, in western Colorado.

Please see KING on SA

KING from Page 1A

He used his birth name and his mother's family name — Keplinger — on two fake police identification cards found by investigators after his arrest July 3.

King moved around a lot as a child, attending a dozen schools — three in 1950 alone — before graduating in 1954 from Castlemont High School in Oakland, Calif. He was an average student who earned mostly B's and C's but excelled at mechanical drawing and in the school's ROTC program.

Passion for chess

His lifelong passion for chess began early. He was president of his high school chess club and played the game religiously — sometimes by mail — until the week of his arrest.

King also enjoyed reading, climbing and building model airplanes, and he professed considerable expertise with firearms. When he applied to be a Denver police officer, he rated himself "excellent" with a .45-caliber automatic, a .22-caliber revolver and "most .30-caliber rifles." He also considered himself to be a fair boxer and wrestler and good at jujitsu.

He had honed his martial skills in the Army, where he served three years as a military policeman. After enlisting in August 1954, King went through basic training at Fort Ord, Calif., and received military police training at Camp Gordon, Ga.

The young soldier shipped out to Germany that December, assigned to Bravo Company, 9th Ordnance Battalion, Retired Maj. James Greymbill, then company commander, said the MPs attached to the unit guarded a U.S. installation near Stuttgart that assembled atomic warheads.

King received an honorable discharge, at the rank of private first-class, in July 1957. He retained a military bearing and appearance thereafter, always wearing a crew cut without regard for fashion

Pretrial Publicity
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Quiet hitch in Army

Greymbill, contacted at his home in Virginia, said he didn't remember King. But neither did other people who worked with the quiet, cerebral man over the years.

"I don't remember anything about him," said Deane Stocker, who supervised him in 1960 when King worked for a Boulder agency that delivered The Denver Post. King was enrolled at the University of Colorado, majoring in economics and math. He had transferred in June 1953 from Long Beach City College in California.

King held several part-time jobs after leaving the Army, including a month-long stint with the Los Angeles Police Department in 1958. He also worked briefly as an insurance investigator in Denver and a cab driver in Boulder.

His 25 years on the Denver police force began in September 1961. After a battery of tests, King was ranked No. 1 out of 37 candidates.

But former colleagues say he never displayed the exceptional qualities of a top cop. A police commander described King as "bland, nondescript" — except for his trademark flat-top — and relatively anonymous even among fellow officers.

"Obviously, this is a man who nobody really knew," said the commander, who asked not to be identified. "He didn't have any strong friendships here. He came to work. He did what was required, and that was it."

Trouble-free police career

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At home near Golden, King and his family were private people who didn't socialize much. Neighbors remember seeing his sons work on cars in the driveway and King feeding birds and squirrels in his yard.

King and his wife, Carolyn, "kept to themselves," said next-door neighbor Spence Wood. "They'd talk if you wanted to talk. They just sort of wanted to live a quiet life."



The Denver Post
JAMES KING: Ex-cop, murder suspect at booking.

Sunday, July 21, 1991

THE DENVER POST

United suspect King known as loner

Pretrial Publicity
161



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Special to The Denver Post

KING'S APPLICATION: James William King, as he appeared on his application to the Denver Police Department.

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The Kings lived in Lakewood and Golden during the early 1980s

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Police command
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and moved in June 1985 to the home in Pleasant View near Golden. King retired from the force in September 1980, and he and his wife declared bankruptcy in 1981, listing nearly \$25,000 in credit card debts.

Bankrupt in retirement

King became a part-time security guard for United Bank of Denver in 1989 after nearly three years as a draftsman at a Denver map-making company. He left the bank last fall.

Always a loner, King is now alone in a cell in Denver County Jail, being held in isolation as he awaits a preliminary hearing Aug. 27 on 15 counts of charges including first-degree murder, aggravated robbery and menacing.

Pretrial Publicity
162

Articles for the Mildly Negative Condition

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tation and sped the officer to the ten-
nis courts.

Still Fighting the 'Wimp'

The President may have been hav-
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Two years and eight months after
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President, two and a half months

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"Keep your sunglasses and Lycra
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Pretrial Publicity
163

4 Guards Killed in Denver Bank Robbery

N.Y. Times

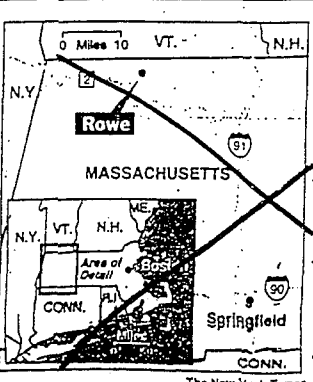
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June 17/9
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Causes Fire at A-Plant in Massachusetts

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The plant's status will continue to be
classified as that of an unusual event
until the reactor reaches "cold shut-
down," when the water in the cooling
system is below the boiling point at at-
mospheric pressure, Mr. McGee said.
With no power available from the
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were started to provide electricity for
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resident inspector for the Nuclear
Regulatory Commission, Mr. McGee
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Yesterday plant workers were
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Yankee's
A nuclear plant in Rowe, Mass.

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"Wouldn't you be?" asks a friend and former colleague in the intelligence agency. "It's a job he's always longed for, and this is his last shot."

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Pretrial Publicity
164

Arrest in Denver Bank Killings

DENVER, July 4 (AP) — A retired police sergeant was arrested on Wednesday in the slayings of four unarmed security guards during a bank robbery in which an estimated \$100,000 was taken.

The man, James William King, a 54-year-old part-time security guard at the bank until last fall, was arrested at his home near Golden, Police Chief Ari Zavaras said. Today, Mr. King was ordered held without bond.

On June 16, a gunman evaded the electronic security system at United Bank of Denver to enter a basement room where five employees were counting at least \$1 million in weekend receipts from businesses. The gunman ordered the employees into another room and took some of the money.

A short time later, the police found bodies of three guards in the security control room and the body of the fourth

guard in a sub-basement. They had been shot to death.

Investigators later discovered that the gunman had removed videotapes from the security system's cameras.

The slain guards were identified as Phillip Mankoff, 41, and William Rogers McCullom Jr., 33, both of Aurora, and Scott McCarthy, 21, and Todd Allen Wilson, 21, both of Englewood.

Mr. King, who is expected to face formal charges next week, retired from the Denver Police Department five years ago after a 25-year career, Chief Zavaras said.

Neighbors of Mr. King said he was seen pattering around his house on June 16, when the robbery occurred.

"I just can't believe he would do this," said Roberta Trujillo, who lives across the street. "He's too nice of a guy. He couldn't kill a mouse in the road if he were going down the street."

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1 Gunman enters building by freight elevator on Lincoln St. and confronts guard William McCullom Jr.

2 Gunman accompanies McCullom by purports down elevator to sub-basement level.

3 Gunman kills McCullom in a remote storage room. McCullom's body later is found here.

4 8:20 a.m. Gunman ascends stairway to concourse level.

5 8:24 a.m. Gunman enters monitor room. Guards Philip Mankoff and Scott McCarthy later are found dead in adjacent battery room. Gunman re-enters monitor room.

6 Guard Todd Wilson enters monitor room and is killed. Gunman removes log sheets, messenger bags, walkie-talkie and 10 video tapes.

7 8:28 a.m. Gunman enters cash vault, where six employees are counting receipts. He orders them into adjacent room and directs David Barranco to fill a bag with unmarked bills. Barranco places \$197,000 into the bag.

8 Just after 8:56 a.m. Gunman exits bank from parking level 7, which opens onto Sherman St.

SOURCE: Courtroom testimony

The guards were unarmed, a policy that officials of United Bank, now called Norwest, defended. They said the presence of armed guards can spark greater amounts of violence. A bank spokeswoman last week would not say if that policy has changed.

At the towering downtown bank, the events of Father's Day 1991 began about 7:30 a.m. when guards from Wells Fargo & Co. and Loomis Armored Inc. arrived to make weekend deposits from stores, bars and restaurants.

Police were able to retrace the killer's 42-minute crime spree from the access card he took off one of the murdered guards. Once he had it, his run of bank rooms was unlimited. Each time he used the card to enter or exit a room, it was recorded by computer.

At 9:14 a.m., police say, the gunman entered the bank on Lincoln Street. He called the guards from a telephone near the elevator and claimed he was bank vice president Bob Bardwell. Bardwell was spending the day in the mountains, but the guards didn't know that. They recognized the name and figured he had business inside.

McCullom was dispatched from the security monitor room in the basement to let him in. When the freight elevator opened, McCullom faced the man who would kill him minutes later.

The intruder led McCullom to the sub-basement at gunpoint, walked him through a tunnel to a storage area and opened fire.

Three shots pierced McCullom's head. Two others penetrated his torso and one hit him in the arm.

Then the killer stole McCullom's access card and key, allowing him to enter the monitor room at 9:24 a. m. He killed Mankoff and McCarthy in an adjacent room. McCarthy's body was found on top of Mankoff's, an indication, police say, that he struggled with the gunman.

In the meantime, police theorize, the gunman either hid in or left the monitor room. Two minutes later, Wilson walked in and was murdered. The gunman then removed the guards' log sheets, a walkie-talkie, 10 videotapes from surveillance cameras and 16 sets of master keys.

At 9:48 a.m., the gunman strode into the cash vault, where six employees were counting receipts. He ordered them into an adjoining room and told clerk David Barranco to fill a bag with unmarked bills. Barranco stuffed it with \$197,000.

The gunman left the bank 8 minutes later, having physically harmed none of the vault employees. Investigators believe he was out of ammunition. In addition to the 17 bullets that hit the four guards, one shot misfired.

Investigators considered the 18 spent bullets crucial evidence that pointed toward a cop or former cop. Denver officers carry six bullets in their service revolvers and 12 others in two automatic reloaders.

The Denver Post

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King charged in 4 slayings at United Bank

By John C. Gerlach
 Staff Writer
 Rocky Mountain News
 Denver cop yesterday with killing four United Bank guards in the Federal Reserve robbery.
 District Attorney Norm Early said his office will try James W. King, a former bank guard, on 15 charges, including eight counts of first-degree murder.

Four of the eight murder counts accuse King of gunning down, in a deliberate and premeditated manner, Philip Wilcox, William McCullom Jr., and Scott McCarty. The other four counts accuse King of killing while robbing the bank. He could be convicted at most on four of the eight murder charges.

Until yesterday, a person could not be convicted on any of those charges except by a jury. However, that was then the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed.

"If we still have a valid death penalty, I will still consider filing a death-penalty case," Early said. Gerlach said the high court decision will prevent prosecutors from seeking death punishment against the client. Gerlach said King will plead in-

Early weighs his options on death penalty

Prosecutors charged a former Denver cop yesterday with killing four United Bank guards in the Federal Reserve robbery. District Attorney Norm Early said his office will try James W. King, a former bank guard, on 15 charges, including eight counts of first-degree murder. Four of the eight murder counts accuse King of gunning down, in a deliberate and premeditated manner, Philip Wilcox, William McCullom Jr., and Scott McCarty. The other four counts accuse King of killing while robbing the bank. He could be convicted at most on four of the eight murder charges. Until yesterday, a person could not be convicted on any of those charges except by a jury. However, that was then the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed. "If we still have a valid death penalty, I will still consider filing a death-penalty case," Early said. Gerlach said the high court decision will prevent prosecutors from seeking death punishment against the client. Gerlach said King will plead in-

Wed., July 10, 1991 Rocky Mountain News

Suspect in 4 bank slayings charged

ROBBERY from 6

accuse. The lawyer has suggested that the case against his client is largely circumstantial. King, who turned 55 today, also faces one count of aggravated robbery and six counts of menacing, one for each of the six United Bank employees he is accused of holding at gunpoint. He did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

The brother of one of the six unharmed employees said his sister is still terrified by the experience. She was one of the women who caught a glimpse of the gunman as he entered them to lie on the floor.

His brother, who spoke only if King's arrest was not released, said King's arrest was not a comfort to him. "I feel a little bit better," he said. "You know, maybe (the robber) and someone else were working together."

Police, however, say they believe the gunman acted alone.

THOMAS W. KING. THAT that nobody really knew'

Records paint portrait
of United Bank suspect

By Jeffrey A. Roberts, Marilyn Robinson
and Peter Chronis
Denver Post Staff Writers

To police and prosecutors, James William King is the man accused of gunning down four unarmed guards at United Bank of Denver on Father's Day.

But to his brother, King is "a very good and decent man" who couldn't have committed such a heinous crime.

"My mom wrote that if this wasn't happening to us, she wouldn't believe it was possible the police could be so unfair," Thomas E. King said in a brief interview last week. "They haven't released what information they have, and it seems it's all circumstantial."

Thomas King lives in San Francisco and

hasn't seen James King in several years. But he remains an ardent defender of his 55-year-old brother, a retired Denver police sergeant who later worked as a guard at the bank he is accused of robbing.

"I just hope he's got a good lawyer and can weather the storm," Thomas King said. "I guess his reputation is already ruined" — despite 25 years as an "exemplary" Denver cop.

Public records paint a portrait of King that his brother, other relatives and close friends would not confirm. His wife and children declined to be interviewed.

King was born James W. Elte on July 10, 1936, in San Francisco. He was adopted by Harold Scott King, a Ford Motor Co. mechanic from San Diego, and Doris Louise King, a native of Deita, in western Colorado.

Please see KING on SA

KING from Page 1A

King moved around a lot as a child, attending a dozen schools — three in 1950 alone — before graduating in 1954 from Castlemont High School in Oakland, Calif. He was an average student who earned mostly B's and C's but excelled at mechanical drawing and in the school's ROTC program.

Passion for chess

His lifelong passion for chess began early. He was president of his high school chess club and played the game religiously — sometimes by mail — until the week of his arrest.

After enlisting in August 1954, King went through basic training at Fort Ord, Calif., and received military police training at Camp Gordon, Ga.

The young soldier shipped out to Germany that December, assigned to Bravo Company, 9th Ordnance Battalion. Retired Maj. James Greybill, then company commander, said the MPs attached to the unit guarded a U.S. installation near Stuttgart that assembled atomic warheads.

King received an honorable discharge at the rank of private first class in July 1957. He retained a military bearing and appearance thereafter, always wearing a crew cut without regard for fashion trends.

Quiet hitch in Army

Greybill, contacted at his home in Virginia, said he didn't remember King. But neither did other people who worked with the quiet, cerebral man over the years.

"I don't remember anything about him," said Duane Stocker, who supervised him in 1960 when King worked for a Boulder agency that delivered The Denver Post. King was enrolled at the University of Colorado, majoring in economics and math. He had transferred in June 1959 from Long Beach City College in California.

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"Obviously, this is a man who nobody really knew," said the commander, who asked not to be identified. "He didn't have any strong friendships here. He came to work. He did what was required, and that was it."

Trouble-free police career

King worked stints as a district officer, motorcycle patrolman, in the identification bureau and on the airport detail. One former co-worker described him as aloof and arrogant, but others characterized him as a nice, easy-going guy who never got upset about anything, except discourteous drivers.

"I didn't know him to ever get in trouble," said Chuck Nidey, a retired officer who was in King's police academy class and later worked with him on the force. "He didn't drink. He didn't run around. He didn't get in fights."

"He wasn't a super cop, a go-getter. He was just a run-of-the-mill policeman."

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Pretrial Publicity
168

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Articles for the Control Condition

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Still Fighting the 'Wimp'

The President may have been having fun with his old boss on the links, but there are some things that just make him mad.

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N.Y. Times

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Five other people were in the building, but they were not injured.

The police received a call about an attempted robbery just before noon.

The Federal Bureau of Investigation

said in a preliminary report that the guards were shot by a man believed to be in his 40's. The authorities said they were looking for a 6-foot-1-inch white man with silver hair and a mustache.

The police said they did not know how the robber entered the building.

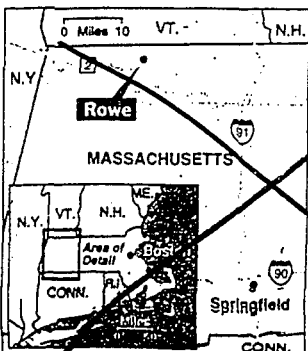
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The guards were killed in a secured area, the police said. Coded electronic cards are needed to enter the building and to use the elevators on the weekends and evenings.

June 17/91

PA10 (L)
cd. 5

Causes Fire at A-Plant in Massachusetts



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Questionnaire (Session 1)

1) What is your current age? _____ Years.

2) Are you: _____ Male. _____ Female.

Please answer the following questions as best you can given the limited information you have been exposed to.

3) Considering everything you have read about this case, do you feel that James King is: (Please circle the number which best represents your view).

1 2 3 4 5 6 7
Definitely Not Guilty No Idea Definitely Guilty

4) If you were asked to be a juror in this case, how would you vote?

_____ Guilty.

_____ Not Guilty.

5) Which piece(s) of evidence caused you to vote as you did?

6) If you were asked to be a juror in this case, do you feel that you could act impartially.

___ Yes.

___ No.

___ Not Sure.

Juror # _____

Pre-deliberation Questionnaire

- 1) Do you feel that James King is: (Please circle the number which best represents your view)

1 2 3 4 5 6 7
Definitely Not Guilty No Idea Definitely Guilty

- 2) As a juror in this case, how would you vote?

_____ Guilty.

_____ Not Guilty.

Juror # _____

Post-deliberation Questionnaire

- 1) What is your current age? _____ Years.

- 2) Are you: _____ Male. _____ Female.

- 3) Do you feel that James King is: (Please circle the number which best represents your view).

1 2 3 4 5 6 7

Definitely Not Guilty No Idea Definitely Guilty

- 4) As a juror in this case, how did you vote?

_____ Guilty.

_____ Not Guilty.

- 5) Which piece(s) of evidence caused you to vote as you did?

6) Please indicate below which of the following you recall about the case:

- | | |
|--|--|
| <input type="checkbox"/> A footprint was found matching King's shoe. | <input type="checkbox"/> Six phony I.D.'s were found. |
| <input type="checkbox"/> King had gambling debts. | <input type="checkbox"/> A map was found of the bank's floor plan at King's house. |
| <input type="checkbox"/> King went bankrupt. | <input type="checkbox"/> King often got in fights. |
| <input type="checkbox"/> King was excellent with guns. | <input type="checkbox"/> King drank and "ran around". |
| <input type="checkbox"/> King got a large safety deposit box. | <input type="checkbox"/> King threw away his gun. |
| <input type="checkbox"/> Eyewitnesses identified King. | <input type="checkbox"/> King shaved his moustache soon after the robbery. |

7) Do you think that any of the material that you read prior to seeing the trial influenced your decision about the innocence of James King in any way?

- Yes.
 No.
 Not Sure.

8) If you answered yes to the above question, please explain below.

THANK YOU!

Debriefing Form

Most people would probably agree that pretrial publicity has detrimental effects on a defendant's ability to obtain a fair trial. The body of literature which exists to date on the effects of pre-trial publicity is generally inconclusive. While Fulero (1987) says that pretrial publicity has an adverse effect on jurors, Carroll, Kerr, Alfini, Weaver, MacCoun and Feldman (1986) see just the opposite in the same body of literature. They conclude instead that the available social science literature on the effects of actual news coverage on potential jurors or on actual jury verdicts is not very useful. "It appears that news coverage in highly publicized cases may influence the public, but it is also possible that those who are pro-prosecution choose to expose themselves to more news and/or remember more of it. There is little evidence of any pervasive effects of news coverage on actual verdicts, although in the cases sampled it would be no surprise that case evidence far outweighs the effects of news coverage." (p.192).

This research is an attempt to study the effects of pre-trial publicity in as naturalistic a setting as possible. We would like to know how different types of pre-trial publicity (**the independent variable**), such as information about the character of the accused, or the luridness of the crime, affect jurors' verdicts (**the dependent variable**). Studies which have attempted to look at this in the past have tended to lack realism. We hope to improve the realism of this type of research by using a read (edited) trial, recorded on video. While the second session was the same for all participants (and you all watched the same trial), you did not all read the same articles in your initial session. Some subjects received more information about the character of the accused, while others read more general descriptions of the crime itself. Some subjects read only 2 short articles which were common to all experimental groups (**the control group**). While all of the articles you read were actual ones from Denver newspapers, some of the information was deleted in some articles, or words were added to others.

In the actual trial, James William King was acquitted after the jury deliberated for 9 days. The crime remains unsolved.

Thank you for your time effort in completing this questionnaire. If you have any questions, please contact Tara Burke, through the department of Psychology at the University of Toronto.

References

- Carroll, J.S., Kerr, N.L., Alfini, J.J., Weaver, F.M., MacCoun, R.J., & Feldman, V. (1986). Free Press and fair trial: The role of behavioral research. Law and Human Behavior, *10*, 187-201.
- Fulero, S.M. (1987). The role of behavioral research in the free press/fair trial controversy. Law and Human Behavior, *11*, 259-265.
- Gleitman, H. (1991). Psychology. (3rd ed.) New York: W.W. Norton & Co. Pp. 453-532.

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Materials for Study 3

James William King

CONSENT FORM

You be the juror.
University of Toronto

I _____ agree to participate in this study of how jurors make their decisions. I understand that my participation involves the following:

I understand that participation in this study involves two different sessions, on different days, approximately two weeks apart. In the initial session, I agree to read a series of articles regarding a court case that I will be asked to participate in as a juror during my second session. I understand that this first session will take approximately half an hour. During my second session, I understand that I will be asked to watch a videotape of an actual trial, and that at the end of this trial I will be asked to make a decision regarding the guilt or innocence of the accused. I understand that this second session takes approximately 1.5 hours.

I understand that all information given by me will remain in the strictest confidence, and that at no time will information of a personal nature (such as my name and address) be released to anyone, nor will this information appear in print.

I understand that if I choose to discontinue my participation at any time, and at either session, this will be freely granted. I have been assured that my participation in this research is totally voluntary.

If I have any complaints or questions about the research, I may direct my enquiries to Tara Burke, through the University of Toronto Psychology Department.

Having been fully informed as to the nature of this study, and having been assured that all information will be confidential, I agree to participate in this study.

Signature

Date

Pretrial Publicity
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Articles for Violent/Bad-Character Condition

that his motorcycle loaded on without his personal aide, his personal physician and, more important, the military officer who carries codes for launching nuclear missiles. Unnerved by this omission, White House aides hurriedly rounded up transportation and sped the officer to the tennis courts.

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"I'm going to take a heroic position on that one and say let Californians decide," Mr. Bush said. But his political advisers said the President would be deeply immersed in California politics before too long.

"Keep your sunglasses and Lycra pants packed," one aide said. "We're going to be coming out here a lot as '92 heats up."

Still Fighting the 'Wimp'

The President may have been having fun with his old boss on the links, but there are some things that just make him mad.

Two years and eight months after he was overwhelmingly elected President, two and a half months

4 Guards Killed in Denver Bank Robbery

N.Y. Times

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The police said three guards were found in a basement room used for monitoring the United Bank of Denver. The room is near the bank's vault. A police spokesman, David Neil said, the fourth victim was in the same general area.

Five other people were in the building, but they were not injured.

The police received a call about an attempted robbery just before noon.

The Federal Bureau of Investigation

said in a preliminary report that the guards were shot by a man believed to be in his 40's. The authorities said they were looking for a 6-foot-1-inch white man with silver hair and a mustache.

The police said they did not know how the robber entered the building.

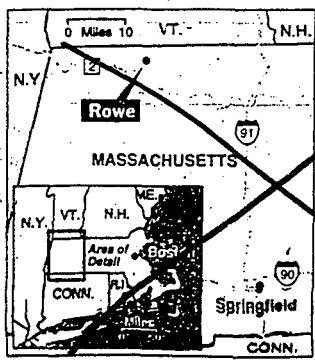
The bank's chairman, N. Berne Hart, said the robber made off with a "nominal" amount of money.

The guards were killed in a secured area, the police said. Coded electronic cards are needed to enter the building and to use the elevators on the week-ends and evenings.

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Causes Fire at A-Plant in Massachusetts

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The New York Times

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Arrest in Denver Bank Killings

DENVER, July 4 (AP) — A retired police sergeant was arrested on Wednesday in the slayings of four unarmed security guards during a bank robbery in which an estimated \$100,000 was taken.

The man, James William King, a 54-year-old part-time security guard at the bank until last fall, was arrested at his home near Golden, Police Chief Ari Zavaras said. Today, Mr. King was ordered held without bond.

On June 16, a gunman evaded the electronic security system at United Bank of Denver to enter a basement room where five employees were counting at least \$1 million in weekend receipts from businesses. The gunman ordered the employees into another room and took some of the money.

A short time later, the police found bodies of three guards in the security control room and the body of the fourth

guard in a sub-basement. They had been shot to death.

Investigators later discovered that the gunman had removed videotapes from the security system's cameras.

The slain guards were identified as Phillip Mankoff, 41, and William Rogers McCullom Jr., 33, both of Aurora, and Scott McCarthy, 21, and Todd Allen Wilson, 21, both of Englewood.

Mr. King, who is expected to face formal charges next week, retired from the Denver Police Department five years ago after a 25-year career, Chief Zavaras said.

Neighbors of Mr. King said he was seen puttering around his house on June 16, when the robbery occurred.

"I just can't believe he would do this," said Roberta Trujillo, who lives across the street. "He's too nice of a guy. He couldn't kill a mouse in the road if he were going down the street."

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King charged in 4 slayings at United Bank

By John C. Ensslin and Dan Luzzadder

Rocky Mountain News Staff Writers

Prosecutors charged a former Denver cop yesterday with killing four United Bank guards in the Father's Day robbery.

District Attorney Norm Early said his office will try James W. King, a former bank guard, on 15 felony charges, including eight counts of first-degree murder.



UNITED BANK HEIST PROBE

THIS WEEK SPECIAL
Death penalty ruled, 22, 23

Four of those counts accuse him of gunning down, in a deliberate and premeditated manner, guards Phillip Mankoff, Todd Wilson, William McCullum Jr. and Scott McCarthy. The other four counts accuse King of killing the guards while robbing the bank. He could be convicted at most on four of the eight murder charges.

Until yesterday, a person convicted on any of those charges could face the death penalty. However, that was thrown into question yesterday when the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed.

"If we still have a valid death penalty, I will still consider filing a death-penalty case," Early said.

However, King's attorney, Walter Gerash, said the high court decision would prevent prosecutors from seeking capital punishment against his client.

Gerash said King will plead in-

Early weighs his options on death penalty

By Sam Linsaker

District Attorney Norm Early said yesterday he will weigh his options on whether to seek the death penalty for James W. King, a former bank guard charged with killing four United Bank guards in the Father's Day robbery.

Early said he will file 15 felony charges against King, including eight counts of first-degree murder. He said he will also file charges of aggravated robbery, menacing, and holding at gunpoint.

Early said he will file charges of holding at gunpoint for each of the six United Bank employees he is accused of holding at gunpoint but did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

Another option is to charge King with first-degree murder for each of the four guards killed. Early said he will file charges of aggravated robbery, menacing, and holding at gunpoint for each of the six United Bank employees he is accused of holding at gunpoint but did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

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July 10, 1991



Wed. July 10, 1991 Rocky Mountain News

Suspect in 4 bank slayings charged

ROBBERY from 6

nocent. The lawyer has suggested that the case against his client is largely circumstantial.

King, who turned 55 today, also faces one count of aggravated robbery and six counts of menacing, one for each of the six United Bank employees he is accused of holding at gunpoint but did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

The brother of one of the six unharmed employees said his sister is still terrified by the experience. She was one of the witnesses who caught a glimpse of the gunman as he ordered them to lie on the floor.

The brother, who spoke only if his name was not released, said King's arrest and the charges bring some comfort to his family.

"I feel a little bit better, but still, I'm a little bit worried," he said. "You know, maybe (the robber) and someone else were working together."

Police, however, say they believe the gunman acted alone.

THE DENVER POST

suspect King known as loner

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Special to The Denver Post

KING'S APPLICATION: James William King, as he appeared on his application to the Denver Police Department.

In an Arva neighbourhood, where the Kings spent much of the 1970s, Carol Gibbons said King once "got into a pushing match with a delivery person, and actually pushed him to the ground" when the man accidentally drove over part of his lawn. Otto Bergstreser, who was a fellow member of the chess club King belonged to, said

of King "nobody wanted to play him anymore, he had such a temper. We were kind of afraid of him". King honed his martial arts skills in the army, where he served for three years. During hand-to-hand combat training, King reportedly broke the arm of one his fellow cadets.

The Kings lived in Lakewood and Golden during the early

'Obviously, this is a man who nobody really knew. He didn't have any strong friendships here. He came to work. He did what was required, and that was it.'

Police commander, who asked not to be identified

1980s and moved in June 1985 to their home in Pleasant View near Golden. King retired from the force in September 1986, and he and his wife declared bankruptcy in 1987, listing nearly \$25,000 in credit-card debts.

Bankrupt in retirement

King became a part-time security guard for United Bank of Denver in 1989 after nearly three years at a Denver map-making company. He left the bank last fall.

Always a loner, King is now alone in a cell in Denver County Jail, being held in isolation as he awaits a preliminary hearing on 15 counts of charges including first-degree murder, aggravated robbery and menacing.

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Articles for Non-Violent/Bad-Character Condition

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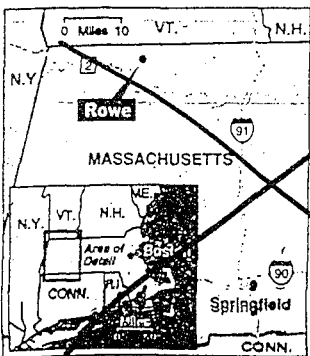
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Causes Fire at A-Plant in Massachusetts

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A short time later, the police found bodies of three guards in the security control room and the body of the fourth

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Investigators later discovered that the gunman had removed videotapes from the security system's cameras.

The slain guards were identified as Phillip Mankoff, 41, and William Rogers McCullom Jr., 33, both of Aurora, and Scott McCarthy, 21, and Todd Allen Wilson, 21, both of Englewood.

Mr. King, who is expected to face formal charges next week, retired from the Denver Police Department five years ago after a 25-year career, Chief Zavaras said.

Neighbors of Mr. King said he was seen pattering around his house on June 16, when the robbery occurred.

"I just can't believe he would do this," said Roberta Trujillo, who lives across the street. "He's too nice of a guy. He couldn't kill a mouse in the road if he were going down the street."

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King charged in 4 slayings at United Bank

By John C. Egan
and Dan Lutzeler
Staff Writers

Prosecutors charged a former Denver cop yesterday with killing four United Bank guards in the February robbery. James Earl Ray, a former bank guard, on 15 felony charges, including eight counts of first-degree murder.

Four of those counts accuse Ray of gunning down the guards, creating and firing a meditated murder. Guards Philip Mansel, Todd Wilson, Tom McCall and Scott McCandless were slain. The other four counts accuse King of killing the guards while robbing the bank. He could be convicted at any time of the eight murder charges.

Until yesterday, a person convicted on any of those charges could face the death penalty. However, that was thrown into question when the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed.

"If we still have a valid death penalty, I will still consider filing a death-penalty case," Egan said. However, King's attorney, Walter Gersh, said the high court decision would prevent prosecutors from seeking capital punishment against his client. Gersh said King will plead in

Early weighs his options on death penalty
James Earl Ray, charged with the slaying of four United Bank guards, is weighing his options on whether to seek the death penalty, according to a source familiar with the case. The source said Ray is currently in custody at the Denver County Jail. Ray's attorney, Walter Gersh, said that Ray is currently in custody at the Denver County Jail. Ray's attorney, Walter Gersh, said that Ray is currently in custody at the Denver County Jail.



JUL 10 1991

Suspect in 4 bank slayings charged

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Articles for Eyewitness Condition

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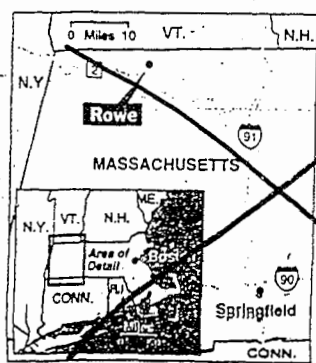
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King charged in 4 slayings at United Bank

By John C. Enslin and Dan Lutadder

Rocky Mountain News Staff Writers

Prosecutors charged a former Denver cop yesterday with killing four United Bank guards in the Father's Day robbery.

District Attorney Norm Early said his office will try James W. King, a former bank guard, on 15 felony charges, including eight counts of first-degree murder.

Four of those counts accuse him of gunning down, in a deliberate and premeditated manner, guards Phillip Mankoff, Todd Wilson, William McCullom Jr. and Scott McCarthy. The other four counts accuse King of killing the guards while robbing the bank. He could be convicted at most on four of the eight murder charges.



UNITED BANK HEIST PROBE

▲ THIS WEEK SPECIAL
 ■ Death penalty toled/8, 22, 23

Until yesterday, a person convicted on any of those charges could face the death penalty. However, that was thrown into question yesterday when the Colorado Supreme Court ruled that the state's existing death-penalty statute was flawed.

"If we still have a valid death penalty, I will still consider filing a death-penalty case," Early said.

However, King's attorney, Walter Gerash, said the high court decision would prevent prosecutors from seeking capital punishment against his client.

Gerash said King will plead in-

Early weighs his options on death penalty

By Dan Lutadder

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July 10, 1991



Wed. July 10, 1991 Rocky Mountain News

Suspect in 4 bank slayings charged

ROBBERY from 6

nocent. The lawyer has suggested that the case against his client is largely circumstantial.

King, who turned 55 today, also faces one count of aggravated robbery and six counts of menacing, one for each of the six United Bank employees he is accused of holding at gunpoint but did not harm while taking at least \$100,000 from the bank's underground counting room June 16.

The brother of one of the six unharmed employees said his sister is still terrified by the experience. She was one of the witnesses who caught a glimpse of the gunman as he ordered them to lie on the floor.

The brother, who spoke only if his name was not released, said King's arrest and the charges bring some comfort to his family.

"I feel a little bit better, but still, I'm a little bit worried," he said. "You know, maybe (the robber) and someone else were working together."

Police, however, say they believe the gunman acted alone.

Prenatal Publicity
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suspect King known as loner

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Special to The Denver Post

KING'S APPLICATION: James William King, as he appeared on his application to the Denver Police Department.

The Kings lived in Lakewood and Golden during the early 1980s and moved in June 1985 to their home in Pleasant View near Golden.

King retired from the force in September 1986, and he and his wife declared bankruptcy in 1987, listing nearly \$25,000 in credit-card debts.

Bankrupt in retirement

King became a part-time security guard for United Bank of Denver in 1989 after nearly three years as a draftsman at a Denver map-making company. He left the bank last fall.

Always a loner, King is now alone in a cell in Denver County Jail, being held in isolation as he awaits a preliminary hearing on 15 counts of charges including first-degree murder, aggravated robbery and menacing.

Neighbour David Bell reported seeing King return home that morning shortly after 10:00 a.m. "walking quickly", carrying a parcel under his arm. "He was in such a hurry he didn't see me wave", said Bell.

Carol Gibbons, another of Kings neighbours, said she had "heard that Jim was seen near the Bank that morning".

'Obviously, this is a man who nobody really knew. He didn't have any strong friendships here. He came to work. He did what was required, and that was it.'

Police commander,

Kenneth Couch, who operates a limousine and bus service, routinely comes downtown Sunday mornings to scout street construction to avoid during the week.

Between 6:30 and 7:30 that morning near United Bank, Couch noticed a man in an old model Ford - driving erratically and changing lanes so often that Couch thought he was "looking for a hooker".

Couch said that he paid attention to the driver near the United Bank because of his bad driving. His description of the driver is amazingly similar to those given by the six vault tellers confronted by the gunman.

The driver, aged 40-45, wore a tweed jacket, a fedora with a yellow feather and dark sunglasses, "which I thought was funny for that time of the morning" Couch stated. The clothing description is identical to that given by one of the witnesses.

King claims that on the morning in question he drove to the Capital Hill Community Centre - in his 1978 Ford Fiesta - to play chess at the Denver Chess Club, but the club hadn't been there for several years.

Detective Calvin Hemphill said that Janitors working that morning at the Community Centre told him they didn't see anyone.

Pretrial Publicity
194

Articles for Control Condition

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nerved by this omission, White House
aides hurriedly rounded up transpor-
tation and sped the officer to the ten-
nis courts.

...rities have long complained
...neglected by the Bush White
...Mr. Bush declined to offer
...ion on whether California should
...move its primary to March, from
...June, when it can be anticlimactic if
...the nominations are already decided
...by then.

Pretrial Publicity
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Still Fighting the 'Wimp'

The President may have been hav-
ing fun with his old boss on the links,
but there are some things that just
make him mad.
Two years and eight months after
he was overwhelmingly elected
President, two and a half months

"I'm going to take a heroic position
on that one and say let Californians
decide," Mr. Bush said. But his politi-
cal advisers said the President would
be deeply immersed in California
politics before too long.
"Keep your sunglasses and Lycra
pants packed," one aide said. "We're
going to be coming out here a lot as
'92 heats up."

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4 Guards Killed in Denver Bank Robbery

N.Y. Times
June 17/91
PA10 (L)
col. 5

DENVER, June 16 (AP) — Four
guards were shot to death today in a
bank robbery, the authorities said.
The police said three guards were
found in a basement room used for
monitoring the United Bank of Denver.
The room is near the bank's vault. A
police spokesman, David Neil said, the
fourth victim was in the same general
area.
Five other people were in the build-
ing, but they were not injured.
The police received a call about an
attempted robbery just before noon.
The Federal Bureau of Investigation

said in a preliminary report that the
guards were shot by a man believed to
be in his 40's. The authorities said they
were looking for a 6-foot-1-inch white
man with silver hair and a mustache.
The police said they did not know
how the robber entered the building.
The bank's chairman, N. Berne Hart,
said the robber made off with a "nomi-
nal" amount of money.
The guards were killed in a secured
area, the police said. Coded electronic
cards are needed to enter the building
and to use the elevators on the week-
ends and evenings.

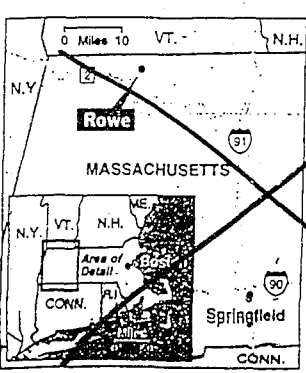
Causes Fire at A-Plant in Massachusetts

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The plant's status will continue to be
classified as that of an unusual event
until the reactor reaches "cold shut-
down," when the water in the cooling
system is below the boiling point at at-
mospheric pressure, Mr. McGee said.
With no power available from the
outside, emergency diesel generators
were started to provide electricity for
pumps and valves. The plant has two
backup telephones that continued to
work, one of which was taken over by
resident inspector for the Nuclear
Regulatory Commission, Mr. McGee
said. The fire was put out by the plant's
fire brigade, he said.
Yesterday plant workers were
checking equipment for hidden dam-
age from power surges and seeing
what repairs and parts were needed to

A nuclear plant in Rowe, Mass.

ment, he has held meetings with 13 of the 15 members of the committee, and other influential senators, soliciting their advice on intelligence policy and seeking their support. Friends and colleagues describe Mr. Gates as being afraid that he may again be blocked from gaining the post that would cap his career.

Robert M. Gates, nomination as Director of Central Intelligence is facing close scrutiny.

"Wouldn't you be?" asks a friend and former colleague in the intelligence agency. "It's a job he's always longed for, and this is his last shot."

Most troubling to panel members and their staffs are suggestions in recent news reports that records made public since the withdrawal of Mr.

Gates's first nomination for the post in February 1987 show that he knew more about the Iran-contra affair than he has admitted. The records suggest that he may have had fuller and earlier warnings about the diversion of millions of dollars in profits from American arms sales to Iran to buy weapons for Nicaraguan rebels at a time when

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Arrest in Denver Bank Killings

DENVER, July 4 (AP) — A retired police sergeant was arrested on Wednesday in the slayings of four unarmed security guards during a bank robbery in which an estimated \$100,000 was taken.

The man, James William King, a 54-year-old part-time security guard at the bank until last fall, was arrested at his home near Golden, Police Chief Ari Zavaras said. Today, Mr. King was ordered held without bond.

On June 16, a gunman evaded the electronic security system at United Bank of Denver to enter a basement room where five employees were counting at least \$1 million in weekend receipts from businesses. The gunman ordered the employees into another room and took some of the money.

A short time later, the police found bodies of three guards in the security control room and the body of the fourth

guard in a sub-basement. They had been shot to death.

Investigators later discovered that the gunman had removed videotapes from the security system's cameras.

The slain guards were identified as Phillip Mankoff, 41, and William Rogers McCullom Jr., 33, both of Aurora, and Scott McCarthy, 21, and Todd Allen Wilson, 21, both of Englewood.

Mr. King, who is expected to face formal charges next week, retired from the Denver Police Department five years ago after a 25-year career, Chief Zavaras said.

Neighbors of Mr. King said he was seen puttering around his house on June 16, when the robbery occurred.

"I just can't believe he would do this," said Roberta Trujillo, who lives across the street. "He's too nice of a guy. He couldn't kill a mouse in the road if he were going down the street."

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NY Times
JULY 5 1991
p27 (L)
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Questionnaire (Session 1)

- 1) What is your age? ____ Years.
- 2) Are you: ____ Male. ____ Female.

Please answer the following questions as best as you can given the limited information you have been exposed to.

- 3) Considering everything you have read about this case, do you feel that James King is:
(Please circle the number which best represents your view).

1 2 3 4 5 6 7

Definitely Not Guilty No Idea Definitely Guilty

- 4) If you were asked to render a verdict in this case right now, how would you vote?

____ Guilty.

____ Not Guilty.

Trial # ____ / ____

Juror # ____

Pre-deliberation Questionnaire

- 1) Do you feel that James King is: (Please circle the number which best represents your view).

1 2 3 4 5 6 7

Definitely Not Guilty

No Idea

Definitely Guilty

- 2) As a juror in this case, how would you vote?

_____ Guilty.

_____ Not Guilty.

Trial # ____ / ____

Juror # ____

Questionnaire-Final

- 1) What is your age? ____ Years.
- 2) Are you: ____ Male. ____ Female.
- 3) Do you feel that James King is: (Please circle the number which best represents your view).

 1 2 3 4 5 6 7

Definitely Not Guilty No Idea Definitely Guilty

- 4) As a juror in this case, how did you vote?

 ____ Guilty.

 ____ Not Guilty.

- 5) Which piece(s) of evidence caused you to vote as you did?
(if you have any comments, please include them here)

6) Please indicate below which of the following you recall about the case:

- | | |
|---|---|
| <input type="checkbox"/> King cheated at games. | <input type="checkbox"/> King fought with a delivery person. |
| <input type="checkbox"/> King drank and "ran around". | <input type="checkbox"/> King went bankrupt. |
| <input type="checkbox"/> King was a liar. | <input type="checkbox"/> King broke someone's arm. |
| <input type="checkbox"/> King borrowed money often. | <input type="checkbox"/> King's car was seen near the bank. |
| <input type="checkbox"/> People were afraid of King. | <input type="checkbox"/> Janitors couldn't back up King's alibi of being at the old chess club. |

7) Do you think that any of the material that you read prior to seeing the trial influenced your decision about the guilt or innocence of James King in any way?

- Yes.
- No.
- Not Sure.

8) If you answered yes to the above question, please explain below.

THANK YOU!

Debriefing Form

Most people would probably agree with the statement that "pretrial publicity negatively impacts on a defendant's ability to obtain a fair trial". The body of literature which exists to date on the effects of pre-trial publicity is, in fact, inconclusive. While Fulero (1987) says that the evidence as a whole suggests that pretrial publicity has an adverse effect on jurors, Carroll, Kerr, Alfini, Weaver, MacCoun and Feldman (1986) see just the opposite. They conclude instead that the available social science literature on the effects of actual news coverage on potential jurors or on actual jury verdicts is not very useful. "It appears that news coverage in highly publicized cases may influence the public, but it is also possible that those who are pro-prosecution choose to expose themselves to more news and/or remember more of it. There is little evidence of any pervasive effects of news coverage on actual verdicts, although in the cases sampled it would be no surprise that case evidence far outweighs the effects of news coverage." (p.192).

This research is an attempt to study the effects of pre-trial publicity in as naturalistic a setting as possible. We would like to know how different types of pre-trial publicity (**the independent variable**), such as information that goes to the heart of the defense's case, affects jurors' verdicts (**the dependent variable**). We **hypothesize** that if there is any effect of pre-trial publicity, it will only occur when the information presented goes directly to the heart of the defense's case, and when this information is not refuted in the actual trial. Studies which have attempted to look at this in the past have tended to lack realism. We hope to improve this by using a real (edited) trial, recorded on video. While the second session was the same for all participants (and you all watched the same trial), you did not all read the same articles in your initial session. Some subjects received negative information regarding the character of the accused, which suggested King was indeed a bad person. Others read equally negative, but more general information (such as information that a bank floor plan had been found in King's home). Some subjects read only 2 short articles about the crime which were common to all experimental groups (**the control group**). While all of the articles you read were actual ones from Denver newspapers, some of the information was deleted in some articles, or words were added to others.

In the actual trial, James William King was acquitted after the jury deliberated for 9 days. The crime remains unsolved.

Thank you for your time and effort in completing this questionnaire. If you have any questions, please contact Tara Burke, through the department of Psychology at the University of Toronto.

References

- Carroll, J.S., Kerr, N.L., Alfini, J.J., Weaver, F.M., MacCoun, R.J., & Feldman, V. (1986). Free press and fair trial: The role of behavioral research. Law and Human Behaviour, 10, 187-201.
- Fulero, S.M. (1987). The role of behavioral research in the free press/fair trial controversy. Law and Human Behaviour, 11, 259-265.
- Gleitman, H. (1994). Psychology. (4th ed.) New York: W.W. Norton & Co. pp. 453-489.

Pretrial Publicity
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Materials for Study 4

Daniel Bias Jr.

CONSENT FORM

You be the juror.
University of Toronto

I _____ agree to participate in this study of how jurors make their decisions. I understand that my participation involves the following:

I understand that participation in this study involves two different sessions, on different days, approximately two weeks apart. In the initial session, I agree to read a series of articles regarding a court case that I will be asked to participate in as a juror during my second session. I understand that this first session will take approximately half an hour. During my second session, I understand that I will be asked to watch a videotape of an actual trial, and that at the end of this trial I will be asked to make a decision regarding the guilt or innocence of the accused. I understand that this second session takes approximately 1.5 hours.

I understand that all information given by me will remain in the strictest confidence, and that at no time will information of a personal nature (such as my name and address) be released to anyone, nor will this information appear in print.

I understand that if I choose to discontinue my participation at any time, and at either session, this will be freely granted. I have been assured that my participation in this research is totally voluntary.

If I have any complaints or questions about the research, I may direct my enquiries to Tara Burke, through the University of Toronto Psychology Department.

Having been fully informed as to the nature of this study, and having been assured that all information will be confidential, I agree to participate in this study.

Signature

Date

Pretrial Publicity
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Articles for Violent/Bad-Character Condition

OBITUARIES

THE EXPRESS FEB 28, 1989

DEADLINE FOR DEATH NOTICE
Daily... 6:15 a.m.
Saturday... 4:30 a.m. Friday
Sunday... 11:10 a.m. Saturday

Lise C. Bias, death under investigation

Authorities were investigating the death of a 37-year-old Phillipsburg woman after an autopsy Monday afternoon showed she died of a gunshot wound to the head.

Lise Caren Bias, 37, of 258 Chambers St., was found dead in her home shortly after 9 p.m. Sunday.

The Warren County Prosecutor's Office said Bias was found by her husband, Daniel N. Bias Jr., in a second-floor bedroom of their home. Authorities recovered a .357-caliber Magnum pistol at the scene.

Warren County Medical Examiner Isidor Mihalak performed the autopsy at Warren Hospital, and Sgt. Gary Dutton of the county prosecutor's office said the manner of death is under investigation.



'Little Jazz'

Trumpeter Roy "Little Jazz" Eldridge, shown here in a 1981 performance, died Sunday. Mr. Eldridge's lightning-fast style of play and penchant for sustaining the high notes, made him among the most respected musicians in jazz history.

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Peter P. Fr...
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Deaths

AVERY — Carrel J., 79, of 57 North Fourth St., Bangor, died February 27, 1989 in Eastern Hospital. Funeral services will be held at 10:00 a.m. Thursday in the James O. Galtney Funeral Home, 214 South First St., Bangor. Call 1-hour prior to service. Memorials may be made to the First United Methodist Church, Bangor.

GAFFNEY, BANGOR

BARRERE — In Wilson Township, PA on February 27, 1989. Frank Barrere, 84, passed away at home. Services from the Morice Funeral Home, Lehigh Street at 12th on Thursday at 11 a.m. Mass of Christian Burial at St. Anthony's Catholic Church at 7:30 a.m. in Wilson Township. Call 1-hour prior to service. Memorials to National Heart, Lung and Blood Institute in care of the family.

ALFONSO D. MORELLO

BASAK — JOHN (MURPHY) of Drakely Garden Apartments, Lebanon, Pa., passed away on February 28, 1989, in his 60th year. Arrangements to be announced later.

FINEGAN FUNERAL HOME (PHILADELPHIA)

FRITZ — In his 81st year of Philadelphia, Pa., on February 28, 1989. Funeral services on Thursday, March 1, 1989, at 10:30 a.m. in the Presbyterian Church of Philadelphia, 1425 Locust St., Philadelphia. Call 1-hour prior to service. Memorials may be made to Humana Hospice, Highway 21, Flemington, NJ 08822.

HOLCOMBE FISHER

GEFFERT — In Easton, PA, Feb. 28, 1989. George J. Geffert, husband of Anna J. Geffert, Navy Career Service 300M, Wednesday, February 27, 1989, in Warren Hospital, in his 82nd year. Funeral services Thursday 2:30 p.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. John's Episcopal Church, 214 and 7th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

ASHTON-GALTNER RITE FUNERAL HOME

HOWELL — In Easton, PA, Feb. 28, 1989. John Robert Howell, 81, passed away on Thursday, Feb. 27, 1989, in Warren Hospital, in his 81st year. Funeral services Thursday 2:30 p.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. John's Episcopal Church, 214 and 7th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

ASHTON-GALTNER RITE FUNERAL HOME

HRIKIAK — Catherine, of 448 Roseberry St., Philadelphia, passed away Monday, February 27, 1989, in Warren Hospital, in her 82nd year. Funeral services Thursday 2:30 p.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. John's Episcopal Church, 214 and 7th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

FINEGAN FUNERAL HOMES (PHILADELPHIA)

KAPOCZ — Mary, of 110 Morris St., Allentown, Pa., passed away on Feb. 28, 1989, in her 74th year. Funeral services 8:30 a.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. Mary's Church at 20th and Union Sts., Allentown. Call 1-hour prior to service. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

FINEGAN FUNERAL HOMES (PHILADELPHIA)

LIVINGSTONE — Alexander, 85, of Cass St., Washington Twp., Warren County, died February 28, 1989, in Warren Hospital, in his 85th year. Funeral services 7:30 a.m. at the DeWitt Funeral Home, Washington Twp., on Tuesday. Call 1-hour prior to service. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

DAVOS

MANIERI — Rose M. of Easton, 83, passed away on Feb. 27, 1989, in her 83rd year. Funeral services 8:30 a.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. John's Episcopal Church, 214 and 7th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

FINEGAN FUNERAL HOMES (PHILADELPHIA)

OWARE — In Easton Hospital, February 26, 1989. Arthur J. O'Hare, 79, passed away in his 79th year.

Arthur J. O'Hare

Arthur J. O'Hare, 79, of Graceland in Upper Nazareth Township, Pa., died Sunday in Eastern Hospital. He had been a guest at Graceland since November 1984. He was retired from the shipping department of Cameron Pump Division of Ingersoll-Rand Co. in Philadelphia. He formerly served as business agent for the electrical workers' union at Ingersoll-Rand. Born Sept. 18, 1909, in Phillipsburg, he was a son of the late James and Margaret Smythe O'Hare. Before moving to Graceland, he resided in the Valley View section of Philadelphia.

He was a member of St. Philip and St. James Catholic Church in Philadelphia and Fleas Club of Easton, member and former president of Warren Chemical Fire Co. of Phillipsburg, and member of New Jersey State Exempt Firemen's Association and Philadelphia Exempt Firemen's Association.

His wife, the former Jane Tauci, died earlier.

Surviving are a brother, Thomas J. O'Hare of Philadelphia, and niece and nephews. A daughter,

Mary Elizabeth VanHorn

Mary Elizabeth "Liz" VanHorn, 66, of 221 E. Brown St. in East Stroudsburg, died Monday in Stroud Manor in East Stroudsburg.

Born in Toboyhanna, Pa., she was a daughter of the late Lloyd and Alma DeLoche Cramer. She was a lifelong resident of Monroe County.

Her husband, Norman Walter VanHorn, died earlier.

Survivors include five daughters, Wanda Gordon, Janet Williams and Adell DeFranco, all of Stroudsburg, Betty Miller of East Stroudsburg and Catherine Spitzer of Stroudsburg; two sons, Kenneth and John, both of East Stroudsburg; a sister, Edna McGinnely of East Stroudsburg; 68 grandchildren; 50 great-grandchildren, five great-great-grandchildren and a great-great-great-granddaughter. She was preceded in death by two daughters, Lola Howman and Norma Cardwell, and two sons, Norman Walter VanHorn Jr. and Eugene VanHorn.

Services will be held at 2 p.m. Thursday in William H. Clark Funeral Home in Stroudsburg. Interment will be in St. Paul's Cemetery in Swiftwater, Pa.

Emily L. Place

Emily L. Place, 64, of East Stroudsburg R.D. 8, died on Sunday evening in Harrisburg Hospital.

She was employed as a private licensed practical nurse for many years.

Born in East Stroudsburg, she was a daughter of the late Stewart and Irene Valterscamp Lee. She was a lifelong resident of Monroe County.

She was a member of Middle Smithfield Presbyterian Church in East Stroudsburg.

Survivors include her husband, Horton M. Place; two daughters, Sally L. Jennings and Nancy L. Bachman, both of East Stroudsburg; a sister, Shirley Hageman of Stroudsburg R.D. 8; a brother, Gerald M. Lee of East Stroudsburg R.D. 7; five grandchildren and many nieces and nephews.

Services will be held at 11 a.m. Thursday in Middle Smithfield Presbyterian Church in East Stroudsburg. Interment will be in Middle Smithfield Presbyterian Cemetery in East Stroudsburg R.D. 8; Lanterman & Allen Funeral Home in East Stroudsburg is in charge of arrangements.

Rose M. Manieri

Rose M. Manieri, 98, of the Northampton Convalescent Center, died Monday at the convalescent center.

She worked for many years at Orr's Department Store in Easton, where she demonstrated knitting, crocheting and stitching.

Born on Wilkes-Barre Street in Easton on March 19, 1932, she was the daughter of the late Joseph and Barbara Ulrich Zetter.

She was a charter member of the Court Easton Chapter of the Catholic Daughters of America and held numerous offices, including grand reeve.

Sara E. Alvater

Sara E. Alvater, 83, of Woodstock, Vt., a retired organ and piano teacher, church organist and choir director, died Sunday in her home.

She was formerly organist and choir director at Flemington Baptist Church in Flemington, Calvary Episcopal Church in Flemington, Presbyterian Church of Augusta, Ga.; Church of the Holy Trinity in New York, N.Y.; and churches in Woodstock.

Born Sept. 4, 1905, in Sandbrook, N.J., she was a daughter of the

Frank Barr

Frank Barr, 83, of Easton Hospital, died Sunday.

Born Jan. 1, 1906, in Italy, he was the son of Joseph and Marrese.

He was a former Navy member of Easton, Pa. He was a member of the Easton, Pa. branch of the Italian American Club.

He is survived by three daughters, Anna Barr and Betty Witt, both of Easton, Pa., and two sisters, Marion, Daisy and Dorothy, all of Easton, Pa.

Funeral services will be held at 10 a.m. Thursday in the Mass of Christian Burial, 10:30 a.m. at St. John's Church, Interment in the Catholic Cemetery.

Garnet J. Barr, 83, of 448 Roseberry St., Philadelphia, passed away Monday, February 27, 1989, in Warren Hospital, in her 82nd year. Funeral services Thursday 2:30 p.m. at the Finegan Funeral Home, Easton. Mass of Christian Burial, 10:30 a.m. at St. John's Episcopal Church, 214 and 7th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton. Memorials to the American Cancer Society, 1000 Broad and 10th Sts., Easton.

ASHTON-GALTNER RITE FUNERAL HOME

Husband charged in death of wife

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERE - Daniel Bias Sr. said that he received a telephone call at about 9:15 p.m. on Feb. 26, 1987, from his son, Danny, pleading, "Dad, please come! Lisa shot herself."

Discussing his son's impending trial for the murder of his 27-year-old wife, Lisa, the father said there were investigators all over his son's home on Chambers Street in Phillipsburg when he got there.

Daniel Bias Jr. had called Phillipsburg police to tell them his wife had committed suicide. He claimed that he saw her shoot herself as he was entering the bedroom. Later he told investigators he found her standing in front of a dresser mirror in their bedroom, holding his .357 Magnum revolver at the back of her head and that the gun went off when he tried to wrest it from her.

Bias Jr. was taken to Warren hospital where his condition was diagnosed as "nerves. Patient's wife shot herself," according to

records custodian Geraldine Hyduk.

His father said he waited in the living room and police did not bring his son home until 4:35 a.m. after questioning him. He said he took his son to his own home in Whitehouse Station where he stayed until the first week of April.

Meanwhile, he said, he returned to his son's Phillipsburg house to clean up the blood from the bedroom floor.

Bias Sr., a data processing officer at the Chemical Bank of New Jersey and a certified National Rifle Association hunter-safety instructor, said his son probably first fired a gun at age 7 and went hunting with a firearm at 15. He said they hunted and fished together and Danny handled a firearm "appropriately" most of the time. He noted that his son is also an excellent archer.

Donald Yarikski of Kenil, an archery and hunter safety instructor who said he has known the younger Bias for seven or eight years, said that Bias was helping him out with registrations at an archery tournament in Dover the day of the shooting.

"He was in a bad mood, as usual." He estimated that Bias left for home at about 6 p.m.

Yarikski, describing Bias as a "very good shot" with a bow and arrow, said he has gone deer hunting with him and "sometimes saw him handle a gun in an unsafe way. He seemed not to care that someone might get hurt." Yarikski recalled that on one occasion, Bias got angry with another hunter who accidentally scared away an animal and "shot at the guy's feet - said he just wanted to 'scare him away too'."

Thomas Major of Whitehouse Station, coordinator of adult services for the state Division of Developmental Disabilities, said he and Bias Jr. shared equipment in hand-loading ammunition for target shooting with handguns, "until we really got into it one day. He took a swing at me, then threatened me with a knife. The guy really has a temper. Of course, when I said I was going to call the police, he said he was just kidding around and that I shouldn't take him so seriously."

The trial is expected to start next week.

Man charged in step-uncle's death

By RICHARD A. KERSTETTER
Express staff writer

SALISBURY TWP., Pa. - A township man who eight years ago escaped from Northampton County Prison and fled in a correctional officer's pickup truck was arrested Wednesday for allegedly murdering his step-uncle.

Allentown police arrested Alan Dale Borger, 33, of the 800 block of Lawrence Street and formerly of Saverwood Avenue in Bethlehem, on a criminal homicide charge Wednesday morning.

Borger was arrested at Lehigh County Prison, where he was serving a sentence on charges unrelated to the homicide. He was arraigned before District Justice Anthony Hujn and returned to the prison without bail.

Police accuse Borger of killing Samuel F. Hill Jr., 50, who lived at the same Lawrence Street ad-

Escaped from prison earlier

Stefanik said "the investigation and evidence" led to Borger's arrest. The motive was still under investigation, he said.

Borger had been released from prison Oct. 10 after serving an eight-year sentence on a variety of charges including burglary, auto theft and escape, police said.

In April 1982, Borger was serving a sentence in Northampton County Prison on charges of receiving stolen property, posses-

sion of a firearm without a license, burglary and conspiracy when he took a meal from the kitchen to the front gate and somehow got by the guard on duty.

Borger then stole a correctional officer's pickup truck from the jail parking lot and fled, police said. Palmer Township police apprehended him five days later after a high-speed chase during which several parked cars and a police cruiser were struck by the stolen Mercedes Benz in which Borger and another man were traveling.

A preliminary hearing on the homicide charge is scheduled for 1:30 p.m. next Wednesday before Circuit Judge Rapp.

GASOLINE PRICE WATCH

The following is a random survey taken by The Express of service stations throughout the Mid-Delaware Valley. The report on the gasoline prices at the various stations will be updated periodically.
PRICES EFFECTIVE: MONDAY, OCTOBER 23.

Local Effort

By BARBARA SC
Express Harrisburg

HARRISBURG view panel has n construction of treatment system town, dismissing from the Eastern of Authority.

The Environm Board this week sity and several that joined the a provide evidence cause environme "We felt this v was going to go i

Depart

TRENTON (AP) and Jr., the brot assembly majority Bryant, D-Cam named to the top Department of ecutive services

Bryant was pro position of assist

On 1

POLICE

Texas man on drug, g

L. SAUCON TV police at Bella night charged v Adepebu, 22, ut with possession a 9mm handgun Police said Adepebu at 7:1 was driving MD n ing an invest

Ice Crea Strawberry with Yel ONLY

PRICE'S DI Hot & Cold B of Cold Cuts, 4 Vegetables; Delicious Man - Finger

PRICE'S HOA Have It! We Make Hoag CHICKEN Bread-Lettuce ONLY

PRICE'S



Express photograph by KEN WHITE

Warren County Community school on Route 57 in ship, N.J., sponsored a drive Wednesday.

Primary disposal site

According to Jim Jones superintendent of Met-Ed's Port-and generating station, which will produce the fly and bottom ash dumped at the site, the Marshfield facility will not be ready for two to three years.

Jones said ash is now dumped in an East Banger quarry, which will be closed in the next couple of years.

The ash at the Marshfield site will be placed in a natural depression, he said. There will be a liner and a drainage system installed, he said.

Right now, Met-Ed is cleaning its quarries near Marshfield five, Jones said, referring to activity in the area. Household ash had been dumped there illegally, he said.

The facility would receive about 300 tons of ash a day, he said.

murdered

that the victim apparently As murdered by someone who roke into and burglarized her home.

NOV. 14, 1990

LOCAL

B



Express photographerKEN WHITE

Murder suspect recalls fateful night

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERE - "All I know is I did not pull the trigger," Daniel Bias Jr. insisted Monday in telling reporters how his wife, Lisa, was shot in the bedroom of the Chambers Street home in Phillipsburg.

Charged with his wife's murder and falsely telling police she committed suicide, Bias said that on Feb. 26, 1989, he was trying to take away the handgun his wife was holding at her head when it went off.

"I wasn't sure if she pulled the trigger herself or my grabbing the gun caused it to go off," the 28-year-old man stated.

Bias said he used the .357 Magnum revolver for target shooting and to provide his wife protection when he was away from home. He said he kept only four cartridges in the six-shot weapon. That way, he explained, the hammer was not resting against a live round and the gun would not fire on the first pull of the trigger.

While apprenticing as an electrician, he said, he went to school three nights a week and his wife, who worked as an investment trader at Somerset Trust Co., kept the revolver on her side of the bed for protection

in his absence. Otherwise, he said, it was kept under his side of the bed.

A competitive archer, hunter, and fisherman, he said he tried to involve his wife in his hobbies and she sometimes went with him.

The night of the shooting, Bias claims that he and his wife were arguing about the amount of time he spent away from home. The argument continued when they went to put away some laundry, he said. According to Bias, Lisa went into the bathroom and he pushed open the door to follow her in.

Bias said his wife would always try to run away from an argument, but he wanted to get things resolved. "Me confronting her like that really drove her crazy," Bias stated, "but it usually ended an argument, so I did it to stop her from running away again."

The next thing he knew, he claims, Lisa was threatening to shoot herself with the gun.

When asked whether he ever got violent with his wife, Bias said "I don't get violent", but then admitted breaking into their bedroom one time when she locked him out after an argument. He denied using any excess force on the bathroom door the night of the shooting.

is pinned beneath the car after he ran into South Main street. The emergency squad used a hydraulic jack to lift the car off the dog. Please see story on B-4.

Teacher charged with molesting girl quits job

Wheeler, but "only expected to use." he said. In previous interviews, Wheeler has denied breaking the window, but Tuesday she said, "Maybe I broke the window and stuff, but I retaliated. But I'm so sorry I did that, I wish it never happened."

Parkansky and Orchulli went to arrest her, and she allegedly hit Parkansky in the face, breaking his glasses and causing...

NOV 14

LOCAL/E

Slate Belt Notes

Bangor

The borough zoning hearing board will meet at 7:00 p.m. Wednesday, Nov. 23 to consider a request to remodel a commercial building at the corner of Messinger and South Main streets.

Richard and Ada Anglemeyer, the owners, want to expand the Sportsman Tavern into the area that was used as a barbershop.

A portion of the building is to be reconstructed to house the barbershop, a beauty shop and a laundry for apartment tenants.

The property is located in a neighborhood commercial zone. A variance is being sought from off-street parking, lot coverage, front, side and rear yard distance requirements.

Santa Claus will arrive by firetruck here at 10 a.m. Saturday.

The State Belt Chamber of Commerce is sponsoring the visit which will start with a parade from Bangor Elementary Center at Broadway and South Fourth Street.

Santa will be available for visits after the parade until noon at The Foot Peddler at 35 Broadway.

Washington Twp.

The township supervisors have awarded a new three-year contract of \$532,571 to Grand Central Sanitation Inc. for collection service, including recyclables.

This reflects a 44-percent increase for 1991; 3.2 percent in 1992 and 1.3 percent in 1993.

Don Brown, Grand Central's business development manager, said the total cost is being reduced each year because more of the waste is expected to be recycled.

About 71 percent of the 1,400 households are recycling, one of the highest rates in similar programs handled by Grand Central in other communities. Brown said that response has reduced the total waste flow by 14 percent and saved the township about \$42,000 in additional collection costs.

Recycled items totaled 29.5 tons in July, 18.5 tons in August and 24.4 tons in September.

The township supervisors will seek a state grant to pay a share of a proposed land acquisition.

Conflicting reports in Bias case

By F. DAVID HOOPER
Express Warren Bureau

Speculation is mounting as to what actually occurred in the home of Daniel and Lise Bias the night of Feb. 26, 1989.

Charged with shooting his wife and falsely reporting that she committed suicide, Bias contends she was shot in the head when he tried to take the gun away from her.

Bias, a 28-year-old union electrician, described the couple's almost 6-year marriage as "good," but he conceded there were arguments often related to the amount of time he spent away from home at archery competitions. He said that such a disagreement prompted his wife to threaten suicide.

"The night of her death, he said, following an argument, he found her in their bedroom with his .357-caliber Magnum revolver at her head. When he grabbed for the gun to keep her from hurting herself, he said, it discharged, killing her.

Bias called Phillipsburg police, telling them his wife had shot herself. Things had not gone well for Bias the day of the shooting,

according to Paul Soames, a family friend. Daniel Bias was out of work with an injury, had not done well on the archery range that day, and was upset to find that his dinner wasn't cooked when he got home late.

Reports from friends and neighbors describe Bias as a "macho man who liked to be in charge - really power hungry," self-indulgent in archery, hunting, and other sports with friends and a man with a temper, as shown by a damaged bedroom door he kicked in when locked out by his wife. "He ended arguments on his terms," said Paul Taylor, general manager of the local gas club.

Lorraine Chalkey, a close friend of Lise Bias, pointed out that after the shooting, Bias seemed "really angry at Lise for making him look bad." "He's just not a nice man," she related. "He is the kind of guy who goes out of his way to pick a fight. I have even seen him kick a dog that got in his way."

Similarly, Peter Cummings, a former co-worker of Bias, said "He was always getting into fights. Even now, it seems more like he just went through a fight, than a tragedy."

The trial is set to begin shortly.

Land acquisition resolution tabled

By ALEX ROTH
Express Munsteron Bureau

MILFORD — Borough council voted to table a resolution to apply for a state grant that would help the borough enlarge a small park on York Road to four or five times its current size.

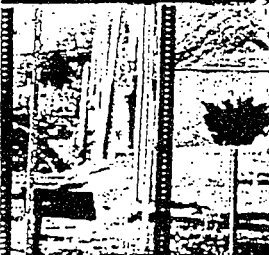
Council members said they wanted to find out more information about the state Department of Environmental Green Acres grant before applying for it.

space for public use. The grant can be as large as 25 percent of the property's market value, depending on how much the property is sold for and a number of other factors.

Most disliked that the new park would have to comply with state regulations if grant money was used to purchase the land. Some also noted that buying private land and making it public would lose the borough tax revenue.

The land the borough is considering buying is owned by a Milford resident.

ROAD INSTRUCTION 586 MILES



Express photograph

ly what to expect, thanks to this sign
re will be road work ahead.

als sought

been toppled and pulled into a
driveway 10 or 12 years ago and
was repaired by Frederick "Bus"
Johnson with epoxy. This time
Sweet said, the statue broke in
the same places and others.

"I don't know what can be done
to restore it," he said, noting the
cost of replacement would be
\$10,000 to \$15,000.

Sweet said Owens Monumental
Co. of Bangor, Pa. is to under-
take the righting of the over-
turned headstones and a marble
bench that was tipped over. He
said he has no cost figure but
expects it to be a couple thousand
dollars.

Sweet and Demeter are offer-
ing the reward. Anyone with in-
formation can call the state police
at Washington, 201-689-3100.

acts delayed

After selection of alternates allowed
for in the bidding, the construction
contracts will

Pretrial Publicity
209

Articles for Non-Violent/Bad-Character Condition

OBITUARIES

THE EXPRESS FEB 28, 1989

DEADLINE FOR DEATH NOTICE
Daily 3:15 a.m.
Saturday 4:30 p.m. Friday
Sunday 11:0 a.m. Saturday

Deaths

EVERY — Gained J. 73, of 57 North Fourth St., Bangor, died February 27, 1989 in Eastern Hospital. Funeral services will be held at 10 a.m. Thursday in the James O. Collins Funeral Home, 174 South First St., Bangor. Call 1-800-999-1234 for service information. The mass will be in the First United Methodist Church, Bangor.

GARFNEY, SANGOR — In Wilson Borough, PA, on February 27, 1989. Fina Garfney. Funeral services from the Merced Funeral Home, 1000 North 10th St., in the afternoon at 4:45 a.m. at the Christian Church of the Resurrection, 1000 North 10th St., in the morning at 10:30 a.m. in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

ALFONSO D. MORELLO — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

FINEGAN FUNERAL HOME (PHILADELPHIA) — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

CEFFERT — In Easton, PA, Feb. 26, 1989. George J. Ceffert, husband of Anna J. Ceffert. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

HOWELL — In Easton, PA, Feb. 26, 1989. Jane Kathryn Shirer Howell, widow of Clifford D. Howell. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

HRINIAK — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

KAPROSI — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

LIVINGSTONE — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

MARIERI — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

OHARE — In the care of the family. Funeral services will be held at 10:30 a.m. on Wednesday in the same church. Burial in the same cemetery. The funeral home is located at 1000 North 10th St., in the same building as the church. In the care of the family.

Lise C. Bias, death under investigation

Authorities were investigating the death of a 27-year-old Phillipsburg woman after an autopsy Monday afternoon showed she died of a gunshot wound to the head. Lise Caren Bias, 27, of 219 Chambers St., was found dead in her home shortly after 9 p.m. Sunday. The Warren County Prosecutor's Office said Bias was found by her husband, Daniel M. Bias Jr., in a second-floor bedroom of their home. Authorities received a 337-rifiler Magnum pistol at the scene. Warren County Medical Examiner Isidore Mihalakis performed the autopsy at Warren Hospital. He and Sgt. Gary Dindon of the county prosecutor's office said the manner of death is under investigation. Phillipsburg police and the county prosecutor's office are handling the investigation. Bias was an investment trader with Somerset Trust Co. in Somerville, N.J. Born May 13, 1961, in Bronx, N.Y., she moved as an infant with her family to Sand Brook, N.J., and Reading, N.J. She graduated from Hunterdon Central High School in Flemington in 1979. Survivors include her husband, Daniel Bias Jr.; her parents, Chester and Elsa Cotto Gasiorowski of Whitehouse Station, N.J.; a brother, Mark Gasiorowski of Aurora, Colo.; and a sister, Laura Bias, at home.

The funeral will be held at 1:15 p.m. Wednesday from Robert L. Ford Funeral Home in Flemington. Services will be held at 2 p.m. in Calvary Bible Church in Readington. Interment will be in Sand Brook Cemetery in Sand Brook. **Arthur J. O'Hare** — Arthur J. O'Hare, 78, of Greendale in Upper Nazareth Township, Pa., died Sunday in Eastern Hospital. He had been a general at Greendale since November 1984. He was retired from the shipping department of Concurrency Pump Division of Ingersoll-Rand Co. in Phillipsburg. He formerly served as business agent for the electrical workers' union at Ingersoll-Rand. Born Sept. 18, 1910, in Phillipsburg, he was a son of the late James and Margaret Smythe O'Hare. Before moving to Greendale, he resided in the Valley View section of Phillipsburg. He was a member of St. Philip and St. James Catholic Church in Phillipsburg and Fleas Club of Easton, member and former president of Warren Chemical Fire Co. of Phillipsburg, and member of New Jersey State Exempt Firemen's Association and Phillipsburg Exempt Firemen's Association. His wife, the former Jane Tauci, died the former Jane Tauci. Surviving are a brother, Thomas J. O'Hare of Phillipsburg; and niece and nephew, a daughter.



'Little Jazz'
Trumpeter Roy 'Little Jazz' Eldridge, shown here in a 1981 performance, died Sunday. Mr. Eldridge's lightning-fast style of play and penchant for sustaining the high notes, made him among the most respected musicians in jazz history.

Mary Elizabeth VanHorn — Mary Elizabeth "Liz" VanHorn, 86, of 261 E. Brown St. in East Stroudsburg, died Monday in Stroud Manor in East Stroudsburg. Born in Tobyhanna, Pa., she was a daughter of the late Lloyd and Alma Delatrice Gramer. She was a lifelong resident of Monroe County. Her husband, Norman Walter VanHorn, died earlier. Survivors include five daughters, Wanda Gordon, Janet Williams and Adell DeFrance, all of Stroudsburg; Betty Miller of East Stroudsburg; and Catherine Squire of Stroudsburg, Pa.; two sons, Kenneth and John, both of East Stroudsburg; a sister, Edna McGinnely of East Stroudsburg; 13 grandchildren, 50 great-grandchildren, five great-great-grandchildren and a great-great-great-granddaughter. She was preceded in death by two daughters, Lois Bowman and Norma Campbell, and two sons, Norman Walter VanHorn Jr. and Eugene VanHorn. Services will be held at 2 p.m. Thursday in William H. Clark Funeral Home in Stroudsburg. Interment will be in St. Paul's Cemetery in Swiftwater, Pa.

Emily L. Place — Emily L. Place, 64, of East Stroudsburg R.D. 3, died on Sunday evening in Harrisburg Hospital. She was employed as a private licensed practical nurse for many years. Born in East Stroudsburg, she was a daughter of the late Stewart and Irene Valterscamp Lee. She was a lifelong resident of Monroe County. She was a member of Middle Smithfield Presbyterian Church in East Stroudsburg. She was a member of Order of Eastern Star Chapter 99 and Ameranth Chapter, both in East Stroudsburg. Surviving are her husband, Horton M. Place; two daughters, Sally L. Jennings and Nancy L. Buchanan, both of East Stroudsburg; a sister, Shirley Hagerman of Stroudsburg R.D. 8; a brother, Gerald M. Lee of East Stroudsburg R.D. 7; five grandchildren and many nieces and nephews. Services will be held at 11 a.m. Thursday in Middle Smithfield Presbyterian Church in East Stroudsburg. Interment will be in Middle Smithfield Presbyterian Cemetery in East Stroudsburg R.D. 8; Lanterman & Allen Funeral Home in East Stroudsburg is in charge of arrangements.

Rose M. Manieri — Rose M. Manieri, 98, of the Northampton Convalescent Center, died Monday at the convalescent center. She worked for many years at Orr's Department Store in Easton, where she demonstrated knitting, crocheting and stitching. Born on Wilkes-Barre Street in Easton on March 19, 1933, she was the daughter of the late Joseph and Barbara Ulrich Zetter. She was a charter member of the Court Easton Chapter of the Calve Daughters of America and held numerous offices, including grand regent.

Sara E. Alvater — Sara E. Alvater, 81, of Woodstock, N.J., a retired organ and piano teacher, church organist and choir director, died Sunday in her home. She was formerly organist and choir director at Flemington Baptist Church in Flemington, Calvary Episcopal Church in Flemington, Presbyterian Church of Augusta, Ga.; Church of the Holy Trinity in Woodstock. Born Sept. 4, 1907, in Sandbrook, N.J., she was a daughter of the

Peter P. Frif — Peter P. Frif, died Sunday in Center. He was a farm U.S. Bronze Participant before 50 years of service. After returning for Pioneer on don County for Born July 20 N.Y., he was George and Eli He former re N.J., then in C moving to Fl ago. He was a former Town Cou of Quakerston Cloner, N.J., Surviving ar mer Fratolina of High Bridge Peacock of Ol sister, Ellen Stoning to grandchildren Services will Thursday in neral home in ment will be 1 tory in Clinter

Frank Barre — Frank Barre, 81, of Easton Hospital, died Sunday in Harrisburg Hospital. He was a former U.S. Marine and a member of the Order of the Eastern Star Chapter 99 and Ameranth Chapter, both in East Stroudsburg. Surviving are her husband, Horton M. Place; two daughters, Sally L. Jennings and Nancy L. Buchanan, both of East Stroudsburg; a sister, Shirley Hagerman of Stroudsburg R.D. 8; a brother, Gerald M. Lee of East Stroudsburg R.D. 7; five grandchildren and many nieces and nephews. Services will be held at 11 a.m. Thursday in Middle Smithfield Presbyterian Church in East Stroudsburg. Interment will be in Middle Smithfield Presbyterian Cemetery in East Stroudsburg R.D. 8; Lanterman & Allen Funeral Home in East Stroudsburg is in charge of arrangements.

Garnet J. A — Garnet J. A, 81, of 140 South 1st St. in Easton, died Sunday in Harrisburg Hospital. She was a former U.S. Marine and a member of the Order of the Eastern Star Chapter 99 and Ameranth Chapter, both in East Stroudsburg. Surviving are her husband, Horton M. Place; two daughters, Sally L. Jennings and Nancy L. Buchanan, both of East Stroudsburg; a sister, Shirley Hagerman of Stroudsburg R.D. 8; a brother, Gerald M. Lee of East Stroudsburg R.D. 7; five grandchildren and many nieces and nephews. Services will be held at 11 a.m. Thursday in Middle Smithfield Presbyterian Church in East Stroudsburg. Interment will be in Middle Smithfield Presbyterian Cemetery in East Stroudsburg R.D. 8; Lanterman & Allen Funeral Home in East Stroudsburg is in charge of arrangements.

Sarah E. Alvater — Sarah E. Alvater, 81, of Woodstock, N.J., a retired organ and piano teacher, church organist and choir director, died Sunday in her home. She was formerly organist and choir director at Flemington Baptist Church in Flemington, Calvary Episcopal Church in Flemington, Presbyterian Church of Augusta, Ga.; Church of the Holy Trinity in Woodstock. Born Sept. 4, 1907, in Sandbrook, N.J., she was a daughter of the

Husband charged in death of wife

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERE - Daniel Bias Sr. said that he received a telephone call at about 9:15 p.m. on Feb. 26, 1989, from his son, Danny, pleading, "Dad, please come! Lisa shot herself."

Discussing his son's impending trial for the murder of his 27-year-old wife, Lisa, the father said there were investigators all over his son's home on Chambers Street in Phillipsburg when he got there.

Daniel Bias Jr. had called Phillipsburg police to tell them his wife had committed suicide. He claimed that he saw her shoot herself as he was entering the bedroom. Later he told investigators he found her standing in front of a dresser mirror in their bedroom, holding his 357 Magnum revolver at the back of her head and that the gun went off when he tried to wrest it from her.

Bias Jr. was taken to Warren hospital where his condition was diagnosed as "nerves. Patient's wife shot herself," according to records custodian Geraldine Hydusik.

His father said he waited in the living room and police did not bring his son home until 4:35 a.m., after questioning him. He said he took his son to his own home in Whitehouse Station where he stayed until the first week of April.

Meanwhile, he said, he returned to his son's Phillipsburg house to clean up the blood from the bedroom floor.

Bias Sr., a data processing officer at the Chemical Bank of New Jersey and a certified National Rifle Association hunter-safety instructor, said his son probably first fired a gun at age 7 and went hunting with a firearm at 15. He said they hunted and fished together and Danny handled a firearm "appropriately" most of the time. He noted that his son is also an excellent archer.

Donald Yariotki of Kenvil, an archery and hunter safety instructor who said he has known the younger Bias for seven or eight years, said that Bias was helping him out with registrations at an archery tournament in Dover the day of the shooting. "He was in a bad mood, as usual. He was always such a whiney guy, you know," He estimated that

Bias left for home at about 6 p.m. Yariotki, describing Bias as a "very good shot" with a bow and arrow, said he has gone deer hunting with him and "sometimes saw him handle a gun in an unsafe way. He saw himself as such a funny guy, but he was really just a pain-in-the-butt. He seemed not to care that someone might get hurt."

Yariotki recalled that on one occasion, Bias got in the way of another hunter, and scared away the animal the man had been tracking. "The other guy was really steamed, but Danny just thought it was hysterical and kept laughing in the guy's face. He just doesn't know when enough is enough."

Thomas Major of Whitehouse Station, coordinator of adult services for the state Division of Developmental Disabilities, said he and Bias Jr. shared equipment in hand-loading ammunition for target shooting with handguns, "until we got into a huge argument one day over the scores from our target practice. I saw him change his score, but when I asked him about it, he denied it. That's just the kind of guy he is." The trial is expected to start next week.

Man charged in step-uncle's death

By RICHARD A. KERSTETTER
Express staff writer

SALISBURY TWP., Pa. - A township man who eight years ago escaped from Northampton County Prison and fled in a correctional officer's pickup truck was arrested Wednesday for allegedly murdering his step-uncle. Allentown police arrested Alan Dale Borger, 33, of the 800 block of Lawrence Street and formerly of Savercool Avenue in Bethlehem, on a criminal homicide charge Wednesday morning.

Borger was arrested at Lehigh County Prison, where he was serving a sentence on charges unrelated to the homicide. He was arraigned before District Justice Anthony Hays and returned to the prison without bail.

Police accuse Borger of killing Samuel F. Hill Jr., 30, who lived at the same Lawrence Street ad-

Escaped from prison earlier

Stefanik said "the investigation and evidence" led to Borger's arrest. The motive was still under investigation, he said.

Borger had been released from prison Oct. 19 after serving an eight-year sentence on a variety of charges including burglary, auto theft and escape, police said.

In April 1982, Borger was serving a sentence in Northampton County Prison on charges of receiving stolen property, possession

of a firearm without a license, burglary and conspiracy when he took a meal from the kitchen to the front gate and somehow got by the guard on duty.

Borger then stole a correctional officer's pickup truck from the jail parking lot and fled, police said. Palmer Township police apprehended him five days later after a high-speed chase during which several parked cars and a police cruiser were struck by the stolen Mercedes Benz in which Borger and another man were traveling.

A preliminary hearing on the homicide charge is scheduled for 1:30 p.m. next Wednesday before ceiving stolen property, possession

GASOLINE PRICE WATCH

The following is a random survey taken by The Express of service stations throughout the Mid-Delaware Valley. The report on the gasoline prices at the various stations will be updated periodically. PRICES EFFECTIVE: MONDAY, OCTOBER 23.

Effort

By BARBARA SCOTT
Express Harrisburg

HARRISBURG view panel has construction of treatment system town, dismissing from the Eastern District Authority. The Environment Board this week's city and several that joined the a provide evidence cause environment. "We felt this was going to go

Depart

TRENTON (AP) ana Jr., the brass assembly majority Bryant, D-Cam named to the top Department of executive services. Bryant was pro position of assist

On

POLICE

Texas man on drug, go on SAUCON Ty police at Bella night charged a Adepegba, 23, of with possession a 9mm handgun Police said Adepegba at 7:11 was driving on an invest

Ice Cream Strawberry with Yeli ONLY

PRICE'S DI
Hot & Cold 5¢
of Cold Cuts, 1
& Vegetables
Delicious Non
- Finger -

PRICE'S HOA
Have 1/2 1
We Make Hoop
CHICKEN
Broader
Lettuce
ONLY

PRICE
HOMEMADE
DEL & VAR
227 Morris St
859-



Express photograph by NIKEN WHITE

Warren County Commu- school on Route 57 in ship, N.J., sponsored a drive Wednesday.

Primary sal site

According to Jim Jones, erintendent of Met-Ed's Port- generating station, which produce the fly and bottom dumped at the site, the ashfield facility will not be dy for two to three years. ones said ash is now dumped in East Bangor quarry, which be closed in the next couple ears.

he ash at the Marshfield site be placed in a natural dis- tion, he said. There will be ner and a drainage system alled, he said.

ght now, Met-Ed is cleaning quarries near Marshfield e, Jones said, referring to city in the area. Household n had been dumped there (Le-), he said.

he facility would receive t 300 tons of ash a day, he

murdered

that the victim apparently murdered by someone who e into and burglarized her c.

POLICE

h man arrested ST ALLEN TWP., Pa.,

NOV. 14, 1990

LOCAL

B



Express photographer KEN WHITE

...pinned beneath the car after he ran into South Main street. The emergency squad used a hydraulic jack to lift car off the dog. Please see story on B-4.

Behaved properly

...cheer, but "only expected to use." ... of witnesses in not use excessive ... trust the police to give the de ... is and charged ... faulting a police

Murder suspect recalls fateful night

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERE - "All I know is I did not pull the trigger," Daniel Bias Jr. insisted Monday in telling reporters how his wife, Lisa, was shot in the bedroom of the Chambers Street home in Phillipsburg.

Charged with his wife's murder and falsely telling police she committed suicide, Bias said that on Feb. 26, 1989, he was trying to take away the handgun his wife was holding at her head when it went off.

"I wasn't sure if she pulled the trigger herself or my grabbing the gun caused it to go off," the 28-year-old man stated.

Bias said he used the .357 Magnum revolver for target shooting and to provide his wife protection when he was away from home. He said he kept only four cartridges in the six-shot weapon. That way, he explained, the hammer was not resting against a live round and the gun would not fire on the first pull of the trigger.

While apprenticing as an electrician, he said, he went to

school three nights a week and his wife, who worked as an investment trader at Somerset Trust Co., kept the revolver on her side of the bed for protection in his absence. Otherwise, he said, it was kept under his side of the bed.

A competitive archer, hunter, and fisherman, he said he tried to involve his wife in his hobbies and she sometimes went with him.

The night of the shooting, Bias claims that he and his wife were arguing about the amount of time he spent away from home. The argument continued when they went to put away some laundry, he said. According to Bias, Lisa went into the bathroom and he began to howl to aggravate her.

Bias said his wife's worst nightmares involved werewolves and his howling would get their Siberian Husky howling in the basement. "The howling really drove her crazy," Bias stated, "but it usually ended an argument, so I did it to stop her from complaining."

The next thing he knew, he claims, Lisa was threatening to shoot herself with the gun.

Teacher charged with molesting girl quits job

By JANE KOPACKI
Express staff writer

NAZARETH - The Nazareth Area School Board is preparing

Driscoll, did not return phone calls Tuesday.

The teacher, who is also a part-time real estate agent operating Saveri Homes Inc. in Wind Gap, is charged with indecent assault

NOV 14

LOCAL/E

Conflicting reports in Bias case

By F. DAVID HOOPER
Express Warren Bureau

Speculation is mounting as to what actually occurred in the home of Daniel and Lise Bias the night of Feb. 26, 1989.

Charged with shooting his wife and falsely reporting that she committed suicide, Bias contends she was shot in the head when he tried to take the gun away from her.

Bias, a 23-year-old union electrician, described the couple's almost 6-year marriage as "good," but he conceded there were arguments often related to the amount of time he spent away from home at archery competitions. He said that such a disagreement prompted his wife to threaten suicide.

The night of her death, he said, following an argument, he found her in their bedroom with his .357-caliber Magnum revolver at her head. When he grabbed for the gun to keep her from hurting herself, he said, it discharged, killing her.

Bias called Phillipsburg police, telling them his wife had shot herself.

Things had not gone well for Bias the day of the shooting, according to Paul Soames, a family friend. Daniel Bias was out of work with an injury, had a

bad day on the archery range, and was upset to find that his dinner wasn't cooked when he got home late.

Reports from friends and neighbors described Bias as an "emotionally distant, uncaring kind of guy who liked to think he was important," self-indulgent in archery, hunting, and other sports with friends. "He just wasn't a good friend," said Paul Taylor, general manager of the local gun club. "He was always borrowing money, which you never saw again, or bragging and lying about how well he had done on the range."

Lorraine Chalkey, a close friend of Lise Bias, pointed out that when Bias called police to report the shooting "he seemed more worried about himself than poor Lise." "Even now," said Chalkey, "Danny doesn't have anything good to say about Lise. He keeps telling people she was possessive and snippy with his friends - he seems like he is trying to get all the sympathy for himself, rather than for his wife."

Similarly, Peter Cummings, a former co-worker of Bias', said "he is walking around with this 'poor me' kind of attitude. He's always been like that, you know. More concerned with himself than anyone else."

The trial is set to begin shortly.

Land acquisition resolution tabled

By ALEX ROTH
Express Hunterdon Bureau

MILFORD — Borough council voted to table a resolution to apply for a state grant that would help the borough enlarge a small park on York Road to four or five times its current size.

Council members said they wanted to find out more information about the state Department of Environmental Green Acres grant before applying for it.

space for public use. The grant can be as large as 25 percent of the property's market value, depending on how much the property is sold for and a number of other factors.

Most disliked that the new park would have to comply with state regulations if grant money was used to purchase the land. Some also noted that buying private land and making it public would lose the borough tax revenue.

The land the borough is considering buying is owned by a Milford resident.

Slate Belt Notes

Bangor

The borough zoning hearing board will meet at 7:30 p.m. Wednesday, Nov. 23 to consider a request to remodel a commercial building at the corner of Westinger and South Main streets.

Richard and Ada Anglemeyer, the owners, want to expand the Sportsman Tavern into the area that was used as a barber shop. A portion of the building is to be reconstructed to house the barber shop, a beauty shop and a laundry for apartment tenants.

The property is located in a neighborhood commercial zone. A variance is being sought from off-street parking, lot coverage, front, side and rear yard distance requirements.

Santa Claus will arrive by firetruck here at 10 a.m. Saturday.

The Slate Belt Chamber of Commerce is sponsoring the visit which will start with a parade from Bangor Elementary Center at Broadway and South Fourth Street.

Santa will be available for visits after the parade until noon at The Foot Peddler at 35 Broadway.

Washington Twp.

The township supervisors have awarded a new three-year contract of \$533,571 to Grand Central Sanitation Inc. for collection service, including recyclables.

This reflects a 4% percent increase for 1991; 3.2 percent in 1992 and 1.3 percent in 1993.

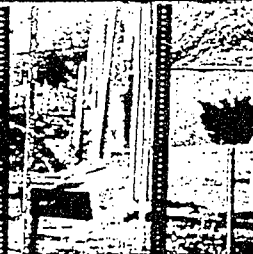
Don Brown, Grand Central's business development manager, said the total cost is being reduced each year because more of the waste is expected to be recycled.

About 71 percent of the 1,400 households are recycling, one of the highest rates in similar programs handled by Grand Central in other communities. Brown said that response has reduced the total waste flow by 14 percent and saved the township about \$43,000 in additional collection costs.

Recycled items totaled 20.5 tons in July, 18.5 tons in August and 24.4 tons in September.

The township supervisors will seek a state grant to pay a share of a proposed land purchase for a park.

ROAD
INSTRUCTION
586 MILES



Express photograph

...what to expect, thanks to this sign
...will be road work ahead.

als sought

...been toppled and pulled into a
...driveway 10 or 12 years ago and
...was repaired by Frederick "Barry"
...Johnson with epoxy. This time
...Sweet said, the statue broke in
...the same places and others.

"I don't know what can be done
...to restore it," he said, noting the
...cost of replacement would be
...\$10,000 to \$15,000.

Sweet said Owens Monumental
...Co. of Bangor, Pa. is to under-
...take the righting of the over-
...turned headstones and a marble
...benches that was tipped over. He
...said he has no cost figure but
...expects it to be a couple thousand
...dollars.

Sweet and Demeter are offer-
...ing the reward. Anyone with in-
...formation can call the state police
...at Washington, 201-669-3100.

acts delayed

...ect had been
...up voters in
...district was
...After selection of alternates al-
...lowed for in the bidding, the con-
...struction contracts will

Pretrial Publicity
214

Articles for Motive Condition

OBITUARIES

DEADLINE FOR DEATH NOTICE
Daily... 9:15 a.m.
Saturday... 4:00 p.m. Friday
Sunday... 1 to 4 p.m. Saturday

Deaths

AYER — Gabriel J. 79, of 52 North Fourth St., Danbury, died February 27, 1989 in Eastern Hospital. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus.

CARNEY, BANGOR
BARRETT — In Wilson Township, Pa. on February 27, 1989. Frank Barrett, former Services from the Morong Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

ALFONSO D. MOSELL
DEAK — JOHN HENRY, of Danbury, Conn. died on February 27, 1989 in his 65th year. Arrangements to be announced later.

FINEGAN FUNERAL HOME
FRITZ — Philip H., of Flemington, N.J., died Feb. 27, 1989. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington. NJ 08822.

HOLCOMBE-FISHER
GERERT — In Easton, Pa. Feb. 26, 1989. George J. Gerert, husband of Anna J. Gerert. Mrs. Gerert served 30 years in the Eastern Hospital. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

ASHTON-GARDNER RITE FUNERAL HOME
HOWELL — In Easton, Pa. Feb. 26, 1989. John Howell, 81, of Easton, Pa. died Feb. 26, 1989. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

HRINIAK — Catherine, of 448 Rosemont St., Philadelphia, died Monday, February 27, 1989, in Wilson Hospital. Her 82nd year. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

FINEGAN FUNERAL HOMES
KAPOCI — Mary, of 110 Main St., Allentown, Pa., died February 27, 1989. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

FINEGAN FUNERAL HOMES
LIVINGSTONE — Alexander, 63, of Easton, Pa., died February 27, 1989. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

DEVOS
MANIERI — Rose M., of Easton, Pa., died February 27, 1989. Funeral services will be held 10:30 a.m. Thursday at the James O. Conroy Funeral Home, 144 Main St., Flemington. Burial will take place in the Holy Sepulchre Cemetery, Church Campus. The casket will be in the funeral home after 7:00 p.m. Wednesday. Resurrection Funeral Home, 144 Main St., Flemington.

FINEGAN FUNERAL HOMES
OSBORN — In Easton Hospital, February 26, 1989. Arthur J. Osborn.

Lise C. Bias, death under investigation

Authorities were investigating the death of a 37-year-old Phillipsburg woman after an autopsy Monday afternoon showed she died of a gunshot wound to the head.

Lise C. Bias, 37, of 459 Chambers St., was found dead in her home shortly after 2 p.m. Sunday.

The Warren County Prosecutor's Office said Bias was found by her husband, Daniel N. Bias Jr., in a second-floor bedroom of their home. Authorities recovered a .357-caliber Magnum pistol at the scene.

Warren County Medical Examiner Eugene Michalski performed the autopsy at Warren Hospital. He and Sgt. Gary Dundon of the county prosecutor's office said the manner of death is under investigation.

Phillipsburg police and the county prosecutor's office are handling the investigation.

Bias was an investment trader with Somerset Trust Co. in Somerville, N.J.



'Little Jazz'
Trumpejer Roy "Little Jazz" Eldridge, shown here in a 1981 performance, died Sunday. Mr. Eldridge's lightning-fast style of play and penchant for sustaining the high notes, made him among the most respected musicians in jazz history.

Peter P. Frit
Peter P. Frit died Sunday in Center.

He was a former U.S. Marine Pilot before 20 years of service.

After returning for Pioneer in Dan County for 20 years, he was born July 20, 1918, in New York. He was the son of George and Ella (former name N.J.) Frit, then in C. moving to Pa. ago.

He was a former Town Council member of Quakerstown, N.J. Surviving are three daughters of High Bridge, Pa.: Peacock of Quakerstown, N.J.; St. Oning of Quakerstown, N.J.; and St. Oning of Quakerstown, N.J.

Services will be held Thursday in the funeral home in Center. It will be in Center in Clinton.

Mary Elizabeth VanHorn
Mary Elizabeth "Liz" VanHorn, 86, of 221 E. Brown St., in East Stroudsburg, died Monday in Stroud Manor in East Stroudsburg.

Horn in Tolyphanna, Pa., she was a daughter of the late Lloyd and Mina DeLuca Cramer. She was a lifelong resident of Monroe County.

Her husband, Norman Walter VanHorn, died earlier.

Survivors include five daughters, Wanda Gordon, Janet Williams and Ardel DuFran, all of Stroudsburg; Betty Miller of East Stroudsburg; and Catherine Squire of Scranton, Pa.; two sons, Kenneth and John, both of East Stroudsburg; a sister, Edna McElmirey of East Stroudsburg; 50 grandchildren, five great-grandchildren, and a great-great-granddaughter. She was preceded in death by two daughters, Lola Bowman and Norma Carwell, and two sons, Norman Walter VanHorn Jr. and Eugene VanHorn.

Services will be held at 2 p.m. Thursday in William H. Clark Funeral Home in East Stroudsburg. Interment will be in St. Paul's Cemetery in Swiftwater, Pa.

Emily L. Place
Emily L. Place, 61, of East Stroudsburg R.D. 3, died on Sunday evening in Harrisburg Hospital.

She was employed as a private licensed practical nurse for many years.

Horn in East Stroudsburg, she was a daughter of the late Stewart and Irene Valterscham Lee. She was a lifelong resident of Monroe County.

Survivors are her husband, Horton M. Place; two daughters, Sally L. Jennings and Nancy L. Bauman, both of East Stroudsburg; a sister, Shirley Hagerman of Stroudsburg R.D. 3, a brother, Gerald M. Lee of East Stroudsburg, R.D. 7; five grandchildren and many nieces and nephews.

Services will be held at 11 a.m. Thursday in Middle Smithfield Presbyterian Church in East Stroudsburg.

Interment will be in Middle Smithfield Presbyterian Cemetery in East Stroudsburg R.D. 3. Lanterman & Allen Funeral Home in East Stroudsburg is in charge of arrangements.

Frank Barres
Frank Barres, 81, of Easton Hospital, died Monday in Harrisburg Hospital.

He was a former New Jersey resident of Easton, Pa. He was a member of the Catholic Church.

He is survived by three daughters, Mrs. Anna Barres and Betty Wilson; two sisters, Mrs. Mary Cape and Mrs. Mary Barres.

Funeral services will be held Thursday in the funeral home in Easton. Interment will be in the Holy Sepulchre Cemetery.

Arthur J. O'Hare
Arthur J. O'Hare, 79, of Graceville in Upper Nazareth Township, Pa., died Sunday in Easton Hospital. He had been a guest at Graceville since November 1984.

He was retired from the shipping department of Cameron Pump Division of Ingersoll-Rand Co. in Phillipsburg. He formerly served as business agent for the electrical workers' union at Ingersoll-Rand.

Born Sept. 18, 1909, in Phillipsburg, he was a son of the late James and Margaret Smythe O'Hare. Before moving to Graceville, he resided in the Valley View section of Phillipsburg.

He was a member of St. Philip and St. James Catholic Church in Phillipsburg and Fleas Club of Easton, member and former president of Warren Chemical Fire Co. of Phillipsburg, and member of New Jersey State Exempt Firemen's Association and Philadelphia Exempt Firemen's Association.

His wife, the former Jane Taucet, died earlier.

Surviving are a brother, Thomas J. O'Hare, of Phillipsburg; and nieces and nephews. A daughter,

Rose M. Manieri
Rose M. Manieri, 99, of the Nazareth Convalescent Center, died Monday at the convalescent center.

She worked for many years at the Department Store in Easton, where she demonstrated knitting, crocheting and stitching.

Horn on Wilkes-Barre Street in Easton on March 19, 1903, she was a daughter of the late Joseph and Barbara Ulrich Zettler.

She was a charter member of the Court Easton Chapter of the Catholic Daughters of America and held numerous offices, including grand president.

Sara E. Alwater
Sara E. Alwater, 82, of Woodstock, Vt., a retired organist and piano teacher, church organist and choir director, died Sunday in her home.

She was formerly organist and choir director at Flemington Baptist Church in Flemington; Calvary Episcopal Church in Flemington; Presbyterian Church of Augusta, Ga.; Church of the Holy Trinity in New York, N.Y.; and churches in Woodstock.

Born Sept. 4, 1907, in Sandbrook,

Garnet J. Ayers
Garnet J. Ayers, 81, of Fourth St. in Easton, died Monday in Easton.

He was employed at the Sun-Eagle before 27 years of service.

He was a member of the Methodist Church. His wife, the former Edna, died earlier.

Surviving are three daughters, Mrs. Stoffer of Quakerstown, Pa.; Mrs. Stoffer of Quakerstown, Pa.; and Mrs. Stoffer of Quakerstown, Pa.

Services will be held Thursday in the funeral home in Easton. Interment will be in the Holy Sepulchre Cemetery.

With Allen arrested
POLICE
 Police accuse Berger of killing...
 at the same Lawrence Street ad-
 Samuel F. Hill Jr., 50, who lived
 through the Mid-Columbia Valley.
 The following is a random survey taken by The Express of service stations in
 MONDAY, OCTOBER 23

Escaped from prison earlier
 Escaped from prison earlier...
 SALTSBURG TWP., Pa. — A
 Express staff writer
 By RICHARD A. KENNETTER

Man charged in step-uncle's death
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 According to Jim Jones...
 and generating station, which
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 will be placed in a natural de-
 rection, he said. There will be
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 Mansfield facility will not be
 dumped at the site, the
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 Express photographer WHITE

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Of wife
Husband charged in death
 Husband charged in death...
 The Express, Thursday, November 1, 1990 /B-4

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 The Express, Thursday, November 1, 1990 /B-4

Local Effort
Effort
 Effort...
 By BARBARA SCOTT
 Express Staff Writer

Local Effort
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Local Effort
Effort
 Effort...
 By BARBARA SCOTT
 Express Staff Writer

Express photographer WHITE

Nov. 14, 1990

LOCAL

B

Murder suspect recalls fateful night

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERE - "All I know is I did not pull the trigger," Daniel Bias Jr. insisted Monday in telling reporters how his wife, Lisa, was shot in the bedroom of the Chambers Street home in Phillipsburg.

Charged with his wife's murder and falsely telling police she committed suicide, Bias said that on Feb. 26, 1989, he was trying to take away the handgun his wife was holding at her head when it went off.

"I wasn't sure if she pulled the trigger herself or my grabbing the gun caused it to go off," the 28-year-old man stated.

Bias said he used the .357 Magnum revolver for target shooting and to provide his wife protection when he was away from home. He said he kept only four cartridges in the six-shot weapon. That way, he explained, the hammer was not resting against a live round and the gun did not fire on the first pull of the trigger.

While apprenticing as an electrician, he said, he went to school three nights a week and his wife, who worked as an investment trader at Somerset Trust Co., kept the revolver on her side of the bed for protection in his absence. Otherwise, he said, it was kept under his side of the bed.

A competitive archer, hunter, and fisherman, he said he tried to involve his wife in his hobbies

and she sometimes went with him. "Lisa was awfully possessive," Bias said. "She wanted to be around me all the time, and never wanted me to have any time to myself, or any life of my own," he told reporters.

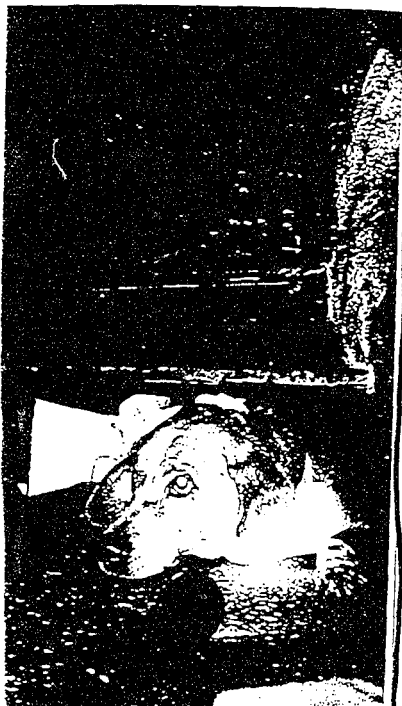
Bias said that he and Lisa had been arguing regularly about his being away from home so much, and that she always demanded attention.

He said his wife liked jewelry and clothes, "things with a lot of flash, but that we couldn't afford" he related, recalling the night of the shooting, they had argued over a large diamond ring she wanted him to buy for her birthday. He said he told her she had enough jewelry.

The argument continued when they went to put away some laundry, he said. According to Bias, Lisa then became upset. He claims that he tried to end the argument by saying they would talk about it later, but then she got more and more upset and the next thing he knew, Lisa was threatening to shoot herself with the gun.

During his press conference, a reporter from the Times remarked that the gold wedding band Bias displayed on his left hand might mislead a jury into thinking he was still wearing the ring his dead wife had given him.

Bias became somewhat flustered, but explained that he had remarried last December, only ten months after the death of his wife Lisa.



Express photographer KEN WHITE

is pinned beneath the car after he ran into South Main street. The emergency squad used a hydraulic jack to lift a car off the dog. Please see story on B-4.

behaved properly

Wheeler, but "only He later discovered she did not have a bat, expected to use," but was yelling that she broke the window, he said. In previous interviews, Wheeler has denied breaking the window, but Tuesday she said, "Maybe I broke the window and stuff, but I retaliated. But I'm so sorry I did that. I wish it never happened."

Parkansky and Orchulli went to arrest her, and she allegedly hit Parkansky in the face, breaking his glasses and causing

Teacher charged

NOV 14

The Express, Tuesday, November 20, 1990 /E-2

LOCAL/E

Conflicting reports in Bias case

By F. DAVID HOOPER
Express Warren Bureau

Speculation is mounting as to what actually occurred in the home of Daniel and Lise Bias the night of Feb. 26, 1989.

Charged with shooting his wife and falsely reporting that she committed suicide, Bias contends she was shot in the head when he tried to take the gun away from her.

Bias, a 28-year-old union electrician, described the couple's almost 6-year marriage as "good," but he conceded there were arguments often related to the amount of time he spent away from home at archery competitions. He said that such a disagreement prompted his wife to threaten suicide.

The night of her death, he said, there was an argument over a ring that she wanted him to buy her. He said that he found her in their bedroom with his .357-caliber Magnum revolver at her head. When he grabbed for the gun to keep her from hurting herself, he said, it discharged, killing her.

Bias called Phillipsburg police, telling them his wife had shot herself.

Things had not gone well for Bias the day of the shooting, according to Paul Soames, a family friend. Daniel Bias, a union electrician, was out of work with an injury, missed an archery tournament that day, and

his dinner wasn't cooked when he got home late. There was then an argument with his wife, who wanted him to buy her a ring he couldn't afford for her birthday.

Reports from friends and neighbours suggest that the marriage was less than idyllic. According to Lillian Taylor, the next-door-neighbour, the arguments between Mr. & Mrs. Bias were more and more frequent. Mrs. Taylor also claims to have seen him downtown, on occasion, with another woman. "It makes sense since he got remarried so soon after his wife's death," she remarked.

Lorraine Chalkey, a close friend of Lise Bias, said that Lise "was really excited about trying to have a baby, but Danny said that there was no way in hell he was ever going to have a baby with her." Ms. Chalkey further stated that Lise had become "more and more angry" with the fact that Daniel was unemployed, leaving Lise to pay for all expenses. Lise remarked that it was ironic that Lise had to pay for things like their life insurance, since now Daniel Bias would get that money.

Bias, who has been free on a \$150,000 property bond posted by his father, received court permission last February to move to New Mexico to join his second wife, whom he married in December 1989, while awaiting his trial.

Resolution tabled

By ALEX ROTH
Express Humberston Bureau

MILFORD — Borough council voted to table a resolution to apply for a state grant that would help the borough enlarge a small park on York Road to four or five times its current size.

Council members said they wanted to find out more information about the state Department of Environmental Green Acres grant before applying for it.

space for public use. The grant can be as large as 25 percent of the property's market value, depending on how much the property is sold for and a number of other factors.

Most disliked that the new park would have to comply with state regulations if grant money was used to purchase the land. Some also noted that buying private land and making it public would lose the borough tax revenue.

The land the borough is considering buying is owned by a Milford...

Slate Belt Notes

Bangor

The borough zoning hearing board will meet at 7:30 p.m. Wednesday, Nov. 23 to consider a request to remodel a commercial building at the corner of Messinger and South Main streets.

Richard and Ada Anglemeyer, the owners, want to expand the Sportsman Tavern into the area that was used as a barber shop.

A portion of the building is to be reconstructed to house the barber shop, a beauty shop and a laundry for apartment tenants.

The property is located in a neighborhood commercial zone. A variance is being sought from off-street parking, lot coverage, front, side and rear yard distance requirements.

Santa Claus will arrive by firetruck here at 10 a.m. Saturday.

The State Belt Chamber of Commerce is sponsoring the visit which will start with a parade from Bangor Elementary Center at Broadway and South Fourth Street.

Santa will be available for visits after the parade until noon at The Foot Peddler at 35 Broadway.

Washington Twp.

The township supervisors have awarded a new three-year contract of \$533,571 to Grand Central Sanitation Inc. for collection service, including recyclables.

This reflects a 4 1/2 percent increase for 1991; 3.2 percent in 1992 and 1.3 percent in 1993.

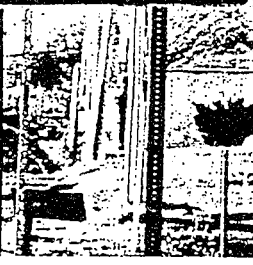
Don Brown, Grand Central's business development manager, said the total cost is being reduced each year because more of the waste is expected to be recycled.

About 71 percent of the 1,400 households are recycling, one of the highest rates in similar programs handled by Grand Central in other communities. Brown said that response has reduced the total waste flow by 14 percent and saved the township about \$42,000 in additional collection costs.

Recycled items totaled 25.3 tons in July, 18.5 tons in August and 24.4 tons in September.

The township supervisors will seek a state grant to pay a share of a proposed land purchase for a new...

ROAD
CONSTRUCTION
586 MILES



Express photograph

ly what to expect, thanks to this sign re will be road work ahead.

als sought

been toppled and pulled into a driveway 10 or 12 years ago and was repaired by Frederick "Bus" Johnson with epoxy. This time Sweet said, the statue broke in the same places and others.

"I don't know what can be done to restore it," he said, noting the cost of replacement would be \$10,000 to \$15,000.

Sweet said Owens Monumental Co. of Bangor, Pa. is to undertake the righting of the overturned headstones and a marble bench that was tipped over. He said he has no cost figure but expects it to be a couple thousand dollars.

Sweet and Demeter are offering the reward. Anyone with information can call the state police at Washington, 201-689-3100.

acts delayed

After selection of alternatives allowed for in the bidding, the construction contracts will...

Pretrial Publicity
219

Articles for Control Condition

OBITUARIES

THE EXPRESS FEB 28, 1989

DEADLINE FOR DEATH NOTICE
Daily - 3:15 a.m.
Saturday - 4:30 p.m. Friday
Sunday - 10 a.m. Saturday

Deaths

ALLEN - In Easton, Pa. Feb. 27, 1989. ...

BARRETT - In Easton, Pa. Feb. 27, 1989. ...

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Lise C. Bias, death under investigation

Authorities were investigating the death of a 70-year-old Philadelphia woman after an autopsy Monday afternoon showed the death of a gunshot wound to the head.

Lise Caren Bias, 77, of 253 Chambers St. was found dead in her home shortly after 3 p.m. Sunday.

The Warren County Prosecutor's Office said Bias was found by her husband, Daniel M. Bias Jr., in a second-floor bedroom of their home. Authorities recovered a .257-caliber Magnum pistol at the scene.

Warren County Medical Examiner Isidore Minalecki performed the autopsy at Warren Hospital. He and Sgt. Gary Cundin of the county prosecutor's office said the manner of death is under investigation.

Phillipsburg police and the county prosecutor's office are handling the investigation.

Bias was an investment trader with Somerset Trust Co. in Somerville, N.J.

Born May 12, 1921, in Bronx, N.Y., she moved as an infant with her family to Sand Brook, N.J., and Readington, N.J.

She graduated from Hightstown Central High School in Flemington in 1979.

Survivors include her husband, Daniel Bias Jr., her parents, Chester and Elsa Cotto Gasiorowski of Whitehouse Station, N.J.; a brother, Mark Gasiorowski of Aurora, Colo.; and a sister, Laura Bias, at home.

The funeral will be held at 11 a.m. Wednesday from Robert B. Ford Funeral Home in Flemington. Services will be held at 2 p.m. in Holy Trinity Church in Readington. Interment will be in Sand Brook Cemetery in Sand Brook.



'Little Jazz'

Trumpeter Roy "Little Jazz" Eldridge, shown here in a 1981 performance, died Sunday. Mr. Eldridge's lightning-fast style of play and penchant for sustaining the high notes, made him among the most respected musicians in jazz history.

Peter P. Fri

Peter P. Fri died Sunday in Center. He was a former U.S. Bronze Paralympian before 50 years of service. He was a member of the Phillipsburg Chapter of the American Legion. He was born July 20, 1918, in New York City to George and Elizabeth. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion.

Frank Barre

Frank Barre died Sunday in Easton Hospital. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion.

Mary Elizabeth VanHorn

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Emily L. Place

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Garnet J. A.

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Arthur J. O'Hare

Arthur J. O'Hare, 70, of Readington in Upper Merioneth Township, Pa., died Sunday in Easton Hospital. He had been a member of the Phillipsburg Chapter of the American Legion since November 1954. He was retired from the shipping department of Cummins Engine Co. in Phillipsburg. He formerly served as business agent for the electrical workers' union at Hightstown. Born Sept. 14, 1922, in Phillipsburg, he was a son of the late James and Margaret Smythe O'Hare. Before moving to Readington, he resided in the Valley View section of Phillipsburg. He was a member of St. Philip and St. James Catholic Church in Phillipsburg and Ficus Club of Phillipsburg. He was a member of the Phillipsburg Chapter of the American Legion and the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion. He was a member of the Phillipsburg Chapter of the American Legion.

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Rose M. Manieri

Rose M. Manieri, 73, of the Northampton Convalescent Center, died Monday at the convalescent center. She worked for many years at Orr's Department Store in Easton, where she demonstrated knitting, crocheting and quilting. Born on Wilkes-Barre Street in Easton on March 12, 1922, she was the daughter of the late Joseph and Barbara Ulrich Gutter. She was a charter member of the Court Easton Chapter of the Catholic Daughters of America and held numerous offices, including grand regent.

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Sara E. Alvater

Sara E. Alvater, 71, of Woodstock, Pa., died Sunday in Phillipsburg. She was a member of the Phillipsburg Chapter of the American Legion. She was a member of the Phillipsburg Chapter of the American Legion. She was a member of the Phillipsburg Chapter of the American Legion. She was a member of the Phillipsburg Chapter of the American Legion.



Express photographer KEN WHITE

Warren County Community school on Route 57 in Ashfield, N.J., sponsored a drive Wednesday.

Primary disposal site

According to Jim Jones, superintendent of Met-Ed's Portland generating station, which will produce the fly and bottom ash dumped at the site, the Marshfield facility will not be ready for two to three years.

Jones said ash is now dumped in an East Bangor quarry, which will be closed in the next couple of years.

The ash at the Marshfield site will be placed in a natural depression, he said. There will be a liner and a drainage system installed, he said.

Right now, Met-Ed is cleaning out quarries near Marshfield Drive, Jones said, referring to activity in the area. Household trash had been dumped there illegally, he said.

The facility would receive about 300 tons of ash a day, he said.

murdered

It was reported that the victim apparently was murdered by someone who broke into and burglarized her home.

POLICE

Bath man arrested
EAST ALLEN TWP., Pa. — Police arrested a man on charges of murdering a woman in Bath, Pa., on Oct. 10.

Husband charged in death of wife

By F. DAVID HOOPER
Express Warren Bureau

BELVIDERS - Daniel Bias Sr. said that he received a telephone call at about 9:15 p.m. on Feb. 26, 1989, from his son, Danny, pleading, "Dad, please come! Lisa shot herself."

Discussing his son's impending trial for the murder of his 27-year-old wife, Lisa, the father said there were investigators all over his son's home on Chambers Street in Phillipsburg when he got there.

Daniel Bias Jr. had called Phillipsburg police to tell them his wife had committed suicide. He claimed that he saw her shoot herself as he was entering the bedroom. Later he told investigators he found her standing in front of a dresser mirror in their bedroom,

holding his .357 Magnum revolver at the back of her head and that the gun went off when he tried to wrest it from her.

Bias Jr. was taken to Warren hospital where his condition was diagnosed as "barroa. Patient's wife shot herself," according to records custodian Geraldine Hyduak.

His father said he waited in the living room and police did not bring his son home until 4:35 a.m., after questioning him. He said he took his son to his own home in Whitehouse Station where he stayed until the first week of April.

Meanwhile, he said, he returned to his son's Phillipsburg home to clean up the blood from the bedroom floor.

The trial is expected to start next week.

Tenants start move from Alpha Building

By JANE KOPACKI
Express staff writer

EASTON - With no heat now and no electricity by the end of the month, the few tenants who remain in the Alpha Building have begun their exodus to warmer quarters.

After more than a century Downtown and 40 years in the building, the law firm of Teel,

its equipment into storage and temporarily shifted stock brokerage operations to its Princeton, N.J., office until permanent quarters in Bethlehem are ready.

The status of the building has been uncertain since entrepreneur George Switlyk, who failed on a promise to restore it, turned over ownership to Farmington Properties Ltd. in August 1987. In June the mortgage holder, The

Man charged in step-unc

By RICHARD A. KERSTETTER
Express staff writer

SALISBURY TWP., Pa. - A township man who eight years ago escaped from Northampton County Prison and fled in a correctional officer's pickup truck was arrested Wednesday for allegedly murdering his step-uncle.

Allentown police arrested Alan Dale Borger, 33, of the 400 block of Lawrence Street and formerly of Saverpool Avenue in Bethlehem, on a criminal homicide charge Wednesday morning.

Borger was arrested at Lehigh County Prison, where he was serving a sentence on charges unrelated to the homicide. He was arraigned before District Justice Anthony Rupp and returned to the prison without bail.

Police accuse Borger of killing Samuel F. Hill Jr., 50, who lived at the same Lawrence Street address

Escaped from prison earlier

Stefank said the investigation and evidence led to Borger's arrest. The motive was still under investigation, he said.

Borger had been released from prison Oct. 10 after serving an eight-year sentence on a variety of charges including burglary, auto theft and escape, police said.

In April 1982, Borger was serving a sentence in Northampton County Prison on charges of receiving stolen property, possession

GASOLINE PRICE W

The following is a random survey taken by throughout the Mid-Delaware Valley. The various stations will be updated periodically. PRICES EFFECTIVE MONDAY, OCTOBER

NOV. 14, 1990

LOCAL

B

Murder suspect recalls fateful night

By F. DAVID HOOPER
Express Warren Bureau

BEVIDERE — "All I know is I did not pull the trigger," Daniel Bias Jr. insisted Monday in telling reporters how his wife, Lisa, was shot in the bedroom of the Chambers Street home in Phillipsburg.

Charged with his wife's murder and falsely telling police she committed suicide, Bias said that on Feb. 26, 1989, he was trying to take away the handgun his wife was holding at her head when it

went off.

"I wasn't sure if she pulled the trigger herself or my grabbing the gun caused it to go off," the 28-year-old man stated.

Bias said he used the .357 Magnum revolver for target shooting and to provide his wife protection when he was away from home. He said he kept only four cartridges in the six-shot weapon. That way, he explained, the hammer was not resting against a live round and the gun would not fire on the first pull of the trigger.

Teacher charged with molesting girl quits job

By JANE KOPACKI
Express staff writer

NAZARETH — The Nazareth Area School Board is preparing to replace junior high school gym teacher David Saveri, who resigned from his job Monday amid charges he molested a 11-year-old baby sitter.

Nazareth Area School District Superintendent John D. Jenkins said the board unanimously accepted Saveri's letter of resigna-

tion, but did not return phone calls Tuesday.

The teacher, who is also a partner in the real estate agent operating Saveri Homes Inc. in Wind Gap, is charged with indecent assault, corrupting a minor and endangering the welfare of a child. He is free on \$25,000 bail.

Saveri waived his right to a preliminary hearing earlier this month before District Justice Adrienne Masut-Ford and will go to trial in Northampton County Court on the charges.



Express photo by KEN WHITE

was pinned beneath the car after he ran into South Main Street. The emergency squad used a hydraulic jack to lift the car off the dog. Please see story on B-4.

behaved properly

Wheeler, but "only expected to use." In previous interviews, Wheeler has denied breaking the window, but Tuesday she said, "Maybe I broke the window and stuff, but I retaliated. But I'm so sorry I did that. I wish it never happened." Parkansky and Orsull went to arrest her, and she allegedly hit Parkansky in the face, breaking his glasses and injuring...

NOV 1

LOCAL/E

Slate Belt Notes

Bangor

The borough zoning hearing board will meet at 7:30 p.m. Wednesday, Nov. 23 to consider a request to remodel a commercial building at the corner of Messinger and South Main streets.

Richard and Ada Anglemeyer, the owners, want to expand the Sportsman tavern into the area that was used as a barber shop. A portion of the building is to be reconstructed to house the barber shop, a beauty shop and a laundry for apartment tenants.

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Santa Claus will arrive by firetruck here at 10 a.m. Saturday.

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Washington Twp.

The township supervisors have awarded a new three-year contract of \$533,571 to Grand Central Sanitation Inc. for collection service.

Conflicting reports in Bias case

By F. DAVID HOOPER
Express Warren Bureau

Speculation is mounting as to what actually occurred in the home of Daniel and Lise Bias the night of Feb. 24, 1989.

Charged with shooting his wife and falsely reporting that she committed suicide, Bias contends she was shot in the head when he tried to take the gun away from her.

Bias, a 25-year-old union electrician, described the couple's almost 6-year marriage as "good", but he conceded there were arguments often related to the amount of time he spent away from home at archery competitions. He said that such a disagreement prompted his wife to threaten suicide.

Bias called Phillipsburg police, telling them his wife had shot herself.

Land acquisition resolution tabled

By ALEX ROTH
Express Hunterdon Bureau

MILFORD — Borough council voted to table a resolution to apply for a state grant that would help the borough enlarge a small park on York Road to four or five times its current size.

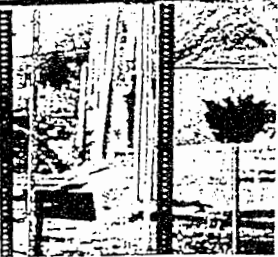
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ROAD
INSTRUCTION
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Express photograph

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acts delayed

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...district was
...After selection of alternates al-
...lowed for in the bidding, the con-
...struction contracts will...

Questionnaire (Session 1)

- 1) What is your age? ____ Years.
- 2) Are you: ____ Male? ____ Female?
- 3) Have you ever heard of this case before today? ____ Yes. ____ No.
- 4) Have you ever taken part in a trial before? ____ Yes. ____ No.
- 5) Have you ever taken a course in law before? ____ Yes. ____ No.
- 6) Considering the limited information that you have been given about this case, how would you rate Daniel Bias as a person? (Please circle the number which best represents your view).

1 2 3 4 5 6 7
Negatively Neutrally Positively

Trial # ___ / ___

Juror # _____

Pre-deliberation Questionnaire

- 1) Do you feel that Daniel Bias is: (Please circle the number which best represents your view).

1 2 3 4 5 6 7

Definitely Not Guilty

No Idea

Definitely Guilty

- 2) As a juror in this case, how would you vote?

_____ Guilty.

_____ Not Guilty.

Trial # ____/____

Juror # ____

Questionnaire-Final

- 1) What is your age? _____ Years.
- 2) Are you: _____ Male. _____ Female.
- 3) Do you feel that Daniel Bias is: (Please circle the number which best represents your personal view).

1 2 3 4 5 6 7

Definitely Not Guilty

No Idea

Definitely Guilty

- 4) As a juror in this case, how did you vote? (What was your jury verdict?)

_____ Guilty.

_____ Not Guilty.

- 5) Which piece(s) of evidence caused you to vote as you did?
(If you have any comments, please include them here.)

6) Please indicate below which of the following you recall about the case:

- | | |
|--|--|
| <input type="checkbox"/> Bias "howled" at his wife. | <input type="checkbox"/> Bias broke down a bedroom door. |
| <input type="checkbox"/> Bias was seeing another woman. | <input type="checkbox"/> Bias is a "macho man" who likes power. |
| <input type="checkbox"/> Bias often lies/cheats at games. | <input type="checkbox"/> Bias shot at someone while hunting. |
| <input type="checkbox"/> Bias borrowed money often. | <input type="checkbox"/> Bias didn't want to have a baby. |
| <input type="checkbox"/> Bias threatened someone with a knife. | <input type="checkbox"/> Bias and his wife fought over the "flashy" things she wanted. |

7) Do you think that any of the material that you read prior to seeing the trial influenced your decision about the guilt or innocence of Daniel Bias in any way?

Yes.

No.

Not Sure.

8) If you answered yes to the above question, please explain below.

THANK YOU!

Debriefing Form

Most people would probably agree with the statement that "pretrial publicity negatively impacts on a defendant's ability to obtain a fair trial". The body of literature which exists to date on the effects of pre-trial publicity is, in fact, inconclusive. While Fulero (1987) says that the evidence as a whole suggests that pretrial publicity has an adverse effect on jurors, Carroll, Kerr, Alfani, Weaver, MacCoun and Feldman (1986) see just the opposite. They conclude instead that the available social science literature on the effects of actual news coverage on potential jurors or on actual jury verdicts is not very useful. "It appears that news coverage in highly publicized cases may influence the public, but it is also possible that those who are pro-prosecution choose to expose themselves to more news and/or remember more of it. There is little evidence of any pervasive effects of news coverage on actual verdicts, although in the cases sampled it would be no surprise that case evidence far outweighs the effects of news coverage." (p.192).

This research is an attempt to study the effects of pre-trial publicity in as naturalistic a setting as possible. We would like to know how different types of pre-trial publicity (**the independent variable**), such as information that goes to the heart of the defense's case, affects jurors' verdicts (**the dependent variable**). We **hypothesize** that if there is any effect of pre-trial publicity, it will only occur when the information presented relates directly to defense's case, and when this information is not refuted in the actual trial. Studies which have attempted to look at this in the past have tended to lack realism. We hope to improve this by using a real (edited) trial, recorded on video. While the second session was the same for all participants (and you all watched the same trial), you did not all read the same articles in your initial session. Some subjects received negative information regarding the character of the accused, which suggested Bias was indeed a bad person. Others read information which suggested that Bias had a strong motive for the murder - something which was missing in the actual trial. Some subjects read only brief articles which generally described the crime, and which were common to all experimental groups (**the control group**). While all of the articles you read were actual ones from New Jersey newspapers, some of the information was deleted in some articles, or words were added to others.

In the actual re-trial, the jury could not reach a verdict. Bias was then tried a third time, for a lesser charge, and was found guilty.

Thank you for your time and effort in completing this questionnaire. If you have any questions, please contact Tara Burke, through the department of Psychology at the University of Toronto.

References

- Carroll, J.S., Kerr, N.L., Alfani, J.J., Weaver, F.M., MacCoun, R.J., & Feldman, V. (1986). Free press and fair trial: The role of behavioral research. Law and Human Behaviour, 10, 187-201.
- Fulero, S.M. (1987). The role of behavioral research in the free press/fair trial controversy. Law and Human Behaviour, 11, 259-265.
- Gleitman, H. (1994). Psychology. (4th ed.) New York: W.W. Norton & Co. pp. 453-489.