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The Cleveland Press Coverage of the Sheppard Murder Case in Relation to Sensational News Treatment

Keith Sanders

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1964

THE CLEVELAND PRESS COVERAGE OF THE
SHEPPARD MURDER CASE IN RELATION
TO SENSATIONAL NEWS TREATMENT

A Thesis Presented to
The Faculty of the Graduate College of
Ohio University

11/1/64

In Partial Fulfillment
of the Requirements for the Degree
Master of Science

by
Keith Page Sanders
August 22, 1964

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This thesis has been approved
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CHAPTER I

INTRODUCTION

I. STATEMENT OF PROBLEM

Seldom, if ever, does a day pass that the front page of some newspaper somewhere in the United States does not reflect some measure of sensationalism. This is neither unique to the country, nor to the times. The newspapers of Europe, Asia, and South America all reflect the same sensational tendencies, as did the earliest forms of newspapers nearly two thousand years ago.

Generally, historians and commentators of the press have deplored the presence of sensationalism. Sensationalism has been considered a contributing factor to crime, to immorality, and to other blights on society. It has been charged that newspaper editors deliberately misrepresent, build up out of proportion, and sensationalize the news just for the sake of doing it--and to sell newspapers. Sensationalism often has been cited as one reason why newspapers do not deserve their coveted freedom of the press. In 1947, The Commission on Freedom of the Press reported that the press is "so pre-occupied with the reporting of sensational events" that the "citizen is not supplied the information and discussion he needs to discharge his re-

sponsibilities to the community."¹

While many critics have condemned the press for its sensationalism, others have commended it. It has been argued that only by publicizing and making known to everyone the evils of society that exist can these evils be eliminated. Another argument has been that it is the duty of the press to mirror society and, if society is sensational, the press should report it as such. Still another, and seemingly more practical, argument is that the press exists to serve its readers, and if sensationalism is what the readers want, that is what they should receive.

Good, bad, or something else, sensationalism is a significant characteristic of the press. It is an important concept in any study or consideration of the press. But, despite its relative importance to the over-all role of the press, sensationalism has remained a vague concept. Students of the press argue almost continuously as to whether a certain story was or was not sensational; whether Newspaper X was or was not sensational; and, if it was sensational, to what degree was it sensational.

In comparison to other characteristics of the press,

¹Robert M. Hutchins, A Free and Responsible Press, The Commission on Freedom of the Press (Chicago: University of Chicago Press, 1947), p. 55.

few studies have been made of sensationalism. The results of those studies performed have been relatively inconclusive, and often have contradicted one another. Consequently, the question remains: what is sensationalism and how is it to be measured?

II. PURPOSE OF THE STUDY

Periodically, charges of sensationalism have been leveled at the press as a whole, and at specific newspapers in particular, for coverage of a given event or events. Once the charges were made, there was no reliable method of proving that the press was, or was not, guilty of sensationalism. Generally, if the coverage fitted into a fairly vague pattern of sensationalism it was judged to be sensational. In an assessment of the sensationalism of the press, the important criteria often used by critics were the amount and intensity of criticism. Consequently, if there was a great deal of intense adverse criticism, the coverage of an event came to be accepted as sensational.

The most recent instance in which widespread charges of sensationalism were leveled at one newspaper occurred in 1954 as a result of The Cleveland Press' treatment of the Sheppard murder case. It was the purpose of this study to analyze the newspaper's treatment of the case and to deter-

mine if that treatment fits the pattern of sensationalism.

The study should be of importance to the student of the press because it presents a detailed account of how a newspaper, accused of sensationalizing a particular case, handled the incident, and how that treatment compared to the treatment given three well-known sensationalized cases in the past.

The study, also, should expand for the student of the press the existing knowledge relating to the concept of sensationalism. The study should aid the student in developing a more clear-cut concept of sensationalism. It should offer some insight into the role of the editors and publishers who are responsible for the existence of sensationalism in the press. Finally, it should aid the student in considering how subject content of a story affects selection of the story for publication and the typographical display and position it will receive.

III. DEFINITION OF TERMS

The Press. Unless otherwise noted, the press was considered to include only commercial newspapers. Radio and television, usually considered a part of the press media, were not included because they are relative newcomers to the news field and, as such, would not permit the extensive

study over a period of time that the newspapers did.

Lead Story. The term "lead story" shall be interpreted as meaning the article of primary importance on the front page of a newspaper. The criteria used in determining the relative importance of a story were its position on the page and the typographical display it received. The traditional positioning for the lead story is across the width of the top of the page or in the upper right-hand corner. With only rare exceptions, the lead story is displayed with the largest-size headline, in terms of depth, on the page. Headlines are measured in terms of width in columns and depth in points, seventy-two points equalling one inch. The "second lead" would be the story receiving typographical display and positioning most closely rivaling that of the lead story.

Column Inches. The term "column inches" shall be interpreted as indicating a measure of space in a newspaper. Since newspapers are printed in columns, the simplest means of tabulating space is to measure the width in terms of columns and the depth in terms of inches. A story that runs eight inches deep down one column thus covers eight column inches of space. A photograph that is printed three columns wide by four inches deep covers twelve column inches.

Roman Holiday. The term "Roman Holiday" shall be interpreted in this study to mean enjoyment or profit whereby others suffer. The term refers to a day of amusement in ancient Rome characterized by gladiatorial contests and other bloody games.

IV. METHOD

Although there have been recent attempts to analyze scientifically the concept of sensationalism, the most frequent method utilized by historians and commentators of the press to determine sensationalism has been to compare each new case with a preceding one that has been accepted as an example of such treatment. In so doing, they have assumed that there are certain methods of sensationalizing the news that are characteristic of the concept and that a historical pattern of sensationalism exists.

In an attempt to define more clearly the historical pattern, the history of journalism was studied. In the literature of journalism, it was possible to trace sensationalism back nearly two thousand years.

After concluding research on the history of sensationalism, the concept itself was studied.

To determine what constituted the vague historical pattern of sensationalism, three famous murder cases, generally regarded as classic examples of sensationalism, were analyzed. The cases studied were the Hall-Mills murder, the Snyder-Gray murder, and the Lindbergh-Hauptmann murder-kidnapping. The study was limited to murder cases to eliminate as many variables as possible.

To determine the role of The Cleveland Press in the Sheppard case, a content analysis was conducted of each issue of the newspaper from the day of the murder, July 4, 1954, until the conclusion of the case December 31, 1954. The content analysis was of two parts: quantitative and qualitative. The quantitative analysis was to determine two things: (1) the total amount of space in column inches devoted to the case, separated into a category for written copy and another for headlines and illustrative material--cartoons, photographs, and drawings; and (2) the display the case received in regard to the position of the story or stories, and the size, in column width and point depth, of the headlines. The qualitative analysis was conducted to determine the general theme of the story or stories and/or what was said. The content analysis included every mention of the Sheppard case in the newspaper except letters to the

editor. The same content analysis was conducted of The Plain Dealer concerning its coverage of the same case.

In 1954 The Cleveland Press was the largest newspaper in Ohio with a circulation of 314,247. Its Cleveland rival, The Plain Dealer, was next in size, in terms of circulation, with 299,297. The Plain Dealer published in the morning and The Cleveland Press in the afternoon.

The Cleveland Press coverage of the Sheppard case was compared first to the historical pattern of sensationalism as developed in the study of the coverage of the three famous murder cases and then to The Plain Dealer coverage of the same case.

Since the primary purpose of the study was to determine if The Cleveland Press treatment of the Sheppard case fit the historical pattern of sensationalism, no attempt was made to measure the degree of sensationalism.

Chapter II was devoted to a study of sensationalism--its history and concept. The three examples of sensationalism were analyzed in Chapter III. The Cleveland Press coverage of the Sheppard case was the subject of Chapter IV. Chapter V contains a summary and some conclusions.

V. RELATED STUDIES

Despite the importance of sensationalism to the total concept of the press, there have been few studies concerning its nature and its measurement.

Danielson, et al.,² developed a concept of sensationalism based on the theory of a continuum of psychological distance of the sensory input from the environment that an individual "screens out" and that which he "lets in." Two indices were involved in the study. One was a rating system involving the concept of sensational news as compared to a set of fifty semantic differential scales. The data from this rating revealed three identifiable scale clusters, which were labeled as "evaluation," "excitability," and "activity." The other involved a quantitative content analysis of magazine illustrations.

In a study conducted by Kingsbury, et al.,³ a rating continuum ranging from extremely sensational to extremely socialized was devised. After defining the concept of sensationalism in terms of the reader's response, the coders

²W.A. Danielson, et al., "Sensationalism and the Life History of Magazines: A Preliminary Study" (Madison, Wisconsin: School of Journalism, University of Wisconsin, 1958), p. 4. (Mimeographed.)

³Susan M. Kingsbury, et al., Newspaper and the News (New York: Putnam's, 1937).

placed a given story or publication on the continuum on the basis of assigned headline space devoted to stories prejudged as sensational.

Newman and Scheffler⁴ approached their test of sensationalism from the emotional reaction to the news. The test consisted of a list of ten news topics, each followed by an "emotional statement" and a "non-emotional statement." The subjects indicated which of the two statements best represented their reactions to the given topic.

As a continuation of the Danielson study on factor rating, Lynch⁵ expanded the subjects and tested on the same set of semantic differential scales. Three factors were identifiable: "evaluation," "excitement," and "violence" or "activity."

Danielson, et al.,⁶ conducted a third survey, this time using a sample of seventy-five subjects to rate a num-

⁴M. Newman and I. Scheffler, "Sex Difference in Emotional Reaction to the News," Journal of Abnormal and Social Psychology, 42:476-479, 1947.

⁵M.L. Lynch, "Development of an Index for Measuring Sensational News" (unpublished Master's thesis, The University of Wisconsin, Madison, Wisconsin, 1960).

⁶Danielson, et al., op cit., p. 6.

ber of concepts against a set of twenty scales. The scales were collected mainly from the results of the previous factor analysis. Separate factor analyses were conducted on two of the concepts, "sensational news stories" and "style of writing of sensational news stories." Again, three factors emerged, labeled as "evaluation," "excitement," and "activity."

A recent study on sensationalism was conducted by Tannenbaum and Lynch.⁷ The technique involved, called "Sensdex" for Sensationalism Index, involved two main steps: (1) the empirical isolation and identification of the dimensionality of the judgment of sensationalism, and (2) the development of a measure of the relative degree of sensationalism of different messages. The study selected a set of twelve factors (accurate-inaccurate, colorful-colorless, active-passive) to represent the three factors in the judgment of sensationalism found in the factor analyses studies by Danielson, Lynch, et al. The experimental messages in the study were analyzed in detail in terms of various objective message characteristics. It was found that the smaller the D^2 score the more sensational the judgment for both stylistic and topical measures. The study proved

⁷Mervin D. Lynch and Percy H. Tannenbaum, "Sensationalism: The Concept and Its Measurement," Journalism Quarterly, 37:381-92, Summer, 1960.

it was possible to compute distance scores between judgments of the message and that of objectivity. These data produced just the reverse of the findings on the Sendex scores; the more sensational the version, the less objective the message was judged to be.

In a later study, Tannenbaum and Lynch⁸ attempted to isolate and identify one or more key message attribute clusters which related to the judgment of sensationalism, as the latter is indexed by the Sendex technique. The three stylistic clusters which emerged in the study were (1) some measure of the readability of the story--the more readable, generally the more sensational; (2) some measure of the punctuation usage in the specimen, with the best single index being the internal punctuation per sentence--the more sensational passages generally also contained less internal punctuation; (3) an index of the degree of modification in a passage, the single measure being the ratio of the total number of adjectives and adverbs to the total number of nouns and verbs--other things being equal, the more sensational a message is judged, the higher the modification ratio.

⁸Mervin D. Lynch and Percy H. Tannenbaum, "Sensationalism: Some Objective Message Correlates," Journalism Quarterly, 39:317-323, Summer, 1962.

CHAPTER II

THE NATURE OF SENSATIONALISM

Much has been written about newspaper sensationalism, its history and development, and its presence in contemporary journalism. This chapter will summarize briefly the nature of sensationalism.

I. THE HISTORY OF SENSATIONALISM

Sensationalism in news reports is not the product of the twentieth century. It has been in evidence since the very first printed news sheets.

The forerunner of the modern daily newspaper was Acta Diurna, or The Daily Acts, established by Julius Caesar. Like the modern newspaper, it paid special attention to both civil and criminal courts and made a special feature of election news. The ability to invent the news and to mix truth and falsehood became almost a profession in Rome and was carried to such an extent that Papal Bulls were issued to stop such activities.¹

About the early history of sensationalism, Frank Luther Mott wrote:

¹James M. Lee, History of American Journalism (Boston: Houghton Mifflin Company, 1923), p. 5.

Trace the written word as far back as we can, we find it used to record the shocking, the thrilling, the exciting incidents. The Hebrew Scriptures, the Egyptian papyrus stories, ancient Greek Literature: all resound with sensationalism.²

In the late fifteenth and sixteenth centuries, sensationalism manifested itself in England in the form of ballads. The ballads, relating to the sensational aspects of the gallows or to dying confessions of murderers, were particularly popular. The ballads enjoyed a long history that began when folk songs were first set in type for sale and ended when the newspaper brought the masses stories based on more current news. The newspapers of the time were called broadsides and were usually printed on just one side of the sheet of paper so that it could be posted on a wall. Among the first London broadsides, or broadsheets, to succeed was the collection called the Newgate Calendar, which appeared late in the sixteenth century and supposedly was written by the chaplain of Newgate Prison. It consisted of accounts of the last days and confessions of condemned criminals.³

Around the mid-seventeenth century in England, "the

²Frank L. Mott, The News in America (Cambridge, Massachusetts: Harvard University Press, 1952), p. 49.

³Curtis D. MacDougall, Newsroom Problems and Policies (New York: The Macmillan Company, 1948), p. 453.

news was selected or manipulated to suit the cause, and each party accused the other of deceit."⁴

Through the broadsides, news preceded newspapers by about forty years in America. The broadsides, like those of London, dealt primarily with crime and condemned criminals. One of the most famous of the broadsides, published in July, 1704, in Boston, by Nicholas Boone, was entitled "An Account of the Behaviour and last Dying speeches Of the Six Pirates, that were Executed on Charles River, Boston side, on Fryday, June 30th, 1704."

The first American newspaper, Publick Occurences, was published in 1690. Remarked Mott:

The first American newspaper contained plenty of sensational items; indeed, it was a little story of the sexual misbehavior of the French king, together with an item about atrocities committed by the Indian allies of the Massachusetts government, which caused the authorities to forbid further issues of the paper.⁵

The first continuously published American newspaper, The Boston News-Letter, was published first in 1704. By 1721, Benjamin Franklin was so incensed by the content of the early newspapers that he wrote in the New England Cour-

⁴Edwin Emery and Edwin H. Ford, Highlights in the History of the American Press. (Minneapolis: University of Minnesota Press, 1954), p. 76.

⁵Mott, loc. cit.

ant, America's fourth newspaper:

Long has the Press groaned in bringing forth an hateful, but numerous Brood of Party Pamphlets, malicious Scribbles, and Billingsgate Ribaldry. The Rancour and bitterness it has unhappily infused into men's minds, and to what a Degree it has sowed and leaven'd the tempers of Persons formerly esteemed some of the most sweet and affable, is too well known here, to need further proof or Representation of the matter.⁶

A landmark in American newspaper history was established in 1784 when the first successful daily newspaper, The Pennsylvania Packet and Daily Advertiser, was published in Philadelphia. Historian Alfred Lee noted that in that same year The Pennsylvania Evening Post made "primitive efforts at sensational journalism."⁷

The existence of sensationalism as a dominant factor in American journalism, however, coincided with the real beginnings of the commercial press. Both owe their existence to the advent of the penny papers in 1833.

The newspapers to this time cost six cents each and were sold only by subscription. The readers of newspapers were the elite, the wealthy of the society. Veteran newspapermen realized that a large portion of the community was

⁶Ford, loc. cit.

⁷Alfred Lee, The Daily Newspaper in America (New York: The Macmillan Company, 1947), p. 57.

being overlooked by the daily newspapers. Hence, they began to establish newspapers of their own. By printing a smaller format on cheaper paper and aiming at mass circulation, they were able to charge only a penny per paper. The new penny papers boldly sought out street sales. To encourage such sales, the penny papers developed a livelier approach to news presentation, which, coupled with the cost, soon made America a nation of newspaper readers.

The first successful penny paper, The New York Sun, appeared on the morning of September 3, 1833. Edited by Benjamin Day, "the fresh, even flippant, style of The Sun's news items, and its emphasis on local, human-interest, and often sensational events caught the town's fancy."⁸

Evaluating the success of The Sun, Willard Bleyer wrote:

The basis of The Sun's success is unquestionably to be found in its giving the masses what they wanted--sensational "human interest" news, the value of which as a circulation builder had been demonstrated in England by the London Morning Herald. Police court news, treated humorously as a rule; reports of criminal trials, frequently with scandalous details; accounts of murders, suicides and other crimes--these were the popular features. Day discovered that the secret of popular journalism lay in appealing to the

⁸Frank L. Mott, American Journalism, A History (New York: The Macmillan Company, 1962), p. 221.

emotions of the masses rather than to their intellect; in amusing, entertaining and shocking them.⁹

Once Day had proven that penny papers could be successful, other penny dailies were attempted throughout the country. One of The Sun's first rivals was The New York Transcript, which imitated The Sun in its format and general news and circulation policies. However, it emphasized humorous court reporting, using more wit, exaggeration, and ribaldry than The Sun; also it specialized in reporting illicit sex relations, prizefights, and criminal trials.

By far the most important of the one-cent rivals of The Sun was the New York Herald, begun by James Gordon Bennett on May 6, 1835. Representative of the other penny papers at first, the Herald changed markedly after its offices were destroyed in the famous Ann Street Fire. It returned as almost a completely different newspaper. The Herald took on a personalized touch. Wit supplanted dignity. Objective reporting suffered in the change. The penny press had already had a reputation for piquancy; the new Herald came to be thought of as "spicy" and "saucy."¹⁰ The Herald exploited crime news. It seemed to delight in stories of

⁹Willard G. Bleyer, Main Currents in the History of American Journalism (Cambridge, Massachusetts: Houghton Mifflin Company, 1927), p. 164.

¹⁰Mott, American Journalism, p. 231.

illicit sex relations--scandalous incidents recounted without names, some of them probably more or less fictitious.

The same humorous treatment of police-court and crime news which typified The Sun and Transcript soon was imitated by other newspapers.

While Bennett was establishing his new Herald, Helen Jewett, a prostitute, was found murdered and a young clerk named Robinson was tried for the crime. The case was just what Bennett had been looking for. Said MacDougall:

The Herald lifted the Robinson-Jewett case from its place in the routine police report of the day to become the first criminal case of its kind to receive the exaggerated journalistic treatment with which modern newspaper readers are familiar.¹¹

Bennett himself did some detective work on the case and printed little else in the Herald but trial news. Other penny papers followed the Herald's sordid details. It was a great field day for the penny press. After studying the case, Alfred Lee wrote:

The exploitation of this crime and trial by the first penny papers, not only in New York but in Boston and Philadelphia, marked the culmination of their effort to attract readers by a degree of sensationalism hitherto unknown in American journalism.¹²

¹¹MacDougall, Newsroom Problems and Policies, p. 437.

¹²Lee, The Daily Newspaper in America, p. 610.

In reviewing the great era of the penny newspapers, Mott commented:

What these papers did, primarily, was to make newspaper readers of a whole economic class which the six-cent dailies had scarcely touched. They enlarged America's newspaper-reading public tremendously. But newspapers for the uneducated (the average American of the time had only one year of education) draymen and porters must necessarily be different from those prepared for the rich merchants. They had to be more direct and more sensational. They required the spice of wit, or the cayenne of a rather brutal human comedy. The penny press revolution was itself attended with great abuses. Bad taste, coarseness which sometimes became indecency, over-emphasis on crime and sex, and disreputable advertising were outstanding sins of these papers.¹³

A magazine writer of the mid-nineteenth century wrote: "The penny press answers the purpose of a pepperbox for diseased or slow stomachs, but it affords very little food for a healthy organization."¹⁴

Impressed with the success of the penny papers, but somewhat appalled by their actions, Horace Greeley started the New York Tribune on April 10, 1841. The Tribune was designed to appeal to those who desired a cheap but moral newspaper. Shortly after it appeared, the Tribune published a condemning editorial in which it said that "the damning

¹³Mott, American Journalism, p. 241.

¹⁴Ibid., p. 242.

guilt of making murders"¹⁵ rested upon the souls of the editors of papers which published the loathsome details of murder trials. Although it sometimes dropped to the level of the cheap newspapers, The Tribune was published on a generally higher ethical plane than its rivals and lived up to its nickname "The Great Moral Organ."

After the furor created in the penny paper era, sensationalism developed slowly during much of the remainder of the nineteenth century, almost as if it were building up for the infamous era of yellow journalism that was to follow.

The newspapers continued to develop the reporting of murder trials. The 1869 murder of A.D. Richardson in the office of the New York Tribune by Daniel McFarland was the biggest trial story of the era for the sensational newspapers. The story was played up by the marriage of Mrs. McFarland and Richardson just before the latter's death, the ceremony being performed by Henry Ward Beecher in the hospital. An important aspect of the trial coverage was that the Tribune played the signed story of Mrs. Abbie McFarland Richardson on the front page, the first time a relative of a

¹⁵Editorial in the New York Herald Tribune, April 17, 1841.

participant had covered a trial. It set a precedent that was to become part of the standard pattern for reporting murder trials.

Following the Richardson murder, the newspapers devoted themselves to reporting the Civil War. Reviewing the era following, Alfred Lee wrote:

With the disappearance of the battles of the Civil War and blunders afterwards as dependable sources for paper-selling news, journalists again turned to murders, divorces, and other crimes and scandals.¹⁶

Sensationalism reached its height in the era of yellow journalism, which covered the last ten years of the nineteenth century and the first ten years of the twentieth century.

The preview to the era of yellow journalism was conducted by Joseph Pulitzer and his New York World, beginning about 1883. Pulitzer exploited crime and scandal and allied them to a crusading spirit. He gave two reasons for sensationalism: (1) that people must know about crime and wickedness and disasters in the world if they are to combat them; and (2) "because I want to talk to a nation, not to a select committee."¹⁷

¹⁶Lee, The Daily Newspaper in America, p. 625.

¹⁷Mott, American Journalism, p. 441.

J. Edward Gerald commented about Pulitzer:

The success of Joseph Pulitzer encouraged imitators who saw only the World's sensational material, not its effort at a balanced presentation of news and opinion. These imitators used extreme display of news of scandal, crime, and violence, and won circulation in New York despite the popularity of the World, Herald, and Sun. Proprietors throughout the country sought quick increases in circulation.¹⁸

William Randolph Hearst studied Pulitzer's efforts in New York. Shortly after his father had purchased the San Francisco Examiner, Hearst was given control of it and made it a spectacular success. Certain that he had mastered the formula for the successful sensational newspaper, Hearst was eager to try it out in the great forum of American journalism, New York City. His father died in 1891, leaving Hearst nearly \$7,500,000 worth of mining stock which he sold. On November 7, 1895, Hearst purchased the New York Morning Journal, and the era of yellow journalism was about to begin.

Hearst poured money into the Journal. Circulation rose as he used copious illustrations, emphasized crime, disasters, and scandals in the news, and generally imitated Pulitzer's World. Noted a historian:

Hearst came generally to reject all news stories

¹⁸J. Edward Gerald, The Social Responsibility of the Press (Minneapolis: The University of Minnesota Press, 1963), p. 23.

which did not contain that thrill of sensationalism loved by the man on the street and the woman in the kitchen, no paper ever published fewer news items to the issue. He trained his men to look for the one sensational, picturesque fact in every occurrence which came to the desk, and to twist that fact to the fore. "What we're after," said Arthur McEwen, "is the 'gee-whiz' emotion." A story to be available for his purposes must have romance, sympathy, hate, gain, in the first sentence, the first line, the first paragraph.¹⁹

A movement to ban both the Journal and the World was attempted in 1896 by reformers who foresaw the exploitation of crime and sex as a public menace. Mott observed, however, that although the sensationalism of these papers shocked the moralists of the eighties, it would probably not be very painful to the ordinary reader of twentieth-century newspapers.²⁰

It was in their Sunday editions that Pulitzer and Hearst made the most of sensationalism, and it was there that they had their most frenzied competition.

Hearst, supported by a huge bankroll, lured all of Pulitzer's top personnel to the Journal, the key man being Morrill Goddard. A college graduate with a flair for the spectacular and the razzle-dazzle, Goddard developed the

¹⁹Ford, Highlights in the History of the American Press, p. 272.

²⁰Mott, American Journalism, p. 442.

pattern for the sensational Sunday editions of the time. The formula included a few pages of news and editorial in the style of the standard daily; a "sob-sister" advice column to girls and lovers; the exploitation of prominent personages; doublepage spreads of exaggerated and sensationalized phases of science or pseudo-science, plus a similar play of crime material; pages of comment on the theater with emphasis on legs; and colored supplements of miscellany and comics.²¹

The distinguishing mark of the new Sunday journalism came to be the colored supplement. The favorite of the comics came to be Richard F. Outcault's "Yellow Kid," a page-wide drawing of caricatures of kids from the New York tenements. The dress of the central "kid" was made yellow; hence the Yellow Kid. The Yellow Kid was pictured in situations connected with current events in New York, and soon became, to critics of the press, the symbol of the new journalism. Ervin Wardman of the Press coined the phrase "yellow press" in referring to New York's sensational papers. Dana used the name in The Sun, and it eventually became an accepted term.

Finally, Hearst challenged Pulitzer to a circulation

²¹Ibid., p. 524.

war. The challenge came at the time of the Cuban insurrection which eventually led to the Spanish-American War. It often has been debated that the Journal and the World were largely responsible for starting the war. The passion for war was whipped up by news stories, headlines, pictures, and editorials in the yellow press.

At the start, the World's correspondents in Cuba were superior to those of the Journal, but Hearst's financial resources soon reversed the situation. In 1897, he bought a yacht, and sent Richard Harding Davis, a famous fiction writer, and Frederic Remington, a famous illustrator, to Cuba. Displeased with the assignment, Remington sent the first of two cablegrams which forever will be a blot on journalism. Remington's cable to Hearst read: "EVERYTHING IS QUIET. THERE IS NO TROUBLE HERE. THERE WILL BE NO WAR. WISH TO RETURN." Hearst cabled back: "PLEASE REMAIN. YOU FURNISH THE PICTURES AND I'LL FURNISH THE WAR."²²

Circulations for the Journal and the World surpassed the million mark with the news that the battleship Maine had been sunk. Appalled by this dark hour in American journalism, one editor wrote:

²²Mott, American Journalism, p. 529.

Nothing so disgraceful as the behavior of two of these newspapers (the Journal and the World) this week has been known in the history of American journalism. Gross misrepresentation of the facts, deliberate invention of tales calculated to excite the public, and wanton recklessness in the construction of headlines which even outdid these inventions, have combined to make the issues of the most widely circulated newspapers firebrands scattered broadcast throughout the country. . . . It is a crying shame that men should work such mischief simply in order to sell more papers.²³

Not all of the newspapers of the era joined with the Journal and the World in war-promoting activities. Several of the papers condemned the sensational jingoism of the yellow press and supported President McKinley's attempts to avoid intervention. A few weeks after the sinking of the Maine, a sarcastic editorial appeared in the New York Tribune. It stated:

Up to this point the war has been a glorious success, as will be seen by the billboard announcements of the increased circulation of the newspapers which have carried it on. If, as now seems probable, its ravages can be confined to Printing House Square, and Spain is "licked" right here with blood-red extras without resorting to shot and shell, it will be the greatest triumph ever achieved by the large type and liberty-loving press.²⁴

Circulation during the war weeks hit one-and-a-half million for the Journal and almost as much for the World.

²³Editorial in the New York Evening Post, February 18, 1898.

²⁴Editorial in the New York Tribune, March 9, 1898.

Shortly thereafter circulation began to drop. Pulitzer, perhaps because of loss of money, perhaps because he was tiring of the whole game, or perhaps because of a sudden realization of the ethical problems involved, dropped the war promotion and began to urge a quick end to the war. With this change of interest, the era of yellow journalism began to fade.

Although Pulitzer's World and Hearst's Journal were the most obvious examples of the yellow press, they were by no means the only ones. A study of the newspapers in the twenty-one major metropolitan areas in 1900 revealed that about one-third of them were distinctly yellow.²⁵ Cincinnati, St. Louis, and San Francisco were among the notable centers of the movement. Among members of the yellow press outside New York City were The Cincinnati Enquirer, The Boston Post, The Denver Post, The Philadelphia Inquirer, and Hearst's The Chicago American, The Chicago Examiner, and The Boston American. Baltimore, Kansas City, and Washington were among the few cities to be relatively unaffected by the movement.

²⁵Delos F. Wilcox, "The American Newspaper: A Study in Social Psychology," Annals of the American Academy of Social Science, 16:56, July, 1900.

Despite its blot on American journalism, the yellow press was not entirely unworthy. Mott observed:

Although the general effect of such an enumeration is of something grotesque and vicious, nevertheless there are here germs of newspaper techniques which are certainly defensible, and some which have since been developed into general and respectable procedures. In short, the yellow papers contributed something--notably banner headlines, free use of pictures, and the Sunday supplement--to modern journalism. But the more blatant and dishonest phases of yellow journalism, though perhaps never wholly absent from the American press, flourished spectacularly for little more than a decade.²⁶

After the era of yellow journalism faded, there followed, as has happened repeatedly throughout history, a period of relative calm: the prelude to the next great era of sensationalism--the jazz age.

The jazz age of journalism began shortly after the conclusion of the first world war and was checked only by the great depression. The Daily News in New York developed the tabloid format and heralded in the age. Abandoning the more conservative Tribune tradition, The Daily News tried crime-and-sex sensation and found it well adapted to both the pictorial treatment and the snappy style of tabloid newspapering.

²⁶Mott, American Journalism, p. 539.

The success of the sensational Daily News stirred Hearst to found, in 1924, his own tabloid, The Daily Mirror. Only months later, Bernarr Macfadden established The Daily Graphic and what was to become known as the war of gutter journalism was about to begin.

Macfadden engaged one of the most successful of the jazz age practitioners, Emile Gauvreau, as his editor. Together they developed the confession-story technique for news, using first person articles by participants in news events but in actuality written by reporters.

Arthur Clarke and later Frank Hause were hired to manage The Daily News. Hearst lured Philip Payne away from The Daily News staff to lead The Daily Mirror. By the end of 1924, the three tabloids were ready for a contest in sensational journalism. Observed Mott:

It was no accident that a series of juicy murders and scandals turned up in the ensuing years; such things are always happening, and whether they develop as big newspaper stories depends largely upon hunger for sensation and anxiety to "play" them on the part of any important section of the press. In this newspaper situation, the competitive tabloids watched keenly for the appearance of their malodorous materials.²⁷

One of the most sensational of all the cases covered

²⁷Ibid., p. 669.

by the tabloids of the era was the 1922 Hall-Mills murder case. Hardly had that case ended when the tabloids exploited the Snyder-Gray case. Both of these cases will be treated extensively later in the thesis.

Many other trials and scandals, the coverage of which sometimes bordered on indecency if not obscenity, received considerable "play" in the era during the war of the tabloids. One of the worst was the incident of "Daddy" Browning and his youthful "Peaches," in 1927. Edward W. Browning was a middle aged man known for his penchant for giving to very young girls the delights of a cinderella. Frances Heenan, "Peaches," was just too young, however, and she sued for divorce shortly after their marriage, disclosing to the public the wild bedroom antics "Daddy" had forced her into. The Daily Graphic gave the case such publicity that Macfadden and Gauvreau were brought into court by the Society for the Suppression of Vice. Even The Daily News was concerned and commented to the effect that if this sort of thing went much further readers would be "drenched in obscenity."²⁸

The treatment of the Browning affair by The Graphic helped usher in the worst phase of gutter journalism,

²⁸Ibid.

which, according to Oswald Garrison Villard, "was an insult to a good clean gutter."²⁹ Despite criticism, Gauvreau considered The Daily Graphic's treatment of the Browning affair to be a huge success, and dashed off to members of the news staff the following memo:

Our circulation has reached the point where it has torn the bowels out of one of our presses.

This trouble is being remedied.

In the meantime, I want to urge the copy desk to bend every effort to jazz up the headlines.

I want the reporters to bear in mind that from now on it is a waste of time to write a story which cannot stand up under a sensational headline.

Handle every item from the sensational angle.

If a story cannot give you an interesting, and sensational headline, it has no place in this paper from now on.

The sensational and the human interest; the play upon public curiosity will put the paper over quickly if we stick to it.

The important news to me is sensational news.³⁰

Soon the standard eight-column newspapers, which seemed ultra-conservative by comparison, began protesting against the excesses of tabloidism. The educational and

²⁹Mott, The News in America, p. 54.

³⁰Frank Mallen, Sauce For the Gander (White Plains, New York: Baldwin Books, 1954), p. 101.

religious agencies followed, conducted something of a holy war against the tabloids in general and The Daily Graphic, more commonly called "The Daily PornoGraphic," in particular.

Looking back on the era, Gauvreau, the mastermind behind The Daily Graphic, described jazz-age journalism as:

. . . an offshoot from the parent stem, and dedicated to the fullest extent to the primitive instincts of mankind. Its object was to attract attention at any cost, and the most intimate details of life, in a period noted for its excesses, appeared in the sensational press along with smashing displays of crime news, and an occasional crusade for better conditions in local government.³¹

Macfadden defended his position at the time by saying: "sensationalism is nothing more than a clear, definite, attractive presentation of the news and is perfectly proper as long as one adheres to the truth."³²

The depression, plus increased social pressure, finally brought about the end of the war of the tabloids and the jazz-age of journalism, and with it, the last extended reign of sensationalism. Henceforth, the press was to limit itself only to sensationalizing individual cases when they

³¹Emile Gauvreau, My Last Million Readers (New York: E.P. Dutton and Company, 1941), p. 112.

³²Editorial, Editor & Publisher, 62:20, August 31, 1929.

appeared and as they appeared.

The first great sensational story following the jazz age, in the eyes of the press, was the kidnapping and murder of the Charles Lindbergh baby in 1932, the hunt for the perpetrator of the crime, the arrest of Bruno Hauptmann in 1934, his trial, and his electrocution in 1936. It came at a time when the big panic over the depression had begun to clear and when newspapers were again scouting for the big story. The Lindbergh case also will be treated extensively later in this thesis.

Following the furor of the Lindbergh case, the American press turned to more responsible things. One significant trend of the period was that newspapers began to give considerably more space to foreign news than ever before.

Many of the practices that typified newspaper treatment during the great eras of sensationalism--that of the penny papers, yellow journalism, and the jazz age--have been adapted by the daily press so that their use is no longer questioned. Other practices are withheld and saved only for the potentially great sensational cases. In general, few charges of gross sensationalism in the press are heard. There are exceptions, however, and one of the most notable in recent years was the controversial Sheppard murder case.

In any case, as Percy Tannenbaum, who has done con-

siderable research in sensationalism, has noted: "Good, bad or something else again, sensationalism is a significant feature of the press."³³

II. WHEN IS IT SENSATIONAL

Since Benjamin Harris founded the first American newspaper in 1690, critics of the press have repeatedly attacked sensationalism. Unfortunately, few critics have defined precisely what constitutes sensationalism. Consequently, much of the problem concerning sensationalism has been semantical. In the literature of journalism, there exist few definitive explanations of sensationalism.

Albert Henning referred to sensationalism as "misrepresentation to stimulate paper sales."³⁴ He saw as its purpose an attempt to make the facts more interesting than they really were. He continued:

The same motive actuates the leather-lunged gentleman at the entrance to the side-show, the nicer gentleman who writes summer resort literature,

³³Mervin D. Lynch and Percy H. Tannenbaum, "Sensationalism, The Concept and Its Measurement," Journalism Quarterly, 37:382, Fall, 1960.

³⁴Albert F. Henning, Ethics and Practices in Journalism (New York: Ray Long and Richard Smith, Incorporated, 1932), p. 130.

and the still nicer gentleman who writes automobile advertisements. Ethically, it is equivalent to selling gold bricks. Sensationalism in some of its forms shades into what is known as "hokum" which is discussed under the head of faking.³⁵

Carl Lindstrom felt that the reader links sensationalism with overemphasis. He added: "I sometimes think we lightly run our fingers over the surface of events just for the feel of them, for the sensation, if you will."³⁶

Mott defined sensationalism broadly as subject matter and treatment which excites the emotions of the reader. It is more commonly used, in relation to the news, he explained, to suggest stories which stimulate unwholesome emotional responses in the average reader. Mott used the term sensationalism to refer to the detailed newspaper accounts of crimes, disasters, sex scandals, and monstrosities.³⁷

W.I. Thomas wrote of sensationalism:

It distorts incidents and situations so that they will correspond to the most crude and brutal conditions of consciousness and desire. It perverts facts and manufactures stories purporting to be true, for the sake of producing an emotional shock greater

³⁵Ibid., p. 131.

³⁶Carl Lindstrom, "Sensationalism in the News," Journalism Quarterly, 33:14, Winter, 1956.

³⁷Mott, American Journalism, p. 442.

than would follow on the presentation of the exact truth.³⁸

Edwin Emery described sensationalism simply as "the emphasis on emotion for its own sake."³⁹

Sensationalism was described by W.A. Danielson this way:

It provides thrills. It is fascinating in a morbid way. It is shocking to our moral or aesthetic sensibilities. It creates suspense. It arouses "unwholesome emotional responses." It appeals to a man's insatiate appetite to hear of horror, crimes, disasters, sex scandals, etc.⁴⁰

Danielson continued his discussion:

Essentially, sensationalism means that the stories in a publication are underdistanced; that is, they supply more sensations and emotional reactions than we desire individually or than society has deemed proper for us to desire. It . . . has to do with the psychological distance we wish to keep between ourselves and our perceptions of events in the world.⁴¹

Still another attempt defined sensationalism as "news

³⁸W.I. Thomas, "Moral Meance of Yellow Journalism," Current Literature, 44:415, April, 1908.

³⁹Edwin Emery, The Press and America (Englewood Cliffs, New Jersey: Prentice-Hall Incorporated, 1962), p. 213.

⁴⁰W.A. Danielson, et al., "Sensationalism and the Life History of Magazines: A Preliminary Study," (Madison, Wisconsin: School of Journalism, The University of Wisconsin, 1958), p. 4. (mimeographed.)

⁴¹Ibid.

from which the reader gets a thrill out of the intense emotional experiences of other people."⁴²

Mott, in describing sensationalism more specifically, commented:

Exciting news is easy to read It is the essence of sensationalism that it always affords immediate reward to the reader, though it may also offer a further delayed reward if the news is of more or less permanent value to the individual. That is, sensational news often has its "hard side": it may be significantly important.

What the critics condemn and excoriate is not the merely interesting or mildly stirring news, but that which is calculated to be highly exciting, thrilling, and stimulating for most readers. In this sense, the more violent contests are generally sensational, whether in war, politics, sports, or social intercourse; so are disasters, horrors, most crime and sex incidents, and many human interest stories. In this discussion, we shall call this "high" or "violent" sensationalism. It is the over-emphasis on this high sensationalism in the news and the appeal to morbid interests which are more properly subject to severe criticism.

Fundamentally, the evil of sensational news is not that it is sensational but that its significance is too often obscured or distorted. The news of a murder, or a series of murders, may be of great importance from several points of view But if reporter and editor lose sight of such significant aspects of crime, and shovel in details of horror, sex, moronic emotionalism, and low vulgarity, then the appeal is made simply and baldly to morbid curiosity, and the result is clearly immoral.

⁴²Lynch and Tannenbaum, "Sensationalism: The Concept and Its Measurement," p. 388.

One of the chief sins of the sensation-monger on both the newspaper and the radio is the effort which he makes to "jazz up" his story, and to make an exciting report out of news that is not really exciting to begin with.⁴³

Neil MacNeil stated that sensationalism is easy to recognize. He wrote:

This kind of journalism is readily identifiable by its colossal headlines on sex scandals, its abundance and display of pictures of scantily dressed women, its featuring of trivial crime news and society gossip over the vital national and international news of the day and in general its irresponsible exaggeration of news facts.⁴⁴

Through the years, certain elements, or ingredients, have been molded into the American journalistic pattern of sensationalism. Commenting upon the Veronica Gideon murder in Manhattan, a critic described the case as having everything the sensational press could want:

The triple murder of a blonde model, her mother and a boarder. There was mystery, a fiend, liquor, love and laughter, rape . . . and perversion. About the only thing lacking was the scion of a socially prominent family.⁴⁵

Samuel Pennypacker described events of a sensationalized nature as:

⁴³Mott, News in America, p. 56.

⁴⁴Neil MacNeil, Without Fear or Favor (New York: Harcourt, Brace and Company, 1940), p. 399.

⁴⁵"Manhattan Mystery Gives Tabloids Roman Holiday," Newsweek, 9:31, April 10, 1937.

Crimes of a startling character, scandals, especially if they affect people in good repute, and sensations of all kinds Since that which is sensational loses its effect and fails as an attraction when often repeated, and since both the mind and the senses soon become accustomed to the same din, however loud it may be, there is a continual effort to find the strange, the abnormal, and the wicked.⁴⁶

Edward Cooper stated that a sensationalized news story "must, if possible, introduce some of the purely human emotions and incidents of everyday human life which assure you that the actors in it are fellow mortals."⁴⁷

MacDougall, in relating sensationalism to the human interest story, commented:

It is what gives the news the character of a story that will be read for its own sake, even when the reader is not concerned with it as news. It is in the human interest story that the distinction between the news story and the fiction story tends to disappear.⁴⁸

About the Hall-Mills murder case, Silas Bent wrote:

Here were all the elements which go to make a good story from the newspaper standpoint. There was mystery as to who had committed the murders; there was illicit love; there was a choir singer; there was

⁴⁶Samuel Pennypacker, "Sensational Journalism and the Remedy," North American, 190:589, November, 1909.

⁴⁷Edward Cooper, "Sensational Journalism," Living Age, 262:189, July, 1909.

⁴⁸MacDougall, Newsroom Problems and Policies, p. 439.

a fallen minister, whose wife was of a wealthy and socially conspicuous family.⁴⁹

Commenting on what makes a good newspaper story,

MacDougall wrote:

The criterion by which the newspaperman judges an item of news is not its importance but its potential interest. Precocious children, virile old men, acrobatic animals, lucky investors, romantic suitors, playboys, adventurers and the others who get front page attention and often streamer headlines may be crowded out of the history books by the kings, presidents, generals and inventors, but their vicissitudes are read and talked about by the millions who now buy newspapers⁵⁰

Part of the semantical problem about sensationalism has been the result of the indiscriminate use of the terms "yellow journalism" and "sensationalism." The distinction between yellow journalism and sensationalism was one of treatment; essentially, the former was an excessive, or "sensationalized," form of the latter. Yellow journalism was based upon the familiar aspects of sensationalism; crime news, scandals, gossip, divorces and sex, and emphasis on the reporting of disasters. The yellow press took the standard ingredients of sensationalism but developed characteristic treatment that exceeded that of the previous sen-

⁴⁹Silas Bent, "Watchmen, Tell Us of the Press! Hall-Mills Case," Independent, 117:548, November 13, 1926.

⁵⁰MacDougall, op. cit., p. 440.

sational" papers. Mott considered the distinguishing techniques of yellow journalism to be:

1. Scare-headlines, in which excessively large type, printed in either black or red, scream excitement, often about comparatively unimportant news, thus giving a shrill falsity to the entire make-up;
2. The lavish use of pictures, many of them without significance, inviting the abuses of picture-stealing and "faked" pictures;
3. Impostures and frauds of various kinds, such as "faked" interviews and stories, misleading headlines, pseudo-science, and parade of false learning;
4. The Sunday Supplement, with colored comics and superficial articles;
5. More or less ostentatious sympathy with the underdog, with campaigns against abuses suffered by the common people.⁵¹

Mott added:

The lowest and yellowest journalism is that which accepts newspaper work as a game in which a set of obvious "elements of interest" are the counters, and sees no significances in news beyond those immediate emotional appeals. A money-sex story is always a "good" story to the ill-trained and short-sighted reporter who works in such a tradition, especially if there is also an element of unusualness and perhaps some suspense.⁵²

C.D. Clark saw the rise of yellow journalism as being somewhat parallel to the beginning of the penny papers. He wrote:

⁵¹Mott, American Journalism, p. 539.

⁵²Mott, The News in America, p. 29.

Yellow journalism was a phenomenon brought about by the new and peculiar social situation created by the modern city. The character of news . . . and the evolution of the concept of news have been closely tied up with the development of urban modes of existence, for it is the city which has forced the substitution of secondary for primary forms of association The yellow journalists vied with the hosts of commercialized recreation in the effort to supply the much craved substitutes for activities interesting in their own right and warm in human feelings The inhabitants of the fashionable districts were made to feel their flesh creep at the accounts of vice and crime in the slums, while the denizens of their tenements were regaled with the scandals of the idle rich, or the romance and glamour of life in "high" society.⁵³

Emery commented on that phase of American journal-

ism:

Yellow journalism, at its worst, was the new journalism without a soul. True, the yellow journalists trumpeted their concern for "the people" and championed the rights of the common man; but at the same time they choked up the news channels upon which the common man depended, with a callous disregard for journalistic ethics and responsibility. Theirs was a shrieking, gaudy, sensation-loving, devil-may-care kind of journalism which lured the reader by any possible means. It made the high drama of life a cheap melodrama, and it twisted the facts of each day into whatever form seemed best suited to produce sales for the howling newsboy. Worst of all, instead of giving its readers effective leadership, it offered a palliative of sin, sex and violence.⁵⁴

One of the most striking of the recent criticisms

⁵³C.D. Clark, "News: A Sociological Study" (unpublished doctoral dissertation, The University of Chicago, Chicago, 1931), p. 307.

⁵⁴Emery, The Press and America, p. 415.

was made in 1947 by the Hutchins Commission on Freedom of the Press. The Hutchins' Report noted:

The press is so preoccupied with the reporting of sensational events . . . that the citizen is not supplied the information and discussion he needs to discharge his responsibilities to the community.

To attract the maximum audience, the press emphasizes the exceptional rather than the representative, the sensational rather than the significant.

The effort to attract the maximum audience means that each news account must be written to catch headlines. The result is not a continued story of the life of a people, but a series of vignettes, made to seem more significant than they really are. The sum of such discontinuous parts does not equal the whole, because the parts have not been represented in their actual size and color in relation to the whole.⁵⁵

Another major criticism, dealing specifically with sensational accounts of crime and murder trials, was made shortly after the Hauptmann trial in 1936 by Associate Justice Robert H. Jackson of the United States Supreme Court. He wrote:

The custom of injecting evidence and opinions upon the trial by publicity proceeds to such a point that verdicts in highly publicized American cases will no more really represent the jurors' dispassionate personal judgment on the legal evidence than do those of the "Peoples Courts" we criticize abroad.⁵⁶

⁵⁵Robert M. Hutchins, A Free and Responsible Press, The Commission on Freedom of the Press (Chicago: The University of Chicago Press, 1947), p. 55.

⁵⁶Dorothy D. Bromley, "Free Press vs. Free Trial," Harper, 202:91, March, 1951.

Judge Rifkind of the Southern District of New York

added:

The process of erosion begins long before the trial By the time the jury panel is called to the courthouse its members have been living in a climate surcharged with emotion either favorable or unfavorable to one of the litigants.⁵⁷

Mott, on the same subject, commented:

Pandering to depraved curiosity about details of crime, and especially of the more loathsome crimes, is an offense against both public morals and public taste.

One of the chief sins of the sensation-monger on both the newspaper and the radio is the effort which he makes to "jazz up" his story, and to make an exciting report out of news that is not really exciting to begin with.⁵⁸

Sydney Brooks wrote about sensationalism:

But perhaps its greatest offense is its policy of perverting the truth in the interest of a mere tawdry sensationalism, of encouraging the American people to look for a thrill in every paragraph of news, of feeding them on a diet of scrappy balderdash.⁵⁹

Although sensationalism in the press has continuously been attacked by critics, it has not been a one-sided battle. There have been many defenders of sensationalism.

⁵⁷Ibid.

⁵⁸Mott, The News in America, p. 54.

⁵⁹Sydney Brooks, "American Yellow Press," Living Age, 272:71, January 13, 1912.

In defense of the emphasis he gave in The Sun to scandals and crime, Charles Dana wrote: "I have always felt that whatever the Divine Providence permitted to occur I was not too proud to report."⁶⁰ Years before Parton had stated: "The skilled and faithful journalist, recording with exactness and power the thing that has come to pass, is providence addressing men."⁶¹

Joseph Pulitzer, who frequently came in for criticism for his leadership of The World, was quoted as saying about sensationalism:

A newspaper should be scrupulously accurate, it should be clean, it should avoid everything salacious or suggestive, everything that could offend good taste or lower the moral tone of its readers; but within these limits it is the duty of a newspaper to print the news. When I speak of good taste, of good moral tone, I do not mean the kind of good taste which is offended by every reference to the unpleasant things of life, I do not mean the kind of morality which refuses to recognize the existence of immorality.

Some people try and make you believe that a newspaper should not devote its space to long and dramatic accounts of murders, railroad wrecks, fires, lynchings, political corruption, embezzlements, frauds, graft, divorces, what you will. I tell you they are wrong We are a democracy, and there is only one way to get a democracy on its feet in the matter

⁶⁰Mott, American Journalism, p. 386.

⁶¹Ibid., p. 378.

of its individual, its social, its municipal, its State, its National conduct, and that is by keeping the public informed about what is going on. There is not a crime, there is not a dodge, there is not a trick, there is not a swindle, there is not a vice which does not live by secrecy. Get these things out in the open, describe them, attack them, ridicule them in the press, and sooner or later public opinion will sweep them away.⁶²

Dana and Pulitzer were among the strongest supporters of the theory that the newspaper should mirror society, reflect the bad as well as the good at all times. There were many who felt as Dana and Pulitzer did, but there was an even greater number of journalists and critics who felt that the readers determined the news and its play. Those persons argued that newspapers sensationalized the news only because the readers wanted it that way. The critics countered with the argument that the newspapers, through their sensationalism, created this desire for sensationalism among the readers. On the general subject, Mott commented that "it would be a terpid and spiritless reader indeed--a cold fish, a vegetable--who would pass by everything sensational in his newspaper."⁶³

Commented MacNeil:

There are occasionally crime stories that arouse

⁶²Frank L. Mott and Ralph D. Casey, Interpretations of Journalism (New York: F.S. Crofts and Company, 1937), p. 462.

⁶³Mott, News in America, p. 442.

so much public interest that every newspaper will print every fact about them that it can gather. On these stories editors have to cater to an insensate public demand. They have to meet savage competition. If they do not give all the details their readers will turn to newspapers that will. When such news is in the making circulations go up for the reason that thousands of readers buy two or more newspapers in their avid search for gruesome details.⁶⁴

Mott wrote:

Any discussion of news must begin with an inquiry into the phenomenon of news-hunger. What we get from any and all of our news media is a fairly direct response to the demand of the people, as it is understood by the managers of those media. Fundamentally, and in the long run, it is the people who make the news what it is. Their news-hungers must be satisfied.⁶⁵

In answer to the charge that newspapers sensationalize events, particularly crime news, to sell more newspapers, a press defender commented:

People buy newspapers containing stories of crime because crimes are rooted in fundamental instincts. In the Snyder-Gray case there was the sex urge; in all murder trials there is the element of self-preservation; in many, the desire for property; in most, the desire for recognition by one's fellows. Sex--self-preservation--the desire for recognition--the desire to possess--these are among the primitive things of life. They're common to everyone. They're understandable.⁶⁶

⁶⁴MacNeil, Without Fear or Favor, p. 340.

⁶⁵Mott, op. cit., p. 8.

⁶⁶Mott, Interpretations of Journalism, p. 490.

About this phase of sensationalism, MacNeil wrote:

It makes its appeal to the less discriminating and less informed readers. Yet it wins a large measure of political support; and this patronage, such as it is, brings large circulations, a great volume of advertising, and substantial profits to its catchpenny publishers and their subservient editors. Sensational journalism is unfortunate in a democracy that is based on a well-informed electorate. It is one of the penalties we pay for freedom of the press.⁶⁷

Concerning this problem, Charles Merz noted:

With supreme fidelity to a single all-absorbing topic of discussion, millions of Americans in factories, on farms, in kitchens, barnyards, file rooms, filling stations, hay fields, dance halls, vestry-rooms, Turkish baths, and ferris wheels debate the merits of the latest trial. New records fall. The great American public is off on another national spree, enjoying once more a vicarious thrill in other people's vices and reveling in strange crimes. This is our Roman Circus.

Why shouldn't the press make use of the most sensational and thrilling material in the whole scope of journalism--when it is there for the asking, when the public wants it, when it is part of life, when without it the news utterly lacks proportion and when it gives life color (and sells papers)?⁶⁸

Before concluding the chapter, it was necessary to discuss the distinction between sensational news and news which is sensational. Commented MacDougall:

⁶⁷MacNeil, op. cit., p. 399.

⁶⁸Charles Merz, "Bigger and Better Murders," Harper, 155:342, August, 1927.

The making of a newspaper story appear more important than it really is is called "sensationalism," and is frowned upon as bad practice by conscientious journalists everywhere. The printing of legitimate news that is sensational within itself is not only unobjectionable but is the aim of every journalist everywhere. "Sensational" is one thing and "sensational news" is another.⁶⁹

Mott made the same distinction when he wrote: "To 'write it straight' is to be honest; to sensationalize a set of facts is not only a cheating kind of hocus-pocus, but an outrage upon journalism and upon society."⁷⁰ In reviewing the problem of sensationalism, MacNeil decided: "When the news itself is sensational, editors cannot be blamed for treating it sensationally."⁷¹

⁶⁹MacDougall, Newsroom Problems and Policies, p. 438.

⁷⁰Mott, The News in America, p. 56.

⁷¹MacNeil, op. cit., p. 341.

CHAPTER III

SENSATIONALISM IN PRACTICE

Charges of sensationalism in the press have been leveled most often and most vigorously in connection with murder cases. Murder cases contain most often, and in largest number, the ingredients which are ideal for the purposes of sensationalism. This chapter will be devoted to a study of three murder cases which have come to be regarded as classic examples of newspaper sensationalism. The cases studied were the Hall-Mills murder, the Snyder-Gray murder, and the Lindbergh-Hauptmann murder-kidnapping.

I. THE HALL-MILLS CASE

On an early September Saturday morning in 1922, the Rev. Edward W. Hall was discovered dead under a crabapple tree along an abandoned road known to local lovers as DeRussey's Lane. He had been missing from the Protestant Episcopal Church of St. John the Evangelist rectory in New Brunswick, New Jersey, for two days.

Beside the clergyman was the body of Eleanor R. Mills, who had been a choir singer in Hall's church and the wife of his sexton. Like Hall, she too had been shot, presumably at the same time and by the same hand, and for good measure her throat had been cut. Scattered on the

ground around the bodies were letters from her to him which made it clear that the minister and the choir singer had been engaged in a love affair.

The Hall-Mills murderer was never found. Alexander Woollcott suggested that the main reason was the expense of the investigation. He wrote: "The Hall-Mills murderer would probably have long since paid the penalty if the bodies had been found under a bush in Central Park instead of under a tree in DeRussey's Lane."¹

The lack of a concentrated investigation by the local authorities encouraged the presence of dozens of amateur sleuths. The newspapers kept the story alive for some time, hoping that someone might eventually be indicted for the murder. The reporters assumed that the death blows were struck by someone from the Mills or Hall household, and since the Halls were people of social consequence, and since suspicion directed in their direction would make a better story, the newspapers kept a hopeful eye on the latter. The sleuths, however, failed to turn up any murderer. The case might have ended then, but for Philip Payne.

At the time of the murder, Payne had been managing

¹Alexander Woollcott, Long, Long Ago (Garden City, New York: Garden City Publishing Company, Incorporated, 1945), p. 115.

editor of The Daily News in New York. Shortly thereafter he was fired by The Daily News, then moved into the same position on Hearst's tabloid, The Daily Mirror. Seeking revenge, Payne became obsessed with the notion that the less-successful Daily Mirror should surpass its rival, The Daily News, in circulation. Hunting for a story which would give The Daily Mirror's circulation a headstart in the impending war of the tabloids, Payne settled on the Hall-Mills case.

By this time, 1925, the case was more than three years old. Payne restudied the case and came to the conclusion that it contained all of the elements which would make it a good story. There was mystery as to who had committed the murders; there was illicit love; there was a choir singer; there was a fallen minister, whose wife was of a wealthy and socially conspicuous family. For Payne, the murder became a journalistic cause celebre.²

"The tabloid picture paper," wrote Silas Bent, "is like time and tide in that it waits for no man. Philip Payne did not wait for Jersey justice to get busy. He got busy on his own account."³ The investigation masterminded

²Silas Bent, "Watchmen, Tell Us of the Press! Hall-Mills Case," Independent, 117:548, November 13, 1926.

³Ibid.

by Payne eventually included the employment of private detectives, the posing of reporters as representatives of the defendants, and the secret inspection of grand jury minutes.

By April, 1926, Payne's investigation had reached the stage where the story could have been sprung. Since Payne was certain that The Daily Mirror had the story to itself, it was decided to wait and release the story July 1. The story would then tend to counteract the usual summer circulation slump. Just as the story was ready to be released, a subway strike was declared, usurping the right of way on page one. It was not until July 17 that the story was finally uncovered. On that day, the front page of The Daily Mirror carried a large drawing of the murder scene on DeRussey's Lane. Above the drawing, in type an inch-and-a-half high, was the headline, "Hall-Mills Murder Mystery Bared."

Claiming that the wealthy and fashionable connections of the clergyman had interfered with justice in the earlier investigation, Payne succeeded in having Mrs. Hall indicted, and, then, having her arrested at midnight so that The Daily Mirror would have an advantage on the story.

Mrs. Hall, the former Frances Stevens, had been a spinster of some wealth in the minister's congregation when she married him. Indicted with Mrs. Hall were two brothers

and a cousin. The case against them was built almost entirely on the testimony of an elderly woman named Jane Gibson. Woollcott said about the state's main witness:

Such nuts volunteer as witnesses in all sensational cases and, if necessary, will even confess to the crimes. The reporters, who had happily named her The Pig Woman, were catnip to Mrs. Gibson and, in no time, she was not only insisting that she had heard the fatal shots, but that, oddly riding by on her mule in the midnight darkness, she had seen all these defendants on the spot since they either held up flashlights for the purpose or obligingly crouched in the headlights of a car as she passed by.⁴

The Pig Woman's testimony was dramatically presented. Supposedly about to die, she was transported into the courtroom on a stretcher to give her testimony. She was to live another three years.

Partly because The Pig Woman went so far in her testimony as to appear ludicrous, and, partly because it became obvious that the prosecution really had no case, the defendants were acquitted. "Although the prosecution's case had collapsed," wrote Frederick Lewis Allen, "the reputation of the Stevens family had been butchered to make a Roman Holiday of the first magnitude for newspaper readers."⁵ The defendants consequently sued The Daily Mirror for libel and col-

⁴Woollcott, op. cit., p. 116.

⁵Frederick L. Allen, Only Yesterday (New York: Harper and Brothers Company, 1931), p. 242.

lected \$50,000 in a settlement out of court.

The story of the trial was front-page news for most of the nation's press. Commented one observer:

If it is not the Crime of the Century, it is certainly the Crime of the Half-Decade; and the press has made it so. Not only did journals yellow and journals white wallow in it when it first broke, until suffocated readers might well have protested against this yellow peril, this white terror; not only did a single paper, half-size at that, reach into New Jersey from across a river and like an infant Hercules reopen Pandora's box so that Anteus might rise again; not only has the case been tried in the newspapers even more casually than in Somerville, no mean achievement; but a whole row of records has toppled like dominoes, as journalism, the sentinel of the palladium, has got seriously down to that business of telling the world from day to day that nothing important has developed.⁶

Charles Merz wrote:

Today if a really first-class murder does not come along after a decent interval of time, some second-class murder is taken by the hand, led to the center of the stage and advertised so successfully with all the modern art of ballyhoo that, claiming to be a first-class murder, it actually becomes one.⁷

With the beginning of the trial, the small New Jersey town of Somerville was virtually taken over by newsmen.

Eight daily newspapers leased houses for the use of their

⁶Bruce Bliven, "Hall-Press-Mills Case," New Republic, 49:39, December 1, 1926.

⁷Charles Merz, "Bigger and Better Murders," Harper, 155:345, August, 1927.

staff members covering the trial. The New York Daily News had sixteen men on the job, The Daily Mirror thirteen.

The most interesting thing about the flood of reporters was not so much that they were there, but who was there. "A noteworthy aspect of this trial," wrote Bent, "is the variety of 'trained seals' who are helping to report it."⁸ Indeed, there were a lot of trained seals at the trail. Dorothy Dix, consoler of the lovelorn and one of the original "sob-sisters," represented the Cyrus Curtis papers. The Hearst newspapers had a full complement of specialists which included Rita Weiman, a playwright; Louella Parsons, a movie reviewer; Damon Runyon, a sports writer; and, for awhile, former New York Police Commissioner Enright. Also producing by-lined articles were Mrs. Henry Stevens, wife of one of the defendants; the reverend fundamentalists Billy Sunday and John Roach Straton; and Mary Roberts Rinehart.

The courthouse was the main center of interest. In the basement of the courthouse were sixty leased wires, at the other end of which dangled sixty million people, on the third floor was an electric sending typewriter, which animated an unestimated number of similar machines in newspaper offices throughout the country.

⁸Silas Bent, "Hall-Mills Case in the Newspapers," Nation, 123:580, December 8, 1926.

The estimated two hundred reporters covering the trial turned out volumes of words, breaking all records in the history of journalism. Merz observed that "no other story since the discovery of printing was ever given such reporting."⁹

Estimates of the total amount of words sent from Somerville concerning the trial varied. Merz estimated that 130,175 words were telegraphed the first day, 200,000 the second, 350,000 the third and never thereafter any less. The peak day he estimated at 620,000 words. At the end of eleven days, Merz figured that five million words had been sent by wire. At the end of eighteen days the total was nine million. At the end of twenty-four days it was twelve million. Words enough, claimed the Associated Press, to fill ninety-six printed pages of solid reading matter.¹⁰ Bent computed the space given to news and pictures of the trial in what he felt were three representative newspapers: The Times, which advertised that its circulation was "among intelligent, thinking, substantial persons, a quality of reader not equalled by any other newspaper"; Hearst's American; and New York's most widely-read tabloid, The Daily News. The three newspapers at that time had a combined,

⁹Merz, loc. cit.

¹⁰Ibid.

non-overlapping circulation of more than a million and three-quarters. He tabulated the space given the trial by the three for a total of twenty days. He found that the Times devoted 4,893 column inches to news and $290\frac{1}{2}$ column inches to pictures; a total of about 338,000 words. The American was close behind with $4,656\frac{1}{2}$ column inches of news, 1,903 column inches of pictures and a total of 232,000 words. The Daily News printed $2,991\frac{1}{2}$ column inches of news, $2,138\frac{1}{2}$ column inches of pictures, or a total of 149,000 words.¹¹ The Times, Bent added, used agate type plentifully and squeezed in more words to the column inch. One day, the Times devoted eighteen columns, six of it in agate type, to the preliminary hearings; this was much more than any other newspaper. Bent concluded:

Tons of white paper have been covered with trivial details about clothes, with personalities of highly colored descriptions of deportment in the courtroom. The Times has already devoted to the trial more words than Theodore Dreiser needed for the development of his monumental novel, An American Tragedy. Enough words have been sent out of the Jersey village to fill nine volumes of the Encyclopedia Britannica.¹²

With this voluminous amount of material being sent out and displayed prominently in the newspapers, the American

¹¹Bent, "Hall-Mills Case in the Newspapers," p. 581.

¹²Ibid.

public became enamored with the trial. Thousands flocked to Somerville, bringing Bruce Bliven to comment: "The crowd which is in town has attracted a flock of bootleggers . . . and gambling games have been set up."¹³

The Graphic kept the trial spirit alive by offering a prize for the best letter of fifty words giving a solution to the crime. Another New York newspaper polled its readers as to the guilt or innocence of the defendants and beat the jury to a verdict by two days.

The sensationalized treatment of the case by the newspapers prompted considerable criticism. One critic commented: "It provides an opportunity to discuss a phase of American journalism which invites nothing but reproach."¹⁴ He added:

The press can learn from the Hall-Mills case that if it is to maintain or restore the function as a guide to public opinion it must see to it that it exercises its function with a sense of responsibility not solely to be measured by circulation returns.¹⁵

Edmund Pearson wrote about The Daily Mirror's role:

Another New York newspaper has taken a most sinister part in the case and probably wrought more to the public damage than did the unknown murderer of

¹³Bent, "Hall-Press-Mills Case," p. 39.

¹⁴"Hall-Mills Case," Outlook, 144:488, December 15, 1926.

¹⁵Ibid., p. 489.

DeRussey's Lane.

The attitude of the press towards the case, and especially of those papers which seek a "good story" above all else, forms one of the interesting features which made me want to witness a few hours of the trial. Another is the state of mind--or emotions--of that large section of the public which is far hungrier for a "good story" about a crime than for the facts. Those facts sometimes fulfill the requirements for a good story; sometimes they are absolutely disappointing. In the latter instance romantic persons turn angrily from the facts or refuse to consider them at all. They then have recourse to the tabloids and other unscrupulous newspapers in which the reports bear only the most distant relation to the truth.

It has been the policy of the newspapers, which have been cheering on the prosecution, to represent the defendants as inordinately wealthy and unbelievably wicked.

I am certain that if I were thrown into jail tomorrow on the charge of an atrocious murder, and if even my most flattering photograph were published in the press, a great many people would discover instantly that I have "hard steely eyes;" that I look "remorseless"; and that my features are altogether those of a cruel and pitiless villain.¹⁶

Studying the trained seals who covered the trial,

Bliven noted:

They write what is in effect a serial mystery novel, using real names and places as tags for their quite fictitious characters. The public responds; it buys and reads. Thereupon the editors observe: "We gotta give the people what they want," and make their stories longer and stranger.¹⁷

¹⁶Edmund Pearson, "Five Hours in Court," Outlook, 144:492, December 15, 1926.

¹⁷Bent, "Hall-Press-Mills Case," p. 39.

The newspapers were quick to defend their positions regarding the coverage of the case. The New York Times, which frequently had used eight-column streamer headlines on the inside pages in its coverage of the case, carried an editorial which read: "It is to the public interest, and not merely because it is a celebrated case that there should be a full report in the newspapers of the trial of Mrs. Hall and her brothers."¹⁸ The American, which ran a streamer headline across the top of its first page every day whether or not there was any news, stated flatly: "If ever publicity was warranted, it is here. Human interest is instinctively keen over money, sex and religion."¹⁹

Most of the newspapers that had played up the story made some attempt at defending their positions. After their explanations had been heard, and The Daily Mirror sued for libel, the Hall-Mills case dropped out of the newspapers.

II. THE SNYDER-GRAY CASE

The Snyder-Gray murder case was as completely devoid of suspense and mystery as the Hall-Mills episode was shrouded with it. In the simplest of explanations, the murder of

¹⁸Bent, "Hall-Mills Case in the Newspapers," p. 581.

¹⁹Ibid.

Albert Snyder was an open and shut case.

Ruth Brown Snyder, apparently not satisfied with the life provided her by her husband, an art editor with a magazine called Motor Boating, secretly insured him for a large sum and then twice tried to collect the insurance by doing him in with gas.

When this failed, she called for the assistance of Judd Gray, a corset salesman with whom she had been carrying on an affair for nearly two years. Gray had never met Snyder until the night of the murder, January 12, 1928. He first tried to use a sash weight to smash in Snyder's head. Failing this, Gray chloroformed Snyder, smothered him with bedclothes, choked him by tying a wire around his neck and applying the sash weight, and finally succeeded in his mission.

Having made a mess of the murder itself, Mrs. Snyder and Gray proceeded to make an even greater mess of attempting to cover their tracks and avoid blame. Their precautions were so rudimentary and the leisure at their disposal so considerable that they were arrested the very next day, with neither having fabricated even the remotest alibi.

With the murder scarcely less than a month old, the two were placed on trial for murder.

Woollcott suggested that it is standard behavior for each culprit to blame the other in such cases of triangular love affair murders. True to tradition, the pair played their parts.²⁰ Gray's story in court was enough to hang Mrs. Snyder, while each look she cast toward him was like a sash weight driving him nearer conviction. With both Mrs. Snyder and Gray confessing the murder in great detail, the trial was swift. Two-and-a-half years after the murder, they lay side by side on slabs in the autopsy room off the Sing Sing death chamber.

The Snyder-Gray case held the country spellbound, not because Mrs. Snyder was extraordinary, but because she was not. Said Woollcott:

Indeed, she was so like the woman across the street that many an American husband was soon haunted by an unconfessed realization that she also bore an embarrassing resemblance to the woman across the breakfast table.²¹

Bent noted the same thing:

The Snyder-Gray case was a great story because it was a great tragic drama It captivated the metropolitan reader with unparalleled strength, principally because every man saw a picture of himself in

²⁰Woollcott, Long, Long Ago, p. 212.

²¹Ibid.

Henry Judd Gray and every woman a picture of herself in Ruth Brown Snyder.²²

Allen added:

In this case there was no mystery, nor was the victim highly placed; the only excuses for putting the Snyder-Gray trial on the front page were that it involved a sex triangle and that the Snyders were ordinary people with whom the ordinary reader could easily identify himself.²³

Woollcott described Ruth Snyder as a remarkable woman. Endowed with a one-track mind, once she had uncovered the idea that her husband might be worth more to her dead than alive, his days were numbered. She never conceived that anything could go wrong and certainly did not consider what the consequences would be. To the very end, she felt mistreated.²⁴ In attempting to describe Mrs. Snyder's attitude, Woollcott commented:

At the time of her execution, she was busily engaged in suing the insurance company for the \$96,000 which had remained heartlessly unpaid on the sad death of her husband, and her general sense of being put upon by an unjust world enabled her to select for her last words a singularly inappropriate quotation: "Father, forgive them," she said, as Sing Sing's death house guards adjusted the electrodes, "for they know not what they do."²⁵

²²Silas Bent, "Scarlet Journalism," Scribner's Monthly, 84:563, November, 1928.

²³Allen, Only Yesterday, p. 242.

²⁴Woollcott, op. cit., p. 123.

²⁵Ibid.

With the defendants openly attacking each other and admitting all the details in the process, the presence of the close association between the murderers and the man and woman next door, and the remarkable personality of Mrs. Snyder combined to set the newspapers off on another Roman Holiday, which some observers considered a more sordid affair than the Hall-Mills case.²⁶

At the trial, one-hundred-twenty reporters were seated at four rows of especially installed tables. A microphone on the witness stand amplified the testimonies.

Describing the trial atmosphere, Allen wrote:

So great was the demand for vicarious horrors that once more the great Western Union switchboard was brought into action, an even more imposing galaxy of special writers interpreted the sordid drama (including David Wark Griffith, Peggy Joyce, and Will Durant, as well as Billy Sunday and Doctor Straton), and once more the American people tasted blood.²⁷

As was the case with the Hall-Mills trial, the newspapers turned out voluminous reports. The Times carried 30,000 words of testimony on two successive mornings.

The interest in the trial brought about "the employment of 'trained seals' by the score, in addition to assign-

²⁶Ibid.

²⁷Allen, op. cit., p. 243.

ing to the case more skilled reporters than has ever been sent to a session of the League of Nations,"²⁸ Bent pointed out. In addition to the special reporters already mentioned was the Rev. Aimee McPherson. Covering the trial for The New York Graphic from such a vantage point as South Carolina, Miss McPherson called on God to teach young men to say, "I want a wife like mother--not a Red Hot Cutie!"²⁹

Although the trial had been of major interest, the events after the trial made for even better newspaper coverage. When it came time for Mrs. Snyder's execution, The Daily Graphic, still under the direction of Gauvreau, invited:

Don't fail to read tomorrow's Graphic. An installment that thrills and stuns! A story that fairly pierces the heart and reveals Ruth Snyder's last thoughts on earth; that pulses the blood as it discloses her final letters. Think of it! A woman's final thoughts just before she is clutched in the deadly snare that sears and burns and FRIES AND KILLS! Her very last words! Exclusively in tomorrow's Graphic.³⁰

Ishbel Ross described the scene outside Sing Sing Prison the night of Mrs. Snyder's execution this way:

A huge crowd made shocking whoopee at the gates.

²⁸Bent, "Scarlet Journalism," p. 563.

²⁹Merz, "Bigger and Better Murders," p. 340.

³⁰Helen M. Hughes, News and the Human Interest Story, (Chicago: The University of Chicago Press, 1940), p. 235.

It might have been a carnival instead of an execution. There was a screaming mob of more than 2,000. There were cars with licenses from five different states. Boys in raccoon coats with bottles of gin in their pockets sat in parked roadsters. This was still the hip flask era. There were children and Boy Scouts. Vendors sold hot dogs and popcorn. It was like a Roman Holiday. The crowd waited for the lights to flicker, but the electric chair is on a separate current. The lights outside do not flicker when someone dies at Sing Sing. The most seasoned reporters were startled by the antics of this ghoulish crowd.³¹

Inside the prison, reporters were on hand to witness Mrs. Snyder's execution, the first woman to go to the chair.

About this aspect of the case John Chapman wrote:

New York and other newspapers sent their fanciest writers to cover this grisly event, and columns and columns of purple prose were turned out by famous by-liners. The Daily News had its own trained seals on the job, too; but it also had a photograph which told the story with stunning simplicity. There was Ruth Snyder, hooded, strapped in the wooden execution chair, and above the picture was a one-word headline, DEAD!³²

The photograph had not been easy to get. A Daily News photographer, posing as a reporter, had strapped a small camera to his ankle. When the right time came, he pointed the camera in what he hoped would be the right di-

³¹Ishbel Ross, Ladies of the Press (New York: Harper and Brothers Company, 1936), p. 198.

³²John Chapman, Tell It To Sweeney: The Informal History of the New York Daily News (Garden City, New York: Doubleday and Company, Incorporated, 1961), p. 99.

rection and tripped the shutter by means of a long cord running up his pant leg and into his pocket. The last news photograph of an electrocution, "the picture caused a national furor. To many it was a great journalistic feat; to many others . . . it was a reprehensible breach of civilized taste."³³

After a brief discussion about the ethical problems involved in taking the photograph, the Snyder-Gray case faded into history almost as fast as it had jumped into the spotlight. Only five years earlier, before the Hall-Mills and Snyder-Gray cases, Nelson Crawford had written, "Unquestionably, the tide of sensationalism has begun to recede. The demand for a saner ideal for the press is manifest among both newspapermen and readers."³⁴

III. THE LINDBERGH-HAUPTMANN CASE

If newspaper critics were shocked by the manner in which the Hall-Mills and Snyder-Gray cases had been spread across the nation's front-pages, they were appalled by the coverage given the kidnap-murder of Charles A. Lind-

³³Ibid.

³⁴Nelson A. Crawford, The Ethics of Journalism (New York: Alfred A. Knopf, 1924), p. 119.

bergh, Junior.

In the history of America, there have been a handful of events during which the populace put aside what it was doing and lent its heart to one individual. Americans did that when Lt. Col. John Glenn strapped himself into his spaceship, Friendship 7, and went orbiting around the earth. And thirty-five years earlier, in 1927, they did it when Charles A. Lindbergh piloted the Spirit of St. Louis across the ocean, the first man to do so solo.

From the May day in 1927 when the Spirit of St. Louis touched down at Le Bourget, France, "Lucky Lindy" became the hero of America, a national idol. Commented historian Allen:

Every record for mass excitement and mass enthusiasm in the age of ballyhoo was smashed during the next few weeks. Nothing seemed to matter, either to the newspapers or to the people who read them, but Lindbergh and his story.³⁵

With all the ballyhoo he received as the result of his triumph and because of his place in the hearts of the American people, it was not surprising that the kidnapping and murder of his son five years later put Lindbergh into the national spotlight again.

On the night of March 1, 1932, the hero's first-born

³⁵Allen, Only Yesterday, p. 245.

was kidnapped from his bedroom. The country was shocked.

Wrote Woollcott:

The emotion flooding the country the next day eventually fused all its disparate detective forces into concentrated action, and enlisted countless ardent amateurs. All over America volunteers yearned to help.³⁶

The kidnapper had reached the baby's bedroom window by means of a homemade ladder. The ladder evidently broke under the weight of the kidnapper as it was found, broken, on the ground. On the window sill was a note stating the intentions of the kidnapper to collect ransom.

Of the hundreds of persons who volunteered to act as intermediary between the kidnapper and Lindbergh, a John F. Condon was chosen by the kidnapper. Condon, who became one of the famous characters of the case under the nickname of "Jafsie," took fifty-thousand dollars cash as ransom money and met the kidnapper at the edge of a Bronx cemetery. The kidnapper gave Condon fictitious information as to where the baby could be found. The Lindbergh baby was already dead, lying in a grave in a thicket about five miles from the kidnap scene. The baby was found, by chance, two months later.

Two years later, in 1934, Bruno Richard Hauptmann was arrested for the kidnap-murder. Hauptmann, a German

³⁶Woollcott, Long, Long Ago, p. 117.

farm carpenter, had sneaked into the country in 1923. He had a consuming jealousy of Lindbergh, mostly because, as a boy, he had idolized Richthofen, the German wartime flying ace. The ambition of Hauptmann was, Woollcott suggested, "to strike at Lindbergh and to do it singlehanded, just as Lindbergh had flown the Atlantic singlehanded."³⁷

Hauptmann might never have been arrested but for his own carelessness. A ten dollar bill, one of the comparatively few gold notes which had not been called in when the country went off the gold standard in 1933, led to his arrest. A filling station attendant noticed the bill and notified police.

The ten dollar bill led to Hauptmann's arrest, but it was the handmade ladder which eventually led to his conviction. The trial made history in that, for the first time, advanced scientific methods contributed to the conviction. A forestry expert proved that, by means of plane marks, saw marks, wood grain, annual rings, knot holes and nail holes, a piece of wood could be a damning witness. Through this scientific approach, the state was able to prove that part of the ladder had been cut from the flooring in Hauptmann's attic.

³⁷Ibid., p. 113.

Hauptmann was tried in Flemington, New Jersey, for murder. To insure the death penalty, for which the country was crying, it was necessary for the state to prove that the baby was killed during the kidnapping act and not later. Although there was no evidence to prove it conclusively, the jury decided that the baby had been killed at the scene of the crime. The shadow of doubt on that decision aided in the continued publicity of the case.

On April 3, 1936, Hauptmann, having been found guilty, was executed. "Hauptmann's trial," noted Woolcott, "was the climax of the world's greatest manhunt and therefore the prevailing atmosphere was not inappropriately that of a sporting event."³⁸

In recalling the story, Gauvreau wrote:

The sensational press had covered the Hauptmann trial by storming the bench of Justice Thomas W. Grenschar, a tired gentleman bewildered by an insatiable journalism which danced in a circulation carnival about his robes. Drummed-up headlines had gorged a public which waited with impatience for the prisoner to be hurried to the gibbet. Even Brisbane believed the business had reached the limits of a Roman Holiday.³⁹

Concerning the case, a New Republic writer observed:

³⁸Ibid., p. 120.

³⁹Emile Gauvreau, My Last Million Readers (New York: E.P. Dutton and Company, 1941), p. 248.

The great God Demos was served by the press, which sent out nearly 12,000,000 words by telegraph, and assigned humorists to write and cartoonists to draw, "the funny side of the trial"; by the radio and the movies; by the defense counsel, who broadcast their opinions of the state's witnesses and predictions as to what they themselves would prove; by the jury, which, it is reported, is now considering a vaudeville engagement; by the vendors, who sold little wooden ladders outside the courtroom as, God save us all, "Souvenirs of the trial." Most of the evidence was highly technical and complicated; the chances are a thousand to one that the jury did not understand it, but acted on the general drift of the testimony as a whole, plus the usual intangible emotional grounds.

Amid all the uproar of ballyhoo, it was impossible to grasp the fact that a man was on trial for murder and that the state proposed to murder him in return; we doubt whether one in a thousand of those who followed the case, in person or vicariously, could hear above the clatter of the telegraph machines the awful voice of death.⁴⁰

Flemington's population boomed with the presence of seven hundred newspaper people, one hundred twenty-nine of them cameramen. Two hundred newspapers had their own correspondents on the scene. The Hearst newspapers had fifty representatives at the trial, including its star sports writer and its top Hollywood expert. Noted Gauvreau:

No trained journalistic seal in captivity had been kept away from the quaint courthouse at Flemington. Brisbane himself guided the hand-picked sob sisters of the Hearst Circus, calloused, be-

⁴⁰"Both Guilty, The Defendant and Society," New Republic, 82:62, February 27, 1935.

rouged creatures who wrote "How the criminal impresses a woman."⁴¹

Among those covering the trial were Kathleen Norris, Arthur B. Reeve, Alexander Woolcott, Damon Runyon, Arthur Brisbane, and Walter Winchell. Commented Margaret Marshall:

The greatest array of newspaper talent ever assembled to report one murder trial pours upwards of 300,000 words a day on the wires and into the world's papers At the bottom of page one of almost any newspaper in any city there runs a note: other news of the Lindbergh Case on pages 4,5,6,7,8,9,10, 14,15,16,17,18,19,20.⁴²

The sedate New York Times, the most high-hatted and frock-coated of journals at the time, led all newspapers in coverage of the case. Wrote Newman Levy: "Its rivals trailed along, more because of lack of space than lack of inclination. The tabloids and yellow sheets atoned for their column shortage by a display of blatancy unequalled in their lurid careers."⁴³

With the country focused on the trial, there was a mad scramble for exclusive stories, exclusive pictures, exclusive gossip, exclusive scandal. During the trial, it was estimated that the average circulation of the New York news

⁴¹Gauvreau, loc. cit.

⁴²Margaret Marshall, "Biggest Show on Earth," Nation, 140:93-4, January 23, 1935.

⁴³"Justice Goes Tabloid," American Mercury, 34:386, February 27, 1935.

papers increased by more than 30,000 each.⁴⁴

Once the jury had been given its charge and sent to its quarters to deliver a verdict, the New York newspapers hurriedly prepared for special street editions of the jury's decision. In an attempt to beat each other to the street and thus sell the most newspapers, most of the newspapers made up two separate front pages; one reporting Hauptmann's conviction, the other his acquittal. The newspapers had reporters stationed at the courthouse in Flemington with orders to call immediately when the verdict was announced. The various managing editors and news editors waited at their respective offices for the call from Flemington which would enable them to roll the presses. When the news came over the wire that the jury had returned to the courtroom, several managing editors played hunches instead of waiting for the official decision and set their presses rolling. The American hit the streets with a verdict that Hauptmann was acquitted. The Associated Press even sent out a false flash, committing one of the few great blunders in its long history of accuracy. Surprisingly, the first newspaper on the streets with the actual verdict, that Haupt-

⁴⁴Ibid., p. 390.

mann had been found guilty of first-degree murder, was The Daily Graphic. Gauvreau had resisted the urge to roll the presses even though The American was already on the streets, and he waited for Ray Doyle's phone call from Flemington.

Amid the din of the trial, the critics spoke up.

Said one:

The story of the kidnapping and its aftermath is an extremely dramatic one But it is also true that one by one every simple human response has been distended and distorted into monstrous shapes of unreality; day by day legitimate human curiosity has been whipped into a craving for even larger doses of the yellow drug dispensed by press and radio, culminating on the last day of the trial in a blood lust that brought a screaming mob to the white courthouse in Flemington But Mr. Wilentz (state's attorney) was only one of hundreds who hitched their personal sideshows to the weird circus at Flemington, until the legal proceeding itself became merely another, somewhat smaller, sideshow, and the central issue of a man's guilt or innocence, his life or death, became the pin point on which thousands of newspapermen, special writers, radio announcers, public officials, and mere citizens danced for a population which had been rendered insatiable.⁴⁵

A New York Herald Tribune editorial noted that "from the time the jury retired until it returned with the death sentence, the scene in the courtroom was a cross between a

⁴⁵"Weird Circus at Flemington Is Over," Nation, 140: 234, February 27, 1935.

carnival and a picnic basket."⁴⁶ An editorial in The San Francisco Chronicle stated, "The Hauptmann Trial was a circus and the final stages of the case generally degenerated into a cat-and-mouse exhibition that shocked the world."⁴⁷ It was noted:

Every word, every look, every action breathes curiosity, strong in its own right and kept at a fever pitch by that old master of ceremonies, the press, whose most famous trained animals are taking part in this performance, trying to steal the show from the principals and from one another in what must surely be the battle of the century.⁴⁸

Another critic said of Hauptmann: "His trial was conducted in such an atmosphere of brutalized sensationalism that it necessarily became a travesty upon the processes of law."⁴⁹

A Forum critic stated:

Surely the time will come when the American people will not allow murders to be tried in the newspapers in advance of the court proceedings. In that coming era of decency photographers and sob sisters alike will be excluded from the courtrooms.⁵⁰

⁴⁶"Justice Goes Tabloid," American Mercury, p. 388.

⁴⁷"Nightmarish End of Hauptmann," Literary Digest, 121:8, April 11, 1936.

⁴⁸"Biggest Show on Earth," Nation, p. 93.

⁴⁹"Hauptmann's Death Sentence," New Republic, 85:325, January 29, 1936.

⁵⁰"Hold, Enough!" Forum, 93:129, March, 1935.

Dorothy Bromley commented, "The exploitation of the Hauptmann trial by the sensational press and some radio stations alarmed the American Bar Association."⁵¹

Another critic, writing in American Mercury, noted:

Everyone knows that this was a newspaper-made case. We hear much smug talk of journalistic ethics; but it is well to remember that newspapers are primarily vendors of merchandise; that they are in business to sell newspapers. And so, when confronted with a news story that must have seemed like an editor's dream of Paradise, it is hardly surprising that all canons of ethics went overboard.

Whether the newspapers succumbed to a popular demand for sensationalism, or whether the public was the victim of newspaper commercialism cannot easily be determined.

It is not disputed of course, that this was intrinsically a great case. It had all the ingredients that a master of detective fiction would think of in his most inspired moments. The principal victim was surrounded by baffling mystery, shot through with cross currents of romance, intrigue and suicide; the detective work, implemented by the most advanced discoveries of modern science, surpassed in brilliancy the greatest achievements of Sherlock Holmes. And finally, that supreme element in all great mysteries, a lingering doubt that still persists in the minds of many as to the extent of the convicted defendant's actual complicity.⁵²

After reviewing the criticism of the newspapers concerning the case, The Buffalo Courier-Express expressed the

⁵¹Dorothy Bromley, "Free Press vs. Free Trial," Harper, 202:90, March, 1951.

⁵²"Justice Goes Tabloid," op. cit., p. 392.

hope that "never again will the bench, box, press, radio and public repeat the ghoulish mistakes of the Lindbergh Case."⁵³

And then came the Sheppard case.

⁵³"Nightmarish End of Hauptmann," Literary Digest,
loc. cit.

CHAPTER IV

THE SHEPPARD MURDER CASE

The most recent wholesale charges of newspaper sensationalism involved the 1954 murder of Marilyn Sheppard in Cleveland. Although newspapers in general were criticized, the most serious condemnations were leveled at The Cleveland Press. This chapter will be devoted to a study of the Sheppard murder case and the relation of The Cleveland Press to it.

I. THE MURDER OF MARILYN SHEPPARD

Sometime between four and six a.m. July 4, 1954, Marilyn Sheppard was brutally beaten to death in the bedroom of her Bay Village home overlooking the shore of Lake Erie near Cleveland. The subsequent manhunt for the murderer, the arrest of Marilyn's husband, osteopath Dr. Sam Sheppard, and the ensuing trial has been called "the gaudiest, most publicized, and most controversial murder trial in the United States in modern times."¹

In addition to the classic ingredients of sensationalism--mystery, murder, society, sex and suspense--the case

¹Paul Holmes, The Sheppard Murder Case (New York: David McKay Company, Incorporated, 1961), p. 9.

also contained one other element, an element that has continued to hold the public interest years after the official ending of the case. "Despite the decision of the courts," observed author-investigator Erle Stanley Gardner, "there is in the public mind a widespread curiosity as to Dr. Sam Sheppard's guilt. That curiosity would not exist if it weren't sustained by a doubt."²

The case was characterized by considerable confusion on the part of investigating authorities at the start, and later by an overwhelming demand on the part of the public for the arrest and conviction of Sheppard.

Sheppard told authorities that he had fallen asleep on a downstairs couch the night of the murder. Sometime in the early morning, he heard Marilyn cry out. Groggy from sleep, he ran up the darkened stairs to the bedroom, where he saw a form in a light garment grappling with someone. He was struck from behind and knocked out. When he came to, he went to his wife, checked her pulse and believed her to be dead. Hearing a noise, he ran downstairs and saw a bushy-haired form moving near the front door that opened toward the lake. He chased the form, caught it and fought with it. He said he was knocked out again. Some time later

²Ibid, p. 1.

he came to, this time wallowing in the shallow water at the lake's edge. He then returned to the house and again checked his wife's pulse. Dazed from his two fights and from a pain in the neck, Sheppard thought he was living through a nightmare. He stumbled downstairs and called his friend, J. Spencer Houk, mayor of the village. Houk hurried over, surveyed the situation, and called the police. With only minor variations, this was the story that Sheppard told throughout the investigation and trial.

The Fourth of July holiday was a strange one in Bay Village that year. The Sheppard grounds were invaded soon after dawn by Bay Village policemen, Cleveland policemen, Cuyahoga County Sheriff's men, the coroner and his aides, newspaper reporters and photographers, and dozens of neighbors and curiosity seekers.

A thorough combing of the area by those present turned up very little evidence and nothing that possibly might have been considered a murder weapon. A murder weapon was never to be found. Paul Holmes, Chicago Tribune reporter who covered the trial, commented:

It was the beginning of the Roman Holiday atmosphere which thereafter was to surround every move in the case until Sam entered the state prison to begin a life term more than a year later. The term "Roman Holiday" is not lightly used. The Supreme

Court of Ohio chose it in its majority opinion to describe the atmosphere in which Sam was tried.³

When Coroner Samuel Gerber arrived at the murder scene, Sheppard's brothers, Richard and Stephen, both osteopathic surgeons, already had taken him to Bay Village Hospital which the Sheppard family operated. There Sheppard's neck injury, supposedly sustained by a blow from behind by the bushy-haired murderer, was diagnosed as a fractured neck vertebra. The injury kept Sheppard in bed for some time, and later it was necessary for him to wear a cast that came up to his chin. He also had a black eye and a swollen forehead.

Throughout the trial it was implied but never proven by the state that Sheppard's injuries were superficial and self-inflicted.

On the day of the murder, Sheppard was questioned several times by various authorities, including Gerber. It was on that day that he was accused for the first time of the murder of his pregnant wife.

In the days that followed, continued investigation failed to turn up any evidence as to the murderer. Upset with "the tragic mishandling of the Sheppard Murder inves-

³Ibid., p. 28.

tigation"⁴ by Bay Village officials, the Cleveland Police Department was called into the case in an official capacity July 21.

With the days slipping by and still no one arrested, the situation became tense. Holmes described it this way:

The people of Bay Village, as well as those of the entire Cleveland area, got the impression that Sam was a guilty man with a good chance of getting away with murder because he had money and influence behind him.

The newspapers, driven by public demand for positive developments when there were none, resorted to innuendo to give substance to much of the gossip. The newspapers assailed the authorities for do-nothingness and incompetence. They demanded action, action, action, forgetting their normally wholesome respect for fair play in their frenzy.

By the end of July mob psychology was rampant in the Cleveland area. Sam Sheppard was the quarry of a hue and cry. No one questioned any more whether Sam was guilty. This was simply assumed. If there was no evidence, what of it? That was his fault, too. Get him! Convict him, evidence or no evidence! Send him to the chair!⁵

Under pressure for action from the three Cleveland newspapers, one of them front-paging an editorial headlined "Getting Away With Murder,"⁶ Coroner Gerber called an inquest on July 21. During the inquest, sex entered the pic-

⁴Editorial in The Cleveland Press, July 16, 1954.

⁵Holmes, op. cit., p. 41.

⁶Editorial in The Cleveland Press, July 20, 1954.

ture when Sheppard was accused of having an affair with a former nurse.

The climax came July 30 when Sheppard was arrested and charged with the murder of his wife. In the first of many legal battles that were to characterize the case, Sheppard was released on bail August 14. On August 17, he was indicted for first-degree murder.

The trial began October 18 in the Criminal Courts Building in Cleveland, despite attempts by Sheppard's attorney's to obtain a change of venue. Chosen to be presiding judge was Edward J. Blythin. Knowing that his courtroom would be overrun by newspaper, radio, and television reporters, Blythin approached the trial with an awareness of the national interest that it would create. Before the opening of the trial, he called in local newsmen to discuss how best to work out the assignments of the space for press coverage. Inside the rail two tables were constructed for local reporters and the press associations. Three or four rows of spectator benches behind the rail were reserved for out-of-town reporters and observers from radio and television. Admission to the trial was by ticket only, and only when the ticket was signed by Judge Blythin.

The state, in its opening statement, told the jury

that it intended to prove that there had been no bushy-haired intruder, that Sheppard had beaten his wife to death as a climax to an argument they had had on the murder night. The argument, the state contended, concerned Sheppard's attention to other women, and this was why Marilyn had been killed.

Fred Garmone, attorney for the defense, accused the police:

. . . . of making up their minds prematurely that Sam was the killer, of failing to make a competent investigation which might have turned up facts to support Sam's story, and of relying upon a belief that they could force Sam to confess by third-degree methods. Failing to get a confession, the state had come into court with a circumstantial case built by piling inferences upon inferences and requiring liberal use of conjecture and guesswork to make it hang together.⁷

Thirty days before the trial was to begin, a venire of seventy-five persons had been drawn by the clerk of court. Eleven persons were excused for one reason or another, but the names of the remaining sixty-four were published, an extremely unusual and perhaps unprecedented action. The result of this was that not only did the sixty-four persons know more than a month in advance that they might be on the jury, but most of the community knew it.

⁷Holmes, op. cit., p. 74.

Evidence at the trial, according to Holmes, "was overwhelmingly that these injuries were real, not faked, and that they were serious, not trivial."⁹ The main witness for the defense on the question of the injuries was Dr. Charles Elkins. His testimony was that Sheppard's injuries had amounted to facial, jaw, and other body bruises, a contusion of the spinal cord, a possible concussion of the brain, and probably a neck vertebra fracture.

Sheppard's appearance on the witness stand was another highlight of the trial, although he did little but reiterate what he had already said many times.

As many persons were to note later, the murder premises had been in the possession of the authorities since the murder, available anytime for inspection and investigation by the state's scientists and technicians. The defense lawyers and investigators were in the house only once, and that a brief visit the lawyers made when they went along with Sheppard and the jury in the early days of the trial. The defense made much of its inaccessibility to the murder house in its appeals after the trial, but for some reason did not make an objection during the trial.

Finally, on Friday, December 17, Judge Blythin gave

⁹Holmes, op. cit., p. 127.

had no hand wound of any kind.

Submitting the Kirk paper with a petition for a new trial on the basis of newly discovered evidence, Corrigan again was refused. The prosecution contended that the affidavit contained little or no evidence that could not have been uncovered during the trial if defense had persisted and had not been negligent. Corrigan then complained that defense had not been given access to the murder premises, but this was dismissed on the grounds that he had not brought this matter to the attention of the court.

Refused twice by the Court of Appeals, Corrigan turned to the Supreme Court of Ohio which voted, five to two, not to consider the case. In October, 1956, the United States Supreme Court refused to consider the case, and the legal battle ended temporarily.

The case flared up again in June, 1957, when a convict named Donald Joseph Wedler, serving a ten-year sentence imposed in 1954 for attempted holdup in Florida, ran away from a prison camp. Captured, he told authorities that he wanted to confess to a crime he had committed in Cleveland. He claimed that on the night of July 3, 1954, he went to a party in Cleveland. He took a heroin injection and his mind became fuzzy. He left the party and stole a car. He

drove to a western suburb, intent on robbery. He entered an unlocked door to a big white house and went upstairs. In rifling through a dresser drawer, Wedler disturbed a sleeping woman. He beat her over the head with an iron pipe. He then was confronted with a man on the stairs whom he also struck with the pipe. He then fled, tossing the pipe into the lake. After hitchhiking to Virginia, Wedler read newspaper accounts of the murder and feared that he was responsible. He explained that his mind had been hazy because of the dope.

Hearing of Wedler's confession, novelist Erle Stanley Gardner obtained permission for the Court of Last Resort, an organization founded for the purpose of investigating possible miscarriages of justice in criminal cases where all avenues of relief through the courts have been exhausted, to give Wedler a lie-detector test. Alex Gregory, polygraph expert and a past president of the Academy for Scientific Interrogation, made the test and concluded that Wedler told the truth or what he believed to be the truth.

With this development, Gardner appealed to Ohio Governor William O'Neill for permission to administer a lie-detector test to Sheppard in prison. The test was scheduled, but considerable pressure from Cleveland, spearheaded by

Judge Blythin, prevented it from taking place.

With this line closed, Gardner turned back to Wedler. By this time, however, some inconsistencies had been detected in Wedler's story. This, coupled with Gerber's belief that Wedler could have conceived the story from reading newspaper accounts, ended the incident. What made Wedler more than just an interesting convict telling a strange story was that he was bushy-haired, and left-handed.

Late in December, 1958, Corrigan again appealed to the Supreme Court of Ohio, this time on an appeal that the prosecution had withheld evidence. The evidence in question was a blood sample card which revealed that a tested sample had been inconclusive. After carefully considering the facts, the Supreme Court dismissed the petition in February, 1960.

Covering the trial were reporters from nearly every major newspaper in the country, many radio and television stations and the wire services. Because of the number attending the trial, Judge Blythin had established a news pool, with a Cleveland Press reporter delegated as the liaison.

Commenting on the trial coverage, a Time reporter wrote:

Even before the trial got underway, some editors decided it was going to be the biggest crime story in years. Publisher William Randolph Hearst Jr., who has been trying to jack up his ailing chain, saw the trial as a rare opportunity. He ordered a task force dispatched to Cleveland, led by Sob Sister Dorothy Kilgallen, handyman Bob Considine and cartoonist Burris Jenkins. Scripps-Howard followed suit with its own crew. Newsmen, assigned to the story by papers all over the United States, filled almost every spectator seat in the courtroom.

But to date the trial has been disappointing. Reporters tried to pep it up by calling Dr. Sam "The Romeo of the rubbing table." Headlines promised BOMBHELL DUE AT TRIAL TODAY And NEW SHEPPARD SEX ANGLE HINTED. But no bombs burst, no angles materialized.¹⁰

About Kilgallen, a Newsweek reporter commented:

So sensational was her aggressive coverage for the New York Journal American that the competitive New York Post remarked: "Looking at the headlines . . . it became increasingly difficult to tell the reporter from the principals . . . we momentarily expected to hear that she had been selected to deliver the summation or, at least, to be a surprise witness." Miss Kilgallen's reaction to the verdict reached new heights, or depths, of professional journalism. After conviction she wrote, "I heard the same evidence the jury heard . . . I could not have convicted him of anything except possibly negligence in not locking his front door . . . I have covered a score and more of murder trials . . . it is the first time I have ever been scared by the jury system, and I mean scared."¹¹

According to Newsweek, the Sheppard case got second

¹⁰"Case of Dr. Sam," Time, 64:87, November 22, 1954.

¹¹"Scarlet Copy," Newsweek, 44:56, November 1, 1954.

or equal position with the smog in Los Angeles. In Boston, the case got at least one picture almost daily on the front page of city newspapers. Chicago newspapers used streamers and front-page photographs even before the trial began. The New York newspapers and tabloids "shot the front page works" on the story.¹² By mid-October, one-third to one-half of the nation's newspapers were front-paging daily developments: on conviction day, the story hit ninety per cent of the United States' front pages.¹³

Concerning the media, Justice James Bell stated in the Supreme Court of Ohio majority opinion report regarding the case:

Throughout the pre-indictment investigation, the subsequent legal skirmishes, and the nine-week trial, circulation-conscious editors catered to the insatiable interest of the American public in the bizarre. Special seating facilities for reporters and columnists representing local papers and all major news services were installed in the courtroom. Special rooms in the Criminal Courts Building were equipped for broadcasters and telecasters. In this atmosphere of a "Roman Holiday" for the news media, Sam Sheppard stood trial for his life.¹⁴

Editor & Publisher, one of the major magazines for

¹²"Disgraceful; Sheppard Trial," Newsweek, 45:55, January 3, 1955.

¹³Ibid.

¹⁴Holmes, The Sheppard Murder Case, p. 189.

the news media, carried an editorial which read: "It is not too late for newspaper editors, and editors of other media, to stop the practices which can only rebound to the discredit of all media."¹⁵

A Christian Century reporter wrote:

The newspaper soul-searching seems, in most cases, to have turned on the question whether the Sheppard trial was given more prominence and space than actual public concern justified. Did the sensational reports on the front pages and under the poster-size headlines sell more papers? But there are other Americans who were deeply disturbed whose criticisms were of another sort. Some of these feared the social effects of the sordid testimony, not only dumped into the nation's homes daily for two months, but there worked over by expert journalistic sensationalists until it became a staple of family conversation.¹⁶

Everett Norlander, managing editor of The Chicago Daily News, considered the story grossly overplayed, and, in large part, "disgraceful." He warned, "the press will be answering its critics for years to come on what was done with this story."¹⁷

Dr. James Pollard, director of The Ohio State University School of Journalism, declared at a Sigma Delta Chi forum in Columbus:

¹⁵"Circus," Editor & Publisher, 87:38, October 23, 1954.

¹⁶"Dignity of the Law," Christian Century, 72:71, January 19, 1955.

¹⁷"Disgraceful; Sheppard Trial," Newsweek, loc. cit.

If in the years ahead the press, the radio and television find more states through their courts and by legislative action recognizing the right of privacy or strengthening it where it is now recognized, they will have only themselves to blame. And if this occurs, it will be because, as it seems in the Sheppard Case, some of them have over-stepped the bounds both legally and ethically.¹⁸

II. THE CLEVELAND PRESS COVERAGE OF THE SHEPPARD CASE

Because of the holiday, news of the murder did not appear in the newspapers until the following day, July 5. The Cleveland Press broke the story under a three-column headline which read: "Doctor's Wife Murdered In Bay Village." The Plain Dealer, in its initial story on the case, used an eight-column headline to announce: "Bay Doctor's Wife Murdered; Beaten, He Tells Of Fight With Intruder." Both newspapers treated the story straightforwardly, giving only the known facts about the murder.

By July 6, the newspapers had organized their full attentions on the case. The eight-column headline in The Plain Dealer read: "Detectives Investigating The Sadistic Killing Of Mrs. Marilyn Sheppard."

In its July 7 edition, The Cleveland Press began to

¹⁸"Press Gets Scolding On Dr. Sam Stories," Editor & Publisher, 87:10, November 20, 1954.

take offense to Sheppard's unavailability for questioning. In a two-line, five-column headline, The Cleveland Press wrote: "Coroner's Inquest Studied In Murder; Ask Doctor To Re-Enact Details." Following along the same line, a pattern which was to characterize its coverage until Sheppard was indicted by the Grand Jury, The Cleveland Press wrote on July 8: "Testify Now In Death, Bay Doctor Is Ordered." The Plain Dealer, in an exclusive interview with Sheppard, headlined: "Bay Doctor Talks To Reporters," and made almost no mention of the "testify order" proclaimed by The Cleveland Press.

The pace had picked up considerably by July 9. It was on this day that The Cleveland Press took its first official stand. Editor Louis B. Seltzer, writing in an editorial headlined "Too Much Time Lost," commented:

Within memory no murder case in this part of the country has prompted so much discussion or speculation as that of Mrs. Sheppard.

A good part of it centers quite naturally around the circumstances of the killing itself--in a quiet suburban setting--and its attendant mysterious elements.

A good part likewise centers around the protective ring set up by members of the Sheppard family, which in some respects has tended to add to rather than subtract from the speculation that has expanded the case to such vast proportions.

Also the apparent fumbling of investigating au-

thorities on both the municipal and county levels has added to the intensity of interest--and has raised many additional questions.

The Cleveland Press also carried a feature story involving letters to Marilyn, hinting that the Sheppard marriage was on the rocks. In comparison, The Plain Dealer headline that day read: "Doctor To Help Hunt Weapon."

The Plain Dealer, which never was to take any kind of official stand on the case, carried its first editorial July 10, commenting only that the confusion in the investigation pointed up the fact that a county-wide detective bureau was definitely a necessity.

The Cleveland Press coverage had increased considerably by July 14. In that day's edition, it carried an interview with Coroner Samuel Gerber, a story about Susan Hayes, the Los Angeles nurse who later admitted to intimacies with Dr. Sheppard, a lead story on the discovery of a T-shirt on the beach, and a large cartoon of a clock, depicting the significant events in the case to date.

Editor Seltzer was concerned, primarily, with the bungling of the investigation by the authorities and with what he considered to be the preferential treatment Sheppard was receiving. He attacked both in a July 16 editorial headlined: "The Finger Of Suspicion." He wrote:

The worst thing about the tragic mishandling of the Sheppard murder investigation is the resulting

suspicion.

Why was it mishandled, people ask.

You can't blame them.

In this community generally murder investigations are conducted with intelligence, efficiency and impartiality.

The record is good.

The detectives on the Homicide Squad in the Cleveland Police Department, for instance, know their job. They have a national reputation.

Same with the coroner.

Thanks to the close co-operation with Western Reserve University, and thanks to the voters who authorized the best equipment and facilities, the county has top standing in the relatively new field of scientific crime investigation.

And the sheriff's office and the prosecutor's office both have good reputations for integrity and determination in solving crimes.

What happened, then?

Two things stood in the way of the usual complete and unfettered investigation that the citizens of Greater Cleveland have come to expect is the natural course of events.

One was the hostility of Bay Village officials to any "outsiders" in this case.

They rebuffed the usual assistance immediately offered by the Cleveland police experts in solving murders.

Second was the unusual protection set up around the husband of the victim, the sole witness, according to later reports, who could start the investigation on the right track.

The protection was twofold. It came from the

family and it came from his lawyer. It was unusual, to say the least.

And then, worst of all, no law enforcement officers, Bay or County, took any leadership in the face of these unusual circumstances.

No one.

The result of all this fumbling and delay, of course, was to start gossip, to launch rumors, to spread suspicion thick as glue.

It was bad for everybody. Everybody, that is, except the murderer.

What can be done now?

It doesn't make much difference who runs the show. The important thing is that justice is done.

First logical step would be a meeting of all the law enforcement agencies involved.

Let them select a leader, a single responsible boss for this particular case.

Let him serve notice that protection, special favors, and fancy ultimatums by lawyers are out from here on.

Maybe it's too late to start again.

But every further moment of fumbling is helping a murderer escape.

Columnist Philip W. Porter of The Plain Dealer commented the next day, July 17:

So fouled up is the investigation of the murder of Mrs. Marilyn Sheppard of Bay Village that the only recourse seems to be to call in Sherlock Holmes.

The situation today is absurd. Despite much hard

work and running around in circles, the missing weapon has not been found, the missing T-shirt has not been positively located. No definite motive has been established.

In the July 17 Cleveland Press, Sheppard and his lawyers replied to a list of eleven questions submitted to him by Editor Seltzer. His answers were printed on the front page, under a seven-column, two-line headline: "Murderer Will Be Caught, Dr. Sheppard Tells Press." "The answers," wrote Seltzer, "were non-informative and inconclusive. The situation was just as tight, just as completely roadblocked, just as walled in as before."¹⁹

The Plain Dealer, still seeking county-wide law enforcement support and cooperation, but hinting at what was going to happen in the case, wrote editorially July 18:

That there has been bungling in the Marilyn Sheppard murder investigation everyone admits. And now, two weeks after the murder was committed, almost everyone is speculating on what to do to prevent a repetition of the futility of the probe so far.

For many persons, nothing will suffice now in the Sheppard case but a quick solution of the crime and according to their preconceived notions of what happened.

In one of the most talked about editorials in recent journalistic history, Seltzer, in the July 20 edition of

¹⁹Louis B. Seltzer, The Years Were Good (Cleveland: The World Publishing Company, 1956), p. 269.

The Cleveland Press, wrote, under an eight-column front page headline "Somebody Is Getting Away With Murder":

What's the matter with the law enforcement authorities of Cuyahoga County?

Have they lost their sense of reason? Or, at least inexcusably, set aside the realization of what they are hired to do, and for whom they work?

If ever a murder case was studded with fumbling, halting, stupid, incooperative bungling--politeness to people whose place in this situation completely justified vigorous searching, prompt and effective police work--the Sheppard case has them all.

Was the murder of Mrs. Sheppard a polite matter?

Did the killer make a dutiful bow to the authorities, and then proceed brutally to destroy the young child-bearing wife?

Why all of this sham, hypocrisy, politeness, crisscrossing of pomp and protocol in this case?

Who is trying to deceive whom?

From the very beginning--from the first hour that the murder became known to the authorities by a telephone call from the husband to the Town Mayor--from that moment on, and including this, the case has been one of the worst in local crime history.

Of course, the trail is cold. Of course, the clues have been virtually erased by the killer. Of course, the whole thing is botched up so badly that head or tail cannot be made of it.

In the background of this case are friendships, relationships, hired lawyers, a husband who ought to have been subjected, instantly, to the same third-degree to which any other person, under similar circumstances, is subjected, and a whole string of special and bewildering extra-privileged courtesies that should never be extended by authorities investigating a murder--the most serious and sickening crime of all.

The spectacle of a whole community watching a batch of law enforcement officials fumbling around, stumbling over one another, bowing and scraping in the presence of people they ought to be dealing with just as firmly as any other person in any other crime--that spectacle is not only becoming a stench, but a serious threat to the dignity of law enforcement itself.

Coroner Sam Gerber was never more right than when yesterday he said that the killer must be laughing secretly at the whole spectacle--the spectacle of a community of a million and a half people brought to indignant frustration by Mrs. Sheppard's killer in that white house out in Bay Village.

Why shouldn't he chuckle? Why shouldn't he cover up, shut up, conceal himself behind the circle of protecting people?

What's the matter with us in Cuyahoga County? Who are we afraid of? Why do we have to kow-tow to a set of circumstances and people where a murder has been committed?

It's time that somebody smashed into this situation and tore aside this restraining curtain of sham, politeness, and hypocrisy, and went at the business of solving a murder--and quit this nonsense of artificial politeness that has not been extended to any other murder case in generations.

Soon after The Cleveland Press edition carrying the editorial appeared, the Bay Village City Council met and voted to take the investigation away from its own police department and hand it over to the Cleveland Homicide Squad.

While The Cleveland Press was front-paging its editorial, The Plain Dealer relegated the Sheppard case to its second lead, giving the signing of a peace pact in Indochina

the lead position.

The following day, July 21, Seltzer again editorialized in The Cleveland Press. Under an eight-column front page headline "Why No Inquest? Do It Now, Dr. Gerber," he wrote:

Why hasn't County Coroner Sam Gerber called an inquest into the Sheppard murder case?

What restrains him?

Is the Sheppard case any different from the countless other murder mysteries where the Coroner has turned to this traditional method of investigation?

An inquest empowers use of subpoena.

It puts witnesses under oath.

It makes possible the examination of every possible witness, suspect, relative, record and papers available anywhere.

It puts the investigation itself into the record.

And--what's most important of all--sometimes solves crimes.

What good reason is there now for Dr. Gerber to delay any longer the use of the inquest?

The murder of Marilyn Sheppard is a baffling crime.

Thus far, it appears to have stumped everybody.

It may never be solved.

But this community can never have a clear conscience, until every possible method is applied to its solution.

What, Coroner Gerber, is the answer to the question--Why don't you call an inquest into this murder?

Only a few hours after the edition appeared, Gerber called the inquest.

In the same July 21 issue of The Cleveland Press, a story was headlined: "I Know Killer, Story Says." Far down in the story, buried among other information, was a quote from Chief of Police Frank Story to the effect that he thought he knew the identity of the killer. There were no details, no explanations.

The Plain Dealer published on July 22 its strongest editorial on the case. Under the headline "Get That Killer" on the editorial page, an editorialist wrote:

It is high time that strenuous action be taken in the Sheppard Murder Case.

True, the case is cold as ice. There has, in our opinion, been a noticeable lack of cooperation on the part of the dead woman's husband, Dr. Samuel H. Sheppard

It is clear now, that, because of the social prominence of the Sheppard family in the community, and friendships between the principals in the case and the law enforcement bodies of Bay Village, kid gloves were used throughout all preliminary examinations.

Finding the killer should be of the greatest satisfaction to Greater Cleveland, to Bay Village, and to Dr. Samuel Sheppard.

Both The Plain Dealer and The Cleveland Press devoted

a great deal of space to the case during the inquest, some days publishing the entire text of the day's testimony.

On July 26, The Cleveland Press featured an interview with Detective Captain David Kerr as its lead story. The story, under the eight-column headline "Kerr Asks Doctor's Arrest," was concerned, primarily, with personal comments on the case.

The Cleveland Press began to give considerable emphasis to the sex angle, as involving Sheppard and Susan Hayes, during the inquest. On July 27 four feature stories regarding the return to Cleveland of Miss Hayes were printed in addition to the lead story.

While The Plain Dealer headlined its July 28 lead story "Susan Tells Story To Police," The Cleveland Press used an eight-column, two-line headline that almost screamed at the reader: "Doctor Lies, Susan Charges; Tells Of Gifts, Marriage Talk." In another of the more controversial editorials on the case, The Cleveland Press carried on the front page under the headline "Why Don't The Police Quiz No. 1 Suspect":

You can bet your last dollar the Sheppard murder would be cleaned up long ago if it had involved "average people."

They'd have hauled in all the suspects to police headquarters.

They'd have grilled them in the usual, straight

out way of doing police business.

They wouldn't have waited so much as one hour to bring the chief suspect in.

Much less days.

Much less weeks.

Why all this fancy, high-hat bowing and scraping, and super-courteous monkey business?

Sure it happened in suburban Bay Village rather than in an "ordinary" neighborhood.

So what?

What difference should it make?

When they called the Cleveland police in everybody thought:

This is it. Now they'll get some place. Now we'll have vigorous, experienced, expert, big-time action.

They'd get it solved in a hurry.

They'd have Sam Sheppard brought in, grill him at police headquarters, like the chief suspect in any murder case.

But they didn't.

And they haven't.

In fairness, they've made some progress.

But they haven't called in Sam Sheppard.

Now proved under oath to be a liar, still free to go about his business, shielded by his family, protected by a smart lawyer, who has made monkeys of the police and authorities, carrying a gun part of the time, left free to do whatever he pleases as he pleases, Sam Sheppard still hasn't been taken to headquarters.

What's wrong in this whole mess that is making this community a national laughing stock?

What's holding back--and why?

What's the basic difference between murder in an "ordinary" neighborhood and one in a Lake Road house in suburban Bay Village?

Who is afraid of whom?

It's just about time that somebody began producing the answers--

And producing Sam Sheppard at Police Headquarters.

Editor Seltzer and The Cleveland Press pulled out all stops on July 30. In an editorial spread eight columns across the top of the front page, The Cleveland Press carried a headline: "Why Isn't Sam Sheppard In Jail?" In the later editions that day, the headline was changed to read: "Quit Stalling--Bring Him In." Wrote Seltzer:

Maybe somebody in this town can remember a parallel for it. The Press can't.

And not even the oldest police veterans can, either.

Everybody's agreed that Sam Sheppard is the most unusual murder suspect ever seen around these parts.

Except for some superficial questioning during Coroner Sam Gerber's inquest, he has been scot-free of any official grilling into the circumstances of his wife's murder.

From the morning of July 4, when he reported his wife's killing, to this moment, 26 days later, Sam Sheppard has not set foot in a police station.

He has been surrounded by an iron curtain of pro-

tection that makes Malenkov's Russian concealment amateurish.

His family, his Bay Village friends--which include its officials--his lawyers, his hospital staff, have combined to make law enforcement in this county look silly.

The longer they can stall bringing Sam Sheppard to the police station the surer it is he'll never get there.

The longer they can string this whole affair out the surer it is that the public's attention sooner, or later, will be diverted to something else and then the heat will be off, the public interest gone, and the goose will hang high.

This man is a suspect in his wife's murder. Nobody yet has found a solitary trace of the presence of anybody else in the Lake Road house the night or morning his wife was brutally beaten to death in her bedroom.

And yet, no murder suspect in the history of this County has been treated so tenderly, with such infinite solicitude for his emotions, with such fear of upsetting the young man.

Gentlemen of Bay Village, Cuyahoga County, and Cleveland, charged jointly with law enforcement--

This is murder. This is no parlor game. This is no time to permit anybody--no matter who he is--to outwit, stall, fake or improvise devices to keep away from the police or from the questioning anybody in his right mind knows a murder suspect should be subjected to--at a police station.

The officials throw up their hands in horror at the thought of bringing Sam Sheppard to a police station for grilling. Why? Why is he any different than anybody else? Why, when they are at their sworn business of solving a murder?

Certainly, Corrigan will act to protect Sam Sheppard's rights. He should.

But the people of Cuyahoga County expect you, the law enforcement officials, to protect the people's rights.

A murder has been committed. You know who the chief suspect is.

You have the obligation to question him--question him thoroughly and searchingly--from beginning to end, and not at his hospital, not at his home, not in some secluded spot out in the county.

But at Police Headquarters--just as you do every other person suspected in a police case.

What the people of Cuyahoga County cannot understand, and the Press cannot understand, is why you are showing Sam Sheppard so much more consideration as a murder suspect than any other person who has ever before been suspected in a murder case.

Why?

Later that same night, Sheppard was arrested and placed in jail.

Both The Plain Dealer and The Cleveland Press carried eight-column, two-line headlines on July 31 to report Sheppard's arrest. The Plain Dealer headline read: "Doctor Arrested And Jailed; Denies Guilt At Arraignment." The Cleveland Press, which devoted five-hundred-ten column inches to photographs alone of the case that day, displayed the arrest story under the headline: "Police Grill Doctor; Freedom Bid Fails." The Cleveland Press story pointed out that Sheppard was being treated "like any other principal suspect in a murder case."

The Plain Dealer, which had remained silent editorially while The Cleveland Press had pushed for Sheppard's arrest, quoted a Bay Village minister in an August 2 story headlined: "Bay Pastor Hits Methods Used In Sheppard Probe." The story read:

July 16 our family left for Canada and a week's vacation.

We returned to find our community the center of an open inquest with a miniature McCarthy at the head and what seemed from all appearances to be a carefully planned persecution of not only one individual but the defamation of an honored family name.

There were all the earmarks not of an inquest, but of a medieval inquisition.

On August 3, both newspapers spread the Sheppard case over eight columns for their lead story. The emphasis, however, was quite different. The Plain Dealer headline read: "Doctor Gets Hospital Checkup." The Cleveland Press headline read: "Find Killer's Bloody Trail."

On August 5, while The Plain Dealer's main story on the case was placed under a one-column headline relating that a fingerprint file had been started, The Cleveland Press alluded to the sex angle in a story headlined: "Link 5 Women To Doctor."

With The Plain Dealer almost passing over the case completely August 11, The Cleveland Press had a lead story concerning an interview with Sheppard. It appeared under

an eight-column headline that read: "Dr. Sam: 'I Wish There Was Something I Could Get Off My Chest--But There Isn't.' "

The return to Cleveland of Dr. Lester Hoverston, the house guest of the Sheppards, stirred up temporary interest in the case and both newspapers played it up big.

Sheppard's brother, Dr. Steve, labeled Mayor Houk as a possible suspect. In reporting the incident, The Cleveland Press headlined its story: " 'Lies, Lies! ' Cries Houk at Dr. Steve." The Plain Dealer's headline read: "Irate Houk Confronts Steve; Calls Him Liar."

When Sheppard was released on bail August 16, The Plain Dealer had already gone to press. The Cleveland Press made the most of the opportunity to report in an eight-column, two-line headline: "Dr. Sam Goes Free On Bail Of \$50,000."

When Sheppard was indicted by the Grand Jury, the morning Plain Dealer got to break the story first on August 18. The Cleveland Press took another alternative and printed, on the front page, Sheppard's own story about the whole case to date.

Although The Plain Dealer had several times used other stories as its lead, and as early as July 7, The Cleveland Press did not relegate the Sheppard case to a lesser position until August 19 when a west side burglary pushed it

down on the page.

Then, just two days later, on August 21, the pages of The Cleveland Press for the first time since the murder contained no mention of the Sheppard case. The following day The Plain Dealer followed suit.

The case did not get back into the lead position until August 27 when The Cleveland Press reported on Defense Attorney Corrigan's petition for a change of venue. It quoted Corrigan:

Under the guise of news the Cleveland newspapers and the newspapers generally throughout the United States have reported and editorialized on the case of Samuel Sheppard so that he was convicted in the minds of the public before he was arrested and charged.

Because of this method of reporting and editorializing a case before the trial, it appears doubtful whether he will be able to secure an unbiased jury in the district where he was born and educated, and where he had led a useful life, and where his ancestors have lived for over 100 years.

Day after day newspapers were filled with accusations against him. His arrest was urged. One paper advocated the use of the third degree. Lurid headlines. Every fact of his life was exposed.

When newspapers can do what they have done to Dr. Sheppard and to his honorable father and mother and the other members of his family, it is time for newspapers to begin to examine their conscience and consider the conditions they are creating. Perhaps wise newspaper publishers might begin to have a slight twinge of fear in the methods resorted to in the reporting of the Sheppard Case and the stirring of the public to a condition that verged on mob reaction.

If they listen closely, they may hear the creaking of the ropes back stage, which can indicate that the curtain may be beginning to fall on the Constitutional guarantees of the individual and the press.

The Cleveland Indians and their assault on the major league record for most games won in a season were the big news in Cleveland that summer, and they pushed the Sheppard case, which was waiting to come to trial, into the background as September arrived.

On September 23, a venire of seventy-five persons was drawn for the trial. The Cleveland Press made news itself by publishing the name and address of everyone listed on the venire. It was copied later in this unusual action by the two other Cleveland newspapers.

There then followed a span of twelve days in which no mention was made of the Sheppard case in The Cleveland Press. The case did not receive lead story treatment again until October 8 when The Cleveland Press reported on a poll being taken by the defense. The poll was conducted in an effort to bring about a change of venue.

With the opening of the trial drawing near, The Cleveland Press interviewed attorneys for both the state and the defense in an attempt to discover what their strategies would be.

In the days immediately prior to the scheduled start

of the trial, the defense lawyers were busy trying for a change of venue and/or a delay in the trial. The Cleveland Press headlined daily the major outcomes of the day's legal maneuvers.

With both a trial delay and a change in venue vetoed, Judge Edward Blythin called the court to order on October 18 to consider the case of Sam Sheppard. For many days to follow, the Sheppard case was once again the lead story in The Cleveland Press.

The Cleveland Press had several reporters on hand in The Criminal Courts Building for the trial. There were reporters in the courtroom, in the halls, and wherever else a story might be had. Although Blythin had banned the taking of photographs in the courtroom while court was in session, he allowed them to work at almost any other time. In addition, The Cleveland Press had several cartoonists on hand to sketch the activities as they happened in the courtroom during the trial.

The seating of the jury was a slow process. As each juror was selected, The Cleveland Press printed a photograph and information concerning the person. By the time the trial really got started, readers of the newspaper had been given almost as much information about the jurors as about the major participants.

News of who had been selected as jurors and of the latest details of defense and prosecution strategy vied for the headlines in The Cleveland Press until October 26 when the newspaper appealed to human interest in an eight-column headline that read: "Sam, Woman Sob In Court."

On October 28, The Cleveland Press headlined: "Susan Hides Until Trial Ordeal." The Plain Dealer made no mention of Miss Hayes.

The trial almost blew up in the prosecution's face when it was discovered by the defense that one of the persons included on the original venire, and since selected for jury duty, was an ex-convict. The man was dismissed as a juror but the possibility of a mistrial existed. This was reported in depth by both newspapers, but more so by The Cleveland Press.

The jury finally was seated on November 4. On that day The Cleveland Press reported in an eight-column, two-line headline: "Love Letters To Susan Bared As State Asks Death For Sam."

For the remainder of the trial, The Cleveland Press had somewhat of an advantage over The Plain Dealer. The Cleveland Press was able to present the results of the morning session of the trial daily, while its rival had to be satisfied with events of the afternoon session--events, in

most cases, already familiar to the reader by morning. Consequently, The Plain Dealer had to concentrate more on predicting what was going to happen in the next day's activity at the trial.

The Plain Dealer carried one of its most emotion-packed headlines on November 5, its first edition to appear after the jury had been seated. The Plain Dealer headlined in eight columns: "Marilyn's Pictures Stir Court; State Displays 7 Color Slides Of Slain Wife."

On November 9, The Cleveland Press again called attention to the sex angle as related to the Sheppard marriage. The eight-column headline read: "Sam Asked Divorce: Mrs. Ahern."

It was on November 16 that Coroner Gerber testified that the murder weapon might have been a surgical tool. The Cleveland Press reported that day in an eight-column, two-line headline: "Gerber Tells Of Surgery Tool Imprint On Marilyn's Pillow." The Plain Dealer, in its account on November 17, was careful to enclose Gerber's comment in quotation marks in its headline: "State Springs 2 Blood Clews; Shows Marks Of 'Surgical Tool,' Watch."

Pinned down by the defense on his description of the murder weapon, Gerber admitted that the surgical tool implication was only a guess. The Plain Dealer reported it No-

vember 18 with the headline "Gerber Broadens Weapon Clew." The Cleveland Press, however, on the same day, merely noted: "Battle Over Murder Pillow."

On November 22, The Cleveland Press resorted again to the issue of Sheppard's marital troubles, headlining: "Sam Talked Divorce: Hoverston." The Plain Dealer made only a brief comment about Dr. Hoverston's testimony.

"Says Marilyn Called Sam A Jekyll-Hyde" was the lead story headline in the November 24 edition of The Cleveland Press in relating part of Hoverston's testimony. The Plain Dealer never did make mention of the comment.

On November 27, for the first time since the jury had been seated, The Cleveland Press did not use the trial as its lead story. Instead, it carried only a small, one-column article promising "State, Defense Map Surprises In Trial." But there were no surprises.

One of the anticipated major moments of the trial was the appearance on the witness stand of Susan Hayes. In its morning edition December 1, The Plain Dealer headline read: "Susan Hayes Is Due On Stand Today As State Nears Finish." The Cleveland Press included a large photograph of Sheppard's girlfriend on the front page near the eight-column, two-line headline which read: "Susan Says Sam Loved Her, Wanted To Divorce Marilyn." The Plain Dealer, in re-

porting Miss Hayes' testimony, headlined December 2: "Susan Admits Trysts With Sam."

After the testimony of Miss Hayes, the trial dragged on until Sheppard took the stand. The Cleveland Press reported on December 10 in an eight-column, two-line headline: "It Was Like A Horrible Dream, Says Sam As He Denies Killing."

The following day, December 11, The Cleveland Press headlined its lead story: "State Ready To Blast At Sam's Love Affairs." On December 12 it reported: "Sam Admits Date Upset Wife." On neither day did The Plain Dealer carry more than token-coverage of Sheppard's testimony concerning his love affairs.

As the attorneys made their summations, The Cleveland Press carried on December 15 the headline: "State Asks Death For Dr. Sam." The next day it reported in its lead headline: "Sam, Jury Weep At Final Pleas."

Judge Blythin gave the case to the jurors December 17, and the jury deliberated five days before returning a verdict. In the meantime, the newspapers kept their readers informed as to what might be happening. They reviewed the whole case and outlined the possible verdicts that could be returned by the jury, and the consequences of each.

Late Tuesday afternoon, December 22, too late for

The Cleveland Press which had already gone to press, the jury returned a verdict of second-degree murder. The Plain Dealer then got the break of announcing the verdict, stating in huge type spread eight-columns wide and two-lines deep: "Sheppard Guilty, Gets Life; Innocent, Doctor Insists." In its edition that afternoon, The Cleveland Press contained two eight-column headlines on the front page. One read: "2 Votes To Acquit In 1st Ballot." The other read: "Dr. Sam Under Suicide Guard."

With the verdict in and the climax reached, the newspapers almost deserted the Sheppard case. The Cleveland Press contained only a short story on page two of its December 23 edition. It failed to make any mention at all of the case in its December 27 and 28 editions. It was not until December 29 that the Sheppard case regained the front page of The Cleveland Press, and then only as the second lead.

The story returned to the lead position in The Cleveland Press December 30 after Sheppard's attorneys had begun proceedings for a new trial. In its final edition of 1954, The Cleveland Press made no mention whatever of the Sheppard case--its biggest news story of the year.

During the six months the Sheppard case was in the spotlight, The Cleveland Press printed a multitude of feature stories about it. There were stories of all kinds

about all of the participants, from the witnesses to presiding Judge Blythin. There were stories comparing the case to other famous murder cases. There were articles explaining the highly technical scientific investigative work conducted. There were numerous accounts describing the theories held by the citizens of Cleveland. There were stories of a romance between defense attorney Corrigan's son and a reporter for a Chicago newspaper--who met at the trial and fell in love. There were articles describing the visiting reporters at the trial--such people as sob-sister Dorothy Kilgallen and former Scotland Yard Director Fabian. There were accounts of how the spectators viewed the proceedings at the trial. There was even a story in its November 6 issue on "Women Jurors Give Colorful Backdrop To Drab, Grim Scene At Murder Trial." All of this in addition to the news.

From July 5 through December, 1954, The Cleveland Press devoted to the Sheppard case a total of 17,610 $\frac{1}{2}$ column inches, enough space to print, in its normal body type, 704,400 words. The Plain Dealer, over the same period, allocated a total of 18,430 $\frac{1}{2}$ column inches to the same case; the equivalent of 737,200 words. Although The Plain Dealer gave the Sheppard story more actual space, it also printed twenty-five more issues. Figured on the total average space

per issue, The Cleveland Press allocated more space to the story than did The Plain Dealer. As a result of the quantitative content analysis, another significant aspect was noted: despite the publication of twenty-five fewer editions, The Cleveland Press devoted more actual space to illustrations than did The Plain Dealer. Of the total space, illustrations accounted for 41.6 per cent in The Cleveland Press. In The Plain Dealer, the space for illustrations was only 36.5 per cent of the total.

TABLE I

AMOUNT OF SPACE IN TERMS OF COLUMN INCHES
INVOLVED IN COVERAGE OF SHEPPARD CASE

Newspaper	Copy	Illustrations	Total	Issues	Mean
<u>The Press</u>	10,277½	7,333	17,610½	154	114.4
<u>Plain Dealer</u>	11,659½	6,735	18,430½	179	102.9

There was a considerable difference in the newspapers' typographical display of the case. The Sheppard case was the lead story in The Cleveland Press in 63.6 per cent of the issues published during the six month period. The Plain Dealer displayed the Sheppard case as its lead story in only 39.7 per cent of its issues during the same period.

This was one of the most significant differences in coverage discovered in the content analysis.

TABLE II
PERCENTAGE OF TIMES SHEPPARD CASE
RECEIVED LEAD STORY DISPLAY

Newspaper	Issues	Lead Story	Percentage as lead story
<u>The Press</u>	154	98	63.6
<u>Plain Dealer</u>	179	71	39.7

Carrying the analysis a step further, it was discovered that the Sheppard case provided The Cleveland Press with its lead or second lead in all but forty-five of its issues during the period. On the other hand, The Plain Dealer used the Sheppard case as its secondary lead many more times than did The Cleveland Press but still relegated it to a lesser position in 43.1 per cent of its issues.

As a final result of the quantitative analysis, it was noted that The Cleveland Press carried some story on the Sheppard case on its front page in 85.7 per cent of the issues printed during the period. The Plain Dealer published a front page story on the case in 73.2 per cent of

its issues. Only in twenty-two issues of The Cleveland Press and twenty-nine of The Plain Dealer were there no stories on the case.

TABLE III

PERCENTAGE OF TIMES SOME STORY ON SHEPPARD
CASE APPEARED ON FRONT PAGE

Newspaper	Issues	Lead or second lead	Other page one	Total	Per- centage
<u>The Press</u>	154	109	23	132	85.7
<u>Plain Dealer</u>	179	102	29	131	73.2

The Sheppard case was the lead story for The Cleveland Press in forty consecutive issues, beginning with its first issue after the murder occurred. The story was never out of the lead story position more than twelve consecutive issues. There were eleven consecutive issues in which no mention was made of the case by The Cleveland Press. The Plain Dealer used the Sheppard case as its lead only fourteen times in its longest consecutive string. Thirty consecutive times on one occasion, and twenty-three on another, The Plain Dealer relegated the case to a lesser position than its lead story. There were only seven consecutive is-

sues in which The Plain Dealer made no mention of the case.

In terms of space devoted to the case, the biggest day for The Cleveland Press was July 31 when it allocated 746 column inches, 186 for copy and 560 for illustrations, to reporting Sheppard's arrest. On November 14, the first significant session of the trial after the jury had been seated, The Cleveland Press printed a total of 519 column inches on the case. The Plain Dealer's most extensive coverage occurred on July 23 when it printed a total of 776 column inches, 570 for copy. Its next biggest day was December 22 when it used 694 column inches, 315 for copy and 379 for illustrations, to report the verdict.

As the result of its coverage of the Sheppard case, The Cleveland Press came under considerable criticism. In his book The Years Were Good, Editor Seltzer explained his reasons for taking the stand that he did. He wrote:

For mystery, for suspense, for painstaking putting together of fragmentary clues by the most scientific methods, the Sheppard murder, which was to become one of the country's most famous in modern times, had within it all of the elements of the classic criminal case.

It had one other element, which set it apart from most murder cases of this type. That was the deliberate effort to prevent the law enforcement authorities from finding the killer. The case became both a murder and, in a very real sense, a roadblock against the law.

Dr. Sam was fenced in by his family, his friends, and the public authorities in Bay Village. The protective wall had been put up quickly. It was almost impossible to penetrate it, and then only at the will of those who controlled the encirclement--and on their terms. The purpose seemed obvious--to hold the wall secure around Dr. Sam until public interest subsided, and the investigating authorities turned their attention elsewhere.

On July 20, with the investigation lagging, with the Coroner still fended off by the family and Bay Village friends and officials, The Press published on Page One an editorial. It took the upper quarter of the page, and the eight-column headline said, "Somebody Is Getting Away With Murder." It was a calculated risk--a hazard of the kind which I believed a newspaper sometimes in the interest of law and order and the community's ultimate safety must take. I was convinced that a conspiracy existed to defeat the ends of justice, and that it would affect adversely the whole law-enforcement machinery of the County if it were permitted to succeed. It could establish a precedent that would destroy the even-handed administration of justice.

The evening this editorial was published in The Press, the Bay Village City Council met and voted to take the investigation away from their own police force and hand it over to the Cleveland Police Department's Homicide Squad.

The next day, also on Page One, The Press published an editorial headed: "Why No Inquest? Do It Now, Dr. Gerber."

A few hours after this editorial appeared on Page One of The Cleveland Press, Coroner Gerber ordered an inquest.

At the inquest, Dr. Sam insisted his married life had been a happy one. He denied an "affair" with a former Bay Village Hospital technician now living in California. The Press flew a reporter to Los Angeles with the police. The technician was brought back to Cleveland. She admitted her affair with Dr. Sam, and related talks she had with Dr. Sam about a possible marriage.

The wall still surrounded Dr. Sam. He had gone back to the family-operated hospital.

On July 30, The Cleveland Press published, again spread across the top of its first page, another editorial. This one was headed: "Quit Stalling--Bring Him In." Once more I wrote it myself. It was my neck I was sticking out.

That night Dr. Sam was arrested on a murder charge and taken to Police Headquarters.

The rest of the Sam Sheppard case is familiar. He was indicted by the Grand Jury, tried in a courtroom crowded with newspaper, radio and television representatives from all over America, convicted of second-degree murder, and sentenced to the Ohio Penitentiary, where he is now a prisoner.

The Cleveland Press was both applauded and criticized. It was criticized on the ground that The Press inflamed public opinion by its persistent and vigorous pounding away at the case. It was criticized by some who expressed the belief that the Sheppard case had been "tried" in the newspapers before it reached the courtroom.

The question confronting The Press as a newspaper properly concerned about the whole structure of law enforcement in the community, was--

Shall we permit a protective wall to shield a solution to this murder, by saying and doing nothing, or--

Shall we move in with all of our editorial artillery in an effort to bring the wall down, and make it possible for law enforcement authorities to act in their normal and accustomed way?

There were risks both ways. One represented a risk to the community. The other was a risk to The Press. We chose the risk to ourselves.

As Editor of The Press, I would do the same

thing over again under the same circumstances.²⁰

²⁰Seltzer, The Years Were Good, p. 267-276.

CHAPTER V

SUMMARY AND CONCLUSIONS

I. SUMMARY

In one form or another, sensationalism of the news has existed for many centuries, beginning about the time of Julius Caesar's Rome and continuing until the present day.

Three distinctive phases of sensational journalism have been evident in the history of the American press: (1) the establishment and growth of the penny papers in the early part of the nineteenth century; (2) the era of yellow journalism in the last decade of the nineteenth century; and (3) the jazz age of journalism in the second decade of the twentieth century.

Sensationalism became a significant element in the American press when the first penny papers came into being. In fact, it was largely through the use of sensational practices that the penny papers were able to survive.

The era of yellow journalism centered about a circulation war between Joseph Pulitzer's New York World and William Randolph Hearst's New York Morning Journal. Many critics of the press even argued that the two newspapers largely were responsible for the Spanish-American War. However, many of the techniques used by Pulitzer and Hearst

have since become standard in the modern press. Some of the most used of the techniques are banner headlines, the free use of photographs, and the Sunday supplement.

The jazz age of journalism was precipitated by the war of the tabloids in New York City. The main proponents of jazz age sensationalism were Joseph Medill Patterson's New York Daily News, Hearst's New York Daily Mirror, and Bernarr Macfadden's New York Daily Graphic. Sex and crime, murder in particular, were the major interests of the warring tabloids.

Many students of the press, although not so many as might be expected, have attempted to define sensationalism. The resulting definitions and explanations have taken many tangents and frequently have been contradictory on specific points. However, most definitions have pointed to two significant characteristics of sensationalism: (1) it deals with subject matter that is highly emotional and which is intended to provide the reader with stimulation; (2) it frequently distorts and nearly always overemphasizes the importance of the material. There also has been general agreement that sensationalism involves subject matter that contains one or more of the following ingredients; mystery, illicit love, suspense, sex, perversion, scandal, or the involvement of socially prominent people.

It has been debated whether sensationalism is or is not a wholesome feature of the press. Those who hold that it is a wholesome feature argue that the press is merely mirroring the society in which it lives; that only by emphasizing the evils of society can they be eliminated; that the newspaper is only printing what the readers want. Those who take the opposite view argue that the newspapers sensationalize only to sell more newspapers; that the over-emphasis of crime and sex causes still more crime and sex offenses to be committed; that newspapers paint a picture of society that distorts reality.

Several instances of newspaper sensationalism have come to be regarded as classic examples in American journalism. Three such examples are the Hall-Mills murder, the Snyder-Gray murder, and the Lindbergh-Hauptmann murder-kidnapping.

The Hall-Mills case began in September, 1922, with the double murder of the Rev. Edward W. Hall, a minister of considerable social prominence in New Brunswick, New Jersey, and Eleanor R. Mills, and ended in 1926 after a farcical attempt to find Mrs. Hall guilty of the crime. Philip Payne, after being fired as managing editor of The Daily News, moved into the same position on The Daily Mirror. Seeking some way to get back at The Daily News and to

make The Daily Mirror dominate in circulation in New York, he was successful with trumped-up charges in having Mrs. Hall arrested and tried.

The main ingredients involved in the Hall-Mills case were illicit love, mystery, a fallen minister, the downfall of a socially prominent person, and, as the trial proceeded, an unbelievable character known as "The Pig Woman."

Mrs. Hall's trial was held in a small community in an atmosphere, created by the newspapers, of a Roman Holiday. A large number of "trained seals"--special reporters of all kinds--covered the trial. The assembled reporters produced voluminous totals of words daily to fill the front pages of the nation's newspapers.

While the murderer of the Rev. Hall and Mrs. Mills was never found, Albert Snyder had been dead less than a day before the identities of his murderers were known. After carrying on a love affair with Judd Gray for some time, Ruth Brown Snyder decided it was time to get rid of her husband. In mid-January, 1928, she and Gray did just that--hitting Snyder over the head with a sash weight. The next day the pair was arrested, and each accused the other of the murder. Before long they had admitted everything.

The major ingredient of the Snyder-Gray case was

illicit love. Also, there was a certain amount of mystery. The factor that kept the public so interested, and provided the newspapers with vast amounts of copy, was that Mrs. Snyder closely resembled the woman across the street, or the wife across the table.

So remarkable was the personality of Mrs. Snyder that another flock of special reporters rushed to cover the trial. So great was the interest in the trial that The New York Times one day carried 30,000 words of testimony.

Although the coverage of the Hall-Mills case virtually ended with the not-guilty verdict, the coverage given the Snyder-Gray case actually increased after the trial. The reason was simple: Mrs. Snyder was to be the first woman to be executed in the electric chair. Thousands of people gathered outside the walls of Sing Sing Prison to see the lights dim as Mrs. Snyder was executed. With vendors selling hot dogs and people nipping at bath tub gin from hip flasks, the atmosphere resembled a Roman Holiday--again, largely the result of newspaper publicity.

Few persons hold the lofty position in the history of America that Charles Lindbergh does. It was no surprise, then, that the March, 1932, kidnap of his son was of so much interest. While the involvement of such a wealthy and

conspicuous person as Lindbergh was a major factor, there also was a great deal of mystery involved in the case. In addition to this, there was highly complicated, for the times, scientific investigation that seemed to border almost on science fiction.

From the moment that the Lindbergh baby was kidnapped the story was front page news. When Bruno Richard Hauptmann was arrested, the extent of the coverage increased.

The trial of Hauptmann was held in a small town much the same as the one in which Mrs. Hall had been tried. The scene was much the same also. More than two-hundred newspapers had reporters at the trial. More than three-hundred-thousand words daily were dispatched from the trial scene. On the day the verdict was due, most newspapers made up two front pages; one reporting Hauptmann's conviction, the other his acquittal. One newspaper even published an edition proclaiming Hauptmann's acquittal and the Associated Press sent out a false bulletin to the same effect. Surprisingly, The Daily Graphic, considered the most sensational and irresponsible of newspapers of the day, was the first newspaper on the streets with the correct verdict.

The most recent charges of gross sensationalism involved The Cleveland Press' coverage of the Sheppard murder case. The case centered about the brutal murder of Marilyn

Sheppard, pregnant wife of Dr. Samuel Sheppard, wealthy Bay Village, Ohio, osteopath.

Mystery, illicit love, involvement of a socially prominent family, and elaborate scientific investigation were the major ingredients of the Sheppard case. Mystery, which centered about the actual complicity of Sheppard, was undoubtedly the ingredient that stirred the most interest. The mystery that surrounded the case in 1954 remains even today, largely because Sheppard was convicted on basically circumstantial evidence.

Marilyn Sheppard was beaten and killed early July 4, 1954, in the bedroom of her home. Sheppard denied guilt and argued that he had attacked, and been attacked by, a bushy-haired intruder after he heard Marilyn cry out. In the scuffle with the intruder, Sheppard claimed, he suffered serious injuries to a neck vertebra.

Following the murder, an extensive search and investigation of the murder home failed to turn up any clues. Unable to achieve anything, the Bay Village Council turned the investigation over to the Cleveland Police Department Homicide Squad.

An inquest was held. After considerable urging from one Cleveland newspaper, Sheppard was arrested, questioned, and brought before the Grand Jury. Shortly thereafter he

was indicted and brought to trial.

The trial was held in the comparatively cramped quarters of the Criminal Courts Building in Cleveland. To make room for the assembled reporters, special benches were built. The scene was such in the courtroom that Ohio Supreme Court Justice James Finley Bell referred to it as a Roman Holiday for the news media. The case was front page news in most of the nation's newspapers for nearly all of its six months in the spotlight. Accounts of the trial sessions sometimes included the entire day's testimony.

The Sheppard case, like the Snyder-Gray case, continued to make news after Sheppard, better known as Dr. Sam, had been found guilty of second-degree murder. A series of legal battles ensued, providing the newspapers with continuing stories.

The biggest post trial incident was Donald Joseph Wedler's confession to the killing. The Florida convict took a lie detector test and the results revealed that Wedler could have committed the murder. The Sheppard case has since been in the headlines on occasions when Sheppard did something in prison, when it was revealed in 1963 that he intended to marry a German widow, and most recently when Coroner Samuel Gerber wrote to the Ohio Parole Board suggesting that Sheppard be paroled. It is expected that the

case will receive considerable publicity when Sheppard applies for parole late in 1964.

The Cleveland Press coverage of the Sheppard case was extensive. From the day after the murder until verdict day, the Sheppard case was the story of most importance almost continually.

The Cleveland Press, under the direction of Editor Louis B. Seltzer, crusaded against the police fumbling of the investigation. It pushed for an inquest. It demanded that Sheppard be given third-degree questioning in police headquarters. Finally, it called for the arrest of Dr. Sheppard.

The Cleveland Press devoted more than 17,000 column inches of space to the Sheppard case, significantly more on a per issue basis than its rival in Cleveland, The Plain Dealer. It used the Sheppard case as its lead story in almost two-thirds of the issues printed during the period, nearly twice as many times as did The Plain Dealer. It had a staff of reporters assigned to the story that turned out cartoons, news stories, and feature stories of all kinds.

Editor Seltzer defended The Cleveland Press coverage on the grounds that the case represented an attack on the even-handed administration of justice, that the whole structure of law enforcement in the community was in jeop-

ardy. He defended his position vigorously, and said he would do the same thing again under the same circumstances.

II. CONCLUSIONS

In studying the Hall-Mills, Snyder-Gray, and Lindbergh-Hauptmann cases, one notes certain similarities. Briefly, they could be categorized as to similarities in subject matter and similarities in press coverage.

All of the cases involved murder. There is, however, a murder committed every fifty-eight minutes in the United States. Why should these three cases stand out and receive the publicity that they did? Part of the answer is that each of the cases contained one or more of the classic ingredients of sensationalism--mystery, illicit love, suspense, involvement of a socially prominent and conspicuous family, scandal, or sex. In the Hall-Mills case, mystery, illicit love, suspense and involvement of a prominent family were the ingredients. The torrid love affair was the main ingredient in the Snyder-Gray case. Mystery and the involvement of a national hero were the major ingredients in the Lindbergh-Hauptmann case. But there have been many other cases which contained one of these elements. There have been other cases which received just as much initial publicity, but the publicity died down and the murder became

merely another statistic. The fact remains that for some unexplainable reason or reasons, there are certain cases which captivate the fancy, and interest, of the public. These were three such cases.

Similarities regarding newspaper coverage could be categorized into volume of space and typographical display devoted to the cases and coverage of the trial.

In all three cases, vast numbers of words were used to describe the murder, the investigation, and the trial. Somewhat surprisingly, the conservative New York Times was one of the leaders in terms of total amount of space devoted to the three cases. The typographical display was equally impressive. Full, front-page photographs were prevalent in the New York tabloids. Huge banner headlines were the customary practice for the day-to-day coverage of the cases.

In all instances, special facilities were made available at the trial sites for reporters, including additional seating facilities. Reporters descended upon the trials in droves. Special communication facilities were installed to enable the reporters to make their daily reports. In the Hall-Mills and Snyder-Gray cases, elaborate electronic typewriter facilities were made available. Additional telephones were installed. In short, as much as possible was

done to aid the reporters in dispatching their voluminous reports.

The coverage of the trials was characterized by the presence of a large number of trained seals--reporters specializing in areas of interest. There were sob-sisters and sportswriters, columnists and music critics, detectives and ministers, political cartoonists and playwrights, advice to the lovelorn columnists and relatives of trial participants.

As the result of its role in the coverage, the press was criticized for participating in each case. In the Hall-Mills case, the arrest and Grand Jury indictment resulted from the efforts of Philip Payne and The Daily Mirror. In the Snyder-Gray case, The Daily News photographed Mrs. Snyder as she was executed. The press in general pushed for a fast conviction of Bruno Hauptmann in the Lindbergh case.

One final similarity was noted. This was that at one time or another the atmosphere of each case was described as being that of a "Roman Holiday." In each case, the blame was placed on the newspapers.

A pattern of sensationalism became noticeable during the study of these three classic examples. First, a case included at least one of the classic ingredients and it captured the public fancy. Second, vast amounts of space

in the newspapers were devoted to the coverage of the case, with emphasis on the major ingredient. Third, the case received typographical display of unusual proportions, with concentration on banner headlines and large photographs, and it received such display over the duration of the case. Fourth, large numbers of reporters were assigned to cover the trials. Fifth, in addition to the regular reporters were a large number of specialized reporters. Sixth, special arrangements and facilities were made available to the reporters at the trial to aid them in their coverage. Seventh, at one stage or another, the press was considered responsible for helping create a Roman Holiday atmosphere. Finally, the press acted as a participant in the case, either by campaigning for a quick trial and verdict, by stirring up interest in the case when it began to lag, or by actually initiating the legal processes.

How does the coverage of the Sheppard case by The Cleveland Press fit the pattern of sensationalism as developed by the Hall-Mills, Snyder-Gray, and Lindbergh-Hauptmann cases? First, the Sheppard case did contain at least one of the classic ingredients. In fact, it contained several: mystery, illicit love, and the involvement of a socially prominent family. Second, The Cleveland Press did devote unusually large amounts of space to the case. Third, the

case received prominent typographical display in The Cleveland Press, and it received such display for the duration of the case. Fourth, The Cleveland Press did assign a large number of reporters to cover the trial. Fifth, The Cleveland Press did have several specialized reporters assigned to the trial. Sixth, special arrangements and facilities were made available to those reporters covering the trial. Seventh, the critics, including one of the stature of an Ohio State Supreme Court Justice, claimed that the Sheppard trial was a Roman Holiday for the press. Finally, and in the eyes of many the most important, The Cleveland Press was involved very much as a participant in the case. In front page editorials, Editor Seltzer called for the transfer of authority for the investigation from Bay Village to Cleveland, for an inquest, and for the arrest of Sheppard. It could hardly be considered a coincidence that within twenty-four hours of the time that each of these editorials appeared the action Seltzer asked for was realized. In addition, it was The Cleveland Press which portrayed Sheppard as a man "getting away with murder" because of his social position. As a result of this comparison, it is obvious that The Cleveland Press' coverage of the Sheppard murder case coincided with the pattern of sensationalism developed in the Hall-Mills, Snyder-Gray, and Lindbergh-Hauptmann cases.

The areas in which The Cleveland Press seemed to be most sensational, in relation to the pattern, were those of space and typographical display, and participation. The amount of space devoted to the case was impressive, but the typographical display was even more so. The Cleveland Press' participation, in calling for Sheppard's arrest and strongly hinting as to his guilt long before the trial, was criticized as possibly being trial by newspaper.

If The Cleveland Press was sensational, according to the pattern, it also was more sensational than The Plain Dealer in its coverage of the Sheppard case. The Cleveland Press devoted more space and presented a more striking, and continuous, typographical display to the case than did its rival. It carried a wider variety of stories. Finally, The Cleveland Press took a definite editorial stand and pushed for the arrest of Sheppard, in front page editorials, while The Plain Dealer never took a stand and never hinted at anyone's guilt.

As a result of this study, then, two conclusions were reached: (1) The Cleveland Press' coverage of the Sheppard murder case coincided, point for point, with the pattern of sensationalism as developed by the Hall-Mills, Snyder-Gray and Lindbergh-Hauptmann cases; (2) The Cleveland Press was

more sensational than The Plain Dealer in its coverage of the case.

This study has attempted to define more clearly the concept of sensationalism. It has dealt with several criteria for determining sensationalism.

There is a need for a method of determining sensationalism that does not require comparison with other cases. This method, ideally, would be highly objective and statistical in nature. There is a need also for a method of not only determining sensationalism, but the degree of sensationalism. Of the studies conducted to date, it would appear that those done by Tannenbaum and Lynch hold the most promise.

Along ethical lines, there is a need for more discussion about the nature of sensationalism. Sensationalism is assumed generally to be an unwholesome feature of the press. But is this necessarily so? Does publication of lewd crimes and immoral sex cause more crimes and more sex offenses, or does it call attention to these problems and thus attempt to eliminate them? Does the sensational press present a distorted image of society, or does it mirror it? Should the press ignore, or play down, distasteful things because they occur, or should it subscribe to John Milton's "market place of ideas" concept that men have the facilities

for reasoning and can distinguish between right and wrong, but only when they have all the information?

Sensationalism, as it has been pointed out, is a significant aspect of the American press. It needs more study.

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