

to his connection with that event. The law does not recognize a right of privacy in connection with that which is inherently a public matter."

The rights of radio and tv were clearly stated in this language:

"Freedom of the press as guaranteed by the state and federal constitutions is not confined to newspapers and periodicals, pamphlets and leaflets . . . but these provisions of free press extend to broadcasting and television. The courts make no distinction between various methods of communication in sustaining freedom of the press. Freedom of the press is not a discriminate right, but the equal right of news-gathering and disseminating agencies, subject only to the restrictions against abuse and injurious use to individual or public rights and welfare

"The courts, in certain unusual circumstances, may restrict the attendance of the public for various sound reasons which under proper circumstances, might include some press and television representatives, but they cannot under the constitution exclude the public generally or entirely. A trial is a public event and what transpires in the courtroom is public property. Those who see and hear what transpired can report it with impunity. There is no special perquisite of the judiciary which enables it, as distinguished from other institutions of democratic government, to suppress, edit, or censor events which transpire in proceedings before it."

Tv and radio coverage was left by the decision to the discretion of the trial judge, as in the Colorado ruling. "The matter of televising or not televising, photographing or not photographing criminal trials and proceedings, subject to the hereinbefore suggested judicial standards, is within the sound discretion of the trial judge," the opinion stated. "Where court proceedings may be taken for reproduction, on sound track and television, without disruption or in a manner not degrading to the court and without infringement upon any fundamental right of the accused, such agencies should be permitted so to do within reasonable rules prescribed by the courts. . . . Courts should not tolerate conditions of either distraction or disturbance to the proceedings and should at all times be master of the forum."

Freedom of the press was strongly affirmed as a great but sometimes dormant strength and potential for good. "This right makes the press the most potent servant of the people in protecting all rights against acts of tyranny, fraud and corruption, as well as a most prolific medium of information and education," the court held. "Freedom of the press is the fulcrum by which the standards of the world have been lifted to a higher level. Hence, we can understand why it has been many times held that these provisions of free press extend to broadcasting and television."

Judge Brett added this significant statement:

"To deny television the same privileges as are granted to the press would constitute unwarranted discrimination."

Media coverage of trials offers much to the courts and public alike, he observed. "It has been said without education the people

perish. There is no field of government about which the people know so little as they do about the courts. There is no field of government about which they should know as much, as about their courts. . . . Many members of the legal profession who advocate the dissemination of knowledge for every purpose in all other fields rebel at the thought of the people being informed concerning the operations of the lawyers' legal preserve.

"The courts do not belong to the lawyers but are institutions by, of and for the people. In this modern age, it is well that the veil of mysticism surrounding our courts be removed and the people be confronted with reality. We are not afraid or ashamed and we must be consistent."

Judge Brett quoted this language from Chief Justice Otto Moore's Colorado decision, "What harm could result from portraying by photo, film, radio and screen to the business, professional and rural leadership of a community, as well as to the average citizen regularly employed, the true picture of the administration of justice? That which is carried out with dignity will not become undignified because more people may be permitted to see and hear."

In his opinion Judge Brett was not concerned lest trial judges be submitted to an intolerable burden in arranging coverage details with media. He said: "Press and broadcasting interests of Oklahoma are alert to this situation and have proposed the organization of a permanent association for pooling their facilities for effectively meeting this objection.

"This court is not without experience on this issue. On numerous occasions, supervised televising in this court has been con-

ducted. Our experience is that when properly supervised by the court, there is neither disturbance, distraction nor lack of dignity or decorum. We are of the opinion that the presumption upon which Canon 35 has been constructed is fabricated out of sheer implication and not hammered out on the anvil of experience."

Noting that exclusion of the press abridges the right of a public trial, Judge Brett observed the courts "must be open to the press and its prying eyes and purifying pen to report courtroom abuses, evil and corrupt influences which despoil and stagnate the flow of equal and exact justice." He cited the proverb, "One picture is worth a thousand words," and added, "Basically, there is no sound reason why photographers and television representatives should not be entitled to the same privileges of the courtroom as other members of the press."

Oklahoma Television Assn., comprising all tv stations in the state, filed a brief as friend of the court when the Lyles case was appealed to the upper tribunal. The brief, written by John Harrington of the law firm of Johnson, Lytle & Soule, contended the WKY-TV film shots of the defendant did not violate his constitutional rights; did not unfairly invade his right of privacy; did not involve abuse of its discretion by the court. The brief contended Canon 35 language does not justify the presumption the defendant was prejudiced.

Chief Justice Earl Welch of the Oklahoma Supreme Court, said after the decision was handed down that his court obviously would take no action in regard to Canon 35 while it was being reviewed by American Bar Assn. The Criminal Court of Appeals has parallel jurisdiction in criminal matters.

#### ADVERTISERS & AGENCIES

## FURNITURE TV BREAKTHROUGH SET

- Bold Action co-op campaign to break in 24 markets
- Plan jointly announced by Denver dealer Kohn, TvB

A \$200,000 spot television campaign which its originator expects to lead into "a new era of furniture selling on television" will be launched Sept. 22 by 24 leading furniture retailers in 24 important markets across the nation, backed by name furniture manufacturers.

By the time the campaign goes into its second 13-week cycle the number of participating stores is expected to be more than doubled, according to Robert S. Kohn, president of Bold Action Furniture Sales Inc., Denver. Mr. Kohn founded Bold Action to conduct such promotions after his American Furniture Co., also of Denver, met "outstanding" success by adding a saturation tv spot campaign to its regular newspaper advertising last spring.

Plans for the 24-company drive are being announced today (Sept. 8) by Mr. Kohn and President Norman E. Cash of Television Bureau of Advertising, which gave "immeasurable help" in organizing the plans, according to Mr. Kohn.

The pattern and frequency of the commercials will vary, he said. Details of the

promotion were not disclosed, but officials said the \$200,000 figure represented the approximate cost of the first 13-week cycle.

The campaign has the cooperation of such furniture manufacturers as Simmons, Kroehler, Berklene, Associated Factories, Artistic, Sam Moore and Western Table. Authorities said these companies would not contribute financially to the campaign but would produce special merchandise, at special prices, to be featured only during this campaign.

The basic tv formula is to feature one furniture item each week, supplied by a manufacturer and shown via sound-on film. The films will be individually tailored for participating stores so that both audio and video will carry the store's name, location and other pertinent information. Mail and phone orders and credit buying also will be featured.

The commercial theme is "Breaking the Price Barrier." Commercials will open with a "price smashing" scene, followed by introduction of the particular week's item. Officials said that cooperating manufac-