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Communications: Media Law and Ethics

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Case Analysis 2

A Brief Case

CITATION:

Nebraska Press Association V. Stuart. 55 U.S. 543 (1976)

PROCEDURAL HISTORY- Who Won?

A judge in Nebraska gives a restraining order on Nebraska Press Association. The Supreme Court of the United States found that the judge's order violated the First and Fourteenth Amendment. The courts ruled the restraint as modified.

FACTS- What happened?

An analysis of the 1976 Nebraska Press Association verses Stuart case is as follows. On October 18, 1975 in Sutherland, Nebraska, the Kellie family was found dead. There were a total of 6 people. Police released the description of a suspect by the name of, Erwin Charles Simants. The next morning, he was arrested and following the arrest lead to the arousal of much media broadcasting. Three days later the plaintiff and defendants attorney joined for a discussion agreeing to not release details of the case to the public. The agreement meant also restraining the reporters and broadcasters from publicizing confessions and other accusations.

During the pending of the six member family murder trial, a Nebraska judge kept reporters from broadcasting confessions from accused murderers to authorities. The U.S (1976) courts discussed, "matters that may or not be publicly reported or disclosed to the public"

because of the “mass media news reported by media” and the “reasonable likelihood of the prejudicial news, which would make difficult, if not impossible, the impaneling of an impartial jury and tend to prevent a fair trial.” The County Court heard oral argument, but took no evidence. The courts granted the prosecutors a restrictive order to anyone present during the release of the trial information to keep it disclosed from any form of media display whatsoever. It also ordered the press to review the Nebraska Bar-Press Guidelines.

After a careful autopsy, the defendant was found guilty of the murders in the course of sexual assault. Reporters, publishers, broadcast associations, and petitioners showed up in court asking that the restrictions be removed. The District Court granted them permission to intervene and later gave his own order. The District Court found due to the nature of the crimes charged in the complaint that there is a form of danger that pretrial publicity could interfere with the right to a fair trial.

LEGAL ISSUE- What will be the deciding factor?

The legal issue in the Nebraska v. Stuart case is whether the press can be overpowered in an ongoing investigation.

REASONING/RATIONALE

Though freedom of expression is not absolutely prohibited under all circumstances, the intervening of prior restraint remains high. It is unnecessary to form a priority between the First and Fourteenth Amendments right to a fair trial, the prior restraint should have particular force as applied to criminal processing. The heavy burden imposed as a condition to secure prior restraint was not met. On the pretrial record the judge was justified in concluding there would be intense pretrial publicity intervening on the case.

HOLDING/DECISION-What happened as a result of court's decision?

The Supreme Court results were reversed saying lower courts needed to determine whether other measures could take place, considering circumstances of the case. The SCOTUS found that it could not determine whether other measures would protect the potential defendant. Therefore, the restraining order was invalid and unnecessary. The courts also added the proposition that pretrial publicity does not interfere with a fair trial.

OPINION

I agree with the outcome of the court case, Nebraska Press Association v. Stuart. The restraining order was not the bad idea but the reasoning behind the order was where I disagreed. I do not believe the results would tamper or interfere with the pretrial outcome. Though the reporters were said to had actual confessions the outcome would be the same.