

Theo Wilson: Professionalism Through the Eyes of a “Nuclear Powered Pixie”

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For 30 years, Theo Wilson, a reporter for the *New York Daily News* covered high-profile trials across America, her first one was the murder trial of Dr. Sam Sheppard in 1954 and the last one, the 1984 cocaine trial of John De Lorean. This paper applies the concept of professionalism, as defined by Walter Williams' Journalist's Creed, to the practices Theo Wilson, dean of the trial reporters, practiced throughout her career.

## Professionalism and Trial Reporting

Theo Wilson, a nationally renowned trial reporter who worked for the *New York Daily News*, wrote that the United States Supreme Court decision reversing the murder conviction of Dr. Sam Sheppard in 1966 significantly hindered the right of the press to cover public trials and severely damaged the reputation of trial journalists' professionalism.<sup>1</sup> The Sheppard trial was not the first time the press has been involved in what has been described as a media circus. That claim was made in 1937 after Bruno Richard Hauptmann was convicted of the kidnapping and murder of Charles Lindbergh's baby.<sup>2</sup> It was also claimed in 1965 after the fraud conviction of Billie Sol Estes, the "Texas Wheeler Dealer" who sold rights to non-existent ammonia tanks.<sup>3</sup> The most recent example was the 1995 murder trial of O.J. Simpson.<sup>4</sup> The first major trial Wilson covered was the Dr. Sam Sheppard murder trial in 1954 and the last one she covered for publication was the John De Lorean cocaine trial in 1984.<sup>5</sup>

Wilson was raised in Brooklyn, N.Y., and graduated from the University of Kentucky in 1937 with no formal journalism training, although she worked on the

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<sup>1</sup> Theo Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 1st ed. (New York: Thunder's Mouth Press, 1996), 74.

<sup>2</sup> Alfred N. Delahaye, "The Case of Bruno Hauptmann (1935)," in *The Press on Trial: Crimes and Trials as Media Events*, ed. Lloyd Chiasson Jr. (Westport, CT: Greenwood Press, 1997), 117.

<sup>3</sup> Marjorie Cohn and David Dow, *Cameras in the Courtroom: Television and the Pursuit of Justice* (Jefferson, N.C.: McFarland & Company, Inc. Publishers, 1998), 19.

<sup>4</sup> Paul Thaler, "The Case of O.J. Simpson: "No Closer to Greek Tragedy Than Oedipus Hertz"," in *The Press on Trial: Crimes and Trials as Media Events*, ed. Lloyd Chiasson Jr. (Westport, CT: Greenwood Press, 1997), 191.

<sup>5</sup> Linda Deutsch, (Legal expert, Associated Press Special Correspondent) Telephone interview with Michael T. Martinez, Nov. 20, 2009; Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 62.

university paper, the *Kentucky Kernal*, as a columnist and associate editor.<sup>6</sup> Days after graduating she went to work for the *Evansville (Ind.) Press* covering news and features in the tri-state area of Indiana, Illinois and Kentucky.<sup>7</sup> In 1943, she married and moved with her husband Bob to Indianapolis where she worked for the *Indianapolis Times*.<sup>8</sup> The navy transferred her husband to Richmond where she got a job with *The News Leader*.<sup>9</sup> She covered the federal beat for three years, which included the FBI, the federal courts and federal agencies, and for another three years covered state and city courts.<sup>10</sup> Wilson's husband had ambitions of working as a news commentator for a television network in New York, and she followed him on his journey first to Philadelphia where she worked temporarily for the Associated Press and then at the *Philadelphia Bulletin*. He finally ended up at NBC-TV in New York and after a short stint at the *New York Post* Theo landed at the *New York Daily News*.<sup>11</sup>

The media is not one monolithic mass and Wilson's concern was that, while some members of the press may not live up to professional standards, all members of the press

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<sup>6</sup> Theo Wilson Papers, Theo Wilson Book Proposal That Became *Headline Justice*, (Collection 3972, F. 66) Western Historical Manuscript Collection, [Henceforth WHMC] — Columbia; Theo Wilson papers, Undated self-authored bio Circa 1947-1953 (Collection 3972, F. 1) WHMC.

<sup>7</sup> Theo Wilson papers; Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 25-26.

<sup>8</sup> Undated self-authored bio Circa 1947-1953, WHMC — Columbia, Mo.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 144-46.

have been made to suffer for it.<sup>12</sup> Throughout her professional career she fought for the rights of the press to cover trials and espoused professional standards that trial reporters should follow to not only be fair to the trial participants, but also to benefit their readers.

The concept of professionalism, as the moral basis for journalism, was enunciated by Walter Williams, the first dean of the School of Journalism at the University of Missouri in his “Journalist’s Creed,” one of the first code of ethics for the profession.<sup>13</sup>

The Creed states:

I believe in the profession of journalism.

I believe that the public journal is a public trust; that all connected with it are, to the full measure of their responsibility, trustees for the public; that acceptance of a lesser service than the public service is betrayal of this trust.

I believe that clear thinking and clear statement, accuracy and fairness are fundamental to good journalism.

I believe that a journalist should write only what he holds in his heart to be true.

I believe that suppression of the news, for any consideration other than the welfare of society, is indefensible.

I believe that no one should write as a journalist what he would not say as a gentleman; that bribery by one's own pocketbook is as much to be avoided as bribery by the pocketbook of another; that individual responsibility may not be escaped by pleading another's instructions or another's dividends.

I believe that advertising, news and editorial columns should alike serve the best interests of readers; that a single standard of helpful truth and cleanness should prevail for all; that the supreme test of good journalism is the measure of its public service.

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<sup>12</sup> Theo Wilson Papers, Letter to the United States Supreme Court published in Editor & Publisher, Decorum at The Sheppard Trial, Oct. 22, 1966, (Collection 3972, F. 315) WHMC — Columbia, Mo.

<sup>13</sup> Betty Houchin Winfield, *Journalism 1908: Birth of a Profession* (Columbia, MO: University of Missouri Press, 2008), 12.

I believe that the journalism which succeeds – and best deserves success – fears God and honors Man; is stoutly independent, unmoved by pride of opinion or greed of power, constructive, tolerant but never careless, self-controlled, patient, always respectful of its readers but always unafraid, is quickly indignant at injustice; is unswayed by the appeal of privilege or the clamor of the mob; seeks to give every man a chance and, as far as law and honest wage and recognition of human brotherhood can make it so, an equal chance; is profoundly patriotic while sincerely promoting international good will and cementing world-comradeship; is a journalism of humanity, of and for today's world.<sup>14</sup>

Drawing on concepts of professionalism from Williams' Creed and looking through the lens of Theo Wilson, this paper will add knowledge to the theoretical concept of professionalism by exploring how trial reporters can apply those principles to court reportage.

#### Who Was Theo Wilson?

Theo Wilson was described as the “dean of the trial press corps.”<sup>15</sup> Linda Deutsch, a trial reporter for the Associated Press, said “If you were going to go to big cases, you frequently turned to Theo for advice.”<sup>16</sup>

Even though Wilson had been a reporter and editor for several years, first in Evansville and later in Indianapolis, she first learned the art of reporting on the courts after taking a job at the Richmond (Va.) *News-Leader* in 1943.<sup>17</sup> For the first three years she covered the “federal” beat, which included the FBI, the Alcohol Tax Unit, Federal

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<sup>14</sup> Ibid., 87.

<sup>15</sup> Linda Deutsch, "Foreward," in *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, ed. Theo Wilson (New York: Thunder's Mouth Press, 1996), xiii.

<sup>16</sup> Deutsch, (Legal expert, Associated Press Special Correspondent)

<sup>17</sup> Theo Wilson Papers, "Biographical Sketch," Western Historical Manuscript Collection — Columbia, <http://whmc.umsystem.edu/invent/3972.html>.

Court, U.S. Circuit Court of Appeals and the U.S. Marshal's office.<sup>18</sup> For three years after that, she covered city and state courts.<sup>19</sup>

During her stint on the federal beat she learned how the federal court system worked, but she learned the law from the state and county courts she covered.

Judge John Ingram, of the Hustings Court in Richmond, was one of her informal tutors. The Hustings Court was a state court, similar to the Superior Court of Los Angeles or the Supreme Court of New York.<sup>20</sup> In 1973, Hustings Courts became Circuit Courts in Virginia.<sup>21</sup> He would allow her to use his telephone to dictate stories when she was on deadline and would correct her if she made a legal error in the dictation. Over time she became so adept that he would beam with pride as she dictated, "nodding his head to show I was on course."<sup>22</sup> The newspaper expected her to explain what the legal jargon and legal nuances were. Her job was to break it down so the public could understand it. She relied on judges to keep her accurate and that is how she learned to ask questions of both judges and lawyers. She found that far from being annoyed, they enjoyed giving the information if it resulted in making the law understandable.<sup>23</sup> This exemplifies Williams'

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<sup>18</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 27; Theo Wilson papers, Undated self-authored bio Circa 1947-1953, WHMC — Columbia, Mo.

<sup>19</sup> Theo Wilson papers, Undated self-authored bio Circa 1947-1953, WHMC — Columbia, Mo.

<sup>20</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 36.

<sup>21</sup> Code of Virginia, "§ 17.1-500. Establishment of Circuit Courts," <http://leg1.state.va.us/cgi-bin/legp504.exe?000+coh+17.1-500+700990>.

<sup>22</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 36.

<sup>23</sup> *Ibid.*

statement that that “clear thinking and clear statement, accuracy and fairness are fundamental to good journalism.”<sup>24</sup>

Covering the courts taught her the skill to listen attentively to what was being said. She developed an ear to hear the rhythms, quirks and nuances in speech patterns of witnesses and attorneys. This allowed her to anticipate when a lawyer was leading up to a highly important, maybe “explosive question.”<sup>25</sup>

Reporters covering trials have to capture every detail in their notes. She said:

You have to be taking it all down, and you can’t stop, no matter how shocking or graphic the testimony is. So many times after an extraordinary statement by a witness, I have glanced up and seen some of the reporters immobilized, mouths open staring at the witness, pens unmoving in frozen fingers. ‘Write! Write!’ I whisper to them, or jab them with an elbow if they are within range.”

... But while you are scribbling away, you also have to keep looking up at the jurors, at the opposing counsel, at the relatives and friends in the trial room, to get their reactions when the defendant says something particularly shocking or revealing.

When Patty [Hearst] testified that she had been raped, I was able to write into my story that her father pressed his head into his hands so tightly that he left red fingerprints on his face.<sup>26</sup>

Wilson took this skill with her through several other jobs before landing at the *Daily News* when it was in its heyday. During the 1950s, 1960s and early 1970s, the *Daily News* had the largest circulation in America, surpassing *The New York Times*.<sup>27</sup> Wilson wrote, “[I]t wasn’t until the 1970s that one of the honchos at the *Times* finally

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<sup>24</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>25</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 29.

<sup>26</sup> "Theo Wilson," Indiana Journalism Hall of Fame, <http://indianajournalismhof.org/1998/01/theo-wilson/>.

<sup>27</sup> ———, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 142.

instructed the staffers that what happened in New York would no longer be ‘second class news.’ We used to say that the *Times* had a bureau in Bangladesh, but didn’t have anybody who knew how to get to the Bronx.’<sup>28</sup>

While Wilson covered many types of stories for the *News*, courts were her forte.

She said:

Of all the stories I covered – political conventions, including the bloody violence in Chicago; hurricanes, royal weddings and visits, Jackie Kennedy’s trip to India and Pakistan, President Nixon at San Clemente and in exile, the first space shots and man’s first walk on the moon – none has been as challenging, as difficult, as demanding as covering a big trial.<sup>29</sup>

Wilson developed professional standards that she followed – the Theo Wilson Cardinal Rules of Trial Coverage. First, never leave the courtroom, except to file your story, you might miss a crucial moment.<sup>30</sup> This rule followed Williams’ statement “that clear thinking and clear statement, accuracy and fairness are fundamental to good journalism.”<sup>31</sup> Second, don’t report out-of-court gossip, “the only important facts are those that come from the witness stand to the jury’s ears.” Lawyers on both sides will try to “sell” you information that is favorable to their client. Finally, come to the trial with an open mind, “listen to the evidence as if you were a juror and report it with a fair, unbiased approach.”<sup>32</sup> This rule follows Williams’ statement that “journalism which succeeds...is quickly indignant at injustice; is unswayed by the appeal of privilege or the clamor of the mob...” Finally, “never come to a trial with your mind made up; listen to the evidence as if you were a juror and report it with a fair, unbiased approach.”<sup>33</sup> This supports

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<sup>28</sup> *Ibid.*, 143.

<sup>29</sup> Theo Wilson Papers, Notes on how to cover trials, (Collection 3972, F. 64) WHMC — Columbia, Mo.

<sup>30</sup> Deutsch, "Foreward," xiv.

<sup>31</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>32</sup> Deutsch, "Foreward," xiv.

<sup>33</sup> *Ibid.*

Williams' statement "that a journalist should write only what he holds in his heart to be true."<sup>34</sup>

### The Sam Sheppard Murder Trials

In 1954, Dr. Sam Sheppard was convicted of murdering his pregnant wife Marilyn. The courtroom was tiny, barely capable of seating 200 people comprised of jurors, principals, court functionaries and spectators. A few days before the opening of the trial, Judge Edward Blythin met with the media to work out seating assignments for the press. Two tables were set up inside the bar, in the well of the courtroom, for local press and the wire services. Three of the four rows outside the bar were reserved for out-of-town reporters, and the radio and television observers.<sup>35</sup> "Members of the Sheppard family huddled on a back bench."<sup>36</sup> There was no room for the general public for one of the gaudiest, most publicized and most controversial trials in modern times.<sup>37</sup>

As the trial opened, William Corrigan, Sheppard's defense attorney asked for a continuance of the trial and a change of venue.<sup>38</sup> He argued that the media coverage leading up to the trial made it impossible for Sheppard to get a fair trial. The *Cleveland Press* had been highly critical of the murder investigation and was on a crusade to push the prosecution of Sheppard along with editorials containing headlines such as "The Finger of Suspicion" and "Getting Away with Murder."<sup>39</sup> The *Cleveland Plain Dealer*

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<sup>34</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>35</sup> Paul Holmes, *The Sheppard Murder Case* (New York: David McKay Company, Inc., 1961), 66. Paul Holmes covered the Sam Sheppard murder trial for the *Chicago Tribune*.

<sup>36</sup> *Ibid.*, 4.

<sup>37</sup> *Ibid.*, 5.

<sup>38</sup> *Ibid.*, 67.

<sup>39</sup> *Ibid.*, 49-50.

had suggested that Sheppard had refused to answer questions under a truth serum.<sup>40</sup> This was not accurate. Sheppard refused to answer any more questions without his lawyer present. The *Cleveland Press* pushed more critically asking, “Isn’t This Murder Worth an Inquest?”<sup>41</sup>

Dr. Samuel R. Gerber, the county coroner, responded by scheduling an inquest the day the editorial appeared. Sheppard waived his right to refuse to testify against himself and “endured six hours of interrogation by Gerber personally.”<sup>42</sup> Sheppard’s attorney attempted to read a statement into the record, but was told by Gerber that he was there as a spectator and was forcibly removed from the room.<sup>43</sup> A significant portion of the inquest was televised in the Cleveland area, newspaper accounts were extensive and some of the testimony was reported word-by-word.<sup>44</sup>

Judge Blythin denied the continuance, but postponed a decision on the change of venue stating the only way to find out if one was necessary was to try to seat a jury.<sup>45</sup> The jury pool had been selected 30 days prior to the trial date and in an unprecedented move, the names and addresses of the 64 people who comprised the pool were published in all three Cleveland daily newspapers exposing the prospective jurors to improper outside influences.<sup>46</sup>

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<sup>40</sup> Ibid., 51.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid., 53.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid., 54.

<sup>45</sup> Ibid., 67.

<sup>46</sup> Ibid., 68.

The Sheppard murder, in 1954, was the first high-profile trial that Theo Wilson covered. She became part of a cadre of nationally known reporters who would cover many high-profile trials in the coming years. She returned to Cleveland 12 years later to cover a second Sheppard murder trial.

On June 6, 1966, the conviction of Sam Sheppard was overturned by the United States Supreme Court on a plea by his defense attorney F. Lee Bailey, that the first trial had been prejudiced by publicity surrounding the trial and by press excesses in the trial itself. Trial reporters at the first Sheppard trial bore the brunt of that accusation, but Wilson said they acted in a proper and orderly fashion. She said that the Supreme Court findings were misinterpreted by both the legal community and the public to the great detriment of the press and its right to cover trials.<sup>47</sup> “The Supreme Court decision resulted in the most stringent restrictions ever imposed on national trial reporters, before or since.”<sup>48</sup>

Wilson and other national reporters who covered the trial said that the decision was based on misleading information provided to the justices by Bailey.<sup>49</sup> Nine reporters, organized by Wilson and UPI trial reporter “Doc” Quigg, who were members of the out-of-town press covering the trial, sent a letter to the Supreme Court defending the late Judge Blythin and “denie[d] that the press created disruptive influences in the

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<sup>47</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 74.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid., 76.

courtroom.”<sup>50</sup> They said that in the 12 years the Sheppard case was shuttled among the courts, the criticism of the disruption in the courtroom “ballooned out of proportion of the facts.”<sup>51</sup> In the letter, they said:

We are speaking purely as members of the out-of-town press at the trial, whose reports were for readers who in no regard could be connected with the case. We were not involved with local interests, Cleveland elections, nor with any “prejudicial” pretrial publicity that might have come to the attention of potential jurors. At the time of the trial, we never believed that the American press as a whole would be condemned 12 years later for local stories about revelations made by police, defense and prosecuting attorneys, and the coroner in one city in the Middle West – nor do we believe that the Supreme Court, in its decision intended this to happen.<sup>52</sup>

Judge Francis J. Talty who would hear the second Sheppard trial did not take into consideration out-of-town coverage. He accredited members of the media and set aside 14 seats for the two wire services AP and UPI, the local newspapers, and television and radio stations. Members of the press that contributed to the Supreme Court decision to overturn Sheppard’s conviction were given seats in the courtroom. It was the Cleveland newspapers, particularly the *Cleveland Press*, that led the campaign to bring Sheppard to justice.<sup>53</sup> Wilson noted that “allowed to sit at this trial are representatives of the Cleveland newspaper which is cited over and over again in the Supreme Court decisions for publishing in Cleveland, for Cleveland readers, the prejudicial ‘pre-trial’ editorials, cartoons and news stories which the Supreme Court said made it impossible to give Dr.

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<sup>50</sup> Theo Wilson Papers, Sheppard Reporters of 1954 File Protest, Oct. 19, 1966, (Collection 3972, F. 172) WHMC— Columbia, Mo.

<sup>51</sup> Letter to the United States Supreme Court published in Editor & Publisher, Decorum at The Sheppard Trial, Oct. 22, 1966, (Collection 3972, F. 315) WHMC— Columbia, Mo.

<sup>52</sup> Ibid.

<sup>53</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 74-75.

Sheppard a fair trial. Also accredited were two radio stations named in the Supreme Court decision ‘as among those [who] allowed prejudicial statements on the air.’”<sup>54</sup>

Judge Talty prohibited members of the press from installing telephones or teletype machines in the courthouse making it impossible to set up a pressroom for the media. Reporters who were not accredited would only be allowed in the courtroom on a first-come first-serve basis with the public and were subject to strict regulations.<sup>55</sup>

Wilson wrote, “Saying that reporters can stand with spectators and scramble for seats...hampers the press in trying to fulfill its duties.”<sup>56</sup>

Nevertheless, Wilson said she felt she had to go to Cleveland to cover the second Sheppard trial for two reasons. First, it was important for the *News*’ readers to know about the trial. Second, she could not be critical about reporters being hampered in their work unless she actually tried to cover the trial and proved she was hampered.<sup>57</sup>

Every morning during the first week, Wilson would get up early and go to the courthouse in the dark to be among the first in line to get one of the available seats. Every night after filing her stories, she would go see Judge Talty to plead her case. She told him she had to cut her filing short at the lunch hour just to be sure she got a seat in the afternoon session. She refrained from pointing out to him that some of the seats he had

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<sup>54</sup> Theo Wilson Papers, Theo Wilson Memo: Press Arrangements at the Sheppard Re-Trial, 1966, (Collection 3972, F. 315) WHMC — Columbia, Mo.

<sup>55</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 74-75.

<sup>56</sup> Theo Wilson Papers, Theo Wilson Memo to Editors: The Sheppard Trial Press Regulations, 1966, (Collection 3972, F. 315) WHMC — Columbia, Mo.

<sup>57</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 79.

reserved for local radio and TV were empty much of the time. “If you can’t get voices on tape and pictures on screen, why sit all day in the trial room?”<sup>58</sup>

After the first week of the trial, Wilson and her colleagues received word through a deputy sheriff that for “those reporters who sweated out the first week standing in line with the public, reserved seats had been made available in the second row, near the door. No more threat of being locked out of a session because there were no seats left.”<sup>59</sup>

Wilson’s persistence in lobbying on behalf of the press and her professionalism met with success.

#### Between Sheppard and O.J.

Many of the reporters who met at the first Sheppard trial stayed in touch and often ended up on the road together covering other high-profile trials. Wilson covered trials from the Jack Ruby murder trial in 1964 (who shot Lee Harvey Oswald on national TV) to the Boston Strangler rape and murder trial in 1967; from starlet Claudine Longet’s manslaughter trial in 1977 (she was accused of killing her boyfriend Olympic skier Spider Sabich) to the Patty Hearst burglary trial in 1976; from the Roman Polanski rape trial in 1977 to the Los Angeles version of the Daniel Ellsberg treason trial in 1973 (for leaking the Pentagon Papers.)

Ever vigilant for the rights of the press she constantly fought for access to courtroom. When Wilson arrived to cover the Sirhan Sirhan murder trial (the man who shot Sen. Robert F. Kennedy in 1968), she found there was no seat accredited for the *News*. When she went to the judge, asking why the Pasadena paper had a seat, he said the

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid., 80.

defendant was from Pasadena. She said, “and the victim (Bobby Kennedy) was a senator from New York!!!”<sup>60</sup> Wilson got a seat.

Wilson said that trial reporters who are thrown together for months out of town become like families, hanging out together after court sessions.<sup>61</sup> “Theo was the heart and soul of the group.”<sup>62</sup> During the Charles Manson case in 1970-71, her room became “trial central.” She would hold court and talk about the events of the day. She was described as a “nuclear powered pixie.”<sup>63</sup>

At big trials veteran reporters, veteran lawyers and judges often shared a healthy friendship and a healthy respect. With mutual trust and professionalism, they would meet and drink and eat together throughout the trial, knowing that after-hours get-togethers would never be publicized or discussed.<sup>64</sup> Wilson’s room often became the “press center” where all could gather and relax. She guaranteed that no word of the get-togethers with the judge or lawyers would leak out and all the members of the press honored that. This supported Williams’ statement that “journalism which succeeds – and best deserves success – fears God and honors Man; is stoutly independent, unmoved by pride of opinion or greed of power, constructive, tolerant but never careless...”<sup>65</sup>

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<sup>60</sup> Deutsch, (Legal expert, Associated Press Special Correspondent).

<sup>61</sup> Theo Wilson Papers, Theo Wilson Book Proposal That Became *Headline Justice*.

<sup>62</sup> Deutsch, (Legal expert, Associated Press Special Correspondent).

<sup>63</sup> Theo Wilson Papers, Videotape Remembering Theo Wilson and Her Book *Headline Justice*, (Collection 3972, F. 67) WHMC — Columbia, Mo.

<sup>64</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 17.

<sup>65</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

Wilson's professional standards were put to a test after a "press party" following the Jean Harris trial in 1980-81. "The judge, prosecutors, investigators and defense attorneys were promised, as always, that this would be strictly off the record."<sup>66</sup> The new editors at the *News* heard about the party and wanted Wilson to write a story about it. It took some doing but she stood her ground and finally convinced them there was no story to write — it was all off the record.

### The O.J. Simpson Murder Trial

Wilson was retired for 10 years when the O.J. Simpson murder trial loomed on the horizon. She declined invitations from the *San Francisco Chronicle* and *The New York Times* to come out of retirement and cover the trial. She said "I don't know what's worse, rubbing shoulders with the alleged reporters who don't have a clue about the complexity and ethics of covering a trial properly, or dealing with the editors who are equally good at saying 'duh?' It would be a great trial if they weren't beating it to death with pretrial offal."<sup>67</sup> "Now that the rest of the media has discovered something *The New York News* always knew — that trials are more addictive than soap operas, and that readers love them — we are being subjected to overkill. What the media hasn't discovered is HOW to cover a trial. And I won't even begin on that, except to say that I already am bored, and the first witness has not yet been called. One more opinion poll in the *L.A. Times* and I turn off O.J. forever."<sup>68</sup>

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<sup>66</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 238.

<sup>67</sup> Theo Wilson Papers, Theo Wilson letter to Bill Hines, 8 Sept. 1994, (Collection 3972, F. 20) WHMC — Columbia, Mo.

<sup>68</sup> ———, Theo Wilson letter to Bill Hines, 27 Sept. 1994, (Collection 3972, F. 20) WHMC — Columbia, Mo.

Wilson, a longtime opponent of gag orders issued by the bench in an effort to prevent anyone connected with the trial from speaking with the press, had a change of heart after seeing the out-of-court reporting that was taking place before and during the Simpson trial. Defense attorneys went outside the courtroom to denounce prosecutors for allegedly treating black prospective jurors differently than others. They did not make this accusation in court to the judge or in front of the prosecutors, but only to the media. Wilson said she would never have used that accusation in a story until it was made in open court. She found it demeaning, unprofessional and unethical.<sup>69</sup> She said that because of the overwhelming force of the electronic media, “even a reporter who would not want to use any accusation until it was made in court is forced into doing so.”<sup>70</sup> After the excesses of the O.J. Simpson trial, Wilson said when “lawyers used TV outside the courtroom to make charges that should have been reserved for inside the courtroom, I have no quarrel anymore with certain kinds of gag orders. Getting opinions from biased lawyers is not the way to educate the public.”<sup>71</sup>

These out-of-court antics were not limited to the media in Los Angeles, it reached a well-respected national magazine as well. Wilson, a long time subscriber of the *New Yorker*, called the magazine unethical claiming it was a patsy of the defense team after it

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<sup>69</sup> ———, Theo Wilson commentary in the *Los Angeles Times*, Nov. 7, 1994, (Collection 3972, F. 318) WHMC — Columbia, Mo.

<sup>70</sup> Theo Wilson Papers, Theo Wilson letter to Bill Hines, 8 Sept. 1994.

<sup>71</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 11.

published a story accusing Los Angeles police detective Mark Fuhrman of planting a glove in the O.J. Simpson estate “without a shred of proof being offered.”<sup>72</sup>

Linda Deutsch, who covered the Simpson murder case for the Associated Press, told Wilson that she was “being made totally nuts by the air-heads and cretins calling themselves ‘journalists’ who have crawled out from under some strange rocks to cover the O.J. Follies. All of these ‘journalists’ seem to be suffering from a terminal case of self-importance.”<sup>73</sup>

Wilson watched the Simpson trial on television and recorded notes as if she were in the courtroom. She was critical in the early days of the trial, when the media seemed to miss the importance of an admission by attorney Carl Douglass that the defense team failed to turn over the names of 14 witnesses to the prosecution, a blatant violation of court rules. The prosecutor William Hodgman, begged Judge Ito: “Do not minimize this.”<sup>74</sup> When Judge Ito told prosecutors to work on the problem after court and he would hear their arguments the next morning, Wilson wrote in her notebook, in red ink, “Is he nuts?”<sup>75</sup>

On the day the defense admitted its error, Wilson called many of her reporter friends and said, “[I]n all my years of covering opening statements, I had never seen such a development. ...If I could figure it out, so could some of the jillions of reporters

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<sup>72</sup> Theo Wilson Papers, Theo Wilson letter to the editor, Los Angeles Times, 1994, (Collection 3972, F. 20) WHMC — Columbia, Mo.

<sup>73</sup> Theo Wilson Papers, Theo Wilson letter to Bill Hines, 8 Sept. 1994.

<sup>74</sup> ———, Reuters wire story by Theo Wilson, 1995, (Collection 3972, F. 318) WHMC — Columbia, Mo.

<sup>75</sup> Ibid.

covering the trial of O.J....”<sup>76</sup> But, they did not and the next day defense attorney Johnnie Cochran Jr. was able to tell reporters that the defense errors were minor without any challenge. Wilson wrote, “the problem with reporters not doing their job in a trial so widely publicized is that you leave the entire country with totally wrong impressions.”<sup>77</sup>

Even in retirement, many members of the media came to the dean of the trial reporters for her expertise. Wilson appeared on KTLA Channel 5 in Los Angeles <sup>78</sup> and was quoted in *The New York Times*, the *San Francisco Examiner*, *Vanity Fair* and other publications before, during and after the O.J. trial sharing her opinions about the trial.<sup>79</sup>

Wilson continued to be an inspiration to many journalists who still called on her for journalistic counsel. Paying homage to the dean of the trial lawyer’s professionalism, Deutsch said that in some of the most challenging moments of the O.J. Simpson trial she would sometimes ask herself, “How would Theo write this?”<sup>80</sup>

#### Fighting for Press Rights

Shortly after the Supreme Court decision reversing the murder conviction in *Sheppard v. Maxwell (1966)*, the American Bar Association’s Committee on Fair Trial and Free Press, proposed the use of contempt powers to muzzle the press in certain

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<sup>76</sup> Ibid.

<sup>77</sup> Ibid.

<sup>78</sup> ———, John Cheang, KTLA Channel 5 letter to Theo Wilson, 20 Sept. 1995, (Collection 3972, F. 60) WHMC — Columbia, Mo.

<sup>79</sup> ———, Theo Wilson fax to Rita Marcus, 1996, (Collection 3972, F. 60) WHMC — Columbia, Mo.

<sup>80</sup> Deutsch, "Foreward," xiv-xv.

circumstances.<sup>81</sup> In a speech in Montreal, Justice Tom C. Clark, who wrote the Sheppard opinion, said the court was trying to lay down guidelines that a judge could follow to “ensure fairness for a defendant in a trial that gains exceptional public attention.”<sup>82</sup> He made it clear that the court never intended for contempt powers to be used against the press.<sup>83</sup>

Critical of the ABA’s proposal, Judge George C. Edwards Jr., who wrote the dissenting opinion when the 6<sup>th</sup> Circuit Court of Appeals refused to order a new trial for Sheppard, said:

I believe the Bar Association in its enthusiasm to curb excesses of press freedom, has far overstepped the bounds of good reason. He characterized the committee report as “the most dangerous threat to the American ideal of free speech and press since the days of Joe McCarthy.”<sup>84</sup>

In early 1967, the American Newspaper Publishers Association (ANPA) published a 156-page report, in opposition to suppression of news about “happenings in court.”<sup>85</sup> The report recommended that the press “stand ready to discuss these problems with any appropriate individuals or groups,” however, “there can be no agreement on the part of the American press to dilute its responsibility, or to circumvent the basic rights and provisions of the Constitution.”<sup>86</sup> According to the report, “[t]he presumption of

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<sup>81</sup> Theo Wilson Papers, U.P.I. Reporter, Oct. 6, 1966, (Collection 3972, F. 172) WHMC — Columbia, Mo.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> ———, ANPA Press Release Regarding a Free Press Fair Trial Report, Jan. 5, 1967, (Collection 3972, F. 172) WHMC — Columbia, Mo.

<sup>86</sup> Ibid.

some members of the bar that pretrial news is intrinsically prejudicial is based on conjecture and not on fact.”<sup>87</sup>

Theo Wilson spent her career fighting for professionalism in trial reporting. In response to the ANPA’s report on Free Press and Fair Trial, Wilson wrote a White Paper representing the *News*’ position on press guidelines.

She was critical of any attempt to impose guidelines on the press noting that there were eminent jurists who felt the same way. Referring to Justice Clark who publicly opposed restrictions on the press, Wilson wrote:<sup>88</sup>

His feeling is that there is enough built-in protection for defendants now, that “...under the present rulings of our courts we have sufficient power to prevent prejudicial publicity” if trial judges would only crack down on lawyers and other court officers such as prosecutors if they begin to try their cases in the press.<sup>89</sup>

Judge Edwards, who thought Sheppard’s first trial was unfair, a view later upheld by the Supreme Court, publicly condemned any attempts to restrict the press. He said the American Bar Association’s proposals were a dangerous threat to the “American ideal of free speech and press.”<sup>90</sup>

Both Justice Clark and Judge Edwards pointed out that the Sheppard trial was reversed on judicial errors: failure to grant a change of venue, refusal to postpone the trial and failure to sequester the jury.<sup>91</sup> Wilson pointed out that the conviction was not

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<sup>87</sup> \_\_\_\_\_, Publishers Rap Moves To Censor Crime News, Jan. 5, 1967, (Collection 3972, F. 172) WHMC — Columbia, Mo.

<sup>88</sup> \_\_\_\_\_, Theo Wilson White Paper, Free Press and Fair Trial, (Collection 3972, F. 172) WHMC — Columbia, Mo.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

reversed because of press trial coverage and quoted the Supreme Court's decision in an Op Ed piece she wrote for the *Los Angeles Times* stating:

A responsible press has always been regarded as the handmaiden of effective judicial administration, especially in the criminal field... The press does not simply publish information about the trials but guards against the miscarriage of justice by subjecting the police, prosecutors and judicial processes to extensive public scrutiny and criticism.<sup>92</sup>

This supports Williams statement that 'the public journal is a public trust; that all connected with it are, to the full measure of their responsibility, trustees for the public; that acceptance of a lesser service than the public service is betrayal of this trust.'<sup>93</sup>

Over the years Wilson observed the demise of professionalism in trial reporting, first, as ownership changed at newspapers and new editors, who did not understand the importance and nuance of trial reporting, replaced veteran editors who did.<sup>94</sup> At the same time she saw inexperienced journalists who did not prepare properly for covering trials. She also saw the influence that the electronic media's version of "pack journalism" was having on trial reporters and was critical of "out-of-courtroom" media coverage.

AP's Linda Deutsch is the only big-case trial reporter left. She said it is a dying art because of finances.<sup>95</sup> Deutsch wished that Wilson could have returned to the courtroom and "show the novices how it's done."<sup>96</sup> Wilson was a generous teacher of other reporters. No matter how pressing the deadline, if you needed to check a quote for

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<sup>92</sup> \_\_\_\_\_, Op Ed piece in the *Los Angeles Times*, Your Right To Know Denied, Nov. 12, 1972, (Collection 3972, F. 172) WHMC — Columbia, Mo.

<sup>93</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>94</sup> Wilson, *Headline Justice: Inside the Courtroom: The Country's Most Controversial Trials*, 233.

<sup>95</sup> Deutsch, (Legal expert, Associated Press Special Correspondent).

<sup>96</sup> \_\_\_\_\_, "Foreward," xi.

accuracy, she had the time. This was in line with Williams' Creed that stated, "accuracy and fairness are fundamental to good journalism."<sup>97</sup> Her notes were impeccable and could double as a trial transcript. "Once, attorney F. Lee Bailey inquired if she was wearing a wire; her quotes were that accurate."<sup>98</sup>

Deutsch, who was mentored by Wilson and was one of her best friends, described Theo's view of professionalism. Wilson said that trial reporters were the "eyes and ears of the public, we are not opinion makers and we are not the jury. She believed the public was smart enough to figure it [guilt or innocence] out."<sup>99</sup>

### Conclusion

Throughout her career Theo Wilson was highly thought of as a reporter, but her expertise and professionalism really shone brightly through her trial reporting. She practiced many of the principles Walter Williams outlined in the Journalist's Creed.

Through her accurate reporting, she followed the principle "that clear thinking and clear statement, accuracy and fairness are fundamental to good journalism."<sup>100</sup>

Through her insistence that the only important facts are those that come from the witness stand to the jury's ears and her refusal to report any out-of-court gossip followed the principal that "journalism which succeeds...is quickly indignant at injustice; is unswayed by the appeal of privilege or the clamor of the mob..."<sup>101</sup>

Through her insistence to "never come to a trial with your mind made up; listen to the evidence as if you were a juror and report it with a fair, unbiased approach" she

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<sup>97</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>98</sup> Deutsch, "Foreward," xiii.

<sup>99</sup> ———, (Legal expert, Associated Press Special Correspondent).

<sup>100</sup> Winfield, *Journalism 1908: Birth of a Profession*, 87.

<sup>101</sup> *Ibid.*

followed the principle “that a journalist should write only what he holds in his heart to be true.”<sup>102</sup>

Through her career-long fight in the Free Press/Fair Trial conflict and for responsible press coverage of trials, she followed Williams’ principle that ‘the public journal is a public trust; that all connected with it are, to the full measure of their responsibility, trustees for the public; that acceptance of a lesser service than the public service is betrayal of this trust.’<sup>103</sup>

Through honoring her solemn word to keep get-togethers among reporters, trial attorneys and judges “off the record” and not let any information shared there taint her reportage, Wilson followed Williams’ principle that “journalism which succeeds – and best deserves success – fears God and honors Man; is stoutly independent, unmoved by pride of opinion or greed of power, constructive, tolerant but never careless...”<sup>104</sup>

Wilson was awarded a Missouri Honor Medal in 1984. The letters of support nominating her for the award that spoke of her professionalism came from peers, former bosses, trial attorneys she had work with and even a book author.

Normand DuBeau a former *New York Times* correspondent and H.D. “Doc” Quigg, who worked for United Press International wrote:

Theo has upheld the integrity of her particular journalistic expertise; one which at times has been noted for its sensational exuberance. Theo has been tough, accurate, fast and never-yielding. She also has been fair, incisive and has done her job with a command and grace of language none of her peers have matched.<sup>105</sup>

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<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Theo Wilson papers, DuBeau and Quigg letter to the Awards Committee at the University of Missouri School of Journalism, (Collection 3972, F. 44) WHM Collection — Columbia, Mo. Oct. 28, 1983.

Bruce Russell, the Chief of Bureau in Washington, D.C. for Reuters wrote:

Her command of everything that happened at the trial down to the smallest, almost inaudible asides, her knowledge of court procedures, her record for complete accuracy and her wide ranging knowledge of the larger issues involved made her the undisputed doyenne of the large crowds who covered these trials. She had the respect of most lawyers, the court officials and the defendants.<sup>106</sup>

Diana Trilling, author of the 1982 book “Mrs. Harris” who encountered Wilson at the trial of Jean Harris in 1980-81 for murdering her ex-lover Dr. Herman Tarnower (the author of the “The Complete Medical Scarsdale Diet”) wrote:

Theo brought a special skill to their shared task: a peculiar blend of sensitivity which made her reports different from the rest. Without the least sacrifice of personal insight and judgment, she was able to maintain a greater objectivity than most of the other “regulars” in the courtroom.<sup>107</sup>

Herald Price Fahringer, the attorney who tried Claus Von Bulow in 1982 for the attempted murder of his wife Sunny, wrote:

She is by far one of the most responsible reporters I have ever met. Not only is her commentary incisive, accurate and dramatic but she is possessed with a sense of integrity that is found among few reporters today.<sup>108</sup>

Michael J. O’Neill, Wilson’s former editor at the *New York Daily News* wrote:

[Nobody was as] sharp as she in spotting and developing the right lead...[s]he never exaggerated, never strayed from the solid, factual trial developments; she

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<sup>106</sup> ———, Bruce Russell letter to the Awards Committee at the University of Missouri School of Journalism, (Collection 3972, F. 44) WHM Collection — Columbia, Mo., Nov. 1, 1983.

<sup>107</sup> ———, Trilling letter to the Awards Committee at the University of Missouri School of Journalism, (Collection 3972, F. 44) WHM Collection — Columbia, Mo., Oct. 29, 1983.

<sup>108</sup> ———, Fahringer letter to the Awards Committee at the University of Missouri School of Journalism, (Collection 3972, F. 44) WHM Collection — Columbia, Mo., Nov. 1, 1983.

never reached for the misleading and sensational headlines that tempted less responsible reporters so often.<sup>109</sup>

While Wilson's "Cardinal Rules of Trial Reporting" are short and concise, the principles she practiced throughout her career fit hand-in-glove with the principles of professionalism Williams' outlined in the Journalist's Creed.

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<sup>109</sup> ———, O'Neill letter to the Awards Committee at the University of Missouri School of Journalism, (Collection 3972, F. 44) WHM Collection — Columbia, Mo., Nov. 11, 1983.

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