

Testimony of

# The Honorable Russ Feingold

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Sen. Russ Feingold  
Statement on Cameras in the Courtroom

Mr. Chairman, I am proud to once again support the Grassley-Schumer bill on cameras in the courtroom. This proposal was reported by the Committee on a bipartisan vote in the last Congress. I very much hope we can enact it into law this year.

I strongly support giving judges the discretion to allow cameras in federal courtrooms, for a simple reason. Trials and court hearings are public proceedings. They are paid for by the taxpayers. Except in the most rare and unusual circumstances, the public has a right to see what happens in those proceedings. We have a long tradition of press access to trials, but in this day and age, it is no longer sufficient to read in the morning paper what happened in a trial the day before. The public wants to see for itself what goes on in our courts of law. I think it has a right to do so.

Concerns about cameras interfering with the fair administration of justice in this country are, I believe, overstated. Experience in the state courts - and the vast majority of states now allow trials to be televised - has shown that it is possible to permit the public to see trials on television without compromising the defendant's right to a fair trial or the safety or privacy interests of witnesses and jurors. There is no question in my mind that the highly trained judges and lawyers who sit on and argue before our nation's federal appellate courts would continue to conduct themselves with dignity and professionalism if cameras were recording their work.

Let me note also that I believe the arguments against allowing cameras in the courtroom are least persuasive in the case of appellate proceedings, including the Supreme Court. I had the opportunity to watch the oral argument at the Supreme Court late in 1999 in an important case dealing with campaign finance reform. It was a fascinating experience, and one that I wish all Americans could have. Of course, the entire country was able to hear delayed audio feeds of the two oral arguments in *Bush v. Gore*, and again this term for the arguments on affirmative action. This allowed the public an important look at the making of decisions that affect them in a profound way. Seeing the arguments live would have been even better. I do not believe that a discreet camera in the courtroom would have changed the character or quality of the arguments one iota.

My state of Wisconsin has a long and proud tradition of open government, and it has served us well. Coming from that tradition, I look with skepticism on any remnant of secrecy that lingers in our governmental processes. When the workings of government are transparent, the people understand it better and can more constructively participate in it. And they can more easily hold their public officials accountable. I believe this principle can and should be applied to the judicial as well as the legislative and executive branches of government, while still respecting the unique role of the federal judiciary.

The bill that my friends from Iowa and New York have proposed is a responsible and measured bill. It gives discretion to individual federal judges to allow cameras in their courtrooms. At the same time, it assures that witnesses will be able to request that their identities not be revealed in televised proceedings. This bill gives deference to the experience and judgment of federal judges who remain in charge of their own courtrooms. That is the right approach.

Mr. Chairman, cameras in the courtroom is an idea whose time came some time ago. It is high time we brought it to the federal courts. I am proud to support the Grassley-Schumer bill, and I hope we can enact it this year.