

Statement of

The Honorable Charles E. Schumer

United States Senator
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HEARING ON CAMERAS IN THE COURTROOM
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Chairman Specter, Ranking Member Leahy, thank you for scheduling this hearing on an issue that is of tremendous importance to the American people and their ability to meaningfully participate in our great democracy. Public interest in our court system is higher than ever, and that is a good thing because our democracy is stronger when public participation is strong.

Yet no branch of our government has remained as great a mystery to everyday Americans as our federal courts. That is a shame, because the decisions of our courts and the judges who sit on them - judges who have lifetime appointments - have tremendous consequences for our lives.

No case has had as profound an effect on the lives of Americans as when the Supreme Court helped decide the Presidential election five years ago in *Bush v. Gore*. We all remember that case, and no matter which side you were on, you were riveted every step along the way. With the *Bush v. Gore* case, the Court also made history in another way. For the first time in its history, the Court released an audiotape immediately after the proceedings. That tape was broadcast all over television and all over the radio. Millions of Americans listened intently, just to get a feel for what was going on inside the hallowed halls of the Supreme Court.

Ask any one of them if they would have liked to have the opportunity to watch the proceedings, and the answer would have been an overwhelming "yes."

That is why I am proud to co-sponsor this bill with my colleague, Senator Grassley, that could lift the veil of mystery from our federal courts. This legislation would permit federal trials and appellate proceedings to be televised, at the discretion of the presiding judge. As Justice Louis Brandeis said, "Sunlight is the best disinfectant." That's what this bill is all about.

The reason for this bill is openness. Courts are an important part of our government, and the more people know about how government works, the better. But the federal government lags far behind the states when it comes to televising court proceedings. My own home state of New York has allowed certain trials to be televised for over a decade, and it has been a great success.

It has been successful even in cases that have aroused strong passions. Cameras were allowed in the courtroom for the trial of four New York police officers in the death of Amadou Diallo. That trial was moved from the Bronx to Albany, but the judge in that case permitted live TV coverage,

which allowed anyone who was interested to watch the entire trial, whether they lived in the Bronx or anywhere else.

The camera in that courtroom was not disruptive. The lawyers acted professionally and the rights of the witnesses were not curtailed. Witnesses and jurors were not intimidated by the single camera in the room.

Those who oppose letting cameras in the courtroom have argued that televising trial proceedings will somehow diminish the dignity of the courtroom. I think this fear is misplaced.

In fact, in a democracy such as ours, the more our government institutions are shown to the public, the more dignified they become, and the more the public comes to understand them.

Allowing cameras into our courtrooms will help demystify them and let the public evaluate how well the system works. Only then can the public decide, based on facts and real knowledge, what changes need to be made.

Finally, I agree that there are some instances in which cameras are not appropriate. This bill takes care of that by granting discretion to the judge. If for any reason the judge thinks that televising a trial would be harmful, whether because it might be unfair to the defendant, or because there are privacy issues for certain witnesses, the bill gives the judge power to ban cameras from the courtroom. It also allows witnesses to request that their voices and images be obscured during testimony.

The risk here isn't turning courtrooms into a circus or unduly invading someone's privacy. The risk is the danger we pose to our society and our democracy when we close off our institutions to the people they are supposed to serve.