

3-8-2012

Benefits of Courtroom Cameras Outweigh Costs

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Recommended Citation

Lipschultz, Jeremy Harris, "Benefits of Courtroom Cameras Outweigh Costs" (2012). *Communication Faculty Publications*. 80.
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Benefits of Courtroom Cameras Outweigh Costs

March 9, 2012 1:03 PM ET

JURIST Guest Columnist **Jeremy Lipschultz** of the **University of Nebraska at Omaha** says that permitting court proceedings to be televised will enhance transparency in the judicial system and create a more informed and engaged citizenry...

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The Illinois Supreme Court recently **authorized** the use of television cameras and "other recording devices" for "extended media coverage" of the courts in the state. For the first time, this extends access in that state to all trial courts following an appellate experiment that began in the 1980s. It took the efforts of Illinois Supreme Court Chief Justice Thomas Kilbride to "bring more transparency and accountability" to the sometimes troubled Illinois criminal justice system.

I welcome what the late Bill Miller, former University of Illinois-Springfield professor, would tell his graduate public affairs reporting students: "Let the sun shine in!" As one of his graduate students in 1980-81, I was lucky enough to cover the Illinois Supreme Court. Later, as a radio news director in Indiana, I fought battles for open meetings, open records and open courtrooms. I was a young reporter in those days, and it was not easy to question a tough old judge with a reputation for barking orders, a public utility board known for its secret sessions or a police chief with something to hide. In a couple of cases, people I covered later went to prison for their crimes. It is these thoughts that lead me to this question: Why is the US Supreme Court afraid of full public access to their oral arguments?

While some argue that cameras have turned courtrooms into entertainment spectacles, digital video makes no sounds, requires no lights and injects no distractions. Judges and lawyers should be mature enough to do their jobs in public view. The production later of edited transcripts and audio recordings is not timely enough for journalists, and these may be edited.

Recently, when the Supreme Court questioned lawyers during **oral arguments** on the Federal Communications Commission (FCC) broadcast indecency policy, I waited for days to obtain accurate information. Interested parties could not even have access to a live audio stream, as was the case more than a decade ago in the also interesting arguments of **Bush v. Gore**. In the indecency case, news of the arguments finally trickled out in blog postings and articles days later, as if we lived in the nineteenth century. This was not the situation in two earlier US Court of Appeals for the Second Circuit oral arguments on broadcast indecency that were broadcast live on **C-SPAN**. I have used these videos as excellent teaching tools in my classes. My students see the videos and then they are required to reargue the case. The openness of the Second Circuit helped me bring the law to life for non-lawyers, which should be an important element of promoting an engaged citizenry.

Further, there is no reason to assume that every federal criminal and civil courtroom across our nation is honest. If there is one crooked lawyer or judge, one bankruptcy magistrate profiting from politics or one defendant being railroaded because of poverty or race, then a truly open courtroom is worth any danger of grandstanding courtroom dramatists.

The Radio-Television News Directors Association (RTNDA) long argued for electronic media access by allowing reporters to use their tools of the trade — cameras and microphones, just as newspaper reporters could take written notes. The same can be said today for bloggers and mainstream media alike — silenced smart cell phones should be usable and would actually avoid the disruption of the mad dash for the door in hopes of beating the competition with a verdict.

If Professor Miller were alive today, he would ask: "Why are you afraid of the public?" Fortunately, his dream of open government in Illinois is slowly unfolding. I can only hope other states, as well as our federal government, will follow this significant development.

*Jeremy Lipschultz is the Director of the School of Communication at the University of Nebraska at Omaha. He has written several articles on the subject of communication in a modern context and is the author of the book, **Broadcast and Internet Indecency: Defining Free Speech**.*

Suggested citation: Jeremy Lipschultz, *Benefits of Courtroom Cameras Outweigh Costs*, JURIST - Hotline, Mar. 9, 2012, <http://jurist.org/hotline/2012/03/jeremy-lipschultz-courtroom-camera.php>.

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