

107TH CONGRESS
1ST SESSION

H. R. 2519

To allow media coverage of court proceedings.

IN THE HOUSE OF REPRESENTATIVES

JULY 17, 2001

Mr. CHABOT (for himself and Mr. DELAHUNT) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To allow media coverage of court proceedings.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. FINDINGS.**

4 The Congress makes the following findings:

5 (1) The right of the people of the United States
6 to freedom of speech, particularly as it relates to
7 comment on governmental activities, as protected by
8 the first amendment to the Constitution, cannot be
9 meaningfully exercised without the ability of the
10 public to obtain facts and information about the
11 Government upon which to base their judgments re-
12 garding important issues and events. As the United

1 States Supreme Court articulated in *Craig v. Har-*
2 *ney* (1947), “A trial is a public event. What tran-

3 spires in the court room is public property.”.

4 (2) The right of the people of the United States
5 to a free press, with the ability to report on all as-

6 pects of the conduct of the business of government,

7 as protected by the first amendment, cannot be

8 meaningfully exercised without the ability of the

9 news media to gather facts and information freely

10 for dissemination to the public.

11 (3) The right of the people of the United States
12 to petition the Government to redress grievances,

13 particularly as it relates to the manner in which the

14 Government exercises its legislative, executive, and

15 judicial powers, as protected by the first amend-

16 ment, cannot be meaningfully exercised without the

17 availability to the public of information about how

18 the affairs of government are being conducted. As

19 the Supreme Court noted in *Richmond Newspapers,*

20 *Inc. v. Commonwealth of Virginia* (1980), “People in

21 an open society do not demand infallibility from

22 their institutions, but it is difficult for them to ac-

23 cept what they are prohibited from observing.”

24 (4) In the twenty-first century, the people of
25 the United States obtain information regarding judi-

1 cial matters involving the Constitution, civil rights,
2 and other important legal subjects principally
3 through the print and electronic media. Television,
4 in particular, provides a degree of public access to
5 courtroom proceedings that more closely approxi-
6 mates the ideal of actual physical presence than
7 newspaper coverage or still photography.

8 (5) Providing statutory authority for the courts
9 of the United States to exercise their discretion in
10 permitting televised coverage of courtroom pro-
11 ceedings would enhance significantly the access of
12 the people to the Federal judiciary.

13 (6) Inasmuch as the first amendment prevents
14 Congress from abridging the ability of the people to
15 exercise their inherent rights to freedom of speech,
16 to freedom of the press, and to petition the Govern-
17 ment for a redress of grievances, it is good public
18 policy for the Congress affirmatively to facilitate the
19 ability of the people to exercise those rights.

20 (7) The granting of such authority would assist
21 in the implementation of the constitutional guar-
22 antee of public trials in criminal cases, as provided
23 by the sixth amendment to the Constitution. As the
24 Supreme Court stated in *In re Oliver* (1948),
25 “Whatever other benefits the guarantee to an ac-

1 cused that his trial be conducted in public may con-
 2 fer upon our society, the guarantee has always been
 3 recognized as a safeguard against any attempt to
 4 employ our courts as instruments of persecution.
 5 The knowledge that every criminal trial is subject to
 6 contemporaneous review in the forum of public opin-
 7 ion is an effective restraint on possible abuse of judi-
 8 cial power.”

9 **SEC. 2. AUTHORITY OF PRESIDING JUDGE TO ALLOW**
 10 **MEDIA COVERAGE OF COURT PROCEEDINGS.**

11 (a) **AUTHORITY OF APPELLATE COURTS.**—Notwith-
 12 standing any other provision of law, the presiding judge
 13 of an appellate court of the United States may, in his or
 14 her discretion, permit the photographing, electronic re-
 15 cording, broadcasting, or televising to the public of court
 16 proceedings over which that judge presides.

17 (b) **AUTHORITY OF DISTRICT COURTS.**—

18 (1) **IN GENERAL.**—Notwithstanding any other
 19 provision of law, any presiding judge of a district
 20 court of the United States may, in his or her discre-
 21 tion, permit the photographing, electronic recording,
 22 broadcasting, or televising to the public of court pro-
 23 ceedings over which that judge presides.

24 (2) **OBSCURING OF WITNESSES.**—(A) Upon the
 25 request of any witness in a trial proceeding other

1 than a party, the court shall order the face and voice
2 of the witness to be disguised or otherwise obscured
3 in such manner as to render the witness unrecogniz-
4 able to the broadcast audience of the trial pro-
5 ceeding.

6 (B) The presiding judge in a trial proceeding
7 shall inform each witness who is not a party that the
8 witness has the right to request that his or her
9 image and voice be obscured during the witness' tes-
10 timony.

11 (c) **ADVISORY GUIDELINES.**—The Judicial Con-
12 ference of the United States is authorized to promulgate
13 advisory guidelines to which a presiding judge, in his or
14 her discretion, may refer in making decisions with respect
15 to the management and administration of photographing,
16 recording, broadcasting, or televising described in sub-
17 sections (a) and (b).

18 **SEC. 3. DEFINITIONS.**

19 In this Act:

20 (1) **PRESIDING JUDGE.**—The term “presiding
21 judge” means the judge presiding over the court
22 proceeding concerned. In proceedings in which more
23 than one judge participates, the presiding judge
24 shall be the senior active judge so participating or,

1 in the case of a circuit court of appeals, the senior
2 active circuit judge so participating, except that—

3 (A) in en banc sittings of any United
4 States circuit court of appeals, the presiding
5 judge shall be the chief judge of the circuit
6 whenever the chief judge participates; and

7 (B) in en banc sittings of the Supreme
8 Court of the United States, the presiding judge
9 shall be the Chief Justice whenever the Chief
10 Justice participates.

11 (2) APPELLATE COURT OF THE UNITED
12 STATES.—The term “appellate court of the United
13 States” means any United States circuit court of ap-
14 peals and the Supreme Court of the United States.

15 **SEC. 4. SUNSET.**

16 The authority under section 2(b) shall terminate on
17 the date that is 3 years after the date of the enactment
18 of this Act.

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