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## Courtroom cameras: the tide turns - then turns again

**T**he partial reversal of the ban on cameras in American federal courts calls into question the strength of the perceived backlash against televised proceedings following the O.J. Simpson trial. In March, the Judicial Conference, the policy making body of the federal courts, voted by a 14-12 majority to permit cameras in federal appeals courts at the discretion of each circuit. However, non-appellate courts were urged to keep their proceedings free of cameras. According to *Broadcasting & Cable* (18 March), there is uncertainty as to whether the decision is limited to civil cases or whether it applies also to criminal cases.

With 47 state permitting televised proceedings, federal courts have remained one of the last bastions of judicial resistance to cameras in the courtroom. This resistance was maintained when the Judicial Conference decided, in September 1994, to end its three and a half year pilot program on television coverage. Running from July 1991 until December 1994, the program permitted television coverage of civil proceedings in selected federal courts. An evaluation of the program by the Federal Judicial Center found a more favourable attitude from judges following participation in the program. Along with attorneys, they generally reported little or no effect on participants, courtroom decorum or the administration of justice arising from the use of cameras.

It has been suggested that reaction to coverage of pre-trial proceedings in the Simpson case was a factor in the decision. Advocates of cameras in the courtroom greeted the decision with First Amendment-inspired outrage. Jane Kirtley, of the

Reporters Committee for Freedom of the Press, railed in the pages of *American Journalism Review* that the decision was evidence of hostility to public scrutiny of the judicial process and criticised 'pious expressions of concern about debasing the dignity of the courtroom'.

Then came the actual trial of O.J. Simpson, a television mediated spectacle bordering on the surreal, that elicited profound questioning of American society and its institutions and scrutiny of the practice of journalism, including the potentially prejudicial effect of television coverage.

It appeared that the tide had turned against cameras in the courtroom. *The Washington Times* said that the Simpson trial provided opponents of televised court proceedings with 'their best weapon in 30 years of trying to put trial television off the air'. Media scholar George Gerbner wrote that the trial 'has begun to turn the tide that threatened to make high profile justice a captive of show business'.

A Californian task force was established to consider the issue, and cameras were banned in the trial of Susan Smith (accused of murdering her two children) and in the pre-trial hearings of the accused in the Polly Klass kidnapping-murder trial.

Defenders of televised trials pointed to the distorting effect of the Simpson trial on the debate, and the democratising and educational aspects of televised proceedings.

The Judicial Conference's decision, greeted with predictable enthusiasm by Court TV's Steven Brill, indicates that the backlash - if indeed there was one - appears to have been short lived. □

*Jenny Mullaly*