



Should the Supreme Court be televised?

POLITICS, NEWS, RIGHTS

Oct 17, 2016

By [Brette Sember](#)

Ever wonder why you see those quaint, hand-drawn sketches of arguments at the Supreme Court on TV instead of actual footage? The nation's [highest court](#) has never allowed cameras inside. This is based on a federal [rule](#) from 1946 that prohibited photography in [federal courts](#). It was updated in 1972 to include television cameras.

Audio recordings of the Supreme Court's proceedings are currently available only after a decision has been rendered. But in June, the Government Accountability Office said televising Supreme Court proceedings [could give the public more visibility](#) into how the judiciary works. And back in February, the [American Bar Association](#) urged the high court to allow cameras, as many state courts already do. There are pros and cons to the idea, however.

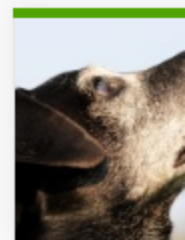
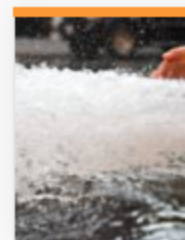
Where are cameras allowed?

All [federal courts](#) are subject to the same rule about cameras as the Supreme Court, but a federal pilot program recently ran for four years to study the effect of allowing cameras. It resulted in a [decision](#) earlier this year not to permit cameras on a regular basis, only allowing

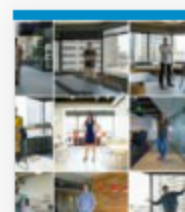
Search /

Search

AvvoSto



Inside A



them to record naturalization and other ceremonial events. The decision also allows for certain situations when the judge feels it is appropriate or helpful to the proceedings.

The rules in [state courts](#) vary by state, and sometimes by judge, since some states leave it up to the judge to decide for each case.

Reasons to keep cameras out

The Supreme Court justices have been adamant in their [refusal](#) to allow cameras in the courtroom. They argue that doing so would allow misleading 30-second soundbites to represent the complex work of the Court. They've also voiced concern that comments and discussion could be taken out of context, and so cameras won't help people understand what's happening any more than they do now.

The justices also argue that cameras would cause attorneys (and possibly justices) to grandstand for the cameras. In fact, a study showed that 64% of judges in televised courtrooms believed cameras led attorneys to behave differently. Many point to the O.J. Simpson trial as an [example](#) of how cameras can turn the courtroom into a circus.

Of concern in state courts has been the safety of witnesses (not an issue in the Supreme Court where no testimony is given), but technology allows faces and voices to be blurred. Another concern is that witnesses might not be as truthful if their testimony is broadcast, but again that is not an issue in the Supreme Court. It has also been suggested that state court cameras compromise the right to a fair trial, and a [study](#) showed 9 percent of state court judges reported the presence of cameras impacted their likelihood to make an unpopular decision.

The argument for cameras

Some argue that the Supreme Court has [rejected cameras](#) in order to maintain a distancing shroud of mystery and respect. The Supreme Court gallery holds only 260 people, so that's the maximum number who can actually watch proceedings and see oral arguments take place.

Cameras would make the workings of the Court accessible to every citizen and, arguably, generate more interest in the decisions and workings of the Court. Few people read the lengthy transcripts of Supreme Court arguments, whereas a videotape would allow anyone to sit and watch the proceedings and absorb the information. Thus allowing cameras would make the Court less mysterious and more understandable.

Another argument for cameras is that it increases transparency. Other government functions—except those involving classified work—are required to be [transparent, so why should the Supreme Court be exempted?](#) For example, many Americans might not know that until recently Justice Clarence Thomas had rarely asked questions during oral arguments. If cameras had been broadcasting the Court's proceedings, this behavior would have been glaringly obvious.

Finally, some opponents maintain that the presence of cameras in the Supreme Court would be disruptive. But modern broadcast cameras need not be obtrusive and don't involve cameramen and tripods and long cords. Cameras in state courtrooms frequently are small and discrete, comparable to security cameras.



“The Supremes Live” coming soon to your TV?

Not likely. Although Congress has allotted funds to permit the Court to install cameras, it seems unlikely the Justices will make this change anytime soon. So for now, enjoy those artist sketches and settle in for a long night of reading transcripts.

Tagged [rights](#), [SCOTUS](#)

[Leave a comment](#)

Related articles

RIGHTS

Do millennials actually value free speech?



RIGHTS

University professors exercise free speech, get fired



CRIME

Ready to grill? Make sure your barbecue is legal



About Brette Sember

[Brette Sember](#) is a former attorney and author of more than 40 books, including *The Divorce Organizer & Planner*, *The Complete Divorce*, *How to Parent with Your Ex*, *The Essential Supervisor's Handbook*, *The Complete Credit Repair Kit*, *The Original Muffin Tin Cookbook*, and *The Gluten-Free Guide to Travel*. She writes often about law, parenting, food, travel, health, and more. She blogs at [PuttingItAllOnTheTable.com](#).

View all articles by [Brette Sember](#).