



HISTORY OF CAMERAS IN THE FEDERAL COURTS

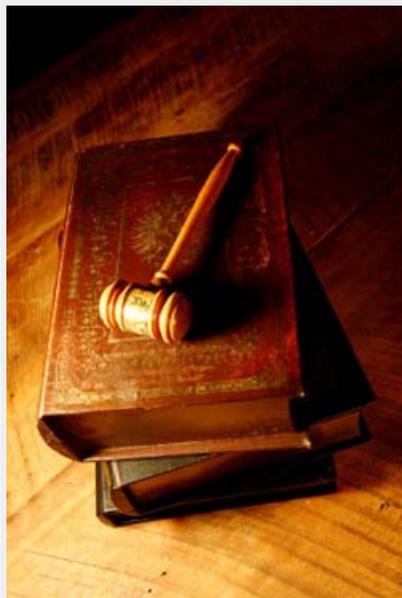
History of Cameras in the Federal Courts

- Electronic media coverage of criminal proceedings in federal courts has been expressly prohibited under Federal Rule of Criminal Procedure 53 since the criminal rules were adopted in 1946. Rule 53 states: "[e]xcept as otherwise provided by a statute or these rules, the court must not permit the taking of photographs in the courtroom during judicial proceedings or the broadcasting of judicial proceedings from the courtroom."
- In 1972 the Judicial Conference of the United States adopted a prohibition against "broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto." The prohibition, which was contained in the Code of Conduct for United States Judges, applied to criminal and civil cases.
- In October 1988 Chief Justice Rehnquist appointed the Ad Hoc Committee on Cameras in the Courtroom.
- At its September 1990 session, the Judicial Conference adopted the report of its Ad Hoc Committee on Cameras in the Courtroom. The report recommended a pilot program permitting electronic media coverage of civil proceedings in six district and two appellate courts. The Conference also struck the prohibition contained in the Code of Conduct and adopted a policy on cameras.
- The new policy stated:

"A Judge may authorize broadcasting, televising, recording, or taking photographs in the courtroom and in adjacent areas during investitive, naturalization, or other ceremonial proceedings. A judge may authorize such activities in the courtroom or adjacent areas during other proceedings, or recesses between such other proceedings, only:

 - (a) for the presentation of evidence;
 - (b) for the perpetuation of the record of the proceedings;
 - (c) for security purposes;
 - (d) for other purposes of judicial administration; or
 - (e) in accordance with pilot programs approved by the Judicial Conference of the United States."
- A three-year pilot program commenced July 1, 1991, in the U.S. Courts of Appeals for the Second and Ninth Circuits and the U.S. District Courts for the Southern District of Indiana, District of Massachusetts, Eastern District of Michigan, Southern District of New York, Eastern District of Pennsylvania, and Western District of Washington.
 - At its September 1994 session, the Judicial Conference considered a report and recommendation of the Court Administration and Case Management Committee to authorize photographing, recording, and broadcasting of civil proceedings in federal trial and appellate courts. Based upon the data presented, a majority of the Conference concluded that the intimidating effect of cameras on some witnesses and jurors was cause for concern, and the Conference declined to approve the Committee's recommendation to expand camera coverage in civil proceedings.
 - At its September 1994 session, the Conference also did not approve a proposed amendment to Criminal Rule 53, which would have allowed cameras in criminal proceedings if authorized under guidelines subsequently promulgated by the Conference.
 - The cameras in the courtroom pilot program concluded on December 31, 1994.
 - At its March 1996 session, the Judicial Conference authorized each court of appeals to decide for itself whether to permit the taking of photographs and radio and television coverage of appellate arguments, subject to any restrictions in statutes, national and local rules, and such guidelines as the Judicial Conference may adopt. The September 1990 Judicial Conference policy was amended to delete the provision that allowed for camera coverage during a pilot program, and add a provision authorizing the use of cameras "for the photographing, recording, or broadcasting of appellate arguments." Subsequently, the Second and Ninth Circuit Courts of Appeals adopted rules and guidelines to allow camera coverage.





- At its March 1996 session, the Judicial Conference voted to strongly urge each circuit judicial council to adopt pursuant to 28 U.S.C. §332(d)(1) an order reflecting the Conference's September 1994 decision not to permit the taking of photographs and radio and television coverage of proceedings in U.S. district courts. The Conference also voted to strongly urge circuit judicial councils to abrogate any local rules of court that conflict with this decision, pursuant to 28 U.S.C. §2071(c)(1).
- At its September 2010 session, the Judicial Conference authorized a three-year pilot project to evaluate the effect of cameras in district court courtrooms, video recordings of proceedings, and publication of such video recordings. The pilot is limited to civil cases only. Proceedings may be recorded only with the approval of the presiding judge, and parties must consent to the recording of each proceeding in a case. Unless the presiding judge decides not to make the recordings publicly available, they will subsequently be posted on www.uscourts.gov, as well as on local participating court websites at the court's discretion. The pilot will be studied by the Federal Judicial Center.
- Fourteen courts are participating in the pilot, which began June 18, 2011. The courts are: Middle District of Alabama; Northern District of California; Southern District of Florida; District of Guam; Northern District of Illinois; Southern District of Iowa; District of Kansas; District of Massachusetts; Eastern District of Missouri; District of Nebraska; Northern District of Ohio; Southern District of Ohio; Western District of Tennessee; and Western District of Washington.



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