



Supreme Court of Florida

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Florida Supreme Court to Commemorate 30th Anniversary of Cameras in the Courts

TALLAHASSEE – This morning, Florida Chief Justice Peggy A. Quince issued a proclamation declaring April as a month to commemorate the 30th Anniversary of the state Supreme Court’s adoption of the nation’s broadest rule allowing cameras into courts.

“The Florida state courts showed remarkable wisdom, foresight and courage 30 years ago,” said Quince, “by breaking away from the conventional thinking that had barred cameras from courtrooms across the country for more than four decades.”

The adoption date was April 12, 1979 in an opinion written by the late Justice Alan Sundberg. With his words, Florida began a national movement that now has brought cameras into most state court systems in the nation and even a few federal courts, with the notable exception of the U.S. Supreme Court.

“A democratic system of government is not the safest form of government,” Sundberg wrote in 1979, “it is just the best man has devised to date, and it works best when its citizens are informed about its workings.”

The fight over cameras in the courts had a long history. In 1937, the American Bar Association reacted in disgust to the perceived media frenzy during the New Jersey trial of Bruno Hauptmann, the man convicted of murdering famed aviator Charles Lindbergh’s baby several years earlier.

That year, the ABA proposed a new rule of ethics for judges that required the banning of cameras, radio, and any other technology that did not exist when the Bill of Rights took effect in 1791. State and federal courts quickly adopted the new rule, including Florida, and most added television to the ban after the ABA proposed it in 1952.

One hold-out was Texas. The Lonestar State continued to permit cameras into its courtrooms until 1965, when the newsworthy case against scandal-ridden Texas financier Billie Sol Estes was appealed to the U.S. Supreme Court.

Partly because of his well known ties to President Lyndon Johnson, Estes' trial in the Texas courts had drawn large numbers of cameras and soon became something reminiscent of the Hauptmann case. On appeal, the U.S. Supreme Court found that Estes' right to a fair trial had been violated by the press coverage – but it refused to say that the Constitution would require the same result in all cases.

This limited ruling tantalized the media.

In 1975, the Post-Newsweek television stations in Florida decided they would try to persuade the Florida Supreme Court to test the limits of the U.S. Supreme Court's ruling. Though the Florida Court denied an immediate revision to the camera ban, it decided to authorize an experiment in which cameras would be allowed into a few cases with consent of all the parties.

There was a major problem: All the necessary consents could not be obtained in a single case, even after the Court expanded the scope of the experiment. Opponents of cameras in the courtroom urged the Florida Supreme Court to acknowledge its failure and abandon the entire project.

The Court refused.

In 1977, a new order from the state's highest court expanded the experiment to every court in the state and eliminated the requirement that all parties had to consent. Instead, the Florida Supreme Court issued a detailed list of requirements media had to fulfill in order to bring cameras into trials.

Journalists quickly complied, and the broadcast of Florida trials and appeals began. The most famous was the 1977 murder trial of Ronny Zamora, who claimed he was mentally ill by reason of – ironically – watching too much television. It became known as the “TV intoxication” defense.

After the statewide experiment was completed, the Court gathered data and questionnaires and analyzed the results. It concluded not only that cameras did little harm, but that they produced a great benefit by making the judicial process transparent to the public.

That conclusion was permanently written into the rules of court in the April 12, 1979, opinion of Justice Sundberg.

Inevitably another criminal case was heard and televised in Florida, with the defendants arguing that the presence of cameras prejudiced them. In 1981, that case reached the U.S. Supreme Court in Chandler v. Florida.

The nation's highest court ruled for the first time that the mere presence of television cameras did not violate constitutional rights in the absence of media misconduct. So, it upheld the convictions even though the defendants had objected to camera coverage.

Cameras in the courts have become so much a part of Florida public culture that few question the idea anymore. Even the O.J. Simpson murder trial failed to produce any serious reconsideration of the camera rule in Florida, even when other states reacted impulsively and harshly.

Florida's dedication to cameras in the courtroom became a worldwide phenomenon in 2000 when the disputed presidential election cases now known as Bush v. Gore were broadcast globally from the lowest state court to the highest. The Florida Supreme Court heard oral arguments in two of those cases, and they remain the only appellate arguments in history broadcast from start to finish on all major worldwide television networks.

In honor of the 30th anniversary, displays of photographs and historical documents have been placed in the Supreme Court Building's rotunda. Among the items available for view is one of the four robotic cameras used to make the worldwide broadcasts in the fall of 2000.

The Florida Bar News also has published articles in its April 1 edition about the camera rule. It includes articles by Chief Justice Peggy A. Quince, by two former Justices involved in developing the rule – Arthur J. England and Joseph W. Hatchett – and by retired journalist Martin Dyckman.

The April Bar News edition can be accessed at:
<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf>

The Chief Justice's Proclamation can be found at:
http://www.floridasupremecourt.org/pub_info/documents/03-31-2009_Cameras_Proclamation.pdf

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