



MICHIGAN SUPREME COURT

BRIDGET M. McCORMACK
CHIEF JUSTICE

MICHIGAN HALL OF JUSTICE
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LANSING, MICHIGAN 48915

September 24, 2019

The Honorable Henry C. Johnson
The Honorable Martha Roby
U.S. House Committee on the Judiciary
Subcommittee on Courts, Intellectual Property, and the Internet
2138 Rayburn House Office Building
U.S. House of Representatives
Washington, DC 20515

Dear Representatives:

Sunshine is a powerful thing, especially when it comes to revealing to the public how our government works. In the legislative and executive branches, sunshine leads to better public policy, informed by public input. In the judiciary, sunshine leads to better public understanding and increased trust in judicial decisions. That trust is the bedrock of our democracy; however, blocking broadcast media access to federal courts undermines public trust and thwarts the democratic process.

My view on opening the doors of federal courts to television coverage is simple: It's the public's court. They should be able to watch it work with as little difficulty as possible. My dad watches the Michigan Supreme Court online when we have oral argument; he should be able to do the same with U.S. Supreme Court and every other federal court.

Especially with federal courts of appeal and SCOTUS, people can't easily travel to where the court sits to see it work. But they have a real interest in the court's decisions as those decisions apply to them. Why shouldn't they see how it does business and be able to watch it in action? If you live in Michigan and there is a case being argued in the 6th Circuit the outcome of which will affect you, why should you have to travel to Cincinnati to watch the court conduct business?

More transparency is also important for procedural fairness. When people understand what the court is doing, and understand how it works and how it makes its decisions, and even understands why it makes those decisions, they are more likely to follow them. This openness builds confidence in the rule of law and encourages the public to participate in future proceedings and to follow the court's orders.

Opposition to broadcast media access relies on tired old maxims that have long been disproven by practice in courts nationwide who have embraced transparency and sunshine over closed doors and darkness. For example, some say TV cameras distract participants. In our courtroom, cameras are simply a fixture of proceedings, no more distracting than a podium or a chair but just as necessary. And some say TV diminishes the dignity of the courts. The opposite is true: blocking public access makes the public wonder what less than dignified things might be happening behind closed doors.

Nearly every state allows some form of camera coverage in the courtroom.¹ While some are more expansive than others, Michigan sets the standard in its court rule² which puts the burden on those who oppose a camera in the court to make a compelling case on the record as to why cameras should not be allowed. Such cases might include protecting the identity of a sexual assault victim.

In Michigan, the Supreme Court not only streams our proceedings in real time on our website and makes them available on a YouTube channel after the fact, we Tweet photos of oral arguments, encourage the public to watch, provide links to case summaries, and even provide definitions to obscure legal terms. The feedback from the public and the legal community is universally positive. Viewership is not substantial—maybe a few hundred for a noncontroversial case to a few thousand for cases of intense public interest – but the impact is substantial because the public is assured the sun is shining on the judicial branch. Even if they decide not to watch, they tell us they are grateful that we allow them to choose.

Sincerely,



Hon. Bridget Mary McCormack
Chief Justice

cc: Honorable Jerrold Nadler, Chair
Honorable Doug Collins, Ranking Member

¹ https://www.rtdna.org/content/cameras_in_court

² AO No. 1989-1—Film or Electronic Media Coverage of Court Proceedings