



**Testimony of Congressman Ted Poe
Before the
Committee on the Judiciary
United States House of Representatives
Regarding
H.R. 2128, The Sunshine in the Courtroom Act of 2007
September 27, 2007**

Americans have a right to a public trial. This right dates back to the founding of this nation and it is based on our values of fairness and impartiality. The more open and public a trial is, the more likely justice will occur. That's why we don't have the secret STAR Chamber in America. Cameras enhance this concept of fairness and openness. This is a right reserved for defendants, but the public sees it as their right to be informed.

Any American can walk into a courtroom and observe the proceeding. But if a person does not physically sit inside the courtroom, that person is denied the ability to see and observe the proceeding. This does not make sense.

Placing a camera in the courtroom would allow a trial to be public, just like a trial is supposed to be, for those who cannot actually sit inside of the courtroom to witness the proceedings. Because of the impact that the United States Supreme Court's rulings have on all Americans, those proceedings especially should be filmed. While federal court hearings are open to the public, not everyone can actually attend a court hearing. This is certainly true of appellate and Supreme Court hearings. It is time to allow cameras in our federal courts, at the discretion of the federal judges.

I personally know how important it is to make courtroom proceedings and trials accessible by camera to the public because I did it. For 22 years, I served as a Harris County Felony Court Judge in Texas. I heard over 25,000 cases and presided over 1,000 jury trials. I was one of the first judges in Texas to allow cameras in my courtroom. We generally used one camera—out of view to the jury—and it was a shared feed for all other news sources, including documentaries and law schools.

The camera that I had in my courtroom was just like the one inside this room. No one here notices the camera—the cameras today are small and unobtrusive. It does not interfere with this Committee's proceedings. It does not make the Members pander to the camera. But the camera allows the public to witness the proceedings when they are not able to sit inside the room.

I had certain rules in place when a camera filmed my courtroom. The media always followed the rules that I ordered, including Court TV, who is here today. Court TV successfully aired an entire capital murder trial in my courtroom. My rules were simple—no filming of sexual assault victims, children, the jury, or certain other witnesses. The camera filmed what the jury saw and heard.

After trials were completed, the jurors and criminal parties were asked their thoughts on the camera inside the courtroom. There was almost total universal approval of the camera. It made the trial fair. Juries especially liked the camera inside the courtroom because they wanted the public to know what they heard instead of waiting to hear a 30 second sound-byte from a newscaster, who may or may not have gotten the facts straight.

Those who oppose cameras in the courtroom argue that lawyers will play to a camera. No, lawyers don't play to a camera. Lawyers play to the jury and they have always done so with or without a camera in the courtroom. I know I played to the jury in my 8 years as a prosecutor.

Those who oppose cameras in the courtroom may also argue that it will infringe on a defendant's rights. Before my 22 years on the bench, I was an assistant district attorney. I spent my career in criminal law. Based on my experiences, I know that cameras in the courtroom benefit a defendant. A public trial ensures fairness. It ensures professionalism by the attorneys and by the judge. A camera in a courtroom protects a defendant's right to a public trial.

Some members of the bar and judges may not want the public to see what is going on inside the courtroom because they don't want the public to know what they do in the courtroom. Candidly, maybe these people shouldn't be doing what they are doing if they don't want the public to know. A camera reveals the action of all participants in a trial.

The public has a right to watch courtroom proceedings and trials in-person. Americans should not be deprived of this right just because they cannot physically sit inside of the courtroom during the proceedings.

We have the best justice system in the world. We should not hide it. Many times citizens wonder why certain things happen in courts and why the results turned out the way they did. Openness, transparency, and cameras will help educate and inform a public that still continues to be enthralled with the American court system. And that's just the way it is.