

NEWS FROM:

C-SPAN AMERICA'S NETWORK

Suite 155 • 400 N. Capitol Street, N.W., Washington, D.C. 20001

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Contact: Susan Swain
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CHIEF JUSTICE RAISES POSSIBILITY OF WIDER SUPREME COURT COVERAGE

WASHINGTON, D.C. -- Last Friday, Chief Justice Warren Burger -- a longtime opponent to broadcast coverage of the Supreme Court -- raised the possibility of electronic coverage of that body when he agreed that an organization like C-SPAN covering the Court's oral arguments in their entirety "conceivably might open things up."

Mr. Burger went on to add, however, "if there was some way of them saying that no one else could reproduce any part of it...without producing all the rest."

Mr. Burger's remarks were made during questioning by retired Des Moines Register editor, Gilbert Cranberg at the annual meeting of the American Society of Newspaper Editors in Washington.

Later, in an interview with the Los Angeles Times, C-SPAN CEO Brian Lamb cited the Chief Justice's remarks as a "major development," adding, however, that the notion of exclusivity of coverage would most certainly raise raise some First Amendment questions.

C-SPAN, a public affairs network carried nationwide by cable systems to 24.5 million homes, has been offering "gavel-to-gavel" coverage of the U.S. House since 1979; on June 2 the cable network begins offering the test coverage of U.S. Senate debate.

TRANSCRIPT OF THE CHIEF JUSTICE's REMARKS:

Gill Cranberg - retired from The Des Moines Register:

"What are your reasons for making it more difficult for people to learn more about the Supreme Court and the issues that come before the Court - (Burger interjected: "I can see it coming.") by closing the Supreme Court's door to unobtrusive recording devices that would make possible the broadcast of oral argument before the Court?"

Chief Justice Warren Burger:

"I'd have been surprised if somebody hadn't brought that up. We don't close the doors of the Supreme Court any more than we permit courts elsewhere to close their doors, as the Chairman's introductory remarks mentioned. There's an enormous difference between 'closing the doors' and putting a trial - a judicial proceeding - in a stadium. There have been times in the world's history where things that were called trials were put on in stadia. At times, Hitler tried that.

"When a case reaches the Supreme Court level, and that is...your question is addressed to that...you have a case which has come up from one of twenty-seven or twenty-eight thousand judges. It is not likely that it's an unimportant question. It's not likely that it's a simple question. And nine of us who've spent our lives at this business have enough difficulty, enough problem, grasping the nuances of it in a 30 minute argument on each side, that we - I, personally - have a strong conviction that it would serve no useful purpose whatever ...and would serve to damage the whole process...to have bits and pieces of it on television, on the evening news.

(--more/over--)

CABLE SATELLITE PUBLIC AFFAIRS NETWORK

page 2; Mr. Burger's remarks continued:

"Let me illustrate that by the case of Chandler vs. Florida. One question in a case - in a situation like this - was from a newspaper editor...how could I write the opinion in Chandler vs. Florida...which you, I think, did not mention...which authorized cameras in the courts? Well, the basis of that opinion was not that we approved cameras in the courts, but that in our federal system it is not the business of the Supreme Court to throttle the state if they want to try out an experiment. And this is somewhat experimental in the state courts.

"Now, taking the Chandler vs. Florida case specifically. As I recall, it was a trial of a couple of policemen charged with corrupt conduct. I think it lasted seven days, don't hold me to that. That night on the evening news, was the television coverage - 2 minutes and 55 seconds. What did they produce? The testimony of a key witness? The judge's instructions? No! Two minutes and 55 seconds of the opening statement of the prosecutor. The judge, in the course of the instructions to the jury, ultimately would tell the jury 'you don't pay any attention to the opening statement of the prosecutor or of the defense counsel.' Now naturally, each counsel, making the opening statement puts his or her best foot forward - the best possible view of the case - it's not evidence - the jurors are instructed to ignore it - unless it's consistent with the case. Now that isn't reporting of a proceeding. That's pure and simple show business, and we are not in show business. You would have nothing but a distorted conception of what goes on in the Court unless you put on the entire proceeding. And I can understand that at prime time, or at any time, you wouldn't have any rating left if you put on one of these cases - it's pretty dull business. Sometimes we have to send out for a cup of coffee disguised as a water flagon.

"No. It just doesn't fit. That's my view and I have always been of the state of mind that I'm not opposed to seeing something happen for the first time, but I am opposed to seeing that happen for the first time because it would be bad for the country, bad for the Court, bad for the administration of justice."

Mr. Cranburg asks:

"[Would you] object to having something like C-SPAN that broadcasts an oral argument in its entirety?"

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Moderator:

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See the story on page 3 of this week's

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