

**Testimony of**  
**Brian P. Lamb,**  
**Chairman and CEO**  
**of the**  
**C-SPAN Networks**

**before the**  
**U.S. Senate Committee on the Judiciary**  
**November 9, 2005**

For more than twenty-five years the C-SPAN Networks have used television to give the American people a front row seat to the official proceedings of their national government. We have applied our gavel-to-gavel style of coverage to countless hours of events featuring the Congress and the presidency, including Senate and House committee hearings, Senate and House floor proceedings, White House press briefings, presidential addresses, and many other events.

But in all that time we have *never* been able to show our audience the U.S. Supreme Court at work. Despite the significance of the Court's oral arguments and the high level of the public's interest in them, the courtroom door remains closed to television cameras. An unfortunate result is that the judiciary has become the invisible branch of our national government as far as television news coverage is concerned, and increasingly, as far as the public is concerned.

We believe the Supreme Court's oral arguments should be open to televised coverage.

As you know, Mr. Chairman, despite our view that the nation's highest court should be opened to television cameras, C-SPAN has not taken a position on the pending legislation that would compel the Supreme Court or the lower federal courts to permit cameras into their

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courtrooms. Whether the Congress should take such a step is not our decision. Instead, we are here today at your invitation to tell the Committee how the C-SPAN Networks would televise the Supreme Court if, by whatever means, that became possible.

If television cameras are allowed into the Supreme Court's chamber, *the C-SPAN Networks will give the Court the same quality and extent of coverage we now give to the daily legislative sessions of the Congress.*

In other words, we will televise all of the Court's oral arguments in their entirety on a gavel-to-gavel basis and without any interruptions, commentary or analysis. As a practical matter, we are not likely to provide live coverage of the oral arguments on a regular basis given the frequently overlapping schedules of the Court's sessions with the legislative sessions of the Senate and the House. But we will televise every minute of every argument on C-SPAN, C-SPAN2 or C-SPAN3 on a timely basis. And, we will be able to provide audio coverage on our local Washington, DC radio station WCSP-FM which is also available nationwide by means of the two satellite radio services.

This commitment to gavel-to-gavel coverage of the Supreme Court is one we make to our audience, and it is one with which we have some history. In 1988 when it seemed to us (and others) the Court was open to the possibility of letting the cameras in, C-SPAN wrote to then Chief Justice Rehnquist to say that we would televise every oral argument if given the opportunity. Seventeen years later we repeated that offer to Chief Justice Roberts in a letter delivered to him on October 3 of this year, the first day of the Court's current Term. [A copy of the letter is attached to this testimony.]

The C-SPAN Networks are comfortable in making this commitment to our audience

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because it advances our public service mission, and because our producers and crews have experience in covering oral arguments in federal courts. Between 1991 and 1994 when the Federal Judicial Conference experimented with allowing televised coverage of selected trial and appeals courts, we covered many arguments before the 2nd and 9th Circuit Courts of Appeals. Both circuits have continued to permit camera coverage since the conclusion of the experiment, and C-SPAN has continued to televise their arguments on an occasional basis. We also hold the distinction of being the first news organization to televise a federal court argument. In July 1989 the chief of the U.S. Court of Military Appeals (now the U.S. Court of Appeals for the Armed Services) permitted our cameras in to tape an argument on drug testing. Later, the same court (which is not subject to the federal courts' rules regarding television coverage) permitted our crew to provide live coverage of an argument challenging the military death penalty.

Moreover, in 1988 C-SPAN was part of a news media consortium that conducted a demonstration in the Court's chamber of how an oral argument could be televised unobtrusively using two cameras, the Court's existing sound system and available light. In our recent letter to Chief Justice Roberts, we offered to organize a similar demonstration using the latest digital equipment. Included in that letter was our offer of the experience and expertise of our technical staff and producers in creating high-quality and discreet video coverage of arguments should camera coverage ever be permitted.

There is an additional and very important aspect of our coverage of the Supreme Court, were it ever to happen. If our cameras are let in to the Court's chamber, we would not only deliver the oral arguments to our national television and radio audiences, we would also be creating a permanent video and audio record that will be part of our archives and available to

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scholars of all kinds, and to the public, forever.

Finally, Mr. Chairman, there are many good arguments for televising the Supreme Court's public sessions, and the C-SPAN Networks have made them over the last twenty years in a variety of settings. But it seems to me the fundamental argument in favor of a televised Supreme Court is simply that an open government such as ours requires it. The justices of our highest court are public employees paid with public tax money who are conducting the public's business in a public building. They let the print press and a few members of the public who are in Washington, DC watch them at work. They should let the rest of the country do the same. At a time when most Americans get most of their information about their government from television, it is simply unacceptable for the Supreme Court to shield itself from the public by keeping the cameras out. If the cameras are let in, the C-SPAN Networks will do our part. We will finally be able to complete the tripod of our comprehensive television coverage of the Federal government with the addition of the Judiciary.