

## Reprinted from Christian Science Monitor

### Televised Trials: Terror Compounds Debate Moussaoui and Court TV Favor Camera in Court. Critics Say Suspect may get Forum to Promote Terror.

Published January 9, 2002

By Seth Stern

Will Zacarias Moussaoui, the alleged 20th hijacker in the Sept. 11 attacks, become a TV star? In a Virginia courtroom today, federal district judge Leonie Brinkema will hear arguments about that possibility when she considers Court TV's petition to broadcast Mr. Moussaoui's trial. At issue is whether cameras in court serve to educate and inform the public or only distract participants and distort justice.

The role of cameras in court has been debated by lawyers from the 1935 kidnapping trial involving Charles Lindbergh's baby through the 2000 presidential showdown at the US Supreme Court. This time, the questions come with an added twist: a defendant who allegedly represents a global terrorist movement.

Opponents of the Court TV petition worry that a televised trial would give Moussaoui a high-profile soapbox to promote an anti-American world view.

The channel says its single unobtrusive video camera would help Americans exercise what it calls a "constitutional right to observe the trial" of the only suspect indicted so far in the worst terrorist attack in the nation's history.

Moussaoui, a French national of Moroccan descent, asserted in a court filing that the presence of cameras could "add an additional layer of protection" to ensure the trial is conducted fairly.

But Justice Department lawyers argue that cameras may scare away witnesses and intimidate jurors afraid of terrorist reprisals.

Even if such concerns were addressed, other critics of the proposal worry that putting the trial on TV could create the kind of circus-like atmosphere that surrounded O.J. Simpson's murder trial in 1995. In that case, the judge and attorneys faced relentless second-guessing from armchair lawyers.

No matter which side proves more persuasive in court today, Brinkema may actually have little say about whether the camera appears at the trial.

\* While almost every state allows cameras in some proceedings - and 37 states permit them at criminal trials - a 56-year-old rule promulgated by judges and approved by Congress bars the filming of trials in federal court.

A change in the rule would require an act of Congress or an amendment by the Judicial Conference, the federal judiciary's 27-judge policymaking body. Legislation to allow individual federal judges to decide whether to permit cameras in their court-rooms languished in Congress in 2000 and was reintroduced last year.

"The best way to maintain confidence and a better understanding of the judicial system," said bill co-sponsor Sen. Charles Grassley (R) of Iowa, "is to let the sun shine in by opening up the courtroom to public consumption through broadcasting."

Supporters say televised trials have also brought attention to complex social problems including drunken driving, child abuse, and domestic violence. In this case, Court TV promises to obscure the identity of any witness afraid to appear on television.

Miami criminal-defense attorney Joel Hirschhorn, who has argued against cameras before the US Supreme Court, says filming magnifies the personalities of lawyers and witnesses.

"The jurors wind up being misled by the persona appearing before them," says Mr. Hirschhorn. "Even as despicable a person as that defendant, whether it's Jack the Ripper or [Osama] bin Laden, is entitled to a fair trial, and televising a trial distorts that capacity."

While Moussaoui's attorneys did file a motion supporting cameras at the trial, they opposed Court TV's motion to broadcast pretrial proceedings, fearful that potential jurors may see evidence that is later excluded at trial.