

May 19, 1981

The Honorable James Clark, Jr.
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed Senate Bill 123.

The Maryland Court of Appeals, pursuant to its rule making authority in Article IV, Section 18 of the Maryland Constitution, adopted Maryland Rule 1209 which allows recording and broadcasting by the news media of proceedings in the trial and appellate courts on an experimental basis.

Senate Bill 123 would supersede this rule and ban the recording and broadcasting of any trial court proceedings, civil or criminal.

House Bill 231 is a similar measure that bans the recording and broadcasting of criminal trials and would allow coverage of civil proceedings.

Prosecutors have expressed reservations that allowing cameras in the court room for criminal proceedings would tend to intimidate and discourage reticent witnesses and victims from coming forth to relate their testimony.

By the enactment of these two bills, the General Assembly has expressed strong concerns regarding the balance of the broadcast proceedings which would impact upon the public perception of the functioning of the court system and the educational value which may be derived from such coverage.

Maryland Rule 1209 does not allow coverage of criminal trial proceedings without the consent of the defendant. Data presented to me at the veto hearing indicates that many states are permitting some camera coverage of court room proceedings but long term experience is not yet available. Maryland's venture into this relatively untested area should be cautious in light of the sensitivities and issues involved. Furthermore, the data shows that, since the effective date of the court rule, only two criminal proceedings have been open to the extended coverage provided by Maryland Rule 1209. Therefore, if that trend continues, the prohibition of photographic and electronic coverage of criminal proceedings at the trial level will not have a significant impact on press coverage by that means.

I believe that the prudent course of action, protective of all points of view, is to sign House Bill 231, which bans