

WRF First Amendment Attorneys Seek Broadcast Coverage of Sniper Trial

November 19, 2002

Washington, DC—On behalf of long time client The Radio-Television News Directors Association ("RTNDA") and a coalition of media organizations including CBS, ABC, NBC, CNN, Court TV, Fox News; local Washington stations WTOP and WMAL Radio, WRC-TV, WUSA-TV, WJLA-TV, WTTG-TV and Newschannel 8, and the Virginia Association of Broadcasters, the Reporters Committee for Freedom of the Press, and the Society of Professional Journalists, WRF attorneys today filed a motion and memorandum of law with the Prince William County Circuit Court in Manassas, Virginia to open up certain pre-trial and trial proceedings of accused sniper John Allen Muhammad to audio-visual coverage by television and radio.

Virginia law permits electronic coverage at the discretion of the judge and pursuant to certain established guidelines. The pleadings filed on behalf of the news organizations emphasize our nation's history of public trials and the law supporting media access. The need for the public to be able to witness for themselves the case made by the prosecution and the defense is particularly compelling, WRF argues, because of the impact the crimes alleged have had on the D.C. metropolitan area and the nation. Given that the physical confines of the courtroom and the importance of preserving order and decorum in the courtroom necessarily limit attendance, recording and telecast of the proceedings would enable the electronic media to fulfill their role as surrogate for the public.

The motion and memorandum of law were filed by WRF Litigation attorneys Barbara Van Gelder and M. Evan Corcoran and Communications attorney Kathleen A. Kirby. [Click here to read to motion.](#) [Click here to read the memorandum of law.](#)

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Litigation
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According to Ms. Kirby, "Obviously this is a case of keen public interest, and the crimes alleged have affected not only citizens from our area, but citizens nationwide. The broad coalition of news organizations involved in this effort are seeking to fulfill their role as surrogate for the public. Given that the physical confines of the courtroom and the need to protect the integrity of the proceedings necessarily limit attendance, it is our hope that the judge will permit the citizenry to witness these important proceedings through audio-visual coverage. Prince William has done so before, and I believe our argument in this case is persuasive."

Ms. Kirby serves as First Amendment counsel to the RTNDA, and has long been involved in the group's efforts to open courtrooms to electronic media coverage. Ms. Kirby authored RTNDA's state-by-state guide to cameras in the courtroom, has drafted Congressional testimony concerning legislation that would bring cameras into federal courts, assisted with *amicus* efforts, and has advised electronic journalists on gaining access to courtrooms. In 2000, Ms. Kirby represented RTNDA in proceedings that eventually led to the U.S. Supreme Court's release of audio tapes of the oral arguments before the court in *Bush v. Gore*.

Ms. Van Gelder is a seasoned litigator with experience in more than 60 civil and criminal trials. She is a former Assistant United States Attorney for the District of Columbia. Ms. Van Gelder practices in the firm's White Collar Defense, Government Contracts, Employment & Labor, Health Care, Election Law and Litigation groups.

Mr. Corcoran has tried more than 30 jury trials and argued 20 appellate oral arguments. He is a former Assistant United States Attorney for the District of Columbia. Mr. Corcoran practices in the firm's Insurance, Internet & E-Commerce, White Collar Defense and Litigation groups.

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