

September 8, 2021

The Honorable John G. Roberts, Jr.
Chief Justice of the United States
ATTN: Patricia McCabe, Public Information Officer
Supreme Court of the United States
1 First Street NE
Washington, DC 20543

Via Email: pmccabe@supremecourt.gov, pio@supremecourt.gov

Re: Request for Continued Access to Live Audio Streaming of Oral Arguments

Dear Chief Justice Roberts:

The 76 undersigned civil society, media, disability rights, and government transparency organizations write to urge the Court to commit to providing live audio access to oral arguments on a permanent basis.

Providing live audio access to cases during the ongoing COVID-19 pandemic has convincingly demonstrated the public's appetite to observe the operations of the Court. It has also shown that the Court can balance increased public access with the integrity of its proceedings. Equitable access to the Court as an institution is imperative for all Americans.

Typically, when the Court is open, only 50 to 100 members of the general public are able to attend in-person oral arguments in each case. But in May 2020, the Court began providing the media pool a live audio feed of oral arguments. To increase accessibility, media organizations provided captions in real time. Instead of the 500 to 1,000 people who would have been able to attend the session's 10 cases in person, more than 130,000 people streamed the arguments live. As of September 2021, oral arguments from the May 2020 session have been streamed over 2 million times, and those from the October 2020 term are fast approaching 1 million streams.¹

The demonstrated public interest in these audio broadcasts confirms that the time has come for regular, live access to the Court's proceedings. The public interest in keeping live audio access to oral arguments outweighs any potential logistical challenge in offering the same streaming opportunities when the Justices return to the Court in person. Limiting real-time access to the Court to those with the ability and means to travel to Washington, DC, and to wait in line for hours, even overnight, makes the Court inaccessible to most Americans. Every member of the public deserves the same access to what's happening in these cases before the Court.

¹ Project On Government Oversight, "No More Lines: Millions Stream Live Supreme Court Arguments," September 3, 2021, <https://www.pogo.org/database/no-more-lines-millions-stream-live-supreme-court-arguments/>.

All federal courts of appeals have held remote oral arguments since the beginning of the pandemic, and both the 9th and DC Circuits have committed to livestreaming arguments post-pandemic.² Forty-one states and the District of Columbia stream video of some oral arguments in their jurisdiction’s highest court, while at least six more stream live audio.³

In providing similar access, the nation’s highest court would follow what the lower courts, both federal and state, have already discovered: Giving the public more insight into judicial proceedings reduces the sense that the courts are somehow separate from the public they serve.

During the Supreme Court’s live oral arguments, large numbers of the public have tuned in, giving many Americans their first opportunity to learn about the Court and its proceedings. These advancements have also provided journalists the opportunity to report to their audiences about cases contemporaneously. The public has a right to know what the most powerful court in our country is doing.

Fair and equal justice can’t be delivered without accountability and transparency. Ensuring that live audio of oral arguments remains accessible to the public and requiring media pool participants to caption that audio in real time with live transcription and American Sign Language interpretation would promote transparency and increase public confidence in the nation’s highest court.

Sincerely,

ABC News
ACORN8
Advance Publications, Inc.
ALM Media, LLC
American Civil Liberties Union
The Arc of the United States
Association for Alternative Newsmedia
The Atlantic Monthly Group LLC
Bloomberg News
Boston Globe Media Partners, LLC
California News Publishers Association
Californians Aware
Courthouse News Service

² Fix the Court, “Audio and Video Broadcast Policies in Federal Appeals Courts” (last accessed August 30, 2021), https://docs.google.com/spreadsheets/d/1NEwDbPODehKWEMg0CvjOiXg9JpAuvdD_THFWiFTthhA/edit?usp=sharing.

³ Fix the Court, “As SCOTUS Debates Path Forward on Broadcast, Vast Majority of State Supreme Courts Continue to Livestream,” May 5, 2021, <https://fixthecourt.com/2021/05/scotus-debates-path-forward-broadcast-vast-majority-state-supreme-court-s-continue-livestream/>; Amy Howe, “Courtroom access: Laboratories for live-streaming?” SCOTUSblog, April 29, 2020, <https://www.scotusblog.com/2020/04/courtroom-access-laboratories-for-live-streaming/>.

Criminal Justice Journalists
The Daily Beast Company
Demand Justice
Demand Progress Education Fund
The Digital Democracy Project
Electronic Privacy Information Center
Equity Forward
First Amendment Coalition
First Look Institute, Inc., publisher of The Intercept
Fix the Court
Forbes Media LLC
Freedom of the Press Foundation
Gannett Co., Inc.
Government Information Watch
Inter American Press Association
International Documentary Association
Investigative Reporting Workshop at American University
Los Angeles Press Club
Los Angeles Times Communications LLC
The Media Institute
Media Law Resource Center
MediaNews Group
MPA - The Association of Magazine Media
National Association of Black Journalists
National Association of Broadcasters
National Center for Health Research
National Disability Rights Network
National Freedom of Information Coalition
National Newspaper Association
The National Press Club
The National Press Club Journalism Institute
National Press Photographers Association
National Security Counselors
National Taxpayers Union
Native American Journalists Association
New England First Amendment Coalition
New England Newspaper & Press Association
News Leaders Association
News Media Alliance
The NewsGuild-CWA
Open The Government
POLITICO LLC
Project On Government Oversight
Public Citizen
Public Employees for Environmental Responsibility (PEER)
Pulitzer Center

R Street Institute
Radio Television Digital News Association
Reporters Committee for Freedom of the Press
Reporters Without Borders USA
Sinclair Broadcast Group
Slate
Society of Environmental Journalists
Society of Professional Journalists
Taxpayers Protection Alliance
TEGNA Inc.
The Washington Post
TIME
Transparency International — U.S. Office
Tribune Publishing Company
Tully Center for Free Speech
Whistleblowers of America
WNET

cc: Associate Justice Clarence Thomas
Associate Justice Stephen G. Breyer
Associate Justice Samuel A. Alito, Jr.
Associate Justice Sonia Sotomayor
Associate Justice Elena Kagan
Associate Justice Neil M. Gorsuch
Associate Justice Brett M. Kavanaugh
Associate Justice Amy Coney Barrett