

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](mailto:pmccabe@supremecourt.gov), [pio@supremecourt.gov](mailto:pio@supremecourt.gov)

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

Dear Chief Justice Roberts:

The 77 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.<sup>1</sup>

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.

All federal courts of appeals have held remote oral arguments since the beginning of the pandemic, and both the 9<sup>th</sup> and DC Circuits have committed to livestreaming arguments post-

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<sup>1</sup> 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/>.

pandemic.<sup>2</sup> 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.<sup>3</sup>

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  
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

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<sup>2</sup> 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](https://docs.google.com/spreadsheets/d/1NEwDbPODehKWEMg0CvjOiXg9JpAuvdD_THFWiFTthhA/edit?usp=sharing).

<sup>3</sup> 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-courts-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/>.

National Center for Health Research  
National Disability Rights Network (NDRN)  
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  
Protect Democracy  
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.  
TIME  
Transparency International — U.S. Office  
Tribune Publishing Company  
Tully Center for Free Speech  
The Washington Post  
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