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April 8, 2004

The Honorable Justice Antonin Scalia
The Supreme Court of the United States
Washington, DC 20543

Dear Justice Scalia:

We are writing to express our disappointment with an incident that reportedly took place on April 7, 2004, when two reporters were ordered to erase recordings of a speech you made at the Presbyterian Christian High School in Hattiesburg, Miss. According to press accounts, Deputy U.S. Marshal Melanie Rube forced a reporter from *The Associated Press* and a reporter from *The Hattiesburg American* to erase their recordings of your comments.

As you are certainly aware, the essence of the First Amendment's free press clause is the right to gather and publish news without government interference. As you said in your speech yesterday, the Constitution is "extraordinary and amazing. People just don't revere it like they used to." While we have no reason to believe that such action was taken at your direction, we are disturbed that federal officials would seize and destroy materials that belong to the press, ironically at the same time you sought to educate a group of high school students about the Constitution.

As explained in our letter to the Attorney General and officials with the U.S. Marshals Office, which is attached, we find the incident troubling because it raises a number of legal and public policy concerns. We encourage you first to change your policy of forbidding recordings at your public speaking events. But more importantly, we urge you to stress to those who are providing security for you that they are not allowed to search for and erase tape recordings. In addition to the legal and public policy problems with this practice, we hope that you will consider the public benefit of assisting members of the news media as they seek to accurately report public statements by government officials.

Sincerely,

Lucy A. Dalglish
Gregg P. Leslie
Kirsten D. Murphy
The Reporters Committee for Freedom of the Press