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October 7, 2005

The Honorable John Roberts  
Chief Justice  
Supreme Court of the United States  
One First Street, N.E.  
Washington, D.C. 20543

Dear Mr. Chief Justice:

We congratulate you on your new appointment and hope that you will find your tenure joyful and fulfilling. We also hope that you will share our strong interest in bringing understanding of the Court's work to the American people.

To that end, we hope that you will give every consideration to expanding electronic and photographic coverage of the arguments before the court and that you will support both policy and technical changes to enhance the ability of the news media and others to provide the public timely and accurate information.

Technological improvements can eliminate observable intrusiveness of electronic media coverage, and as you know, most states routinely allow some electronic coverage within their court systems. Your predecessor allowed electronic coverage of federal courts in an experiment that many of us regarded as highly successful, although the Judicial Conference ultimately did not adopt wholesale requirements for expanded electronic media coverage.

A number of other measures or considerations would also improve transparency and public access to the Court.

As you know, transcripts of oral arguments at the Court are usually not made available to the press or public until seven to ten days after argument. This is in sharp contrast to practices at the White House and Congress, where even the most routine pronouncements are transcribed and released almost instantaneously. The technology and capability to do this are easily available at the Supreme Court, and we are sure you agree that quick release of transcripts would improve the accuracy of reporting on Court proceedings.

In a similar vein, you are also probably aware that the audiotapes of oral arguments at the Court are not usually available to the public until the following fall at the National Archives – a mystifyingly long delay. Since 2000, in a handful of high-profile cases, release of the audiotape of a hearing has been

expedited to within minutes of the conclusion of arguments. We would urge you and the Court to adopt this practice for all cases, or at least to increase the numbers of cases in which expedited tapes are available. The October Term 2004 came and went without any expedited audio releases, in spite of the fact that the public was very interested in many of the cases on the docket. Again, it seems clear that any progress in this area would improve public understanding of the Court.

We would also urge you to consider policies that will increase the information available about the Court, information to which we believe the public is entitled. For example, justices only rarely reveal their reasons for recusal in specific cases. Sometimes it is possible to divine the reason through publicly available information, but often it is not, leaving the public in the dark about decisions that can be crucial to the disposition of a case.

Similarly, the public is given very minimal information about the health of justices, even when they are hospitalized. For instance, reporters were given very little information during the late Chief Justice's illness.

The news media are also often in the dark about upcoming public appearances of justices, and often it is only by accident, through the host organization or local officials, that they learn about these appearances.

We are aware that decisions about releasing recusal, health or scheduling information is by tradition left to individual justices. But we hope that you will set a positive example for your colleagues by releasing this kind of information yourself and that you will urge your colleagues to do the same.

Thank you for considering our suggestions. We stand ready to meet with you and assist in any way we can in helping increase public access to the workings of the Court and its justices.

Sincerely,

Lucy Dalglish, Executive Director  
The Reporters Committee for Freedom of the Press  
also:  
The American Society of Newspaper Editors  
The Coalition of Journalists for Open Government  
The California First Amendment Coalition  
The Society of Environmental Journalists  
The Society of Professional Journalists

cc: Kathy Arberg, Public Information Officer