

# REPORTERS COMMITTEE

FOR FREEDOM OF THE PRESS

1156 15th St. NW, Suite 1020  
Washington, D.C. 20005  
(202) 795-9300 • www.rcfp.org

Bruce D. Brown, Executive Director  
bruce.brown@rcfp.org  
(202) 795-9301

## STEERING COMMITTEE CHAIR

STEPHEN J. ADLER

## EXECUTIVE COMMITTEE MEMBERS

MARGARET LOW  
WBUR

MASSIMO CALABRESI  
Time Magazine

DAVID BOARDMAN  
Temple University

MANNY GARCIA  
Austin American-Statesman

LAURA HANDMAN  
Davis Wright Tremaine

NORMAN PEARLSTINE  
THOMAS C. RUBIN

OpenAI

## STEERING COMMITTEE MEMBERS

WOLF BLITZER  
CNN

THEODORE J. BOUTROUS, JR.  
Gibson, Dunn & Crutcher LLP

LYNETTE CLEMETSON  
University of Michigan

NIKHIL DEOGUN  
Brunswick Group

EMILIO GARCIA-RUIZ  
San Francisco Chronicle

JOSH GERSTEIN  
POLITICO

ALEX GIBNEY  
Jigsaw Productions

SUSAN GOLDBERG  
GBH

GAIL GOVE  
NBCUniversal

JAMES GRIMALDI  
The Wall Street Journal

DIEGO IBARGÜEN  
Hearst

JEREMY JOJOLA  
9NEWS Colorado

KAREN KAISER  
Associated Press

KIMBRIELL KELLY  
The Los Angeles Times

DAVID LAUTER  
The Los Angeles Times

COLLEEN MCCAIN NELSON  
The McClatchy Company

JAMES NEFF  
The Philadelphia Inquirer

BRUCE W. SANFORD  
BakerHostetler, retired

CHARLIE SAVAGE  
The New York Times

JENNIFER SONDAG  
Bloomberg News

NABIHA SYED  
The Markup

ADAM SYMSON  
The E.W. Scripps Company

MATT THOMPSON  
The New York Times

VICKIE WALTON-JAMES  
NPR

SUSAN ZIRINSKY  
CBS News

*Affiliations appear only for purposes of identification.*

By email

September 13, 2023

The Honorable John G. Roberts, Jr.  
Supreme Court of the United States  
1 First Street NE  
Washington, D.C. 20543

Re: Making Live Audio at the Supreme Court Permanent.

Dear Chief Justice Roberts,

The Reporters Committee for Freedom of the Press and sixty-two undersigned media organizations write to convey our strong support for making permanent the U.S. Supreme Court practice of providing a live audio feed of oral arguments before the Court. This practice improves the quality of journalism about the Court and greatly enhances the public's understanding of its operations.

The Reporters Committee has long supported openness and transparency in the judicial system, for the benefit of the public. The other signatories likewise advocate for transparency at all levels of government, and in all branches of the federal government.

A strong public interest exists in following the proceedings of the nation's highest court as they occur in real time. Media outlets provide the public with links to Supreme Court audio livestreams so their audiences can hear directly from the justices, unfiltered and in real time, about the legal questions pending before the Court. *See, e.g.,* Ann E. Marimow, *What to Expect As the Supreme Court Examines Harvard, UNC Affirmative Action Policies*, Washington Post (Oct. 31, 2022), <https://perma.cc/U3BD-3J53>. Using live audio of oral arguments, a greater number of journalists across the country can timely and accurately quote advocates and justices directly instead of scribbling down notes in person and attempting to summarize the argument after-the-fact.

Broadcast journalists incorporate live audio into their reporting, *see, e.g.,* Nina Totenberg, *Supreme Court Looks at a Minneapolis Grandmother's Case Involving Home Equity Theft*, NPR (Apr. 26, 2023), <https://perma.cc/G8ZB-PJUE>, something that, prior to the live audio feed, could not be done until days after an oral argument, after the proceedings had lost some of their immediacy. As a result, more of the public is now able to hear how the justices engage with the advocates before them. *See, e.g.,* Christina Peck and Nina Totenberg, *Top 5 Moments From The Supreme Court's 1st Week Of Livestreaming Arguments*, NPR (May 9, 2020), <https://perma.cc/U72F-BKTV>.

Hearing the Supreme Court at work, either through journalism about the cases before it or by tuning in to a live audio feed of an oral argument, helps the public understand the vital role that the Court plays in our legal system and democracy. Though the Supreme Court only sets aside fifty seats for members of the public to attend oral arguments, 100,000 people tuned in to listen to the first two weeks of Supreme Court arguments in May 2020 when the live broadcasts began. *See* Melissa Wasser, *Summary of Supreme Court Oral Argument Numbers*, Reporters Committee for Freedom of the Press (Nov. 23, 2020), <https://perma.cc/6MUH-9P3K>. And oral arguments from the 2021–2022 term were streamed at least 3.8 million times. *No More Lines: Millions Stream Live Supreme Court Arguments*, Project on Government Oversight (Sept. 22, 2022), <https://perma.cc/WZ44-83R8>. Following this Court’s lead, all of the federal appellate courts have continued streaming audio of oral arguments live, and none has indicated any plan to reverse course. *See As We Await Word from SCOTUS on its Broadcast Plans, We Can Report That All U.S. Courts of Appeals Are Still Livestreaming*, Fix the Court (July 31, 2023), <https://perma.cc/Z75X-C2TU>.

Live audio of Supreme Court proceedings unequivocally benefits the public and the press. It makes proceedings at the Court more accessible and helps the public understand how the Court functions. The Court has provided a live audio feed of its arguments for every term since the onset of the COVID-19 pandemic in 2020 and this practice has proven to be non-disruptive. Short of providing live video of proceedings, permanent live audio of the Supreme Court’s proceedings is the best way to keep the public informed and engaged with respect to its operations.

Please do not hesitate to contact Lisa Zycherman, Deputy Legal Director and Policy Counsel at the Reporters Committee ([lzycherman@rcfp.org](mailto:lzycherman@rcfp.org)) or Emily Hockett, Technology and Press Freedom Project Legal Fellow ([ehockett@rcfp.org](mailto:ehockett@rcfp.org)).

Sincerely,

Reporters Committee for Freedom of the Press

Advance Publications, Inc.  
American Broadcasting Companies, Inc.  
The Associated Press  
The Atlantic Monthly Group LLC  
Axios Media Inc.  
Bloomberg L.P.  
Boston Globe Media Partners, LLC  
Cable News Network, Inc.  
California Broadcasters Association  
California News Publishers Association  
Californians Aware  
CBS Broadcasting Inc.  
The Center for Investigative Reporting (d/b/a Reveal)  
Courthouse News Service

Criminal Justice Journalists  
Dow Jones & Company, Inc., publisher of *The Wall Street Journal*  
First Amendment Coalition  
Forbes Media LLC  
Fox Television Stations, LLC  
Freedom of the Press Foundation  
Gannett Co., Inc.  
Hearst Corporation  
Huffington Post  
Institute for Nonprofit News  
Inter American Press Association  
International Documentary Assn.  
Los Angeles Times Communications LLC  
The McClatchy Company, LLC  
The Media Institute  
National Association of Broadcasters  
National Freedom of Information Coalition  
National Newspaper Association  
National Press Club Journalism Institute  
The National Press Club  
National Press Photographers Association  
National Public Radio, Inc.  
NBCUniversal Media, LLC  
New England First Amendment Coalition  
New England Newspaper and Press Association, Inc.  
The New York Times Company  
The News Leaders Association  
News/Media Alliance  
Newsday LLC  
The NewsGuild – CWA  
Open Vallejo  
PEN America  
The Philadelphia Inquirer  
POLITICO LLC  
Pro Publica, Inc.  
Providence Publications  
The Seattle Times Company  
Sinclair Broadcast Group, Inc.  
Slate  
Society of Environmental Journalists  
Society of Professional Journalists  
Student Press Law Center  
TEGNA Inc.  
TIME USA, LLC  
Tribune Publishing Company  
Vice Media Group

Vox Media, LLC  
The Washington Post

cc:

Associate Justice Clarence Thomas  
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  
Associate Justice Ketanji Brown Jackson