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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
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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) or Emily Hockett, Technology and Press Freedom Project Legal Fellow (ehockett@rcfp.org).

Sincerely,

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