

United States Senate
WASHINGTON, DC 20510

May 29, 2020

The Honorable John G. Roberts, Jr.
Chief Justice
Supreme Court of the United States
Washington, DC 20543

Dear Chief Justice Roberts:

We write to urge the Supreme Court to make permanent its recent efforts to increase transparency during the COVID-19 pandemic by providing live audio streams of *all* oral arguments commencing with its October 2020 term. Moreover, we urge the Court to build upon these measures by providing live video access to arguments as well—a commonsense reform that has enjoyed longstanding bipartisan support in Congress.¹ Such access to the courtroom will empower Americans to become more informed participants in our system of government.

Due to the ongoing COVID-19 emergency, the Court wisely conducted oral arguments throughout the month of May via teleconference to ensure the health and safety of all participants. To the Court's credit, these arguments were not kept behind closed doors. Rather, for the first time in history, the Court provided regular live-streamed audio access to the public. Americans clearly approve of this level of transparency. According to recently released polls, 83% of Americans supported such access, and nearly 70% called for *all* courts to allow cameras in the courtroom.² Given this widespread support for access to our nation's highest court – and the countless contributions it makes towards the civics education of the American public – there is no reason why pro-transparency measures should end when the Court returns to its normal functions.

By providing live audio access, the Court clearly demonstrated its technical capability to provide prompt disclosure and transparency to the public. And from all indications, the business before the Court was conducted in as dignified and professional a manner as is witnessed inside the courtroom under more normal circumstances. As the *Washington Post* correctly observed, “The [audio] broadcasts have been an unmitigated success.”³ And as the *Chicago Tribune* asserts, “If hearing is good, seeing and hearing is better.... Maybe the experience with live audio

¹ See, e.g., S.770, Sunshine in the Courtroom Act of 2019; and S.822, Cameras in the Courtroom Act, 116th Congress.

² Kalvis Golde, *Public approves of live access to Supreme Court arguments, polls show*, SCOTUSblog (May. 21, 2020), <https://www.scotusblog.com/2020/05/public-approves-of-live-access-to-supreme-court-arguments-polls-show/>.

³ Editorial Board, *The Supreme Court sounds great. Keep the broadcasts coming*, The Washington Post (May 23, 2020), https://www.washingtonpost.com/opinions/the-supreme-court-sounds-great-keep-the-broadcasts-coming/2020/05/22/887895ba-9b04-11ea-89fd-28fb313d1886_story.html.

will make the justices realize that there is nothing to fear from video. The work they do is a vital part of our system of government, and every American should have the opportunity to see how they do it.”⁴ We agree.

We urge you, Mr. Chief Justice, to consider our request and bear in mind all those who would benefit most – including our democracy itself – from these simple yet meaningful measures of transparency.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style and is positioned above a horizontal line.

Charles E. Grassley
U.S. Senator
Senate Judiciary Committee

A handwritten signature in blue ink that reads "Patrick Leahy". The signature is written in a cursive style and is positioned above a horizontal line.

Patrick Leahy
U.S. Senator
Senate Judiciary Committee

⁴ Editorial Board, *Live audio from the Supreme Court? Now, let's have video*, Chicago Tribune (May 26, 2020), <https://www.chicagotribune.com/opinion/editorials/ct-editorial-cameras-supreme-court-audio-20200526-mgl6mknvfgsllt7oxxqhrsgme-story.html>.