

2458 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-4061
202-225-5603 (FAX)
4345 N MILWAUKEE AVENUE
CHICAGO, IL 60641
773-267-5926
773-267-6583 (FAX)



MIKE QUIGLEY
CONGRESS OF THE UNITED STATES
5TH DISTRICT, ILLINOIS

COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEES:
FINANCIAL SERVICES AND GENERAL GOVERNMENT
CHAIRMAN
TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT,
AND RELATED AGENCIES
INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE
SUBCOMMITTEES:
STRATEGIC TECHNOLOGIES AND ADVANCED RESEARCH
COUNTERTERRORISM, COUNTERINTELLIGENCE, AND
COUNTERPROLIFERATION

March 9, 2020

The Hon. John G. Roberts, Jr.
Chief Justice of the United States
Supreme Court of the United States
One First Street NE
Washington, D.C., 20543

Dear Chief Justice Roberts:

As chairman of the House Appropriations subcommittee charged with overseeing the federal judiciary's budget, I take seriously the obligation to ensure that the public's right of access to court proceedings keeps pace with the times. Accordingly, I write to request that you enable real-time audio and video access to Supreme Court proceedings.

Justice John Marshall Harlan once posited that "the day may come when television is so commonplace an affair in the daily life of the average person as to dissipate all reasonable likelihood that its use in courtrooms may disparage the judicial process." That day arrived decades ago. It is 2020, and we are long past just "television"—livestreaming has become commonplace not just in daily life but also in most appellate courts in the country. The most powerful court in the land, making dramatically important decisions for everyone in this country, should not be among the few left that do not provide access made possible by readily available technology.

As we enter the third decade of the twenty-first century, there remain neither practical nor principled barriers to allowing the public to view Supreme Court proceedings via the Internet. The Court has already livestreamed at least one event: the 2016 Bar memorial service for the late Justice Antonin Scalia. Audio broadcasts of Supreme Court oral arguments and the announcement of opinions already occur within the Supreme Court building itself to provide real-time access to members of the Supreme Court Bar and staff who cannot find a seat in the Court's small hearing room. Cost is not a serious obstacle—I am told, for example, that installation and deployment of live audio from the D.C. Circuit's Courtroom 31 cost approximately \$25,000.

Historically, I have been an advocate for encouraging federal judges to use their discretion to broadcast their proceedings. Most recently, at an Appropriations Subcommittee on Financial Services and General Government (FSGG) hearing this earlier this month, I noted the importance of allowing real-time audio and video access in all federal court proceedings, and asked why cameras are barred from nearly every federal trial courtroom but permitted in nearly every state trial courtroom.¹ Whatever

¹ Judiciary Department Fiscal Year 2021 Budget Request (Feb. 26, 2020), <https://appropriations.house.gov/events/hearings/judiciary-department-fiscal-year-2021-budget-request>.

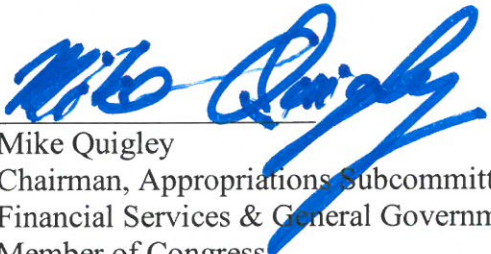
opposition to opening our courtrooms to video and camera access may be present at the federal level is not present in the states. Indeed, state court progress on this issue shows the success of increasing access and has won the support of state court judges.

Nearly every state supreme court now permits some form of video access, access which many state supreme court justices strongly support. For example, at a Judiciary Subcommittee hearing last September, a number of chief justices of state supreme courts submitted strong statements of support for livestream video.² The Chief Justice of the Ohio Supreme Court wrote that “livestreaming increases trust in judges, in our decisions, and in the rule of law.” The Chief Justice of the Michigan Supreme Court wrote that “[i]n our courtroom, cameras are simply a fixture of proceedings, no more distracting than a podium or a chair, but just as necessary,” and that “this openness builds confidence in the rule of law.” The chief justices also highlighted the educational benefits of video access to their proceedings, a sentiment echoed in the report accompanying the FSGG FY2020 appropriations bill.³

These sentiments also align with your own observation that “[b]y virtue of their judicial responsibilities, judges are necessarily engaged in civic education.”⁴ I share this view. You have likewise stated, “In our age, when social media can instantly spread rumor and false information on a grand scale, the public’s need to understand our government, and the protections it provides, is ever more vital.”⁵ I agree here as well, further noting that better access to the Supreme Court’s proceedings could further this goal. Conversely, limiting access to the Supreme Court to those willing to travel to Washington to brave long lines (or pay someone to stand in line for them) runs contrary to the judiciary’s role in fostering civic education.

The right to open court must keep pace with the times. You recently invited members of Congress to observe oral arguments at the Court. I encourage you and your fellow justices to extend that invitation to the American people in ways that technology now make commonplace. The country, the Constitution, and the judiciary would be better for it.

Sincerely,



Mike Quigley
Chairman, Appropriations Subcommittee
Financial Services & General Government
Member of Congress

² The Federal Judiciary in the 21st Century: Ensuring the Public’s Right of Access to the Courts (Sept. 26, 2019), <https://judiciary.house.gov/calendar/eventsingle.aspx?EventID=2282>.

³ Report to Accompany H.R. 3351, <https://www.congress.gov/congressional-report/116th-congress/house-report/122> (“The Committee notes that providing the American people with the opportunity to access Supreme Court arguments in real time via video and/or live audio would greatly expand the Court’s accessibility to average Americans and provide historical and educational value. As such, the Committee encourages the Supreme Court to take steps to permit video and live audio coverage of all open sessions of the court unless the Court decides that allowing such coverage in any case would violate the due process of one or more of the parties before the Court.”)

⁴ 2019 Year-End Report on the Federal Judiciary, <https://www.supremecourt.gov/publicinfo/year-end/2019year-endreport.pdf>.

⁵ *Id.*