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## United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, *Chief Counsel and Staff Director*  
JENNIFER DUCK, *Democratic Chief Counsel and Staff Director*

June 29, 2018

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

Dear Chief Justice Roberts:

As the Supreme Court has completed its spring 2018 term, we write to urge the Court to release same-day audio recordings of all oral arguments commencing with its October 2018 term. Headlines across the country demonstrate how deeply interested the American public is in the proceedings of our Nation's highest court. Providing same-day audio recordings of all oral arguments would empower Americans to become more informed participants in our system of government.

As you know, given the heightened public attention to the issues at stake, the Court agreed to provide same-day audio recordings for the recently decided *Donald J. Trump, President of the United States, et al. v. Hawaii, et al.*, No. 17-965 (2018). By providing same-day audio for oral arguments in this case, the Court demonstrated its technical capacity to provide prompt disclosure and transparency to the American public. We believe there is no reason why Americans should have to wait several days to hear the audio recordings of oral arguments in other matters before the Court.

Transparency should be the rule, not the exception. We note that the Court's current practice of posting audio recordings at the end of each week stands in stark contrast to the practice of nearly every other federal circuit, some of which provide live-streaming of oral arguments to listeners across the country and around the world.<sup>1</sup> Our federal circuits have proven that modern technology makes audio-recording—and even live audio-streaming—minimally intrusive to the functioning of a courtroom.

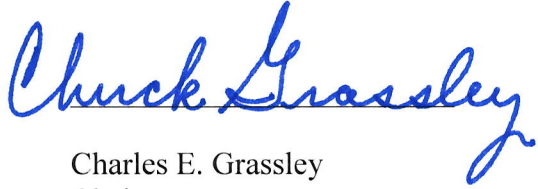
By releasing same-day audio recordings of all oral arguments, the Court has a unique opportunity to open up its proceedings beyond the select few who will ever have the chance to be physically present during arguments. Most importantly, the American public will grow in its appreciation of—and confidence in—the rule of law that safeguards our constitutional system.

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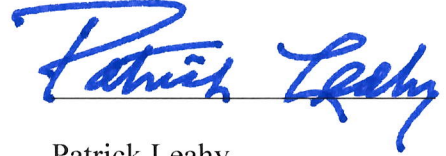
<sup>1</sup> *Judicial Wellness and Broadcast Media Policies in Federal Appeals Courts*, Fix the Court, February 2018, <https://fixthecourt.com/wp-content/uploads/2018/02/Audio-video-wellness-policies-in-federal-appeals-courts-Feb.-2018.pdf>.

We urge you to consider our request, and to bear in mind those who would benefit most from this simple, yet meaningful, measure of transparency.

Sincerely,



Charles E. Grassley  
Chairman  
Senate Judiciary Committee



Patrick Leahy  
Member  
Senate Judiciary Committee