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October 3, 2019

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

Re: Request for Access to Audio Recordings of Oral Arguments in *Bostock v. Clayton County, Ga.*, No. 17-1618; *Altitude Express, Inc. v. Zarda*, No. 17-1623; *R.G. & G.R. Harris Funeral Homes v. EEOC*, No. 18-107; *Dep't of Homeland Sec. v. Regents of Univ. of Cal.*, No. 18-587; *Trump v. NAACP*, No. 18-588; and *McAleenan v. Vidal*, No. 18-589.

Attention: Public Information Officer Kathleen Arberg

Dear Chief Justice Roberts,

The media coalition composed of the below-listed national and local news organizations, nonprofit associations representing newsgatherers, and trade groups writes to respectfully request live audio access to the oral arguments in the three cases addressing nondiscrimination under Title VII of the Civil Rights Act of 1964 (“October 8th arguments”) and the three cases addressing the Deferred Action for Childhood Arrivals plan (“November 12th arguments”).

The Reporters Committee was founded by leading journalists and media lawyers in 1970 when the nation’s news media faced an unprecedented wave of government subpoenas forcing reporters to name confidential sources. Today, its attorneys provide pro bono legal representation, amicus curiae support, and other legal resources to protect First Amendment freedoms and the newsgathering rights of journalists. The Reporters Committee for Freedom of the Press has long urged greater transparency from the courts, for the benefit of the public. The other signatories likewise advocate for transparency at all levels of government, and at all branches of the federal government.

There is a strong interest nationwide in closely following these proceedings as they occur, in as close to real-time as possible. The Court’s usual policy of releasing audio recordings of oral arguments at the end of the week on which they are heard will impede journalists’ ability to provide same-day coverage of the arguments to readers, viewers, and listeners who rely on the news media for information about these crucial issues of significant public interest.

Immediate release of audio recordings has served the Court and the public well in the past. Specifically, the Court released within minutes of their completion audio recordings of oral arguments in the presidential election cases of 2000. *Bush v. Gore*, 531 U.S. 98 (2000); *Bush v. Palm Beach Cnty. Canvassing Bd.*, 531 U.S. 70

(2000). It has also followed the same procedure for oral arguments in the 2003 affirmative action cases and the constitutional challenge to the Bipartisan Campaign Reform Act. *McConnell v. Fed. Election Comm'n*, 540 U.S. 93 (2003); *Gratz v. Bollinger*, 539 U.S. 244 (2003); *Grutter v. Bollinger*, 539 U.S. 306 (2003). And, the Court released audio recordings shortly after arguments in the 2013 marriage equality and Defense of Marriage Act cases, *Hollingsworth v. Perry*, 570 U.S. 693 (2013) and *United States v. Windsor*, 570 U.S. 744 (2013), along with the 2015 marriage equality case, *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), and the 2018 immigration case, *Trump v. Hawaii*, 138 S. Ct. 2392 (2018).

The Supreme Court is the ultimate people's Court and there is a strong public policy and, indeed, constitutional imperative that the people be permitted to observe its proceedings in matters of abiding public interest. Accordingly, this media coalition believes that giving the public and the press live access to the legal arguments in these cases is an important step for the Court to promote accountability, transparency, and an informed electorate. We urge the Court to provide live audio of both the October 8th and November 12th oral arguments. At minimum, we request a same-day release of audio in these important cases.

Sincerely,

The Reporters Committee for Freedom of
the Press
Association of Alternative Newsmedia
Cable News Network, Inc.
California News Publishers Association
CBS Broadcasting Inc., on behalf of CBS
News
Courthouse News Service
The Daily Beast Company LLC
Dow Jones & Company, Inc.
The E.W. Scripps Company
First Look Media Works, Inc.
Gannett Co., Inc.
Investigative Reporting Workshop at
American University
Los Angeles Times Communications LLC
The Media Institute
MPA – The Association of Magazine Media

National Freedom of Information Coalition
National Newspaper Association
National Press Photographers Association
National Public Radio, Inc.
NBCUniversal Media, LLC
New England First Amendment Coalition
The New York Times Company
The News Leaders Association
Online News Association
POLITICO LLC
Quartz Media, Inc.
Radio Television Digital News Association
Reveal from The Center for Investigative
Reporting
Society of Environmental Journalists
Society of Professional Journalists
Tully Center for Free Speech
Univision Communications Inc.

cc: Associate Justice Clarence Thomas
Associate Justice Ruth Bader Ginsburg
Associate Justice Stephen G. Breyer
Associate Justice Samuel A. Alito, Jr.
Associate Justice Sonia Sotomayor
Associate Justice Elena Kagan
Associate Justice Neil M. Gorsuch
Associate Justice Brett M. Kavanaugh