

GAO Highlights

Highlights of [GAO-16-437](#), a report to congressional requesters

Why GAO Did This Study

The U.S. Supreme Court—the highest appellate court in the country—hears high-interest cases potentially affecting millions. The Court generally hears oral arguments for these cases, which are open to the public. Seating in the Court is limited and media organizations, as well as members of Congress, have requested video coverage of oral arguments. GAO was asked to review video and audio coverage of proceedings in the U.S. Supreme Court and other appellate courts.

This report addresses (1) the U.S. Supreme Court's policy regarding video and audio coverage of oral arguments and the policies of other selected appellate courts and (2) perspectives of selected stakeholders on the benefits of and concerns with allowing such coverage.

GAO analyzed policies on video and audio coverage of oral arguments in the U.S. Supreme Court and other selected appellate courts—13 U.S. courts of appeals and the highest appellate courts in the 50 states and the District of Columbia and three foreign countries—chosen because of comparability to the U.S. Supreme Court. GAO obtained information from administrative officials in 8 courts, selected based on video and audio policies, and perspectives on the benefits of and concerns with coverage from (1) 16 judges in 6 of these courts and 9 attorneys in 5 of these courts and (2) the PIO of the U.S. Supreme Court and 4 attorneys who have argued before the Court. Results are not generalizable but provided insights on video and audio coverage of oral arguments. GAO also reviewed studies on this issue.

View [GAO-16-437](#). For more information, contact Diana C. Maurer at (202) 512-9627 or maurerd@gao.gov.

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U.S. SUPREME COURT

Policies and Perspectives on Video and Audio Coverage of Appellate Court Proceedings

What GAO Found

The U.S. Supreme Court (the Court) posts audio recordings of oral arguments on its website at the end of each argument week, but does not provide video coverage of these arguments. In addition, starting in 2000, the Court began granting requests for access to audio recordings of oral arguments on the same day arguments are heard in selected cases. As of October 4, 2015, the Court had received media requests for access to same-day audio recordings in 58 cases and had granted them in 26 cases.

Other selected appellate courts have varying policies on video and audio coverage of oral arguments. For example,

- Two of the 13 U.S. courts of appeals allow media video coverage of oral arguments. Also, 9 of these 13 courts generally post audio recordings of arguments on their websites the same day arguments are heard.
- The highest appellate courts in 49 states have written policies that allow media video and audio coverage of oral arguments and almost all of these courts have video or audio of oral arguments available online.
- The highest appellate courts in Australia, Canada, and the United Kingdom have policies that provide video coverage of oral arguments by the court itself.

Stakeholders in selected courts stated that the benefits of video or audio coverage of oral arguments in their courts include educating the public on the judicial system, among others, but also expressed concerns with regard to how the media might use such coverage. For example,

- Fourteen of the 16 judges and seven of the nine attorneys GAO interviewed in the selected appellate courts cited public education on the judiciary as a benefit or potential benefit of video or audio coverage of arguments. One judge noted that video coverage is useful for providing a window into how the courts think about the issues in a case.
- Five judges and eight attorneys stated that coverage might potentially result in portions of the arguments being distorted by the media. However, four judges and four attorneys said that the court providing coverage itself might help mitigate these concerns. For example, one attorney stated that this allows the court to control and release the coverage as it sees fit.

With regard to the U.S. Supreme Court allowing video coverage of oral arguments, the four attorneys GAO interviewed who have argued before the Court also cited similar educational benefits and concerns regarding the media potentially distorting coverage. Further, three of the four attorneys and the Court's Public Information Officer (PIO) raised concerns that coverage may potentially affect court participants' behavior. The PIO stated that individual Justices have commented that televising proceedings could adversely affect the dynamics of the oral arguments, among other concerns, and have expressed caution about introducing changes that could create misconceptions about the Court.