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 allowing such coverage.

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.