



Fix the Court
201 W. Lake St., Ste. 153
Chicago, IL, 60606

Patrick Madden
National Archives Foundation
700 Pennsylvania Ave. NW
Washington, DC. 20408-0001

October 30, 2015

Dear Mr. Madden:

My name is Gabe Roth, and I am executive director of Fix the Court, a national nonprofit organization that advocates for a more open and accountable U.S. Supreme Court.

It has come to my attention that the fully-booked “Conversation on the Constitution” with Justice Samuel Alito and Yale Law Prof. Akhil Reed Amar on Oct. 29 was not live-streamed online for public viewing or video-recorded for future broadcast.

The decision to not open up the event to the public outside of those who could fit in the McGowan Theater is reminiscent of the antiquated public access policy of the Supreme Court itself, whose hearings are not live-streamed or video-recorded. Only those in the courtroom on the day a case is argued are able to experience that case as it unfolds.

At a time when the justices have doubled down on their anti-access positions, it is my hope, as head of an organization dedicated to greater openness from public officials and institutions, that the National Archives would help increase access to the court and its members, especially given the ease with which a Conversation on the Constitution could be recorded, uploaded and archived. In fact, such Conversation with Justice Stephen Breyer was live-streamed last year.

Further, whatever reluctance Justice Alito himself may have had to the event being filmed should have little or no bearing on the decision to broadcast. A Supreme Court justice is a public figure who, according to the Supreme Court itself, does not have an expectation of privacy when in public.

Luckily, there were a few members of the print and online media in attendance Thursday who were able to provide the public a sense of the event and of any news that broke during it. But it is not the 19th century, and the public should be allowed moving pictures as an accompaniment to the words written by the Supreme Court press corps.

As such, I hope you choose to live-stream future Conversations on the Constitution, and, if necessary, Fix the Court is prepared to cover the costs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gabe Roth', is written over a white rectangular area.

Gabe Roth