



The Justices in their Own Words on Cameras in the Supreme Court

All eight sitting Supreme Court justices, as well as Antonin Scalia, have at some point in their careers expressed positive or at least neutral sentiments toward putting cameras in their courtroom to televise oral arguments. For whatever reasons, the justices today demur on the question – or have changed their opinions outright. Here they are in their own words on cameras in the court over time:

Chief Justice John Roberts (took his seat September 29, 2005)

2005 confirmation hearing: “Well, my new best friend, Senator Thompson, assures me that television cameras are nothing to be afraid of. But I don’t have a set view on that. I do think it’s something that I would want to listen to the views of – if I were confirmed – of my colleagues.” *September 14, 2005*

2006: “There’s a concern [among justices] about the impact of television on the functioning of the institution. We’re going to be very careful before we do anything that might have an adverse impact.” *July 13, 2006, Ninth Circuit Court of Appeals’ annual conference*

2011: “We worry about the impact on lawyers; I worry about the impact on judges. [...] We unfortunately fall into grandstanding with a couple of hundred people in the courtroom. I’m a little concerned about what the impact would be.” *June 25, 2011, Fourth Circuit Court of Appeals Conference*

Justice Antonin Scalia (took his seat September 26, 1986)

1990: “When I first came on the court, I was in favor of having cameras in the court. I am less [now]. [...] Our sessions are open and anytime any of you is in Washington, I certainly invite you to attend, urge you to attend. I think it's a good show myself.” *May 23, 1990*

2006: “If I thought that cameras in the Supreme Court would really educate the people, I would be all for it. But I think it would miseducate and misinform. [...] Nobody's going to be watching that gavel-to-gavel except a few C-SPAN junkies.” *October 20, 2006, Georgetown University's “Blue and Gray”*

Justice Anthony Kennedy (took his seat February 18, 1988)

1987 confirmation hearing: “My initial reaction is that I think it might make me and my colleagues behave differently than they would otherwise [...] but p]erhaps they would be accustomed to it after a while. The press is a part of our environment. We cannot really excise it from the environment.” *December 15, 1987*

2005: “Sometimes if the system is flawed, the people ought to know it. And if television shows a flawed system, then let them see it [...] television can be a teacher. And if we were going to have a debate on television in the courtroom, and you drew the affirmative side of the debate, you could make probably more positive points. And we sometimes wish lawyers were better prepared, but they haven't seen us at work. If they had a videotape or a DVD, then they could see it. So you can make a lot of arguments for it.” *November 10, 2005, American Bar Association Rule of Law symposium*

2007: “If you introduce cameras, it is human nature for me to suspect that one of my colleagues is saying something for a sound bite.” *March 8, 2007, House Appropriations Subcommittee*

2013: “My colleagues and I are not immune from the instinct to grab a headline, and I don’t want to think that my colleague asked a question for the benefit of the press. I don't want to introduce that insidious dynamic between myself and my colleagues.” *July 28, 2013, Chautauqua Institution*

Justice Clarence Thomas (took his seat October 23, 1991)

1991 confirmation hearing: “I have no objection beyond a concern that the cameras be as unobtrusive as possible. [...] It’s good for the American public to see what’s going on in there.” *September 13, 1991*

2007: “The primary point for me has been that regular appearances on TV would mean significant changes in how my colleagues conduct their lives. My anonymity’s already gone. It’s already affected the way I conduct my own life.” *March 8, 2007, House Appropriations Subcommittee*

Justice Ruth Bader Ginsburg (took her seat August 10, 1993)

1993 confirmation hearing: “I don’t see any problem with having appellate proceedings televised. I think it would be good for the public.” *July 22, 1993*

2000: "I would not object, just for myself, to having proceedings televised, provided the control remains in the hands of the Court and that the coverage was gavel-to-gavel [...] Several of our states are experimenting with televised trials. Televised appeals. And if it works, in time it will spread, and if it doesn't, then it won't. [...] Our courtroom is generally packed, sometimes there are long lines to get in [...], and this would be another way of opening the court further." *October 2000, Canada Lawyers Weekly*

Justice Stephen Breyer (took his seat August 3, 1994)

1994 confirmation hearing: "I voted in favor in the judicial conference of experimenting with television in the courtroom. The results are being evaluated. In Massachusetts, television is in the courtroom. The Massachusetts judges I've spoken to seem generally satisfied. The results of that are being evaluated in the federal system." *July 12, 1994*

2005: "I also think a problem in the appellate court is that when we decide something, it's decided for millions of people. Of the millions of people who will be affected, only two or three are actually [present in the courtroom] in the form of parties." *November 10, 2005, American Bar Association Rule of Law symposium*

2005: "I think there are good reasons for it and good reasons against it. The best reason against it is the problem that we could become a symbol since we are the Supreme Court, and if it was in our court, it would be in every court in the country. [...] I hope eventually the answer will become clear, that either those who are concerned about the negative effects are shown wrong, or they're shown right." *December 4, 2005, C-SPAN*

2014: "Now, cameras in the courtroom? At this stage, I'd say it's sort of in the middle. I mean, I'm not in the generation that's grown up with it to the point, I actually can remember radio, you know? [...] But that'll change. And eventually people will be on the court who've grown up with nothing but that, and I believe it'll change and probably they'll come in. [...] We are deciding something for 310 million people who are not in that courtroom." *January 14, 2014, Conversations on the Constitution, National Archives*

Justice Samuel Alito (took his seat January 31, 2006)

1996: "Television coverage of the Supreme Court would not simply let the public see what goes on before that important institution, but would also in some ways change what now goes on. [...] Some lawyers arguing before the Court in televised cases would use the occasion to address the television audience for political or other purposes." *April 1996, Association of the Federal Bar of New Jersey*

2005 confirmation hearing: "We had a debate within our court about whether we would or should allow television cameras in our courtroom. I argued that we should do it [...] The issue is a little different in the Supreme Court. It would be presumptuous for me to talk about it right now, particularly since at least one of the justices [Souter] have said that a television camera would make its way to the Supreme Court over his dead body. I will keep an open mind despite the decision I took in the Third Circuit." *January 11, 2006*

2007: "If our arguments were on television, we'd face some very stiff competition because there is already a surfeit of programming for court aficionados." *October 19, 2007, Associated Press*

Justice Sonia Sotomayor (took her seat August 8, 2009)

2009 confirmation hearing: "I have had positive experiences with cameras. When I have been asked to join experiments of using cameras in the courtroom, I have participated. I have volunteered." *July 14, 2009*

2013: "I don't think most viewers take the time to actually delve into either the briefs or the legal arguments to appreciate what the court is doing. They speculate about, oh, the judge favors this point rather than that point. Very few of them understand what the process is, which is to play devil's advocate." *February 5, 2013, Charlie Rose*

Justice Elena Kagan (took her seat August 7, 2010)

2009: "If cameras were in the courtroom, the American public would see an extraordinary event. This court is [...] so engaged, and everybody who gets up at the podium, [...] the most challenging questions are thrown at that person. [...] I think if you put cameras in the courtroom, people would say, 'wow,' [and] see their government working at a really high level." *July 23, 2009, Ninth Circuit Judicial Conference*

2010 confirmation hearing: "I have said that I think it would be a terrific thing to have cameras in the courtroom. [...] I think it would be a great thing for the institution, and more important, I think it would be a great thing for the American people." *June 29, 2010*

2011: "It's such a shame actually that only 200 people a day can get to see it and then a bunch of other people can read about it. Because reading about it is not the same experience as actually seeing." *August 2, 2011, Aspen Institute*

2012: "I have a few worries, including that people might play to the camera. Sometimes you see that when you watch congressional hearings." *September 10, 2012, University of Michigan School of Law*

2014: "It's a really hard issue. [...] Transparency is an important thing in government institutions, and for the most part the court would look pretty good." *February 3, 2014, Justice Ruth Bader Ginsburg Distinguished Lecture on Women and the Law*