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"AMERICA & THE COURTS"

C-SPAN Looks at the Rehnquist Court After Two Months

Selected quotes from an interview with Lyle Denniston, Supreme Court Correspondent for The Baltimore Sun conducted by C-SPAN's Bob Clark.

Bob Clark: *"Are the members of the Court more accessible than they were back in the 1950s? Do you get to meet and talk with them privately or socially?"*

Lyle Denniston: "I don't think that's changed much at all. I think there are some who are accessible now who were accessible years ago. There are others who have never been accessible. It depends on the individual justices. I think, generally speaking, the members of the Court are quite reluctant to deal with the press one on one. They just don't regard publicity as an important part of their work. They certainly don't feel that they have to justify what they do to the press in this country. Generally speaking, I think the Court is just about as closed in its attitude about the press as it always has been. In some ways, perhaps that's appropriate, because they do their business inside not out in the public and political realms the way they do across the street at the Capitol."

Bob Clark: *"As you note, there aren't many leaks from the Court today, but there does seem to be more than there were in the old days, why?"*

Lyle Denniston: "Well, I think, my own private theory -- that's pure speculation and conjecture -- is that you have more law clerks now and I think law clerks are mainly the source of leaks. In the old days, most justices had one or at most two law clerks, now you have three or four law clerks. I think law clerks, as they get to the end of their term of their service, they're more inclined to be a little more open. You notice you don't have leaks in December or January, you get leaks in May and June when the Court term is about over. I think most of these leaks are coming out of the law clerks."



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Selected quotes from a roundtable discussion/live viewer call-in with Theo Stamos, The Washington Times; Tim O'Brien, ABC News; and Jim Rubin, the Associated Press. The host of the program is C-SPAN's Connie Doebele.

Connie Doebele: *"The last time you (Tim O'Brien) were on our program was right after you broke the story saying how the Supreme Court was going to come down on the Gramm Rudman case. Are leaks going to be -- you talked a little about the news media and the affects of the court -- will there be some more stories like that coming soon? Is it going to be easier to get them?"*

Tim O'Brien: "Oh, I don't know. It's never going to be routine around here, because this is a very secretive place. Any penetrations into their wall of secrecy will always be sporadic."

Connie Doebele: *"Any scoops to be had around here?"*

Jim Rubin: "I wish. No, I'm afraid Tim's absolutely right -- this is tighter than the Kremlin around here."

Connie Doebele: *"Is it frustrating for you (Theo Stamos) as a new reporter?"*

Theo Stamos: "I don't think it's frustrating as a new reporter. In fact, I think if anything, it puts you on a level playing field. I don't worry when I see Jim and Tom running out of the newsroom if they're going to get some scoop. It's unlikely to happen."

Tim O'Brien: "The most important thing that we can do is not scoop a decision, but get that decision and report it comprehensively. That's always a challenge, especially with some of these decisions."

Connie Doebele: *"There are no television cameras allowed in the Court's oral arguments, Tim O'Brien, working for the broadcast industry do you see any changes on television under the leadership of William Rehnquist?"*

Tim O'Brien: "I think Rehnquist, at the very least, would like to wait a decent interval between, after Warren Burger, because Warren Burger was so adamantly against it. Some day it's going to happen, there's no doubt about that. I think when it does happen, the Court will be very pleased with how it affects the Court and how it affects

Selected quotes from the round table discussion continued:

public perception of the Court."

Theo Stamos: "I think Tim is right. I think it's a matter of time before cameras are let in the courtroom and I think it would be a very welcomed thing for the public and the justices as well. For some reason, I think there's a sense among them [the justices] -- and this is just my own opinion -- that cameras would be intrusive. That they wouldn't be able to do their jobs knowing that they [the cameras] were there and it would make everything much more cumbersome. Obviously with today's technology, that just wouldn't be the case. After two or three minutes, they probably wouldn't even know -- would forget that they were even being televised."

Tim O'Brien: "Absolutely, you know you can have televised court proceedings without even having cameras in the court room -- you can have them in another room."

Jim Rubin: "I think Justice Rehnquist has said as much. He's certainly indicated an open mind that if he's satisfied it's not going to be intrusive it's going to be there one of these days."

Tim O'Brien: "But this Court moves so slowly, we could be very old."



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Moderator: "Television cameras, as well all know, are not allowed in the Supreme Court at this point

Kamen: "They're right here."

Moderator: "We're in the pressroom though. I mean in the courtroom. Do you think Chief Justice Rehnquist will reassess that situation? Do you see any change in that policy?"

Kamen: "Not immediately. But I think there will be constant reassessment. And I don't think there's any question that eventually there will be cameras in the courtroom. It will just take time. The court voted on this last year. I don't think the court likes to vote every year on the same question. But I think in time there will be cameras in the courtroom. It may be incremental with audio tape procedures that would be made available to the public, and those are available to the public at the national archives with a bit of a time lag. But I think the day is coming. I just don't know when."

Wermiel: "I agree the day is coming, I think, slowly. Nobody could be more hostile to the idea of cameras in the courtroom than was now retired Chief Justice Burger. And I think he spend ten years building up an entire body of literature—reports from judicial committees and studies and so on—suggesting that it would be the end of the world if we had cameras in the Supreme Court room. And it's unrealistic to think that anybody was just going to say, 'now that he's out the door, we'll just throw all those reports out and let the cameras right in the courtroom.' It's just not going to happen that way. I think with the departure of Chief Justice Burger, there is at least more of a willingness to listen, possibly to discuss the idea in an open-minded fashion, rather than with your mind made up."

Taylor: "I agree with all that. I guess I find myself wondering also,

whether when they finally come it'll be a bit anti-climactical. Even though Justice [Antonin] Scalia has livened things up, some of these arguments are pretty technical. But I think they'll come sooner or later."