



Published: 12.26.2006

Today's Supreme Court is no longer so reclusive

By Mark Sherman

THE ASSOCIATED PRESS

WASHINGTON — Many Supreme Court justices prize the anonymity that comes with their lifetime appointments and camera-free courtroom. Unrecognized, justices have snapped pictures for tourists in front of the court or been asked to move out of the way of a shot.

On rare occasions, a justice might consent to an interview on the C-SPAN cable network to discuss a recent book or be shown addressing a lawyers' gathering somewhere.

Lately, however, some members of the court have been popping up in unusual places — including network television news programs.

For an institution that has kept the media at a comfortable distance for much of its existence, the Supreme Court's increasingly public face is astonishing, said University of Chicago law professor Dennis Hutchinson, who served as a law clerk for Justices Byron White and William Douglas.

"More and more, the justices are spending time talking off the bench informally to reporters, on the record, off the record, in public, on tape, on film," Hutchinson said.

Justices Antonin Scalia and Stephen Breyer recently debated their competing views of the Constitution. Breyer and retired Justice Sandra Day O'Connor have talked publicly and repeatedly about threats to judicial independence. Justice Samuel Alito proudly affirmed his membership in the conservative Federalist Society, speaking in a packed ballroom at its recent convention.

Perhaps most noteworthy, though, has been the media-friendly attitude adopted by new Chief Justice John Roberts, in contrast to his predecessor William Rehnquist.

Roberts recently was featured on ABC News' "Nightline" discussing both his view of the court and his son Jack's SpiderMan imitation at Roberts' introduction by President Bush.

Having spent more of his legal career as an advocate than as a judge, Roberts has longstanding professional relationships with many in the court's veteran reporting corps.

For many years, justices held to the view that the court's mystique and reputation were enhanced by their distance from the public. The justices spoke through their written opinions, laying out not only what they had decided, but why.

Their unbending refusal to allow cameras in the courtroom has reflected this belief that the Supreme Court is unlike the Congress and the presidency in that it does not serve at the pleasure of voters.

Rehnquist strolled around the court unrecognized by tourists. Justice Anthony Kennedy snapped a photograph for visitors who had no idea who he was. Justice John Paul Stevens once was asked to move aside by a picture-taking tourist.

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