

Davis, Richard, ed. *Covering the United States Supreme Court in the Digital Age*. New York: Cambridge University Press, 2014. 269p. \$99.

*Reviewed by Susan David deMaine**

¶18 The U.S. Supreme Court is simultaneously transparent and secretive. All of its decisions—the work that truly counts—are widely and publicly available. Alternate views and disagreements are recorded in concurrences and dissents. Oral arguments are open to the public and covered by the press. Transcripts of these arguments are available the same day, and audio is available at the end of the week. At the same time, all deliberations are done behind closed doors. Neither the Justices nor any representative of the Court comment on decisions. The Justices' clerks stay off social media and never discuss their work. And no cameras or other electronic devices are ever allowed in the courtroom.

¶19 The question of cameras in the courtroom during oral arguments comes up frequently, and the Justices always say no. They insist that cameras would change the dynamic of the Court, threaten their relative anonymity, and do little other than provide fodder for misleading sound bites on the evening news. At the same time, however, Justices have appeared on Sunday morning talk shows and even on Jon Stewart's *The Daily Show*.

¶20 This apparent contradiction is somewhat characteristic of the relationship between the Court and the media. The Court keeps the media at a very long arm's length, yet the Justices get frustrated when the press spends more time on the politics of a decision than the legal developments. The challenges posed by the relationship between the Court and the media form the overarching theme of *Covering*

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the United States Supreme Court in the Digital Age. This collection of thirteen original chapters covers all aspects of the relationship between the press and the Supreme Court, from changes in news content over time to “war stories” from reporters on the Court beat. All in all, the book provides an in-depth and largely readable look at how the American people learn about the work of the Court.

¶21 The book opens with two chapters that provide a sense of the interplay between the Court and the press. The Court’s aloofness is evident, as is its contentment to do things much as they have always been done. Over time, the Court has made several accommodations to requests for greater access: same-day transcripts, end-of-week audio, and spacing decision announcements with more awareness of the demands on journalists (until 1965, the Court handed down decisions only on Mondays; now Mondays and Thursdays are big days, but decisions come on other days as well, and the Court tries to limit blockbuster decisions to one a day). Also evident is the deference shown the Court by the press. Generally speaking, members of the Supreme Court press corps do not attempt to go beyond the bounds set by the Court, accepting that they will have access to extensive amounts of paper but no comments, leaks, or interviews.

¶22 The Court’s accommodations have not yet embraced the fact that coverage of the Court is shifting from traditional media outlets to online news sources, particularly blogs. Several chapters in *Covering the United States Supreme Court in the Digital Age* discuss the changes in media coverage of the Court over time. The general consensus is that coverage in traditional sources is both relatively sparse and declining. Elite newspapers such as the *New York Times* and *Wall Street Journal* have the best coverage unless a decision has a big effect locally, in which case the local paper may provide good coverage. Television news coverage has never been extensive and has diminished in both breadth and depth over time. The blogosphere, and SCOTUSblog in particular, is now the go-to source for thorough coverage of the Court and its decisions. This phenomenon comes up again and again in the book, as does the Court’s refusal to change the rules governing press passes to allow bloggers—regardless of their qualifications or reputation—into the press corps. SCOTUSblog relies on Lyle Denniston, who holds press credentials from WBUR in Boston, for its access.

¶23 One remarkable aspect of SCOTUSblog is the detailed attention it gives to so many decisions. As chapter 5, “Explaining Intermedia Coverage of Supreme Court Decisions,” makes clear, in traditional media it is the decisions that cause the most deviance from the status quo or from accepted norms which get virtually all the coverage. This is borne out in chapter 6, “Constructing Harry Blackmun,” which discusses how the *Roe v. Wade* opinion became Justice Blackmun’s legacy despite the fact that it was one decision out of many written during his twenty-four years on the Court. Along similar lines, chapter 8, “The Placement of Conflict: The Supreme Court and Issue Attention in the National Media,” uses *Brown v. Board of Education* to examine how Supreme Court decisions that disrupt the status quo and garner lots of media attention affect the national issue agenda.

¶24 Unlike the majority of the chapters, four of the five final chapters are written by journalists. Not surprisingly, these chapters offer great stories and a high level of readability. David G. Savage of the *Los Angeles Times* writes about the inner

workings of a typical day covering the Supreme Court. *Slate* correspondent Dahlia Lithwick's chapter stands out as a must-read, and the closing chapters on Justice Brennan and Justice Stevens provide interesting close-ups of two Justices and their relationships with the press. Although there is some repetition in content—several chapters decry the state of media coverage of the Court, and several chapters discuss the impact of SCOTUSblog—this book provides intriguing details and many thought-provoking insights about the reserved yet symbiotic relationship between the Supreme Court and the press covering its work. It is a worthwhile read for journalists, political scientists, law librarians, and lawyers alike.
