SUPREME COURT BLOCKS VIDEO COVERAGE OF PROP 8 TRIAL

On Monday morning, the Supreme Court entered a stay order halting the live video feed of the groundbreaking Proposition 8 trial to other Federal courthouses as well as the delayed release of video clips from the trial via YouTube. I indicated back then that the history and blinding self interest of the Supreme Court in not allowing the encroachment of video into Federal courts because of the abiding fear it will lead to video in their own hallowed and august courtrooms. God forbid the citizens of the country be able to see what their public servants are doing; and public servants is exactly what Supreme Court Justices, for all their self righteous bluster, are.

Today, in an opinion just released in the case of *Hollingsworth v. Perry*, those fears came true.

Lyle Denniston at SCOTUSBlog summarizes the situation perfectly:

> Splitting 5-4, the Supreme Court on Wednesday blocked any television broadcast to the general public of the San Francisco federal court challenge to California's ban on same-sex marriage. The stay will remain in effect until the Court rules on a coming appeal challenging the TV order. The Court, chastizing the trial court for attempting "to change its rules at the eleventh hour," issued an unsigned 17-page opinion. The ruling came out nearly 40 minutes after an earlier temporary order blocking TV had technically expired.
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> The Court gave the supporters of the

> Prop 8 ban two options to seek a final order against the television coverage: they could (as they have indicated they would) file a petition for review from the lower courts' orders), or they could file a petition seeking what is called a "writ of mandamus" – that is, an order from a higher to a lower court to take, or not take, some action. The Court did not indicate whether it would grant review of either approach, although Wednesday's order was a fairly strong hint that it would.

This spells the end of any hope of video coverage of the Prop 8 trial, whether it be live stream to other Federal courthouses or the delayed release of YouTube segments. It is curious that the Supreme Court is fine with a video feed to other locations in the same courthouse as the trial, but not to other secure Federal courthouses. Again, it must be assumed this is all about insuring that the objecting five pompous justices never have to have their demeanor and conduct seen by the citizens they serve. As I explained in the previous post, the Supreme Court, in *Chandler v. Florida*, has already admitted it is not about constitutional due process; therefore it is, whether admitted or not, about their vanity and elitism.

When the Supreme Court, in its opinion, says:

> We are asked to stay the broadcast of a federal trial. We resolve that question withoiut expession any view on whether such trials shold be broadcast. We instead determine that the broadcast in this case should be stayed because it appears the courts below did not follow the appropriate procedures set forth in federal law before changing their rules to allow such broadcasting. Courts enforce the requirements of procedural regularity on others, and must follow those requirements ourselves.

it sure strikes me that the Court's basis for finding the Local rule was violated, or inappropriately amended, is strained. At best. Others may differ, but for my money, this has everything to do with the inherent prejudices and fears of the majority Justices.

But we know who dissented, they had the guts to put their names on a written dissent. Justices Breyer, Stevens, Ginsburg and Sotomayor. From the well taken dissenting opinion:

> The Court today issues an order that will prevent the transmission of proceedings in a nonjury civil case of great public interest to five other federal courthouses located in Seattle, Pasadena, Portland, San Francisco, and Brooklyn. The Court agrees that it can issue this extraordinary legal relief only if (1) there is a fair chance the District Court was wrong about the underlying legal question, (2) that legal question meets this Court's certiorari standards, (3) refusal of the relief would work "irreparable harm," (4) the balance of the equities (including, the Court should say, possible harm to the public interest) favors issuance, (5) the party's right to the relief is "clear and undisputable," and (6) the "question is of public importance" (or otherwise "peculiarly appropriate" for such action). See ante, at 6–7; Rostker v. Goldberg, 448 U. S., 1306, 1308 (1980) (Brennan, J., in chambers) (stay standard); Cheney v. United States Dist. Court for D. C., 542 U. S. 367, 380 (2004) (noting that mandamus is a "drastic and extraordinary remedy reserved for really extraordinary causes" (internal quotation marks omitted)). This case, in my view, does not satisfy a single one of these standards, let alone all of them. Consequently, I must dissent.

I dissent too; however, I think there are grounds that even the minority Justices are not admitting; i.e. the petulance of their majority colleagues.