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Description of document:	<b>US Department of Justice US Marshals Service investigative summary of "The Hattiesburg Incident" of 07-April-2004 (OCR [searchable] version)</b>
Released date:	12-December-2007
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Title of Document	Various
Source of document:	FOIA/PA Officer Office of General Counsel Department of Justice United States Marshals Service Washington, DC 20530-1000 Phone: (202) 307-9054 Email: <a href="#">FOIA E-Mail</a>

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From: "Rogers, Tracy (USMS)" <Tracy.Rogers@usdoj.gov>  
Date: 2007/12/12 Wed AM 09:36:54 CST  
Subject: Hattiesburg Incident

Hattiesburg Incident

By our telephone conversation, I am sending the pdf file containing the Hattiesburg Incident in three parts. Part I consist of 77 pages. You will need Adobe 6.0 reader to view the file. Please let me know if you have any problems.

<<Hattiesburg Incident part I.pdf>>

Tracy Rogers  
United States Marshals Service  
Office of General Counsel  
202 307-9056 (O)  
202 307-8544 (F)  
Tracy.Rogers@USDOJ.gov

=====

From: "Rogers, Tracy (USMS)" <Tracy.Rogers@usdoj.gov>  
Date: 2007/12/12 Wed AM 09:58:31 CST  
Subject: Hattiesburg Incident Part II

Hattiesburg Incident Part II

Okay, let's try this again.

<<Hattiesburg Incident part II.pdf>>

Tracy Rogers  
United States Marshals Service  
Office of General Counsel  
202 307-9056 (O)  
202 307-8544 (F)  
Tracy.Rogers@USDOJ.gov

=====

From: "Rogers, Tracy (USMS)" <Tracy.Rogers@usdoj.gov>  
Date: 2007/12/12 Wed AM 09:39:09 CST  
Subject: Hattiesburg Incident Part III

Hattiesburg Incident Part III

This is the last section. You should have a total of 230 pages.

<<Hattiesburg Incident part III.pdf>>

Tracy Rogers  
United States Marshals Service  
Office of General Counsel  
202 307-9056 (O)  
202 307-8544 (F)  
Tracy.Rogers@USDOJ.gov

Case #	OIG Class	Open Date	Close Date	Type Case	Inspector	Agency
04-0256	2	4/16/2004		Administrative	Goodman	OIA

Last Name	First Name	Middle Name	Suffix	Prior Cases
Hattiesburg Incident				None

SSN	District	Position	EOD	DOB:	OIA Class
	S/MS				F1

Allegation	Allegation Detail
Conduct Unbecoming - On-Duty	Denial of rights, due process
Allegation	
Violation of the Code of Professional Responsibilities	
Allegation	

Date sent to printing	Date sent to ERT

Complainant	Private Citizen/Title	Disposition
Frank Fisher	Private Citizen	

Faxed to OIG	OIG Case Number	Discretionary Closure?	Disposition Date:
4/6/2004	2004003913	<input type="checkbox"/>	

Report required	Report sent?	Date Sent	Destroyed:
<input type="checkbox"/>	<input type="checkbox"/>		

Memo
Complaints alleged that USMS personnel erased the contents of tape recorders being used by the victims (Denise Grones & Antoinette Konz). The victims were news reporters covering the event for the Associated Press and the Hattiesburg American.



*U.S. Department of Justice  
United States Marshals Service  
Operations Support Division  
Office of Inspections*

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File #3600

May 18, 2004

**MEMORANDUM TO:** Donald A. Gambatesa  
Deputy Director

**THRU:** Arthur D. Roderick, Jr.  
Assistant Director  
Operations Support Division

**FROM:** Yvonne Bonner  
Chief Inspector  
Office of Inspections

**SUBJECT:** Hattisburg Incident

**REF:** II Case No. 04-0256

Attached is a copy of the investigative summary concerning the referenced subject. After your review, please return the report to the Office of Internal Affairs for filing.

Attachment



**U. S. Department of Justice  
United States Marshals Service  
Operations Support Division  
Office of Inspections**

**Investigation Number: 04-0256**

**Arthur Roderick, Jr.  
Assistant Director for Operations Support  
Arlington, Virginia**

**Senior Inspector: Bruce M. Goodman  
Arlington, Virginia  
202-307-9155**

**THIS INVESTIGATIVE REPORT IS THE PROPERTY OF THE UNITED STATES MARSHALS SERVICE.  
IT CONTAINS SENSITIVE INFORMATION AND MUST NOT BE DUPLICATED OR DISTRIBUTED WITHOUT THE  
KNOWLEDGE AND CONSENT OF THE UNITED STATES MARSHALS SERVICE.**

**Approved:** *Bonner* **Date:** 5-4-04  
**Yvonne Bonner, Chief Inspector**

**U. S. Department of Justice  
United States Marshals Service  
Operations Support Division  
Office of Inspections**



**CASE SUMMARY**

<b>Case Number:</b> 04-0256		<b>Date Complaint Received:</b> 04/09/2004	
<b>Date Complaint Occurred:</b> 04/07/2004		<b>Date Referred By DOJ/OIG:</b> 04/16/2004	
<b>SUBJECT:</b> Hattiesburg Incident	<b>EOD:</b>	<b>TITLE:</b>	<b>DISTRICT:</b> S/MS
<b>ALLEGATION(S):</b> Conduct Unbecoming - On-Duty, Violation of the Code of Professional Responsibility, Violations of the First and Fourth Amendments of the U.S. Constitution, Violation of 42 U.S.C. 2000aa (a), Violation of 28 C.F.R. 50.10(h)			
<b>COMPLAINANT(S):</b> Frank Fisher, Stan Tiner, Randy Swan, Carolyn Wilson			
<b>ADDRESS:</b> Jackson, MS			
<b>INVESTIGATED BY:</b> Bruce Goodman			

**Allegation**

Complainants alleged U.S. Marshals Service personnel directed reporters Antoinette Konz and Denise Grones to erase recordings of U.S. Supreme Court Justice Antonin Scalia's speech at Presbyterian Christian High School, Hattiesburg, MS, on April 7, 2004. Letters of complaint claimed Rube's actions violated the First and Fourth Amendments of the U.S. Constitution, contradicted provisions of the Privacy Protection Act, 42 U.S.C. 2000aa (a), and violated 28 C.F.R. 50.10(h). Complaints also claimed that no restrictions were announced to members of the media prior to Scalia's speech.

**Synopsis**

On April 7, 2004, U.S. Supreme Court Justice Antonin Scalia gave speeches in Hattiesburg, MS, at William Carey College and Presbyterian Christian High School respectively.

Pursuant to instructions provided by U.S. Marshals Service personnel, President Larry W.

**United States Department of Justice  
United States Marshals Service  
Operations Support Division  
Office of Inspections**



**Case Summary** (Continuation Sheet page 2)

**Case Number: 04-0256**

Kennedy, William Carey College, publicly announced to attendees on the morning of April 7, 2004, that they would not be permitted to record Scalia's speech. Following his speech at William Carey College, Scalia advised Kennedy that he would not grant interviews to members of the press. Kennedy conveyed Scalia's wishes to the media and asked reporters and television crews to leave a reception which immediately followed the speech. AP Reporter Denise Grones and Hattiesburg American Reporter Antoinette Konz attended both the speech and reception at the College.

In early afternoon on April 7, 2004, Scalia gave a second speech to students at Presbyterian Christian High School. Headmaster Barrett Mosbacker acknowledged that he did not make a public announcement regarding recording restrictions prior to Scalia's speech, but rather he "made individual announcements to individual reporters". One of Mosbacker's teachers, Jason Meaux, insisted that he had also given instructions against the use of recording equipment to members of the media, which included reporters Konz and Grones. Meaux said, "it was my sense, my knowledge or my understanding that they heard what I said or at least it was loud enough for them to hear."

During Scalia's speech at the High School, Deputy U.S. Marshal Melanie Rube noticed a recording device sitting next to Grones. Rube approached Grones, picked up the recording device and asked if Grones had been recording Scalia's speech. While Grones acknowledged recording the speech, she expressed disbelief at the suggestion that she should stop her recording. Grones explained, "I was kind of dumbfounded and I said, well if I stop my machine I can't do my job."

According to Rube, she told Grones, "I'm sorry, ma'am, it's the Justice's policy that he not be recorded". With concurrence from her detail supervisor, Court Security Inspector Debra Sanderson, Rube asked Grones to stop her recording device, a digital recorder, and erase her recordings of Scalia. After several minutes of discussion, Grones agreed to erase her recordings of Scalia's speech. Grones took back her digital recorder, pushed erase, and explained that all folders had been emptied.

During Rube's interaction with Grones, Konz continued to record Scalia's speech as she sat next to Grones. At Rube's insistence that the speech not be recorded, Konz handed her audio tape to Rube. Following the speech, Konz approached Rube and asked that her tape be returned. Rube retrieved the tape from Sanderson and subsequently returned it to Konz who promised to erase her recordings of Scalia.

Grones acknowledged that she had heard the no-recording announcement from President

**United States Department of Justice  
United States Marshals Service  
Operations Support Division  
Office of Inspections**



<b>Case Summary</b> (Continuation Sheet page 3)	<b>Case Number: 04-0256</b>
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Kennedy earlier in the day, but she did not believe these instructions applied to members of the media. Grones revealed that she had recorded Scalia's earlier speech at the College without detection, but erased the speech to create space on her digital recorder prior to her arrival at the High School. Konz understood Kennedy's instructions to apply only at the College. Neither Konz nor Grones reported that they received instructions against the use of recording devices at the High School prior to Scalia's second speech.

Sanderson assumed that a public announcement had been given at the High School, similar to the one provided earlier in the day at the College. Sanderson explained that her instructions to Kennedy and Mosbacker on April 6, 2004, regarding Scalia's no-taping policy, and the actions she directed on April 7, 2004, stemmed from her previous conversations with Scalia. While Scalia never discussed in detail possible violations of his long-standing policy, Sanderson viewed Scalia's claim that he did not allow his speeches to be taped as an enforceable judicial order.

Sanderson entered on duty as a Deputy U.S. Marshal in 1979. She has provided protection for U.S. Supreme Court Justices since 1992 and Justice Antonin Scalia in particular since 2001.

Sanderson said she spoke with Scalia on April 8, 2004, concerning the media incident from the previous day. Scalia explained that he did not have a problem with the recording of his speeches by newspaper reporters, however, he reiterated his desire not to be recorded for the purpose of radio or television broadcasts.

In his letters of apology to Grones and Konz, Scalia acknowledged that "the marshals were doing what they believed to be their job, and the fault was mine in not assuring that the ground rules had been clarified."

All allegations received by the U.S. Marshals Service were forwarded to the DOJ OIG in accordance with our standard operating procedure. The OIG returned the case for appropriate administrative disposition by our agency management and did not choose to pursue any criminal matters regarding this incident.

Based on the information he had available, U.S. Marshals Service General Counsel also reviewed the allegations and determined that there were no violations of the laws cited in the letters of complaint.



# **Exhibit/Witness List**

**Case # 04-0256**

1. Letters of complaint from Hattiesburg American and Associated Press
2. Congressional correspondence
3. DOJ OIG referral
4. Letters from U.S. Supreme Court Justice Antonin Scalia
5. Reports of U.S. Marshals Service personnel regarding incident of April 7, 2004
6. Prior media references to Justice Scalia's no-taping policy
7. Reports of non-recorded witness interviews
8. Sworn interview of Denise Grones, AP reporter
9. Sworn interview of Antoinette Konz, Hattiesburg American reporter
10. Sworn interview of Robert Morris, Times reporter
11. Sworn interview of Barrett Mosbacker, Headmaster, Presbyterian Christian H.S.
12. Sworn interview of Jason Meaux, Teacher, Presbyterian Christian H.S.
13. Form USM-118 provided to Rube and Sanderson
14. Sworn interview of Melanie Rube, Deputy U.S. Marshal
15. Sworn interview of Debra Sanderson, Court Security Inspector
16. Correspondence regarding Scalia's visit to Presbyterian Christian H.S.
17. Various articles regarding incident of April 7, 2004
18. E-mail from Gerald Auerbach, USMS General Counsel

# EXHIBIT 1

# HATTIESBURG AMERICAN

601-684-3000 Fax: 601-9914 825 N. Main St., Hattiesburg, MS 39401

**JUDITH D. HAIK**  
PRESIDENT & PUBLISHER

April 9, 2004

Hon. John D. Ashcroft  
United States Attorney General  
Department of Justice  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Benigno G. Reyna  
Director U.S. Marshals Services  
Washington, DC 20530

Nehemiah Flowers  
U.S. Marshal, Southern District of Mississippi  
245 E. Capitol St., Ste 305  
Jackson, MS 39201

Jor  
Dear Sirs:

We are writing to strongly protest the conduct of a deputy U.S. marshal and her supervisor who forcibly required Antoinette Konz, our reporter, to erase her tape recording of a speech by Supreme Court Justice Antonin Scalia in Hattiesburg, Mississippi on Wednesday, April 7, 2004.

Reporters were specifically invited to cover the speech, and no restriction on the use of tape recorders was imposed as a condition of entry. No announcement was made prohibiting the use of tape recorders before Justice Scalia's speech at Presbyterian Christian High School began. Nonetheless, a deputy marshal, known to Ms. Konz as Melanie Rube, ordered our reporter to turn over her tape as the speech was occurring. Our reporter resisted but Ms. Rube continued to demand the tape. Later, as a condition of returning the tape -- which contained confidential material relating to other ongoing stories -- the Marshal required Ms. Konz to erase the speech. This requirement was imposed following the Marshal's consultation with a person she identified as her supervisor.

Ms. Rube's conduct and that of her supervisor represent a clear violation of well-settled law. Their actions violated the First and Fourth Amendments of the U.S. Constitution, contradict provisions of the Privacy Protection Act, 42 U.S.C. §2000aa(a), and are expressly prohibited by guidelines issued by the Attorney General governing the conduct of all employees and agents of the Department of Justice. See 28 C.F.R. §50.10(h).

940234.1/0000000000



There is no excuse for this illegal conduct. We request an immediate explanation of why this conduct occurred, what sanctions will be imposed, and what steps will be taken to ensure that such improper actions are not taken by U.S. Marshals in the future. You should know that this letter and your response thereto is without prejudice to our rights and does not preclude further action in this regard.

Sincerely,

The Hattiesburg American

By: 

Judith D. Haik, President and Publisher

and

By: 

Jon K. Broadbooks, Executive Editor

Hattiesburg American  
P O Box 1111  
Hattiesburg, MS 39403-1111  
601-582-4321

To: Bruce Goodman

Fax: 202-307-9268

From: Jon Broadbooks

Date: 04/15/04

Re: Letter to Ashcroft

Pages: 7

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle



Jon Broadbooks can be reached at 601-584-3127.



Frank Fisher  
Chief of Bureau

RECEIVED  
USMS  
EXECUTIVE SECRETARIAT

2004 APR -9 PM 4:00

April 10, 2004

Hon. John D. Ashcroft  
United States Attorney General  
Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

Benigno G. Reya  
Director  
U.S. Marshals Service  
Washington, DC 20530

Nehemiah Flowers  
U.S. Marshal, Southern District of Mississippi  
James O. Eastland Courthouse Building  
245 East Capitol Street, Suite 305  
Jackson, MS 39201

Dear Sirs:

We are writing to protest the conduct of a deputy U.S. marshal who forcibly required two reporters to erase their tape recordings of a speech by Supreme Court Justice Antonin Scalia in Hattiesburg, Mississippi, on Wednesday, April 7, 2004.

Reporters were invited to cover the speech at Presbyterian Christian High School, and no restriction on the use of tape recorders was imposed as a condition of entry. Nor was any announcement made prohibiting the use of tape recorders before Justice Scalia's speech began. Nonetheless, a deputy marshal, who identified herself as Melanie Rube, ordered two reporters to erase their tapes as the speech was occurring. One was an AP reporter, and when she resisted, Ms. Rube grabbed her recorder and erased the tape herself. The other was a reporter for the Hattiesburg American. We understand that Ms. Rube actually seized the tape recorder of this reporter, which contained other material in addition to the speech, and returned it later only after erasing all recording of the speech of Justice Scalia.

E-Mail: [ffisher@ap.org](mailto:ffisher@ap.org)

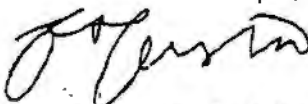
125 S Congress, Suite 1330, Jackson, MS 39201  
601 948-5897 • MS/LA 800 222-0046 • Fax 601 948-7975

Ms. Rube's conduct is a clear violation of well-settled law. Her actions violate the First and Fourth Amendments of the U.S. Constitution, contradict provisions of the Privacy Protection Act, 42 U.S.C. §2000aa (a), and are expressly prohibited by guidelines issued by the Attorney General governing the conduct of all employees and agents of the Department of Justice. See 28 C.F.R. §50.10(h).

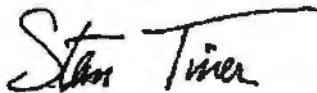
We object to Justice Scalia ordering the television crew of WDAM to leave a reception that was supposed to have been open to the media. This occurred before the speech at the high school. Newspaper photographers, including the Sun Herald, were also ordered not to take pictures.

The illegal conduct is all the more outrageous, coming as it did while a Supreme Court justice was speaking on the importance of the rights protected by the U.S. Constitution. We request an immediate explanation of why this conduct occurred, what sanctions will be imposed, and what steps will be taken to ensure that no such improper actions are carried out by U.S. marshals in the future.

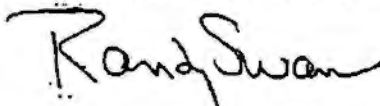
Sincerely,



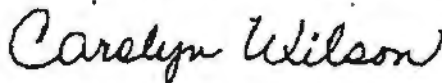
Frank Fisher, Chief of Bureau  
Associated Press, Jackson, MS



Stan Tiner, Executive Editor  
The Sun Herald, P.O. Box 4567, Biloxi, MS 39535-4567



Randy Swan, News Director  
WDAM-TV, P.O. Box 16269, Hattiesburg, MS 39404



Carolyn Wilson, Executive Director  
Mississippi Press Association, 351 Edgewood Terrace, Jackson MS 39206

**FAX COVER SHEET**TO: Benigno G. ReynaFAX #: 202-307-5040FROM: Frank FisherDATE: 04-09-04 TIME: 2:40NUMBER OF PAGES (INCLUDING COVER) 3

# **EXHIBIT 2**

24042102

**Department of Justice**  
**EXECUTIVE SECRETARIAT**  
**CONTROL SHEET**

**DATE OF DOCUMENT:** 04/09/2004

**WORKFLOW ID:** 566355

**DATE RECEIVED:** 04/15/2004

**DUE DATE:** 05/03/2004

**FROM:** The Honorable Barney Frank  
U.S. House of Representatives  
Washington, DC 20515

**TO:** AG & and two others

**MAIL TYPE:** Congressional Priority

**SUBJECT:** Advising of newspaper reports regarding allegations that a federal marshal physically confiscated and destroyed a tape recording from a reporter who had recorded a public speech by Justice Scalia. Requests a response to enclosed questions regarding this matter. See WF 564687.

**DATE ASSIGNED**  
04/19/2004

**ACTION COMPONENT & ACTION REQUESTED**  
Prepare response for AAG/OLA signature.  
United States Marshals Service

**INFO COMPONENT:** OLA, ODAG, OAG (Israelite), PAO, OIG

**COMMENTS:**

**FILE CODE:**

**EXECSEC POC:** [REDACTED] b6

RECEIVED  
USMS  
EXECUTIVE SECRETARIAT  
2004 APR 20 PM 4:42

BARNEY FRANK  
4TH DISTRICT, MASSACHUSETTS

2252 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-2104  
(202) 225-5931

29 CRAFTS STREET  
SUITE 375  
NEWTON, MA 02458  
(617) 332-3920

**Congress of the United States  
House of Representatives  
Washington, DC**

April 9, 2004

The Honorable John Ashcroft  
Attorney General  
Department Of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable William H. Rehnquist  
The Honorable Antonin Scalia  
United States Supreme Court  
One First Street, NE  
Washington, DC 20543

Gentlemen,

I am addressing this letter to all three of you because it is unclear to me from the newspaper reports I have read under whose direction a Federal Marshal physically confiscated a tape recorder from a reporter who had recorded a public speech by Justice Scalia and then destroyed the tape.

I should reemphasize what I began by saying – namely that I am basing this letter on newspaper accounts, and if these accounts were in some way inaccurate or misleadingly incomplete, I would appreciate being so informed. But according to what I read, Justice Scalia was giving a public speech in a public place. At least one journalist was tape recording his speech, before which there had been no announcement that such recording was prohibited. A Deputy U.S. Marshal approached the journalist, demanded the recording device, and held it until the journalist explained how to erase the tape, which was then erased. If this report is accurate, I am deeply disturbed and I would very much like answers to the following questions:

1. Under whose general direction was the Deputy U.S. Marshal operating? In accompanying Supreme Court Justices in these situations, is the Marshal in the regular chain of command of the Marshal Service? Or is there some special supervision by an employee of the court? To what extent does the individual Justice exercise supervision?
2. Under what legal authority does a Deputy U.S. Marshal confiscate a tape recording made by a journalist at a public session? Under what legal authority is a Marshal authorized to demand that a journalist hand over a recording device?
3. Was the Marshal in question acting here at the specific direction of Justice Scalia in this particular action?
4. Is there some special rule that applies to public appearances by Justices of the Supreme Court, and if so, who has promulgated it?
5. Is it the view of whoever authorized or directed the Marshal to take this action that there is some general right of public officials of the United States to demand that journalists make no record of what they say in public speeches?

566355  
558 PLEASANT STREET  
ROOM 309  
NEW BEDFORD, MA 02740  
(508) 999-6462  
THE JONES BUILDING  
29 BROADWAY  
SUITE 310  
TAUNTON, MA 02780  
(508) 822-4796

EXECUTIVE  
SECRETARIAT

APR 15 AM 11:58

RECEIVED  
DEPT OF JUSTICE

Justice Scalia of course has the right to make whatever speeches he wishes to make. But I am deeply troubled by the notion that he not only has the right to demand that no record be made of these speeches, even when they are given in public forums, but that he may use federal law enforcement officials to carry out his wishes. I do not think that the taxpayers of the United States ought to be recruiting, vetting, training, and arming highly trained law enforcement personnel so that they can act as censors for those public officials who wish to be able to make controversial speeches and then not be held accountable for them afterwards. I say this because I can think of no other reason why having made a public speech, Justice Scalia or anyone else would demand that no accurate record of it be kept.

Since we depend on the Supreme Court to defend our freedoms, including freedom of expression, and freedom of the press, the notion that a law enforcement official would, on behalf of a Supreme Court Justice, interfere with those freedoms is a very grave matter. I therefore would appreciate your responses and any explanation for this that may have escaped me.

  
BARNEY FRANK

# **EXHIBIT 3**



**United States Marshals Service**  
**Office of Inspections**  
**Washington, DC 20530-1000**  
**202-307-9155**  
**202-307-9268 (fax)**

---

File # 3600

## **MEMORANDUM**

**Date:** April 6, 2004

**From:** Alonda Guilbeau  
Acting Chief Inspector  
Internal Investigations

**To:** Alan J. Hazen  
Special Agent in Charge  
Office of the Inspector General  
Miami Field Office

**CC:** T.J. Bondurant  
Office of the Inspector General  
Washington Field Office

**Subject:** Hattiesburg, MS Incident  
Southern District of Mississippi

The attached allegation is being forwarded for your review. Please advise my office on the appropriate action.

Excluding the cover sheet, there are 6 pages.

**CONFIDENTIALITY NOTICE:** The document(s) accompanying this fax transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this faxed information is strictly prohibited. If you have received this fax in error, please notify us by telephone immediately to arrange for return of the original document.

# **EXHIBIT 4**

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE ANTONIN SCALIA

April 9, 2004

Ms. Lucy A. Dalglish  
The Reporters Committee  
for Freedom of the Press  
1815 North Fort Myer Drive #900  
Arlington, Virginia 22209-1817

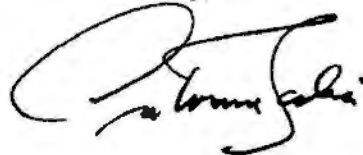
Dear Ms. Dalglish:

Thank you for your fax of April 8, expressing well justified concern over the incident at Presbyterian Christian School in Hattiesburg last Wednesday.

You are correct that the action was not taken at my direction; I was as upset as you were. I have written to the reporters involved, extending my apology and undertaking to revise my policy so as to permit recording for use of the print media. (That policy will, as you say, promote accurate reporting, so that no one will quote me as having said that "[p]eople just don't revere [the Constitution] like they used to.")

With regard to your further suggestion that I direct security personnel not to confiscate recordings—presumably even those made in violation of clearly announced rules: Security personnel, both those of the institutions at which I speak, and the United States Marshals, do not operate at my direction, but I shall certainly express that as my preference. The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so, and I am sure that courtesy will continue.

Sincerely,

A handwritten signature in black ink, appearing to read "Antonin Scalia". The signature is fluid and cursive, with a large initial "A" and a stylized "S" for "Scalia".

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBER OF  
JUSTICE ANTONIA REAGAN

April 9, 2004

Ms. Antoinette Konz  
Hattiesburg American  
P.O. Box 1111  
Hattiesburg, Mississippi 39403-1111

Dear Ms. Konz:

I am writing to extend my apology for what occurred during my talk at Presbyterian Christian School in Hattiesburg last Wednesday. As I understand it from press reports, a United States Marshal erased, or caused you to erase, the tape recorder that you were using for the purpose of assuring the accuracy of your press report. I imagine that is an upsetting and indeed embarrassing experience, and I want you to know how it happened.

With the exception of a few appearances on *Fred Friendly*, a PBS program during my early years on this court, it has been my policy to refuse radio and television coverage of my public appearances. I do this for the same reason I decline personal interviews by any media: It has been the tradition of the American judiciary not to thrust themselves into the public eye, where they might come to be regarded as politicians seeking public favor. Writing books and speaking to schools and learned societies is one thing; but going live on national radio or TV is something else. I realize that not all judges follow this policy, and it may be that my efforts to pursue it are doomed to failure. But it is our judiciary's traditional stance, and I have thus far tried to preserve it.

What happened in Hattiesburg is this: It had been announced at my talk earlier that day, at William Carey College, that video or audio recording was not permitted. That announcement was not repeated at the high school, but the marshals believed (with good reason) that the same policy was in effect. Indeed, perhaps they thought the announcement had been made.

I abhor as much as any American the prospect of a law enforcement officer's seizing a reporter's notes or recording. The marshals were doing what they believed to be their job, and the fault was mine in not assuring that the ground rules had been clarified. (To tell the truth, even if they had been clarified and some reporter had broken them, I would not have wanted the tape erased.) I have learned my lesson (at your expense), and shall certainly be more careful in the future. Indeed, in the future I will make it clear that recording for use of the print media is no problem at all.

Please accept my apology for what happened.

Sincerely,

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# EXHIBIT 5



*U.S. Department of Justice*  
*United States Marshals Service*  
*Judicial Security Division*

---

*P.O. Box 30369*  
*New Orleans, Louisiana 70190*

**MEMORANDUM TO:** Robert Masaitis, Chief Inspector

**FROM:** Debra Sanderson, Senior Inspector

**SUBJECT:** Incident involving Protection Detail Supreme Court Justice Scalia

I was assigned a protection detail for Supreme Court Justice Antonin Scalia. This detail was scheduled April 6 - 8, 2004, in Hattiesburg, Mississippi. The Southern District of Mississippi supported this detail. Deputy Melanie Rube, Deputy William Valentine from Hattiesburg, and District Inspector Galen Knupp from Jackson were assigned. The following is an account of what transpired during this assignment.

I met with all assigned deputies in Hattiesburg, MS. April 6, 2004 for a briefing and then an advance of the venues. I advised that the Justice was hunting with friends and would meet us at these events. I advised the deputies that the press was not allowed to record the Justice's speech at either location, and then went over post assignments.

We then proceeded to each venue. We met with Presbyterian Christian High School Headmaster Barrett Mosbacker. Mr. Mosbacker gave us a tour of the school. We were informed the Justice would speak in the gymnasium for approximately an hour followed by a short reception. At this time I advised Headmaster Mosbacker that Justice Scalia did not allow recordings of his speech. He asked about still photographs which I advised was acceptable. We finished our meeting and as we left I once again reiterated that Justice Scalia did not allow his speech to be recorded.

After the high school we met with Dr. Larry Kennedy at William Carey College. The Justice was scheduled to speak and have lunch at this location. We toured the college with Dr. Kennedy. During the tour I advised Dr. Kennedy that Justice Scalia did not allow recordings of his speech. A short reception was also scheduled after the speech before lunch. Dr. Kennedy asked about still photographs at this location and was advised that was acceptable. Before leaving Dr. Kennedy was once again advised of Justice Scalia's policy of not allowing his speech to be recorded.

April 7, 2004, the detail met Justice Scalia at William Carey College at approximately 11:15am. The Justice was escorted to a changing room and then to the Auditorium for the ceremony. Following the ceremony as we entered the reception room, channel seven was present. The college had allowed access, during the ceremony. Justice Scalia told Dr. Kennedy he did not do interviews with the press. Dr. Kennedy told them to leave, which happened without incident. A private luncheon followed the reception. The protection detail left William Carey College at approximately 2:00 pm. Advance deputies had been previously dispatched.

The detail arrived at Presbyterian Christian High School at approximately 2:15 pm. The ceremony began at 2:30 pm. The ceremony took place in the gymnasium, the main audience was seated in the middle area, on the floor. There were bleachers on each side of the room. During the Justice's Speech Deputy Rube noticed a person with a small tape recorder. I told Deputy Rube to find out if the person was with the press and advise that the speech could not be taped. This person was located next to Deputy Rube and myself on the next bleacher over. Deputy Rube advised me that this reporter was from the associated press and the person next to her was also recording from the Hattiesburg American paper. Deputy Rube said she advised that they would have to erase the tape, I agreed, but said they were allowed to keep their notes. Deputy Rube allowed the AP reporter to erase her tape while Deputy Rube observed. The Hattiesburg American reporter erased the side of the tape with the Justice's speech and kept the tape. The Justice finished his speech and then attended a short reception. He left with friends at approximately 4:00pm.

April 8, 2004, Justice Scalia was transported to New Orleans International Airport where he returned to Washington.

United States Department of Justice  
United States Marshals Service



REPORT OF INVESTIGATION		
1. CASE #: FID #:	2. DATE OF REPORT: 04/09/2004	3. REPORTED BY: Galen A. Knupp Senior Inspector
4. Incident regarding Justice Scalia during visit to S/MS		
5. TYPE OF REPORT (Check One):		
<input type="checkbox"/> REPORT OF INVESTIGATION		<input type="checkbox"/> ARREST
<input type="checkbox"/> COLLATERAL LEAD		<input type="checkbox"/> INTELLIGENCE UPDATE
<input type="checkbox"/> WITNESS INTERVIEW		<input type="checkbox"/> MEMORANDUM TO FILE
		<input checked="" type="checkbox"/> OTHER: <u>Memo to Marshal</u>

On April 6, 2004, Circuit Inspector Debra Sanderson, Deputies Billy Valentine, Melonie Rube and Senior Inspector Galen Knupp performed advances of William Carey College and Presbyterian Christian School in Hattiesburg, MS in preparation of appearances by Supreme Court Justice Antonin Scalia on Wednesday, April 7, 2004. Justice Scalia was scheduled to speak at William Carey College at 11:00 AM, followed by a reception and luncheon with members of the Mississippi Supreme Court. Justice Scalia was scheduled to speak at the Presbyterian Christian School at 2:30 PM.

Inspector Sanderson explained protocol for Justice Scalia's appearances to William Carey College President Dr. Larry Kennedy and Presbyterian Christian School Headmaster Barrett Mosbacher at each respective location. During the briefings, Inspector Sanderson explained that Justice Scalia's policy did not allow for recordings of his speeches.

On Wednesday, April 7<sup>th</sup>, Justice Scalia gave his speech at William Carey College as scheduled. Subsequent to his speech, Justice Scalia was escorted to the reception area where the local TV station had a camera set up. Justice Scalia immediately indicated that he does not interview with the media and they left the reception area. Subsequent to the reception, Justice Scalia was escorted to a luncheon with the Mississippi Supreme Court and several Federal Judges from the Southern District of Mississippi. As we were escorting Justice Scalia from the luncheon, U. S. Circuit Judge Charles

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REPORT OF INVESTIGATION (Continuation Sheet)		
1. CASE #: FID #:	2. DATE OF REPORT: 04/09/2004	3. REPORTED BY: Galen A. Knupp Senior Inspector
4. Incident regarding Justice Scalia during visit to S/MS		

Pickering appealed to Justice Scalia to grant an interview to the local TV station. Justice Scalia refused the interview.

Upon arrival at the Presbyterian Christian School, Justice Scalia was escorted to a waiting room by all Marshal Service personnel assigned to the detail. To my knowledge, there was no Marshal Service personnel in the auditorium prior to Justice Scalia's appearance. As Justice Scalia was escorted to the auditorium by Inspector Knupp and Deputy Rube, Inspector Knupp observed the local TV cameraman taping Justice Scalia's entrance. Deputy Rube approached the cameraman and he departed the area.

While Justice Scalia was giving his speech, Deputy Rube approached a female that was taking notes and had what appeared to be a digital recorder on the bench beside her. Deputy Rube later reported to Inspector Knupp that the female was an AP reporter and she (the AP reporter) erased the recording when asked to do so.

7. SIGNATURE (DUSM): <i>Galen A. Knupp</i>	3. DATE: 4-09-04	11. DISTRIBUTION:  <input checked="" type="checkbox"/> DISTRICT <input checked="" type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER:
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## FIELD REPORT

TITLE OF REPORT Supreme Court Justice Scalia	DATE OF INCIDENT 04/07/2004	REPORT BY DUSM Melanie RUBE
REPORTING DISTRICT S/MS		
TYPE OF INCIDENT Erasure of media tape recordings		
NARRATIVE DESCRIPTION OF INCIDENT <p>On April 6, 2004, Court Security Inspectors Debbie SANDERSON and Galen KNUPP, along with DUSMS Billy VALENTINE and Melanie RUBE conducted the advance for Justice Antonin SCALIA'S visit to the district. At William Carey College, Inspector SANDERSON informed the college president, Dr. KENNEDY, that Justice SCALIA does not allow media recordings of his speeches. Dr. KENNEDY indicated he would announce the information at the convocation. During the visit to Presbyterian Christian High School, Principal Barrett MOSBACHER was informed also by Inspector SANDERSON that Justice SCALIA did not want to be recorded. Principal MOSBACHER said he would make the announcement.</p> <p>On April 7, 2004, Justice SCALIA spoke at William Carey College. The media announcement was made at the beginning, however DUSM RUBE did not hear it. Dr. KENNEDY'S closing remarks were to ask the media to wait for faculty and staff to greet Justice SCALIA before they proceeded with any questions for the Justice. On their way out the door, DUSM RUBE heard Justice SCALIA say to Dr. KENNEDY that he does not talk to the media. Justice SCALIA himself asked the WDAM-TV cameraman to leave. DUSM RUBE observed the Hattiesburg American reporter and the Associated Press reporter at the convocation.</p> <p>Justice SCALIA later spoke at Presbyterian Christian High School. Principal MOSBACHER was asked if he made the announcement regarding the media, and he indicated that he had. The inspectors and deputies were in another room away from the auditorium with Justice SCALIA. Justice SCALIA entered the auditorium followed by Inspector KNUPP and DUSM RUBE. The same WDAM-TV cameraman was there filming. He was asked to stop. The same reporters from Hattiesburg American and the Associated Press were observed at this speech. During the speech, DUSM RUBE sat down next to the AP reporter. On the bench next to the reporter was a digital voice recorder. DUSM RUBE picked it up and asked the reporter was she recording Justice SCALIA'S speech. The reporter said she was, and DUSM RUBE requested that she stop and erase the recording as it was Justice SCALIA'S policy not to be recorded. The reporter initially did not want to erase the speech. After a few moments, she took the recorder from DUSM RUBE and erased the speech herself. DUSM RUBE did not seize the recorder from the reporter or erase the tape. The reporter for the Hattiesburg American was seated on the other side of the AP reporter. She told DUSM RUBE that she was recording his speech also. DUSM RUBE requested that she erase the tape and she did. Both reporters apologized to DUSM RUBE and said they did not hear any announcement at the high school. Both reporters said they heard the announcement at William Carey College but did not hear any announcement at the high school. At the reception following the speech, DUSM RUBE again asked Principal MOSBACHER if he had made the announcement. He said he did. DUSM VALENTINE was standing in the rear of the auditorium and did not witness the incident.</p>		
CONTINUED ON <u>  —  </u> ATTACHED PAGES		
SIGNATURE OF PREPARER: <i>Melanie Rube, DUSM</i>	DATE: <i>4-09-04</i>	DISTRIBUTION: <input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER: _____
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# **EXHIBIT 6**

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## Not so free with his speech

*As protector of the First Amendment, Scalia pulls the plug on the media*

Supreme Court Justice Antonin Scalia may not care much for TV cameras and tape recorders, but he's certainly no shrinking violet. A fellow has to be pretty sure of himself to accept an award for defending free speech -- then bar news organizations from taping his subsequent remarks.

Scalia has a long-standing ban on the use of video and audio recorders during most of his speeches. As odd as it sounds, he enforced it last week at an event hailing him as a protector of the First Amendment.

The City Club of Cleveland, an organization that describes itself as "the oldest continuous free speech forum in the country," honored Scalia with a "Citadel of Free Speech Award" at a ceremony Wednesday.

Video cameras and tape recorders were permitted to roll as he picked up the award, but -- under rules arranged in advance by Scalia -- they had to be turned off during his speech, which discussed how he interprets the Constitution. (Our brethren in the print media, fortunately, were allowed to scribble away. The Cleveland Plain Dealer reports that Scalia said it was "a wonderful feeling" to lead the Supreme Court's rejection of a vote recount in Florida in 2000.)

Among those upset by Scalia's my-speeches-aren't-so-free policy is C-SPAN, the cable network known for airing the remarks of various people on the public's payroll. C-SPAN vice president Terry Murphy expressed "disappointment and bewilderment" at Scalia's decision.

There'll be other opportunities, of course, to capture the elusive justice on tape. Surely, somebody somewhere is preparing to honor him with a Citadel of Irony Award.

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## Scalia bans broadcast media from free speech event

CLEVELAND (AP) — Supreme Court Justice Antonin Scalia banned broadcast media from his speech Wednesday at an appearance where he received an award for supporting free speech.

Scalia did not mention the ban, which he insisted upon, and television reporters were allowed to see him accept the City Club's Citadel of Free Speech Award before his remarks. The justice did not take any questions from reporters.



Scalia  
AP

The club usually tapes speakers for later broadcast on public television, but Scalia insisted on banning television and radio coverage of his speech, the club said.

"I might wish it were otherwise, but that was one of the criteria that he had for acceptance," said James Foster, the club's executive director.

Cameras and recording devices are banned from the Supreme Court chamber, and Scalia prefers not to have camera coverage in other settings, said Kathleen Arberg, spokeswoman for the court.

The ban on broadcast media "begs disbelief and seems to be in conflict with the award itself," C-SPAN vice president and executive producer Terry Murphy wrote in a letter last week to the City Club. "How free is speech if there are limits to its distribution?"

Barbara Cochran, president of the Radio-Television News Directors Association in Washington, D.C., criticized the ban Wednesday in a letter to Foster.

"The irony of excluding journalists from an event designed to celebrate the First Amendment's guarantee of free speech is obvious to all," Cochran wrote.

The club had given the award once before, honoring former U.S. Sen. John Glenn in 1998 to recognize the Ohio Democrat's opposition to a constitutional amendment banning flag-burning.

Richard Pogue, chairman of the award committee, said Scalia earned the award because of his staunch defense of the First Amendment.

Pogue, who worked with Scalia at a Cleveland law practice in the 1960s, cited the justice's work in the 1989 decision overturning the conviction of Gregory "Joey" Johnson for burning an American flag during a 1984 demonstration in Texas.

"Trust me, I did not like to not put Mr. Johnson in jail — bearded, scruffy, sandal-wearing guy burning the American flag, you know, it made me furious," the justice said in his speech Wednesday over roars of audience laughter.

"But I was handcuffed, I couldn't help it, that's my understanding of the First Amendment. I can't do the nasty

things I'd like to do."

Scalia also banned broadcast media from a speech he made Tuesday at John Carroll University outside Cleveland. He talked mostly about the constitutional protection of religions, but also said government has room to scale back individual rights during wartime without violating the Constitution.

"The Constitution just sets minimums," Scalia said. "Most of the rights that you enjoy go way beyond what the Constitution requires."

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## Justice Scalia to speak at dedication

Posted February 10, 2002

PORTLAND, Ore.—U.S. Supreme Court Justice Antonin Scalia will be the keynote speaker for the dedication of the new Louise and Erskine Wood Sr. Hall on Feb. 10 at Lewis & Clark Law School.

Wood Hall is part of a \$15-million law library complex that includes the recently renovated Paul L. Boley Law Library, the largest law library in Oregon. It is the only law school library in the nation designated as a federal patent and trademark depository.

In addition to serving as a resource to law students and the legal community, the library complex is rapidly gaining national recognition for its environmentally friendly building design and approach.

"Because we have the best overall environmental and natural resources law program in the country, we think it's appropriate to be in the forefront of the green building movement," said Jim Huffman, dean of Lewis & Clark Law School. "Wood Hall is a sustainable building with leading-edge technology that this school will be proud to call ours for years to come."

"Every good building," added Lewis & Clark President Michael Mooney, "blends design and function

in a seamless whole and both embodies and enables the excellence of those who work in it. By that standard, Wood Hall is a runaway winner."

Wood Hall and the remodeled library are designed to meet the Silver Standard of the U.S. Green Building Council's Leadership in Energy and Environmental Design. A recent competition sponsored by the American Institute of Architects and the Portland Office of Sustainable Development selected the complex as one of 10 buildings in the Northwest that exemplify the "latest and best in sustainable practices and technologies." It was one of 10 projects selected as the region's most innovative and provocative green buildings.

The complex has also been selected for another sustainable design exhibit in Seattle on April 3 to 5, 2002, in conjunction with the national EnvironDesign6 conference. This event is billed as "...one of the world's largest and most influential conferences on sustainability." The Lewis & Clark Law School project will be published in *Interiors & Sources* and *green@work* magazines, two sponsors of the exhibit, along with the Seattle chapter of the AIA.

The first phase of a \$25-million master plan expansion, the library complex is the first new construction on the law school campus since 1978. As part of the library complex, the new Wood Hall houses the environmental and natural resources and the business law program. It includes:

- \* 45,000 square feet of space
- \* a large two-story reading room
- \* one computer lab and one teaching lab
- \* rare book room
- \* two 60-seat interactive classrooms
- \* two large seminar rooms
- \* offices and work space for four law review programs
- \* faculty and staff offices

###

Note to editor: Justice Scalia's presentation is scheduled to begin at 3 p.m. in Pamplin Sports Center on the Lewis & Clark main campus. The presentation and following reception are invitation-only events and not open to the general public. Lewis & Clark students are invited to attend with tickets (available in the bookstore with student identification).

It is the justice's policy not to allow any electronic taping of his presentation. If you are interested in attending his presentation, please call Pam Wilson, 503-768-7961, to obtain media pass. For security reasons, only reporters with passes will be allowed inside the center.

For more information, please contact:

**Pam Wilson**  
*Senior Communications Officer*  
503-768-7961  
[pwilson@lclark.edu](mailto:pwilson@lclark.edu)

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## *Supreme Court Justice Scalia at Marquette*

800/222-6544

The Marquette University Law School will host Antonin Scalia, associate justice of the U.S. Supreme Court, who will give a lecture "Interpreting the Constitution" at 5 p.m. Tuesday, March 13, in the Tony & Lucille Weasler Auditorium, 1506 W. Wisconsin Ave.

The lecture is free and open to the public. Parking is available in Parking Structure 1, 749 N. 16th St. A reception will follow (approximately 6 p.m.) in the Alumni Memorial Union, 1442 W. Wisconsin Ave., Ballroom AB (Third Floor). Reservations are not required, but a courtesy response would be appreciated to the Marquette University Law School by fax (414) 288-6403 or e-mail to [Nancy.Rogers@Marquette.edu](mailto:Nancy.Rogers@Marquette.edu).

Scalia was born March 11, 1936 in Trenton, N.J. He and his wife, Maureen, have nine children. He earned a bachelor's degree from Georgetown University and the University of Fribourg (Switzerland) in 1957, and a law degree from Harvard in 1960. He was note editor of the "Harvard Law Review" and was a Sheldon Fellow at Harvard from 1960 to 1961.

Nominated by President Reagan to the U.S. Court of Appeals for the District of Columbia in 1982, Scalia was also nominated by Reagan as an associate justice of the U.S. Supreme Court and took the oath of office on Sept. 26, 1986.

Scalia has held several government positions in the area of law including assistant U.S. attorney general from 1974 to 1977. He has taught law courses at several universities including the University of Virginia, Georgetown University, University of Chicago and Stanford University.

**\*\*Editor's note:** Reporters may attend but no cameras or recording equipment will be allowed and Justice Scalia will not be available for interviews with the news media.

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Posted on Wed, Mar. 19, 2003

## Justice Scalia Bans Media From Speech

PAUL SINGER  
Associated Press

**CLEVELAND** - Supreme Court Justice Antonin Scalia banned broadcast media from his speech Wednesday at an appearance where he received an award for supporting free speech.

Scalia did not mention the ban, which he insisted upon, and television reporters were allowed to see him accept the award before his remarks. The justice did not take any questions from reporters.

The City Club usually tapes speakers for later broadcast on public television, but Scalia insisted on banning television and radio coverage of his speech, the club said. Scalia was given the organization's Citadel of Free Speech Award.

"I might wish it were otherwise, but that was one of the criteria that he had for acceptance," said James Foster, the club's executive director.

The ban on broadcast media, "begs disbelief and seems to be in conflict with the award itself," C-SPAN vice president and executive producer Terry Murphy wrote in a letter last week to the City Club. "How free is speech if there are limits to its distribution?"

The club previously gave its award to former U.S. Sen. John Glenn after his retirement in 1998 in recognition of his opposition to a constitutional amendment to flag-burning.

The City Club selected Scalia because he has "consistently, across the board, had opinions or led the charge in support of free speech," Foster said. The proclamation applauds Scalia for protecting free speech in several Supreme Court cases, including voting to strike down a Texas flag-burning ban.

Cameras and recording devices are banned from the Supreme Court chamber, and Scalia prefers not to have camera coverage in other settings, said Kathleen Arberg, spokeswoman for the court.

Scalia made the same demand on John Carroll University, where he spoke Tuesday night. He talked mostly about the constitutional protection of religions, but also said that government has room to scale back individual rights during wartime without violating the Constitution.

"The Constitution just sets minimums," Scalia said. "Most of the rights that you enjoy go way beyond what the Constitution requires."

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# **EXHIBIT 7**

United States Department of Justice  
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REPORT OF INVESTIGATION

Page 1 of 1

1. CASE #	2. DATE OF REPORT	3. REPORTED
04-0256	04/13/2004	BY: Inspector Bruce M. Goodman AT: Arlington, VA
4. SUBJECT(S): Incident Investigation (Hattiesburg, MS)		
5. ALLEGATION(S): Conduct Unbecoming -- On-Duty, Violation of the Code of Professional Responsibility		
6. TYPE OF REPORT (Check One):		
<input type="checkbox"/> ADMINISTRATIVE MISCONDUCT	<input type="checkbox"/> INITIAL INQUIRY	
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On April 13, 2004, I spoke with Kathy Arberg, Public Information Officer, U.S. Supreme Court. Arberg confirmed that Justice Antonin Scalia routinely objects to video and audio recordings of his speeches. However, Arberg did not know of any written policy regarding Scalia's position.

According to Arberg, specific requests regarding the media are coordinated on a case by case basis between Scalia or a Supreme Court staff member and the institution that extends the invitation.

Arberg advised that I would need to contact the reporters directly if I wanted to obtain copies of apology letters sent by Scalia.

7. SIGNATURE: (INSP)  Bruce M. Goodman	8. DATE 04/13/2004	11. DISTRIBUTION:
9. APPROVED: (Chief INSP)  Yvonne Bonner	10. DATE 4/13/04	<input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER

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REPORT OF INVESTIGATION

Page 1 of 1

1. CASE #	2. DATE OF REPORT	3. REPORTED
04-0256	04/14/2004	BY: Inspector Bruce M. Goodman AT: Arlington, VA
4. SUBJECT(S): Incident Investigation (Hattiesburg, MS)		
5. ALLEGATION(S): Conduct Unbecoming -- On-Duty, Violation of the Code of Professional Responsibility		
6. TYPE OF REPORT (Check One):		[ ] INITIAL INQUIRY
[ ] ADMINISTRATIVE MISCONDUCT		[ ] SUPPLEMENTAL
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On April 13, 2004, I spoke with Larry W. Kennedy, William Carey College President. According to Kennedy, the college neither received nor provided correspondence regarding Justice Scalia's speech. Kennedy explained that college trustee [REDACTED] made oral arrangements for his friend, Justice Scalia to speak at the college on April 7, 2004.

During a site advance, U.S. Marshals Service personnel advised Kennedy concerning Scalia's objection to the audio and video taping of his speeches. In support of Scalia's wishes, Kennedy announced to members of the press that they would not be permitted to record Scalia's speech. Later, at the direction of Scalia, Kennedy advised members of the press that Scalia would not provide any interviews, and asked reporters and TV crews to leave a reception.

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Page 1 of 1

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5. ALLEGATION(S): Conduct Unbecoming -- On-Duty, Violation of the Code of Professional Responsibility		
6. TYPE OF REPORT (Check One):		
<input type="checkbox"/> ADMINISTRATIVE MISCONDUCT	<input type="checkbox"/> INITIAL INQUIRY	
<input type="checkbox"/> CRIMINAL MISCONDUCT	<input type="checkbox"/> SUPPLEMENTAL	
<input type="checkbox"/> WITNESS INTERVIEW	<input type="checkbox"/> MEMORANDUM TO FILE	
	<input type="checkbox"/> OTHER	

On April 15, 2004, [REDACTED] substitute teacher at Presbyterian High School, Hattiesburg, MS, telephoned our office to advise that she had witnessed a conversation between a female U.S. Marshal and one female reporter during Scalia's speech on April 7, 2004. [REDACTED] observed what she believed to be an amicable exchange for about five minutes between two friends or colleagues. Although seated only one row behind the two women, [REDACTED] concentrated on Scalia and did not hear the context of their conversation.

Prior to Scalia's speech, [REDACTED] observed teacher Jason Meaux address members of the media. Because of her distance from the media area at that time, [REDACTED] did not hear any of Meaux's words.

7. SIGNATURE: (INSP) Bruce M. Goodman	8. DATE 04/15/2004	11. DISTRIBUTION:
9. APPROVED: (Chief INSP) Yvonne Bonner <i>Bonner</i>	10. DATE 4/15/04	<input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER

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United States Department of Justice  
United States Marshals Service  
Office of Internal Affairs



REPORT OF INVESTIGATION

Page 1 of 1

1. CASE #	2. DATE OF REPORT	3. REPORTED
04-0256	04/23/2004	BY: Inspector Bruce M. Goodman AT: Arlington, VA
4. SUBJECT(S): Incident Investigation (Hattiesburg, MS)		
5. ALLEGATION(S): Conduct Unbecoming -- On-Duty, Violation of the Code of Professional Responsibility		
6. TYPE OF REPORT (Check One):		
<input type="checkbox"/> ADMINISTRATIVE MISCONDUCT	<input type="checkbox"/> INITIAL INQUIRY	
<input type="checkbox"/> CRIMINAL MISCONDUCT	<input type="checkbox"/> SUPPLEMENTAL	
<input type="checkbox"/> WITNESS INTERVIEW	<input type="checkbox"/> MEMORANDUM TO FILE	
	<input type="checkbox"/> OTHER	

On April 20, 2004, I met with Reporter Josh Mitchell at his office, The Times Newspaper, Number 4, Willow Point, Hattiesburg, MS, 39402.

Mitchell indicated that he overheard a comment about the media as he entered Presbyterian Christian High School on the afternoon of April 7, 2004, but he did not hear any specific information given at that time. Mitchell used a legal pad and did not possess a recording device.

According to Mitchell, he did not receive any instructions from Teacher Jason Meaux, nor did Mitchell witness a conversation between Deputy U.S. Marshal Melanie Rube and any of his colleagues.

7. SIGNATURE: (INSP)  Bruce M. Goodman	8. DATE 04/23/2004	11. DISTRIBUTION:
9. APPROVED: (Chief INSP)  Yvonne Bonner	10. DATE 4/23/04	<input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER

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# EXHIBIT 8

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

DENISE GRONES

APRIL 20, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**

6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**29 Pages Total**

1 [INTERVIEW OF DENISE GRONES BY INSPECTOR GOODMAN IN CASE  
2 NUMBER: 04-0256.]

3 INSP. GOODMAN: Today's date is April 20, 2004. The time is 9:01 a.m.  
4 My name is Bruce Goodman. I'm a Senior Inspector with the U.S. Marshals  
5 Service Office of Internal Affairs. I am here today to conduct an interview of  
6 Denise Grones. Your participation in this interview is strictly voluntary and relates  
7 to an ongoing administrative investigation. This interview is being audiotaped;  
8 therefore I would ask that all parties involved speak clearly and that your answers  
9 be directed at the microphone located on the table in front of us. Ms. Grones, her  
10 representative, Attorney Leonard Van Slyke and I are the only ones present for  
11 this interview. This interview is taking place at 633 North State Street, Jackson,  
12 Mississippi 39202.

13 Mr. Van Slyke, would you please introduce yourself and spell your name for  
14 the record.

15 MR. VAN SLYKE: My name is Leonard Van Slyke. That's L-E-O-N-A-R-D.  
16 The last name is two words, V-A-N, space, capital S-L-Y-K-E. And I'm an attorney  
17 with the law firm of Watkins, Ludlam, Winter and Stennis and in this capacity  
18 represent the Associated Press and Denise Grones.

19 INSP. GOODMAN: Ms. Grones, before I begin with any questioning, I need  
20 to administer an oath to you. Please raise your right hand. Do you solemnly  
21 swear or affirm that the information you are about to provide is the truth to the best  
22 of your knowledge?

23 A. Yes.

24 Q. I also need to obtain some biographical information about you.

1           A.     Okay.

2           Q.     Please state your full name and spell it for the audiotape.

3           A.     Okay. Carmen Denise Grones. And I go by Denise and Carmen is

4 C-A-R-M-E-N, Denise D-E-N-I-S-E, Grones G-R-O-N-E-S.

5           Q.     Where are you employed?

6           A.     The Associated Press.

7           Q.     What is your title?

8           A.     General Assignment reporter.

9           Q.     How long have you been employed by your present company?

10          A.     Little less than a month.

11          Q.     What is your telephone number at work?

12          A.     601-948-5897.

13          Q.     Ms. Grones, prior to April 7, 2004, had you ever attended a speech

14 given by Justice Scalia?

15          A.     No.

16          Q.     Did you attend an event at William Cary College in Hattiesburg,

17 Mississippi on April 7, 2004?

18          A.     Yes.

19          Q.     At this particular event, Justice Scalia served as the guest speaker?

20          A.     Yes.

21          Q.     Prior to his speech, what type of research did you do, if any?

22          A.     I just did a little research on our archives at the Associated Press on

23 previous speeches. That's all. It was just a couple of speeches that I, or, not

24 necessarily speeches, but background information.

25          Q.     During your research and this background information that you

1 reviewed, did you come across any prior events in which Justice Scalia had  
2 placed restrictions on the media?

3 A. No, I had not.

4 Q. How did you learn about this speaking engagement?

5 A. At our regular news meeting the day before. We have a daily  
6 calendar of what's going on for the week and they assigned me the story,  
7 assigned me to go cover the speech.

8 Q. Do you know if this function was private, i.e., by invitation only or  
9 could anyone from the public attend?

10 A. I knew that it was a public event. That everyone was invited.

11 Q. Can you estimate how many other members of the media attended?

12 A. Okay. Let's see, photographer. At the William Carey event I believe  
13 it was three or four other reporters. Well, one may have been a photographer  
14 sitting next to me in the reserved press area.

15 Q. So three or four members of the media total that would cover radio,  
16 television?

17 A. Well, actually that was in the auditorium, but at the reception I saw a  
18 TV crew there.

19 Q. Prior to Scalia's speech, did you receive any instructions regarding  
20 reporting restrictions imposed on the media?

21 A. Right. Someone made an announcement, no video recording or  
22 recorders. I assumed that applied to regular people that were there, not the media  
23 because I've never heard that before. And the way it was stated it sounded more  
24 like it was targeting people with home video cameras is what I was thinking, those  
25 were.

1 Q. Do you know who conveyed this information?

2 A. I'm not 100 percent sure, but it was announced on the stage. You  
3 know the event had already started. They were, you know, introducing people and  
4 telling about the event and when they were doing that, they made that  
5 announcement.

6 Q. But you did not believe that this applied to the media. You thought  
7 this –

8 A. Right.

9 Q. -- applied to the general public.

10 A. Right.

11 Q. Following Scalia's speech, did you or any other members of the  
12 media attend a reception for Justice Scalia?

13 A. Yes, there was an announcement made that Scalia would be open to  
14 the media at 12:30. And this was around 12:00 and I was near the door. So I was  
15 one of the first people in the reception hall and so I was in there, but I did not  
16 speak with Scalia.

17 Q. Did you observe or hear any restrictions imposed on members of the  
18 media regarding attendance at the reception?

19 A. Well, when I came in, I was actually one of the first people in the  
20 reception hall. Scalia came in with his people or and other people who were at the  
21 ceremony. And I heard him say something along the lines of he didn't like the  
22 media and he didn't know why we were there. He was not going to speak to us.

23 Q. I'm sorry. This is Justice Scalia?

24 A. Uh-huh. He –

25 Q. Something you heard him say?

1           A.     Yes, he came in and he seemed upset that they had made the  
2 announcement that he would be open to the media.

3           Q.     And then just to reiterate, he made a statement about the media or  
4 his feelings concerning the media?

5           A.     Yes. Yes. My back was to him when he walked into the room and I  
6 didn't really know that was him speaking. I turned around and saw him and then  
7 several other people, you know from the event started coming in and the room got  
8 crowded. And I was standing next to a couple of other reporters and I made the  
9 comment, you know, did you hear what he said? He's not going to speak to the  
10 media. And then I stepped outside to call my editor just because that's routine to  
11 call our editor after events.

12          Q.     But these comments, you heard. This wasn't something somebody  
13 told you?

14          A.     No, he said it. I heard him, uh-huh.

15          Q.     And just to reiterate, what exactly did he say?

16          A.     Well, I didn't exactly write it down, but I remembered thinking those  
17 were kind of harsh words. It was something along the lines, I hate the media, don't  
18 like the media. I can't really say he said hate, but it was very harsh because I  
19 remember thinking wow, that's kind of harsh, you know. And he said I do not like  
20 the media. I don't know why they're here. I'm not talking to them. I can't believe  
21 he made that announcement. So he was kind of upset.

22          Q.     Did he make any distinction? When he said media did he make any  
23 sort of distinction at that time between television media, radio media, print media  
24 or did he simply say [UNINTELLIGIBLE]?

25          A.     He said media.

1 Q. He said media in general?

2 A. Uh-huh.

3 Q. So you did not record, let me ask you this way. Did you record his  
4 speech at the William Carey College?

5 A. Yes.

6 Q. You did?

7 A. I did.

8 Q. Because again you didn't think that that —

9 A. Not really.

10 Q. Meaning the restrictions that were imposed.

11 A. Right. When the announcement was made, I didn't even really think  
12 about it, you know.

13 Q. What sort of device did you use?

14 A. I had an Olympus digital recorder and I also had a backup recorder  
15 because the digitals they become full. You know, they don't have a tape so I had  
16 a backup recorder with me but I didn't use it.

17 Q. Following the William Carey College event did you attend a speech  
18 given by Justice Scalia later in the afternoon in a Presbyterian Christian High  
19 School also located in Hattiesburg, Mississippi?

20 A. Yes.

21 Q. How did you learn about this speaking event?

22 A. The same day, at my news meeting, they said he would be at two  
23 events and we decided to go to both just to be sure that we covered. We didn't  
24 know if he would say anything pressing about what was interesting to us that might  
25 make a good story. So we wanted to be sure to cover both events.

1 Q. Again, was this function open to the public or were invitations  
2 required to attend these?

3 A. It was open to the public. Or the media was invited and the  
4 headmaster announced that he had invited several members of the community  
5 because he was really proud that Scalia was there and –

6 Q. Presbyterian Christian High School now was a public or private  
7 institution?

8 A. Public, I believe it's a private school.

9 Q. It's a private school?

10 A. Uh-huh.

11 Q. But you're not sure whether it was open to the public or your  
12 understanding that there were invitations provided to members of the public or are  
13 you sure that it was open to all members of the public or –

14 A. I'm not 100 percent sure on that.

15 Q. Do you remember approximately when you arrived at the high  
16 school?

17 A. Yes, I got there early because I didn't know where it was. So I was  
18 there probably 15 or 20 minutes prior to the actual event.

19 Q. Can you estimate how many members of the media attended this  
20 event?

21 A. Let's see, there was a TV station, maybe four or five print reporters,  
22 a television reporter and photographer, around that.

23 Q. Did you arrive at Presbyterian Christian High School before Scalia  
24 began his speech?

25 A. Right.

1 Q. Can you estimate how long before his speech started that you  
2 arrived?

3 A. I was probably in the auditorium at my seat 15, 20 minutes before  
4 the, well probably 15 before the event. Because when I got in the parking lot I  
5 went straight to the auditorium. So I didn't have any lag time.

6 Q. Did you hear any instructions given to members of the media at  
7 Presbyterian Christian High School regarding recording restrictions?

8 A. No.

9 Q. Are you aware of an article that came out following the incident that  
10 was printed by the Hattiesburg American in which a teacher by the name of Jason  
11 Meaux indicated that he had addressed members of the media?

12 A. Yes, I'm aware.

13 Q. Do you know who this gentleman is?

14 A. At the event I never actually met him or knew who he was until after  
15 the event. Because I was still trying to get things for my story and I wanted to see  
16 the government teacher because I thought it was interesting that the government  
17 teacher had his students have a question and answer session with Scalia. So  
18 someone at the reception pointed him out to me and I went over and interviewed  
19 him. And I mentioned to him about my tape recorder incident and he said that he  
20 did hear a lot of commotion going on over there and he was wondering what was  
21 going on. But he never made the comment, you know, saying, well I told you not  
22 to record. So he never spoke to me before the event. And even when I  
23 mentioned it to him after the event, he never said a word that he had told any of  
24 the media not to record.

25 Q. Does this look like the individual --

1           A.     Yes.

2           Q.     -- you spoke with?

3           A.     Yes, uh-huh, that's Mr. Meaux.

4           Q.     For the record, this is a photograph of teacher Jason Meaux that was  
5     printed in the Hattiesburg American.

6           A.     Uh-huh.

7           Q.     So you had some conversation with him following the event?

8           A.     Uh-huh, yes.

9           Q.     But prior to the event you were not present --

10          A.     No.

11          Q.     -- for any sort of address that he might have given?

12          A.     No. I had never seen him until after the event.

13          Q.     Is it possible he gave an address and you were not present for that?

14          A.     Well, I was in the auditorium early. I don't think, it could have been  
15     possible unless he directly spoke to certain members of the media. He didn't  
16     make an announcement loud enough for everyone to hear, or if he just told one or  
17     two individuals with the media. He didn't tell us all.

18          Q.     Quoting from the article in the Hattiesburg American, it states Meaux  
19     said he told a representative of WDAM TV and reporters from Hattiesburg  
20     American and the Associated Press and another unidentified person in the media  
21     area of the restriction on taping.

22          A.     Uh-huh.

23          Q.     Could he have been referring to another Associated Press reporter?

24          A.     No, I was the only one there. And Toni and I were sitting next to  
25     each other and were actually talking about how, you know, when you were

1 covering someone like Scalia you needed a recorder which it was kind of odd that  
2 we talked about that. This was before the event. And how important it was to  
3 have a recorder when you were covering someone, you know, like Justice Scalia  
4 because you wanted to be sure to get him accurate of all people. So I find that  
5 kind of odd that if we were talking about that I think we would have known if he did  
6 tell us not to use a recorder, we would have probably known. So he did not speak  
7 to either one of us before the event. We were sitting next to each other the whole  
8 time.

9 Q. When you say Toni you're referring to Antoinette?

10 A. Yes, Antoinette Konz with Hattiesburg American.

11 Q. You indicated that you were sitting next to one another. Were there  
12 any other members of the media in close proximity to you?

13 A. They were on the next set of bleachers behind us, kind of up, behind  
14 us on the bleachers. So, I don't --

15 Q. Could you tell whether they were recording?

16 A. I didn't know if they were or not. 'Cause I was on the front row and  
17 they were behind me almost in the next set of bleachers.

18 Q. Did you have an occasion to speak with Ms. Konz about the previous  
19 event?

20 A. Yes, we did. I told her it was very, his speech was very complex and  
21 we were talking about how it was, kind of, you know, difficult for the average  
22 person to totally understand what he was talking about because he's very, you  
23 know, intelligent and we were trying to figure out a way to write our story so the  
24 average reader could understand his speech.

25 Q. Did you discuss the instructions that were given at the previous

1 location?

2 A. No, but I did, we did make a comment. It was -- we didn't even  
3 mention the announcement, but we were saying that we were glad that we had our  
4 recorders to help us write our story. We didn't even mention the announcement  
5 because neither one of us really thought much about it. You know, we thought it  
6 really wasn't for the media.

7 Q. So is it your understanding that Antoinette Konz recorded the  
8 previous event as well?

9 A. I believe she did, yes she did. I believe she did. But after that event  
10 I worked on my story in the car after William Carey and I erased my speech then  
11 so that I would have enough room in my recorder for the next event. So, I mean --

12 Q. I'm sorry.

13 A. I'm just telling you how when we report, you know, normally we will  
14 keep the tapes and sometimes we won't. But, at William Carey I worked on it in my  
15 car and erased my recording to have it ready for the next event. So that it would  
16 be full, I mean open.

17 Q. And for clarification that was your digital recorder that you erased?

18 A. Yes.

19 Q. To provide additional room?

20 A. Yes. I didn't know if that was important, but --

21 Q. At some point during Scalia's speech you were approached by a  
22 woman later identified as a Deputy U.S. Marshal.

23 A. Right.

24 Q. Can you tell me --

25 A. What happened?

1 Q. – what happened?

2 A. Okay. It was midway through his speech or maybe, I'm not sure if it  
3 was halfway, a little over halfway into the speech and I was sitting on the  
4 bleachers taking notes and in my lap I had my notebook and I had my tape  
5 recorder sitting next to me on the bleachers. And this woman approached and I  
6 had actually, I saw her walk in with Scalia. It was Scalia and Ms. Rube and a  
7 couple of other people and I did not know at that moment in time that those were  
8 actually Marshals. I just thought that they went with him to events. They were  
9 some sort of PR people who you know, I didn't know who they were. And I noticed  
10 that the television reporter recorded Scalia coming in and the audience was  
11 standing up clapping and I noticed Ms. Rube who I later met, you know, look at  
12 him and do the cut signal which, your neck, you know when you're telling someone  
13 to cut it off. Or, she did that to him –

14 Q. Is this the same woman with whom you spoke –

15 A. Yes.

16 Q. – during the event?

17 A. But I remember before the event started, I didn't know she was a  
18 Marshal, but I did see her take action with the TV reporter. And I remember  
19 thinking that it was kind of odd 'cause I'd never seen anybody treat the media like  
20 that.

21 Q. When you say take action, what do you mean by take action, in  
22 terms of the nonverbal communication, is that –

23 A. Well, she saw him recording and he was probably to my right, a little  
24 bit in front of me. And when they were walking in she saw him and she did the cut  
25 thing with her hand and her neck and pointed to him and shooed him to the very

1 back of the room and almost out the door. And I was thinking, boy, that was kind  
2 of strange. 'Cause I had never seen that happen before. So, you know, and then  
3 I just started, Scalia started speaking so I started doing my job and taking my  
4 notes. And I pressed record on my machine.

5 Q. At the time you didn't make any connection though between that  
6 exchange that you witnessed and then the comments at William Carey College?

7 A. Well, I was thinking, yeah, I was thinking gosh, he really doesn't like  
8 the media, you know.

9 Q. When you say he you're referring to Scalia.

10 A. Scalia, yeah. But in the speech, well did you want me to tell you?

11 Q. Please.

12 A. Okay. Well, like I said it was midway through the speech and I was  
13 taking notes and I had my recorder sitting next to me on record and this woman  
14 approached me. And it was the same woman that I had seen, you know, push the  
15 TV guy out the door. But I didn't know who she was still at the moment. And --

16 Q. When you say push, you don't mean physically push?

17 A. Well, she kind of shoed him, you know. And he was backing up the  
18 entire time. I mean he looked scared to me.

19 Q. There wasn't any contact.

20 A. No, she didn't actually push him with her hands, she just kind of  
21 shoed him, you know, away.

22 Q. Sort of giving him a signal.

23 A. Yes.

24 Q. You need to back up a little bit.

25 A. But it wasn't really, it was more flamboyant to me the way she shoed

1 him. It was, you know, like shoo, shoo, shoo, get out of here, you know. It was  
2 kind of, it was a little more aggressive than I think that if you wanted someone to  
3 get away, you know, like you just did would be normal. But it was a little bit more  
4 than that.

5 Q. Okay. Please tell me what —

6 A. Okay. I was sitting there and I had pressed record. I was recording  
7 the speech. And a woman came over and kneeled next to me and she picked up  
8 my recorder and she said is this a tape recorder? And I said, yes, ma'am. And I  
9 didn't even know why she was doing that or, you know, I was kind of confused and  
10 I said, yes, ma'am, it is. And she said, well, I'm going to have to take the tape.  
11 And I said well, it doesn't have a tape because it's digital. And she said you need  
12 to stop your machine. How do you stop it? And you know, I was kind of  
13 dumbfounded and I said, well if I stop my machine I can't do my job. I need it for  
14 my notes. And she said, well I'm going to have to take your tape recorder. And I  
15 told her she could not have my tape recorder. And she said well I'm going to have  
16 to take it with me because you cannot record. You cannot record. And I said I've  
17 never heard anything like that before. That's insane, you know, I'm covering a  
18 speech. I'm just trying got be sure I quote him accurately so I need my tape  
19 recorder.

20 And that kind of exchange went on for a few minutes and then finally she  
21 said I'm a U.S. Marshal and you cannot record. And she said something about the  
22 Supreme Court. I didn't know exactly what she said, but I was you know, just  
23 shocked. And I said well, I've never covered a Supreme Court Justice before, but  
24 I don't think that it's right that I can't record. I said there was no announcement  
25 made or anything, you know. I'm not aware of this. And she said, well, you know,

1 you can't record and we persisted. She persisted. She wanted to take my tape  
2 recorder and I wouldn't let her have it. And she leaned over me sort of and point,  
3 and Toni was sitting next to me. And while all this was going on, Toni was taking  
4 notes. I'm not sure if she was listening to us or what, but she didn't stop what she  
5 was doing to see what was going on with us. So she leaned over and asked Toni  
6 if she had a tape. And Toni didn't say anything. She just kept taking her notes.  
7 And she asked me if Toni had a tape. And I just, I didn't tell her because I didn't  
8 want her to take Toni's tape. And we kept going back and forth and she said give  
9 me your tape recorder. And I said I just don't think this is right. You cannot take  
10 my tape recorder. And another woman came up and I'm assuming she was a  
11 Marshal because she walked in with him. And she kind of, she came over real  
12 quickly and she stood over Melanie and she said leave her alone. Take her word.  
13 You know, she's just doing it for her job. Because I had told Melanie why do I want  
14 to keep this speech. I said I'm going to erase it after the event anyway. I don't  
15 understand the importance of me not recording and the lady said, just, you know,  
16 take her word. You know, because I think the woman kind of figured that we were  
17 interrupting the speech. So she ran over to kind of, you know, make her go away  
18 and let me do my job. And then she ran back quickly and sat back down. But  
19 Melanie never took her advice.

20 Q. Now this woman who came over to talk to Melanie --

21 A. Uh-huh.

22 Q. Were they seated together?

23 A. Yes.

24 Q. They were seated together.

25 A. Yes. And she walked in with Scalia, Melanie and there was a shorter

1 older lady. She had on a black suit and then there was a man.

2 Q. Could you hear exactly what it was she said to Melanie?

3 A. Yes, because she heard me telling Melanie that I was pleading with  
4 her not to take my tape recorder because I was really worried about how I was  
5 going to do my job. How I was going to write my story. And that's what I was  
6 pleading with Melanie about. I was like please don't erase my notes because it's  
7 difficult. Because I was taking notes with my pen, but they were more or less  
8 shorthand, and notes, I would look at my recorder and say, you know, it had this  
9 number where you can say number 12 was interesting. He said at 12 so I would  
10 write down 12. And there was no way I could have written a story with what I had  
11 actually written in my notebook. So my recorder was very important and that is  
12 what we were talking about.

13 And I believe that the woman, she came over and she heard that. And so  
14 she said okay, just let her record. Take her word, you know. She's just doing this  
15 for her job. And then she ran and sat back down real fast. But Melanie did not  
16 leave. She persisted for my recorder. And finally I was frustrated. I had missed  
17 half of the speech anyway. And she kept saying how do you erase your recorder?

18 Q. During this exchange between you and Ms. Rube --

19 A. Uh-huh.

20 Q. Did Ms. Rube talk about the announcement that was made earlier?

21 A. Not at William Carey. She said there was an announcement made  
22 that you cannot record at Presbyterian. And I said, no, ma'am, it was not. I did not  
23 hear it. And she said well there was supposed to be one. And I said, well there  
24 wasn't one. And you know, I kept persisting how am I going to do my job and she  
25 said it's not my problem. You can't record.

1 Q. So, at this point about how many minutes have gone by, three, four?

2 A. Uh-huh. The exchange lasted a little over maybe five or seven  
3 minutes or so.

4 Q. In which you did not want to stop recording and she did not want to  
5 allow you to continue recording, essentially.

6 A. Right. So we were going head to head on that issue.

7 Q. Sort of impasse, would you describe it as an impasse or?

8 A. What do you mean impasse? You mean --

9 Q. Or that you could not come to some sort of agreement.

10 A. Right. We could not agree. And she was kind of aggressive but in a  
11 calm, it was more or less like a negotiation scene, you know. Whenever  
12 someone's trying to get a gun from someone. It seemed to me like that, you know,  
13 but she was kind of pushy, but, you know, I was being pushy, too, because well  
14 first I didn't realize she was a U.S. Marshal. I didn't know who she was. But I was  
15 also being pushy because I didn't think that was right. And so --

16 Q. Did you get the impression when she identified herself as a U.S.  
17 Marshal that she was enforcing some sort of a policy?

18 A. She said I'm a U.S. Marshal. And I was still, you know, I said well I'm  
19 with the Associated Press and I'm doing my job. And so that's --

20 Q. Did you get the impression that she thought she was doing her job?

21 A. Well, I didn't understand why she was being so aggressive with her, I  
22 feel like in hindsight if that was a big issue, then she should have pulled me aside  
23 after the event and said, hey, you know, I saw you recording. You know, you're  
24 not supposed to record. Can we work something out? That is the way that I think  
25 it should have been handled.

1 Q. What happened to bring your exchange to some sort of conclusion?  
2 A. Okay. Like I said I was frustrated and I missed half of the speech  
3 anyway. And she had my tape recorder in her hands and she kept, well half the  
4 time she didn't know how to erase it.  
5 Q. She was right there with you?  
6 A. Uh-huh.  
7 Q. She didn't walk away?  
8 A. No, she was kneeling next to me. And --  
9 Q. She was holding it while you were talking to one another.  
10 A. Yes, I had it and then she had it and then, I wouldn't say it was a tug  
11 of war, but, you know --  
12 Q. She wanted you to erase it.  
13 A. Yes.  
14 Q. And you did not want to erase it.  
15 A. Right. I told her this was insane. You know, I couldn't write my story.  
16 She was taking away my tape recorder. But anyway, it was -- finally she did not  
17 know how to erase it and there's a big yellow button on the top of the machine that  
18 says erase. And so I said well why don't you just push the erase button. That  
19 might erase it for you. So she pushed erase and she said this is not all of it  
20 because it has folders. And I said, well, give it here. So she gave it to me and I  
21 pushed erase eight times or nine times, however many folders I had in there. And  
22 I said, okay, I erased my notes. Will you please leave me alone? Because the  
23 speech was still ongoing.  
24 Q. Okay. So your recollection is that she erased the first part then you  
25 erased beyond that or --

1           A.     She erased. She pushed the yellow button and she said this is not  
2 all of it. And I was frustrated with her because she had been so long interrupting  
3 me and she didn't know how to erase the machine. So I said, well here I'll show  
4 you how to do the rest of it. And at this point Toni had already handed over her  
5 tape.

6           Q.     Okay. But in terms of the erasing you --

7           A.     Yeah.

8           Q.     You erased --

9           A.     Part of it and she erased --

10          Q.     You said she erased one folder and you erased the remaining  
11 folders?

12          A.     The rest, the remaining folders, yes. And then she was not happy  
13 until my machine said clear, you know, erase, the whole entire thing was empty.

14          Q.     But you indicated prior to the event that you had erased the previous  
15 speech.

16          A.     Right, uh-huh. And that was the end of that. And I thought she was  
17 going to go back to her seat. But I had some items sitting behind me. I had my  
18 purse, a folder with some information and I also had the backup recorder that I had  
19 at William Carey just in case my recorder I was using ran out and I could discreetly  
20 grab it without interrupting the speech and press record. Well, she saw it and she  
21 picked it up and but before she picked it up she moved around all my stuff. She  
22 moved my purse. She moved my folders and she picked it up and said is this a  
23 recorder? I said, my goodness, yes, it is. I said it is not on. You know, I'm not  
24 recording with this recorder. Can I please do, you know. At this point I wanted her  
25 to go back to her seat because I had missed half of my speech and I didn't know

1    how I was going to write a story, so --

2           Q.    I'm sorry. How did it come about --

3           A.    This other recorder?

4           Q.    -- this other recorder?

5           A.    Before she went away, after, you know, I had erased my first

6    recording, before she went away she wanted to see, she kept milling beside me

7    for a minute.

8           Q.    Okay.

9           A.    And I was wondering why she was still there. At this point I was not

10   talking to her and she was not talking to me. But she kneeled beside me and then

11   she started kind of looking at all my stuff that was sitting behind me.

12          Q.    But she didn't see another recorder.

13          A.    Yes, but she moved stuff around to, I mean she started moving my

14   stuff and she picked it up. I don't know if she saw it and then moved the stuff to

15   get it or what? But I thought it was odd that she was moving all my stuff around.

16          Q.    Was this before or after her exchange with Antoinette Konz?

17          A.    After.

18          Q.    This was afterwards --

19          A.    You mean, what do you mean?

20          Q.    In terms of the discussion about the recording?

21          A.    No, this was during the speech. Her exchange with Antoinette was

22   after the, at the reception. Is that --

23          MR. VAN SLYKE: I think she's talking about when Toni gave up her tape.

24          A.    Oh, yeah. Well, Toni never had a discussion with Melanie during the

25   speech.

1           INSP. GOODMAN: She didn't have a discussion with Melanie during the  
2 speech?

3           A.     No, she just popped her tape out and said here, and just gave it to  
4 her.

5           Q.     So she --

6           A.     I'm the one that had the discussion with Ms. Rube during the speech.

7           MR. VAN SLYKE: That was after she was asked? Excuse me. I want to  
8 get this clear.

9           A.     Uh-huh, yeah.

10          Q.     Was she asked for the tape?

11          A.     Yes, but she didn't immediately hand it over. And she kept asking  
12 Toni did she have a tape and Toni finally gave it to her.

13          INSP. GOODMAN: So Deputy Rube asked if Antoinette was recording the  
14 speech?

15          A.     Uh-huh. She leaned over me and asked Toni because Toni was  
16 sitting next to me.

17          Q.     And could you say, do you remember what she said?

18          A.     She said are you recording, to Toni.

19          Q.     And Toni responded?

20          A.     Toni didn't say anything at first. And she asked a few times. And  
21 Toni didn't even say yes, she just --

22          Q.     So she wouldn't acknowledge that the question was being asked  
23 initially?

24          A.     Well, she said, you know, Toni looked kind of shocked because she  
25 was trying to cover the speech still. And you know, while I was having the

1 exchange with Ms. Rube, Toni never stopped and said hey, what's happening or  
2 what are y'all talking about. She just kept doing, taking notes. And she just kind of  
3 looked at Ms. Rube shocked whenever she said give me your tape, you know.  
4 She kept saying give me your tape.

5 Q. That's what she said, she said give me your tape?

6 A. Yes, she was like give me your tape. I need your tape.

7 Q. And then what happened?

8 A. Toni gave her the tape.

9 Q. And what followed that, if you recall?

10 A. Like I -- Toni gave her the tape while we were still going, talking back  
11 and forth about my recorder.

12 Q. Okay.

13 A. And I had erased my notes and then that's when she grabbed my  
14 other recorder before she went and sat back down.

15 Q. She grabbed your other recorder?

16 A. Uh-huh. Well picked it up, got it behind me sitting in my things.

17 Q. But could you tell if it was sitting out? I mean --

18 A. My recorder?

19 Q. Yeah.

20 A. I had it kind of, I didn't want it to be, you know, I wanted to be able to  
21 get it real fast if I needed to because I didn't want to cause a commotion. So I just  
22 kind of had it, you know, sitting behind me, kind of just in between my folders and  
23 my purse.

24 Q. So she would have been able to see it from where she was talking to  
25 you.

1           A.     Yeah, she could see it, yeah. 'Cause she was kneeled down beside  
2 me and it was on the bleacher behind me.

3           Q.     Was it clearly with your belongings or could it have been with  
4 someone else?

5           A.     No, it was my belongings. It was sitting kind of you know, near my  
6 purse was kind of beside it and my folder.

7           Q.     And she asked you if you were recording with that?

8           A.     She said is this a tape recorder and I said yes, ma'am, it is a tape  
9 recorder. And I promise it's not on. You know, I was just like, is this ever going to  
10 end, you know.

11          Q.     And what happened with regard to your conversation about that  
12 recorder?

13          A.     I finally, I told her that it was not on and she looked at it awhile and  
14 held it and stared at it and made sure it was not on. And then she sat it back down  
15 and walked, and got back in her seat.

16          Q.     Okay. Do you know ultimately how the exchange between  
17 Antoinette Konz and Deputy Rube worked itself out?

18          A.     Yes, it was after the speech and you know, I was mad. I was very  
19 upset that that had happened. And Toni said I need my tape, you know, she can't  
20 take my tape because it has stuff on the other side that I need. And she said I  
21 want to go get it. And I said, well, let's go get it. I'll go with you. Because I didn't  
22 think this was right, you know. So I went with her and Toni went up to her and said  
23 I need my tape. And she said I can't give you your tape. And she said well can I  
24 please have it back, you know. I need it for my notes. She said I don't have your  
25 tape, somebody else has it. And I made the point to Ms. Rube that the only reason

1 why we were recording was to be accurate. And she kind of put her hand up in  
2 front of my face and said, you know, it wasn't her problem. And she kind of  
3 shooed me off like she didn't want to listen to me. She kind of cut me off or you  
4 know the gesture where people put their hands up, you know, most teenagers do  
5 it. She did that to me and just practically wanted me out of her face.

6 And I wasn't being mean or aggressive. I was just saying, you know, you  
7 know, we just use those for accuracy. That's the only reason why. But she never  
8 said, you know I was told to do this or anything. I was confused why she was so  
9 adamant to get my recorder or erase my notes. But she wouldn't explain to me  
10 why.

11 Q. Do you know who had the tape at that point?

12 A. Who had Toni's tape?

13 Q. Right.

14 A. No, after that I stepped outside to call my editor and I missed the  
15 entire Toni tape, Toni's situation.

16 Q. Following this incident did you receive some sort of correspondence  
17 from Justice Scalia?

18 A. Well, following the incident I called my editor and he told me to find  
19 out Ms. Rube's name and she was actually parked beside me and she got in her  
20 car and I asked her for her name and she seemed kind of, you know, perplexed  
21 that I wanted her name. And I said well my editor wants me to get your name.  
22 And you know, she seemed kind of mad that I was getting her name. And finally  
23 she said she wasn't talking to the press. I told her we probably didn't want to talk  
24 to her, I just had to have her name for my editor. And so I got her name and that  
25 was the end of my exchange with Ms. Rube that day.

1 But I did get a letter from Scalia, saying he apologized for the events.

2 Q. Did he talk about his policy at all in that letter?

3 A. He said it had been his policy not to allow radio or television  
4 coverage. But he has no problem with print reporters at all. That's what he said. I  
5 could have brought my letter. Actually the day I got it I had to give it to my -- do  
6 you have a copy?

7 Q. I don't believe I have a copy of yours. I believe I have a copy of the  
8 one that went to Ms. Konz.

9 MR. VAN SLYKE: I think they may --

10 A. It's the same letter. It's just, yeah, it's the same letter. It's just  
11 different, you know, addressed to Ms. Konz and then addressed to me. It's been  
12 his policy to refuse radio and television coverage, but and he explained why. But  
13 he said he really had no problem with print media at all at the end. And it says the  
14 Marshals were doing what they believe was their job, but the fault was his  
15 because he didn't ensure the ground rules and didn't clarify his rules to the  
16 Marshals. Which I can understand that. But I feel that it was handled in an odd  
17 manner.

18 INSP. GOODMAN: At the end, does he conclude and say indeed in the  
19 future I will make it clear --

20 A. Uh-huh.

21 Q. -- that recording for use of print media is no problem.

22 A. Right.

23 Q. So it appears that some clarification is coming out as a result of this.

24 A. Right, uh-huh.

25 Q. Perhaps even a change in policy.

1           A.     Uh-huh. Yes.

2           Q.     Before I conclude this interview I would like to ask you if there is any  
3 further information you wish to add or any statement you wish to make before I  
4 stop the recorder?

5           A.     I guess the only thing, like I said before, I don't think our exchange  
6 would have been so odd if maybe she would have stated who she was in the  
7 beginning and what she was doing and why she was doing it. She never actually  
8 stated that clearly to me.

9           Q.     So she didn't identify herself as a U.S. Marshal at the very beginning.  
10 It wasn't until you had some --

11          A.     In the --

12          Q.     -- some conflict?

13          A.     Yes and then finally she said she was a U.S. Marshal. But after she  
14 even announced herself she didn't say I'm ordered not, you know, I'm ordered to  
15 make sure that there's no recording. She never said anything like that. I didn't  
16 understand why she wanted my tape recorder. And I thought that was just  
17 handled, you know, in an odd way. Which I've never had an exchange with a U.S.  
18 Marshal. I don't know how they work or how they function. But I thought it was  
19 unprofessional in my opinion.

20          Q.     Is there anything else you wish to add or any other statement you  
21 wish to make at this time?

22          A.     No.

23          INSP. GOODMAN: Okay. The time is now 9:42 a.m. and today's date is  
24 April 20, 2004. This concludes the interview of Denise Grones. And I will now  
25 stop the tape recorder.

1 (Whereupon, at 9:42 a.m., the interview was concluded.)

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CERTIFICATION

DEPOSITION SERVICES, INC., certifies that the foregoing is a correct transcription of the electronic sound recording of the proceedings in the above-entitled matter.

\_\_\_\_\_  
Caroline G. Gibson

\_\_\_\_\_  
04/29/04

# EXHIBIT 9

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

ANTOINETTE KONZ

APRIL 19, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**

6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**21 Pages Total**

1           [INTERVIEW OF ANTOINETTE KONZ BY INSPECTOR GOODMAN IN  
2 CASE NUMBER: 04-0256.]

3           INSP. GOODMAN: Today's date is April 19, 2004. The time is 3:18 p.m.  
4 My name is Bruce Goodman. I'm a Senior Inspector with the U.S. Marshals  
5 Service Office of Internal Affairs. I'm here today to conduct an interview of  
6 Antoinette Konz. Your participation in this interview is strictly voluntary and relates  
7 to an ongoing administrative investigation. This interview is being audiotaped;  
8 therefore I would ask that all parties involved speak clearly and that your answers  
9 be directed at the microphone located on the table in front of us.

10          Ms. Konz, her representative attorney Mr. Van Slyke and Mr. Jon  
11 Broadbooks and I are the only ones present for this interview. This interview is  
12 taking place at the Hattiesburg American, 825 North Main Street, Hattiesburg,  
13 Mississippi. Mr. Van Slyke, would you please introduce yourself and spell your  
14 name for the record?

15          MR. VAN SLYKE: My name is Leonard Van Slyke, that's L-E-O-N-A-R-D,  
16 last name is two words, V-A-N, another word capitol S-L-Y-K-E.

17          INSP. GOODMAN: Mr. Broadbooks, would you please introduce yourself  
18 for the record.

19          MR. BROADBOOKS: I am Jon Broadbooks, executive editor of the  
20 Hattiesburg American. That's J-O-N, first name. Last name is Broadbooks, B-R-  
21 O-A-D-B-O-O-K-S.

22          INSP. GOODMAN: Ms. Konz, before I begin with any questioning I need to  
23 administer an oath to you.

24          MS. KONZ: Uh-huh.

25          INSP. GOODMAN: Please raise your right hand. Do you solemnly swear

1 or affirm that the information you're about to provide is the truth to the best of your  
2 knowledge?

3 A. Yes.

4 Q. I also need to obtain some biographical information about you.  
5 Please state your full name and spell it for the audiotape.

6 A. Antoinette Konz, A-N-T-O-I-N-E-T-T-E, last name is K-O-N-Z.

7 Q. And where are you employed?

8 A. At the Hattiesburg American.

9 Q. And what is your title?

10 A. I'm the K through 12 education reporter.

11 Q. How long have you been employed by your present company?

12 A. Since April of 2002.

13 Q. What is your telephone number here at the office?

14 A. Area code 601, 584-3025.

15 Q. Do you have any questions before we begin the interview?

16 A. No.

17 Q. Prior to April 7th, 2004 had you ever attended a speech given by  
18 Justice Scalia?

19 A. Yes.

20 Q. Can you tell me about that?

21 A. Sure. I was a college student at the University of Southern  
22 Mississippi and I believe it was April of 2000. I'm not real sure on the date. He  
23 was the keynote speaker to the Lambda Alpha Epsilon Criminal Justice Banquet. I  
24 was a double major at USM, in Journalism and Criminal Justice Major so I was  
25 part of that association. And it was our annual awards banquet and he was the

1 keynote speaker to that event.

2 Q. Were you doing some sort of a report?

3 A. No, I was attending it because I was part of the association. It was a  
4 dinner, black tie event, very formal.

5 Q. Were you aware of other members of the media?

6 A. Not at the time because I wasn't working in the media so I don't  
7 recall. I don't recall.

8 Q. Do you recall at that time any restrictions placed on the media?

9 A. No, I sure don't. I don't really remember.

10 Q. Were you aware of it?

11 A. I may not have been aware of it because I mean again, I wasn't there  
12 with the media. I was strictly with a bunch of friends, dressed formally and eating  
13 dinner and then listening to him.

14 Q. Did you attend an event at William Carey College in Hattiesburg,  
15 Mississippi on April 7, 2004 in which Justice Scalia served as the guest speaker?

16 A. Yes.

17 Q. Prior to his speech, what type of research did you do?

18 A. I went online and did a lot of research on the cases that he's, I don't  
19 even know the word, he's been through before. And found out some biographical  
20 information on him, how many children he's had, as well as how often he speaks  
21 at colleges. Pretty much just did a Google search on him and just found out as  
22 much as I could. I started the night before which would have been the 6th and  
23 then all morning up until the event on the 7th, I spent researching him.

24 Q. During your Google search, did you come across any previous  
25 encounters he had had with the media or any restrictions he had previously

1 keynote speaker to that event.

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20 information on him, how many children he's had, as well as how often he speaks  
21 at colleges. Pretty much just did a Google search on him and just found out as  
22 much as I could. I started the night before which would have been the 6th and  
23 then all morning up until the event on the 7th, I spent researching him.

24 Q. During your Google search, did you come across any previous  
25 encounters he had had with the media or any restrictions he had previously

1 imposed on the media regarding recording --

2 A. No.

3 Q. -- of speeches?

4 A. No, nothing prior.

5 Q. How did you learn about the William Carey College Hattiesburg,  
6 Mississippi speech?

7 A. My assistant managing editor, Donald Ederton was sent a letter from  
8 the President of William Carey College and it was forwarded on to me and that's  
9 how I learned of that event.

10 Q. Can you tell if this function was private, i.e., by invitation only or  
11 could anyone from the public attend?

12 A. I believe anybody from the public could attend because I noticed in  
13 the audience were several public figures, superintendents from different school  
14 districts. People from the community that I don't believe had any real ties to  
15 William Carey.

16 Q. Prior to Justice Scalia's speech, did you receive any instructions  
17 regarding recording restrictions imposed on you?

18 A. Yes. It was, I'm trying to think here. Right at the beginning of the  
19 convocation which I think began about 11 o'clock, there was an announcement  
20 made by the President of William Carey College that recording devices and/or  
21 photography would not be allowed during the convocation. And the media would  
22 have ample, this is not verbatim, would have ample time to interview or talk with  
23 Justice Scalia at a reception following the event. And then he introduced Scalia  
24 and then it went from there. And at the end when Scalia was done speaking,  
25 again, the President of William Carey said that he only had one request was that

1 the media let Justice Scalia shake hands and talk with the people from the college,  
2 from the community members and then again we would have time to speak with  
3 Justice Scalia.

4 Q. Was this prior to his speech that this announcement was made by  
5 the President?

6 A. The first one that no audio recordings was prior to the speech. The  
7 second one where he told, where he made the request that we let their people get  
8 through first, and then told us that the reception would be in a certain room and  
9 that's where the media would be allowed to talk with him. That was made after,  
10 right before they walked out of the room after the convocation.

11 Q. Did the President make both announcements?

12 A. Yes, sir.

13 Q. And was this President Kennedy?

14 A. I believe so, Larry Kennedy I believe is his name.

15 Q. So you did not tape-record his speech at William Carey College?

16 A. No, I didn't. I didn't even have my tape recorder in my purse at the  
17 time.

18 Q. You mentioned a reception, did you attend that reception?

19 A. Yes, in fact, I left the convocation as soon as the announcement was  
20 made so I could get into the reception hall beforehand, to kind of, you know, take  
21 in the scenery, provide color for the story, that kind of a thing. And was waiting in  
22 the reception room which was directly to the -- I mean not even 15, 20 yards from  
23 the auditorium and was waiting there when Justice Scalia walked in.

24 Q. Did you observe or hear any restrictions imposed on members of the  
25 media regarding attendance at the reception?

1           A.     No, other than the fact that we were invited to attend. And the public  
2 relations department sent out lots of e-mails and made phone calls and invited  
3 several members of the media, not just myself. There were people from the coast.  
4 There were people from Jackson, etc., there.

5           Q.     So you weren't aware of any incidents at the college that caught your  
6 attention.

7           A.     Well, he did not allow the television station to record, WDAM TV. He  
8 went to the President and told him that they had to leave and so they had to pick  
9 up and leave. And then still photography was not allowed at first, and after about  
10 five minutes the PR people, public relations people there, I guess it seemed that  
11 personal people were shooting photos, so she came up to me and said, well I  
12 guess it's okay for y'all to take pictures. And then our still photography, I did not  
13 personally take any pictures. But George Clark, our staff photographer went and  
14 had started taking photographers and did the other still photographers.

15          Q.     Following the William Carey College event, did you attend a speech  
16 given by Justice Scalia later in the afternoon at Presbyterian Christian High School  
17 also located in Hattiesburg, Mississippi?

18          A.     Yes, I did.

19          Q.     How did you learn about this speaking event?

20          A.     I was, our paper had done prior stories, previous stories about  
21 Justice Scalia coming to the school. I did not write those stories. But since it falls  
22 on my beat as part of K through 12 education, I was assigned, you know, that  
23 would be my story to cover. So, I actually found out about it by reading it in our  
24 paper, although I had not written the story. Other reporters had written the stories.

25          Q.     Was this function open to the public or were invitations required for

1 attendees?

2 A. It was open to the public. In fact, on the web site of Presbyterian  
3 Christian High School at the time, there was an open invitation to people in the  
4 public. And they were invited to attend. And also in that event I did notice people  
5 from the public that were there that I don't believe had any ties to Presbyterian  
6 Christian.

7 Q. Can you estimate how many members of the media attended this  
8 event?

9 A. Five or six.

10 Q. In total?

11 A. In total.

12 Q. Like radio, TV?

13 A. The other was, I can narrow it for you. Three reporters with WDAM  
14 TV; two reporters with the Times of Lamar County; one from the Associated Press;  
15 and myself are the ones that I noticed. There was nobody else really sitting in that  
16 area.

17 Q. Do you remember approximately when you arrived at the high  
18 school?

19 A. About 2:00, what time did it start? A half hour before it started. I  
20 believe about 2 o'clock. I don't think it started until 2:30.

21 Q. But you believe you were there approximately 30 minutes early?

22 A. Half hour, yeah.

23 Q. Prior to Scalia's speech.

24 A. Uh-huh.

25 Q. Did you hear any instructions given to members of the media at

1 Presbyterian Christian High School regarding recording restrictions?

2 A. No.

3 Q. While you heard instructions not to record Scalia's speech at William  
4 Carey College, you did not hear the same instructions at Presbyterian Christian  
5 High School.

6 A. That is correct.

7 Q. If you had heard similar instructions given at the high school, would  
8 you have followed and honored that request not to use a recording device?

9 A. It depends. I probably would have, yes.

10 Q. Is it possible that instructions not to use recording equipment were  
11 given at the high school but you were either not present or were unable to hear the  
12 announcement?

13 A. I was there a good half hour beforehand. The gymnasium was very  
14 loud, lots of students talking, lots of people from the community. There was no  
15 announcement made over a loudspeaker, over any kind of a microphone, nothing  
16 like that. Nobody came up and spoke with me. I just, I think that I would have  
17 seen it. I was sitting in the front row. I would have seen somebody come up, so I  
18 don't believe that there was an announcement made.

19 Q. And you indicated you were sitting in the front row?

20 A. In the front row. Okay. I'm trying to picture this. Scalia sat up on the  
21 stage and he's actually on the gymnasium court and there's chairs that are set up  
22 in the court. And we were sitting in the front row of the bleachers. The front row of  
23 the bleachers which is right to the side of the stage. So we were sitting in the front  
24 row, myself and a reporter with the Associated Press. The other people were  
25 sitting behind us.

1 Q. Several days after the event, your newspaper printed an article  
2 about a certain teacher by the name of Jason Meaux I believe it is.

3 A. Yes, I believe.

4 Q. Spelled M-E-A-U-X.

5 A. Uh-huh.

6 Q. Did you see that gentleman? I'll show you a picture now of Jason  
7 Meaux your paper printed.

8 A. Uh-huh.

9 Q. Did you see him at that event?

10 A. I did not notice him until during the speech he was sitting in the front  
11 row with his students. And actually I thought he was a student because he looked  
12 very young and he was dressed in a suit and a tie and I remember making a  
13 comment to somebody. I said, wow, that guy is really dressed up for the speech  
14 and I thought he was a student. It wasn't until after I believe Mosbacher's the head  
15 master, I don't believe it was until after then he introduced him as saying that was  
16 the teacher of the class that I realized that's who Mr. Meaux was.

17 Q. This particular article was entitled "Teacher Says He Warned Media"  
18 and under that it says "three organizations say they never heard restriction." I  
19 believe your name, Mr. Broadbooks and the Associated --

20 MR. BROADBOOKS: Yes, I wrote that.

21 INSP. GOODMAN: Did you speak with Mr. Meaux?

22 MR. BROADBOOKS: Yes, I did. In fact, I spoke to him more than once. I  
23 spoke to him two times to do the story and I did also speak to him afterwards.

24 INSP. GOODMAN: And in the story that you wrote, it indicates that Mr.  
25 Meaux suggests or has said that he told members of the media, specifically it

1 says, I believe I'm quoting you, Mr. Broadbooks, it says Meaux said he told a  
2 representative of WDAM TV and reporters from the Hattiesburg American, the  
3 Associated Press and another unidentified person in the media area of the  
4 restriction on taping.

5 MR. BROADBOOKS: That's what he said, yes.

6 INSP. GOODMAN: That's what he said.

7 MR. BROADBOOKS: Yes, that's what he told me. And I actually called him  
8 to reconfirm that.

9 INSP. GOODMAN: Did your paper, the Hattiesburg American, have other  
10 reporters there at the time?

11 MR. BROADBOOKS: Toni was our only reporter. We did have a  
12 photographer who was there, Gavin Harreverel. We had a different photographer.

13 INSP. GOODMAN: So if he was talking about a reporter, you're saying it  
14 wasn't you.

15 MS. KONZ: It wasn't me.

16 INSP. GOODMAN: But at the same time, there wasn't another Hattiesburg  
17 reporter?

18 MR. BROADBOOKS: I talked to Gavin and Gavin says he never had a  
19 conversation with that guy. He was never told. In fact, he even specifically  
20 inquired about still photography and was told that still photography was okay.

21 INSP. GOODMAN: So you weren't present for any sort of announcement  
22 this gentleman might have given.

23 A. No. I didn't even know who he was until like I said in the middle of  
24 the speech I recognized that that was who Mr. Meaux was. I had never met him  
25 prior. You know, I never did any stories with him prior, so I didn't even know who

1 he was.

2 Q. So at some point during the speech, you had an encounter with a  
3 woman later identified as a Deputy U.S. Marshal.

4 A. Yes.

5 Q. Melanie Rube?

6 A. Yes.

7 Q. R-U-B-E?

8 A. Yes.

9 Q. Had you ever encountered, or seen Ms. Rube before?

10 A. Yes. I was a deputy sherif for the Forest County Sheriff's  
11 Department for a period of three, three-and-a-half, almost four years. And in my  
12 capacity there, I had met Ms. Rube as a Marshal. She had occasionally come in  
13 with prisoners and whatnot. So I had met her. Knew her by face. Knew who she  
14 was.

15 Q. Did you speak with her at the previous event, the event at William  
16 Carey College?

17 A. Yes, I said, I mean I just, I don't remember what, I think it was just an  
18 occasional hi, you know, hi, are you still working at the Marshals Service and do  
19 you remember me, I used to work at the jail, that kind of occasional thing. And she  
20 said yes and that was pretty much it.

21 Q. So you didn't have a lengthy conversation?

22 A. No, it was pretty much hi, how are you doing, that kind of thing,  
23 and --

24 Q. But at some point during Scalia's speech Ms. Rube approached  
25 you?

1           A.     She approached the Associated Press reporter. The Associated  
2 Press reporter was sitting to the right of me and there was a stairwell and Ms.  
3 Rube was sitting on the other side in the front row of the stairwell. So she came  
4 over, kind of came over. This is about 35 minutes into the speech. I believe it was  
5 right during the beginning of the question and answer session. Scalia had a  
6 question and answer session with the students. And Ms. Rube came over and sat  
7 next to or kneeled down or sat right next to the Associated Press reporter and  
8 that's when I noticed that she was over there.

9           Q.     She had been seated on the same bench?

10          A.     She had been sitting -- no, not on the same bench. There's a, if you  
11 have a, I mean I hate to draw something, but like here's the front row. Here's  
12 where Scalia is speaking. Here's the stairwell and these are all bleachers. I was  
13 sitting here. Denise was sitting there and the Marshals were sitting here. So she  
14 came over, sat down like right on these steps next to Denise and that's when I  
15 noticed that she had approached us.

16          Q.     So she spoke to Denise first?

17          A.     Yes.

18          Q.     Okay. Do you recall what it was that she said?

19          A.     Yes, I was listening. She said ask, Denise if she was recording. And  
20 again, this is not verbatim 'cause Scalia was still speaking at the time. She asked  
21 Denise if she was recording the speech. Denise said yes, that she was. And  
22 Denise or Melanie had said I need to have your recorder or I need to have your  
23 tape because you're not supposed to be recording this event. And I believe  
24 Denise responded I didn't know that. And why are we not supposed to be  
25 recording the event. And Melanie said that the announcement had been made

1 we're not supposed to be recording it. And again, they kind of went back and forth  
2 a little bit about you know, you can't, and I don't have a tape. She said I don't have  
3 a tape, I have a digital recorder. So I don't have a tape to give you. And, after you  
4 know, a couple of seconds possibly a minute, she said, well, you know, wanted  
5 her to erase it and Denise said well I'm not going to erase it until after I'm done  
6 using it, you know for quotes and whatnot. And I believe Melanie asked if she  
7 could see the recorder and then asked her how to erase it. And Denise said well  
8 all you have to do is press the erase button. And then I believe that's when  
9 Melanie had erased, pressed the erase button and then returned the recorder to  
10 her.

11 Q. Now, are you certain that it was Deputy Rube who did the erasing,  
12 that she's the one who pushed it down and erased it as opposed to Ms. Grones, I  
13 believe is her last name, G-R-O-N-E-S?

14 A. I do believe 'cause that's what I saw. Now I haven't really talked to,  
15 you know, that's what I believe happened because she did take it and then once  
16 she gave the recorder back to Denise, she, Melanie leaned over and began  
17 talking to me. So, I --

18 Q. So they both had the recorder in their hand at some point?

19 A. Yes, at some point.

20 Q. And they were seated on, seated close to one another?

21 A. Yeah, Denise was sitting next to me and Melanie was sitting kind of  
22 on the stairwell. Or she may have even been on the, I don't think she was on the  
23 seat because we were sitting really close to the stairwell. I think she was sitting on  
24 the actual step to the stairwell.

25 Q. Can you estimate how long the exchange lasted between Ms.

1 Grones and Ms. Rube?

2 A. Three and five minutes, maybe.

3 Q. This was discussion about recording restrictions?

4 A. Recording restrictions, Denise was saying that I didn't know there

5 was any. Can I have your tape? No, you can't have my tape, that kind of just

6 going back and forth and then well, I don't have a tape cassette. Well, I need you

7 to erase it. And then the tape, the recording was actually erased. And then Ms.

8 Rube bent over, kind of leaned over and said to me. She asked me, she says

9 Toni, are you taping this and I said yes. And she said can I have your tape. And I

10 shook my head, no as I was looking up at Scalia 'cause he was still speaking. And

11 she says I need your tape. And I believe I said why do you need my tape and she

12 said because you're not supposed to be taping this. So, I took the tape, the

13 cassette tape out of my tape recorder and gave it to Ms. Rube.

14 Q. You took the tape out and you gave it to her?

15 A. Uh-huh.

16 Q. And then what happened?

17 A. Well, I knew there was going to be a reception as soon as he was

18 done speaking and my intention of giving her the tape back was that I was going to

19 get it back after the speech was over with. I did not want to make a scene so I

20 just, you know, I gave her the tape. I didn't want to raise my voice or anything

21 because he was still speaking and I was trying to be respectful of that. So I just

22 kind of was keeping in my mind what had happened so after he was done

23 speaking I could go try to get my tape back from her.

24 Q. So she didn't get it back to you right away?

25 A. No, she had it and took it with her.

1 Q. You said she took it with her. Where did she --

2 A. Back to where she was sitting in the front row. There was another

3 male Marshal there and I don't know his name. I can't remember his name and

4 there was also a female. And I don't know if she's a Marshal or if she was an

5 Inspector. She might have been an Inspector. I don't remember what Melanie

6 used to describe what she was. But I think it was, she said my Inspector. And

7 again, I don't know how the ranks work so I don't know who that, but she was a

8 shorter lady. We have a picture of her. I don't know.

9 Q. That person would have been a Marshals Service employee as well.

10 A. Okay. That's her right there. I just, I can't -- I don't know her name.

11 I've never seen her before. And so she sat there with them for the rest of the

12 speech.

13 Q. She -- during the rest of the speech she maintained the tape?

14 A. Yes, she had the tape for the entirety of the speech.

15 Q. At some point did she come back to you?

16 A. No.

17 Q. Back to you?

18 A. No, nothing.

19 Q. You never got the tape back?

20 A. No, I got the tape back at the reception. I went up to her as soon as

21 the speech was over with and he was in the reception. I left before the students

22 got in there, the Associated Press reporter and myself. She, the Associated Press

23 reporter asked where I was going and I said I'm going to get my tape back. So, I

24 went back into the reception room and went up to Melanie who was, just in the --

25 she was in the crowd, not near where Scalia was, but kind of visiting with other

1 people. And I said, hey, I really need my tape back. I said I've got some important  
2 stuff on there and I really need to have it back. And she said that I couldn't have it  
3 back because I was not supposed to be recording the event and that I knew that.  
4 And I said, oh, I don't think that we were, I said the announcement was never  
5 made that we could not record. There was an announcement made at William  
6 Carey but there was not an announcement made at PCHS. She said, well the  
7 announcement was made.

8 And, you know, we kind of went back and forth. I'm like, well, I did not hear  
9 it. Well, maybe you weren't in there when the announcement was made. And I  
10 said I really don't think so. I said I was there a half hour before anybody even  
11 walked in, you know, anybody official walked in, so I don't think there was an  
12 announcement made. So we went back and forth. And I said look, I really need to  
13 have my tape back. I said I've got stuff that's on the other side of that tape that  
14 has nothing to do with Scalia that I need to have today, because I'm going on  
15 vacation tomorrow which would have been Thursday, and I had stuff on that side  
16 of the tape that I needed to write stories for tonight which would have been  
17 Wednesday. And she said, well I can't give it to you.

18 And I said well I need, I said I don't know what you need to do. I said, but I  
19 really need to have that tape back. I said I don't know if you need to, you know, I  
20 don't know what you need to do, but I have to have that tape back. So she went  
21 back and asked, I told her I said I have my tape recorder, but I don't have any  
22 other tapes, you know. And I, and she said, well let me go see what I can do. So  
23 she went over to this lady who I believe she called her Inspector, but I don't know.  
24 Like I said I can't remember verbatim what she had said. And about two or three  
25 minutes passed and I walked up, yeah, that lady right there. And I walked up to, I

1 saw her kind of over there talking to the lady who had my tape. Because Melanie  
2 said she did not have the tape anymore. She had given it to her Inspector.

3 So, she went over to her Inspector and I waited like a minute or two and as I  
4 walked over there and see what the process is. 'Cause I mean I needed my tape  
5 if I was going to have it to finish recording student quotes and comments and I was  
6 going to try to get my tape back.

7 Q. Did she turn over this tape to the woman she described as her  
8 Inspector?

9 A. Yeah, she told me she said I don't have it. I have to go talk to my  
10 Inspector. I'll have to go and see if she has it.

11 Q. Did you ever see her hand the tape to this woman?

12 A. No, but she was sitting, I believe she was sitting next to her in the  
13 front row of the gymnasium. So she very well could have given her the tape then.

14 Q. But again, you did not hear an announcement at the high school the  
15 way you heard the announcement at the college and because of that you assumed  
16 that those restrictions no longer applied?

17 A. That's correct. I felt that it was just a William Carey convocation  
18 thing. Because I've heard of, you know, they're, you know, they're usually Baptist,  
19 they don't like to have their convocation things recorded. So I figured it was just a  
20 convocation thing for William Carey. I did not know it was, you know, an order.  
21 He did not say, Justice Scalia does not want us. He just said we ask that there's  
22 no tape recording, so I did not know that that was the standing order or that there  
23 was an order issued. There was not an order issued at Presbyterian Christian.

24 Q. So you didn't attribute that to Scalia or Scalia's wishes --

25 A. No.

1 Q. -- at the time.

2 A. No, I attributed it strictly to Larry Kennedy who's the President of  
3 William Carey.

4 Q. How did things conclude with your tape?

5 A. I -- after she talked with her supervisor I kind of met her halfway  
6 through there and she had the tape in her hand. And she said --

7 Q. I'm sorry you said she, who?

8 A. Melanie had the tape in her hand and said I can give this back to  
9 you. She said but you have to erase the speech. You have to erase his entire  
10 speech. And I said okay. So she gives me the tape and she says I need to make  
11 sure you're going to record over it or erase the entire speech and I said okay I'll do  
12 that. And she gave me my speech, my tape cassette recorder back and I walked  
13 over to the stage in this reception room and put my tape in the recorder, rewound  
14 it, 'cause it was a good 45 min-- you know 30, 40 minutes of the speech, rewound  
15 it and then began taping over it. I hit record and play and then was just taping  
16 blank, pretty much dead air for about 10 or 15 minutes until I left.

17 Q. The tape --

18 A. Taped over the speech, uh-huh. Actually I left the recorder on the  
19 stage and I was out doing my other work. I just left it sitting there just recording  
20 blank air.

21 Q. So following this incident you did not have occasion to speak with the  
22 other reporter involved, Ms. Grones?

23 A. Yes, I did speak with her. I spoke with her. She came back to the  
24 Hattiesburg American and had to e-mail something to her editor in Jackson,  
25 Mississippi so she had come here to use the internet to e-mail something. I

1 believe it was just a piece on what the speech was and stuff like that to her editor.  
2 So I did speak with her. We did not ride in the same car, but I came back here and  
3 she was here writing something up.

4 Q. Before I conclude this interview I would like to ask you if there's  
5 further information you wish to add or any statement you wish to make before I  
6 stop the recorder?

7 MR. VAN SLYKE: I do have one question of you if in you're in a position to  
8 answer it. At this point do you have any information that Ms. Rube was under  
9 orders from anyone to seize the tapes?

10 INSP. GOODMAN: It would not be appropriate for me to comment at this  
11 time. We are at the early stages of the investigation. I can neither confirm nor  
12 deny that I have any information to that effect.

13 MR. VAN SLYKE: Okay. We will hopefully get that in the report that you  
14 mentioned.

15 INSP. GOODMAN: Yes, thank you. Is there any other information you wish  
16 to add or statement?

17 A. I don't think so. I believe that's it.

18 MR. VAN SLYKE: When we go off the record if I could just ask you, there's  
19 one question I wanted to ask you about.

20 A. Okay.

21 INSP. GOODMAN: Are you prepared for me to stop the —

22 MR. VAN SLYKE: Yeah, if you'd like to stop the recorder just for a minute. I  
23 mean I want to talk with her for just a second off the record.

24 INSP. GOODMAN: Is there a possibility you would want to come back on  
25 the record?

1           MR. VAN SLYKE: Possibility.

2           INSP. GOODMAN: The time is now 3:48 p.m. and I will stop the recorder.

3                               (Discussion off the record.)

4           INSP. GOODMAN: After taking a break we are returning to the tape to  
5 conclude the interview of Antoinette Konz. The time is now 3:56 p.m. on April  
6 19th, 2004.

7                               (Whereupon, at 3:56 p.m., the interview was concluded.)

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# **EXHIBIT 10**

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

ROBERT MORRIS

APRIL 20, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**

6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**7 Pages Total**

1 [INTERVIEW OF ROBERT MORRIS BY INSPECTOR GOODMAN IN CASE  
2 NUMBER: 04-0256.]

3 INSP. GOODMAN: Today's date is April 20, 2004. The time is 3:28 p.m.  
4 My name is Bruce Goodman. I'm a Senior Inspector with the U.S. Marshals  
5 Service Office of Internal Affairs. I'm here today to conduct an interview of Robert  
6 Morris. Your participation in this interview is strictly voluntary and relates to an  
7 ongoing administrative investigation. This interview is being audiotaped, therefore  
8 I would ask that you speak clearly and that your answers be directed at the  
9 microphone located on the table in front of us. Mr. Morris and I are the only ones  
10 present for this interview. This interview is taking place at the Times Newspaper  
11 Office, Number 4, Willow Point, Hattiesburg, Mississippi 39402.

12 Mr. Morris, before I begin with any questioning, I need to administer an oath  
13 to you. Please raise your right hand. Do you solemnly swear or affirm that the  
14 information you're about to provide is the truth to the best of your knowledge?

15 A. Yes.

16 Q. I also need to obtain some biographical information about you.  
17 Please state your full name and spell it for the audiotape.

18 A. Robert R-O-B-E-R-T Michael M-I-C-H-A-E-L Morris M-O-R-R-I-S.

19 Q. Where are you employed?

20 A. The Times Newspaper.

21 Q. What is your title?

22 A. Reporter.

23 Q. How long have you been employed by your present company?

24 A. Just less than one year.

1 Q. What is your telephone number here at the office?

2 A. 601-268-2331.

3 Q. Mr. Morris, on April 7, 2004 did you attend a speech by Justice

4 Scalia?

5 A. Yes.

6 Q. Can you tell me about your attendance at that speech?

7 A. I attended the speech at Presbyterian Christian High School. There

8 was a prior speech at William Carey College that I did not attend. I attended on

9 the invitation of one of the teachers there. And what else do you want me to say?

10 Q. Okay. Can you tell me approximately how many minutes before his

11 speech, before he began his speech you were --

12 A. I would say about ten minutes, five minutes approximately, but I was

13 in the building probably ten minutes before he arrived, speaking to people I knew.

14 And I sat down near some other reporters, next to some other reporters for the

15 speech.

16 Q. So you indicated you arrived approximately five or ten minutes

17 beforehand. But you weren't in your seat during that entire time?

18 A. No, I was not in my seat that entire time.

19 Q. And you were not in the media section during that entire time?

20 A. No.

21 Q. And when I say media section, was there an area that was sort of

22 designated for the media?

23 A. If it was designated I would kind of say no, there was not any

24 designation whatsoever. There were some other reporters that I knew, you know,

25 through working here. But the television media was all over the place and the

1 photographer for the newspaper, for the other newspaper was walking around, so  
2 — and there was nothing marked on the seats. It was close to the front and I saw  
3 people I knew. You know, I saw my colleagues there so I sat with them.

4 Q. Now, you refer to your colleagues, did you know these two female  
5 reporters?

6 A. I knew Ms. Konz previously from just working on other stories with  
7 her, you know, in the same place that she was. I had never met Ms. Grones and  
8 didn't even know she was a reporter.

9 Q. Did you sit next to them on the bleachers?

10 A. I sat next to Ms. Konz.

11 Q. You sat next to Ms. Konz? And so on the other side of Ms. Konz was  
12 where Ms. Grones was seated?

13 A. Yes.

14 Q. Prior to the speech were you present for any sort of instruction given  
15 about recording restrictions?

16 A. I was given no instructions whatsoever.

17 Q. Did you see a teacher by the name of Jason Meaux or do you know  
18 a teacher by the name of Jason Meaux?

19 A. I know him by name. I'm not sure if he knows me or not, but I did  
20 see him and I was sitting like three or four seats away. He was seated in the  
21 students section but I was seated, the bleacher where I was sitting was only a few  
22 feet away from him.

23 Q. So you were not there for any address he might have made to the  
24 media.

25 A. I heard no address whatsoever.

1           Q.     Is it possible that an address might have been given while you were  
2 away from the area and doing something else?

3           A.     Certainly.

4           Q.     During the speech do you recall seeing any sort of altercation or  
5 verbal exchange between either of the two reporters that were seated to your  
6 right, I believe?

7           A.     No, there was no, I didn't notice any altercations whatsoever.

8           Q.     Did you notice any sort of verbal exchange between, you know, one  
9 of the two reporters and perhaps an unidentified female?

10          A.     No. But I was paying close attention to the speech and I could have  
11 missed it, I suppose.

12          Q.     Did you record the speech?

13          A.     No.

14          Q.     Is it your standard practice to record events or do you simply take  
15 notes?

16          A.     I prefer to take notes.

17          Q.     Were you assigned to cover this story by your newspaper, or --

18          A.     Essentially we had a lot of leeway here, but I made it clear that I  
19 would be at the speech.

20          Q.     Following the speech, were you made aware of any sort of issue  
21 involving the media?

22          A.     No, I was aware that there was going to be a reception for Justice  
23 Scalia after the speech and I wanted to, well emphasis in this story that I was there  
24 to write on the students' interaction with Justice Scalia. I wanted to examine the  
25 types of questions that they asked him and so I wanted to get in and see their

1 interaction with him during the reception as quickly as possible.

2 Q. Prior to April 7, 2004 when you covered the speech, did you do any  
3 sort of research on Justice Scalia?

4 A. Nothing formal.

5 Q. Did you get on the internet and research --

6 A. I had read about him in the past but I can't say that and there were,  
7 you know, things written about him before he came and I read those. But I didn't  
8 seek out any information about him, anything to that effect. As I said my interest in  
9 the speech was how the students, you know, how some 12th grade students were  
10 able to interact with a Supreme Court Justice.

11 Q. Were you aware of the recording of this event by any other members  
12 of the media?

13 A. Yeah, I did see the tape recorders by the other two reporters.

14 Q. Did you see the recorders, the recorders of any other reporters that  
15 might have been present?

16 A. No, those were the only two I noticed, the two sitting next to me.

17 Q. Did you have occasion to speak with either reporter following the  
18 event?

19 A. I don't believe I spoke to either reporter following the event. I spoke  
20 to Ms. Konz prior to the event and I talked to the photographer for the Hattiesburg  
21 American prior to, following the event, but nothing was ever mentioned about tape  
22 recorders or anything. He was changing his tire and that's what we talked about.

23 Q. When did you first become aware of an issue regarding the taping  
24 restrictions?

25 A. Not until it could have been the television news. Seems like they

1 may have reported on it that night and I believe I was told about that. I didn't see  
2 the report myself, but if I recall correctly someone told me that that's what their  
3 report had focused on.

4 Q. So, during the speech on April 7, 2004 nothing stuck out in your mind  
5 as odd in terms of what may have transpired between security personnel and the  
6 members of the media.

7 A. No, not that I can recall.

8 Q. Before I conclude this interview I'd like to ask you if there's any  
9 further information you wish to add or any statement you wish to make before I  
10 stop the recorder?

11 A. All that I would add is that my attention during the speech was  
12 focused on the speech and not on my colleagues. So any sort of altercation could  
13 have taken place without my knowledge. And I guess that's it.

14 INSP. GOODMAN: This concludes the interview of Robert Morris and I will  
15 now stop the tape recorder.

16 (Whereupon, the interview was concluded.)

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# **EXHIBIT 11**

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

BARRETT MOSBACKER

APRIL 20, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**  
6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**10 Pages Total**

1 [INTERVIEW OF JASON MEAUX BY INSPECTOR GOODMAN IN CASE  
2 NUMBER: 04-0256.]

3 INSP. GOODMAN: Today's date is April 20, 2004. The time is 1:49 p.m.

4 My name is Bruce Goodman. I'm a Senior Inspector with the U.S. Marshals

5 Service Office of Internal Affairs. I am here today to conduct an interview of

6 Barrett Mosbacker. Your participation in this interview is strictly voluntary and

7 relates to an ongoing administrative investigation. This interview is being

8 audiotaped, therefore I would ask that you speak clearly and that your answers be

9 directed at the microphone located on the table in front of us. Mr. Mosbacker and I

10 are the only ones present for this interview. This interview is being conducted at

11 Presbyterian Christian High School, 221 Bonhomie Road, Hattiesburg, Mississippi

12 39401.

13 Mr. Mosbacker, before I begin with any questioning I need to administer an

14 oath to you. Please raise your right hand. Do you solemnly swear or affirm that

15 the information you're about to provide is the truth to the best of your knowledge?

16 A. I do.

17 Q. I also need to obtain some biographical information about you.

18 Please state your full name and spell it for the audiotape.

19 A. Barrett L. Mosbacker, B-A-R-R-E-T-T M-O-S-B-A-C-K-E-R

20 Q. And where are you employed?

21 A. At Presbyterian Christian School.

22 Q. What is your title?

23 A. Headmaster.

24 Q. How long have you been employed by --

1           A.     Eighteen months.

2           Q.     What is your telephone number here at the office?

3           A.     601-589-4956.

4           Q.     On April 7, 2004 your school hosted a speech by U.S. Supreme  
5 Court Justice Antonin Scalia. How did this event come about?

6           A.     I wrote Justice Scalia a letter, I believe it was sometime in  
7 December, inviting him to speak to our student body.

8           Q.     Did you receive some sort of response from him, from his office?

9           A.     Yes, I, well no actually I sent him the letter and then I had asked a  
10 local Justice if he, who happens to be friends with Justice Scalia, if he would  
11 basically call him and let him know of my letter, which he did. And then Justice  
12 Pickering called me back and said he's accepted the invitation and that's how we  
13 had it confirmed.

14          Q.     So you never received any sort of written correspondence from  
15 Justice Scalia or from his office?

16          A.     No, I did not.

17          Q.     Did your school send out written invitations for this event?

18          A.     Yes, we did.

19          Q.     If you can just tell me a little bit about those invitations that went out.  
20 Were those invitations to --

21          A.     There were multiple invitations that went out. One was just a general  
22 parents notification and invitation to our parents. Then we sent out an invitation to  
23 kind of a community VIP list which comprised members of the City Council, the  
24 Mayor, a couple members in the military from Camp Shelby, some local judges,  
25 some pastors in the area, etc.

1 Q. Presbyterian Christian High School, is this a public institution or  
2 private?

3 A. It's private.

4 Q. Was this event private or was it open to members of the public?

5 A. It was open to members of the public.

6 Q. So anyone could have shown up?

7 A. Anyone could have shown up, yes, yes.

8 Q. And do you have a list of the reporters you invited?

9 A. I'm not sure.

10 Q. Do you know approximately how many members?

11 A. I personally did not invite them. I turned that over to someone else. I  
12 think basically it was kind of a generic. I know we contacted WDAM. We  
13 contacted Hattiesburg American and I'm pretty sure we also contacted I believe it's  
14 the Independent. Beyond that I think it word, it pretty much spread word of mouth  
15 at that point.

16 Q. So you passed this along to someone else to --

17 A. My secretary probably would have a list. I can double check with  
18 her.

19 Q. Did you meet with U.S. Marshals Service Court Security Inspector  
20 Debra Sanderson and provide U.S. Marshals Service personnel with a tour of your  
21 school on April 6, 2004?

22 A. Yes, I did.

23 Q. Do you remember what issues you discussed with respect to the visit  
24 of Scalia on the following day?

25 A. I don't really remember the specific conversations. The general gist

1 of those was approximately when he would arrive; tour of the general facilities. As  
2 I understood for general security issues, so what the issues might be. I frankly do  
3 not recall whether at that point the Marshals had mentioned anything regarding  
4 press restrictions. They may have. I don't, I simply do not recall them doing so.

5 Q. Do you recall when it was that you remember hearing specifically  
6 about press restrictions?

7 A. Yes, yeah. The time I recall hearing about it was when they arrived  
8 with Justice Scalia, immediately prior to basically walking him into the gymnasium,  
9 that's when I recall that conversation taking place. Again, it may have taken place  
10 the day before when they were here, but I don't recall it. I did not receive any  
11 written communications from the Marshals Service, though.

12 Q. Nor did you receive any written communications from Justice Scalia.

13 A. That's right. In fact, I just checked my file. The only thing I did  
14 receive was from Charles Pickering to an Edwin Pittman, Chief Justice Supreme  
15 Court Mississippi. Saying Dear Ed, I talked with Barrett Mosbacker about a move  
16 of the time of Justice Scalia's visit, but that was pretty much the only thing that was  
17 included.

18 Q. And again there was no reference to recording restrictions.

19 A. No, that's right, no, no.

20 Q. – in that correspondence.

21 A. That's right.

22 Q. You indicated that when Justice Scalia and the security detail arrived  
23 the issue of recording or restrictions against recording did come up.

24 A. It did, yes.

25 Q. And can you tell me about what was discussed?

1           A.     One of the Marshals, there were several and I don't recall which one.  
2     But one of the Marshals made it clear at that point that Justice Scalia preferred not  
3     to have video or audiotapes. But my understanding was that still photography, still  
4     photos would be permissible. So that's essentially what I was told.

5           Q.     And again, you don't recall which Marshal --

6           A.     Unfortunately I do not. There were three or four there. I frankly don't  
7     recall who told, said what because there were multiple conversations taking place  
8     at the time.

9           Q.     Did you or any of your staff members make announcements to  
10    members of the media regarding recording restrictions?

11          A.     I made individual announcements to individual reporters. I did not  
12    make an announcement from the podium. As I was walking in with Justice Scalia  
13    into the gym, there were two or three representatives of the media present. One  
14    was a representative, a reporter actually from WDAM and I told him very  
15    specifically could not record the events. He shook his head in the affirmative, he  
16    understood. There was another, either it was newspaper reporter or photographer  
17    and I'm not sure it was because again I was walking with Scalia and I didn't have  
18    time to check it. And I told him no recordings, but you may take still photos.

19          Q.     Do you know with whom he was employed?

20          A.     He was with the Hattiesburg American, I believe, but I don't recall  
21    seeing a press badge, so. And again the difficulty was I was initially walking Scalia  
22    into the auditorium at the time so it wasn't, I didn't have time at that point to really  
23    go into depth. But I did tell those two individuals with the press they could not do  
24    so. I was not aware, I did not speak to the female journalist with the Hattiesburg  
25    American, Konz I believe is her name and I did not know that the AP Press was

1 there either, so.

2 Q. Have you had any conversations with teacher Jason Meaux about  
3 the events that unfolded on April 7, 2004?

4 A. Not related to the press at all, just, you know, how pleased he was  
5 how it went. And I talked to him about how well I thought the students had  
6 formulated their questions, things like that. We really have not discussed the  
7 press coverage, other than maybe just a passing but nothing in particular.

8 Q. According to an article by Hattiesburg American executive editor Jon  
9 Broadbooks, Jason Meaux has indicated that he spoke with a representative of  
10 WDAM TV, reporters from the Hattiesburg American and the Associated Press  
11 and another unidentified member of the media regarding taping restrictions. The  
12 Hattiesburg American quoted Jason Meaux as saying "I told them there would be  
13 no type of recording allowed." Did you observe or did you hear Mr. Meaux give  
14 instructions of this nature?

15 A. I did not.

16 Q. Were you in some sort of holding area prior to entering --

17 A. Yes.

18 Q. -- the auditorium for the speech?

19 A. Yes, we had just built a new wing to the facilities and there was an  
20 unfurnished office that we pulled some chairs into and we had the Marshals and  
21 Justice Scalia in that office.

22 Q. Is it possible then that teacher Jason Meaux gave these instructions  
23 while you were outside the auditorium?

24 A. Yeah, he, well he could have done it even as I was walking in for all I  
25 know. But clearly I wasn't present when he did it, at least not near him.

1 Q. Did you hear or observe any conversations between U.S. Marshals  
2 Service personnel, Deputy Melanie Rube in particular and members of the media?  
3 A. No, I did not.  
4 Q. Did you have any conversations with Justice Scalia regarding the --  
5 A. I don't recall a direct conversation with Justice Scalia, but my  
6 recollection is that the Marshals addressed the issue upon their arrival with him.  
7 He was there with the group. I don't recall interacting directly with him, so there  
8 may have been some brief exchange of words, I don't know. But I think most of  
9 the conversation took place between me and the Marshals.  
10 Q. But when you were party to that conversation, upon their arrival, I  
11 think you indicated that Justice Scalia was right there at the time.  
12 A. Yes, he was, yes.  
13 Q. So he could hear what the Marshals were saying?  
14 A. I presume so, yes.  
15 Q. And --  
16 A. Now there were a couple times when he stepped out to go to the  
17 men's room, so there were a couple of instances in which I was just with the  
18 Marshals and he was not immediately present. There was another instance, I  
19 believe, in which he was in the office and we had stepped out into the hall. So I  
20 can't say with certainty that he heard that. I'm assuming there were some points  
21 of conversations along those lines.  
22 Q. And again, specifically can you recall what it was that was conveyed  
23 to you by the Marshals?  
24 A. Not verbatim, but the gist of it was that there were to be no  
25 recordings, video or audio of his presentation.

1 Q. Following this alleged incident, did you have conversations with any  
2 members of the media regarding the day's events of April 7, 2004?

3 A. Yes. I believe I had conversation with the Hattiesburg American  
4 reporter. I had a conversation with the reporter from Education Week. I had  
5 received a call from the LA Times which I believe was a reporter based in  
6 Washington in this case. And there was another national media outlet that I think it  
7 was either ABC or NBC News that left a message for me. But I did not get that  
8 call. When I called back, they never returned my call so that was the last I heard  
9 of them.

10 Q. From these conversations, any of these conversations you had with  
11 members of the media, did the issue of taping restrictions come up?

12 A. They asked me about it. I believe I did. If I recall correctly, I think  
13 most of their focus was what did I see and hear in relation to the Marshals and the  
14 reporters and what was my perception in their view the irony or the paradox of  
15 Justice Scalia being an advocate for the First Amendment but restricting the  
16 media's ability to record. They really wanted my reaction to that and did I see or  
17 hear anything specific regarding the Marshals and the reporters.

18 Q. And this would have been on April 7th or soon thereafter.

19 A. Yes. Yes.

20 Q. And again based upon our conversation, you were not privy to that  
21 exchange between the Marshal --

22 A. No, I mean I was in the very front row on the edge of the aisle right in  
23 front of the podium. And I was pretty much focused on Justice Scalia. The only  
24 exchange I saw at all was Justice Scalia asking a photographer to please quit  
25 clicking so many pictures, because the photographer had it on almost auto format

1 for taking pictures and it was just taking picture after picture after picture. After  
2 about a third of the way through his speech Justice Scalia said, something to the  
3 effect I suspect you probably have enough now. If you wouldn't mind I'd  
4 appreciate it if you'd quit taking pictures. That's the only thing I observed.

5 Q. Before I conclude this interview I would like to ask you if there is any  
6 further information you wish to add or any statement you wish to make before I  
7 stop the recorder?

8 A. Not in particular. I was grateful, of course, for Justice Scalia's visit.  
9 That was quite an honor for our students and I was appreciative of the way the  
10 Marshals conducted themselves. They were very professional, very kind and  
11 courteous. If I had a recommendation, it would be that if there are protocols that  
12 are to be followed, it would be nice to know in advance, preferably in writing so  
13 that if there are any questions we can deal with it. It's difficult to respond at the  
14 spur of the moment. So that would be just simply a recommendation to avoid  
15 misunderstandings in the future.

16 INSP. GOODMAN: Thank you. The time is now 2:03 p.m. and today's date  
17 is April 20, 2004. This concludes the interview of Headmaster Barrett Mosbacker.  
18 And I will now stop the tape recorder.

19 (Whereupon, at 2:03 p.m., the interview was concluded.)  
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25

# **EXHIBIT 12**

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

JASON MEAUX

APRIL 20, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**  
6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**11 Pages Total**

1           [INTERVIEW OF JASON MEAUX BY INSPECTOR GOODMAN IN CASE  
2   NUMBER: 04-0256.]

3           INSP. GOODMAN: Today's date is April 20, 2004. The time is 2:22 p.m.  
4   My name is Bruce Goodman. I'm a Senior Inspector with the U.S. Marshals  
5   Service Office of Internal Affairs. I'm here today to conduct an interview of Jason  
6   Meaux. Your participation in this interview is strictly voluntary. It relates to an  
7   ongoing administrative investigation. This interview is being audiotaped, therefore  
8   I would ask that you speak clearly and that your answers be directed at the  
9   microphone located on the table in front of us. Mr. Meaux and I are the only ones  
10   present for this interview. This interview is taking place at Presbyterian Christian  
11   High School, 221 Bonhomie Road, Hattiesburg, Mississippi 39401.

12          Mr. Meaux, before I begin with any questioning I need to administer an oath  
13   to you. Please raise your right hand. Do you solemnly swear or affirm that the  
14   information you are about to provide is the truth to the best of your knowledge?

15          A.     It is.

16          Q.     I also need to obtain some biographical information about you.  
17   Please state your full name and spell it for the audiotape.

18          A.     Eugene Jason Meaux, E-U-G-E-N-E J-A-S-O-N M-E-A-U-X.

19          Q.     Where are you employed?

20          A.     Presbyterian Christian High School.

21          Q.     What is your title?

22          A.     Teacher.

23          Q.     How long have you been employed by Presbyterian Christian High  
24   School?

1           A.     This will finish four full years.

2           Q.     What is your telephone number here at the school?

3           A.     582-4956.

4           Q.     Mr. Meaux, what was the nature of your involvement regarding the  
5 visit of Justice Scalia to Presbyterian Christian High School on April 7, 2004?

6           A.     Well, I actually had nothing to do with his coming. My job was to  
7 prepare my senior AP class and my other seniors for his visit by having them read  
8 his book, A Matter of Interpretation, and having them look over some cases that he  
9 made decisions on in the past and to come up with some questions, some  
10 intelligent, thought-provoking questions for his visit to ask him during the question  
11 time.

12          Q.     Sir, in this process, did you do any research about prior speeches he  
13 may have given at other institutions?

14          A.     I actually did not, just mainly any reports or decisions that he's made  
15 on the Supreme Court itself. We just stuck wholly with the Supreme Court.

16          Q.     How were you made aware of taping restrictions that were to be  
17 imposed on members of the media on April 7, 2004?

18          A.     Well, actually what happened was before the whole speech came  
19 over to the other building where he walked into with his entourage of Marshals and  
20 other guests I assume, and the main reason I approached him with Mr. Mosbacher  
21 is because I had the individual who was going to be praying, or opening up with  
22 prayer, ask how to pronounce his first name because there was a subject of  
23 debate here with other people so that was my question to him, and I also  
24 presented him the questions we had to make sure there was nothing controversial  
25 that could get him in trouble. So, he looked over the questions and told us yeah,

1 or nay on certain ones.

2 And then when I went back, I was there for a good 10 minutes or so, Mr.

3 Mosbacker and [REDACTED] came into the building. They were on the stage when I

4 approached them because I saw a man with a camera. And I asked him what he

5 had, if anything, to do with recording, and he said no. Mr. Scalia said no recording

6 at all. So that's when I walked to the media section or the section where they have

7 most of the media and that's when I approached them about it.

8 Q. I'm sorry. Just for clarification, who is it that told you that Scalia said  
9 no?

10 A. Mr. Mosbacker.

11 Q. Mr. Mosbacker.

12 A. He was on the stage at the time, yes. He said no recording and  
13 that's when I approached the guy with the camera and everyone else who was  
14 sitting in that section.

15 Q. And approximately how many minutes if you can estimate before  
16 Scalia began to speak was it that you went over and addressed these members of  
17 the media which you refer to as the media section?

18 A. Yes. That would be hard. I would say it was just 10 minutes or less  
19 before he came in, probably five or six minutes, actually.

20 Q. So presumably any members of the media who would have been  
21 covering the event at the time would have been seated?

22 A. Yes, except for two that I knew of that were not there that I noticed  
23 afterwards sitting at the top. That would be Brandon Ross with WDAM and  
24 another individual with him, a lady, so. But we had already contacted or I had  
25 already talked to the WDAM camera man.

1 Q. You had already spoken with him?

2 A. Yes. 'Cause he asked a specific question about recording just when

3 he walks in and that's when Mr. Mosbacker was walking up and I posed the

4 question to him and Mr. Mosbacker took over afterwards.

5 Q. But with the exception of this gentleman from WDAM --

6 A. WDAM.

7 Q. -- and this woman who was with the gentleman --

8 A. I assume she was with him. She was sitting beside him.

9 Q. Beside him.

10 A. Uh-huh.

11 Q. With the exception of those two individuals, it was your

12 understanding, your impression or your observation that all the other members of

13 the media were in place?

14 A. Yes, the ones that I noticed. There were four of them, one

15 unidentified that I know of, the camera man and the two written press reporters.

16 And I found out later there was another one from the Independent Newspaper that

17 was there also, so.

18 Q. Can you identify the Independent Newspaper, if you know?

19 A. I do not recall his name. It was told to me by a faculty member's wife

20 who was sitting behind two of the reporters off to the side.

21 Q. But those individuals that you described, I think you described four

22 members of the media --

23 A. Yes.

24 Q. -- that were in the "media section?"

25 A. Yes.

1 Q. And you addressed those members?

2 A. Yes.

3 Q. And can you tell me what it was you said to those members?

4 A. Well, I didn't say anything specifically about what type of recorder. I

5 just said there are no type of recordings. There will be no type of recordings and

6 that's when the WDAM guy stepped down and asked me. He's the one who

7 posed the question to me and that's why I turned my attention to him, so --

8 Q. But this was at the front of the auditorium or close --

9 A. Yes.

10 Q. The first two rows.

11 A. Yes.

12 Q. The front two rows.

13 A. Well, I say front two rows. It was the first section. The unidentified

14 guy was about four seats up, five seats up. The camera man was on the first or

15 second row and the other two reporters were to the right of the aisle about three

16 seats up, I think.

17 Q. And can you estimate approximately how far those other two

18 reporters, these are two female reporters we're talking about?

19 A. Yes.

20 Q. And one of those would have been from the Hattiesburg American?

21 A. And the other one was from the AP because they both interviewed

22 me afterwards.

23 Q. Okay.

24 A. And I would say they were about 12, 15 feet away, so --

25 Q. But you addressed your comments to those --

1           A.     To all people, I looked at all of them, yes.

2           Q.     Can you estimate whether there was any sort of acknowledgment? I

3     mean, was it your sense that your announcement got through to those --

4           A.     It was my sense, or my knowledge or my understanding that they

5     heard what I said or at least it was loud enough for them to hear. And whether or

6     not I could see if they acknowledged me by saying, okay, I understand because

7     the camera man caught my attention, that's when I had to turn my attention to Mr.

8     Mosbacker and find out if that was okay to allow the recording of just Scalia's, Mr.

9     Scalia's walking in and everyone standing up and that's it.

10          Q.     But these two female reporters that you spoke to following the event

11     were the same reporters who were seated --

12          A.     Yes.

13          Q.     -- a couple of rows up?

14          A.     Yes.

15          Q.     And I'm sorry. And exactly how many rows up would you say?

16          A.     Like I said, I mean I'll say three or four rows up, two to four rows up.

17     I mean I didn't count the rows at the time, but it was close enough and they were

18     down at the bottom. They weren't at the top with other people. 'Cause there were

19     other people sitting around also at the time. But --

20          Q.     But your attention when you spoke was directed at that area?

21          A.     That area, because I looked at all four of them in that area. And

22     there was someone else sitting there. I don't know if they were with the media or

23     not, in between the unidentified man on the left and the camera man. There was

24     someone else sitting in that area. It could have been media. I don't know.

25          Q.     And these two ladies were they seated near a stairwell on the

1 bleachers? Sort of a --

2 A. Yes, there was like a little aisle where you walk up the bleachers, left  
3 side, right side. They were right to the right of the aisle.

4 Q. And at the time, it was your belief that you were speaking loud  
5 enough that they could hear and you were addressing --

6 A. Yes, sir.

7 Q. -- comments to them.

8 A. Yes, sir.

9 Q. Did you witness any sort of exchange between these two ladies and  
10 Marshals Service personnel during the speech?

11 A. I didn't know anything until after. The only thing I heard was when it  
12 was time for me to stand up and start having the questions posed by my students I  
13 heard some talking going on behind me the entire time. And then afterwards when  
14 I found out that a tape was taken, I asked the reporter before any of that was even  
15 mentioned to me, did she hear any noise going on. Was there some talking. And  
16 that's when she told me yes, me and the other reporter were talking because our  
17 tapes were taken away. My only response was oh, really. And that's when she  
18 started interviewing me for her paper and that was the AP lady. The Hattiesburg  
19 American interviewed me in front of everybody inside the get together for Scalia.

20 Q. At that point when you spoke to these two reporters, did you discuss  
21 the announcement you had made prior to the --

22 A. Nothing was said to me about it or asked to me about it or anything.  
23 I was --

24 Q. So you didn't offer anything about your previous --

25 A. No. That was the last thing on my mind because they were wanting

1 to interview me, Associated Press. The only thought that was going through my  
2 head was my goodness, of all people to interview, me, a national newspaper, so --

3 Q. Right. Did they make some sort of comment to you of --

4 A. Well, the only comment she made was those two ladies talking  
5 because their recorder was taken away from them, so. And my only comment was  
6 oh, really, so I left it at that.

7 Q. The ladies who were involved in the taping, were those the ones who  
8 spoke with you though? Did they complain to you about having their, being  
9 directed to erase tapes or having tapes taken --

10 A. I don't recall the Hattiesburg American lady, I don't recall her saying  
11 anything to me about the tapes. The AP lady was the one that said something to  
12 me, the one that said that they were the ones talking and just because their tapes  
13 were taken away or one of their tapes was taken away and erased.

14 Q. Soon after this incident on April 7, 2004 were you out of town?

15 A. Yes, I left Thursday morning because we had a district track meet  
16 which was in Louisiana so we left first thing Thursday morning. Hattiesburg  
17 American doesn't come out until about 10:00 or 11 o'clock in the morning. So and  
18 I didn't find out anything 'cause we didn't get back till 9:30, 10 o'clock that night.  
19 So it was Friday, 'cause we're off for Good Friday, sometime that day that I  
20 received a phone call. I was mentioned to about the whole incident. I didn't even  
21 know it had blown up as much as it did. That's when I started picking up the  
22 newspapers reading and I was receiving phone calls from the media every day,  
23 so --

24 Q. Following the return from your track meeting were you contacted  
25 then by Hattiesburg American specifically Jon Broadbooks?

1           A.     He called me Tuesday afternoon, I believe. Talked to Jon  
2 Broadbooks.

3           Q.     Broadbooks. And did he interview you regarding the incident?

4           A.     He asked me about it because I had talked to one of the editors of  
5 the opinion page whose daughter is a student of mine. He came to school to give  
6 me the letter that Scalia had sent to that specific reporter, Ms. Konz, I believe. And  
7 he was asking me my feelings about it and I was telling him and I told him what  
8 happened because this was on Tuesday when I talked to him. I don't recall what  
9 that date is. It's the Tuesday after Good Friday, so -- and he asked if it would be  
10 okay if Mr. Broadbooks could call me to verify, to ask me what happened from my  
11 point of view, so that's when I told him.

12          Q.     And that's what you told Mr. Broadbooks?

13          A.     Yes.

14          Q.     Mr. Broadbooks?

15          A.     Yes.

16          Q.     What was the reaction of Mr. Broadbooks, if you recall?

17          A.     Actually it was the first time he had heard anything and then  
18 secondly he wanted to try to find out more. He was going to talk to his reporters  
19 'cause my gathering was that he wanted to make sure that, I don't want to say that  
20 his reporter wasn't in the wrong, but make sure she was right and he wanted to  
21 interview me, talk to me a little more about it and try to see how the stories pan  
22 out. Because I think he's going to contact WDAM to understand how they fall into  
23 this because they abided by what was told to them, unlike the other two reporters.  
24 And the Independent Newspaper didn't use a recorder, so --

25          Q.     So the only two members of the media that did not adhere to the

1 policy that you had announced --

2 A. Uh-huh.

3 Q. -- would have been the AP reporter and --

4 A. And Hattiesburg American.

5 Q. -- and Hattiesburg American.

6 A. Yes, sir.

7 Q. Before I conclude this interview, I would like to ask you if there is any  
8 further information you wish to add or any statement you wish to make before I  
9 stop the recorder?

10 A. I don't believe so.

11 INSP. GOODMAN: The time is now 2:36 p.m. and today's date is April 20,  
12 2004. This concludes the interview of Jason Meaux and I will now stop the tape  
13 recorder.

14 (Whereupon, at 2:36 p.m., the interview was concluded.)

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# **EXHIBIT 13**

U.S. Department of Justice

United States Marshals Service  
Office of Internal Affairs



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**WARNING AND ASSURANCE TO EMPLOYEE REQUIRED  
TO PROVIDE INFORMATION**

This is an official administrative inquiry regarding misconduct or improper performance of official duties. In accordance with the Privacy Act of 1974, you are advised that the authority to conduct this interview is contained in Title 28, Code of Federal Regulations, Subpart T, 0.111 (n) and 0.113.

The purpose of this interview is to obtain information which will assist in the determination of whether administrative action is warranted.

You are going to be asked a number of specific questions regarding the performance of your official duties.

You have a duty to reply to these questions and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding, except that if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings which could result in disciplinary action, including dismissal.

**ACKNOWLEDGMENT**

I have read and understand my rights and obligations as set forth above.

  
Signature (USMS Official Conducting Inquiry)

  
Signature (Employee's)

4-21-04  
Date

APR -23' 04(FRI) 17:40: USMS-INSPECTIONS

TEL:202 387 9779

P 002

## U.S. Department of Justice

United States Marshals Service  
Office of Internal Affairs**WARNING AND ASSURANCE TO EMPLOYEE REQUIRED  
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**ACKNOWLEDGMENT**

I have read and understand my rights and obligations as set forth above.

  
Signature (USMS Official Conducting Inquiry)  
Signature (Employee's)4/23/04  
Date

# **EXHIBIT 14**

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

MELANIE RUBE

APRIL 21, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**

6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**15 Pages Total**

1 [INTERVIEW OF MELANIE RUBE BY INSPECTOR GOODMAN IN CASE  
2 NUMBER: 04-0256.]

3 INSP. GOODMAN: Today's date is April 21, 2004. The time is 9:01 a.m.  
4 My name is Bruce Goodman. I'm a Senior Inspector with the Office of Internal  
5 Affairs. I'm conducting an interview of Melanie Rube. This interview relates to an  
6 ongoing administrative investigation. This interview is being audiotaped. Please  
7 speak clearly and allow me to finish my question before you begin your answer.  
8 Ms. Rube and I are the only ones present for this interview being conducted at the  
9 U.S. Marshals Office, 701 Main Street, Hattiesburg, Mississippi 39401. Mr.  
10 Luciano Cerasi, Ms. Rube's representative is listening to this interview via  
11 telephone. Mr. Cerasi, would you please introduce yourself and spell your name  
12 for the record?

13 MR. CERASI: Sure. First name Luciano, L-U-C-I-A-N-O, last name Cerasi,  
14 C-E-R-A-S-I. I'm Associate General Counsel for the Federal Law Enforcement  
15 Officers Association.

16 INSP. GOODMAN: Ms. Rube, before I begin with any questioning, I need to  
17 administer an oath to you.

18 A. Okay.

19 Q. Please raise your right hand.

20 A. All right.

21 Q. Do you solemnly swear or affirm that the information you are about  
22 to provide is the truth to the best of your knowledge?

23 A. Yes.

24 Q. I also need to obtain some biographical information about you.

1           A.     Okay.

2           Q.     Please state your full name and spell it for the record.

3           A.     Melanie, M-E-L-A-N-I-E Jean, J-E-A-N Rube R-U-B-E.

4           Q.     What is your title and GS grade?

5           A.     Deputy U.S. Marshal, GS-12.

6           Q.     What is your duty station?

7           A.     Hattiesburg, Mississippi.

8           Q.     What was your entry on duty date with the U.S. Marshals Service?

9           A.     June 3rd, 1990, I think.

10          Q.     I must advise you that you are required to truthfully answer all work-

11 related questions and that failure to answer work-related questions could result in

12 disciplinary action up to removal. Do you have any questions or statements you

13 wish to make before I begin the interview?

14          A.     Not at this time.

15          Q.     Ms. Rube, on April 7, 2004 were you part of a protection detail for

16 Supreme Court Justice Antonin Scalia?

17          A.     Yes.

18          Q.     Can you tell me about your involvement in the detail and how that

19 came about?

20          A.     Okay. Just beginning with when I found out that I was going to be

21 working this. Is that right?

22          Q.     That will be fine.

23          A.     Okay. We had a few weeks advance notice that he was coming to

24 Hattiesburg to speak at the school, at both schools and I had requested that I be

25 allowed to work it. They did need me to work it anyway so they needed both Billy

1 and myself, both, two of the Hattiesburg deputies. And so we, Billy handled most  
2 of the advance work locally before the Inspector came here by going to the school  
3 and just kind of feeling his way around, finding out where he needed to go. On  
4 April the 6th is the day that I became involved in it. When, and Court Security  
5 Inspector Debbie Sanderson from New Orleans, the other Court Security  
6 Inspector, Galen Knupp from Jackson. That's K-N-U-P-P, myself, and Deputy Billy  
7 Valentine from the Hattiesburg Office, the four of us went to both locations, to  
8 William Carey College. We met with the President of the College and then to  
9 Presbyterian Christian High School and met with Barrett Mosbacker.

10 Q. And again, just for clarification, this all occurred on April 6th, 2004.

11 A. Yes, yes, it did.

12 Q. Thank you. Please continue.

13 A. Are you interested in what happened at both locations or just --

14 Q. If you could just give us a synopsis of what your briefing may have  
15 entailed at both locations.

16 A. Okay. Okay.

17 Q. With particular focus on the second location, Presbyterian Christian  
18 High School.

19 A. Okay. At the first one, at William Carey we met with Dr. Kennedy  
20 who's the President. Debbie Sanderson and Galen Knupp did most of the talking.  
21 Debbie did almost all the talking and we just followed around to see where the  
22 Justice would be; where he would come in; where in the auditorium. It would be  
23 where the reception was and where the luncheon was. Debbie told Dr. Kennedy  
24 about the Justice's policy on not being recorded. And he said that would not be a  
25 problem. We stayed there for 30 minutes and Debbie addressed, I really don't

1 remember saying much of anything at the college. Debbie addressed everything  
2 and so we left there and went to Presbyterian Christian High School and met with  
3 the principal, Barrett Mosbacker. And he gave us a walk-through of the school;  
4 told us how it will be set up; who would be seated where and informed us that  
5 there would be a reception following. Debbie asked him would the media be  
6 present and he said yes. We had told Dr. Kennedy about the media restriction  
7 and his Chief of Security, I'm backing up to William Carey. His Chief of Security  
8 was with him and he turned to him and said, asked the Chief of security would you  
9 make a note, remind me to contact the media about the Justice's policy. But  
10 principal Mosbacker was alone and we told him. Debbie, I say we, Debbie I  
11 believe is who mentioned it over and again. She reiterated to him the Justice's  
12 policy, and this was on April 6th, that he did not want to be recorded.

13 Q. I'm sorry. I did not mean to interrupt. You said he did not want to be  
14 recorded. She suggested that he did not want to be recorded in any form, either  
15 video or audio?

16 A. As best that I can remember, to the best of my recollection.

17 Q. And she said this more than once to the --

18 A. She did. She said it to him more than once because she asked him.  
19 She made a point of asking him was the media invited. And I want to say that he  
20 said that WLOX was invited, which is a coast, Mississippi Gulf Coast news  
21 channel and that we didn't really follow up on it and we told him that he would  
22 need to make the announcement prior to the Justice's speech of his ban, I guess  
23 for lack of a better word on recording devices. He said he would do so. That was  
24 pretty much the end of that day.

25 The following day on Wednesday, April the 7th we met at the college. The

1 Justice was going to be arriving with some of his friends as well as Judge  
2 Pickering here in the Hattiesburg Office. So we were meeting them separately.  
3 We arrived on site first. Billy and myself went to one section. Debbie and Galen  
4 waited for the Justice in another area where he was to arrive. Came in. Dr.  
5 Kennedy or one of his staffers did make the announcement, although I did not  
6 hear it. Everyone has acknowledged the announcement was made as to his  
7 restriction on the recordings. I was seated a few feet behind the media. I didn't  
8 notice any interaction or any recordings or any recording devices. I don't even  
9 remember if the TV reporter was there. I know the cameraman was not in there.  
10 He spoke. Dr. Kennedy made a comment on the way, his final comment was to  
11 invite everyone to the, invite the staff to the reception and he said, he asked the  
12 media would you please wait until the staff has had a chance to meet him before  
13 you proceed with questions. And they left and they headed in my direction.

14 And I heard Justice Scalia tell Dr. Kennedy your press is going to be  
15 disappointed because I don't do interviews. I don't talk to the press. We walked  
16 out of there, rounded the corner into a reception area and there stood the WDAM  
17 Hattiesburg Channel 7 cameraman with his video recorder on. He was filming the  
18 Justice and everybody walking behind him. And they continued to show that bit of  
19 footage, no, not that footage. Never mind, scratch that. But anyway he was  
20 filming it. I don't know that I've seen that footage, but I think it has been shown on  
21 the local channel. Justice Scalia looked like he got angry. He walked over, kind of  
22 threw his notebook down, said something to the President of the College. I'm not  
23 sure what it was but I know it involved telling the media to go away or telling the  
24 cameraman to go away.

25 Dr. Kennedy turned around, put his hand up and spoke to the cameraman.

1 He packed up and left. We stood around with the Justice as he was doing his  
2 handshaking and talking and whatever. The Hattiesburg American reporter, her  
3 name is Antoinette Konz. Is that correct?

4 Q. I believe it's K-O-N-Z.

5 A. K-O-N-Z. We know her as Toni. She remembered me. She used to  
6 be a jailer here at Forest County jail and also a dispatcher with the Hattiesburg  
7 Police Department and she remembered me. So she started making small talk  
8 with me about was I still with the Marshals Service and nothing at all to do with the  
9 Justice. Just wanting to know did I remember her so on and so forth. And it was  
10 only just a minute or so, small talk.

11 Q. Did she know you were with the Marshals Service?

12 A. Yes, yes. She remembered me from when I would come over to the  
13 jail in the morning and do, pick up prisoners and she knew I was there with the  
14 Justice. From that point, we left and went to a luncheon for the Justice there at  
15 William Carey. There was nothing else that happened. The newspaper  
16 photographer for the Hattiesburg American was there and he was taking pictures.  
17 Also just different people were taking pictures with their own personal cameras.  
18 Like the Justice was posing for pictures with I guess staff members and all. And  
19 that's it. That ended.

20 Billy and myself went to the Presbyterian Christian High School also called  
21 PCS if I refer to it as that. We went there in advance of the Justice, Debbie and  
22 Galen. They were going to follow him over there. When we got there, we spoke  
23 to Mr. Mosbacker and we were more concerned, we were primarily focused on  
24 parking because where we had planned to park the day before it wasn't going to  
25 work out that day and so we ended up parking at the front door, walking in and we

1 took the Justice back to a little kind of a break room so he could have a few  
2 minutes to himself to gather his thoughts or whatever before he had to go straight  
3 up to the podium and speak. Debbie, Galen and the Justice were in the room.  
4 Billy and I were outside the room and different members of the high school staff  
5 were out there. I believe the Government teacher, Jason Meaux may have come  
6 up at one point. But Mosbacher was back and forth. He was with us and then  
7 he'd leave to go to the auditorium.

8 I asked him if he made the announcement. He said he did. I asked him on  
9 the way in to the gymnasium which is where the speech was held because I saw  
10 one of the TV reporters walking ahead of us going in another door. And I said well  
11 there are those WDAM reporters. Did you make the announcement? He said  
12 yes, I did. We go in there. I walked in and sat down off to the side on the  
13 bleachers. The Justice was facing his audience actually on the basketball court.  
14 There were some chairs set up and I sat off to the side on the bleachers with  
15 Debbie Sanderson and Galen Knupp. We came in, of course, after any and all  
16 announcements were made and they gave a little indication and he got up and  
17 began to speak. There was a Hattiesburg American, I believe, photographer  
18 there. I think his name is Gavin. I don't know his last name. He was apparently  
19 sitting in the section in between the students snapping pictures with his camera.  
20 And after several, several minutes of that, the Justice put his hand over the mic  
21 and spoke to the man and somebody told me that he told him you have taken  
22 enough pictures of me. And we were sitting there listening to the speech.

23 Billy Valentine was all the way in the back. He, you know, he didn't see any  
24 of this, but about 20 minutes probably into the speech, 20, 25 minutes Galen was  
25 sitting right behind me and he tapped me on the shoulder and whispered and

1 asked me was that a tape recorder next to this woman. And I looked at him and  
2 told him no, I thought it was a cell phone. He said, no, I think it's a tape recorder.  
3 She keeps mashing buttons on it. Looks like that's a cell phone behind her beside  
4 her purse. And I said Debbie, would you like me to go check it out? And she said,  
5 yes. So we were about five or six feet away from them on the same row. There  
6 was nobody seated between us and the reporters. So I walked over, sat down  
7 beside her and whispered to her and asked her was she a reporter. And she said,  
8 yes. And I asked her who she worked for and she said the Associated Press. I  
9 sat down. At some point, I identified myself. I'm not sure exactly when, that I was  
10 a U.S. Marshal. I was wearing U.S. Marshal lapel pin, but I can't say for certain  
11 that she saw it. She saw me come in with him and she was also at the first  
12 location because I remember her. I remember both reporters from the first  
13 location.

14 So, I sat down beside her. I picked up the digital recorder that was now  
15 between the two of us and I asked her was she recording and she said, yes. And I  
16 said I'm sorry, ma'am, it's the Justice's policy that he not be recorded and I'm  
17 going to have to ask you to turn this off and erase it. She did not want to erase it.  
18 It was a very polite interaction with her. She said that they did not make the  
19 announcement. I said well, he said he did. I asked him prior to coming in here.  
20 He said he did make the announcement that there was to be no recordings.

21 Q. And when you refer to he, at this point?

22 A. He, I'm referring to the principal, Barrett Mosbacker.

23 Q. Barrett Mosbacker.

24 A. Exactly. The whole time the Justice is giving his speech and the only  
25 people, I guess, that are hearing this or even aware of it are the deputies and the

1 reporters. So, she did not want to erase it. She told me I was going to ruin her  
2 story. She was making notes. She had several pages of notes that she had  
3 written and she told me that she wanted to, she needed her recording so she  
4 could quote him correctly. And I just told her, ma'am, I'm sorry. I'm not trying to  
5 make your job any more difficult, but it is his standing policy not to be recorded.  
6 Debbie said, I motioned for Debbie to walk over there. She walked over. Well, let  
7 me pause that because I had interaction with the Hattiesburg American reporter  
8 before Debbie walked over.

9 Denise Grones was the Associated Press reporter that I was talking to.  
10 She took the recorder from my hand. I mashed a button on the recorder thinking I  
11 was stopping it. I'm not familiar with a digital recorder and did not want to do  
12 anything to damage her recorder. And I said you're going to need to erase this.  
13 She took the recorder from my hand and she started erasing it mashing the, I  
14 guess, the erase button. Showing me see, see, see, it's erased. It's erased.  
15 Sometime during this encounter with her, the Hattiesburg American reporter was  
16 seated to her left. She leaned over and commented that the announcement was  
17 not made. Both reporters acknowledged they heard the announcement at William  
18 Carey College as to no recording. So I said well, I asked Mr. Mosbacker. He said  
19 he made the announcement. The Hattiesburg American reporter, Toni she said  
20 that she was recording also. And I told her she was going to have to turn it off.  
21 She said it was a tape. She took the tape, I never saw her tape recorder. I never  
22 saw it. It must have been seated between her and the Associated Press reporter.  
23 She turned it off. She took the tape out of it and she held it up and she said  
24 that she needed it. That she didn't want to erase it. And I told her that she was  
25 going to need, you know, she couldn't tape it, that it was his policy. I kept

1 reiterating it was his policy. That I was just, you know, doing as I was instructed.  
2 And I assured them I was not trying to make their job any more difficult. Both girls,  
3 both reporters were making notes. So, she probably reached a little bit across me  
4 and I was reaching a little bit across. I mean she reached a little bit towards me  
5 across Denise, the AP reporter and I reached probably halfway. She handed the  
6 tape to me. I took it from her.

7 Q. In terms of the conversation you had with her before she handed you  
8 the tape --

9 A. Uh-huh.

10 Q. Do you recall what was said? What you said to her? What she said  
11 to you as close to verbatim as possible?

12 A. Well, that's pretty much what it was. That's as best I can remember.

13 Q. The Justice did not --

14 A. The Justice did not want his speeches recorded. That was -- I kept  
15 telling them that. And she handed me the tape. Well, before this happened,  
16 before she handed me the tape, I motioned for Debbie to come over and told her  
17 that they were both recording. And I said do you want me to have them erase it.  
18 And this was before the AP reporter erased hers. And Debbie nodded her head  
19 yes and she went back and sat down. And that's when Denise erased hers and  
20 Toni handed me the tape. I turned around and handed the tape to Debbie and she  
21 put it in her pocket.

22 Q. Do you recall ever saying to Antoinette Konz I need your tape or  
23 something to the effect of give me your tape?

24 A. I may have said you're going to need to give me your tape. I may  
25 have said that. I'm not sure. I never in a million years dreamed that I would have

1 to recall this event, you know, two weeks later or at all. So, I'm not real sure  
2 exactly what I said to her, but I know that the entire exchange was polite. They  
3 apologized to me and I apologized to them because I told them that I realized that,  
4 you know, they needed this for work, but I was following his policy.

5 Q. You were simply doing your job.

6 A. I was simply doing my job and I told them that and told them that. So  
7 he finishes his speech. We followed him out and go to a reception across the hall.  
8 Both the Associated Press reporter and the Hattiesburg American reporter came  
9 up to me following the speech at the reception and they both apologized again. I  
10 told them it wasn't necessary and they said that the announcement was not made.

11 At some point following that encounter I walked over to the principal to  
12 Barrett Mosbacker and I told him I'm having trouble with a couple of reporters. Are  
13 you sure you made that announcement? Yes, I did. They heard it. They're lying  
14 were his words to me. And so I was talking to both the Hattiesburg American and  
15 the Associated Press reporter, and Toni, the Hattiesburg American reporter told  
16 me that she had a story on the other side of the tape that she needed for her  
17 notes. It was some story she had been working on. So I went to Debbie. I asked  
18 her to, I told her what had happened and I said she said she'll erase the tape.  
19 Debbie handed me the tape. I handed it to Toni and she says I'll go over here  
20 right now and pointed off to the side. I'm guessing there must have been an  
21 electrical outlet there. I don't know if she needed that or what.

22 Q. But this was Antoinette Konz who said I will go over --

23 A. She said I will go over here and erase it. I will erase it right now in  
24 front of you. Well, I knew I didn't have time to go stand in front of her to watch her  
25 erase the tape. And I handed it to her. And I said go ahead and erase this. So

1 she walked off with the tape and shortly thereafter the Justice was ready to go.

2 And when he was ready to go, he was out the door. So I left right behind him and I  
3 don't recall seeing Toni again, seeing the Hattiesburg American reporter again. I  
4 think that's everything that happened that day.

5 Q. Referring back to your conversation with Mr. Mosbacker, just prior to  
6 your departure —

7 A. Right.

8 Q. Is it possible that Mr. Mosbacker had been referring to or was  
9 referring to different reporters?

10 A. Yeah, he could have been. There were apparently there were these  
11 two reporters, another reporter for I believe the Independent of Lamar County.  
12 And I'm saying that because he was there and wrote an article that I've read. And  
13 the Channel 7 WDAM cameraman. So it's a good possibility that he, you know, I  
14 was talking about the press reporters and he was talking about the media, the TV  
15 reporter. So, I called him the next day because this made the 6 o'clock and the 10  
16 o'clock news in Hattiesburg. So I called principal Mosbacker the next day, the next  
17 afternoon. And I asked him was he getting as many calls as I was from different,  
18 you know, New York Times, Washington Post, whatever. And he said yes. And I  
19 said well I just want to ask you one more time. Did you or did you not make that  
20 announcement. He said well, I told the, I went up to the -- no, let me correct  
21 myself. He said I went to the WDAM people, the Channel 7 cameraman and told  
22 them that they could not record. I never saw that Associated Press reporter. And  
23 those were his words to me.

24 And I said so you did not get up and publicly make the announcement from  
25 the podium? And I'm thinking as we told you more than once on the 6th and even

1 prior to the Justice coming out to speak. He said no, I did not. And I said, thank  
2 you and good bye and that's the last time I've spoken to him and that's all I know.

3 Q. Are you familiar with the report that came out following the event? It  
4 was an article that was printed in the Hattiesburg American involving a teacher, a  
5 Government teacher Jason Meaux?

6 A. Yes, it came out on Wednesday of last week.

7 Q. Do you know Mr. Meaux?

8 A. I do not. I do not. I saw him for the first and only time at the high  
9 school. I don't remember even speaking to him.

10 Q. So if he gave instructions to the media that day, you were not aware  
11 of it?

12 A. No, because our dealings were only with Mr. Mosbacker and Mr.  
13 Mosbacker may have directed Mr. Meaux to make those instructions. But Mr.  
14 Mosbacker never told us that. And Mr. Meaux was not with us on April the 6th, the  
15 day we went, the day prior to the Justice's appearance.

16 Q. And on April 7, 2004 you may have not been in the auditorium at the  
17 time that those announcements were made?

18 A. Right. The auditorium, everybody was in the auditorium before we  
19 went in there. So I wasn't present for it. I was, I hate to even use it. I was  
20 assuming that Mr. Mosbacker did as he told me he did. That he had made the  
21 announcement.

22 Q. And just for clarification, you were acting in good faith.

23 A. Yes.

24 Q. You believed that --

25 A. Yes.

1 Q. he had made the announcement and you also believed that you  
2 were simply upholding the policy --

3 A. Exactly.

4 Q. -- of the Supreme Court Justice Scalia.

5 A. Yes, uh-huh.

6 Q. Thank you.

7 INSP. GOODMAN: I am now going to conclude the interview. However,  
8 before I turn off the recorder I would like to ask you if there's any information you  
9 wish to add or any statement you wish to make before I stop the recorder?

10 A. I can't think of anything right now. I don't know if I've left anything  
11 out. If I have, it was inadvertently. I've tried to go by my report here that I have.

12 MR. CERASI: And Deputy Rube understands her continuing obligation. If  
13 she recalls something that --

14 A. Right.

15 MR. CERASI: -- relevant to contact you, Mr. Goodman and let you know.

16 INSP. GOODMAN: Thank you.

17 A. That's all.

18 INSP. GOODMAN: This concludes the interview of Melanie Rube. The time  
19 is now 9:27 a.m. Today's date is April 21, 2004. I will now stop the tape recorder.

20 (Whereupon, at 9:27 a.m., the interview was concluded.)

21

22

23

24

# **EXHIBIT 15**

UNITED STATES MARSHALS SERVICE

OFFICE OF INTERNAL AFFAIRS

CASE NO. 04-0256

INTERVIEW OF:

DEBRA SANDERSON

APRIL 23, 2004

BY:

INSPECTOR BRUCE GOODMAN

TRANSCRIPTION DONE BY:

**DEPOSITION SERVICES, INC.**

6245 Executive Boulevard  
Rockville, Maryland 20852  
(301) 881-3344

**16 Pages Total**

1 [INTERVIEW OF DEBRA SANDERSON BY INSPECTOR GOODMAN IN  
2 CASE NUMBER: 04-0256.]

3 INSP. GOODMAN: Today's date is April 23, 2004. The time is 10:38  
4 Eastern Standard Time. My name is Bruce Goodman. I'm a Senior Inspector with  
5 the Office of Internal Affairs. I'm conducting a telephone interview of Debra  
6 Sanderson. This interview relates to an ongoing administrative investigation. This  
7 interview is being audiotaped. Please speak clearly and allow me to finish my  
8 question before you begin your answer. Ms. Sanderson and I are the only ones  
9 present for the interview.

10 Ms. Sanderson, before I begin with any questioning I need to administer an  
11 oath to you. Please raise your right hand.

12 A. Okay.

13 Q. Do you solemnly swear or affirm that the information you're about to  
14 provide is the truth to the best of your knowledge?

15 A. I do.

16 Q. I also need to obtain some biographical information about you.  
17 Please state your full name and spell it for the record.

18 A. Debra, D-E-B-R-A, S. Sanderson, S-A-N-D-E-R-S-O-N.

19 Q. What is your title and GS grade?

20 A. I'm Senior Inspector with JSD and my grade is 13-8.

21 Q. And just to clarify the record, JSD stands for?

22 A. Judicial Security Division.

23 Q. Thank you. What is your duty station?

24 A. New Orleans, Louisiana.

1 Q. What was your entry on duty date with the U.S. Marshals Service?

2 A. 12/79.

3 Q. I must advise you that you are required to truthfully answer all work-  
4 related questions and that failure to answer work-related questions could result in  
5 disciplinary action up to removal. Do you have any questions or statements you  
6 wish to make before I begin the interview?

7 A. No, I don't.

8 Q. Mrs. Sanderson, how long have you served in your current capacity  
9 as Court Security Inspector?

10 A. March 1992.

11 Q. Can you give me a brief synopsis of your duties as a court security  
12 inspector?

13 A. As a court security inspector I have done protective details for high-  
14 threat trials, Mexican Mafia in 1994; Edwin Edwards, the former Governor of  
15 Louisiana in 2000; numerous protection details for the Supreme Court Justices;  
16 conferences and then Judge Duffy, I worked the New York detail from 1995 to  
17 2001, I think it was, so mostly protection details.

18 Q. In the performance of your official duties, when did you first  
19 encounter U.S. Supreme Court Justice Antonin Scalia?

20 A. That had to be in February. This is approximate. Trying to think  
21 back. The first time I protected Judge Scalia was at Southern Methodist University  
22 in Dallas in February and I think that was 2001.

23 Q. During the course of your assignments involving Justice Scalia, has  
24 the Justice conveyed to you any of his practices or policies?

25 A. Yes. He, for that first time I protected him, I talked to it was either the

1 Supreme Court Police or, I don't think it was his chambers, that he did not want his  
2 speeches recorded. And then when I picked him up at the airport I asked him that  
3 again and he said he doesn't allow any taping of his speeches.

4 Q. And, again for the record, approximately when did this occur?

5 A. Approximately, it was February of 2001.

6 Q. Were there subsequent occasions where you discussed Justice  
7 Scalia's no taping policy with him?

8 A. Yeah, I protected him for the Fifth Circuit Conference in New Orleans  
9 in April of 2001 and at that time we don't allow press in. That's a private  
10 conference, but he didn't want anything taped. And then he came, it's  
11 approximate now because I can't remember the exact dates. November 2002 at  
12 the La Meridian Hotel he did a speech there and advised me then that he did not  
13 allow his speeches to be taped.

14 Q. And when did this event occur, if you recall?

15 A. The Marriot was, it had to be around November 2002.

16 Q. And where did this occur?

17 A. New Orleans, Louisiana. He flew in. I picked him up at the airport,  
18 took him to do his speech and then he left with friends.

19 Q. He conveyed this information verbally to you?

20 A. Yes, all this information has been conveyed verbally. I have nothing  
21 in writing.

22 Q. When Justice Scalia explained his no taping policy to you, did you  
23 ever discuss with Justice Scalia the potential violation of his no taping policy and  
24 what he may have expected you to do if members of the media chose to defy or  
25 violate his policy?

1           A.     No, we didn't discuss that. He explained to me that he wanted no  
2     taping and I took it as an order. And he never really said if anything would  
3     happen. I think he expected me to just make sure they didn't do it.

4           Q.     So you perceived your role with respect to Justice Scalia's policy to  
5     be an enforcement of that policy?

6           A.     That's correct.

7           Q.     And again, you didn't take this to be a request of Justice Scalia but  
8     rather a policy?

9           A.     That's how I took it, yes.

10          Q.     Were you involved in the coordination of Justice Scalia's -- let me  
11     backtrack. Were there any other occasions where you provided protection for  
12     Justice Scalia?

13          A.     Most of my protection for Justice Scalia is he loves to come to  
14     Mississippi or Louisiana and go hunting. And I protect him a lot of times coming to  
15     and leaving the airport. But these are the ones I remember the most where he told  
16     me his policy on recording of his speeches.

17          Q.     These occasions in 2001 and 2002?

18          A.     Right, that's correct. And then, I'm trying to think. I know he's been  
19     back, but these are the ones that stand out in my mind, that I remember telling the  
20     people they could not record.

21          Q.     And do you recall any issues or incidents involving these events?  
22     Specifically regarding the media?

23          A.     No, there wasn't. We didn't have a problem. At the Marriott I made it  
24     clear they weren't allowed into the ball room where he was speaking. The  
25     conference is closed. In Dallas we had no problem. We explained the policy and

1 the only time I've ever had it was in Mississippi.

2 Q. This brings me to my next question. Were you involved in the  
3 coordination of Justice Scalia's visit to Hattiesburg, Mississippi on April 7, 2004?

4 A. Yes, I was.

5 Q. What was your role?

6 A. I was the Inspector in charge, the Senior Inspector. I coordinated all  
7 the security and the briefing of the deputies. We did an advance on the 6th and  
8 advised both venues, the William Carey College and the Presbyterian Christian  
9 High School, of his policy on no taping of his speeches.

10 Q. With whom did you speak at each location if you recall?

11 A. We went, now this is approximate. I drove from New Orleans to  
12 Hattiesburg and after lunch we met first with the Presbyterian Christian High  
13 School which would have been about 1 o'clock and about 2:00 or 2:30 with the  
14 William Carey College.

15 Q. And again, at each one of these locations you spoke to these  
16 individuals who represented the two schools?

17 A. Yes, at William Carey College, I spoke with Dr. Larry Kennedy.  
18 Presbyterian Christian High School, Barrett Mosbacker who is the headmaster.  
19 Now the Christian High School did not have security, but at the college they had  
20 security and they assured me that they would do the perimeter and make sure that  
21 we weren't basically bothered by the press.

22 Q. What was your understanding regarding the school's, the high  
23 school's function? What did you convey, if you recall to Mr. Mosbacker and what  
24 did he tell you or confirm with you regarding Scalia's no taping policy?

25 A. I explained to him that he did not allow his speeches to be taped or

1 recorded. But if they wanted to take still photos that wasn't a problem. That's  
2 what I explained to both venues.

3 Q. And at that time on April 6th both representatives from the respective  
4 schools acknowledged to you --

5 A. Yes, they did.

6 Q. -- in the affirmative?

7 A. They said it would not be a problem.

8 Q. Please describe the events of April 7, 2004, beginning with William  
9 Carey College.

10 A. Okay. The Justice around 11:15 -- we got there early. We got there  
11 about 10:45 but the Justice was supposed to come about 11:15 and that's when  
12 he did come with his friends. And we took him into the room and I asked him, I  
13 said still no recording of your speech. He said that's correct. Took him into his  
14 changing room. He got changed into those outfits they wear for like a graduation  
15 ceremony. I had two advance deputies in the auditorium. Galen Knupp and I  
16 walked him in, stayed on the stage with him. Then when the speech was over he  
17 sat down. Dr. Larry Kennedy stood up and said I would appreciate if you all, the  
18 people, he didn't say y'all. He said if the audience would wait and let us exit  
19 because the Justice is going to do a press interview. Well we walked into the  
20 reception area which was right by the auditorium. The Justice said I do not do  
21 interviews and your press is going to be very disappointed. They need to leave.

22 So, Channel 7 was set up in there. They left. And they asked one of the  
23 newspaper people, I don't know who it was, said can we take photos. I said still  
24 photos are fine, but he's not doing an interview and he doesn't want any  
25 recordings. And that's what happened at the William Carey College.

1 Q. Did Justice Scalia appear noticeably upset when it appeared that his  
2 reception would be recorded or that members of the media anticipated an  
3 interview with him?

4 A. Yes, he was very noticeably upset and he told Dr. Kennedy that and  
5 he threw his folder down and said, he was just about ready to leave. But when  
6 they, the press left he was okay and he greeted people.

7 Q. Did you or anyone else from your detail observe members of the  
8 media taping his speech at this event?

9 A. At --

10 Q. When I say this event I'm still referring to William Carey College.

11 A. No, no, not at all.

12 Q. Nothing else stands out in your mind regarding the William Carey  
13 College event?

14 A. No, the only thing was he was upset with the news media. Told them  
15 to leave and then he, we had the reception and we took him to another location at  
16 the college for lunch and we stayed there until he left for the Christian High  
17 School.

18 Q. Were you present during no taping instructions at the college when  
19 those might have been given?

20 A. You mean the day before?

21 Q. No, no, the day of, on April 7 when presumably President Kennedy  
22 addressed the crowd?

23 A. I stayed with the Justice until we walked on the stage.

24 Q. So you were not in the auditorium or in the room when President  
25 Kennedy gave those instructions?

1 A. No, I stayed with the Justice.

2 Q. What –

3 A. Melanie and Billy were in the auditorium and Galen and I stayed with  
4 the Justice to escort him on.

5 Q. Thank you. What happened when you arrived at Presbyterian High  
6 School on April 7, 2004?

7 A. Well, we followed him, he was again with his friends, followed him  
8 and met with Mr. Mosbacker and took him to his changing room. And I understand  
9 there was news cameras there but I didn't see them till later. And that was  
10 outside. And then the Justice asked me to take care of some business for him  
11 with the airlines so I left Melanie and Galen Knupp with the Justice and posted  
12 Billy Valentine in the auditorium for the advance.

13 Q. Did you or any of your personnel confirm that instructions regarding  
14 no Scalia's taping policy had been given?

15 A. No. I thought that was taken care of the day before when I talked to  
16 Mr. Mosbacker. He assured me he would talk to the press and let them know. I  
17 kind of left that with, this is a private school. I left that to be their responsibility.

18 Q. Can you describe where you and Deputy Melanie Rube were seated  
19 during Scalia's speech?

20 A. Yes, this is a high school gymnasium. And they had students on the  
21 floor. They were the most important, the seniors. And then on the side are  
22 bleachers. You can picture a gymnasium where the basketball court would be,  
23 that's where the chairs were for the main audience. On the side were bleachers  
24 and that put us right next to the stage where we could be close to Justice Scalia.  
25 Billy Valentine was by the doors where the public came in and that's where we

1 were. We were sitting to the side off from the stage right close to Justice Scalia.

2 Q. And where was Inspector Galen Knupp positioned?

3 A. He was positioned by the door. You'd have to be there. We were on

4 the bleachers. He was by the door behind the stage.

5 Q. So he was essentially behind where Justice Scalia was positioned?

6 A. Kind of, not behind, but off to the side and back. But he could see,

7 you know, what was going on. He knew where Melanie and I --

8 Q. He was in a position to see Justice Scalia?

9 A. Oh, yeah.

10 Q. Did there come a time during Scalia's speech where Deputy Rube

11 noticed what she believed to be the use of recording devices?

12 A. Yes, there did.

13 Q. Please describe what happened with regard to an exchange with two

14 reporters during Scalia's speech.

15 A. Melanie looked at me and said I think they're taping the speech. I

16 said you need to go find out exactly what they're doing. And I'm right there. And

17 she told me, she came back and she said they're taping his speech. They're both

18 from the press. I told them to erase it. I said that's fine and --

19 Q. How long after she went to check it out was it that she came back to

20 you and advised you?

21 A. Oh, it was only, we were right there side by side.

22 Q. Okay. So these reporters --

23 A. No, no.

24 Q. --were positioned not very far from where you were?

25 A. No, not at all. They were right next to us.

1 Q. They were on the same row?

2 A. Yes.

3 Q. Were you divided by some or separated by a stairwell of some sort?

4 A. No, we weren't on the front row facing the Justice. We were to the

5 side. If he was facing the audience, we were to his left.

6 Q. But with respect to the reporters, was there a small set of stairs --

7 A. Oh, wait a minute. Yeah, the bleachers where you walk up. Yeah

8 there was a small set of stairs.

9 Q. Okay. So just on the other side of this small set of stairs --

10 A. They were sitting there.

11 Q. -- there were two reporters seated there?

12 A. Exactly.

13 Q. And you advised Melanie to go check it out and she went and

14 apparently spoke with one or both of the reporters and confirmed that they were

15 recording the event?

16 A. Right.

17 Q. And again, how long after she went over to check this out or confirm

18 that they were recording this event, how long after she went over was it that she

19 came back?

20 A. It couldn't have been more than a minute because we were both

21 together. She went and asked. She came back and said to me I told them to,

22 well, the first person, Associated Press to erase it, is that okay. I said yeah, but let

23 them keep their notes. And Melanie went back over there and it was a digital

24 recorder. Neither one of us really knew how to use it. And Melanie asked her if

25 she would erase it and she did. Melanie never took it out of her hand. Melanie

1 was very professional. And then the second reporter gave Melanie the tape.  
2 They knew each other. Melanie gave it to me and I said, well, we need to figure  
3 out, 'cause I was going to give it back to her after we erased it. And Melanie came  
4 up to me later and said I think her name is Toni has a news story on one side. If  
5 she can erase the other side would that be okay. I said sure, just so she doesn't  
6 have his speech on tape and that's how that went.

7 Q. Okay. Just for clarification though, during Deputy Rube's interaction  
8 with I believe it's Denise Grones, the Associated Press reporter.

9 A. Okay.

10 Q. You said that Melanie Rube never took the recorder out of her hand.  
11 Was it on the bench next to her or where was it?

12 A. On the bench next to her. She picked it up after she was recording  
13 and then handed it to her and asked her to erase it. She never jerked it out of her  
14 hand.

15 Q. And with respect to the other reporter, Ms. Antoinette Konz with the  
16 Hattiesburg American she handed over a tape too?

17 A. Yeah, she gave it to Melanie and Melanie gave it to me. And I said  
18 well, we'll need to figure out what we're going to do with this. And then Melanie  
19 came up to me later and said she really has a story on one side. She wants to  
20 erase Justice Scalia's speech. I said well that's fine. And I gave it back to Melanie  
21 to give to her.

22 Q. But at no time did either you or did Deputy Rube erase the tape?

23 A. No, neither one of us. Number one the digital one, we didn't know  
24 how to erase. And we didn't mess with the recorders. I knew that we shouldn't.

25 Q. So it was only the tape that was handed over, not the recorder, then.

1           A.     Exactly.

2           Q.     So eventually the reporter by the name of Antoinette Konz pulled the  
3     tape out of her recorder and handed it to Deputy Rube who subsequently handed  
4     it to you.

5           A.     Is that the one that's from --

6           Q.     This is the one from Hattiesburg American.

7           A.     Yes, that's exactly what happened.

8           Q.     And then at some point following the speech, was there a reception  
9     held?

10          A.     Reception, yes. And he was getting ready to go. Melanie came to  
11     me and said she really has a story. I said well fine. I said just tell her to erase his  
12     speech and she can keep whatever is on the other side. And we gave it back to  
13     her. And then Justice Scalia was in a big hurry and we walked him out to go with  
14     his friends to go hunting and that was the end of that until the next day when we  
15     put him on the plane.

16          Q.     Please tell me why you took or directed the actions you did with  
17     regard to reporters Grones and Konz?

18          A.     I did that because I was under what I thought was orders from  
19     Justice Scalia that he did not want his speech taped. And not tape recorded it only  
20     said recorded. It was never specified that the newspaper could tape it but the TV  
21     couldn't. And that's why I did it. I thought I was following his instructions.

22          Q.     Did you have any conversation with him following this incident?  
23     When I say him, any conversation with Justice Scalia?

24          A.     Yes, on Thursday when we were at the airport, I said Justice, did you  
25     see this article in the paper? And he said no, but I saw it on TV. And I said well I

1 thought I was doing what you wanted me to do. You don't want your speech  
2 recorded. And he made the comment well I just don't want to be on the radio or  
3 TV. I don't care if the newspaper wants to record it. And I didn't say anything, but  
4 I thought how do you distinguish it. The newspaper records it, why couldn't the  
5 radio or the TV get it? But I didn't say that. I said okay. That was it and he told  
6 me not to worry about it and that was our conversation.

7 Q. He told you not to worry about it?

8 A. That's exactly what he said. He said don't worry about it. I just don't  
9 want to be on TV or on the radio.

10 Q. I am now going to conclude this interview. However, before I turn off  
11 the recorder, I would like to ask you if there's any information you wish to add or  
12 any statement you wish to make before I stop the recorder?

13 A. Well, I had this information and I've always done my job and I'm not  
14 going to say anything, but the bottom line is from now on I'm going to write to my  
15 supervisor and ask what the policy is going to be because I don't see where  
16 there's been a policy of handling the press or everything I do with the Justices,  
17 everybody is different. So I think we need to have a policy that tells us what the  
18 Marshals Service expects so that something like this doesn't happen again. And  
19 that's it. I just feel like I was doing my job. I'll take whatever. I don't want any  
20 deputy on my watch to be in trouble for this. I will take responsibility for this whole  
21 thing.

22 Q. Before I conclude, let me ask you have you had occasion to provide  
23 protection for other Supreme Court Justices?

24 A. Oh gosh, yes. I've handled six of the nine and Thomas is the easiest  
25 because he says no press and they get banned from wherever he is.

1 Q. And you're referring to Supreme Court Justice Clarence Thomas  
2 now?

3 A. Yes. And Justice Ginsberg really doesn't have a problem. Justice  
4 O'Connor doesn't have a problem. None of them really want, well, most of them  
5 don't want their speeches recorded because they don't want to be misquoted. But  
6 I've never had anybody except Justice Thomas says he doesn't want the press  
7 around and so does Justice Scalia.

8 Q. So with respect to Justice Thomas members of the media are not  
9 allowed into any of his events?

10 A. Well, most of the ones I've been to because I was in Georgia and I  
11 had to go do an advance and tell the media they could be outside filming him but  
12 they could not be inside. And somehow one of them got in. My deputy didn't  
13 realize it was and the Justice said no, yeah, and I think they, I don't know if they  
14 have the right or not. But I thought they had the right to say whether they wanted  
15 to be filmed or recorded and that's how it went. But no, it's easy when they tell  
16 you, hey, they just can't come in. Then you can control it. But now if the Marshals  
17 Service wants to tell me don't worry about the press, I won't worry about it.

18 Q. Thank you. Is there any other information you wish to add or any  
19 other statement you wish to make at this time?

20 A. No, I think I've been on my soapbox long enough.

21 Q. Thank you, Inspector Sanderson.

22 A. Okay.

23 INSP. GOODMAN: This concludes the interview of Debra Sanderson. The  
24 time is now 11:04 a.m. Eastern Standard Time and today's date is April 23, 2004.  
25 I will now stop the tape recorder.

(Whereupon, at 11:04 a.m., the interview was concluded.)

# **EXHIBIT 16**

December 17, 2002

Honorable Antonin Scalia  
Associate Justice  
United States Supreme Court  
Washington, DC 20001

Dear Justice Scalia:

I recently had the privilege of reading your book, *A Matter of Interpretation: Federal Courts and the Law*, in an advanced Constitutional Law course in my doctoral program at the University of North Carolina, Charlotte. Your book provided a helpful framework for analyzing Supreme Court cases as well as providing a contemporary perspective on the role of the judiciary debated in the *Federalist and Anti-Federalist Papers*. After reading your book, I am convinced that American high school students need to be challenged concerning the importance of the Constitutional issues of our day and challenged to prepare themselves to participate as informed citizens in our great democracy.

With that in mind, I am writing to invite you to be the keynote speaker for our 2004 graduating class. To allow as much flexibility as possible to accommodate your schedule, we can schedule graduation on any of the following dates: Friday, May 14; Saturday, May 15; Friday, May 21; or Saturday, May 22.

In addition to addressing our graduates, it may be possible to schedule you as the keynote speaker for The University Forum at the University of Southern Mississippi's Honors College. I can explore that possibility if you are able to accept my invitation.

We will, of course, cover your expenses. If you are able to accept my invitation, please let me know the amount of your customary honorarium.

I look forward to hearing from you.

Respectfully,

Barrett L. Mosbacker  
Head of School

PS Unfortunately, turkey season ends in late April or I would invite you on a hunting trip!

*United States Court of Appeals  
Fifth Circuit  
701 North Main Street, Suite 228  
Hattiesburg, MS 39401  
601-583-4422*

*Charles W. Pickering, Sr.  
Circuit Judge*

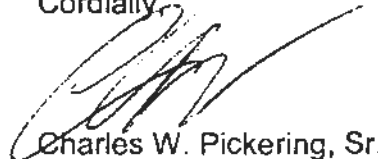
January 29, 2004

Honorable Edwin Lloyd Pittman  
Chief Justice  
Supreme Court of Mississippi  
P. O. Box 117  
Jackson, MS 39205

Dear Ed:

I talked with Barrett Mosbacher with the Presbyterian Christian School and he agreed to move Justice Scalia's appearance back to 2:30 p.m. so that we will have a longer period of time with our luncheon with you and the other members of the Supreme Court. We will try to be at the luncheon at 12:30 and Justice Scalia will not have to speak at the Presbyterian Christian School until 2:30. Thanks for suggesting this and I look forward to being with you on this occasion.

Cordially,

A handwritten signature in black ink, appearing to be 'CWP', written over the word 'Charles W. Pickering, Sr.'.

Charles W. Pickering, Sr.

sg

cc: Justice Antonin Scalia  
Barrett Mosbacher  
Dr. Shelby Thames



## Presbyterian Christian Schools

*Building upon a tradition of truth, honor & loyalty.*

### **U.S. Supreme Court Justice Antonin Scalia to Address PCHS Students and Faculty**

February 24, 2004

Dear Parents:

The Law is making headlines. The mayor of San Francisco illegally issues marriage licenses to gay couples, the Massachusetts Supreme Court legalizes gay marriage in that state, the Courts remove the Ten Commandments Monument from an Alabama courthouse, the United States Court of Appeals for the Ninth Circuit rules that the phrase "Under God" in the Pledge of Allegiance is unconstitutional, and President Bush endorses a constitutional amendment to ban same-sex marriages. These are just a few of the legal issues making national headlines.

With our country embroiled in complex and fundamental legal and moral questions, I can think of no better time to give our students an opportunity to hear from one of the nation's preeminent legal scholars and jurists. As Head of School, one of my priorities is to work with the administration and faculty in developing an educational program that stimulates our students' intellectual curiosity, raises their academic and career horizons, and provides them an opportunity to learn firsthand about the critical legal and sociological issues facing our country.

With that goal in mind, last fall I wrote a letter inviting Justice Antonin Scalia to address our students and faculty. I am delighted to announce that with the kind assistance of Justice Charles Pickering, Justice Scalia has accepted my invitation to address our student body and faculty.

In preparation for this visit, [REDACTED] the Upper School principal, is working with the Upper School faculty to provide background lectures, reading, and research for our students and to assist our students in preparing well-informed questions for the question and answer period that follows Justice Scalia's remarks. Our purpose is to maximize the educational value of this wonderful opportunity.

---

#### LOWER SCHOOL CAMPUS (K-6)

[REDACTED] Principal  
3901 Lincoln Road / Hattiesburg, MS 39402  
(601) 268-3867

Barrett Mosbacher,  
Head of School

[www.pcsk12.org](http://www.pcsk12.org)

#### UPPER SCHOOL CAMPUS (7-12)

[REDACTED] Principal  
221 Bonhomie Road / Hattiesburg, MS 39401  
(601) 582-4956

## **Details**

**Date:** Wednesday, April 7

**Time:** 2:30 to 4:30. A reception for Justice Scalia will be held at around 3:30 for those who would like to meet Justice Scalia.

**Location:** Presbyterian Christian High School Campus (221 Bonhomie Rd.). Justice Scalia will speak in the gymnasium and the reception will be held in the cafetorium.

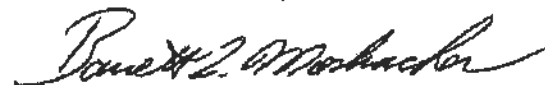
**Cost:** Free

**Who May Attend?** All Upper School students, staff, and administration will be in attendance. The Lower School faculty and all PCS parents are also encouraged to attend. Members of the community are also invited.

**More details will follow as final arrangements are made. Mark your calendars now and please plan for your child (7<sup>th</sup>-12<sup>th</sup>) to be dismissed late on April 7.**

We are grateful to be able to provide this opportunity for our students. Please give me a call if you have any questions.

Your servant in Christ,



Barrett Mosbacker  
Head of School

PS Attached is biographical data for Justice Scalia

## **Biographical Data**

### *Birth, Residence, and Family*

Born March 11, 1936 in Trenton, NJ. Married Maureen McCarthy, September 10, 1960. Children: Ann Forrest, Eugene, John Francis, Catherine Elisabeth, Mary Clare, Paul David, Matthew, Christopher James, and Margaret Jane.

### *Education*

Georgetown University and University of Fribourg (Switzerland), A.B., 1957; Harvard, LL.B., 1960; note editor, Harvard Law Review; Sheldon fellow, Harvard University, 1960-61.

### *Government Service*

General counsel, Office of Telecommunications Policy, Executive Office of the President, 1971-72; chairman, Administrative Conference of the United States, 1972-74; Assistant Attorney General, Office of Legal Counsel, U. S. Department of Justice, 1974-77.

### *Law Practice*

Admitted to the Ohio Bar, 1962, Virginia Bar, 1970; in private practice with Jones, Day, Cockley and Reavis, Cleveland, Ohio, 1961-67.

### *Law Teaching*

Professor of law, University of Virginia, 1967-74 (on leave 1971-74); scholar in residence, American Enterprise Institute, 1977; visiting professor of law, Georgetown University, 1977; professor of law, University of Chicago, 1977-82; visiting professor of law, Stanford University, 1980-81.

### *Judicial Offices*

Nominated by President Reagan to U. S. Court of Appeals for the District of Columbia Circuit; took oath of office August 17, 1982

Nominated by President Reagan as Associate Justice of the United States Supreme Court; took oath of office September 26, 1986.

### *Other Offices*

Editor, Regulation Magazine, 1979-82; chairman, ABA Section of Administrative Law, 1981-82; chairman, ABA Conference of Section Chairmen, 1982-83; board of visitors, J. Reuben Clark Law School, Brigham Young University, 1978-81.

March 11, 2004

Dear :

**I am writing to invite you to be our guest on April 7, 2004 to meet U.S. Supreme Court Justice Antonin Scalia.** Justice Scalia will be addressing our students and faculty on April 7, 2004 with a reception following his remarks.

With our country embroiled in complex and fundamental legal and moral questions, I can think of no better time to give our students and the community an opportunity to hear from one of the nation's preeminent legal scholars and jurists. As Head of School, one of my priorities is to work with the administration and faculty in developing an educational program that stimulates our students' intellectual curiosity, raises their academic and career horizons, and provides them an opportunity to learn firsthand about the critical legal and sociological issues facing our country.

We would be honored by your presence. If you are able to attend, please RSVP with [REDACTED] Executive Administrative Assistant to the Head of School, at 601.582.4956. You may also email [REDACTED] at [REDACTED]@pcsk12.org.

Please feel free to call me if you have any questions or if I can be of any assistance. I look forward to meeting you. For more information on Presbyterian Christian School, please visit the school's website at [www.pcsk12.org](http://www.pcsk12.org).

### Details

**Date:** Wednesday, April 7, 2004

**Time:** 2:30 to 4:30. A reception for Justice Scalia will be held at around 3:30 for those who would like to meet Justice Scalia.

**Location:** Presbyterian Christian High School Campus (221 Bonhomie Rd.). Justice Scalia will speak in the gymnasium and the reception will be held in the cafeteria.

Respectfully,



Barrett L. Mosbacher  
Head of School

April 19, 2004

Honorable Antonin Scalia  
Associate Justice  
United States Supreme Court  
Washington, DC 20001

Dear Justice Scalia:

Thank you for taking time out of your busy schedule to address our students. Your comments to our students were extremely well received. I am particularly appreciative of the graciousness you extended toward our students by entertaining their questions, shaking hands, and autographing your book. For many of our students, your presence on our campus was the capstone of their young academic careers.

I also wish to apologize for any mistake that I may have made in not publicly announcing press restrictions. Although to the best of my recollection I was not informed of those restrictions until I spoke to the Marshals upon your arrival, it would have nevertheless been prudent to have made an unplanned announcement. I did inform a television and newspaper reporter that they could not film or record your comments. I did not realize, however, that an Associated Press reporter was in the audience. A public announcement may have mitigated the problem, although the members of the press who were informed chose to ignore the policy.

Again, thank for your graciousness in visiting our school. Your presence with us will always remain a milestone in the school's history and a high watermark of its academic commitments.

Respectfully,

Barrett L. Mosbacker  
Head of School

# **EXHIBIT 17**

# Free Speech

The Independent

Thursday, April 15, 2004

## The other media missed Scalia's message

A learned Justice from the United States Supreme Court came to this area a few days ago to deliver a scholarly address on "The Religion Clause of the Constitution."

In an elegant presentation to a convocation audience at William Carey College, a private, religious institution, Justice Antonin Scalia noted that the U.S. Supreme Court in 1947 announced for the first time in its history that it would pursue "a wall of separation between church and state."

Yet, five years later, the Court, he added, commented in a 1952 decision that "We are a religious people whose institutions presuppose a Supreme Being."

Then, within 10 years, said the Justice, the Court had completely reversed its direction; finally, in the 1960s, adopting and announcing a principle of religious neutrality.

It was at that point, Justice Scalia emphasized to his William Carey College audience, that the Supreme Court departed from its previously accepted practice of following tradition. It was at that point, stressed the Justice, that the Supreme Court departed from its customary four-step process of deciding cases. Those four steps, he cited, included

1. Following the texts of the Constitution; that is, accepting the Constitution as saying exactly what it says.
  2. Accepting the original meaning of the Constitution rather than changing its meaning from time to time as the social order changes.
  3. Following the traditions of the document; that is, tracking interpretations and applications of the Constitution according to the traditions of earlier Courts.
  4. Accepting the principle of "immutability," that is, acceptance of the Constitution as a document of unchanging meaning.
- In an academic exercise filled with both brilliance and humor,



MISSISSIPPI  
SCENE

Bob  
Pittman,  
Publisher

Justice Scalia traced, case by case, the Supreme Court's departure from the fundamental roots of the Constitution in its rulings in matters of religion.

Later in the day, the Justice addressed high school students at the Presbyterian Christian School, revising his script for his high school audience.

Mister Justice Scalia delivered two reasoned, responsible, and enlightening masterpieces to South Mississippi audiences.

Too bad so many South Mississippians missed it.

THE INDEPENDENT is the only newspaper in the region to report to its readers the content of the Justice's presentations.

News media in both Hattiesburg and Jackson bogged down in useless trivia, using their pages to complain that reporters were not allowed to tape the remarks of the Justice.

Other weekly newspapers in the area apparently never knew the Justice was in town.

The daily newspapers missed or otherwise ignored the Justice's eye opening historical account of the Court's straying from the Constitution, using their space to strike out at Justice Scalia for prohibiting their use of tape recorders.

And, before the week was over, the dailies had a wide mixture of so-called journalism societies joining them in their protests against the Justice.

It is well known that the Justices of the U.S. Supreme Court generally do not allow the taping of their speeches. It is also gen-

erally known that Justice Scalia has been asked to recuse himself from a case presently before the Court because of comments he allegedly made in another speech. So it seems reasonable that Justice Scalia, and the other Justices as well, would restrict the recording of their comments, simply to avoid situations in which Justice Scalia finds himself today.

Moreover, the howling of the media that their constitutional rights had been violated seems far afield. I don't find any first amendment "free speech" guarantee of the use of tape recorders in the Constitution, nor did the federal officers confiscate any equipment owned by the newspapers; they simply removed the tapes, erased the portions of the speech that had been recorded, and returned the equipment to the owners. Neither did I find any interference with anyone's right to free speech.

When I entered the auditorium at William Carey College a college host advised me that tape recorders would not be permitted. I was not offended, nor did I complain that my constitutional rights had been violated.

Some newsmen and women complained that no such instruction was announced at the Presbyterian School assembly. If not, that was a mistake, not by the Justice, but by his security team or, perhaps, by the host institution.

Absence of such an announcement, however, was neither a serious breach of constitutional rights, nor of free speech. Rather, it seems to have been the results of overly zealous or immature reporters who lacked experience in dealing with distinguished public figures.

Representatives of THE INDEPENDENT did considerable research on Justice Scalia's Supreme Court and public writings prior to his visit to the area. Then we listened intently to his

remarks to both his audiences.

We were able to give the 20,000 households and businesses who receive this newspaper information about Justice Scalia and his concerns over the Court's departure from the Constitution on the day he was in town, and we have additional coverage of his presentation in today's edition.

In neither edition have we used our readers' time and the valuable news space in the pages of this newspaper to vent any complaints about our treatment at William Carey College nor at Presbyterian Christian School. Nor have we voiced complaints about the Justice or his security team.

We are fully aware that our readers are more interested in, and more concerned about, the direction of the Supreme Court and the insights of Justice Scalia, who has oversight over the U.S. Fifth Circuit Court of Appeals, which serves Mississippi, than they are about somebody's tape recorder.

In my younger years, I had a similar experience. When I wrote a scathing outburst against the speaker and his sponsors for limiting my access, a wiser and more experienced editor advised me that our readers were much more interested in what the speaker had to say than in my frustration as to the way I covered the speech.

Having experienced a situation that made my news assignment more difficult than expected, I offer a suggestion for those reporters whose readers missed the message from one of the most respected and most responsible Supreme Court Justices of our time, in what could have been a once-in-a-lifetime opportunity to see, hear, and meet a Justice of the U.S. Supreme Court.

The next time you have a world leader in the community and you want to write a report on his speech...take along a pencil and a notepad.

It works every time.



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Local News - Wednesday, April 14, 2004

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## Teacher says he warned media 3 organizations say they never heard restriction

By Jon K. Broadbooks; [jbroadbo1@gannett.com](mailto:jbroadbo1@gannett.com)

American Executive Editor

A Presbyterian Christian High School teacher said Tuesday he told members of the media covering a speech by U.S. Supreme Court Justice Antonin Scalia that they wouldn't be allowed to tape the event.



Meaux

But members of three news organizations at Scalia's speech said Tuesday they don't recall government teacher Jason Meaux's warning, which he says was made in a section of a gymnasium set aside for the media.

Meaux said he told a representative of WDAM-TV and reporters from the Hattiesburg American and The Associated Press and another unidentified person in the media area of the restriction on taping.

"I told them there would be no type of recording allowed," Meaux said.

Reporters Antoinette Konz with the Hattiesburg American and Denise Grones with The Associated Press had recordings of the speech taken from them by a deputy U.S. marshal halfway through the event. Both reporters protested the action by U.S. Deputy Marshal Melanie Rube, but complied after she again made the demand.

Grones said her recording was erased by the marshal. Konz got her tape back only after she agreed to erase the portion of the tape containing the justice's speech.

Konz said she never saw Meaux come over to the media area prior to the speech or heard him make a statement about press restrictions.

"He could have come over and I might not have seen him speak," she said. "He did not speak to me."

Konz and Grones said the WDAM reporters and a camera operator were sitting five to six feet away from them across an aisle in the bleachers. Konz said that the television reporters were sitting several rows back in the stands, while she

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AN

and Grones were sitting in the front row. Meaux confirmed the seating arrangement.

Grones said she never heard Meaux issue the instruction and was also unaware he had walked over to the media section. After the event she said she mentioned her recording's seizure to Meaux during an interview.

"He didn't say a word about a warning," Grones said.

WDAM-TV News Director Randy Swan said he was familiar with Scalia's prohibition on electronic recording from experience covering past news events. He said he was frustrated by restrictions on videotaping the event.

Brandon Ross, a reporter for the station, told Swan on Tuesday that he was informed privately by Presbyterian Christian Headmaster Barrett Mosbacker that that his station needed to adhere to the no-recording rule. Swan said Ross heard no blanket announcement made by Meaux to the media section.

The station was allowed to tape Scalia's entrance before being told by a federal marshal to turn off the camera. The station complied.

Meaux said there was no announcement over the gymnasium's public address system about the policy. Scalia, in a letter to Konz received Tuesday, noted that as well.

Meaux said he didn't know if Grones and Konz heard his warning.

"It's possible they weren't paying attention to me and didn't hear," Meaux said. "They didn't respond to me and I didn't give them any attention after I talked to them."

He says he did discuss with a WDAM representative about whether or not the station could shoot footage of Scalia's entrance into the building.

Meaux said he has witnesses who saw him speak near the media section, but he said the witnesses were too far away to hear what he had to say.

He said his version of events wasn't told earlier because he is a coach for the school and was away at a track meet in Louisiana.

 [Email this story](#)

Originally published Wednesday, April 14, 2004



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*From The Morning Call*

## Justice Scalia backs up an apology with some constructive change

April 14, 2004

An apology doesn't mean much unless it's followed by an effort to reform the offending behavior. So give Supreme Court Justice Antonin Scalia some credit and hope he reflects a little more upon his most recent brush with the First Amendment.

Ever since joining the Supreme Court in 1986 as an appointee for former President Ronald Reagan, Justice Scalia has adhered to a strict policy of not allowing his public appearances on video or audio tape. Reporters can scribble their notes but he has strictly forbidden television or radio journalists (or print journalists, for that matter) to use electronic recording devices.

When the Supreme Court hears cases, it doesn't allow audio or video taping either. So it's not unusual that reports of these proceedings often produce variations of a justice's comments. When Justice Scalia talks in public, he often complains about being misquoted.

Consequently, the events of April 7 should be instructive. Justice Scalia was talking about the Constitution to students of the Presbyterian Christian School in Hattiesburg, Miss. Near the end of his talk, a deputy U.S. marshal approached a reporter for the Associated Press and another for a local newspaper and told them they had to erase their tape recordings. The deputy said it was because of Justice Scalia's prohibition.

The Reporters Committee for Freedom of the Press protested, pointing out that "the essence of the First Amendment's free press clause is the right to gather and publish news without government interference." In addition, the justice's restrictions on the electronic media smacked of discrimination. The committee also said the marshal's actions also violated federal law. Allowing tape recordings of his speeches only helps to "promote accurate reporting."

Justice Scalia apologized and conceded the point. The deputy, he said, wasn't acting on his direction and he, too, was "upset." He admitted the committee's concerns were "well justified." And since those covering the speech have inaccurately reported him as saying, "people just don't revere like they used to," he would allow reporters to tape his speeches in the future. That's movement in the right direction.

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### Scalia: Justice still misses point on free press

April 14, 2004

Supreme Court Justice Antonin Scalia commendably has apologized for a deputy U.S. marshal's seizure of the tapes of two reporters covering the justice's speech in Hattiesburg, Miss.

And in response to a complaint by the Reporters Committee for Freedom of the Press, the justice replied with a conciliatory letter, writing, "The action was not taken at my direction. I was as upset as you are."



But the matter is not quite over.

The marshals service initially defended the actions of Deputy Marshal Melanie Rube, which appear to be clear violations of federal law and the Fourth Amendment, as legitimate security functions.

Nonsense. The two accredited reporters, from the Associated Press and the Hattiesburg American, were invited guests and manifestly posed no threat to Scalia. And while Rube was hassling two harmless reporters, who was looking out for the judge?

The marshals' mandate does not include handling public relations for the justices.

Indeed, there seem to be some differences between Scalia and the service as to the precise role of the marshals. Scalia promised to see that the incident is not repeated, but added, "The United States Marshals do not operate at my direction."

But Nehemiah Flowers, the U.S. marshal for Southern Mississippi, seems to believe that they do. He told the AP, "The justice informed us that he did not want any recordings of his speech and remarks. And when we discovered that one, or possibly two, reporters were in fact recording, she took action."

He went on, "Even with hindsight, I can't think of what other steps she could have done." Try this: She could have done what the law says and kept her hands off the press.

Scalia is insistent that the broadcast media not cover his speeches and said he would continue to exercise his

"First Amendment right not to speak on radio and television."

In private gatherings, yes. But the First Amendment works both ways, and when a top U.S. government official speaks in a public venue to a public audience, the press -- and the First Amendment makes no distinction between print and broadcast -- has a right to cover the event.

In his letter to the Reporters Committee, Scalia noted that he had been misquoted on a key point in his Mississippi speech. Wonder why?



## Justices should drop ban on recordings

The Virginian-Pilot  
© April 14, 2004  
Last updated: 1:49 AM

For one who touts the beauty of the U.S. Constitution, Supreme Court Justice Antonin Scalia seems to begrudge the part about freedom of the press.

Fortunately, the recent embarrassment in Hattiesburg, Miss., in which a U.S. marshal ordered two reporters to erase audio recordings of a Scalia speech, has caused the justice to rethink his ambivalence.

Scalia apologized to the reporters and amended his position on press coverage.

The action signaled progress, though not enough. Both Scalia and the Supreme Court itself need to further open themselves to public scrutiny.

The justices typically set their own standards for dealing with the press outside the courtroom. Some, most prominently Justice Stephen Breyer, welcome electronic and print coverage of speeches. Others are less inviting.

Until now, Scalia has headed the latter group. Reporters admitted to his speeches could take notes, but any electronic recording was taboo. This was an odd stipulation because its principal purpose is making sure that the speaker is quoted accurately.

Scalia's quirk was well-known in Washington.

It was not known in Hattiesburg, however.

Invited to sit in the front row as Scalia addressed an assembly at the Presbyterian Christian High School, reporters for the Associated Press and the local newspaper dutifully clicked on their recorders when the speech began.

An electronic ban had been announced earlier in the day, but not at the high school speech.

Some time later a U.S. marshal approached the reporters and asked them to erase the recordings.

According to The Washington Post, the local newspaper reporter handed over her tape, which was returned erased after the speech. The AP reporter balked. The marshal then took the reporter's digital recorder and erased its contents, after the reporter explained how the recorder worked.

There is a degree of shared blame in this episode. Reporters need to be informed of and willing to stand up for their rights.

But the marshal ought to be clear also that protection of a Supreme Court justice does not extend to interfering with the rights of reporters to record events to which they've been invited and at which no ban has been announced.

The Reporters Committee for Freedom of the Press correctly protested the matter to Attorney General John Ashcroft.

Now, Scalia has sent letters of apology to the two reporters and has announced that print reporters will be allowed to record his speeches. These commendable actions still prompt a question. Why can Americans read Scalia's remarks but not hear or view them? And why, for that matter, does the Supreme Court still ban any form of electronic coverage from its sessions?

Mystery may enhance the aura of the court's importance. But electronic recorders create a more accurate record of an event by removing the filter of a reporter's interpretation.

The topic of Scalia's Hattiesburg speech was a celebration of the Constitution.

Giving the public a window into governmental deliberations seems a more solid expression of trust in that document than words alone.

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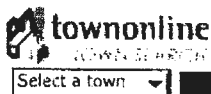
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### OPINION / COLUMNISTS

## Imperial Justice

Wednesday, April 14, 2004

Supreme Court Justice Antonin Scalia's relations with the press have always been strange.

Last year, he insisted that TV cameras be barred from a luncheon where he was given a free speech award for his efforts on behalf of the First Amendment.

However, what happened when he spoke to a Mississippi High School went over the line, even putting aside for a moment the proposition that the press has a right to cover public officials appearing in public venues.

Two local reporters had been invited by the school to cover Scalia's speech, which they did until a deputy U.S. Marshal, Melanie Rube, demanded their tape recorders and snatched one of them. She erased one reporter's tape and forced the other reporter to erase hers. It is unclear whether Rube did so at Scalia's behest or not, but with any law enforcement officer there is always the implicit threat of force.

What does seem clear is that the action violated a 1980 federal law, the Privacy Protection Act that protects reporters' notes, tapes and photos from seizure by federal officials. There are exceptions, but they are few and require an OK from the attorney general.

Earlier that day, Scalia spoke at a local college. The school told local TV crews that they couldn't cover the speech but could cover the reception afterward. When Scalia saw the TV crews he demanded they be evicted.

So he's not only a little shaky on the laws governing reporter's notes, he's ill-mannered as well.

More than any other federal officials, Supreme Court justices can unilaterally decide how and when they'll talk to the press or even if they'll talk at all. Scalia may only face the raised eyebrows of his fellow justices.

But the Justice Department should make it quite clear to the U.S. Marshals Service that the marshals are there to provide protection, not to handle the justice's press relations.

### OPINION

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Posted on Thu, Apr. 15, 2004

THE SUN NEWS

CONSTITUTION

**Scalia's speeches on freedom ironic**

***It is offensive for any government official to arrogate the right to dictate restrictions on the reporting of his public utterances.***

Supreme Court Justice Antonin Scalia appears to be no fan of sound-bite journalism - at least not when it involves broadcasting his voice or visage. So the justice has banned most recordings of his public-speaking engagements.

This makes for delicious irony because in his speeches, Scalia talks a pretty good game about the wonders of the U.S. Constitution, which include the First Amendment's guarantee of freedom of the press.

One time last year, Scalia barred reporters and camera crews who tried to cover his luncheon speech as he received a Cleveland group's Citadel of Free Speech award.

Detecting irony is apparently not one of the justice's strong suits. The problem with his no-taping policy became so obvious after an incident last week that Monday he rightly amended his rules somewhat - though not as completely as he should have.

The incident was a nasty confrontation among a federal law officer and two reporters at a gathering in Hattiesburg, Miss. Deputy U.S. Marshal Melanie Rube demanded that the reporters erase tape recordings of the justice's speech that day at Presbyterian Christian High School. Rube seized the recorder and forced one reporter to show her how to erase the tape.

Scalia did not ask the marshal to do that. In making the demand, though, the overzealous Rube thought she was enforcing Scalia's "long-standing policy prohibiting such recordings of his remarks," according to a spokesman for the U.S. Marshals Service.

There was no announcement at the school about Scalia's policy, so it was dubious, at best, to enforce it after the fact.

Rube needs to answer for her conduct, which the Reporters Committee for Freedom of the Press says likely violated federal law barring government officials from seizing journalists' materials.

Monday, Scalia apologized for the tape erasure and said he would revise his policy to allow print reporters to make audio recordings, but he still bars TV cameras.

If Scalia fears that media recordings of his remarks on issues of the day will force him to recuse himself from cases before the high court - as happened once already - then he should rein in his speechifying, not the media.

It is offensive for any government official to arrogate the right to dictate restrictions on the reporting of his public utterances. It is particularly distressing in so powerful and distinguished an arbiter of the Constitution.

In Mississippi, Scalia's remarks to the students were all but lost in the controversy.

One news account reported that Scalia said the Constitution protects the rights of all. He called the document "a brilliant piece of work" and added that "people just don't revere it like they used to."

*The Philadelphia Inquirer*

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HOME: APRIL 16, 2004: NEWS: SCALIA'S DIRTY LITTLE SECRETS

## Scalia's Dirty Little Secrets

BY JORDAN SMITH

Last week the Web site the Memory Hole ([www.thememoryhole.org](http://www.thememoryhole.org)) posted several declassified documents from the mid-Seventies when the federal battle over strengthening the Freedom of Information Act was at its height – and according to the documents, Supreme Court Justice Antonin Scalia was among the law's biggest foes. In 1974 Scalia was working as the assistant attorney general in charge of the Department of Justice's Office of General Counsel where he officially encouraged a presidential veto of the bill, designed to give strength to the original, and extremely weak, FOIA passed in 1966. President Gerald Ford did veto the 1974 FOIA law, but was overridden by Congress.

Even then, the law's passage did not deter Scalia from rallying against it. As part of the Interagency Classification Review Committee, Scalia was charged with deciding which documents should be declassified. According to a January 1975 memo, the ICRC strategy was to try to force litigation regarding release of documents under the FOIA, in order to set up case law that would favor withholding information. As representative of the DOJ, Scalia's apparent addition to the discussion was to secure a "so-called disinterested review" of the government's decision to deny the release of records, in order to convince a court that the government's motives, and interests, were pure.

More recently, Scalia's position as a champion of opaque government showed itself again on April 7 during a speech to Mississippi high school students. According to the *Hattiesburg American*, while Scalia was delivering a speech on the importance of protecting constitutional rights, a federal marshal was simultaneously confiscating tape recorders from two reporters who were there covering the event. Although there was no prior announcement prohibiting the recording of Scalia's remarks, the federal marshal told the reporters that Scalia had asked that his speech not be recorded.

"Our Constitution is not only what started this great nation," Scalia told the students, "but is what continues to make us one great nation. There is no other nation that can identify with those principles." On Monday, Scalia apologized to the reporters involved – but reiterated that he feels he has a "First Amendment right" to limit media coverage and forbid recording of his speeches.



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Local News - Wednesday, April 14, 2004

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## Scalia issues written apology

By Kevin Walters; [kwalters@hattiesb.gannett.com](mailto:kwalters@hattiesb.gannett.com)  
American Staff Writer

Calling the seizure of a reporter's tape "upsetting and indeed enraging," U.S. Supreme Court Justice Antonin Scalia issued a written apology Tuesday to a Hattiesburg American reporter in which he blamed miscommunication for the confiscation of her tape by a U.S. deputy marshal.



The incident occurred during a speech on the U.S. Constitution that Scalia gave at Presbyterian Christian High School, the second of two speeches he gave in Hattiesburg last week. The school's students, teachers and community members, as well as the media, had been invited to the event.

"The marshals were doing what they believed to be their job, and the fault was mine in not assuming that the ground rules had been clarified." - U.S. Supreme Court Justice Antonin Scalia, in a letter to Hattiesburg American reporter Antoinette Konz

"It had been announced at my talk earlier that day, at William Carey College, that video or audio recording was not permitted," Scalia wrote in a letter to American reporter Antoinette Konz. "That announcement was not repeated at the high school, but the marshals believed (with good reason) that the same policy was in effect. Indeed, perhaps they thought the announcement had been made."

U.S. Deputy Marshal Melanie Rube demanded the recordings from Konz and Associated Press reporter Denise Grones. She erased Grones' digital recording and took Konz's tape which was later returned to her, but only after Konz agreed to erase the portion containing Scalia's speech.

The Hattiesburg American filed a formal protest late last week with the U.S. Marshals Office and Attorney General John Ashcroft on the grounds that the seizure was unconstitutional and violated Department of Justice guidelines.

The idea of law enforcement officers seizing a reporter's notes or recordings was something Scalia said he abhorred.

"The marshals were doing what they believed to be their job, and the fault was mine in not assuming that the ground rules had been clarified," he wrote. "(To tell the truth, even if they had been clarified and some reporter had broken them, I

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would not have wanted the tape erased.)"

Scalia wrote that it has been his policy in the past to decline television coverage at his public appearances in the tradition of other Supreme Court justices so as "not to thrust themselves into the public eye, where they might come to be regarded as politicians seeking public favor."

"Writing books and speaking to schools and learned societies is one thing; but going live on national radio or TV is something else," he wrote Konz. "I realize that not all judges follow this policy, and it may be that my efforts to pursue it are doomed to failure."

He plans to change his policy in the future and he would have "no problem at all" with the print media recording his speeches.

"I think it's very honorable for the justice to send a letter of apology," Konz said. "I hope this never happens to another reporter ever again."

Hattiesburg American Executive Editor Jon K. Broadbooks called the apology "gracious."

"Justice Scalia said he played no role in ordering the tape's seizure, and we take him at his word," Broadbooks said. "We hope the U.S. Marshals Service will quickly and forcefully explain their actions and explain how they can prevent it from happening again."

The U.S. Marshals Service spokesman Dave Turner declined to comment on what response his agency would make to the letter.

The Reporters Committee for Freedom of the Press filed a complaint against Scalia, and on Tuesday the group's executive director Lucy Dalglish praised Scalia for his apology.

Though she called him a brilliant man, she did not back off in condemning Scalia for not including the broadcast media in his change of policy.

"This was a big screw-up and it's obvious that he recognizes that it was a big screw-up," Dalglish said. "I really wish he would enter the 20th century when it comes to broadcast media."

The American people need to be informed about the justices and the Supreme Court, she said, and television and radio coverage would greatly improve the public's knowledge of the nation's highest court.

University of Mississippi political science professor John Winkle, who specializes in constitutional law and the Supreme Court, called Scalia's letter of apology a rare thing.

"I'm really quite amazed that it unfolded the way it did but extremely pleased that the judge has issued a formal apology," Winkle said. "It's an extremely significant event that he would issue a formal apology for these actions."

He called the current Supreme Court one of the most active in history with many of the justices conducting interviews and making public appearances.

"As a public officer, statements made in a public setting ought to be on the

record, but I understand his position here," Winkle said. "I think the only thing that would concern me as a constitutional scholar in the whole process of disallowing any kind of recording devices is if the judge or the justices were to comment on a pending case which would be quite inappropriate."

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Originally published Wednesday, April 14, 2004



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washingtonpost.com

## Scalia Apologizes for Erasure Of Reporters' Tapes of Speech

Justice Vows to Permit Recordings by Print Journalists

By Charles Lane  
Washington Post Staff Writer  
Tuesday, April 13, 2004; Page A17

Supreme Court Justice Antonin Scalia has issued written apologies for the destruction of two reporters' audiotapes by a deputy U.S. marshal in guarding him last week, and has promised to permit print journalists to record his public speeches in the future, according to a letter by the justice made public yesterday.

In an April 9 letter to Lucy A. Dalglish, executive director of the Reporters Committee for Freedom of the Press, which had protested the incident, Scalia said he had written to the two reporters, Antoinette Konz of the Hattiesburg American and Denise Grones of the Associated Press, "extending my apology and undertaking to revise my policy so as to permit recording for use of the print media."

Scalia called Dalglish's concern "well justified" and said he had been "as upset as you were" to learn of the deputy marshal's action, which, he said, "was not taken at my direction."

His letter was posted on the Internet yesterday by the Reporters Committee. It was his first known response to the incident, which occurred April 7.

Both Scalia and the U.S. Marshals Service have come under fire from advocates of media freedom, who said the erasure of the reporters' recordings was contrary to the spirit of the First Amendment, and possibly to a federal law that prohibits federal officers from confiscating news material even while investigating crimes.

Yesterday, Democratic Sens. Charles E. Schumer (N.Y.) and Patrick J. Leahy (Vt.) took the issue a step further, sending a letter to Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, denouncing the April 7 incident and asking that standards be set for media access to the speeches of federal judges.

It was unclear yesterday whether Scalia's apology and change in policy would satisfy his critics. Though he indicated a willingness to let print reporters record his remarks for the sake of accurately quoting him, he rejected suggestions that he permit radio and television reporters to record his remarks for broadcast.

"We greatly appreciate Justice Scalia's prompt response to our letter," Dalglish said in a written statement. "However, we remain disappointed with his policy regarding electronic media coverage of his speeches, and hope he will reconsider."

Barbara Cochran, president of the Radio-Television News Directors Association, sent Scalia an open

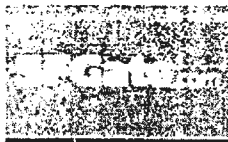
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Rube cited Scalia's policy of not permitting audiotaping or videotaping of his public appearances. But the policy had not been announced to the reporters.



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## EDITORIAL

Not in this country

Tuesday, April 13, 2004

**San Francisco Chronicle**

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**SUPREME COURT** Justice Antonin Scalia is right on one point: Some people just don't have enough reverence for the U.S. Constitution.

Scalia was making that point in an April 7 speech in Hattiesburg, Miss., when a federal marshal insisted that two journalists turn over their tape recorders. Scalia, it seems, does not like his words to be recorded — though the reporters said they were not told in advance about the Supreme Court justice's preference.

A deputy U.S. marshal carried off the recorders and returned them after Scalia's words were erased.

What is wrong with this picture? The confiscation of a reporter's recording device should not happen at a public meeting, at least not in a country where freedom of the press is embedded in the Constitution.

If there was a crime that day in Hattiesburg, it was not committed by the two reporters. The 1980 Privacy Protection Act was designed by Congress to shield journalists from the types of seizures of works-in-progress that are more typically seen in totalitarian states.

The mission of the U.S. marshals, established in 1789, is to "protect the federal courts and ensure the effective operation of the judicial system."

In a letter to the Reporters Committee for Freedom of the Press made public Monday, Scalia said he apologized to the two reporters and maintained that he had not ordered the marshal to act. "I was as upset as you were," Scalia wrote.

There has been no such expression of contrition from the U.S. Marshals Service. Director Benigno G. Reyna and his charges need to get the message that their job is to follow the law when they provide "security" for the federal judiciary.



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From Capitol Hill Blue

**THE SUPREMES**

**Scalia's Abuse of the Law**

By DALE McFEATTERS

Apr 13, 2004, 06:59

Supreme Court Justice Antonin Scalia's relations with the press have always been strange.

Last year, he insisted that TV cameras be barred from a luncheon where he was given a free speech award for his efforts on behalf of the First Amendment.

However, what happened when he spoke to a Mississippi high school went over the line, even putting aside for a moment the proposition that the press has a right to cover public officials appearing in public venues.

Two local reporters had been invited by the school to cover Scalia's speech, which they did until a deputy U.S. marshal, Melanie Rube, demanded their tape recorders and snatched one of them. She erased one reporter's tape and forced the other reporter to erase hers. It is unclear whether Rube did so at Scalia's behest or not, but with any law enforcement officer there is always the implicit threat of force.

What does seem clear is that the action violated a 1980 federal law, the Privacy Protection Act that protects reporters' notes, tapes and photos from seizure by federal officials. There are exceptions, but they are few and require an OK from the attorney general.

Earlier that day, Scalia spoke at a local college. The school told local TV crews that they couldn't cover the speech but could cover the reception afterward. When Scalia saw the TV crews he demanded they be evicted.

So he's not only a little shaky on the laws governing reporter's notes, he's ill-mannered as well.

More than any other federal officials, Supreme Court justices can unilaterally decide how and when they'll talk to the press or even if they'll talk at all. Scalia may only face the raised eyebrows of his fellow justices.

But the Justice Department should make it quite clear to the U.S. Marshals Service that the marshals are there to provide protection, not to handle the justice's press relations.

*(Contact Dale McFeatters at [McFeattersD@SHNS.com](mailto:McFeattersD@SHNS.com))*

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## **Justice contrite to reporters Marshal destroyed speech recordings**

Adam Liptak, New York Times  
Tuesday, April 13, 2004  
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Supreme Court Justice Antonin Scalia mailed letters of apology Friday to two Mississippi reporters who were required to erase audio recordings of a speech he gave at a high school there Wednesday.

The reporters, for a wire service and a local newspaper, were asked to destroy the recordings by a deputy federal marshal at the end of a half-hour speech by Scalia at the Presbyterian Christian High School in Hattiesburg.

The deputy cited the justice's standing policy prohibiting the recording of his remarks. The policy had not been announced at the high school.

Both Scalia and the U.S. Marshals Service have come under fire from advocates of media freedom, who said the erasure of the reporters' recordings was contrary to the spirit of the First Amendment, and possibly to a federal law that prohibits federal officers from confiscating news material even while investigating crimes.

On Monday, Democratic Sens. Charles Schumer, N.Y., and Patrick Leahy, Vt., took the issue a step further, sending a letter to Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, denouncing the April 7 incident and asking that standards be set for media access to the speeches of federal judges.

Scalia's letters had not yet arrived Monday, the two news organizations said, and the Supreme Court declined to release them.

Scalia referred to the apologies in a separate letter mailed Friday to the Reporters Committee for Freedom of the Press, which had protested the marshal's actions. The committee released the letter Monday.

The justice said the organization's concern was "well justified."

"You are correct that the action was not taken at my direction," he wrote. "I was as upset as you were."

Antoinette Konz, a reporter for the Hattiesburg American, expressed appreciation for the apology. She said she found the experience of having her tape confiscated disturbing. It was returned to her only after she promised to erase the justice's speech from it.

"I think it's very honorable of him," she said. "I accept his apology. I am still upset about the entire incident."

Scalia said the controversy had caused him to revise his policy "so as to permit recording

for use of the print media" to "promote accurate reporting." He suggested that he had been misquoted in some accounts as saying "people just don't revere" the Constitution "like they used to." But the letter did not set out his version, and a court spokesman declined to comment.

In the letter to the Reporters Committee, Scalia indicated that he would continue to ban the recording of his speeches by the broadcast press.

"The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so," he wrote, "and I am sure that courtesy will continue."

Barbara Cochran, the president of the Radio-Television News Directors Association, objected to that distinction in a letter to Scalia on Monday. "There is no legal basis for such discrimination," she wrote. "To exclude television cameras and audio recording is the equivalent of taking away pencil and paper from print reporters."

Frank Fisher, the Associated Press' Mississippi bureau chief, said the apparent apology to its reporter, Denise Grones, represented progress. But he, too, expressed his discomfort at the disparate treatment of the broadcast news media.

"The First Amendment covers all of us," he said.

*The Washington Post contributed to this report.*

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April 13, 2004

## Scalia apologizes to reporters

By Nikki Davis Maute  
 Hattiesburg American

U.S. Supreme Court Justice Antonin Scalia said he is sending a letter apologizing to reporters who had recordings of his speech in Hattiesburg seized by a federal marshal.

Scalia alluded to the apologies in a letter sent Friday to the Reporters Committee for Freedom of the Press. The Hattiesburg American reporter involved in the incident, Antoinette Konz, had not received a letter late Monday.

"You are correct that the action was not taken at my direction; I was as upset as you were," Scalia wrote to the committee, a journalists' advocacy organization.

Scalia spoke at a convocation at Presbyterian Christian High School in Hattiesburg on Wednesday. Midway through the speech a federal marshal approached Konz and an Associated Press reporter, Denise Grones, demanding recordings they had made of the justice's speech.

Both reporters initially refused to hand over the recordings but later complied when the marshal, identified as Melanie Rube, again issued the demand. The recordings were erased at the marshal's order.

Scalia said in the letter he doesn't direct the actions of the U.S. Marshals Service but will tell marshals he would prefer that they don't confiscate recordings. The marshals provide security for Supreme Court justices. Scalia could not be reached for comment.

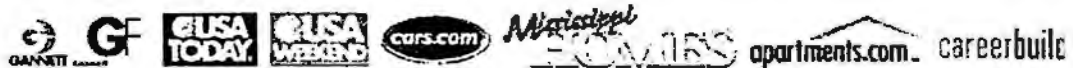
"We are pleased that Justice Scalia shares our dim view of the seizure of the recordings," said Hattiesburg American Executive Editor Jon Broadbooks.

Broadbooks said allowing reporters to make recordings of Scalia's public speeches makes sense. "The reason to tape is to help ensure accuracy," Broadbooks said.

Most major newspapers in the country carried the story of the recordings' seizures and it was featured on ABC's World News Tonight.

University of Southern Mississippi Journalism Professor Art Kaul said Scalia's decision to revise his policy and allow recordings of his speeches is a hopeful sign.

"Even U.S. Supreme Court justices can come to their senses," Kaul said. "With all due respect to the distinguished judge, his prior position restricting the recording of his words was on very dubious constitutional grounds."

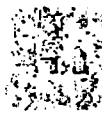


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## NEWS

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### Retroactive ground rules

Tuesday April 13, 2004

Apparently, Supreme Court Justice Antonin Scalia didn't want his speech recorded when he spoke Wednesday at Presbyterian Christian High School in Hattiesburg, Miss. It is necessary to use the word "apparently" because that ground rule wasn't announced before he spoke.

Yet U.S. Marshal Melanie Rube, who was providing security for the justice, took an Associated Press reporter's digital recorder and demanded to be shown how the recording could be erased. The reporter conceded, and the marshal erased the recording. A reporter from The Hattiesburg American erased her tape as well when confronted by the marshal.

Such bullying of the press is not only disturbing but also appears to violate laws designed to protect the press from government harassment. It's even more disturbing that the marshal in this instance was working on behalf of a government official who should know

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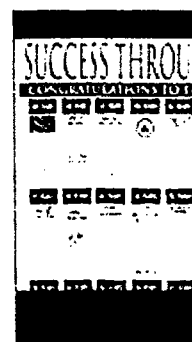
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our laws better than all but a handful of people in the country.

Justice Scalia should know that ground rules cannot be established after the fact and that a reporter's materials cannot legally be seized in such manner.

Nehemiah Flowers, the U.S. marshal for the Southern District of Mississippi, told the Associated Press that the marshals' failure to indicate Justice Scalia's wishes prior to his speech "could have possibly been a faux pas on our behalf." But, given the circumstances, he said he doesn't know what his marshal could have done differently.

The answer to that is simple, though it's not one the marshals or Justice Scalia want to hear. What she should have done was acknowledge the failure to announce the justice's wishes and keep her hands off materials obtained legally and ethically by the press.

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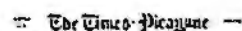
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## Scalia Apologizes for Seizure of Recordings

By ADAM LIPTAK

Published: April 13, 2004

Justice Antonin Scalia of the Supreme Court has apologized to two Mississippi reporters who were required to erase recordings of a speech he gave at a high school there on Wednesday.

The reporters, for The Associated Press and a local newspaper, had been told by a deputy federal marshal to destroy the recordings at the end of a half-hour speech by the justice at the Presbyterian Christian High School in Hattiesburg.

The marshal cited the justice's standing policy prohibiting the recording of his remarks. The policy had not been announced at the high school.

On Friday, Justice Scalia wrote the reporters to apologize, but his letters had not yet arrived on Monday, the two news organizations said, and the Supreme Court declined to release them.

Justice Scalia referred to the apologies in a separate letter mailed on Friday to the Reporters Committee for Freedom of the Press, which had protested the marshal's actions. The committee released the letter on Monday.

Calling the organization's concern "well justified," the justice wrote: "You are correct that the action was not taken at my direction. I was as upset as you were."

One of the reporters, Antoinette Konz of The Hattiesburg American, expressed appreciation for the apology. She said she was disturbed that her tape was confiscated.

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It was returned to her only after she promised to erase the justice's speech from it.

"I think it's very honorable of him," she said. "I accept his apology. I am still upset about the entire incident."

Justice Scalia said in the letter to the Reporters Committee that the controversy had caused him to revise his policy "so as to permit recording for use of the print media" to "promote accurate reporting." He suggested that he had been misquoted in some accounts as saying "people just don't revere" the Constitution "like they used to." But the letter did not set out his version of what he said, and a court spokesman declined to comment.

Justice Scalia indicated he would continue to ban the recording of his speeches by the broadcast press.

"The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so," he wrote, "and I am sure that courtesy will continue."

Barbara Cochran, president of the Radio-Television News Directors Association, objected to that distinction in a letter to Justice Scalia yesterday. "There is no legal basis for such discrimination," she wrote. "To exclude television cameras and audio recording is the equivalent of taking away pencil and paper from print reporters."

Frank Fisher, Mississippi bureau chief for The Associated Press, said the apparent apology to its reporter, Denise Grones, represented progress. But he, too, noted discomfort at the varying treatment of the broadcast press.

"The First Amendment covers all of us," he said.

In his letter, Justice Scalia said he did not have the power to "direct security personnel not to confiscate recordings."

"Security personnel, both those of the institutions at which I speak, and the United States marshals, do not operate at my direction," he wrote, "but I shall certainly express that as my preference."

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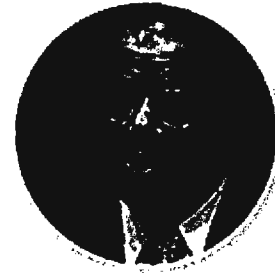


Online NewsHour

Online NewsHour Update

April 13, 2004, 4:30 pm EDT

## JUSTICE SCALIA APOLOGIZES TO REPORTERS, REVISES PRINT MEDIA POLICY



**Supreme Court Justice Antonin Scalia** apologized for the confiscation of two reporters' audiotapes by a deputy U.S. marshal during a public speech in Mississippi last week, and promised to allow print journalists to record his public speeches in the future.

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During the April 7 incident, the marshal ordered two reporters to erase their recordings at the end of a half-hour speech by the justice at the Hattiesburg's Presbyterian Christian High School. The reporters, Antoinette Konz of the Hattiesburg American and Denise Grones of the Associated Press, initially balked at handing over their recordings, but complied when Deputy Marshal Melanie Rube reiterated her demand.

The U.S. Marshal Services defended Rube's actions, pointing to the justice's longstanding prohibition of any recording of his public remarks. Though this policy was not announced at the high school event, the ban had been announced at an earlier speech Scalia gave at a local college, which both reporters had attended.

"I have written to the reporters involved, extending my apology," Scalia said in an April 9 letter to Lucy Dalglish, executive director of the Reporters Committee for Freedom of the Press, which had protested the marshal's actions. The committee posted the letter on its Web site Monday.

Calling the organization's concern "well justified," Scalia wrote: "I was as upset as you were" to learn of the deputy marshal's action, which, he said, "was not taken at my direction."

In the letters to Grones and Konz, which the reporters received Tuesday, Scalia explained he had a long-running policy of refusing radio and television coverage of his public appearances.

"It has been the policy of the American judiciary not to thrust themselves into the public eye, where they might come to be regarded as politicians seeking public favor," Scalia wrote.

Scalia acknowledged that an announcement had been made during his appearance at William Carey College had not been repeated at the high school event.

"I abhor as much as any American the prospect of a law enforcement officer's seizing a reporter's notes or recording," he wrote. "The marshals were doing what they believed to be their job, and the fault was mine in not assuring that the ground rules had been clarified."

"I have learned my lesson (at your expense), and shall certainly be more careful in the future. Indeed, in the future I will make it clear that recording for use of the print media is no problem at all," Scalia concluded in the letter.

Konz accepted the apology, but she said she was still troubled that her tape was seized by the marshal and was returned to her only after Konz promised to delete the justice's speech from it.

"I think it was very honorable for the justice to send a letter of apology ... however, the issue remains that the tapes shouldn't have been seized to begin with," Konz said, as quoted in the Hattiesburg American.

Grones said Tuesday she was "happy Justice Scalia understands the value of a reporter doing his or her job. Print reporters usually depend heavily on their recorders to ensure accurate quotes, and that's what I was doing that day."

Still, Scalia's apology has not entirely quelled criticism over the April 7 incident.

Scalia said in his letters that the controversy had prompted him to revise his press policy "so as to permit recording for use of the print media" to "promote accurate reporting" and to avoid misquoting his public statements, but said he would maintain his

ban against the broadcast press.

"The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so and I am sure that courtesy will continue," Scalia wrote to the Reporters Committee for Freedom of the Press.

Barbara Cochran, president of the Radio-Television News Directors Association, protested that distinction in an open letter sent to Scalia Monday.

"There is no legal basis for such discrimination," Cochran wrote. "To exclude television cameras and audio recording is the equivalent of taking away pencil and paper from print reporters."

Frank Fisher, the Associated Press's Jackson, Miss., bureau chief, and Jon Broadbooks, executive editor of the Hattiesburg American, each expressed gratitude for Scalia's apologies but noted disappointment over the different treatment for broadcast reporters.

"We are pleased Justice Scalia has acknowledged that it was wrong for federal law enforcement officers to force reporters to erase their tapes," Fisher told the AP.

"But the justice also ordered a television crew to leave a public reception before the speech, and newspaper photographers were initially told not to take pictures. We think that deserves an apology, too," Fisher said.

Broadbooks also cautioned that the issue of the deputy U.S. marshal's possibly unlawful conduct remained unresolved. Both news organizations have protested to federal authorities.

The 1980 Privacy Protection Act says government agents investigating a crime may not "search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast or other similar form of public communication."

A spokeswoman with the U.S. Marshals Service, Mavis Dezulovich, said Monday that a complaint from the news organizations was being reviewed, but added that "it could take days or weeks" for the review

to be completed.

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Local News - Thursday, April 8, 2004

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# Media access limited during Scalia's speeches

**Justice: Constitution 'something extraordinary'**

By Antoinette Konz; akonz@hattiesb.gannett.com  
American Staff Writer

While U.S. Supreme Court Justice Antonin Scalia spoke to high school students on Wednesday about the importance of protecting the rights provided by the Constitution, the recording devices of two reporters were confiscated by a federal marshal.

"You may wonder what makes our Constitution so special. I am here to persuade you that our Constitution is something extraordinary, something to revere," Scalia told students at Presbyterian Christian High School in Hattiesburg.

"Our Constitution is not only what started this great nation," Scalia continued, "but is what continues to make us one great nation. There is no other nation that can identify with those principles."

During Scalia's speech at the high school, U.S. Marshal Melanie Rube demanded that a reporter with The Associated Press erase a tape recording of the justice's remarks. Rube also took a tape recording made by a reporter with the Hattiesburg American.

Rube said Scalia had asked that his appearance not be recorded. But there was no prior announcement that electronic recordings of Scalia's speech were prohibited.

At an earlier appearance at William Carey College, Scalia talked about the religion clauses contained in the Constitution. At a reception honoring the Supreme Court justice, television reporters with WDAM-Channel 7 were told by Scalia to leave and newspaper photographers were initially not allowed to take



GAVIN AVERILL Hattiesburg American

**U.S. Supreme Court Justice Antonin Scalia speaks before Presbyterian Christian High School students in Hattiesburg on Wednesday.**

photographs.

A college official reversed the order after non-media guests started snapping photos.

Jeanna Graves, a spokeswoman for William Carey College, sent an e-mail to area media Wednesday night apologizing for the incident.

"I do not know how to apologize enough for today," Graves said. "I was told that the media would have access to Justice Scalia during the reception.

Graves said she was "embarrassed and angry" at the way media were treated by Scalia.

"I hope that this incident will not reflect badly on William Carey College," she said.

Scalia, named to the high court by President Ronald Reagan in 1986, has long barred television cameras from his speeches, but does not always forbid newspaper photographers and tape recorders.


But it has been routine for Supreme Court justices to be video taped delivering speeches and testimony before congressional committees.

Last year, Scalia was criticized for refusing to allow television and radio coverage of an event in Ohio in which he received an award for supporting free speech.

Supreme Court spokeswoman Kathy Arberg said that it is up to Scalia and his staff to set guidelines for coverage of his events.

"It's standard that his speeches are not televised," she said.

*The Associated Press contributed to this report.*

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**Originally published Thursday, April 8, 2004**

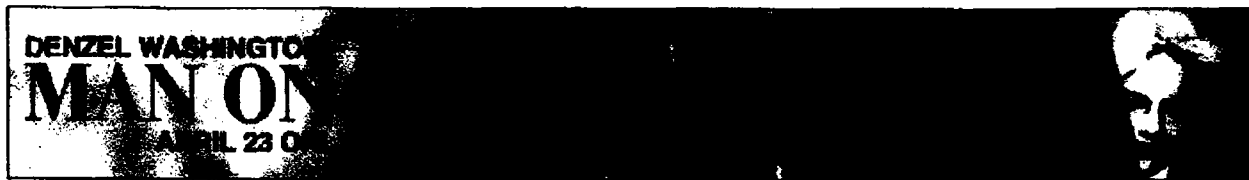
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## THE NATION

# Scalia's Tape Tactics at Issue

■ Experts question legal basis for confiscation -- apparently on justice's orders -- of recordings.

By David G. Savage, Times Staff Writer

WASHINGTON — First Amendment experts on Thursday questioned the legal basis for a deputy U.S. marshal — apparently acting on the orders of Supreme Court Justice Antonin Scalia — to confiscate and erase recordings made by two reporters invited to hear the justice speak at a high school gym.

The experts questioned not only Scalia's practice of barring recordings of remarks made in public, but also whether the seizure may have violated a federal law intended to shield journalists from having notes or records confiscated by officials.

"I don't think any public official — and I don't care whether you are a Supreme Court justice or the president of the United States — has a right to speak in public and then say, 'You can't record what I have said,'" said Burt Neuborne, a law professor at New York University and former legal director of the American Civil Liberties Union. "A marshal is there for security, not to censor what a justice has said."

Alone among the justices, Scalia forbids television cameras when he speaks in public, and he usually tries to clear the room of reporters. He strictly insists, usually in advance, that his words not be recorded.

On Wednesday afternoon, however, no warning of his rule was given to event hosts or reporters when Scalia spoke at Presbyterian Christian High

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School in Hattiesburg, Miss.

"This was our first effort at having a national speaker on campus. We assumed the public and reporters would want to be here," said Barrett Mosbacher, the headmaster.

Antoinette Konz, a school reporter for the Hattiesburg American, said she received a written invitation to cover the event. "They called back to make sure we would be there Wednesday," she recalled. "And when we arrived, they gave us a place to sit in the front row."

Soon after Scalia entered the gym, a marshal told a TV reporter to stop recording. The justice spoke to the assembly of students, faculty and parents about the importance of the Constitution.

The Constitution protects the rights of all, he said, according to a reporter's account. It is a "brilliant piece of work.... People just don't revere it like they used to," he said.

Near the end of the talk, Deputy U.S. Marshal Melanie Rube, who works in the Hattiesburg area, confronted two reporters who were recording Scalia's comments.

"She came up and demanded the tapes," Konz said. "She told us that Scalia did not want the speech to be tape-recorded."

When Associated Press reporter Denise Grones balked, "the marshal grabbed the tape recorder," Konz said, and erased the digital recording.

Konz said the marshal then removed the tape from her recorder and walked away with it. "I said, 'I need that tape,' she said. "I tried to explain there was stuff on the other side that I needed." After the event, the marshal agreed to return the tape, but only after taping over the 40 minutes that covered the time of Scalia's appearance.

Konz said she was surprised by Scalia's actions, since she had met him four years ago when he gave a speech at a local college where she was a student.

"I had my picture taken with him," she said. "I certainly wasn't expecting something like this. What was this about? Why was he so upset?"

Experts in 1st Amendment law say it is generally understood that officials — including judges — cannot confiscate or destroy notes or records that journalists obtain in public events.

"This is a major embarrassment. And it is unsupportable as a matter of law," said Jane Kirtley, a law professor at the University of Minnesota and an expert on press law. "They could have said, 'No Press Allowed.' But if they let the reporters in and there are no ground rules announced in advance, they can't then say you can't report that or you can't use that."

She said that principle was invoked recently in Mississippi when a judge tried to punish a reporter for writing a newspaper article about a defendant's juvenile record, which had been described in an open court hearing. The state Supreme Court ruled that the information, once made public, could not be declared confidential afterward.

Kirtley also said the action by Scalia and the marshal appeared to violate the Privacy Protection Act of 1980, which says: "It shall be unlawful for a government officer or employee ... to search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast or other similar form of public communication." The law also says victims of such official confiscations may sue the violators.

Neuborne said he was disappointed by Scalia's action in light of his past decisions upholding the 1st Amendment. "This is very surprising coming from him, since he has a good grasp of the 1st Amendment," Neuborne said. "This doesn't live up to the ideals of the 1st Amendment. He should know he can't use a U.S. marshal as a private police force to enforce his will."

Earlier Wednesday, Scalia prompted a minor flap at nearby William Carey College, a private Baptist school.

Reporters and TV crews were told that they could not record Scalia's speech, but that they could photograph him afterward at a social reception. But when the justice entered the reception area, he told the reporters and TV crews that they would have to leave.

"That was my fault. I did not realize it was longstanding policy not to give interviews to the press," said college President Larry Kennedy.

A press aide at the college sent a note of apology to reporters afterward. "They had been invited by me, based on what turned out to be wrong information," said Jeanna Graves, the spokeswoman.

Last year, Scalia's aversion of the press made headlines in Cleveland. He was given the annual Citadel of Free Speech award by the City Club of Cleveland in honor of his efforts on behalf of the "preservation of the 1st Amendment." But the justice nonetheless barred TV reporters and camera crews from covering his luncheon speech.

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# **Marshal Orders Tapes Of Scalia Talk Erased**

Reporters Told Justice Bars Recording

By Charles Lane  
 Washington Post Staff Writer  
 Friday, April 9, 2004; Page A02

A federal marshal guarding Supreme Court Justice Antonin Scalia ordered two reporters to erase audio recordings they were making of Scalia's speech to a group of high school students in Mississippi on Wednesday, prompting protests from local journalists who said they were victims of official interference with the press.

As Scalia was addressing an afternoon assembly at the Presbyterian Christian High School in Hattiesburg, Deputy U.S. Marshal Melanie Rube confronted the journalists and told them they must erase their recordings because they violated the justice's policy against audio- or videotaping of his public appearances.

After Associated Press reporter Denise Grones balked, the marshal took her digital recorder and erased its contents -- after Grones explained how the machine worked. The marshal also asked Hattiesburg American reporter Antoinette Konz to hand over a cassette tape and returned it, erased, after the event.

"The deputy's actions were based on Justice Scalia's long-standing policy prohibiting such recordings of his remarks," David Turner, a spokesman for the U.S. Marshals Service, said. But, he added: "Justice Scalia did not instruct the deputy to take that action."

Editors at both the Hattiesburg American and the Jackson bureau of the AP said their reporters had not been told ahead of time that they could not record at the high school.

"I find it very curious where a Supreme Court justice spends a significant amount of time talking about the Constitution, he seems to omit the part about freedom of the press," said Jon Broadbooks, executive editor of the American. "What authority does the marshal service have to try to confiscate reporters' tape recorders?"

Supreme Court spokesman Ed Turner said that Scalia was unavailable for comment. "The justice generally prefers not to have audio or video recordings of his remarks," Turner said.

Like the recent debate over Scalia's refusal to recuse himself after a duck-hunting trip with Vice President Cheney while Cheney is a named party in a pending case at the court, the incident in Mississippi drew attention to the nearly complete autonomy each justice enjoys in deciding matters that bear on how he or she is perceived by the public. While some justices welcome television coverage of their speeches, others shun it.

But confrontations between the media and justices' security details, which are far smaller than those that surround the president and some Cabinet officials, are rare. Members of the court are guarded by Supreme Court police while in Washington, and by U.S. marshals when they travel outside the capital.

Deputy Marshal Rube is based at the Marshals Services' Hattiesburg sub-office, Turner said. She had been instructed to enforce Scalia's policy during preparations for his visit, Turner added.

The incident at the high school followed a clash between Scalia and the media earlier in the day at William Carey College, a Baptist institution where Louis Griffin, with whom Scalia regularly hunts turkeys, is a trustee.

College officials announced before Scalia's speech to a large assembly that it could not be recorded. But they invited the local media, including television reporters, to talk with Scalia at a reception afterwards.

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When Scalia saw cameras at the reception, however, he informed the college's president, Larry W. Kennedy, that he did not give interviews, and Kennedy asked the journalists to leave, Kennedy said in a telephone interview.

Both of the reporters whose recordings were erased in the afternoon were at the morning event when Scalia's ban was announced.

But, said Ron Harrist, news editor of the AP's Jackson bureau, the afternoon speech "was a separate event at the high school. There was no announcement not to do it. We feel like it [the order to erase] was unjustified. Our reporter was strictly using a recorder to make sure she got what he had to say correct."

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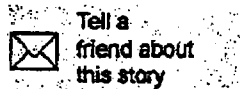
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## News Watch

# Scalia, Federal Marshal Land In First Amendment Controversy

[New York Lawyer](#)  
 April 9, 2004

By The Associated Press

JACKSON, Miss. - A deputy federal marshal violated the law and "the fundamental tenets of press freedom" when she ordered two reporters to erase recordings of a speech by Supreme Court Justice Antonin Scalia, a journalists' advocacy group said Thursday.

The Reporters Committee for Freedom of the Press said in a letter that the marshal violated the Privacy Protection Act, which says government officers may not seize materials in the possession of people who plan to distribute them through public communication.

"It is clear that the statute's purpose is to provide maximum protection for the news media against seizures of work product," the group wrote in a letter signed by Committee Executive Director Lucy Dalglish, Legal Defense Director Gregg Leslie and Kirsten Murphy, a legal fellow.

Justice Department employees should receive approval from the attorney general before ordering a journalist to turn over work materials, the letter said. Because the marshal failed to do so, her actions should lead to a reprimand or other disciplinary action, according to the letter.

"We also urge that all such officials be reminded of the important interests at stake when dealing with the news media," the letter said.

The letter was addressed to Attorney General John Ashcroft, U.S. Marshals Service Director Benigno G. Reyna and Nehemiah Flowers, the U.S. Marshal for the Southern District of Mississippi.

During a speech Scalia gave on the Constitution in Hattiesburg on Wednesday, a woman who identified herself as Deputy Marshal Melanie Rube demanded that a reporter for The Associated Press erase a tape recording of the justice's comments.

The reporter initially resisted, but later showed the deputy how to erase the digital recording after the officer took the device from her. The marshal also made a Hattiesburg American reporter erase her tape.

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"We're very upset over the forced erasure of our reporter's tape and believe that crossed the line," AP Mississippi Chief of Bureau Frank Fisher said Thursday. "We hope that this will never happen again."

Fisher added that the erasure "doesn't show a lot of respect for the First Amendment."

Scalia gave two speeches Wednesday in Hattiesburg, one at Presbyterian Christian High School and the other at William Carey College. He did not warn the audience at the high school that recording devices would be forbidden, but issued a warning before the college speech.

At a reception following Scalia's speech at William Carey, the justice told television reporters from Hattiesburg station WDAM-TV to leave. A member of his entourage also told newspaper photographers they could not take pictures, but a college official reversed the order after non-media guests started snapping photos.

William Carey spokeswoman Jeanna Graves later apologized to the media.

A spokeswoman for the Supreme Court said it is up to Scalia and his staff to set guidelines for coverage of his events.

Spokespeople for the Justice Department and Marshals Service did not immediately respond to calls seeking comment Thursday.

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# Marshal Orders Tapes Of Scalia Talk Erased

## Reporters Told Justice Bars Recording

By CHARLES LANE  
Washington Post Staff Writer

A federal marshal guarding Supreme Court Justice Antonin Scalia ordered two reporters to erase audio recordings they were making of Scalia's speech to a group of high school students in Mississippi on Wednesday, prompting protests from local journalists who said they were victims of official interference with the press.

As Scalia was addressing an afternoon assembly at the Presbyterian Christian High School in Hattiesburg, Deputy U.S. Marshal Melanie Rube confronted the journalists and told them they must erase their recordings because they violated the justice's policy against audio- or videotaping of his public appearances.

After Associated Press reporter Denise Grones balked, the marshal took her digital recorder and erased its contents—after Grones explained how the machine worked. The marshal also asked Hattiesburg American reporter Antoinette Konz to hand over a cassette tape and returned it, erased, after the event.

"The deputy's actions were based on Justice Scalia's long-standing policy prohibiting such recordings of his remarks," David Turner, a spokesman for the U.S. Marshals Service, said. But, he added: "Justice Scalia did not instruct the deputy to take that action."



SCALIA

Editors at both the Hattiesburg American and the Jackson bureau of the AP said their reporters had not been told ahead of time that they could not record at the high school.

"I find it very curious where a Supreme Court justice spends a significant amount of time talking about the Constitution, he seems to omit the part about freedom of the press," said Jon Broadbooks, executive editor of the American. "What authority does the marshal service have to try to confiscate reporters' tape recorders?"

Supreme Court spokesman Ed Turner said that Scalia was unavailable for comment. "The justice generally prefers not to have audio or video recordings of his remarks," Turner said.

Like the recent debate over Scalia's refusal to recuse himself after a duck-hunting trip with Vice President Cheney while Cheney is a named party in a pending case at the court, the incident in Mississippi drew attention to the nearly complete autonomy each justice enjoys in deciding matters that bear on how he or she is perceived by the public. While some justices welcome television coverage of their

speeches, others shun it.

But confrontations between the media and justices' security details, which are far smaller than those that surround the president and some Cabinet officials, are rare. Members of the court are guarded by Supreme Court police while in Washington, and by U.S. marshals when they travel outside the capital.

Deputy Marshal Rube is based at the Marshals Services' Hattiesburg sub-office, Turner said. She had been instructed to enforce Scalia's policy during preparations for his visit, Turner added.

The incident at the high school followed a clash between Scalia and the media earlier in the day at William Carey College, a Baptist institution where Louis Griffin, with whom Scalia regularly hunts turkeys, is a trustee.

College officials announced before Scalia's speech to a large assembly that it could not be recorded. But they invited the local media, including television reporters, to talk with Scalia at a reception afterwards.

When Scalia saw cameras at the reception, however, he informed the college's president, Larry W. Kennedy, that he did not give interviews, and Kennedy asked the journalists to leave, Kennedy said in a telephone interview.

Both of the reporters whose recordings were erased in the afternoon were at the morning event when Scalia's ban was announced.

But, said Ron Harrit, news editor of the AP's Jackson bureau, the afternoon speech "was a separate event at the high school. There was no announcement not to do it. We feel like it [the order to erase] was unjustified. Our reporter was strictly using a recorder to make sure she got what he had to say correct."

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A   National News World News	B   Metro	C   Style	D   Sports
6 Nation in Brief	2 Crime & Justice	2 Fashion	1 Thomas Boswell
12 World News	2 Lotteries	3 Names & Faces	1 Andrew Beyer
15 World in Brief	3 Metro in Brief	5 Arts	2 Friday Morning
16 Diplomatic Dispatches	5-6 Obituaries	6-7 Television	2 College Basketball
17 The Federal Page	8 Weather	8 Tell Me About It	3 NFL
17 In the Loop		8 Family Almanac	3 College Hockey

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## Marshal Defends Erasure of Scalia Speech

**AP** Associated Press

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By **HOLBROOK MOHR**, Associated Press Writer

JACKSON, Miss. - A U.S. marshal said a deputy's erasure of two journalists' recordings of a speech by Supreme Court Justice Antonin Scalia ([news](#) - [web sites](#)) was appropriate, given that one of the service's responsibilities is to provide a traveling Supreme Court justice with security.

However, Nehemiah Flowers, the U.S. marshal for the Southern District of Mississippi, conceded Friday that Scalia's request that his remarks not be recorded should have been publicly announced before the speech.

Flowers said the fact no announcement was made regarding Scalia's wishes, "could have possibly been a faux pas on our behalf."

He added that "It would have been handled, on hindsight, a little bit different."

During Scalia's speech Wednesday in Hattiesburg about the Constitution, a woman who identified herself as Deputy Marshal Melanie Rube demanded that a reporter for The Associated Press erase a digital recording of the justice's comments.

The reporter, Denise Grones, initially resisted, but later showed the deputy how to erase the recording after the officer took the device from her. Rube also made a Hattiesburg American reporter erase her tape.

The Reporters Committee for Freedom of the Press said Thursday that the deputy violated the law and "the fundamental tenets of press freedom."

But Flowers defended the deputy's actions.

"The justice informed us he did not want any recordings of his speech and remarks and when we discovered that one, or possibly two, reporters were in fact recording, she took action," Flowers told The Associated Press.

"Even with hindsight, I can't think of what other steps she could have done," Flowers said.

Scalia spoke Wednesday at Presbyterian Christian High School and at William Carey College. He did not warn the high school audience that recording devices would be forbidden, but issued a warning before the college speech.

Later Friday, Dave Turner, a spokesman for the marshals service in Washington, said: "At this stage, ascertaining the facts of exactly what happened is important to anything the marshals service might do in the future."

In a letter to Flowers and to U.S. Marshals Service Director Benigno G. Reyna and Attorney General John Ashcroft ([news](#) - [web sites](#)), the reporters group said the deputy violated the Privacy Protection Act. The act says government officers may not seize journalists' materials.

"It is clear that the statute's purpose is to provide maximum

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protection for the news media against seizures of work product," the group said in a letter signed by Committee Executive Director Lucy Dalglish and two other staffers.

Justice Department ([news](#) - [web sites](#)) employees should receive approval from the attorney general before ordering a journalist to turn over work materials, the letter said. Because the marshal failed to do so, her actions should lead to a reprimand or other disciplinary action, according to the letter.

The AP and three other organizations also sent a letter protesting the marshal's conduct.

The letter demanded an immediate explanation, potential sanctions and details of what steps that would be taken to ensure "that no such improper actions are carried out by U.S. marshals in the future."

Jon Broadbooks, executive editor of the Hattiesburg American, said Friday his newspaper also sent a protest letter to the attorney general and the marshals service.

A spokeswoman for the Supreme Court said it is up to Scalia and his staff to set guidelines for coverage of his events. A spokesman for the Justice Department did not immediately respond to calls seeking comment Thursday.

At a reception following Scalia's speech at William Carey College, the justice told WDAM-TV reporters to leave. A member of his entourage also told newspaper photographers they could not take pictures, but a college official reversed the order after non-media guests started snapping photos.

William Carey spokeswoman Jeanna Graves later apologized to the media, saying she was "embarrassed and angry" over the incident.

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Posted April 12, 2004 1:41 PM.

## Scalia changes press policy Plans to apologize to American reporter

By Nikki Maute  
The Hattiesburg American

U.S. Supreme Court Justice Antonin Scalia said in a letter to the Reporters Committee for Freedom of the Press he will revise his policy on allowing members of the print media to tape his public speeches.

Scalia denied ordering a U.S. Marshal to confiscate recordings made by a reporters for the Hattiesburg American and the Associated Press at a speech in Hattiesburg on Wednesday.

"You are correct that the action was not taken at my direction; I was as upset as you were," Scalia wrote in a letter dated Friday, two days after he spoke at William Carey College and Presbyterian Christian High School.

Scalia was midway through his presentation at the high school when Denise Grones from The Associated Press and the Hattiesburg American's Antoinette Konz were ordered to turn over recordings of the speech to U.S. Marshal Melanie Rube. Both reporters tried to refuse, but ultimately complied with the order when pressed by Rube.

Scalia said he has written to the reporters involved apologizing for the actions. Scalia said he doesn't direct the actions of the U.S. Marshals Service, but will tell them he would prefer they do not confiscate recordings.

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Posted 4/12/2004 7:59 PM Updated 4/12/2004 8:57 PM

### Scalia apologizes for seizure of reporters' tapes

By Joan Biskupic, USA TODAY

WASHINGTON — Supreme Court Justice Antonin Scalia has sent letters of apology to two Mississippi journalists whose recordings of a speech by the justice were seized by a U.S. deputy marshal and then erased.



Scalia now says he is changing his policy of not letting reporters tape his speeches.

By LM Otero, AP

Scalia wrote that he did not approve of the marshal's actions, which occurred during a speech he gave to high school students in Hattiesburg. The incident arose from Scalia's ban on recorders at his speeches.

Outraged news media groups called the incident a possible violation of press freedom. Newspaper editorials noted, with irony, that Scalia was quoted in his speech as saying of the Constitution, "People just don't revere it like they used to."

Scalia now says he is changing his policy of forbidding newspaper reporters from recording his speeches. He apparently is sticking to his ban on audio or video recordings for radio or television.

Scalia also wrote to the Reporters Committee for Freedom of the Press, which had criticized the marshal's action. He said it "was not taken at my direction."

In his April 9 letter to Lucy Dalglish, executive director of the Reporters Committee, the justice said, "I was as upset as you were. I have written to the reporters involved, extending my apology."

Scalia also said he would make it clear to U.S. marshals that he does not expect

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security personnel to confiscate recordings.

Scalia, easily the most provocative member of the high court, was giving a public speech at Presbyterian Christian School last Wednesday when the marshal ordered Antoinette Konz of the *Hattiesburg American* and Denise Grones of the Associated Press to turn over their recordings. The recordings then were erased.

The *American* is owned by Gannett Co., which publishes USA TODAY. Jon Broadbooks, executive editor of the *American*, said Monday that the newspaper had not received Scalia's letter.

"We are gratified to learn that he was upset," Broadbooks said. "We think his change in policy is a sound one, but the lingering and still important issue is the action by the Marshals Service. We have sent a letter of complaint to the Marshals Service and ... we may take further action."

Nehemiah Flowers, the U.S. marshal for the southern district of Mississippi, has defended the deputy marshal's action.

Unlike the other eight justices, Scalia has long banned recordings of his speeches. He has never publicly said why.

In his letter to Dalglish, he said that "the electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so, and I am sure that courtesy will continue."

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## Scalia Apologizes for Erasure Of Reporters' Tapes of Speech

Justice Vows to Permit Recordings by Print Journalists

By Charles Lane  
Washington Post Staff Writer  
Tuesday, April 13, 2004; Page A17

Supreme Court Justice Antonin Scalia has issued written apologies for the destruction of two reporters' audiotapes by a deputy U.S. marshal in guarding him last week, and has promised to permit print journalists to record his public speeches in the future, according to a letter by the justice made public yesterday.

In an April 9 letter to Lucy A. Dalglish, executive director of the Reporters Committee for Freedom of the Press, which had protested the incident, Scalia said he had written to the two reporters, Antoinette Konz of the Hattiesburg American and Denise Grones of the Associated Press, "extending my apology and undertaking to revise my policy so as to permit recording for use of the print media."

Scalia called Dalglish's concern "well justified" and said he had been "as upset as you were" to learn of the deputy marshal's action, which, he said, "was not taken at my direction."

His letter was posted on the Internet yesterday by the Reporters Committee. It was his first known response to the incident, which occurred April 7.

Both Scalia and the U.S. Marshals Service have come under fire from advocates of media freedom, who said the erasure of the reporters' recordings was contrary to the spirit of the First Amendment, and possibly to a federal law that prohibits federal officers from confiscating news material even while investigating crimes.

Yesterday, Democratic Sens. Charles E. Schumer (N.Y.) and Patrick J. Leahy (Vt.) took the issue a step further, sending a letter to Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, denouncing the April 7 incident and asking that standards be set for media access to the speeches of federal judges.

It was unclear yesterday whether Scalia's apology and change in policy would satisfy his critics. Though he indicated a willingness to let print reporters record his remarks for the sake of accurately quoting him, he rejected suggestions that he permit radio and television reporters to record his remarks for broadcast.

"We greatly appreciate Justice Scalia's prompt response to our letter," Dalglish said in a written statement. "However, we remain disappointed with his policy regarding electronic media coverage of his speeches, and hope he will reconsider."

Barbara Cochran, president of the Radio-Television News Directors Association, sent Scalia an open

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letter saying that his policy "discriminates against television and radio journalists, fosters less accurate reporting and undermines the principle at the very core of the First Amendment."

Frank Fisher, the Associated Press's Jackson, Miss., bureau chief, and Jon Broadbooks, executive editor of the Hattiesburg American, said their reporters had not received the letters from Scalia.

Fisher and Broadbooks both used the word "gratified" to sum up their feelings about Scalia's apologies, but said the issue of the deputy U.S. marshal's conduct remained unresolved. Both news organizations have protested to federal authorities.

"There is still the lingering question of why the marshal seized the recordings," Broadbooks said. "We feel it was illegal."

The 1980 Privacy Protection Act says government agents investigating a crime may not "search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast or other similar form of public communication."

A spokeswoman for the U.S. Marshals Service, Nikki Credic, said the service had no comment on Scalia's letter. As for possible corrective action by the service related to the incident, she said that "they are still looking into the matter."

Scalia was delivering an address about the Constitution at Presbyterian Christian High School on April 7 when Grones and Konz were confronted by Deputy U.S. Marshal Melanie Rube and ordered to turn over their recordings, which Rube then erased.

Rube cited Scalia's policy of not permitting audiotaping or videotaping of his public appearances. But the policy had not been announced to the reporters.

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**EDITORIAL****Not in this country**

Tuesday, April 13, 2004

**San Francisco Chronicle**[CHRONICLE SECTIONS](#)

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SUPREME COURT Justice Antonin Scalia is right on one point: Some people just don't have enough reverence for the U.S. Constitution.

Scalia was making that point in an April 7 speech in Hattiesburg, Miss., when a federal marshal insisted that two journalists turn over their tape recorders. Scalia, it seems, does not like his words to be recorded -- though the reporters said they were not told in advance about the Supreme Court justice's preference.

A deputy U.S. marshal carried off the recorders and returned them after Scalia's words were erased.

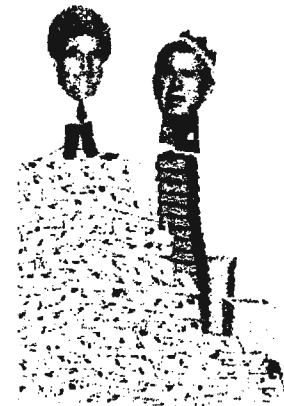
What is wrong with this picture? The confiscation of a reporter's recording device should not happen at a public meeting, at least not in a country where freedom of the press is embedded in the Constitution.

If there was a crime that day in Hattiesburg, it was not committed by the two reporters. The 1980 Privacy Protection Act was designed by Congress to shield journalists from the types of seizures of works-in-progress that are more typically seen in totalitarian states.

The mission of the U.S. marshals, established in 1789, is to "protect the federal courts and ensure the effective operation of the judicial system."

In a letter to the Reporters Committee for Freedom of the Press made public Monday, Scalia said he apologized to the two reporters and maintained that he had not ordered the marshal to act. "I was as upset as you were," Scalia wrote.

There has been no such expression of contrition from the U.S. Marshals Service. Director Benigno G. Reyna and his charges need to get the message that their job is to follow the law when they provide "security" for the federal judiciary.



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From Capitol Hill Blue

**THE SUPREMES**

**Scalia's Abuse of the Law**

By DALE McFEATTERS

Apr 13, 2004, 06:59

Supreme Court Justice Antonin Scalia's relations with the press have always been strange.

Last year, he insisted that TV cameras be barred from a luncheon where he was given a free speech award for his efforts on behalf of the First Amendment.

However, what happened when he spoke to a Mississippi high school went over the line, even putting aside for a moment the proposition that the press has a right to cover public officials appearing in public venues.

Two local reporters had been invited by the school to cover Scalia's speech, which they did until a deputy U.S. marshal, Melanie Rube, demanded their tape recorders and snatched one of them. She erased one reporter's tape and forced the other reporter to erase hers. It is unclear whether Rube did so at Scalia's behest or not, but with any law enforcement officer there is always the implicit threat of force.

What does seem clear is that the action violated a 1980 federal law, the Privacy Protection Act that protects reporters' notes, tapes and photos from seizure by federal officials. There are exceptions, but they are few and require an OK from the attorney general.

Earlier that day, Scalia spoke at a local college. The school told local TV crews that they couldn't cover the speech but could cover the reception afterward. When Scalia saw the TV crews he demanded they be evicted.

So he's not only a little shaky on the laws governing reporter's notes, he's ill-mannered as well.

More than any other federal officials, Supreme Court justices can unilaterally decide how and when they'll talk to the press or even if they'll talk at all. Scalia may only face the raised eyebrows of his fellow justices.

But the Justice Department should make it quite clear to the U.S. Marshals Service that the marshals are there to provide protection, not to handle the justice's press relations.

*(Contact Dale McFeatters at [McFeattersD@SHNS.com](mailto:McFeattersD@SHNS.com))*

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**FortWayne.com**

Posted on Tue, Apr. 13, 2004

## Scalia apologizes for erased tapes

Justice OKs recordings by journalists

Los Angeles Times

WASHINGTON - Supreme Court Justice Antonin Scalia, responding to complaints over a federal marshal's erasing of journalists' tape recordings last week, said he regretted the incident, and sent a letter of apology to the two reporters.

"The action was not taken at my direction. I was as upset as you were," Scalia said in a letter sent Friday to the Reporters Committee for Freedom of the Press.

In the future, he said, he would permit print reporters to record his speeches, but would continue to insist on his "First Amendment right not to speak on radio or television." Since joining the Supreme Court in 1986, Scalia has barred audio and visual recordings when he speaks in public, although reporters are usually permitted to take notes.

The Supreme Court itself enforces a similar rule. While reporters are permitted to scribble notes on court proceedings, they are forbidden from recording what is said. Television cameras are barred from the courtroom entirely.

The court's oral arguments are transcribed, but the printed transcript is usually not made available for several weeks. And under the court's policy, the transcript does not identify which justices ask questions.

This no-recording policy sometimes results in multiple versions of a justice's comment or question in different news stories. The same is true of speeches, as Scalia noted in his letter.

Ironically, Scalia suggested in his letter that his speech in Mississippi had been misquoted.

Allowing reporters to record his words "will, as you say, promote accurate reporting, so that no one will quote me as having said that 'people just don't revere (the Constitution) like they used to.' "

That quote was reported widely last week after Scalia spoke to the Presbyterian Christian School in Hattiesburg, Miss. It was reported by an Associated Press reporter whose tape of the speech was erased by the marshal.

The AP reporter, Denise Grones, and Antoinette Konz, a reporter for the Hattiesburg American, had been invited by school officials to cover Scalia's speech to a large crowd gathered in the gym. Scalia spoke about the importance of the U.S. Constitution and answered questions posed by the students.

Although TV cameras were banned, the print reporters said they were not told that tape recordings were prohibited. Near the end of Scalia's talk, Deputy Marshal Melanie Rube confronted the reporters and said their tapes must be erased. She told the reporters she was enforcing Scalia's policy of prohibiting audio recordings.

Nehemiah Flowers, the U.S. marshal in south Mississippi, defended the agent's action. "The justice informed us that he did not want any recordings of his speech and remarks. . . .," he told the AP.

Lucy A. Dalglish, the executive director of the reporters committee, wrote to Scalia, Attorney General John Ashcroft and to the U.S. Marshals Office to protest the incident.

"As you are certainly aware, the essence of the First Amendment's free press clause is the right to gather and publish news without government interference," she said in her letter to Scalia.

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## **Justice contrite to reporters Marshal destroyed speech recordings**

Adam Liptak, New York Times

Tuesday, April 13, 2004

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Supreme Court Justice Antonin Scalia mailed letters of apology Friday to two Mississippi reporters who were required to erase audio recordings of a speech he gave at a high school there Wednesday.

The reporters, for a wire service and a local newspaper, were asked to destroy the recordings by a deputy federal marshal at the end of a half-hour speech by Scalia at the Presbyterian Christian High School in Hattiesburg.

The deputy cited the justice's standing policy prohibiting the recording of his remarks. The policy had not been announced at the high school.

Both Scalia and the U.S. Marshals Service have come under fire from advocates of media freedom, who said the erasure of the reporters' recordings was contrary to the spirit of the First Amendment, and possibly to a federal law that prohibits federal officers from confiscating news material even while investigating crimes.

On Monday, Democratic Sens. Charles Schumer, N.Y., and Patrick Leahy, Vt., took the issue a step further, sending a letter to Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, denouncing the April 7 incident and asking that standards be set for media access to the speeches of federal judges.

Scalia's letters had not yet arrived Monday, the two news organizations said, and the Supreme Court declined to release them.

Scalia referred to the apologies in a separate letter mailed Friday to the Reporters Committee for Freedom of the Press, which had protested the marshal's actions. The committee released the letter Monday.

The justice said the organization's concern was "well justified."

"You are correct that the action was not taken at my direction," he wrote. "I was as upset as you were."

Antoinette Konz, a reporter for the Hattiesburg American, expressed appreciation for the apology. She said she found the experience of having her tape confiscated disturbing. It was returned to her only after she promised to erase the justice's speech from it.

"I think it's very honorable of him," she said. "I accept his apology. I am still upset about the entire incident."

Scalia said the controversy had caused him to revise his policy "so as to permit recording

for use of the print media" to "promote accurate reporting." He suggested that he had been misquoted in some accounts as saying "people just don't revere" the Constitution "like they used to." But the letter did not set out his version, and a court spokesman declined to comment.

In the letter to the Reporters Committee, Scalia indicated that he would continue to ban the recording of his speeches by the broadcast press.

"The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so," he wrote, "and I am sure that courtesy will continue."

Barbara Cochran, the president of the Radio-Television News Directors Association, objected to that distinction in a letter to Scalia on Monday. "There is no legal basis for such discrimination," she wrote. "To exclude television cameras and audio recording is the equivalent of taking away pencil and paper from print reporters."

Frank Fisher, the Associated Press' Mississippi bureau chief, said the apparent apology to its reporter, Denise Grones, represented progress. But he, too, expressed his discomfort at the disparate treatment of the broadcast news media.

"The First Amendment covers all of us," he said.

*The Washington Post contributed to this report.*

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Page A - 3






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April 13, 2004

## Scalia apologizes to reporters

**By Nikki Davis Maute**  
**Hattiesburg American**

U.S. Supreme Court Justice Antonin Scalia said he is sending a letter apologizing to reporters who had recordings of his speech in Hattiesburg seized by a federal marshal.

Scalia alluded to the apologies in a letter sent Friday to the Reporters Committee for Freedom of the Press. The Hattiesburg American reporter involved in the incident, Antoinette Konz, had not received a letter late Monday.

"You are correct that the action was not taken at my direction; I was as upset as you were," Scalia wrote to the committee, a journalists' advocacy organization.

Scalia spoke at a convocation at Presbyterian Christian High School in Hattiesburg on Wednesday. Midway through the speech a federal marshal approached Konz and an Associated Press reporter, Denise Grones, demanding recordings they had made of the justice's speech.

Both reporters initially refused to hand over the recordings but later complied when the marshal, identified as Melanie Rube, again issued the demand. The recordings were erased at the marshal's order.

Scalia said in the letter he doesn't direct the actions of the U.S. Marshals Service but will tell marshals he would prefer that they don't confiscate recordings. The marshals provide security for Supreme Court justices. Scalia could not be reached for comment.

"We are pleased that Justice Scalia shares our dim view of the seizure of the recordings," said Hattiesburg American Executive Editor Jon Broadbooks.

Broadbooks said allowing reporters to make recordings of Scalia's public speeches makes sense. "The reason to tape is to help ensure accuracy," Broadbooks said.

Most major newspapers in the country carried the story of the recordings' seizures and it was featured on ABC's World News Tonight.

University of Southern Mississippi Journalism Professor Art Kaul said Scalia's decision to revise his policy and allow recordings of his speeches is a hopeful sign.

"Even U.S. Supreme Court justices can come to their senses," Kaul said. "With all due respect to the distinguished judge, his prior position restricting the recording of his words was on very dubious constitutional grounds."



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## Scalia Apologizes for Seizure of Recordings

By ADAM LIPTAK

Published: April 13, 2004

Justice Antonin Scalia of the Supreme Court has apologized to two Mississippi reporters who were required to erase recordings of a speech he gave at a high school there on Wednesday.

The reporters, for The Associated Press and a local newspaper, had been told by a deputy federal marshal to destroy the recordings at the end of a half-hour speech by the justice at the Presbyterian Christian High School in Hattiesburg.

The marshal cited the justice's standing policy prohibiting the recording of his remarks. The policy had not been announced at the high school.

On Friday, Justice Scalia wrote the reporters to apologize, but his letters had not yet arrived on Monday, the two news organizations said, and the Supreme Court declined to release them.

Justice Scalia referred to the apologies in a separate letter mailed on Friday to the Reporters Committee for Freedom of the Press, which had protested the marshal's actions. The committee released the letter on Monday.

Calling the organization's concern "well justified," the justice wrote: "You are correct that the action was not taken at my direction. I was as upset as you were."

One of the reporters, Antoinette Konz of The Hattiesburg American, expressed appreciation for the apology. She said she was disturbed that her tape was confiscated.

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"I think it's very honorable of him," she said. "I accept his apology. I am still upset about the entire incident."

Justice Scalia said in the letter to the Reporters Committee that the controversy had caused him to revise his policy "so as to permit recording for use of the print media" to "promote accurate reporting." He suggested that he had been misquoted in some accounts as saying "people just don't revere" the Constitution "like they used to." But the letter did not set out his version of what he said, and a court spokesman declined to comment.

Justice Scalia indicated he would continue to ban the recording of his speeches by the broadcast press.

"The electronic media have in the past respected my First Amendment right not to speak on radio or television when I do not wish to do so," he wrote, "and I am sure that courtesy will continue."

Barbara Cochran, president of the Radio-Television News Directors Association, objected to that distinction in a letter to Justice Scalia yesterday. "There is no legal basis for such discrimination," she wrote. "To exclude television cameras and audio recording is the equivalent of taking away pencil and paper from print reporters."

Frank Fisher, Mississippi bureau chief for The Associated Press, said the apparent apology to its reporter, Denise Grones, represented progress. But he, too, noted discomfort at the varying treatment of the broadcast press.

"The First Amendment covers all of us," he said.

In his letter, Justice Scalia said he did not have the power to "direct security personnel not to confiscate recordings."

"Security personnel, both those of the institutions at which I speak, and the United States marshals, do not operate at my direction," he wrote, "but I shall certainly express that as my preference."

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## Scalia Apologizes for Erasure Of Reporters' Tapes of Speech

*Justice Vows to Permit Recordings by Print Journalists*

By CHARLES LANE  
Washington Post Staff Writer

Supreme Court Justice Antonin Scalia has issued written apologies for the destruction of two reporters' audiotapes by a deputy U.S. marshal in guarding him last week, and has promised to permit print journalists to record his public speeches in the future, according to a letter by the justice made public yesterday.

In an April 9 letter to Lucy A. Dalglish, executive director of the Reporters Committee for Freedom of the Press, which had protested the incident, Scalia said he had written to the two reporters, Antoinette Konz of the Hattiesburg American and Denise Grones of the Associated Press, "extending my apology and undertaking to revise my policy so as to permit recording for use of the print media."

Scalia called Dalglish's concern "well justified" and said he had been "as upset as you were" to learn of the deputy marshal's action, which, he said, "was not taken at my direction."

His letter was posted on the Internet yesterday by the Reporters Committee. It was his first known response to the incident, which occurred April 7.

Both Scalia and the U.S. Marshals Service have come under fire from advocates of media freedom, who said the erasure of the reporters' recordings was contrary to the spirit of the First Amendment, and possibly to a federal law that prohibits federal officers from confiscating news material even while investigating crimes.

Yesterday, Democratic Sens. Charles E. Schumer (N.Y.) and Patrick J. Leahy (Vt.) took the issue a step further, sending a letter to Leonidas Ralph Mecham, director of the Administrative Office of the U.S. Courts, denouncing the April 7 incident and asking that standards be set for media access to the speeches of federal judges.

It was unclear yesterday whether Scalia's apology and change in policy would satisfy his critics. Though he indicated a willingness to let print reporters record his remarks for the sake of accurately quoting him, he rejected suggestions that he permit radio and television reporters to record his remarks for broadcast.

"We greatly appreciate Justice Scalia's prompt response to our letter," Dalglish said in a written statement. "However, we remain disappointed with his policy regarding electronic media coverage of his speeches, and hope he will reconsider."

Barbara Cochran, president of the Radio-Television News Directors Association, sent Scalia an open letter saying that his policy "discriminates against television and radio journalists, fosters less accurate reporting and undermines the principle at



BY GAVIN AVERILL - HATTIESBURG AMERICAN VIA ASSOCIATED PRESS

**A deputy U.S. marshal destroyed two reporters' tapes of a speech by Supreme Court Justice Antonin Scalia.**

the very core of the First Amendment."

Frank Fisher, the Associated Press's Jackson, Miss., bureau chief, and Jon Broadbooks, executive editor of the Hattiesburg American, said their reporters had not received the letters from Scalia.

Fisher and Broadbooks both used the word "gratified" to sum up their feelings about Scalia's apologies, but said the issue of the deputy U.S. marshal's conduct remained unresolved. Both news organizations have protested to federal authorities.

"There is still the lingering question of why the marshal seized the recordings," Broadbooks said. "We feel it was illegal."

The 1980 Privacy Protection Act says government agents investigating a crime may not "search for or seize any work product materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast or other similar form of public communication."

A spokeswoman for the U.S. Marshals Service, Nikki Credic, said the service had no comment on Scalia's letter. As for possible corrective action by the service related to the incident, she said that "they are still looking into the matter."

Scalia was delivering an address about the Constitution at Presbyterian Christian High School on April 7 when Grones and Konz were confronted by Deputy U.S. Marshal Melanie Rube and ordered to turn over their recordings, which Rube then erased.

Rube cited Scalia's policy of not permitting audiotaping or videotaping of his public appearances. But the policy had not been announced to the reporters.

# **EXHIBIT 18**