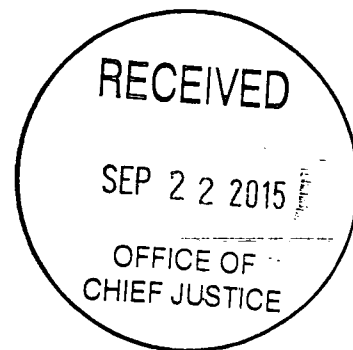




# The State Media Company

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Sept. 22, 2015  
Chief Justice Jean Toal  
S.C. Supreme Court

Dear Madam Chief Justice:

I have enclosed a filled-out copy of Form 1 "Media Coverage of Court Proceedings" requesting that I be allowed to use either a digital tape recorder or a cassette tape recorder in the Episcopal Church proceedings at 10:30 am Wednesday morning, Sept. 23, before the S.C. Supreme Court.

It is my understanding that based on an assertion by your Clerk of Court, the Hon. Daniel Shearouse, you have concluded that digital recorders have some kind of super-sensitive microphones that can be used to, in effect, eavesdrop on confidential conversations conducted at lawyers' tables during oral arguments.

It is also my understanding you have reached this conclusion with no scientific or experiential proof offered by Mr. Shearouse, nor any "due process" fact-finding process that would have enabled other points of view to be considered by you before you came to your conclusion.

I have covered S.C. courts with tape recorders, cassette and digital, for a quarter century. If digital tape recorders have super sensitive microphones that are used to eavesdrop on lawyers' confidential conversations, that is news to me. My coverage includes plenty of oral arguments before your court. There is simply no factual basis for Mr. Shearouse's no doubt well-intentioned but baseless assertion, especially in a crowded courtroom where it is often hard enough to pick up what justices and lawyers are saying as part of the oral arguments.

I can tell you that having a tape recorder with a counter that can be glanced at to note the pertinent exchanges is a huge help in getting an accurate and timely account of court proceedings out to the public.

Having to wait three-four-five hours for the court's official video offering, which contains audio that is difficult to search and which may pose other difficulties, is not a substitute.

On a human note, I will also add that some reporters are getting up in years, and others may be handicapped by frailty in the hands. Using a tape recorder of some kind in court is a huge help. Not everyone writes notes at the same speed, and a tape recorder is an essential piece of equipment to some.

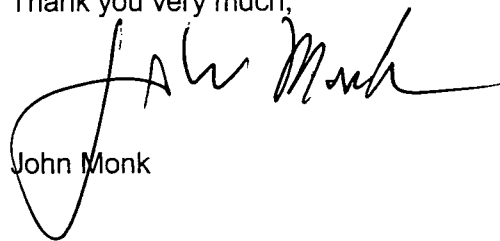
If you rule against my having a digital tape recorder in court on Wednesday, Sept. 23, for the Episcopal Church oral arguments, would you please consider:

- 1) Allowing me to sit in the very back row with a digital tape recorder. Surely this would eliminate any possibility of electronic eavesdropping on confidential conversations.
- 2) Allowing me to sit in the very back row with a **cassette** tape recorder. I don't think Mr. Shearouse would have a problem with that.

As you know, allowing journalists to have tape recorders in South Carolina courtrooms to help ensure more accurate coverage of proceedings was a privilege extended to journalists some 25 years ago after much discussion and experimenting and thought by all parties concerned, including judges, the SC Press Association, Jay Bender and I believe you also may have been involved. It is not something to be discarded lightly.

Madame Chief Justice, your hallmarks in the 30 years I have known you have been your regard for fact-finding, due process and fairness. With all respect I ask you to consider this letter.

Thank you very much,



John Monk

[jmonk@thestate.com](mailto:jmonk@thestate.com)  
803-403-5842

FORM 1  
MEDIA COVERAGE OF COURT PROCEEDINGS

STATE OF SOUTH CAROLINA )  
COUNTY OF )

IN THE COURT

Protestant Episcopal Church, et al )

S.C. Supreme Court )

vs. )

The Episcopal Church et al )  
No. 2015-000622 )

Request for Electronic and Photographic Coverage  
Of Judicial Proceedings

Pursuant to Rule 605, South Carolina Appellate Court Rules, the undersigned hereby requests permission to use equipment in order to record, photograph or televise all or portions of the proceedings in the above captioned case:

Consistent with Rule 605, the undersigned desires to use the following equipment:

*digital OR cassette TAPE recorder*

The proceedings that the undersigned desires to record, photograph or televise commence on: *10<sup>30</sup> Weds Sept 23 2015*

The personnel who will be responsible for the operation of this equipment are:

*John Mark, reporter*

The undersigned hereby certifies that the operation of the equipment and the conduct of the personnel will be in conformity with Rule 605.

This *22* day of *Spt*, *2015*

*J. LeWeb*

(Individual Signature)

*The State Newspaper*  
(Representing/Firm)

RECEIVED:

*Reporter*  
(Position)

Date:

*Shop Rd*  
(Address) *Columbia SC*

Presiding Judge

(Telephone Number)

*803-403-5842*