

TRIBUTE BY JUSTICE JOHN PAUL STEVENS (RET.)
IN HONOR OF
TALBOT "SANDY" D'ALEMBERTE

JUSTICE JOHN PAUL STEVENS (RET.)

Sandy D'Alemberte and I were good friends for almost thirty-nine years. We first met in the summer of 1980 when we both participated in a seminar about justice arranged by the Aspen Institute in Colorado. I am not sure either of us learned exactly what justice is, but I do know that we both profited from our discussions with other panelists like Chief Judge Wilfred Feinberg of the United States Court of Appeals for the Second Circuit, Jim Nabrit of the NAACP, and Newt Minow, former Chairman of the FCC, who had recently characterized television programming as a "vast wasteland." Shortly thereafter, Sandy played the leading role in persuading the Florida Supreme Court to allow television networks to televise its oral arguments.

That action prompted a renewal of the debate about whether the Supreme Court of the United States should televise its arguments. Then Chief Justice Warren Burger promptly and unequivocally spoke out opposing such action while I gave a talk in Tallahassee acknowledging that every appellate court should decide the question for itself and that there were valid arguments on both sides of the question. Favoring the introduction of television is the improved public understanding of the quality of the Court's work and the issues that the Court must decide. Opposing that view is the possible adverse impact on the quality of the oral arguments, which constitute an important stage of the decisional process.

Thanks to Sandy, in recent years the Florida Supreme Court has compiled a complete library of televised arguments which will make informed answers to questions about the impact of television on the quality of appellate arguments more feasible. I suspect that they will show that impact to be negligible. If that be true, the Justices may still prefer to avoid becoming well-recognized public figures. But protecting judges from becoming public figures is a far less persuasive reason for keeping cameras out of the courtroom than concern about the administration of justice.

I am sure other tributes in this issue will describe many of Sandy's contributions to the public good, and to the legal profession in particular. I think it would be especially fitting for him to have provided the ammunition for opening the television window on the United States Supreme Court.

