

U.S. Supreme Court leak investigation calls for phone records of clerks



U.S. Supreme Court officials are tightening their search for the source of the leaked draft opinion that would overturn Roe v. Wade

Washington, May 31 (RHC)-- U.S. Supreme Court officials are tightening their search for the source of the leaked draft opinion that would overturn Roe v. Wade, taking steps to require law clerks to provide cell phone records and sign affidavits, according to news reports from the U.S. capital.

Some clerks are apparently so alarmed over the moves, particularly the sudden requests for private cell data, that they have begun exploring whether to hire outside counsel and take the Supreme Court to court.

The top court's moves are unprecedented and the most striking development to date in the investigation into who might have provided Politico with the draft opinion it published on May 2nd. The probe has intensified the already high tensions at the Supreme Court, where the conservative majority is poised to roll back a half-century of abortion rights and privacy protections.

Chief Justice John Roberts reportedly met with law clerks as a group after the breach, but it is not known whether any systematic individual interviews have occurred.

Lawyers outside the court who have become aware of the new inquiries related to cell phone details warn of potential intrusiveness on clerks' personal activities, irrespective of any disclosure to the news media, and say they may feel the need to obtain independent counsel.

"That's what similarly situated individuals would do in virtually any other government investigation," said one appellate lawyer with experience in investigations and knowledge of the new demands on law clerks. "It would be hypocritical for the Supreme Court to prevent its own employees from taking advantage of that fundamental legal protection."

Sources familiar with efforts underway say the exact language of the affidavits or the intended scope of that cell phone search -- content or time period covered -- is not yet clear.

The Supreme Court did not respond to a CNN request on Monday for comment related to the phone searches and affidavits.

The young lawyers selected to be law clerks each year are regarded as the elite of the elite. (Each justice typically hires four.) They are overwhelmingly graduates of Ivy League law schools and have had prior clerkships with prominent US appellate court judges.

Their one-year service becomes a golden ticket to prestigious law firms, top government jobs or professorships. Six of the current nine Supreme Court justices are former clerks.

The escalating scrutiny of law clerks reflects Roberts' concerns about the breach in confidentiality and possibly further leaks. It also suggests the court has been so far unsuccessful in determining Politico's source.

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