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Kagan: Supreme Court hasn't really 'gotten to' email



Supreme Court Justice Elena Kagan, speaks with Brown University historian Ted Widmer during a forum at Chase Theater in Providence, R.I., Tuesday, Aug. 20, 2013. (AP Photo/Michael Dwyer)

PROVIDENCE, R.I. (AP) - The members of the Supreme Court continue to communicate with one another through memos printed on ivory paper even as they face the prospect of hearing cases related to emerging technology and electronic snooping in the years to come, Justice Elena Kagan said Tuesday.

The justices have a ways to go to understand technology such as Facebook, Twitter and even email, Kagan said in a conversation with Ted Widmer, a historian and librarian at Providence's Brown University who has been an adviser to Bill and Hillary Clinton.

"The justices are not necessarily the most technologically sophisticated people," she said, adding that while clerks email one another, "The court hasn't really 'gotten to' email."

Kagan, at age 53 the youngest and most recently appointed justice, said communication among the justices is the same as when she clerked for the late Thurgood Marshall in 1987.

Justice write memos printed out on paper that looks like it came from the 19th century, she said. The memos are then walked around the building by someone called a "chambers aide."

Kagan was appointed in 2010 by President Barack Obama. She previously served as solicitor general of the United States and dean of Harvard Law School, among other accomplishments.

Widmer brought up the National Security Agency and Edward Snowden, who leaked classified documents exposing NSA programs that monitor Internet and phone data, suggesting the high court would likely hear more cases related to electronic surveillance.

Kagan said it was hard to predict what cases the court would address in the years to come, but she said she expects there will be new issues related to privacy, technology and surveillance.

"I think we're going to have to be doing a lot of thinking about that," she said.

Kagan said the justices often turn to their clerks, who are much younger, to help them understand new technology.

But they also try to learn on their own. In one case involving violent video games the first year she was on the court, justices who had never played the games before dove in and gave them a try, Kagan said.

"It was kind of hilarious," she said - not divulging which games they played.

The event was part of a celebration of the 350th anniversary of Rhode Island's colonial charter and was hosted by Gov. Lincoln Chafee and sponsored by Roger Williams University School of Law.