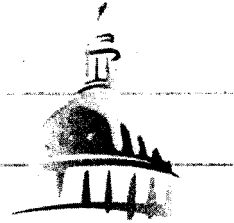


U.S. Senator Chuck Grassley • Iowa

Ranking Member • Senate Judiciary Committee

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Prepared Statement of Senator Chuck Grassley
Ranking Member, Senate Committee on the Judiciary
Hearing of the Subcommittee on Administrative Oversight and the Courts
“Access to the Court: Televising the Supreme Court”
Tuesday, December 6, 2011

Madam Chairman, I want to thank you for calling a hearing on increasing the public’s access to the Supreme Court. Over ten years ago, Sen. Schumer and I introduced the Sunshine in the Courtroom Act, a bill which would grant federal judges the authority to allow cameras in the courtroom. Since that time, this bill has been brought before the committee many times. And each time it has been scrutinized, improved upon, and reported out under broad bi-partisan support.

Today’s hearing focuses on a companion issue: whether or not the Supreme Court should permit cameras in its courtroom. Just yesterday, Sen. Durbin and I introduced “The Cameras in the Courtroom Act of 2011,” a bill which would require the Supreme Court to broadcast and televise its proceedings. Like the Sunshine in the Courtroom Act, this bill has also been brought before the committee on several occasions. It, too, was reported out favorably with bi-partisan support and was championed by my friend, Senator Arlen Specter, who I am pleased to see here today.

My interest in expanding the people’s access to the Supreme Court increased eleven years ago when the Supreme Court decided to hear arguments on the Florida recount during the 2000 Presidential Election. Senator Schumer and I urged the Supreme Court to open the arguments to live broadcast. In response, the Supreme Court took the then unprecedented step of releasing an audio recording of their arguments shortly after they occurred. It was a sign of progress that gave the entire country the opportunity to experience what so few get to: the Supreme Court at work.

Just last year, the Supreme Court began releasing audio recording of its proceedings at the end of each week. This is another step in the right direction and I applaud the court for increasing its transparency and access. But it is not enough. I believe that the nature of our government and the fundamental principles upon which it was built require more.

As Abraham Lincoln said, ours is a government of the people, by the people, and for the people. Our Constitution divides power. It creates a system of checks and balances. But most importantly, it makes the government accountable to the people. The best way we can ensure that the federal government is accountable to the people is to create transparency, openness, and access.

Sadly, the vast majority of the people do not believe they have adequate access to the Supreme Court. According to a poll released last year, 62 percent of Americans believe that they hear too little about the workings of the Supreme Court. Two-thirds of Americans want to know more. What could be a better source of the workings of the Supreme Court than the Supreme Court itself?

In 1947, the Supreme Court stated, “what transpires in the courtroom is public property.” Well, if its public property, then it belongs to the whole public, not just the 200 people who can fit inside the public gallery. With today’s technology, there is no reason why arguments could not be broadcast in an easy, unobtrusive, and respectful manner that would preserve the dignity of the Supreme Court’s work and grant access to the millions of Americans wishing to know more.

My state, Iowa, knows something about this. For over 30 years, it has permitted the broadcast of its trial and appellate courts. In fact, I am pleased to welcome Iowa Supreme Court Chief Justice Mark Cady here today. He has come to share with this committee his unique perspective of presiding over a court that broadcasts its proceedings. He is a strong proponent of transparency and continues to pioneer new ways to give the public greater access to their court system. I look forward to hearing his testimony and thank him for his time here today.

Before we begin, I ask that three things be included in the record. First is a letter I wrote to Chief Justice Roberts last month, urging him to permit cameras during the court’s upcoming arguments over the constitutionality of President Obama’s healthcare law. This upcoming case is the perfect example for why the Supreme Court should televise its proceedings. It is a case which will address the role and reach of the federal government. All of us deserve to see and hear the legal arguments in a case which will have a lasting effect on every single American.

The second and third are newspaper editorial opinions. One is written by the Editorial Board of Iowa’s second largest paper, The Gazette. The other is written by the Editorial Board of the Washington Post. Both express belief that the Supreme Court must permit its proceedings to be broadcast. It isn’t often that the American Heartland and the Washington Establishment agree on something. I ask that each of these be made part of the record.

Once again, I want to thank Sen. Klobuchar for organizing this hearing. I would also like to thank each witness in advance for their testimony. This is a distinguished panel of witnesses who will provide excellent insights. I am eager to hear what each of you has to say.

Thank you, Madam Chairman.