

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Ranking Member, Committee on the Judiciary
On Supporting The Cameras In Courts Bills, S.829 And S.1768
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I believe in sunshine in government. Our democracy works best when our citizens have ready access to their government. In a time when the Nation is faced with the unprecedented efforts of the Bush Administration to cloak its assertions of unchecked Presidential power from public scrutiny, the need for transparency and accountability today is more sharply defined than before.

I have supported efforts to make all three branches of our federal government more accessible. Except for rare closed sessions, the proceedings of Congress and its Committees are open to the public and are carried live on cable television and radio. Lawmakers and congressional committees are also using the Internet and websites to make their work available to the American people.

As we confirmed in last November's hearing on cameras in the courtroom, more can be done in the third branch. Although most judicial proceedings are open to those who can travel to the courthouse and wait in line, emerging technology could invite the rest of the country into the courtroom. All 50 states have allowed some form of audio/video coverage of court proceedings, but the federal courts lag behind. I have long supported efforts to rectify this and expand access to the courts using technology, including the two bills I have cosponsored which we are considering today: the Sunshine in the Courtroom Act of 2005 (S.829), and a bill requiring the televising of Supreme Court proceedings (S.1768). I hope that today we can vote them out of Committee because they extend the tradition of openness to the Nation's federal courts and can help Americans be better informed about the important decisions that are made there and about how they are made.

Transparency and public confidence in the federal courts go hand in hand. Recently I introduced the Federal Judicial Ethics Reform Act of 2006, with Senators Feingold and Kerry, which seeks to preserve the public confidence that our federal courts enjoy, and that our courts need to adequately fulfill their constitutional role in our system. Revelations that judges and justices are receiving gifts from parties who may appear before them, attending lavish private seminars sponsored by well-heeled corporations, or have financial interests in litigating parties undermine the public's trust.

I have previously circulated amendments to the cameras in the courts bills, to require that federal judges learn and disclose the private sponsors of educational seminars and make that information public; to establish a fund to pay for attendance at seminars rather than have special interests pick up the tab; and to require judges and justices to keep copies of their recusal lists with the clerks' offices in the courthouses where they sit, in order to improve the public's access to this information.

I will not today propose these amendments because I have been encouraged to learn that the Judicial Conference is taking a serious look at addressing these timely and substantive ethical issues. Last Congress, I withheld similar legislation because I had hoped that the federal judiciary would engage in self regulation. Unfortunately, I was disappointed when the federal judiciary failed to address the problems adequately and recent press reports show continued appearances of impropriety, even by a member of the Supreme Court.

However, I am optimistic with a new Chief Justice and changes at the Judicial Conference that this issue will be taken more seriously. If the judiciary does not take advantage of this new chance at self-regulation, I will not hesitate to push these amendments in any available vehicle.

Allowing the public greater access to the public proceedings of the federal courts will allow Americans to evaluate for themselves the quality of justice in this country. Eliminating special-interest funded trips and requiring judges to allow greater access to their recusal lists would help preserve the public's trust. The American people deserve a federal judiciary that is beyond reproach -- in appearance, and otherwise.

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