

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Statement of Senator Russ Feingold on Today's Markup of S.J. Res. 1

Today the Senate Judiciary Committee held a markup on an amendment to the Constitution of the United States in a small room in the Capitol with only a handful of people other than Senators and their staffs present. The room is not open to the public. No cameras were present. Debate and discussion were minimal. This was an affront to the Constitution and an act of great disrespect to the millions of Americans who are directly affected by this amendment.

I objected to the consideration of S. J. Res. 1, the so-called Marriage Protection Amendment, in such an inappropriate setting and refused to help make a quorum. I am deeply disappointed that Chairman Specter went forward with the markup over my objection. Unfortunately, the Majority Leader has set a politically motivated schedule for floor consideration of this measure that the Chairman felt compelled to follow, even though he says he opposes the amendment.

Constitutional amendments deserve the most careful and deliberate consideration of any matter that comes before the Senate. I have a long record of insisting that this Committee carry out its responsibilities with respect to constitutional amendments in a serious and thorough manner. Ever since I became the ranking member of the Subcommittee on the Constitution in 1997, I have insisted that such amendments be referred to the Subcommittee and receive a separate vote in the subcommittee. Other than consideration of the marriage amendment in 2004, when the Majority Leader decided to bypass the Judiciary Committee altogether, this has occurred in all cases where the Committee has voted on a constitutional amendment since I became the ranking member.

I also have a long record of insisting that the Committee conduct debate on all matters, especially constitutional amendments, in a setting that permits the public to attend and Senators to be heard. The President's Room, located in the Capitol just off the Senate floor, is a convenient place for the Committee to conduct routine business when members are unable to convene in our normal meeting room. It is an entirely inappropriate setting for substantive debate on legislation. The public is not permitted in that area of the Capitol without making special arrangements. Only a limited number of members of the press corps can squeeze into the room. There are no microphones. There are no cameras.

Holding a Committee meeting in Presidents' Room violates the spirit, if not the letter, of Senate Rule 26, Clause 5, which requires all committee meetings to be held in public except in very limited circumstances, and only after a vote of the Committee. And more than that, it is disrespectful to the Committee and its members and to the important work that we do.

Amendments to the Constitution of the United States should be considered by the Senate Judiciary Committee in the light of day, in meetings open to the press and the public, with cameras present so that the whole country can see what is done. Open and deliberate debate on such an important matter cannot take place in a setting such as the one chosen by the Chairman today.

The Constitution of the United States is an historic guarantee of individual freedom. It has served as a beacon of hope, an example to people around the world who yearn to be free and to live their lives without government interference in their most basic human decisions. I took an oath when I joined this body to support and defend the Constitution. S.J. Res. 1 is poorly drafted, unnecessary, and will write discrimination against millions of our fellow

citizens, our family members, friends, colleagues, and neighbors, into our nation's governing document. I will continue to fight this mean-spirited, divisive, and misguided amendment when it comes to the Senate floor.