

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
April 29, 2010

Statement Of Senator Patrick Leahy (D-Vt.),  
Chairman, Senate Judiciary Committee,  
Executive Business Meeting  
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Last week we were unable to make any progress on our legislative agenda. I hope we do better today.

On today's agenda we have important transparency measures that this Committee has considered in previous sessions. They all seek to shine sunlight on our Federal court system. Our democracy works best when Americans have ready access to their government. Using technology to allow greater access to the public proceedings of their Federal courts will allow Americans to witness the quality of justice in this country. They will see the Constitution at work. This is especially important in a time when decisions by the Supreme Court are greatly affecting the daily lives of hardworking Americans.

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. The proceedings of this Committee are also webcast. Today's meeting is, and last summer the Judiciary Committee webcast all of the public sessions of Judge Sotomayor's confirmation hearings. These technologies welcomed the American people into the Senate's Supreme Court confirmation process.

Senator Specter has a proposal to also welcome them into the Supreme Court's public proceedings. In addition, Senator Grassley has a proposal to allow greater access to the lower Federal courts. All 50 states have allowed some form of audio or video coverage of court proceedings. The Federal courts have lagged behind.

The United States Supreme Court has been the worst offender. A few years ago it appeared that the Supreme Court was beginning to take better advantage of modern technology to allow simultaneous or same day audio of its arguments to be available to the public. More recently, the practice and tone have changed dramatically. Indeed, earlier this year the United States Supreme Court reached out and intervened to prevent the real time streaming and broadcasting of the trial of a case of great public interest on the constitutionality of Proposition 8 in California.

I have long supported efforts to expand access to the courts using technology to improve transparency. I support the bipartisan Sunshine in the Courtroom Act of 2009, which has passed out of this Committee twice and has been improved over the years to provide important protections for witnesses and jurors. I also support Senator Specter's resolution calling on the

Supreme Court to permit the televising of public Supreme Court proceedings. These measures will improve access to Federal court proceedings, which are public and open to those who can travel to the courthouse and are lucky enough to be at the head of the line to get a seat. Since not all Americans can take time off from work, travel, and wait in line to get one of the limited seats in public judicial proceedings, emerging technology invites the rest of the country into the courtroom. Allowing more Americans to witness the Federal courts' public proceedings is an important issue. I hope our bipartisan effort to pass these measures on the agenda today will not be further delayed.

We also have carried over onto today's agenda the Crimes against Humanity bill that I first listed in March for our meeting on April 15. We have a number of judicial nominees from the hearing on April 16 and additional U.S. Attorney and Marshal nominees, as well.

Finally, I note that today we in are introducing a bill to combat the Supreme Court's decision in Citizens United v. Federal Election Commission, a decision in which five Justices overturned decades of campaign finance law, as well as the Court's own precedent. The DISCLOSE Act is intended to help contain corporate influence in elections by strengthening campaign finance laws to ensure that individual Americans are still the primary players in the country's elections.

Earlier this year, with the stroke of a pen, five Supreme Court justices cast aside a century of law and opened the floodgates for corporations to dominate American elections. It is difficult to overstate the potential for corrosive harm embodied in this stunning decision. It threatens a dimming of our democratic ideals, a corruption of the practical functioning of our election and political systems, and a deflating blow to the Court's most precious asset, its own credibility, based on the public's trust. The DISCLOSE Act would fortify several parts of our campaign finance laws to ensure that individual Americans still take the primary role in our electoral process.

This Committee held a hearing to explore the impact of the Citizens United decision earlier this year. That decision is just one in a series of narrowly decided cases by the activist conservative majority on the Supreme Court.

I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on election day. Vermonters cherish their critical role in the democratic process and are staunch believers in the First Amendment. The rights of Vermonters and all Americans to speak to each other, to be heard, and to select their representatives in government through a fair process that honors these values, should not be diluted and undercut by corporate spending. That is the clear danger ahead, unless we restate these values in law. The DISCLOSE Act is a timely and constructive first step in doing just that. That is why I am cosponsoring the bill along with other Senators from this Committee.

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