

Statement of

# **The Honorable Patrick Leahy**

United States Senator  
United States Senate  
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Today, Senator Klobuchar is chairing a timely hearing of national importance, entitled "Access to the Court: Televising the Supreme Court." I have long supported transparency measures in the Federal Government. That is why I cosponsored the Sunshine in the Courtroom Act. This bipartisan legislation seeks to shine light on our Federal court system and improve access to Federal court proceedings by allowing judges to determine whether to permit televising of public proceedings. Many Americans are unable to take time off from work and to wait in long lines in the hope of securing one of the limited seats in these public proceedings in order to see their courts in action. Technology is the key to increasing access to these public proceedings. Last Congress, I also supported efforts by the former Chairman of this Committee, Senator Arlen Specter, to require the televising of oral arguments in the Supreme Court. His legislation is being reintroduced this Congress by Senator Durbin. The goal of this bipartisan bill is laudable and I believe it would increase public understanding of the reasoning and role of the highest court in the Nation. The Supreme Court announced it will hear arguments next spring regarding the constitutionality of the Affordable Care Act. Regardless of a person's political leaning, all Americans have a stake in this court proceeding and they ought to be able to witness the public oral argument live. I hope the Court, having ordered an extraordinary oral argument of unusual scope and duration, will allow these proceedings to be viewed by the American people. As a lesser measure, the Supreme Court has released audio files of important cases. In the past, the Supreme Court has released several audio files the same day as cases were argued. Notable examples include *Bush v. Gore*, *Northwest Austin Municipal Utility District Number One v. Holder*, *District of Columbia v. Heller* and *Citizens United v. Federal Election Commission*. However, the Court's current practice is only to release argument audio files at the end of the week. In our fast-paced society, delaying release of these public proceedings by several days makes the oral arguments less relevant, and prevents the American people from receiving a first-hand account of the important news of the day. If the Supreme Court is unwilling to provide live video access to its proceedings, it should at least consider live audio to be heard by the American people. 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, and with increasing frequency, are streamed live online. These technologies welcome the American people into the Senate's work, including the Supreme Court confirmation process. Allowing the public access to the Court will deepen Americans' understanding of the high court and better inform them about how important judicial decisions are made and the impact these decisions have on all of our lives. I believe the time has come for the Supreme Court to voluntarily open their proceedings to the American people. The high court's review of the Affordable Care Act, is a significant moment in our nation's history and our understanding of our fundamental charter. This decision will affect every one of us in this country. The American people deserve to know what is being said as it is being said. I thank the chairman of the Subcommittee on Administrative Oversight and the Courts for

holding this important hearing and the witnesses, in particular, our former Committee Chairman, Senator Arlen Specter, for being with us today. # # # #