

Hon. Sheldon Whitehouse, Chairman
Subcommittee on Federal Courts
Senate Judiciary Committee
Washington, DC 20510

Hon. Hank Johnson, Chairman
Subcommittee on Courts, IP and the Internet
House Judiciary Committee
Washington, DC 20515

Hon. John Kennedy, Ranking Member
Subcommittee on Federal Courts
Senate Judiciary Committee
Washington, DC 20510

Hon. Darrell Issa, Ranking Member
Subcommittee on Courts, IP and the Internet
House Judiciary Committee
Washington, DC 20515

March 8, 2021

Dear Chairmen Whitehouse and Johnson and Ranking Members Kennedy and Issa:

We write in support of increased transparency and accountability in our nation's federal courts and ask that you advance legislation this Congress that achieves these goals. We have been encouraged by the bipartisan support of judiciary reform measures in the last two Congresses and see this session as a prime opportunity to enact lasting change to increase openness and public trust in the third branch.

In the 115th Congress, three House Republicans—including Ranking Member Issa—introduced the Judiciary Reforms, Organization and Operational Modernization Act (“ROOM”), which passed House Judiciary unanimously and would have added the district judgeships the Judicial Conference had requested, created a Supreme Court ethics code, mandated judicial recusal explanations and required live video for circuit court arguments and live audio for Supreme Court arguments.

In the 116th Congress, three House Democrats—including Chairman Nadler and Chairman Johnson— introduced the 21st Century Courts Act (“21CCA”), which would have created a Supreme Court ethics code, mandated judicial recusal explanations, required live audio for circuit court and Supreme Court arguments, required judicial financial disclosures be posted online and ended the judiciary’s unjust pay-for-access PACER regimen.

And in each of the last several Congresses, several bills introduced in the Senate would have created a Supreme Court ethics code and required livestreaming for circuit court and Supreme Court arguments, with the latter being led by Chairman Durbin and Ranking Member Grassley.

We believe that now is the time to take the aspects of these bills with the most consensus—live appellate audio, SCOTUS ethics, recusal explanations and online disclosures—and draft a unified court modernization measure in this Congress.

As you’re aware, a judgeship-additions bill (cf., last session’s JUDGES Act) and a “free PACER” bill (cf., last session’s Open Courts Act) are now operating on their own tracks, and the signatories below are open to these provisions remaining as standalone, single-issue bills separate from this effort—unless, of course, in your judgment they are more likely to pass as a package.

Finally, we counsel that adding a requirement that judges and justices file periodic transaction reports for securities transactions might complete a new ROOM-/21CCA-esque package. Currently, it takes up to two years to learn if and when a member of the judiciary has bought or sold a stock, and there’s no reason federal jurists couldn’t comport with the PTR rules that members of Congress follow.

Thanks to the work you’ve already done, we see great momentum on judicial accountability and efficiency efforts—reforms to increase integrity while simultaneously modernizing the third branch. We look forward to working with you as you seek passage and enactment of these measures this session.

Sincerely,

American Society of Magazine Editors
Campaign for Accountability
Demand Progress
Fix the Court
Free Law Project
Government Accountability Project

Government Information Watch
National Press Foundation
National Press Photographers Association
National Security Counselors
Open The Government
Project On Government Oversight

Public Knowledge
R Street Institute
Radio Television Digital News Association
Society of Professional Journalists

CC: Senate Judiciary Committee Chairman Dick Durbin
Senate Judiciary Committee Ranking Member Chuck Grassley
House Judiciary Committee Chairman Jerry Nadler
House Judiciary Committee Ranking Member Jim Jordan