OHIO'S COLLEGE BASKETBALL EXCELLENCE

Mr. BROWN of Ohio. Mr. President, I rise to talk about a new record that has been set. It has nothing to do with the number of votes the highway bill garnered last week in the Senate, and it has nothing to do with length of service of Senator MIKULSKI.

For the first time in history, this year one State has four teams in the Sweet 16 of the NCAA Men's Division I basketball tournament: Ohio.

A special congratulations to the Ohio State University, in Columbus; the University of Cincinnati, in Hamilton County; Ohio University, in Athens, OH; and Xavier University, also in Cincinnati, for their outstanding run so far and making our entire State proud.

I am hosting, for the fifth time, an annual Ohio College President's Conference next week. We bring in 50 to 60 college presidents to meet with each other and with me and we bring in people from the administration, Republicans and Democrats, House and Senate Members, who lead on higher education issues. We bring 55 or 60 college presidents in from Ohio for a day and a half, and there are public and private institutions, 2-year community colleges, and 4-year colleges and universities. They learn best practices from one another. They build relationships that help all 55 or 60 of these college Presidents to do better.

Perhaps, we will talk more about college sports this year because of these four Ohio teams that made the Sweet 16.

We also know another point of reference for Ohio this year was that March Madness started in Dayton, in what has become an important tradition to Miami Valley and our country. This weekend, before the games started, Dayton's Oregon District hosted the First Four Festival, where 15,000 people crowded local restaurants and bars, listened to live music, and watched games on big screens.

A few days later, President Obama and British Prime Minister David Cameron came to the same city where the Dayton peace accords were negotiated and joined the Dayton community and teams from Kentucky, Mississippi, New York and Utah and their fans to watch the first rounds of the NCAA Division I men's tournament at the UD Arena. The UD—University of Dayton—Arena now holds the national record for the number of NCAA basketball tournament games held in a single venue.

The business community in Dayton, one of the most active in the country—the Dayton Development Coalition—rallied together to make sure military families from Wright-Patterson Air Force Base were able to attend, and $3.5 million was pumped into the local economy, showcasing the Miami Valley's world-class tourism infrastructure of hotels, parks, entertainment, and recreation.

We saw the same thing later in the week in the Arena District of Columbus, where the city hosted games on the opening weekend. Local Columbus leaders and businesses hosted teams from St. Louis, North Carolina, Michigan, New York, Tennessee, California, and Washington, DC, with their fans.

The city expected a $10 million impact on the local community, with tens of thousands of people staying at hotels, eating in restaurants, and enjoying one of the fastest growing cities in America, where, I might add, the Presiding Officer once lived. We saw a boost in tourism in northern Ohio, where Bowling Green hosted the first and second rounds of the NCAA women's basketball tournament. Organizers in Bowling Green said the games were more than about basketball, it was about people from across the Nation coming to town and boosting the sales of small businesses.

All the excitement and economic activity goes to show that Ohio is a tremendous attraction of basketball tourism and basketball talent. As the tournaments continue, and Ohio's teams continue to win, I look forward to working with our communities and our business leaders to further leverage our assets in tourism and recreation to help create jobs throughout our State and to promote economic development.

I thank the Presiding Officer, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that following morning business on Thursday, March 22, the Senate resume consideration of H.R. 3606; that the time until 12:30 p.m. be equally divided between the two leaders or their designees; that at 12:30 p.m., the postcloture time be considered expired and the Senate proceed to votes on the following: Reed No. 1931, Merkley No. 1844, as amended, if amended, and passage of H.R. 3606, as amended, if amended; that there be 2 minutes, equally divided in the usual form in between the votes; that upon disposition of H.R. 3606, the Senate then proceed to the consideration of the House message to accompany S. 2038, the STOCK Act; that there be 4 minutes of debate, equally divided in the usual form prior to the vote on the motion to invoke cloture on the motion to concur in the House message to accompany S. 2038; that if cloture is invoked on the motion to concur, that all postcloture time be yielded back, the motion to concur with an amendment be withdrawn, and the motion to concur be agreed to; that the motions to reconsider relative to the above items be considered made and laid upon the table; and that all after the first vote be 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMERAS IN THE COURTROOM

Mr. DURBIN. Mr. President, by this time next week, the Supreme Court will have finished hearing oral arguments in the case challenging the constitutionality of the Patient Protection and Affordable Care Act. How important is this Supreme Court case on health care reform? Well, health care is such an important issue that Congress spent 1 year drafting and debating a bill that the Court is going to consider next week.

Health care has been a critical issue for so long in our country that in the last century, nine different Presidents have spent time, energy, and political capital fighting for reform. It is so important that the Supreme Court reserved 6 hours for oral argument over the course of 3 days to consider the act's constitutionality. The last time the Court dedicated that kind of time to any one case was in 1966—if I am not mistaken, that was 46 years ago—when it considered Miranda v. Arizona. Not even the health care case is important enough for the Supreme Court to justify breaking its antiquated tradition of allowing cameras to televise the proceedings, so the American people are not going to have a chance to see and hear these historic arguments for themselves as they take place.

I cannot predict the outcome of the case, but I can tell you what to expect just outside the doors of the Supreme Court. It is a scene we have seen over and over again for decades. Thousands will gather outside the Court. Many are going to camp overnight, sleeping on the sidewalk in the hopes of getting about 1 of 200 seats available to the public. The vast majority of those wanting to see the Supreme Court argument on one of the most important cases of our time will be told: No, you are not allowed to come inside the Court. We don't have room for you. In a democratic society that values transparency and participation, there cannot be any valid justification for such a powerful element of government to operate largely outside the view of the American people.

For too long the American people have been prevented from observing open sessions of the Supreme Court. Except for the privileged few, the VIPs, the members of the Supreme Court bar or the press, the most powerful Court in our land—some might argue in the world—is inaccessible to the public and shrouded in mystery.

I am pleased to stand in the Judiciary Committee with Senator GRASSLEY, the ranking member of the Judiciary Committee, asking that the Senate pass our bipartisan bill that would require televising open Supreme Court proceedings. With the benefit of modern technology, the Supreme Court proceedings can be televised using unobtrusive cameras and the Court's existing audio recording capability. Our bill respects the constitutional rights of the parties before the Court and respects the discretion of the Justices.

The Court can decline to televise any proceeding where the Justices determine by a majority vote that doing so would violate due process rights of one or more parties.

In our view—Senator GRASSLEY and myself—this is a reasonable approach that balances the public's need for information and transparency, the constitutional rights of those before the Court, and the discretion of the Justices.

It is no secret that Senator GRASSLEY and I have strong disagreements about the actual law that is going to be considered by the Court. We have taken to the floor many times to explain our positions. Despite our disagreement on the substance of the health care bill, Senator GRASSLEY and I agree on a bipartisan basis to stand united in full support of S. 1945, which would finally bring transparency and open access to Supreme Court proceedings.

We are not the only Members of this body who believe these proceedings would produce greater accountability. In past years the Cameras in the Courtroom Act enjoyed bipartisan support. The last sponsor of the act before he left the Senate was Senator Arlen Specter of Pennsylvania. This version of the bill, very similar to his own, has the support of Senators CORNYN, KLOBUCHAR, SCHUMER, BLUMENTHAL, GILLIBRAND, HARKIN, and BEGICH. As Senator GRASSLEY would note, Democrats and Republicans from both Chambers have written to the Supreme Court asking it to permit live televised broadcasts of the health care reform arguments.

In November, Senators BLUMENTHAL, SCHUMER, and I wrote a letter to the Chief Justice making a request to open the Supreme Court for this historic argument and let America hear the arguments made before the Court and the questions asked by the Justices in open court. Chief Justice Roberts responded to our request last week, and it sounds as though he sent the same letter to Senator GRASSLEY. The Chief Justice informed us that the Supreme Court has respectfully declined to televise the health care arguments, but that the Court would graciously offer an alternative.

Here is the alternative: The Court will post the audio recordings and unofficial transcripts to the Court's Web site a few hours after the arguments are over. For that gesture, I guess we can congratulate the U.S. Supreme Court for entering the radio age. America entered the radio age 90 years ago. The Supreme Court is catching up with a delayed broadcast-audio only. But I think America deserves better.

Decisions that affect our Nation should be accessible by the people who are affected by those decisions and they should be produced in a way that Americans can both see and hear. The day of the fireside chat is gone. The day of radio transmissions exclusively is gone. Television—and increasingly even the Internet—is the dominant medium for communicating messages and ideas in modern America. It is not too much to ask the third branch of government at the highest level to share the arguments before the Court with the people of America. Understand, there will be hundreds of people present and watching this as it occurs. It is not confidential or private. It is only kept away from the rest of America because this Court doesn't want America to see the proceedings.

The Supreme Court is an elite institution in our government. Every member of the Supreme Court went to one of two Ivy league law schools. Most of the clerks before the Court come from one of seven law schools. None of the current Justices has run for public office. None of the current Justices has tried a death penalty case. And the lawyers who appear before the Supreme Court are part of a small and exclusive club. Perhaps this limited exposure is why many on the Court don't seem to fully appreciate the impact its decisions have on everyday America, and why the American people deserve to have more access to the Court's public proceedings. Since the Supreme Court is the final word on constitutionality, on issues that impact the lives of every American, the American people should have full and free access to its open proceedings on television.

Let's be clear about one thing: Our bill only applies to court sessions that are already open to the public. Supreme Court Justices should be able to consult with each other, review cases, and deliberate privately. No one in this bill, or otherwise, is calling for those private deliberations to be televised. I believe that televising private deliberations or closed sessions of the Court would cause harm to our judicial system. Our bill does not require that and I would not support that. Open sessions of the Court, however, where members of the public are already invited to observe are a different matter. They should be televised in real time and widely available.

Some who oppose our bill say that the elite cadre of seasoned lawyers with the rare opportunity to argue before the highest Court in the land will grandstand in front of the cameras, risking their professional reputations and even their clients' cases. Some say that the Court's Justices, who have been subjected to the most rigorous vetting process known to man and the most widely covered confirmation hearings, will shrink from the camera's glaring lens. I don't buy it. The experience of the State and Federal courts that have allowed the open proceedings to be televised proves these fears are unfounded.

While the Federal courts of appeals have not permitted cameras to broadcast all appellate proceedings, there was a 3-year pilot project in 1990 that assessed the impact of cameras in the Federal courts. Listen to what happened as a result of the pilot program. At the end of the day 19 of the 20 judges most involved concluded that the presence of cameras in the Federal courts ''had no effect on the administration of justice.''

Don't take my word for it. Kenneth Starr, former Solicitor General and independent counsel, supports our bill and said this:

> This fear seems groundless . . . The idea that cameras would transform the [Supreme Court] into ''Judge Judy'' is ludicrous.

For more than 30 years State courts have broadcast their proceedings and, in fact, what they found hasn't detracted at all from the pursuit of justice. Every State in our Nation permits all or part of the appellate court proceedings to be recorded for broadcast on television or streaming on the Internet. Expanding access to the Supreme Court by televising its proceedings should not be controversial. Public scrutiny of the Supreme Court proceedings produces greater accountability, transparency, understanding, and access to the decision-making in government. Congressional debates have been fully televised for more than three decades.

There are people who follow the C–SPAN broadcast religiously. I know. I meet them regularly. As I said in the Judiciary Committee, people will come up to me and say: One of your colleagues looks a little bit under the weather. Does he have the flu? Is he sick? By observing C–SPAN or following the floor of the Senate and knowing each of us, they think on a more personal basis. They hear these statements, they listen to the debates, and they feel better informed about their government. Wouldn't the same apply across the street in the Supreme Court?

Opponents of our bill say the public will be misinformed because all they see are brief clips of the Court's proceedings that could be misconstrued. As I said, this argument sounds a lot like an editorial from a few years ago, and it said:

> Keeping cameras out [of the Supreme Court] to prevent people from getting the wrong idea is a little like removing the paintings from an art museum out of fear that visitors might not have the art history background to appreciate them.

In 1986, Chief Justice Burger wrote the following words in the Supreme Court's Press-Enterprise Company v. Superior Court opinion. These words are as true today as they were in 1986:

> [P]eople in an open society do not demand infallibility from their institutions, but it is difficult for them to accept what they are prohibited from observing.

The time has long since come for the Supreme Court—for the highest Court in our land—to open its doors and allow the American people to finally observe its proceedings.

UNANIMOUS CONSENT REQUEST—S. 1945

Mr. DURBIN. Mr. President, at this point I wish to make a unanimous consent request relative to this bill that would open the Supreme Court proceedings to be televised.

I ask unanimous consent the Senate proceed to the consideration of Calendar No. 319, S. 1945, a bill to permit the televising of Supreme Court proceedings; that the bill be read a third time and passed; and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Mr. President, reserving the right to object, I want to congratulate my colleague Senator DURBIN for his able articulation of his view. This is a matter that the Senate and the Congress has considered for quite a number of years. It has not decided to take this step to direct a coequal branch of government on how to conduct their business, and I don't think we should. So I think it would be inappropriate to pass this on a UC without a full debate and discussion and a full vote on it.

So I would say that.

Also, I would note the Justices have opposed this policy. I think we have a duty to respect the coequal branch of our government. They feel as though it would impact adversely the tenor and tone of the oral arguments. The Justices would also have to feel a burden and explain why they are asking a question, perhaps citing a case by name that all the lawyers would know but having to explain to nonlawyers now what is on their minds as a part of their process of questioning. So I think that is a factor.

I would also note it raises constitutional questions. Why would we want to push to the limit and perhaps push over the limit and try to dictate to a coequal branch how to conduct the adjudicative process? Not the political process; we are the political branch. Theirs is the nonpolitical branch, where Justices are given lifetime tenure so as to insulate them from pressure and to allow them to dispassionately decide complex issues. I would also note that in terms of what is said and how an argument goes, there is no difference, I suppose, between that and what goes on in chambers when the Justices meet in private and talk about what issues are before the Court and how they should be decided.

What is important in the adjudicative branch? What is the criteria and the fundamental essence of a judicial proceeding? Ultimately, it is the judgment. The judgment speaks. The arguments don't speak. The in camera discussions don't speak. The judgment itself represents the opinion of the Court. It is the law and the defining process.

I appreciate very much the work of my esteemed colleague. I know he loves the law; we both do. He believes this would improve justice in America. I can't conclude that to be correct. I believe Justices should be given the responsibility to conduct their branch consistent with their best judgment of how do to it. Therefore, I object. I thank and respect my colleague for his different opinion.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 247, S. 671; that the committee-reported amendment to S. 671 be agreed to, and the bill, as amended, be read a third time and passed.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, it is my understanding the Judiciary Committee staff has been working on a package of important Judiciary Committee bills, including the very bill Senator SESSIONS has asked unanimous consent to move to—a bill which I quite likely will support.

Would the Senator be willing to modify his request to include the passage of other bills which are part of that package and have similarly important elements to them in terms of keeping America safe? They include the following: Calendar No. 246, S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act; Calendar No. 233, S. 1793, the Investigative Assistance for Violent Crimes Act; and discharging the Judiciary Committee from further consideration of S. 1696, the Dale Long Public Safety Officers' Benefits Improvements Act; agreeing to a substitute amendment which is at the desk, and passing the bill, as amended?

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SESSIONS. Mr. President, I appreciate the suggestion by the Senator from Illinois, as I believe I will be able to support all those bills, but I have information that Senators on our side oppose or have objections to two of them and would like to offer amendments or modify them. So I am not able to agree on behalf of colleagues that all the bills would be passed as written.

Mr. DURBIN. Mr. President, until the time comes—and I hope it is soon—when we can reach an agreement on all four bills, I will object to moving one bill in the package.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would note that the Presiding Officer is a cosponsor with myself of S. 1792, the Strengthening Investigations of Sex Offenders and Missing Children Act of 2011, and perhaps we will be able to make that work sooner or later. I am sure we will.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FURMAN BISHER

Mr. ISAKSON. Madam President, this past weekend, Georgia lost a great citizen. Furman Bisher died in Fayetteville, GA, on Sunday afternoon of a tragic heart attack. He was the premier sports writer in the United States of America, covered every Super Bowl, every Masters, was at every major heavyweight fight.

From the day he started on his Royal manual typewriter until the day he died, he typed on that same manual typewriter that was over 60 years old. He was a brilliant writer, a compassionate individual, a great friend, and someone I looked up to very much. He was a pacesetter. He actually got the only interview of Shoeless Joe Jackson ever done by a reporter. He did it because of his cunning ability to be in the right place at the right time, and that twinkle in his eye that always made you want to take to Furman Bisher.

So as on the floor of the Senate today I pay tribute to Furman and his life, to all of his accomplishments in terms of the writing of sports in our State and around the world. To his family and loved ones, I extend my sympathy on behalf of not just myself but all of the citizens of Georgia.

IRISH E3 VISA BILL

Mr. DURBIN. Mr. President, yesterday afternoon I had the honor of attending the annual Speaker's Luncheon celebrating the long and enduring partnership between the Irish and American people. Among the guests of honor were the President and Vice President and Irish Prime Minister Enda Kenny. And this past Saturday, St. Patrick's Day, I joined Prime Minister Kenny, Illinois Governor Pat Quinn and Chicago Mayor Rahm Emmanuel to march in Chicago's annual St. Patrick's Day parade. As one of the 40 million Americans of Irish descent, the chance to celebrate St. Patrick's Day with the Prime Minister of Ireland twice in 4 days is a rare joy.

At the parade on Saturday, Prime Minister Kenny hailed Chicago as ''the most American of American cities.'' It is also the most Irish of American cities, home to the largest population of Irish-Americans in the United States. On St. Patrick's Day in Chicago, the river and the beer both run green and it seems that everyone is Irish either by heritage or simply by osmosis.

There is good reason that Americans of all backgrounds embrace St. Patrick's Day with such enthusiasm. From our earliest days as a nation, America and Ireland and America have been united by unbreakable bonds of friendship and family and by a shared commitment to liberty and freedom.

In fact, there might not be a United States of America were it not for the Irish. That is not just my opinion. That was the assessment of General George Washington and of Britain's Lord