

**Statement by Chris Powell
to the Judiciary Committee
in opposition to House Bill 5212
“An Act Concerning Freedom of the Press”
Friday, March 10, 2006**

My name is Chris Powell, I live in Manchester, I'm a newspaper editor, and I speak for myself in opposition to House Bill 5212, “An Act Concerning Freedom of the Press.”

Freedom of the press belongs to everyone. The responsibilities of citizenship belong to everyone as well. This legislation would betray that equality by setting up a privileged class.

That is, this legislation would allow anyone to refuse to give evidence just by claiming that he had obtained it in confidence in pursuit of journalism. How could someone even be compelled to prove that he had obtained evidence in confidence, since proving it would require breaking the confidence? Since when must freedom of the press also be freedom to obstruct justice?

House Bill 5212 has been offered largely in response to the case of the Rhode Island television reporter, Jim Taricani, who was held in contempt of federal court for refusing to disclose how he had obtained a copy of a videotape sealed as evidence in a pending criminal case. Taricani was invited here today to support House Bill 5212 and demonstrate the need to protect the freedom of the press to expose wrongdoing without retaliation from government.

But the Taricani case had *nothing* to do with the exposure of wrongdoing.

For the corruption connected to the Taricani case *already* had been exposed long before Taricani got involved with it. The perpetrator of the crime shown in the videotape had *already* been charged and was awaiting trial. The government had *not* been negligent with corruption; the government had been conscientious.

The contempt action that fell upon Taricani and his accomplice was *not* launched to retaliate against the exposers of wrongdoing but to determine whether an officer of the court had violated a court order meant to ensure due process of law for defendants going to trial. As it turned out, a court officer *had* violated a court order. Taricani wasn't the only one punished in his case; the person who gave him the videotape, a lawyer, was convicted of perjury and obstruction of justice, sentenced to federal prison, and disbarred.

Upon completion of due process of law, the court released the videotape to the public.

So what did Taricani's television station find so urgent about broadcasting the videotape? It was ratings week. Due process would have to wait because ratings week would not. That's all.

Connecticut *does* have a problem with its courts and press freedom but it is not addressed by House Bill 5212.

For even if this bill is enacted it will be disregarded by Connecticut's courts, since they maintain that the General Assembly and the governor cannot legislate rules for them. No, Connecticut's courts claim the power to legislate for themselves -- not just that, but to legislate for themselves *in secret*, a practice of contempt for the separation of powers established by our Constitution and contempt for the public's right to know.

You may pass this bill but if a Taricani case arises in a Connecticut court, that court will be just as determined to track down and punish the violators of its orders as that court in Rhode Island was. Whenever it suits their purposes, Connecticut's courts will ignore your "shield law," if for the wrong reasons.

If the General Assembly wants to make rules for the courts, as it has every right if not yet the courage to do, it may have to advance the constitutional amendment approved last year by the Government Administration and Elections Committee. I would be grateful for a chance to discuss that amendment with you.

In the meantime, House Bill 5212 will have no more relevance to freedom of the press than the Taricani case did.

Contact:

Chris Powell
Managing Editor
Journal Inquirer
306 Progress Drive
Manchester, CT 06045-0510
860-646-0500 x 307
CPowell@JournalInquirer.com