

**Statement by Chris Powell
on behalf of the Connecticut Council on Freedom of
Information**

**in opposition to S.B. 1479
An Act Concerning Judicial Branch Openness**

**Judiciary Committee, General Assembly
Monday, April 9, 2007**

My name is Chris Powell, I live in Manchester, I'm the managing editor of the Journal Inquirer there, and I'm speaking for the Connecticut Council on Freedom of Information in opposition to certain provisions of Senate Bill 1479, An Act Concerning Judicial Branch Openness.

This bill would let the Judicial Department decide for itself when a meeting should be open or closed. No statutory requirements would apply. The bill is written to imply that the judiciary will follow the Freedom of Information Act but whenever there is a reference to the FOIA, there's an exemption giving the courts full discretion to ignore it.

Under this bill complaints against judges would be secret unless the chief court administrator wanted to disclose them.

This bill assumes that appellate proceedings may be closed not just to broadcast but to the public generally -- that is, the courts claim the power to make appeals proceedings secret in their entirety.

Under this bill photographing and broadcasting of jurors would be prohibited, even though jurors are the true deciders of cases and juror identification is crucial to an evaluation of the integrity of a jury's work.

This bill would prohibit broadcasting of court proceedings held outside the presence of the jury. Again, the integrity of a court's proceedings cannot be evaluated and insured if the public has no access to everything that happens in court.

This bill would give the public the right to attend child neglect cases only at a court's discretion. The public should have the right to attend court as a matter of law, not just as a matter of judicial sufferance.

Under this bill when the public is allowed to attend child neglect cases, the court is authorized to impose prior restraint on anyone who witnesses the proceedings. That is, child neglect cases could be reported only through the use of pseudonyms. This would often prevent a full and fair understanding of a case.

[MORE]

Prior restraint also would be imposed on witnesses in cases before the Judicial Review Council. This would be unconstitutional.

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