



State of Connecticut
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MEMBER
EDUCATION COMMITTEE
HUMAN SERVICES COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE

August 20, 2007

Testimony
Judiciary Committee

Dear Chairman Lawlor, Chairman McDonald, and distinguished members of the Judiciary Committee:

I am here to testify as to my knowledge of a distinguished and honorable man I have known for the past twenty years as a mentor and friend, and to ask that you support Judge John Downey on his nomination to the Appellate Court.

After having graduated from the University of Connecticut, I returned to my hometown of Redding and met Judge Downey as I was trying to establish myself in politics and community affairs. The Town of Redding has a miniscule African American population. As a young African American trying to get involved in Town politics, it was a bit intimidating for me and presented unique obstacles to any ambitions I might have had. At the time Judge Downey was a respected and established attorney, a leader in the community and active citizen. To me he was more than that. He was a mentor, friend and confidant who took the time to tutor me and look out for my interests, even to straighten me out when he thought I could use some guidance. Any time an older individual looks out for a younger person getting a start it is noteworthy. Considering the circumstances from which I come, Judge Downey's concern for my welfare and maturation should have even more credence and earned my deep appreciation and respect. I am here today – indeed, I am able to serve in the House today – because of people including John Downey who, in Hillary Clinton's wonderful phrase, were all part of that village that helped raise this particular child.

As our lives diverged and time has passed, I was happy to see Judge Downey become a University of Connecticut Trustee and then a Superior Court Judge. We stayed in touch as our lives moved on and I was delighted to see the Governor propose his elevation to the Appellate Court.

When I read last week's newspaper articles, I felt that I needed to share with you my personal knowledge, perspective, and insights on the character and good judgment of Judge Downey, because he is an extraordinary man.

As an African American I have nothing good to say about former Senator Strom Thurmond. In fact, my private thoughts about Senator Thurmond are inappropriate to share in a public forum. Nonetheless, I appreciated in reading the transcript of Judge Downey's remarks that he was able to comment and reflect on the legacy of Senator Thurmond and express the concept of redemption as it relates to Thurmond's journey from one who expressed racist attitudes to actually promoting African American judges.

Redemption is a powerful concept, and it is especially important for people who are in the extraordinary moment of being before the bench. Lives are often upturned when people are in court. I was struck by a judge making the point that people can redeem and reform themselves from low moments in their lives. I am encouraged to see a judge in the courtroom who sees us all as human beings and can express this. I am encouraged that people who might be in a low moment or have taken a bad turn may somehow be able to redeem themselves and get on the right track in life.

I believe that Judge Downey displays a certain sensitivity we should all have. As citizens we all may at some time interface with the judicial system. Whether it be as victim, in a divorce proceeding or in a civil matter, as lay people we are never often in court. A judge is in court every day but, when lay people find ourselves in court, it is always extraordinary in our lives. The ability to know that the justice system is open to the idea of redemption even when we may be under great stress in the courthouse empowers us all to be more comfortable in the moments in our lives that we may have to interface with the justice system.

Judge Downey not only has an open mind but he understands the concept that judges must be diverse and the judicial system must do a better job at seeing and expressing diversity as a matter of course.

Judge Downey demonstrated that understanding with his outreach towards me. He has demonstrated that understanding time and time again. I can only imagine the University of Connecticut in 1972 when the Judge, as a member of his fraternity, recruited and became the big brother to his fraternity's first African American member. Breaking the color barrier in a majority white fraternity at UCONN in '72 helped make positive changes for me as a young African American when I entered in 1984. It was not so many years ago that it was a rare moment that the racial line would be crossed in a fraternity, and Judge Downey's role in that at UCONN speaks volumes on his character.

In 1975, Judge Downey was a legal research assistant to the Affirmative Action Officer in the corporation counsel's office for the University of South Carolina while a student at the law school. That also makes a statement for his character, as does the fact that he was the Chairman of the Minority Affairs Committee for the Student Bar Association at the University of South Carolina Law School. Do you think that that role was so highly prized by most white law students in South Carolina in those polarized days?

This man wasn't building a resume for this hearing. He was living a life that merits respect. He was living a life that compels me to be here today, and to urge his nomination.

Judge Downey's commitment to diversity is manifest. As counsel to Union Carbide he was a volunteer and represented the Union Carbide Law Department in regard to the company's participation in the American Bar Association's Minority Counsel Demonstration Program. This program encouraged major corporations to hire minority attorneys for legal work. In his role, he was cited by none other than Former Detroit Mayor Dennis Archer...who later became a justice of the Michigan Supreme Court and was the first African American President of the American Bar Association.

Judge Downey's commitment to diversity continued as a partner at Rome, McGuigan & Sabanosh. Judge Downey was a key member of the firm's minority recruitment program. Under his tutelage this major firm hired three minority associates, one of whom is now a partner at the firm.

In the early 90's, I was one of the early critics of John Rowland. Back then my critique had nothing to do with corruption but had everything to do with his lack of appreciation and lack of diversity of minorities in government. Judge Downey was called on by the Rowland administration to address diversity. He should be credited with helping the ascension of an old friend of mine who I had at one time personally encouraged to further her career, Vanessa Bryant, now a Federal Judge. I appreciate so much his efforts in promoting Judge Bryant's career, which included being consulted by the counsel for the White House regarding Judge Bryant's fitness and background.

Finally, I also need to note Judge Downey's role as a scholar who has written thoughtfully on the law. He has written a commentary guide to evidence that was the standard used in courtrooms until the new evidence code. Judge Downey's scholarship, and his kind understanding of the world that I have seen have an impact as a mentor in my own life, help make the justice system accessible for all of us. His service should make us all more comfortable about interacting with the justice system.

When Judge Downey mentored a young Jason Bartlett, he couldn't have been thinking of this day. He simply did the right thing. When he mentored minority students and attorneys, integrated a fraternity, advanced racial equality in South Carolina in the Seventies, and worked with the ABA to advance minority participation, he wasn't building a record for a debate or a confirmation. He was simply doing the right thing.

It is with my strongest voice that I urge the Committee to endorse this nomination, and to say that I hope to have the honor of being able to vote to confirm Judge Downey on the House floor. I urge you to support this nomination because this is a good man with a good heart as well as a good mind. Judge Downey's respect and understanding of diversity, his scholarship, and his heart, all lead to his ability to dispense justice with a sense of understanding of the people who are affected by the judicial system.

I firmly believe that there will be no judicial confirmation that will make this committee prouder in the years ahead than that of Judge John Downey, and I urge his nomination with a whole heart. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Jason W. Bartlett". The signature is written in a cursive style with a prominent flourish at the end of the last name.

Jason W. Bartlett
State Representative, District 2