

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

**in regard to Raised Bill 5528
An Act Concerning the Freedom of Information Act**

**Judiciary Committee, General Assembly
Monday, March 3, 2008**

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, of which I'm legislative chairman, in regard to Raised Bill 5528, An Act Concerning the Freedom of Information Act.

The Connecticut Council on Freedom of Information favors the first part of this bill, which attempts to define the "administrative functions" of the judiciary so that more judicial records, particularly court docket records, such as those at issue in the recent Connecticut Supreme Court case that became so troublesome, will be public as a matter of law rather than mere judicial sufferance or discretion.

Maybe this legislation will work. Or maybe we'll never know, if the judiciary continues exercising its discretion in favor of greater openness. In that case this legislation may never be tested.

In any event the bigger issue facing this committee, the General Assembly, the governor, and the judiciary, an issue debated before this committee last year, will remain whether the judiciary acknowledges the constitutional authority of the legislature and the governor under Article 5, Section 1, of Connecticut's Constitution to legislate the rules of judicial procedure, including rules for the openness and accountability of the courts. The Connecticut Council on Freedom of Information understands that this committee intends to address the rule-making issue again this year, and we're grateful for that and hope to offer comment on it at the proper time.

For if the rule-making issue can be settled in favor of democracy, Connecticut will know that its courts have been brought fully under the law.

The Connecticut Council on Freedom of Information opposes the second part of Raised Bill 5528, which, in the name of personal security, would exempt from disclosure the residential addresses of a vast range of public officers and employees.

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Yes, the conscientious and necessary work of those officers and employees may inspire ugly resentments among ne'er-do-wells. But the not-so-conscientious work of those officers and employees also may justify investigation by the news media and by the public, and such investigation will be greatly hampered if those officers and employees cannot be identified and distinguished from others in a primary respect, their residential addresses. Access to these addresses is often necessary in determining whether a public officer or employee has engaged in corruption or fallen into conflict of interest.

Our country already has been scared too far into the permanent emergency of the national security state wherein the accountability of the government dissolves. Connecticut should resist this. Let's not be that scared yet.

But if this fear really must be placated, the bill could be amended to require that the state police and the public officers and employees themselves at issue here be informed of any request for the addresses -- not to give the public officers and employees control over disclosure of their addresses, but just to give everyone a chance to judge whether a request may involve a threat.



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