

James H. Smith, President, Connecticut Council on Freedom of Information
Claude Albert, Legislative Chair, Connecticut Council on Freedom of Information

Statement Opposing, in Part, Governor's Bill 6354, An Act Implementing the Governor's Budget Recommendations Concerning General Government.

March 22, 2013

Senator Harp, Representative Walker and members of the Appropriations Committee: I am Jim Smith, president of the Connecticut Council on Freedom of Information. I join with our Legislative Chair Claude Albert, to say that we have never felt more strongly opposed to a proposed provision before this legislature than we do to the present one stripping the state watchdog agencies of their autonomy.

CCFOI's mission for more than 50 years has been to further transparency and accountability in government. We join today with many other concerned organizations, including the League of Women Voters, Connecticut Voices for Children, the ACLU, Common Cause and the Connecticut Citizens Action Group in asking you to protect the independence of the state watchdog agencies.

Elections enforcement, ethics, FOIC and the other watchdog agencies are critical to integrity and public confidence in government. Their credibility is essential. Our main focus, the Freedom of Information Commission, polices one of the public's most important rights – the ability to know what government is doing. The FOIC is the court of appeals for ordinary citizens who believe they have been wrongly denied access to public meetings and documents. Like the courts, the FOIC must be – and be perceived as – independent and above political manipulation.

The present proposals inspire nothing but cynicism. They would eviscerate protections the legislature put in place last year to make palatable the ill-conceived merger of the watchdogs into the Office of Governmental Accountability. Under this new provision, a political appointee reporting to the governor – the OGA executive administrator – would be handed control over almost the entire professional apparatus of the watchdogs. The agency heads would lose their power to fire this administrator, rewarding him for thumbing his nose at them for the past year by refusing to read their evaluation of his work.

The lawyers and staffers who do the watchdogs' highly specialized work, including investigating complaints, conducting hearings and issuing or proposing final decisions, would be hired, fired and answerable to this political appointee.

This is an unacceptable conflict of interest, ripe with the potential for abuse of power. No governor's agent should control the professional staff that may be investigating whether that governor, or a member of his or her administration, or of his or her party

acted unethically, or violated election law, or wants documents kept secret that the public is entitled to see.

In addition, this proposal would take away a crucial budgetary protection put in place when Gov. John Rowland – enmeshed in a corruption scandal and facing related cases before the watchdogs – tried to hobble them with a similar consolidation and large budget cuts. To insulate the agencies from such political pressure, the legislature required that their budget requests be passed directly to the legislature without alteration by the administration. The legislature has made serious cutbacks during difficult times, but this budgetary buffer has given the watchdogs some appropriate distance from the whims of any given administration.

None of these present proposals can be justified as an effort to increase efficiency or streamline “back-office functions.” The budget savings last year could have been achieved by simply asking the agencies to make the cuts. There was no need to erode their independence or layer on the six-figure salary of the executive administrator. This year the savings are even less, about \$187,000, achieved entirely by not filling already vacant positions.

These proposals can only be viewed as an effort to gain control over the guarantors of transparency and integrity in government. The proper action here is to restore the three main watchdogs to their status as independent agencies. At the very least, it should be made clear in law that the agency heads have the power to prescribe the duties of, and evaluate, as well as fire, the executive administrator, and that he should confine his ambitions to improving the support functions his office was intended to oversee.