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SENT VIA E-MAIL TO: GAETESTIMONY@CGA.CT.GOV

Co-Chairmen and Committee Members
Government Administration and Elections Committee
Connecticut General Assembly
State of Connecticut
Legislative Office Building, Room 2200
Hartford, CT 06106

**Re: Testimony on S.B. No. 381 An Act Concerning The Task Force On
Victim Privacy And The Public's Right To Know.**

Dear Co-Chairmen and Committee Members:

Greetings, my name is Robert Fromer, and I have been actively involved in Connecticut Freedom of Information Act ("FOIA") issues since the 1970s having won numerous administrative appeals before the Freedom of Information Commission ("FOIC") and having been an appellant in numerous appeals to state courts.

First, I do not support creating a right to privacy for victims in cases involving criminal activity on public property. Victims have argued before the Legislature and the task force that they should not have to relive violent acts in the media.

Relying on Supreme Court case law giving the press and public a constitutional right of access to criminal proceedings, and several circuit court decisions, including one from this circuit, extending that right to judicial documents, the district court began by finding that the records sought by the Globe implicate First Amendment concerns. Globe Newspaper Company v. Pokaski, 868 F.2d 497, 500-501 (1st Cir. 1989). The court went on to hold that, even assuming the records may be obtained in the future, the statute places an impermissible burden on the public's right of access in that it requires those seeking information to initiate proceedings, thus reversing the constitutionally grounded "presumption of openness." Id. at 501. In its view, Supreme Court precedent requiring open . . . proceedings prevents "automatic" sealing of records without any demonstrated findings that closure is necessary to further a compelling governmental interest, which, also, requires that the requested records remain open absent such findings. Id.

This circuit, along with other circuits, has established a First Amendment right of access to records submitted in connection with criminal proceedings. In re Globe Newspaper Co., 729 F.2d 47, 52 (1st Cir.1984). The basis for this right is that without

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access to documents the public often would not have a "full understanding" of the proceeding and therefore would not always be in a position to serve as an effective check on the system. In re Globe, 729 F.2d at 52 (quoting Associated Press v. United States District Court, 705 F.2d 1143, 1145 (9th Cir.1983)).

The state simply has the burden to demonstrate why more access is not better than less. Globe Newspaper Company v. Pokaski, 868 F.2d at 505.

In today's communications media, very grisly details of crimes are routinely displayed on television and social networking sites on the Internet.

As a result, unless there is a compelling government reason, all evidence of a crime on public property should be public information, and there should be penalties for denial of requested information.

In summation, all information involving criminal activity conducted on public property should be deemed public information, the public should have access to documents in their original format, and there should be mandatory minimum penalties for denial of requested information.

Very truly yours,



Robert Fromer