

Testimony Opposing HB 5501
“An Act Concerning Executive Sessions of Public Agencies”
GAE Committee
March 7, 2016

Senator Cassano, Representative Jutila, Senator Gerratana, Representative Alexander, Senator McClachlan, Representative Smith and honorable members of the Government Administration & Elections Committee, thank you for the opportunity to submit testimony against this bill.

My name is Ed Schwing and I am the editor of the Haddam Bulletin, a civic monthly newspaper that has been published in my hometown of Haddam for the last 65 years.

The Bulletin’s focus is very local, and our staff attends as many town boards, commissions and committee meetings, trying to keep our readers abreast of many town and civic issues that may impact their lives one way or the other.

With the dwindling, or to put it more bluntly, non-existent coverage of local news by our state major newspapers, Haddam residents have come to rely more and more on the Bulletin to give them as much information as possible regarding local elections, town budget hearings, commission meetings and decisions, as well as board of education budget meetings and referendums.

Many of those local boards and commissions are made of elected or appointed citizens who are not comfortable with and/or do not understand the concept of open town government, where town information belongs to all its residents. These are volunteers who work in or have retired from the private sector where actually the opposite prevails, where information is always treated confidentially and only shared on a need to know basis, if at all.

As a result, most volunteer boards and commissions have a tendency to return to the practice they are most familiar with, which is to do as much as possible behind closed doors. And as we all know, this in the public realm has always lead to power abuse and corruption.

Thankfully, forty years ago this body passed the FOIA act that created the FOIA Commission. This was a big step and done by unanimous vote in the two bodies. Since then, the FOIA Commission has been incredibly helpful through their educational outreach program to public officials, as well as their legal oversight and legal rectification of blatant violations to the openness law.

At the time of signing of the law, Governor Grasso said: “This Act assures the protection of law to a procedure that should have never required protection but nonetheless, we know that there will be an opportunity to hinder access to information and attendance at meetings.”

Since Governor Grasso signed the bill, there have been many attempts to water down the law and put up more obstacles to hinder access to information and attendance to meetings of public officials.

This bad bill HB 5501 is one of them.

First note that no one has come proudly forward to take credit for it.

Second, this bill substitute very clearly defined instances when a public agency can go in executive session to receive legal advice, with a blanket legal cover to allow public agencies to go into executive sessions anytime they felt they needed legal advice.

By their own definition, executive sessions are secret meetings, no recording is allowed, no minutes are taken and attendants are asked not to discuss publically what was discussed during those sessions. There is no way for anyone outside the session to find out anything about what was discussed.

Bill 5501 would create the biggest loophole in the history of the FOI Act since it was enacted. It would allow public officials to conduct public business under closed doors, under the umbrella of asking for legal advice from an attorney, however remotely or vaguely connected that advice would be to the subject at hand.

It is hard enough for citizens and reporters like myself to have access to what public agencies are discussing or deciding. By allowing this bill to go through, you would make it possible for those agencies to pick and choose which subject they would want to discuss publicly and which ones they would rather keep secret from the public.

To protect the integrity of the FOIA act and open access to our government, I respectfully urge you to soundly reject HB 5501

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