REP. STAFSTROM (129TH): All right everyone, thanks for bearing with us. I'd like to reconvene the Judiciary Committee public hearing. First on our list is the Attorney General, William Tong. Mr. Attorney General, you know how to work the microphone?

ATTORNEY GENERAL TONG: I'm just getting acclimated. [laughter].

REP. STAFSTROM (129TH): Just wanna make sure you know you gotta hit the button.

ATTORNEY GENERAL TONG: Good morning, Mr. Chairman, ranking member Rebimbas. I want to acknowledge Chairman Winfield and ranking member Kissel and distinguished members of the Judiciary Committee. Thank you so much for welcoming me home one more time and I hope to appear before you many more times. I want to start out before I begin my testimony this morning -- I'm here to speak on House Bill 7222, but I just want to acknowledge my very
good friend, Ezekiel Santiago and I was just trying to think of this morning words to express what he meant to me and how we all felt about him. And I just can remember what a gentle and relentlessly positive soul he was and how we can all still feel his presence. It's hard to believe he was 45, I'm 45, it's hard to believe that he's gone.

Let me also say that I think I speak for all of us in this state when we look upon the news from New Zealand with profound sadness at another hate-filled attack and mass shooting there and I know that our thoughts and prayers and our hope goes out to the people of that country and that community. And I want to thank all of the folks in this room. We have a very broad cross section of the Civil Rights Advocacy Community here with us today and we're all here to talk about House Bill 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.

Some of the proudest work that I think we did together and that I was part of on this Committee and in this Legislature over the 12 years that I was here were the laws that we passed to protect Connecticut residents and families from discrimination and from hate. Together we passed landmark protections for the LGBTQ Plus Community including establishing marriage equality and the rights of transgendered persons right here in this room and in this Committee. We protected seniors and disabled from abuse and discrimination, protected immigrants, yeah, and communities of color from discrimination and just a couple of years ago together this Committee passed a landmark strengthening of our state's hate crimes' laws. But I think all of us know that none of these rights
mean anything if there's no effective mechanism to enforce these laws or as many of us learned on the first day of law school, there may be a right, but it does not good if there is no remedy and so I'm asking you on behalf of this state to join 22 other states including all of our neighboring states in helping the Office of the Attorney General enforce civil rights laws on behalf of the State of Connecticut and its residents.

Now traditionally, we look to the Department of Justice and the Civil Rights Division to enforce civil rights laws on behalf of all of us, but I think it's clear the DOJ and the Civil Rights Division is effectively absent in this area right now and the number of new investigations that the division has initiated is at its lowest point in 18 years. This bill is pretty straightforward. This bill is about legal standing. It clarifies that the Attorney General acting on behalf of the State of Connecticut has standing to enforce existing civil rights law.

I want to clarify what this proposal does not do. This bill does not create any new substantive rights. We are simply seeking to establish and clarify standing for the State of Connecticut to enforce the laws on its books. Under this bill, the Attorney General's office will not represent individuals or assert individual claims. We are acting only on behalf of the State of Connecticut when the State's interests are implicated in vindicating civil rights and enforcing our laws. This bill does not confer criminal jurisdiction. That is the job of the State's Attorneys and the Chief State's Attorney and except for a small sliver of home improvement contractors, the Office of the
Attorney General does not have criminal jurisdiction and does not ask for any.

This bill does not supplant or interfere with the role and responsibilities of the Commission on Human Rights and Opportunities, the CHRO. The powers I think to enforce civil rights laws in this state are complimentary to what the CHRO does and this bill does not change or conflict with my role as the state's lawyer. I represent state agencies and officials; I represent all of you and I will continue to have a professional and ethical responsibility to represent and zealously defend the state.

Let me close by saying that it was a tremendous honor and the highest professional honor to be a member of this Committee, to be its chairman in passing laws to promote justice and equity and to protect all of us including our most vulnerable and as leaders of the Constitution State, I hope you will join me in giving strength and meaning and force to those laws and to provide access to justice for people across Connecticut. Thank you.

REP. STAFSTROM (129TH): Thank you. Questions from the Committee? Representative Dubitsky.

REP. DUBITSKY (47TH): Thank you, Mr. Chairman and thank you, Mr. Attorney General for coming in and addressing us. I just had essentially one kind of line of questioning about you mentioned a little in our remarks about how this will not take the CHRO's power. To what extent -- it seemed to me just from the news reports and from what little is in the bill that there seems to be some overlap between what CHRO does and what this bill proposes. Could you address that a little as to where the line will be
drawn and why there's a distinction and if there is an overlap, who trumps who?

ATTORNEY GENERAL TONG: Well I don't think there's a question about who trumps who here. There is an overlap I think from 50,000 feet there's overlap and both the Attorney General's office and the CHRO are deeply committed to civil rights here in Connecticut and I think that both organizations strongly believe that more civil rights enforcement, more focus on protecting people, particularly in vulnerable communities, is critical and important particularly right now. So I know in meeting with the CHRO, meeting with their leadership a number of times on this bill that we share that same commitment. As you know, the CHRO is the oldest civil rights organization you know quasi-public organization or public organization and arm of our state government in our nation today and the CHRO has a well-established investigative and quasi adjudicative function and so it acts as both as a fact finder and an adjudicator of individual claims. The Attorney General's office would not do any of that and would not address individual claims. To the extent that the CHRO and the Attorney General's office can both focus on remedying and vindicating civil rights and remedying civil rights violations here in Connecticut in the name of the state, I think it's good that you have two agencies focused on that goal. The Attorney General's office obviously has a different setup and different resources with the 200-plus lawyers we have in our office and we are regularly in court enforcing our state's laws in civil cases and so we're well equipped to do this work. And so I think having two watchdogs is a positive development and I think that it's pretty
clear that what we will do will be complimentary and in many ways supplemental to the CHRO's work. I can't imagine any area in which there would be direct conflict because the Attorney General's office will focus on large scale systemic and repeated conduct and derogation of our civil rights laws and in that way, we have the resources and experience in our office to pursue that larger scale civil litigation. I should add that this is not of course the only area under the law in which there are two agencies focused on a particular issue so for example, in our own state, you have the Department of Consumer Protection and the Attorney General's office working on concert, but also in many cases on an overlapping basis, the same with the Department of Labor. If you look at the federal level, the EEOC overlaps with many state agencies across the country. The Department of Justice has overlapping jurisdiction with the Security Exchange Commission and many other regulatory authorities.

So this is not new and not uncommon and we look forward to working with the CHRO.

REP. DUBITSKY (47TH): Well I thank you for that. One question that would pop up when you say that you would have two watchdogs is can we afford to feed them both? What is the anticipated cost of doing, of having two watchdogs as opposed to beefing up the one?

ATTORNEY GENERAL TONG: Well let me just say that we expect to do this work with our existing staff and that I've done an extensive analysis of our ability to do that and I think that we have, we have more than the required capacity to take this on in the Attorney General's office. We do this kind of work
every day. You have worked in a big law firm; I have worked in a big law firm. Assignments, work load are constantly shifting and people become free or less free and you move work around and put together the right team in a given case and we're no different than any other legal services organization and we can do that.

Let me make one more note and this relates to my presentation to the Appropriations Committee. The Attorney General's office returns on average more than $200 to $300 million dollars per year in cash to the General Fund and in terms of overall recovery to the state, last year was 19 times what we cost in terms of our budget allocation. Over the past ten years, the Attorney General's office has returned $5.5 billion dollars to the State of Connecticut in recoveries and so on a net cash basis, we're net positive by a wide and dramatic margin, sometimes as high as 25x what we cost and so I think it's pretty clear that the Attorney General will continue to be able to fund its own operations on a larger scale.

REP. DUBITSKY (47TH): So is it your feeling that this will not require any additional appropriations?

ATTORNEY GENERAL TONG: Not at this time.

REP. DUBITSKY (47TH): Do you anticipate it down the road?

ATTORNEY GENERAL TONG: Not at this time.

REP. DUBITSKY (47TH): Okay so you're using existing staff, existing resources. Okay.

ATTORNEY GENERAL TONG: That's correct.

REP. DUBITSKY (47TH): All right. Well thank you very much.
ATTORNEY GENERAL TONG: Thank you.

REP. DUBITSKY (47TH): Thank you, Mr. Speaker, uh, Mr. Chairman.


REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. Thank you for your testimony, Mr. Attorney General and it's always good to have a constituent up here. It's tough to see that number next to your name. [laughter] I think, uh, I appreciate you bringing this bill to us and you know one of the issues that I've been really concerned about is what I believe to be the Supreme Court's erroneous interpretation of the Federal Arbitration Act to preclude many people especially in the employment context from achieving their day court through mandatory forced arbitration and that has been ruled to include civil rights claims at times or discrimination claims, and so I think that it's really important that we have vigorous regulatory enforcement of civil rights as well as other claims to make sure that those sorts of actions are not becoming prevalent in the employment or other contexts and so I was just wondering if you have any observations on that matter and if you energy efficiency that as a part of the role that you will play in implementing these authorities if they're given to the Attorney General's office?

ATTORNEY GENERAL TONG: I do and again, I think on an individual basis with respect to individual employment discrimination claims, there is an existing process through the CHRO in superior court on behalf of private properties to vindicate individual claims. That being said, you can imagine
a variety of contexts where employment discrimination is widespread and it may be difficult to remedy that on an individual basis and people may not have the ability or access to lawyers or their claims in and of themselves on an individual basis may not be significant enough or they may perceive some challenge to bringing their own claim and it becomes much more important for the state to step in and to say this sort of discrimination should not stand in our state and we're gonna to take action.

Two examples I can think of for example are pervasive sexual harassment and a hostile work environment, for example, in a private institution where it may be difficult for people to report or to take action because of the structure of that institution. I've been watching a case -- I have many friends today from the cross disability community here today and I've been watching developments at a big box store where there were jobs provided that were predominantly filled by people who are disabled and then they changed those jobs and there wasn’t accommodation or sufficient accommodation it seems to help those people keep their jobs and so that's something that I'd want to understand and I think that people across the state and this committee would want to take action to prevent the sexual harassment and the hostile work environment I described or in cases where people who are disabled are somehow reclassified out of work without accommodation and the ability to continue in their jobs.

REP. BLUMENTHAL (147TH): Thank you, Mr. Attorney General. Thank you, Mr. Chair.

REP. CARPINO (32ND): Welcome back.

ATTORNEY GENERAL TONG: Good morning or good afternoon.

REP. CARPINO (32ND): As you well remember, it could be morning on any given day here. Just one question. Under your leadership, and I apologize for not remembering, did we ever hear this concept or is this new to the committee?

ATTORNEY GENERAL TONG: This particular concept I think is new but I will note that as a committee, we have regularly and routinely expanded or clarified the authority of the Office of the Attorney General so for example, you may remember a bill related to the Attorney General's enforcement of our states antitrust laws and price fixing. Because there's a Supreme Court, US Supreme Court decision called Illinois Brick which potentially precluded the Attorney General's office and the state from asserting direct consumer claims in the name of the state but claims on behalf of direct purchasers, pharmaceuticals under the antitrust laws and so we changed that to make it clear that the Attorney General's office could do that. I should note that related to that, because we make those changes, it makes possible bigger cases that we've taken on. For example, I'm leading a 49-state coalition in the generic drug price fixing case which is we think the largest price fixing case in American history and that's because we have robust powers here in Connecticut to bring that action.

REP. CARPINO (32ND): Thank you for your answer.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman and good afternoon.

ATTORNEY GENERAL TONG: Good afternoon.

REP. REBIMBAS (70TH): If I may with the indulgence of the good Chairman, I just wanted to take this opportunity as well to acknowledge on behalf of the Republicans and I'm sure everyone on this committee, our deepest, deepest sorrows and sympathies for the passing of Representative Santiago. We know that this is a great loss, not only to the legislative family, but certainly his personal family and the district that he represented so again, my thoughts and prayers to everyone certainly who had the extreme pleasure of knowing this individual and it is a great loss.

REP. STAFSTROM (129TH): Thank you.

REP. REBIMBAS (70TH): Good afternoon Attorney General.

ATTORNEY GENERAL TONG: Good afternoon.

REP. REBIMBAS (70TH): I do have a few really mostly clarifying questions. I think we've had the benefit of having you meet with the chairs and the ranking member previously and I know this topic was brought up and we were looking forward to seeing what the language in the proposal would be in order to kind of flush out exactly what this would all entail and I think I certainly heard your introduction and I don't think anyone could argue with the goals and aspirations of what the hope is for this, and I did have an opportunity to review this language late
last evening. And as I review the language, it just
seems to be very broad and I don't know if this, it
needs, as you know, this drafting aspect of things,
this is why we have a public hearing to kind of
flush things out and I don't know if maybe even in
the drafting of this those thoughts were shared and
exchanged that potentially the language may have to
go through some variations and changes. So instead
of speculating on my part, if maybe I could direct a
question to you. Do you, do you find this language
to be appropriate, broad and willingness to narrow
if necessary or where did this language actually
come from?

ATTORNEY GENERAL TONG: So I'm always happy because
obviously, sitting where you are, I've had the
experience of negotiating language many times.
Always happy to talk about the language and to
consider suggestions and work with you. Obviously
this bill and the language will be your decision and
your responsibility on this committee but I'm happy
to work with you in the process and offer our
suggestions in how to improve the language. Let me
say this and so yes, let me answer first of all,
we're open to being part of that process and open-
minded about potential changes.

I think there's a couple of misunderstandings about
the bill but let me just say that again, this bill
does not create any new substantive rights and so
it's no broader than existing law and so there's
existing state and federal law that touches on civil
rights and provides causes of action and this bill
clarifies that the State of Connecticut has standing
to enforce those laws in the name of the state, not
on behalf of individual litigants and so it's not
broader than the laws already on the books and if
this committee determined that it wanted to expand our civil rights laws, then that enforcement would expand and if you contracted, then it would contract. There are two things I think that are somewhat misunderstood. One is that we reference criminal statutes in the bill. Those are the hate crime statutes but we do not in any way purport to stand in the shoes of the Chief State's Attorney and the State's Attorney's office in enforcing the hate crimes laws from a criminal perspective, but what the bill does is it simply provides that there may civil actions related to violations of our state hate crimes laws and I've talked to Kevin Kane and we've had a productive conversation about it. We think that there are many ways in which the State's Attorneys and the Chief State's Attorney and the Attorney General's office can work together and use our combined strength, criminal on the one hand, civil on the other hand to remedy large scale discrimination against people in our state.

The other thing is that this is cabined in and constrained to laws relating to rights, privileges, and immunities and those are constitutional terms of art, right? I mean we're talking about the Bill of Rights. We're talking about the most fundamental and basic rights that are enshrined in our state and Federal Constitution and I think lawyers generally understand what rights, privileges and immunities means and it's well defined in our federal law. For example, under 28 US Code 1983, which is one of the most well-established civil rights statutes in our federal code, but I'm happy to work with the committee if you feel that that bears more examination and further explanation.
REP. REBIMBAS (70TH): Thank you for your response and certainly I would concur with you that this is not broader than any current existing law but I certainly appreciate in your introduction, you had indicated that you're not looking to bring a claim on behalf of an individual, but as I read the language of the proposal before us, it would seem that it would allow for such type of action and then when we go forward into the sections that are cited in the proposal as to the definition of a person as it's being used here, it does specifically define it as being a human being, but certainly will go on and identify it as a private corporation, etc. so that's what I mean in the sense of in your introduction, you're indicating that it's not, the intent is not to have a right to do any one individual, but the language in the proposal would allow for that so I think we just need to make sure that you know the intent and the language are clear in that regard so maybe tightening that up.

I think also when you indicated working with the Chief State's Attorney's Office, the criminal versus the civil aspect, do you, do you foresee that that would take place at the same time or would a criminal proceeding come to completion and then a civil proceeding would then begin, if you have any thoughts on that?

ATTORNEY GENERAL TONG: So I think it depends on the specific case and the Chief State's Attorney and I talked about ways in which we cannot just work together, but formalize that relationship in cases like this so just off the top of my head, again in the generic drug price fixing case right now, the State of Connecticut is in the lead with 48 other states. There are a lot of state law claims, those
are civil claims, but at the same time, the Department of Justice both in their antitrust division, again on the civil side, but also on the criminal side and the US Attorney's offices are also engaged and they're certainly free to conduct their own investigations and there can be at times cross jurisdictional coordination. So it will depend on when and how that comes together based on the individual case, but I think this will give us an opportunity to do that in a robust way.

REP. REBIMBAS (70TH): In your introduction, you had indicated that in the Department of Justice, the Civil Rights Division is absent in this area and I believe your reference in the area was regarding civil rights. If you can elaborate a little bit more in that regard.

ATTORNEY GENERAL TONG: Yeah, we have statistics that show that their activity is at an 18-year low particularly in you know areas like voting rights discrimination, the Department of Housing at the federal level I think has only initiated one housing discrimination investigation in the last couple of years and so it's simply a quantitative observation that they're not doing as much as they used to do and it's a dramatic decrease and I think that people across the country are concerned about civil rights. They're concerned about civil rights enforcement and it's really important that if the Department of Justice is not there in the way that it used to be that states and State Attorney Generals step up to fill the void.

REP. REBIMBAS (70TH): Flushing that a little bit more because that's concerning and with that said, I'm speculating that you're basing that on cases
that were actually taken then to trial; is that correct?

ATTORNEY GENERAL TONG: No, I'm talking about investigations too.

REP. REBIMBAS (70TH): Okay. Do you have the statistics on that? How many things were investigated, how many went to trial, how many may have been settled?

ATTORNEY GENERAL TONG: I don't have that here in front of me. I can provide that to you but I do have that basic statistic that it is at its lowest point in 18 years and I also referenced HUD and the fact that the secretary there has only used his authority to initiate a housing discrimination investigation once since taking office which is dramatically lower than in the past.

REP. REBIMBAS (70TH): So your statistic regarding the 18 years, again, just for clarification, that's on all investigations or is that only on those investigations that were actually taken to trial?

ATTORNEY GENERAL TONG: All investigations.

REP. REBIMBAS (70TH): All investigations. Okay. If you don't mind, and certainly I'm sure we'll contact the Department of Justice in this regard as well, getting the statistics that you've relied on in order to obviously determine that this is an area that needs to be addressed in that regard because I mean naturally, and I would hope that one of the other explanations for that is that maybe there aren't as many violations, but in order for us to properly determine that, certainly we want to make sure that we've got the statistics then to show that
one way or the other. Would those also be addressed by CHRO as opposed to the Department of Justice?

ATTORNEY GENERAL TONG: They could be.

REP. REBIMBAS (70TH): Do you know the statistics on CHRO in that regard?

ATTORNEY GENERAL TONG: I did not.

REP. REBIMBAS (70TH): And it sounds like you’ve had conversations with CHRO regarding working collaboratively with them?

ATTORNEY GENERAL TONG: We have, we have.

REP. REBIMBAS (70TH): And again, similar to the previous question regarding the Chief State's Attorney's office, how do you foresee working with CHRO? How are decisions going to be made as to who's going to lead on a case or whether or not the case requires one or both of the departments working on?

ATTORNEY GENERAL TONG: We're going to work very closely but I think, again, this idea about who's going to lead and as I think Representative Dubitsky said, who's gonna trump who, I don't think we're gonna run into that problem and I don't think that we're going to see any conflict at all because what we are looking to do is something that the Attorney General's office is well-equipped and structured to do which is large-scale civil litigation that may involve extensive discovery, lots of witnesses, lots of documents. You can imagine cases that not only implicate our jurisdiction but other jurisdictions and so you can imagine a civil rights investigation or a case that is a multi-state case and so there have been a number of cases involving for example
immigration that Attorney Generals across the country have joined together on and so the size of these cases and the nature of these cases is fundamentally different than what the CHRO does today and that's why we think that our approach and the types of cases that we do is complimentary and supplementary to what the CHRO does because it's different.

REP. REBIMBAS (70TH): And in your example when you talk about the cases regarding immigration and Attorney Generals getting together, is there anything currently that would prevent you from joining that?

ATTORNEY GENERAL TONG: No.

REP. REBIMBAS (70TH): I believe it was in your exchange with Representative Blumenthal earlier regarding mandatory forced arbitration. I think Representative Blumenthal had indicated his opinion regarding that. Do you have an opinion regarding arbitration before trial?

ATTORNEY GENERAL TONG: Do I have a general opinion about arbitration?

REP. REBIMBAS (70TH): Yes.

ATTORNEY GENERAL TONG: An arbitration is generally a matter of contract and in most cases, it's important under the terms of a contract between two parties negotiating at arm's length and you would hope with equal bargaining power.

REP. REBIMBAS (70TH): And under this new framework, having your office do this civil rights, do you see any changes to that?

ATTORNEY GENERAL TONG: No.
REP. REBIMBAS (70TH): Okay because there was an impression that, there was some kind of indication of not doing the arbitration first and going straight to having to litigate these claims and I think certainly, and we've seen even through CHRO and through many others, mediation or arbitration is cost effective.

ATTORNEY GENERAL TONG: No, I think the only point, look, I'm a strong believer in alternative dispute resolution and in private practice I did that every day, you know mediation, arbitration, pre-trial resolution is an important tool and can be very effective. I think the only point was there's an argument in some cases that forced arbitration clauses are forced in that people are coerced into agreeing to them and that there are cases in which the parties have grossly unequal bargaining power and there are reasons not to respect an arbitration clause but that's nothing new. People have made those arguments in the past and I think that's an argument people have made about mandatory arbitration but as I said, in general terms, arbitration are contractual terms and they have to be respected.

REP. REBIMBAS (70TH): And that would be your inclination is to respect those clauses?

ATTORNEY GENERAL TONG: That's correct.

REP. REBIMBAS (70TH): Okay because on the flip side, one would argue that, potentially could argue that the Attorney General's office would be much more equipped, have resources and funding and strength that would put the other side probably at a disadvantage so I that’s important then to keep in mind as we discuss this proposal in that regard. I
know that there were some questions regarding funding and things of that nature and you had indicated that at least at the present time, you believe that additional funding wouldn’t be necessary. If and when that is the case, how would that work? Who would you have to request that funding from?

ATTORNEY GENERAL TONG: Well I think if we needed additional staff, we would include that as part of our budget proposal and we would discuss that with OPM and DAS and the legislature in the Appropriations Committee. Let me say that this is not to say that the Attorney General's office doesn’t need staff. We do and there are many areas in which we could use help in child protection, in worker's compensation, in public safety, in antitrust, but that being said, I believe that we have the capacity to take on this work, new work, not just in this area by the way. We do have the capacity to take on new work and if there comes a time when I think that there will be additional staff needed, I will come to the legislature and ask for it.

REP. REBIMBAS (70TH): And under this guise, you still foresee CHRO continuing or do you see that essentially and certainly conversations have already been previously had on several occasions in past year of having CHRO potentially eliminated if you're taking on this new role. Do you foresee that in any way?

ATTORNEY GENERAL TONG: No. I have absolutely no interest and the Office of the Attorney General has no interest in doing what the CHRO does every day in its well-established structure as a fact finder and
as an adjudicator of claims in the first instance
and I've expressed to CHRO in the strongest possible
terms, we have no interest in interfering. Our
interest is only in supporting the CHRO and
strengthening our state's enforcement of civil
rights laws passed by this committee and this
legislature.

REP. REBIMBAS (70TH): And regarding the Department
of Justice, their Civil Rights Division, do you
foresee that that would be something that would
continue or be no longer necessary if this proposal
were to pass?

ATTORNEY GENERAL TONG: Well of course I'd like to
see the Department of Justice do more and if they
did more, I think that would create more
opportunities for us to collaborate. Let me note
again that this is somewhat new for us but every one
of our neighboring states and 22 states across the
country already have Civil Rights Departments in
their Attorney General's office and some of those
departments are quite large and they’ve worked for
years and years side by side with the Department of
Justice in the Civil Rights Division. I think
there's always more work to do and there's no
shortage of work in the civil rights area to
vindicate individual civil rights on a broader scale
and I think that if the Department of Justice does
more, then that would be a great development for all
of us.

REP. REBIMBAS (70TH): And regarding your comment
that there's always certainly more work to be done,
and I know that you made a reference to a big box
store and not making accommodations for employees
that have disabilities.
ATTORNEY GENERAL TONG: Yes.

REP. REBIMBAS (70TH): It sounds like you already have, or I would hope too that if you're making this proposal, it's because you know that there's a need out there. If you can elaborate for the committee some examples, specific examples of where you see that there's a need that hasn't been fulfilled.

ATTORNEY GENERAL TONG: Well that's a good example, the big box example with respect to the cross-disability community. I referenced an example of pervasive sexual harassment and a hostile work environment in private institutions including institutions of higher education. We just saw a newspaper article yesterday about potential housing discrimination and substandard conditions in HUDD-sponsored housing in Hartford and I think that's an area where the Civil Rights Division, a Civil Rights Department may be active in the Attorney General's office. We've heard about wage theft with respect to immigrants and immigrant communities by larger employers. We hear a great deal, I'm sure you have madam ranking about age discrimination against seniors. People are living much longer and healthier lives and so they want to work longer and I think people are running into trouble as they get older in seeking, finding and retaining employment and so age discrimination is critical to us and then as we see time and again, refusal to accommodate religious beliefs. I think that's important too and so we want to make sure that if people have sincerely held religious beliefs and wish to express those in the course of their day at work or where they go to school, that it's important to vindicate their rights to do so. So we've seen this in
Connecticut. We see it across the country and so yeah, we perceive there's a real need.

REP. REBIMBAS (70TH): And regarding those areas that you highlighted, do you know whether or not the Department of Justice Civil Rights Division is investigating any one of those or has investigated and addressed any one of those?

ATTORNEY GENERAL TONG: I'm not aware of current investigations or actions. I am sure that if I went back and looked, that I would find examples of where HUDD for example has taken action with respect to housing discrimination. I'm sure I would find DOJ, EEOC action with respect to discrimination in the workplace. I just don’t have an example right now.

REP. REBIMBAS (70TH): And have you had conversations with the Department of Justice and specifically whoever heads up the Civil Rights Division?

ATTORNEY GENERAL TONG: I have not.

REP. REBIMBAS (70TH): Okay. Is there a reason why you haven't spoken with them but have had conversations with CHRO?

ATTORNEY GENERAL TONG: I've spoken to my state government partner and since this is a matter of the enforcement of civil rights laws by the State of Connecticut in the name of the State of Connecticut, I thought it was important to speak to my state level partners and haven't had a chance to reach out to the federal government about the exercise of state powers, but I think it's a good suggestion to have a conversation with them.
REP. REBIMBAS (70TH): Okay. And I know you indicated in your testimony 22 other states have similar rights that are afforded to the Attorney General. Do you know whether or not there's any limitations to those and how --

ATTORNEY GENERAL TONG: Yes.

REP. REBIMBAS (70TH): How it compares to the proposal that we have before us?

ATTORNEY GENERAL TONG: Each statute is different. Each Attorney General is different. Some of us are elected, some of us are appointed, some of us have jurisdiction over all criminal matters and civil matters. Some of us, like me, have almost entirely civil jurisdiction and obviously the state laws are different. What we've learned is that although each statute is different and the civil rights enforcement program in each state is different and the statute is different, it is a broad cross section of states and so for example, both New York and Florida have robust civil rights enforcement authority in the Attorney General's office.

REP. REBIMBAS (70TH): Thank you. And I'm sure I know CHRO is also unique to the State of Connecticut so that might be something else that may differ with some of those other states in that regard. I have a question regarding a section of the proposal, if you can just elaborate a little bit as to the meaning of it. So towards the end, section 2e where specifically it says that any evidence of violation of such assurance shall constitute prima facie proof of violation of the applicable law. If you can kind of elaborate regarding that.
ATTORNEY GENERAL TONG: Well I think it's fairly clear, no pun intended, on its face that this speaks to a case in which we have an assurance of discontinuance and put colloquially, that basically relates to a situation in which we've entered into a consent decree or a consent order, basically a settlement saying that the party who we're investigating is not gonna do it anymore, not gonna commit the violation or the misconduct that they're accused of and that if they then go ahead and violate that consent order, consent decree or settlement agreement, that that is prima facie on its face evidence of a violation of the underlying law. So it's, you know, if we entered into a settlement agreement, we might call it a stipulation of judgement that if somebody violates the settlement agreement, then the other party can run into court and file the judgement.

REP. REBIMBAS (70TH): Okay. I also see in the proposed language the ability for the Attorney General's office to intervene in addition to bringing a case in that regard. Do you foresee that again in any cases that CHRO or the Department of Justice may be working on that you would intervene or are you thinking something different?

ATTORNEY GENERAL TONG: I suppose that's possible. I think what we wanted to make clear is that we understand that we have a variety of state and federal partners and that they might be able to use our help in the appropriate circumstance and so when we're requested for help, that it might make sense for us to jump in and lend a hand.

REP. REBIMBAS (70TH): I want to thank you for all of your responses in this regard. I think, as I had
indicated, it's good to have the dialogue to determine again what the intent is versus at least what I see. The proposed language before us, again when you've got use of language in there that says agreed person and person in the singular and you look to the definition of that, it would allow for individual claim to be brought forward by the Attorney General and based on the testimony that you provided, that's not the case. Certainly, you know, some of the concerns that come to mind are the cost effectiveness aspect of it so probably for as much as it's even possible, maybe defining a little bit better as to how the relationship is gonna work between the Attorney General's office and these other departments so that we don't have multiple resources being utilized for something that is currently maybe only one or two agencies because essentially, we're talking about CHRO, Attorney General and the Department of Justice and that's really three watchdogs, not just two watchdogs and certainly maybe even more because certainly this has an impact even in the private sector in addition to at times, depending on the type of case, that it has so I think you know that's something else to look at.

The other thing too is certainly how the relationships would play out when you're working together but yet there's arbitrations and mediations taking place and what happens to the information that's being exchanged during those at least well intended negotiations. I think that's important as we move forward if we have multiple departments looking at the same issues. So again, I think there's some stuff that if possible could be further flushed out and/or the language narrowed to again
focus on the intent versus the broad aspect of it, and then the accountability. When you’ve got multiple departments working on something and certainly maybe intentional or nonintentional, if there’s something that goes wrong or something that you know conduct that is inappropriate, we need to then make sure that we know who’s going to be blamed, but also then you know heaven forbid, how it’s going to then be investigated and dealt with appropriately when you’ve got so many departments already involved in that regard is something else that we need to look forward to that so, but once again, thank you for taking the opportunity. Thank you for having and sharing with us this proposal and answering all of my questions.

ATTORNEY GENERAL TONG: Thank you.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Mr. Attorney General, just picking up a little bit on this appropriation issue and overlap with other agencies, as I understand this proposal, it's you as the Attorney General and your office who would decide which claims to bring, correct?

ATTORNEY GENERAL TONG: Yes.

REP. STAFSTROM (129TH): So you I assume are not suggesting that your office currently or even in the future would have the capacity to take on every suspected civil rights abuse case in the State of Connecticut.

ATTORNEY GENERAL TONG: That would be physically impossible.
REP. STAFSTROM (129TH): Right so by necessity, you and your office are going to have to prioritize the types of cases you can take.

ATTORNEY GENERAL TONG: As we do in all areas of the law, we have to be judicious with our resources and I think in this area, take only those cases that need this level of attention and that's not to suggest that other cases aren’t meritorious or don’t need attention, but we're talking about large scale systemic civil rights violations, probably repeated violations that manifest in a pattern or practice.

REP. STAFSTROM (129TH): So I just want to make sure that there's nothing in this language before us that would mandate your office to take on any particular cases.

ATTORNEY GENERAL TONG: No.

REP. STAFSTROM (129TH): And it's you know somebody from public calls up and says you know I feel like my civil rights have been violated by XYZ corporation, I want you to come down and investigate it and institute an action. Your office has no obligation to do that.

ATTORNEY GENERAL TONG: No and we already live in that world so we get calls every day, many, many calls every day from constituents with real concerns, real complaints and claims, many of which we cannot help them with because they're private claims in a variety of contexts right and the place we see that most is in the unfair trade practices area that our authority CUTPA is probably the best understood authority. Under state law, we work in concert with the Department of Consumer Protection in enforcing our trade practices, laws, and those
are big cases and that's broad authority, but we can't possibly take every single one that comes in the door and so we have to be very judicious about how we deploy our CUPA authority and enforce CUPA and in the same way, we'd have to be very smart about how we do civil rights work and in that way, the role that you envision your office playing under this bill is very different from the role that the CHRO or the EEOC plays where somebody walks in and says you know I've been discriminated against in terms of conditions of housing or I've been, an adverse employment action has been taken against me because I'm a member of a protected class and the CHRO has an obligation to take a complaint and help the person draft up that complaint. We don't have the bandwidth to do that and that's not our, that's not our role and responsibility under state law.

REP. STAFSTROM (129TH): Right. And also if a particular state agency, say it was the Labor Department who was investigating a labor complaint, if you know the individual who was aggrieved by that labor complaint called up your office and said you know XYZ Corporation has been cheating me on my wages. I've already filed a complaint with the Labor Department, they're looking into it but you guys should look into it too, there would be no obligation under this bill that your office would have to investigate that claim.

ATTORNEY GENERAL TONG: Under this bill, no, but if the Department of Labor called the Attorney General's office and instructed us to conduct an investigation or requested that we do so and potentially an enforcement action, it would be our obligation as the state's lawyer to do that.
REP. STAFSTROM (129TH): Right, but that request would have to come from the agency itself at which point you're not stepping on the agency's toes, they're asking you to supplement their work.

ATTORNEY GENERAL TONG: That's been the case for years and years.

REP. STAFSTROM (129TH): Okay. In the other 22 states that you referenced that have a Civil Rights Division of the Attorney General's office, how many of those states have either an entity similar to our CHRO or allow the EEOC to fill that role in our state?

ATTORNEY GENERAL TONG: I don't know the answer to that question. I do know that a number of them have civil rights agencies. I believe that New York does, for example. I also want to expand on my answer that 22 states may have civil rights departments in their Attorney General's offices, but many more states than that, probably all 50, have the authority and the standing to enforce civil rights laws at large and many Attorney General's offices enforce those statutes without having a department or lawyers assigned specifically for that purpose in the Office of the Attorney General. In Connecticut, we think it's important to clarify in statute that the state, acting through its Attorney General, has standing to enforce those laws in the way that we've defined in this proposal.

REP. STAFSTROM (129TH): Okay. And on that point in terms of clarifying standing, you know, right now as it is without a formalized division of the civil rights division, there are civil rights actions your office takes on now, correct?
ATTORNEY GENERAL TONG: Yes.

REP. STAFSTROM (129TH): And your office decides how many and which actions to take on based on its available capacity and the magnitude of those matters?

ATTORNEY GENERAL TONG: That's correct.

REP. STAFSTROM (129TH): Okay. There's been, you know how this hearing process works unfortunately, sometimes going first is not always best because there's comments that come later and I suspect we'll hear some comments from the business community later on or they've certainly submitted testimony questioning the ability under this bill for the Attorney General to institute civil penalties. I believe it's section D of the bill. Do you want to comment? First of all, have you heard some of that criticism from the business community and if so, would you like to comment on it?

ATTORNEY GENERAL TONG: I have. I think again, as a former member of this legislature, as a member of this committee, I've worked very closely with the business community as you may recall. I served as Chairman of the Commission on Economic Competitiveness and I think in the Democratic caucus in the House was known as somebody who worked very closely with the business community and so, and I think long-term, the only answer to our state's challenges, particularly our fiscal challenges, is growth and I believe very strongly that private sector growth will lead the way.

I also believe that the business community I hope shares our commitment to civil rights and equity and justice and respecting the rights of all people as
they are enshrined in our Constitution and in our statutes. I imagine if they were sitting here right now they would say that they share that commitment and so I'm happy to work with them if they have concerns about the language. I think they have a fundamental misunderstanding, I believe in reading some testimony from the CVIA, for example, that they're concerned that this provides authority to enforce any law. That's not the case under this proposal by its very terms. It's only in the civil rights base and it's only related to rights, privileges, and immunities which I explained earlier is a constitutional or legal term of art that has a well-honed meaning under our state law so I just don't think there's really any concern that this provides any new substantive rights or anything that would harm the business community or you know act contrary to their interests.


REP. O'NEILL (69TH): Yes, thank you. I understand there's a lot to the bill beyond the first section, but it seems like that's, we've been talking a lot about civil rights and circulating around the three statutes, the three criminal statutes that are referenced therein, and I guess I'm wondering since there's a civil action, 52-571c, that already exists to bring civil claims based on violations of those criminal statutes, it would seem to me, I'm just wondering why the major focus of this bill is to have the Attorney General be able to bring some sort of an action on that, why not just amend 52-571c which says a person injured or the Attorney General of the State can bring an action?
ATTORNEY GENERAL TONG: I don’t have that statute in front of me. I'd be happy to consider that suggestion so I need to read both that particular section and the surrounding language to make sure I understood what the ambit of that statute is but that being said, again, this proposal is about standing and it's about establishing the standing of the State of Connecticut. Again, not the Attorney General's office by the way, the State of Connecticut to enforce civil rights laws acting through its Attorney General.

REP. O'NEILL (69TH): Has there ever been a case that was brought by the Attorney General's office? I missed your earlier testimony so I didn’t, I'm not repeating something. Have there been cases where the courts have said the AG's office or the State of Connecticut has no standing in which to bring an action where there's been an attempt to bring an action in?

ATTORNEY GENERAL TONG: In any area of law or under civil rights?

REP. O'NEILL (69TH): No, no, in these areas, the civil rights areas.

ATTORNEY GENERAL TONG: I'm not aware of one but I am mindful that in any litigation, the first argument that usually a defendant can make is that the plaintiff does not have standing. Standing is the absolute gateway question in any litigation and I think to the extent that this clarifies the state's standing, I think that's a positive step forward for the enforcement of civil rights laws.

REP. O'NEILL (69TH): Cause frequently a statute is brought forward because a court case has made a
ruling of some sort and there's been a determination that you need to fix the statute in order to change or to address the issue that was raised by the judge so there's no case that you're aware that this bill is intended to fix then?

ATTORNEY GENERAL TONG: Uh, not in the civil rights area. I'm aware of cases in which the standing of the State of Connecticut has been challenged.

REP. O'NEILL (69TH): Okay. Are there any cases or situations, you sort of alluded to this earlier in answer to a different question, are there any cases say over the last four years or eight years that were not brought by the Attorney General's office because this statute did not exist? Are you aware of any of those cases in your conversations with people in the Attorney General's office now that you’ve been there for a while or by previous conversations with them about things?

ATTORNEY GENERAL TONG: I did go through a number of examples where I thought depending on the circumstances of those cases that an investigation might have been conducted to see if there was a case or claims to be asserted on behalf of the state. I raised the example of disabled persons working in a big box store here in the state and losing their jobs because those jobs were reclassified and I think without more, I don't know whether there is a claim or not but it strikes me that that's an area where the Attorney General's office could’ve taken a look.

REP. O'NEILL (69TH): Are there cases in other states? You mentioned all of our bordering states have this time of legislation or something analogous
to it on the books that they undertook to accomplish what the bill before us seeks to accomplish.

ATTORNEY GENERAL TONG: Yes, so --

REP. O'NEILL (69TH): Give us some, give me some examples.

ATTORNEY GENERAL TONG: There's a number of examples. I've chosen just a few at pages four and five of my written testimony. I refer you to a Massachusetts waive theft case in which the Attorney General won restitution of $1.47 million dollars for more than 1030 employees. I refer you to a New York Attorney General action in partnership with the Equal Employment Opportunity Commission to reach a settlement with Con Edison over a gender discrimination and sexual harassment claims. I have a number of other examples from Washington State, California. Washington State, incidentally, recently created a civil rights department in their Office of the Attorney General so there are a myriad of examples across the country of places in which other Attorney's General have been active in vindicating civil rights concerns in their respective states.

REP. O'NEILL (69TH): And in these, I was just taking a brief look at them, these cases that were brought by the Attorney General, were they in conjunction with or related to civil actions brought by private parties that were adversely affected?

ATTORNEY GENERAL TONG: I don't know.

REP. O'NEILL (69TH): Or these were totally, okay.

ATTORNEY GENERAL TONG: I don't know.
REP. O'NEILL (69TH): And in looking at the constitutional language, I'm referencing the state constitution or the US Constitution and the intimidation or coercion, it says interfered with or attempt to interfere with another person's exercise or enjoyment of rights secured by the State Constitution. Can you give me some ideas about what you're thinking of in that regard, what kind of cases we'd be talking about there?

ATTORNEY GENERAL TONG: Well I think in this area, this language closely tracks our hate crimes law language and similar language in other states so for example, we strengthen our state's hate crimes laws here in Connecticut because of a rash and an increase in hate crimes in Connecticut. You may recall swastika's being painted in Danbury and then threats on Jewish community centers in Woodbridge and West Hartford and shots fired on a mosque in Meriden and it was because of those incidents that this committee took action a couple of years ago and if there were a private party who we could identify or individuals that we could identify who were responsible for that through their exhortation or through their activities, responsible for hateful acts against others, we might take action on behalf of the state to stop it.

REP. O'NEILL (69TH): Okay. So a 15-year-old boy spray paints some sort of derogatory symbols or statements on the side of someone's garage, give a specific example, sounds like some of the things you're talking about, was looking at something on the internet where someone was making speeches or publishing articles or something of that sort and the conclusion is reached that the reason why or at least a contributing factor to why this 15-year-old
boy did this is because of the statements that were emanating from this person on the internet or perhaps could be a radio station or a newspaper, anything else like that. Is that a target potentially for the action and --

ATTORNEY GENERAL TONG: Well --

REP. O'NEILL (69TH): First of all, on the hate crimes law because they have made a statement and someone else hearing that statement reacted to it or acted on it, so I'll start with them and then I have a followup question.

ATTORNEY GENERAL TONG: Well let me unpack that for a second. First of all, it would be hard to imagine a circumstance in which the Attorney General's Office would focus its resources on the 15-year-old, number one. Number two is with respect to news organizations, particularly journalists, television, radio, there are obvious first amendment concerns there, number two. Number three, yes, if the Ku Klux Klan is organizing in this state and conducting activities to promote hate and acts of hate on others in this state and we have evidence that they are purposefully doing so and that their conduct has resulted in violence, I would hope that everyone in this room would want to take action and in that case, if I had a proper defendant and I had a good claim, I might do so.

REP. O'NEILL (69TH): Okay. Now, with respect to, cause a lot of it talks about the Constitution, this is my followup question, ordinarily when you're talking about enforcing a right in the Constitution, it typically is someone goes to court to challenge a state law as violating a constitutional right either under the State Constitution or the Federal
Constitution or an action by a state agency or a local governmental agency or something like that. In other words, usually private parties don’t get into conflict where it's claimed that they are depriving someone of their right of freedom of speech. In other words, I can say to somebody, if you come into my home, you can't waive a swastika around or burn an American flag and I have the absolute right to do that, but you can't exercise that kind of control in public spaces.

ATTORNEY GENERAL TONG: Correct.

REP. O'NEILL (69TH): And when the government tries to do that, then someone goes to court and tries to, basically claims that their constitutional right of free speech is being challenged, but you don’t really normally have a right of free speech against private parties in the same way you do against the government and so when you're talking about constitutional rights, are you thinking in terms of for example bringing actions against the State Government, uh, an agency of the State Government or of municipal governments in terms of believing that they have violated someone's constitutional rights in some way?

ATTORNEY GENERAL TONG: So in many cases, you're correct as a threshold manner that constitutional claims, we often see them in context where there is state action right and the State of Connecticut or an instrumentality of state or local government takes action in derogation of somebody's civil rights or first amendment rights, but there are many laws, public accommodation laws, we have them here in Connecticut, employment laws, we have them here in Connecticut that respect and honor the rights of
individuals and their civil rights and constitutional rights not to be discriminated against based on their race or sexual orientation for example or their religion and those laws are on the books and those are vindicated by private party's in employment discrimination cases and in public accommodation cases.

REP. O'NEILL (69TH): Well since it implicates the Constitution though, that's where I'm really focused and I can't remember for sure if I've got the right type of, the right name, but I believe when you don't have a statute and you're basing a claim directly on constitutional language, one of the, let's say the Bill of Rights, the first amendment, second amendment, fourth amendment, things like that, it's called a Bivens or Blivens [sic] claim. That's the case that --

ATTORNEY GENERAL TONG: Yep.

REP. O'NEILL (69TH): Originated or where the Supreme Court recognized and sort of in some ways defined how you could bring those kinds of claims so that's what I'm really aiming at is things that don't have sort of an intermediary statutory basis that may itself be trying to implement a constitutional right that exists but rather you're going directly from the constitution and that's the kind of thing I'm aiming at so I'm trying to get a sense of where this would go or where at least you imagine going with this sort of thing.

ATTORNEY GENERAL TONG: So on an individual basis, you are right that there often is a statutory bridge that permits somebody to assert a claim of a deprivation of a constitutional right, 28 US Code 1983 is a good example, but states if they can
establish standing, have the right to step in and to seek to enjoin violations of constitutional rights and so in that way, I suppose that states seeking injunctive relief are different but that would depend on standing and a showing of harm and damages.

REP. O'NEILL (69TH): Well this bill, if it becomes law, will give you standing.

ATTORNEY GENERAL TONG: Yeah.

REP. O'NEILL (69TH): And so I'm trying to get a sense of within the Constitution and I'm going to succumb to my temptation now, imagine if you will, Attorney General Fishbein, your successor, is looking at

ATTORNEY GENERAL TONG: Did he announce? [laughter]

REP. O'NEILL (69TH): I'm sorry.

ATTORNEY GENERAL TONG: Point of order.

REP. O'NEILL (69TH): And he's looking at an executive order issued by President Warren, Elizabeth Warren, which he thinks significantly interferes with second amendment right and section 15 of the first statement of rights within our Constitution and he wants to take action, and he thinks that this new regulation interferes with it. So we've got state action and we've got an Attorney General who sees that particular right, section 15 and the second amendment as being fundamental and important and wants to, and that everybody, perhaps every gun owner in the State of Connecticut is adversely affected by it. Do you see this as being the basis, if the bill before us becomes law, that that would be the basis of this other Attorney
General bringing action to enjoin, to go to federal court, to try to stop the enforcement of that executive order?

ATTORNEY GENERAL TONG: If he can establish legally cognizable standing right and damages, yes and let me just say that, and indulging or succumbing to what you're succumbing to, let me just say that Attorney Generals under presidents before this one have commenced actions across the country to enjoin actions by the federal government and that happened, that's happening under this president and it happened extensively under President Obama and so if Attorney General Fishbein is successful and moves into 55 Elm Street, well I guess we will have moved by then, he will have the right and prerogative to do so.

REP. O'NEILL (69TH): Okay. Now, I'm going to take it away from the executive order cause you're right, that has been litigated without this statute. It has not apparently been necessary to have this kind of standing and bring those kinds of actions and for the courts to accept the standing of the State of Connecticut and many other states to take action because this would have no effect on federal courts probably. I don't know for sure. They might look to a state law to give an Attorney General standing to bring something to enforce but I'm not sure. I would think they make an independent determination of the standing of the state to bring action when it's involving a federal matter but let's say the article, the section 15 issue that's being addressed has to do with the fact that it takes two or three years to get a hearing and that delay constitutes the deprivation of a right to let's say have your fiscal permit returned after it's been revoked.
Would you be able to imagine state agencies being sued by the Attorney General's Office for failure to implement laws or taking just too long or just not really implementing a law that's been on the books for a while and then it just never got -- would this enable that to happen?

ATTORNEY GENERAL TONG: No, not state agencies because there's an obvious conflict. I am, the Attorney General is the lawyer for the State of Connecticut and our first professional and ethical obligation is to our client, the state agency.

REP. O'NEILL (69TH): Okay. What about municipalities where there's a, again, pursuing this gun rights issue, the gun permits, the police chief just never issues gun permits to anybody.

ATTORNEY GENERAL TONG: So I haven't looked at the case law in that area. I don't know if it's a matter of first impression. I don't know if it's on the frontier of the law, the effect or the prejudice coming from such a delay, but I can imagine a situation where an Attorney General, not named William Tong, might take such an action.

REP. O'NEILL (69TH): Okay. Thank you, Mr. Chairman.

ATTORNEY GENERAL TONG: Thank you.

REP. STAFSTROM (129TH): Thank you. Representative Blumenthal.

REP. BLUMENTHAL (147TH): Thank you, Mr. Chair. I just wanted to respond to the ranking member's response to my question and to say that the Attorney General intuited perfectly the purpose of my question which was not to ask whether he would be
replacing individuals, enforcing their own rights necessarily, but to address in some cases a systemic lack of vindication due to the lack of resources of individuals to vindicate their phone rights on a systemic basis and I appreciated the Attorney General's answer on, about the Connecticut business community being one that respects and wants civil rights to be respected and I agree and an additional point I thought of when you made that answer, Mr. Attorney General, was that good, fair and vigorous civil rights enforcement is actually, in my view, good for business.

ATTORNEY GENERAL TONG: Good business practice.

REP. BLUMENTHAL (147TH): Both because it prevents those who do violate civil rights or discriminate from getting an unfair advantage over the vast majority of businesses here in Connecticut who operate ethnically and with great respect for our civil rights, and also, we've seen in other states where discriminatory practices become enacted, it hurts the state's reputation and it hurts business growth as a result. I was wondering if you had any response to those statements.

ATTORNEY GENERAL TONG: Why I think that's absolutely right. Going back to college economics, right, I mean, discrimination, work place misconduct is by definition inefficient, right, and it takes away from the business's core function which is to sell goods and services in most cases and it is a market defect that ought to be remedied and so I think that making sure that employers and employees are part of a functioning system of civil rights and mutual respect enhances the market and does not detract from it.
REP. BLUMENTHAL (147TH): Thank you, Mr. Attorney General. Thank you, Mr. Chair.

REP. STAFSTROM (129TH): Further questions? Seeing none, thank you for being with us Mr. Attorney General. I appreciate it.

ATTORNEY GENERAL TONG: Thank you. I'd like to recognize Representative Miller from my home city of Stamford, nice to see you Representative.

REP. MILLER (145TH): Thank you, Mr. Attorney General. I never thought I would be calling you Mr. but thank you, sir.

REP. STAFSTROM (129TH): Sucking up to try to get your bill passed is not gonna help you. [laughter]

ATTORNEY GENERAL TONG: I'm happy to suck up any time, sir.

REP. STAFSTROM (129TH): Okay we have exhausted the first hour so we are going to rotate between elected officials and the public. Our first member of the public is Melissa Marshall. Melissa Marshall?

MELISSA MARSHALL: Thank you so much. Good afternoon --

REP. STAFSTROM (129TH): Just before you begin, just so folks know the procedure for public hearing, I didn’t announce this at the beginning. Folks have three minute. Uh, it'll be on an egg timer, there will be a bell once your three minutes has expired, we'll ask you to wrap up quickly after the bell and then if there's questions from the committee, there will be questions from the committee, all right?

MELISSA MARSHALL: Thank you. Good afternoon Chairman Stafstrom and I want to acknowledge Senator
Winfield and distinguished members of the Judiciary Committee. My name is Melissa Marshall and I am the Coordinator for the Connecticut Cross Disability Lifespan Alliance. We're a coalition of over 250 people with all types of disabilities. On behalf of the Alliance I urge you to favorably consider H.B. 7222 favorably and again, I'm going to reiterate many of the things Attorney General Tong just said so I'll try to summarize.

While this bill doesn’t create new authority for the Attorney General’s Office, it clearly articulates what it already possesses. Despite extensive protection under state and federal statute, people with disabilities are still discriminated against and subject to hate crimes, as are members of other protected classes. People with disabilities are discriminated against systemically in employment and places of public accommodation and frequently targets of hate crimes. I can assure in light of your former questions that in my national contacts with the disability community, hate crimes and discrimination is on the increase, not on the decrease. I don’t have statistics to support that, but that’s anecdotally what I see in the world and this is in part facilitated by lack of enforcement.

The Commission on Human Rights and Opportunities does a good job at what it’s charged to do which is representing individuals, is doing individual adjudication and that’s really important. This bill wouldn’t provide the Attorney General to engage with complaints that are appropriately brought to the CHRO. Instead, the Attorney General would complement CHRO’s work by focusing on patterns and practices of violations with significant systemic impact. This bill would support systematically
mitigating discrimination against, and hate crimes targeting, people with disabilities in Connecticut as well as members of other protected classes. This bill is particularly necessary to enhance Connecticut’s civil rights enforcement capacity now as the Department of Justice’s capacity to enforce the ADA and other civil rights laws is being diminished. For whatever reason, unfortunately or not, and unfortunately, in my opinion, it's now up to states to protect the civil rights of people who are members of protected classes including people with disabilities and again, I emphatically want to state that I see more and more hate crimes against people with disabilities, my constituents, and more and more discrimination against people with disabilities as the Department of Justice has fewer and fewer resources to enforce all along.

Now, historically, Connecticut has been a leader in civil rights protection for people with disabilities. It adopted a constitutional amendment prohibiting discrimination on the basis of disability in 1984, six years before the passage of the Americans with Disabilities Act. Connecticut was also a pioneer in adopting special education laws decades before the federal requirements. Yet, Connecticut has now fallen behind. Twenty-two other states which have laws recognizing the authority of their Attorneys General to combat discrimination. Again, the Alliance encourages you to favorably consider this bill and I'd be happy to answer any questions you might have or if you want to get in contact with me. Thank you so much for your time.

REP. STAFSTROM (129TH): Thank you. Questions from the committee? Representative Rebimbas.
REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Good afternoon. Thank you for your testimony and for being here. Question for you. I believe during your testimony you said that the hate crimes were on an increase, not a decrease nationally. Do you know what the stats are for the State of Connecticut?

MELISSA MARSHALL: I don’t have the stats for the State of Connecticut and again, as I said, that's all anecdotal. That's what I'm hearing, that's what I'm seeing in my social media, that's what I'm seeing from people in national networks.

REP. REBIMBAS (70TH): And specifically regarding Connecticut, have there been any types of issues or crimes specifically targeting people with disabilities that you’ve brought to either the Department of Justice's attention or CHRO or the Attorney General's Office that there was an inability to address?

MELISSA MARSHALL: I have not brought them to the Attorney General's Office or to CHRO, no, or the Department of Justice.

REP. REBIMBAS (70TH): Okay. Thank you. No further questions, Mr. Chairman.

MELISSA MARSHALL: Thank you.

REP. STAFSTROM (129TH): Further questions from the committee? Seeing none, thanks so much for being with us.

MELISSA MARSHALL: Thank you so much.

are gonna go to Tanya Hughes, the director of the CHRO. You know, there.

TANYA HUGHES: Good afternoon. First of all --

REP. STAFSTROM (129TH): Good afternoon, Ms. Hughes.

TANYA HUGHES: Good afternoon. First of all, let me offer my sincere condolences at the loss of Representative Santiago. He's from my home district and I too was shocked and saddened by the news this morning. Thank you for the opportunity, Representative Stafstrom, Senator Winfield, Senator Kissel, Representative Rebimbas, and members of the Judiciary Committee for giving us the opportunity to come before you today. I'm accompanied by our Deputy Director, Cheryl Sharp, and we'd like to testify on H.B. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.

Overall, we support this bill and the concept of the bill. We welcome the expansion of civil rights law enforcement. We concur that we too are deeply committed to you know serving the rights of the people of the State of Connecticut and we applaud the laudable efforts and the intent behind this bill that has been brought forth, especially in light of the widespread acts of discrimination throughout the country that we've all witnessed.

We've met with the Attorney General and his staff on a number of occasions. They've welcomed us, we've welcomed them, and we've had a number of productive conversations regarding this bill. Our primary concern, however, is that as it is presented, it prevents, it provides some confusion and we'd like to have some language inserted that would prevent the confusion regarding the commission's statutes
and the work that the Attorney General is seeking to perform. The Commission, as you know, as he stated is the oldest civil rights agency and we're here to protect the public. We believe the final bill should make clear what the individual rights of the citizens are and the lines of authority, where they're drawn. The 180-day filing deadline is something that needs to be clearly outlined and we're working on language to clearly define the path that pro se complainants will use with respect to this bill.

Currently as written, we believe it permits the Attorney General to pursue on behalf of the state claims which could be brought before the commission and we think that this could negatively impact the rights of individuals and so we also receive funds from the federal government through our workshare agreements with EEOC and HUD. This is something that the Attorney General's Office would not be able to enter into and so that would potentially cause some reduction in funds if people were not able to find their way to CHRO properly.

We're willing to continue to work with the Attorney General's Office to perfect the language so that it is something that you know will be sustainable and will benefit the citizens of the state and make certain that it's not confusing in a process that's already challenging.

REP. STAFSTROM (129TH): Have you provided language to the Attorney General's Office?

TANYA HUGHES: Yes, we have.

REP. STAFSTROM (129TH): Okay. When was that?
TANYA HUGHES: The entire time that we've been meeting, we've provided the language and worked back and forth.

CHERYL SHARP: Yeah so about, an email was sent about for weeks ago containing a section and the language was this section shall not apply to claims that could be brought before the commission on Human Rights and Opportunities except where the commission and the Attorney General's Office may jointly prescribe because 46a-55 of the Connecticut General Statutes under our section of the statute has similar language about our collaborating and that's what we were meeting about and trying to work with the Attorney General's Office to clarify what each of our roles are because our main concern, as we have expressed to them, we know that they're committed to civil rights, that's not our question at all. However, we don’t want the public to be confused about where they need to file. There is a statute of limitations that requires that the complaint is filed within 180 days from the day you knew or should have known of discrimination. There is no tolling in this proposed language that if a person ends up at the Attorney General's Office and attempts to file or the Attorney General is potentially interested in a case that affects and individual that then our statute would somehow be tolled and they would get to file with us and we just want to ensure, as the Attorney General wants to ensure, that no individual loses their individual right to file a complaint so we just feel that you know there has to be some tweaks to the language. It's not that it's impossibly workable but there definitely needs to be some tweaks because not only do we take individual complaints of discrimination,
but we also have the authority to do what are commission-initiated complaints on behalf of the State of Connecticut.

So there needs to be some lines of demarcation so that there's no confusion for the public that we don't have any res judicata or collateral estoppel and so that individuals who are the victims of illegal discrimination can end up on the right path and right track.

REP. STAFSTROM (129TH): How many commission-initiated complaints did the CHRO undertake last year?

CHERYL SHARP: Last year we did, was it, we have our principal attorney here, Charlie Krich. I think it was one or two.

REP. STAFSTROM (129TH): Okay.

CHERYL SHARP: So that's not something that we frequently do.

REP. STAFSTROM (129TH): Right so that, I mean is that standard, it's usually one or two a year?

CHERYL SHARP: It depends on the year. Some years we've done none. Some years we've done you know one. Some years we've done two. It just depends.

The large-scale systemic type of investigations and litigation that the Attorney General's Office is talking about is something that we absolutely wholeheartedly welcome. They have, you know, a great deal of resources and the way the statute stands now, it says that we have to collaborate in order to bring these cases, take these cases forward and I understand what they're trying to do and it definitely is laudable which is why our test -- why
we didn’t go gather stakeholders and say, you know, write some language in opposition to this bill. We didn’t engage in any of those types of activities because the language itself just needs to be tweaked but the goal, the mission that the Attorney General's Office has is one that we share and support. You know, right now there are a lot of civil rights violations and atrocities across our nation and to have a partner as the Attorney General's Office has served, you know, as in the past, is very important at this time in our nation so that part we welcome but we just feel as though, you know, the language issues that we would like to work with this committee, we'd like to continue working with the Attorney General's Office so that we can have the language be presented in such a way that not even one individual, whether they're someone who's filing a complaint that is not, you know, a systemic issue of discrimination, does not lose their right to file or somehow doesn’t fall through the cracks. That's the issue for our agency that we're looking at.

REP. STAFSTROM (129TH): Okay. And the Attorney General's Office has indicated they're willing to continue to work with you on that?

CHERYL SHARP: Yes.


REP. REBIMBAS (70TH): Thank you, Mr. Chairman and good afternoon. Thank you for your testimony. That was one of my concerns. I'm sure you heard me earlier that certainly the intent I think we can all understand, but then the language in this bill I think goes far beyond that and one of the things was
the definition, I kept harping that appears in there, that's person, that would allow for individuals and certainly that statute of limitations is very important for us to be as clear as possible. So understanding that you provided language to the Attorney General, if you wouldn't mind sharing that language with the chairs and ranking members of this committee as this moves forward so that we can all work collaboratively in making that happen.

Flushing out a little bit of -- let's say that there is a handful of individuals that come before you and they all work at the same place. In those instances, have you done anything or taken any additional action when you see that something's pervasive in one let's say, let's say it's an employment environment?

TANYA HUGHES: So we can get complaints of discrimination filed by multiple complainants against one respondent, but until we investigate those complaints, we're in a position of being neutral. We have to assess the credibility of the complaints so that there a number of complaints doesn't mean that there was discrimination that actually occurred or that there was reason to believe that discrimination occurred. So on a case by case basis we evaluate those cases and instances where the commission believes it needs to be a party to the action and file a commission-initiated complaint, we have done so but because of the way our process has been designed in statute, initially we're neutral. After reasonable cause is found or a case is certified through public hearing or it ends up at public hearing, then we switch roles and our legal department prosecutes those cases before and
administrative law judge so at different stages in the process, we have a different, we have a different role that we take. So there are instances when we do commission-initiated complaints. We have had issues of resources which is why we were excited about the concept and the notion of the Attorney General's bill and what he's trying to accomplish. Like I said, our focus is that we just get the wording right. We don’t want anyone to be confused about the intent or where they need to you know to file a complaint. I think we can say safely that we are partners in trying to eliminate discrimination and the Attorney General's Office, that's a longstanding, and the CHRO, that's a longstanding relationship that we've had that's actually enumerated in 46a-55, and then through work-sharing agreement or MOU that we have with the Attorney General's Office and then multiple letters that have gone between the administration of the commission long before Tanya and I were sitting in our seats and the Attorney General, several of them, have had you know letters of understanding that kind of augment our original memorandum of understanding so there's a long history of working together. The statute definitely supports it and we just want to ensure that the language that ultimately, and we know this is the beginning of the process, right? The language that ultimately is enacted makes it 100 percent clear where someone needs to go to file. We process, you know, about 4500 to 5000 complaints a year and we get tens of thousands of inquiries a year and I think that Attorney William Tong, as the Attorney General, William Tong has made it clear they have no interest in taking any of, you know, all of that work on and they don’t necessarily have the resources to do that and that's, the CHRO has
been set up to do that. So we're not feeling that there is, we don’t feel threatened by that but what we do have a concern about is the public and what happens to their complaints and will have they a right to intervene and if so, how so. Are there gonna be individual complaints of discrimination that will be taken by the Attorney General's Office. They're saying no, they're not taking individual complaints, but will the public be confused that yes, they are going to be taking individual complaints? We talked with them about having a fact sheet on our website and on their website to address some of this again in an effort to try to work all of these, you know, things out but we would be remiss if we didn't bring it to the attention of the committee, that we feel that we still have work to do on the language to get it to a point where the commission can say that, you know, yes, this is the language that we feel comfortable with.

CHERYL SHARP: So we'll be happy to provide you with the language that we suggested and we provided it in January and we're willing to work with you to tweak it so that it's something we can all live with.

REP. REBIMBAS (70TH): Thank you and just out of curiosity, the complaints that you’ve actually initiated on behalf of the State of Connecticut, whether in the last few or whichever ones you filed, have you worked collaboratively with either the Attorney General's Office, Department of Justice, or are these complaints that you have pursued on your own solely?

CHERYL SHARP: So we have, we don’t have a work-sharing agreement with the Department of Justice. We don’t have an MOU with the Department of Justice,
but we used to do a lot of work with the Department of Justice. They have, for example, and Education Committee and I sit on that committee and they have quarterly meetings about issues of concern and so we can't, they don't, the US Department of Justice does not share their cases with us because we don't have this work-sharing agreement or any type of memorandum of understanding. They will contact us if they have civil rights cases, you know, in Connecticut that they think are of interest, but we, they will, they like for us to provide them with things but they cannot reciprocate and then we have rules about what we can release as well so that relationship is difficult. You also asked about whether we collaborate with the Attorney General's Office. Through our memorandum of understanding which was again, augmented by these letters, there was a request made by the commission many years ago to have the Attorney General's Office help with certain cases. At that time, they didn't have the resources to assist us so for the past 18 years, from the last letters that we looked at, that I looked at with the Attorney General's Office and their team, the Commission on Human Rights and Opportunities for the most part has done the litigation in those cases, whether they're housing or employment cases, but again, 46a-55 does provide for this collaboration or collaborative effort with the Attorney General's Office and the Commission on Human Rights and Opportunities which we would certainly not want to shy away from. Does the Attorney General bring millions and hundreds, I can't remember the number that Attorney General Tong said, but you know, they bring millions and millions and millions of dollars into the State of Connecticut whereas we bring, you know, maybe $2
million dollars into the State of Connecticut. So we're not trying to compete in terms of you know who brings more money or who has more resources. Clearly they have more resources but we don't want any confusion for the public because for us, to have one individual with a claim that people may think is small, it's not small to them. It's important to them and it's important to us in our mission to eliminate discrimination in the State of Connecticut through enforcement, education and advocacy that every single person be heard, that everyone have an opportunity to file a complaint with us. And so we don't in any way want there to be a blurred line of division of work and I feel like we can come and say and articulate and talk about what we have as an intent when statutes are about to be enacted, but it's really nice when the statutes are clear on, like a black letter law is clear as to its force and effect and that's all we're looking for.

REP. REBIMBAS (70TH): And we can definitely appreciate that and it sounds and also in my review of stuff that there really isn't anything that prevents you from working with the Attorney General's Office even absent this proposal. The other thing that you brought up during your testimony that I think is very important to look at and examine, and I'm sure you've examined this, but I would encourage you to examine it further, is you reference that you do get funds from the federal government.

CHERYL SHARP: Correct.

REP. REBIMBAS (70TH): And I'm just curious what the criteria and reason for the funds and if there's another clearly articulated in statute department
that does the same or similar work, whether or not you would still be entitled to the same amount of funds and/or the funds, if that may be impacted because I could imagine a situation where okay, I'm providing you with these funds because the State of Connecticut, this is where these things are addressed, but if there's somewhere else in the State of Connecticut now by law, not just a memorandum of understanding, that it could be addressed. I'm just you know concerned as to how those funds may be impacted. I don't know if you have --

CHERYL SHARP: Well we can respond; we can respond to that. The Attorney General has made it clear that they're not trying to do the exact thing that we're doing which we take, receive, investigate, initiate complaints of discrimination. Individuals can come and file complaints of discrimination. In order to get funding from the federal EEOC we have to be substantially equivalent to them meaning that our operation in the State of Connecticut has to be similar enough to EEOC's operation for the state and when we say we get funds; the General Fund gets the funds. The CHRO doesn't get the funds directly, but those General Funds, uh, those funds go into our General Fund based on our substantial equivalency as a state. I think the Attorney General has made it 100 percent clear, they're not trying to step on our toes. We just want to make sure that the language makes that, makes that clear. They're not trying to duplicate what we're doing.

Now, in the arena of civil rights, it's very broad in and of itself. When you say the words civil rights, you're talking about a bunch of things. In the State of Connecticut, we have 27 protected
classes so again, you're talking about a law that has a lot of breadth to it so there's a lot of room for many players in this arena and certainly the Attorney General's Office who has like Attorney General Tong said, 200 attorneys and they have various departments to work on these areas to support what the commission is doing and to work collaboratively together only strengthens the rights of the people and that's what both of our agencies are here for right? To protect the rights of individuals to be treated equitably with equality and with equity in the State of Connecticut so it, in terms of the funds, if cases are filed with the Attorney General's Office that are just like the cases that could be filed with us, that's where there could be a potential threat to funding. It's our understanding and we just want the language to reflect this, that what the Attorney General is talking about doing is bringing large scale systemic discrimination case. The commission, the kind of cases that we bring, I mean we receive, complaints where people are alleging disparate treatment, I was treated differently as an individual than other similarly situated people. We also take complaints where people are claiming that this policy in place has a disparate impact on this one protected class like, it seems like when you read it, it's neutral but when you apply it, it affects only Hispanic people. We take those type of, you know, cases as well. We take housing, employment, credit, public accommodations and the state of the law now is that we can work collaboratively with the Attorney General's Office. I see what they're trying to do though. They're trying to have more broad authority, clarification on the broad authority that they have with respect to bringing some multi-state
litigation potentially or some human rights issues because currently, we are primarily focused on civil rights issues. They're looking at some human rights issues that they want to address, not only in the State of Connecticut but through multi-state litigation and the CHRO is not here to stand in the way of that happening. As it relates to hate crimes and strengthening the hate crimes laws or the remedies available in hate crimes laws. We certainly don’t want to stand in the way of that because we believe in civil rights law enforcement. We just want to ensure that the language has the effect that is intended and that there are no unintended consequences as a result of anything that's passed.

REP. REBIMBAS (70TH): Thank you for your testimony and I certainly appreciate the distinctions you making and certainly those other areas that you guys don’t do. That's all stuff that the Attorney General can do anyway so we just need to make sure, as you’ve indicated, that this doesn’t impact exactly what you do. So thank you for your testimony.

CHERYL SHARP: Thank you.

REP. BLUMENTHAL (147TH): Thank you, Representative. Any further questions from the committee? Well then, thank you Director, thank you Deputy Director.

CHERYL SHARP: Thank you.

TONYA HUGHES: Thank you.

REP. BLUMENTHAL (147TH): Next is Mary-Ann Langston followed by Representative William Petit.
MARY-ANN LANGSTON: I'm Kacie Ware. Hello Members of the Judiciary Committee, my name is Mary-Ann Langton and I live in West Hartford. I asked my personal assistant, Kacie Ware, to read my testimony that I wrote concerning strengthening the civil rights in Connecticut. I support bill 7222. This bill would allow the Attorney General to enforce the civil rights and to combat the hate crimes in our state. I have also emailed this testimony to the committee.

As a woman with a disability, I forget that I have civil rights because I have been discriminated against so many times throughout my life. I have been discriminated against throughout my education, in the workplace and in the community. In all of these instances, people do not recognize the abilities that I can offer to others. I may just need the necessary accommodations in order to complete the tasks.

Please support this bill. By doing so, Connecticut would join the 22 other states that have laws recognizing the authority of their Attorney Generals to combat discrimination, protect fundamental freedom and to stand up for people with disabilities’ rights. I think this would be an asset to Connecticut. Thank you.

REP. BLUMENTHAL (147TH): Thank you, Ms. Langston and Ms. Ware. Any questions from the committee? Seeing none, thank you both for your testimony. Is Representative Petit here?

REP. PETIT (22ND): Thank you, Vice-Chair Blumenthal and ranking member Kissel, members of the Judiciary Committee. My name is William A. Petit, Jr. I'm the State Representative from the 22nd district and
I'm going to cede my time to my constituent, Mrs. Deborah Connerty.

DEBORAH CONNERTY: Hi, thank you Mr. Kissel, Blumenthal and my name is Deborah Connerty and I'm here for House Bill No. 5049, and I'm asking you to extend the statute of limitations to file a lawsuit against UConn Health Center for the inadequate and misdiagnosis of my husband, William Thomas Connerty.

He went to the emergency room in December 2015 because he was having a problem voiding and upon examination, they determined that he would stay in the hospital for approximately four days and he was seen by a urologist and they had diagnosed him with a strained bladder, benign nodules, and a large prostate. They put a catheter in him and after his stay, they released him. Well every two to three weeks after that, he was having a problem with the catheter and he would develop a fever and he'd go back to the emergency room and they'd put him on antibiotics, put a new catheter and let him go. And this continued throughout 2016 and he must have been to the emergency room approximately 14 or more times because of that catheter. Well in October 2016, he had gone to the emergency room again because he had a problem with the catheter and he had a low-grade fever. They left him in the corner for almost four hours and by that time, his temperature went up to 106.5, he went into septic shock, and they put him in the Intensive Care Unit for about four days and then put him in a lower level of the hospital for an additional three more days. All through that time, they just kept putting catheters in him, giving him antibiotics. Well I finally convinced him that he was not getting adequate care from this hospital. I took him to Hartford Hospital and right away, they
started taking tests on him and he was diagnosed with stage IV prostate cancer which metastasized into his bones and his esophagus. They started him on a treatment plan and in February 2017 he passed away. So the statute of limitations was two years. I really didn’t have, it was hard for me to talk about this, you know, so the statute of limitations is over with. So I'm asking you, requesting that you extend it for me.

REP. BLUMENTHAL (147TH): Thank you for your testimony Representative Petit and Mrs. Connerty and I'm so sorry about what happened to your husband.

DEBORAH CONNERTY: Thank you.

REP. BLUMENTHAL (147TH): Are there any questions from the committee? Madam Ranking Member.

REP. REBIMBAS (70TH): Thank you, Mr. Vice-Chair. Good afternoon. I just wanted to say thank you for taking the time obviously to be here and for bringing this to our attention and certainly Representative Petit for assisting in that regard and it's certainly something that we're going to be looking at and examining closely and certainly then deciding as a committee. So thank you.

DEBORAH CONNERTY: Okay. Thank you.

REP. BLUMENTHAL (147TH): Are there further questions from the committee? Thank you both. Next is Chris Blake followed by Representative Gilchrest if she's in the room. Excuse me, Mr. Blake, would you mind just turning on the microphone? There's a button at the base right there and if you could just make sure to speak into it.
CHRIS BLAKE: My name is Chris Blake and I live in Wallingford. I have a disability so I'm going to have my testimony read electronically.

Testimony public hearing Christopher Blake, Judiciary, March 15, 2019 in favor of raised H.B. No. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.

Good afternoon Senator Winfield and Representative Stafstrom and distinguished members of the Judiciary Committee. My name is Chris Blake and I am a person with a disability, a member of the Connecticut Cross Disability Lifespan Alliance and the Second Vice Chair of the Arc of Connecticut Board of Directors. I am here to ask you to consider favorably raised H.B. No. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.

We need this bill because people with disabilities are still discriminated against. Sometimes we are refused service because people assume we have no money and cannot pay and do not know are rights. This bill would give us another avenue for enforcement. It would allow the state to be proactive and not wait for discrimination to happen.

The Civil Rights Division could perhaps serve as an intermediary to avoid going to court which would save time, money, and bad press. I also think that we should pass this bill because other states are doing similar things. I urge you to favorably consider this bill. Thank you for your consideration.

REP. BLUMENTHAL (147TH): Thank you, Mr. Blake, and thank you for your work with the Cross-Disability Lifespan Alliance and with the Arc of Connecticut.
Are there any questions from the committee? Seeing none, thank you, Mr. Blake, for your testimony.

CHIRS BLAKE: Thank you.

REP. BLUMENTHAL (147TH): Have a good afternoon. Representative Gilchrest?

REP. GILCHREST (18TH): Hello, Representative Blumenthal, Senator Kissel, and members of the Judiciary Committee. I'm Jillian Gilchrest, the State Representative for the 18th district of West Hartford and I'm here today in support of House Bill 7222, and I am happy to turn it over to my constituent and good friend, Esam Boraey.

ESAM BORAHEY: Thank you and thank you for having me today. Thank you to the Judiciary Committee for allowing me to speak today. I'm here to support Bill No. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE Attorney General. My name is Esam and I am a human rights activist from Egypt. In 2008 I was helping one of my fellow Egyptians in Egypt. He was Christian and he's a religious minority in Egypt. He faced a lot of problems based on his religion and his faith, finding a job, he was kicked out of his apartment and it was very difficult for him to find another apartment to live in Egypt, and that was based on his religion. Because of that, I ended up in prison. I was arrested, trialed, jailed for 18 months and after I was released, I was sentenced again to two years to prison and this is why I had to flee my country and come here to feel safe out of prison.

I remember for the 18 months, every time I visited the cage, I used to be put in cage for my trial, it was never not hurtful to feel like, to have the
judge recite my crime was working for human rights organization. For 18 months that was very painful, for the first day as it was painful for the last day. When I left my country I was seeking safety, to be safe in a new place that I can call home and I can consider myself a full citizen and I will not be discriminated against based on my color of skin or my beliefs.

This is why I urge you to support this bill and vote for it. As a Muslim and immigrant I join you today in the shadow of yet another mass shooting targeting a place of worship, yet another incident motivated by hate and prejudice. I was lucky in the past year I used to work for the Senate and I was in the room when you helped, some of you helped in passing a bill to recruit more diversity teachers to come to Connecticut and help our students and give them more ideas and more experience and I believe this bill will help us creating a system that will motivate those people of different backgrounds to move to our state and you cannot ask them to move here and build environment that will be safe for people of different colors or different religious beliefs unless you have a system that will give them the feeling that they are safe. I do not need to cross the state lane to have the feeling that my rights as a human being will be protected. I think now in the shadow of our current administration in Washington, D.C., I think it's the obligation of the State of Connecticut to secure as a taxpayer, this is your duty to give me the feeling I'll be safe here and my rights will be safe and secure. Thank you so much for allowing me and I'm happy to answer any question.
REP. BLUMENTHAL (147TH): Thank you, Mr. Boraey, for your testimony and your activism. Are there any questions from the committee? Seeing none, I will thank you again today for coming especially in the shadow of the horrible events that took place yesterday.

ESAM BORAEG: Thank you.

REP. BLUMENTHAL (147TH): Thanks, Representative Gilchrest. Next is Lindsay Farrell followed by Cathy Flaherty. Is Ms. Farrell here? Ms. Flaherty, you're up.

CATHY FLAHERTY: Good afternoon to members of the Judiciary Committee. My name is Cathy Flaherty and I’m the Executive Director of Connecticut Legal Rights Project, a member of the steering committee of the Cross-Disability Lifespan Alliance, and I am here to join my colleagues supporting H.B. 7222.

I just want to raise some concerns cause you have my written testimony. Some of the concerns I had listening to Attorney General Tong and other people testifying is the information sharing that would take place between this division and the prosecutors. You know, I think one of the things that needs to be really careful and that this legislature needs to be very thoughtful about is making sure that this new Office of Civil Rights Division within the Attorney General's Office works collaboratively with people who are already doing the work and works appropriately with people who are already doing certain kinds of civil rights enforcement.

I think the bottom line in terms of civil rights enforcement is there's lots of it that needs to be
done, how do we do it most effectively, how do we do it most collaboratively. I know one thing that I would certainly hope is that there would be a way to create a firewall within the Office of the Attorney General so that the Attorney General does not serve simply as a defense attorney for state agencies, but serves as an Attorney General for all of the people of the State of Connecticut and when it frankly is state departments that are violating peoples' rights, that there's a way that this Civil Rights Division could help resolve the problem more quickly and expeditiously so we can just work towards solutions rather than be engaged in protracted litigation. Thanks.

REP. BLUMENTHAL (147TH): Thank you, Ms. Flaherty or Attorney Flaherty, I apologize. Questions from the committee? Seeing none, thank you for your testimony. Next we will have Shawn Stokes followed by Todd Bullard. Mr. Stokes? Mr. Bullard, you're up.

TODD BULLARD: Good afternoon members of the Judiciary Committee. My condolences with respect to your loss of member Ezekiel Santiago. My name is Todd Bullard from Rochester, New York. I'm here on behalf of American Rock Salt. I'm also joined here by our chief administrative officer, Mark Assini and our stockpile manager, Justin Curley. We appreciate the opportunity to present testimony here today on behalf of our 400 union employees and the small business owners of ARS. Well the Connecticut State Constitution provides clearly in the first article that all courts shall be opened and every person for an injury done to him in his person, property or reputation shall have remedy by due course of law
and right and justice administered without sale, denial or delay.

As the Attorney General stated during this testimony, there may be a right, but it is no good if there's no remedy. In this spirit, ARS requests the ability to bring suit against the state for breach of contract and takings and not confirm the Claims Commissioner's decision in this matter. Now ARS has traveled a long way, not only logistically but administratively and legally in trying to pursue its claims against the State of Connecticut.

Now who is ARS? Well, ARS operates the first successful mine built in the United States. The mine has been in operation for 45 years. We employ 400 employees. More than 300 employees work underground, 1200 feet underground. It is dangerous and hard work and it's the largest employer in a rural county in upstate New York. Now the contract dispute, what is this contract dispute? Well the company, ARS, contracted with the Connecticut Department of Administration for the 2013-2014 season. The essential facts are that ARS shipped 27,000 tons of salt which is more than 70 percent of the total control in a month and a half period. Now, public safety, public works, we think those terms are synonymous. Certainly the provision of salt for this state is crucial. Connecticut accepted that salt that was delivered both by rail and truck and they failed to pay for 16,000 tons. The state terminated the contract, transferred it to a competitor, International, which is well known here locally and ARS was not give the ability to assert its claim. There was no hearing, there was nothing. The state could act unilaterally and it did so and it did so inequitably. All ARS seeks is
the ability as it has and the ability to assert, we deal with nine other states, nine other states. This is the only state that terminates and doesn’t pay and takes and we believe that's substantively unfair, inequitably unfair.

Now, the Claims Commissioner issued a decision in July, but the actual accrual claim was filed three years earlier in 2015 and it's ARS' position that until the state told them how much we were gonna get paid, which was in June 2014 when there was a final accounting, there was no way we could've brought a claim. Simply put, we've exhausted our administrative remedies by coming here today, by asking respectfully for the ability to bring suit and at this juncture, just to summarize, 17,000 tons is just not a basic commercial dispute. It means 3000-man hours underground; 3000-man hours, 700 truckloads and ARS had to close its Hartford stockpile and jobs have been lost by this action. We hope that the Judiciary Committee can consider this claim. Thank you.

REP. BLUMENTHAL (147TH): Thank you, Mr. Bullard. Any questions from the committee? Senator Kissel?

SENATOR KISSEL (7TH): Thank you very much, Mr. Chair. Just which joint resolution are you talking about?

TODD BULLARD: Oh, it's H.J. No. 81, sorry.

SENATOR KISSEL (7TH): 81 and did the Claims Commissioner say it was time barred?

TODD BULLARD: The Claims Commissioner said that the accrual date was in January and not in June.
SENATOR KISSEL (7TH): All right. So your position is you were waiting for a final accounting and you had the clock ticking from there and the Claims Commissioner said not, it's some other date.

TODD BULLARD: Yes and the Claims Commissioner did so without the ability for us to present any evidence, any testimony. Typically, when we deal with states and we deal with nine other states, there is a period of time where you try to resolve the case and from that period of time, from January when there was the first dispute until June when there was a final accounting, we thought that it could be resolved.

SENATOR KISSEL (7TH): Okay. And you just want to be able to have a lawsuit.

TODD BULLARD: That would be, just to establish our case.

SENATOR KISSEL (7TH): And what's the dollar value that's in dispute?

TODD BULLARD: $800,000 dollars.

SENATOR KISSEL (7TH): Okay. Thank you.

REP. BLUMENTHAL (147TH): Thank you. Further questions? Representative Cummings?

REP. CUMMINGS (74TH): Thank you, Mr. Chair. What was the date in June that you are alleging was the termination date?

TODD BULLARD: We're alleging that the accrual date was in June 2014. That was the date that we actually received correspondence from the Office of the Attorney General that laid out that the state was asserting its offset rights and that they were
only going to pay us $133,000 dollars of our total claim.

REP. CUMMINGS (74TH): What communication had you received from the state prior to that June 19, 2014 date?

TODD BULLARD: There were other items of correspondence that I would probably refer and reference as settlement communications so there were previous communications from the state to us with respect to what they believed was the breach. There were communications back from us as to what we believed was their breach with respect to the contract.

REP. CUMMINGS (74TH): So was it your understanding that you were negotiating a full and final settlement and that you would not have had, it wouldn’t have been right for adjudication at that point?

TODD BULLARD: It wouldn’t have been right, in our opinion, to file a notice of claim seeking to sue someone when it appeared as though we could resolve it. We are in the business of doing good work for state governments, municipal governments. Getting thrown off the job isn’t something that we would want to have happen. We believe that if we filed a notice of claim it would’ve exacerbated the situation and it would’ve probably pushed the negotiations in the wrong direction.

REP. CUMMINGS (74TH): Were you paid for any portion prior to June 19, 2014?

TODD BULLARD: No, just $133,000 dollars.
REP. CUMMINGS (74TH): What was that $133,000 dollars for?

TODD BULLARD: It was for shipments that they felt were delivered timely. What happened was we were issued an award along with International to do the season and for whatever reasons, and again this is something we'd like to litigate, International was in fact given our award and the state had to pay more money to International per ton than they would've paid us. And we didn't understand why that would happen, how that would happen, and we also didn't understand why 70 percent of the total contract for the season was ordered from us within a very finite amount of time which was just a number of weeks but we still incurred the cost of rail and trucking to try to you know adhere to the contract because we had always been a successful bidder and a successful provider of services since 2002 to the State of Connecticut.

REP. CUMMINGS (74TH): Okay. Thank you very much.

TODD BULLARD: Thank you.

REP. BLUMENTHAL (147TH): Any further questions from the committee? I had a couple of brief questions. One is, is it on your, if we, if we were to deny your claim, would you then have a remedy in court? What's your understanding on that?

TODD BULLARD: Your honor, uh, I was gonna say your honor, sorry, [laughs]. Uh, Representative Blumenthal, we did file suit in both state and federal court. We filed a suit in state court specifically because we believed that our contract was a public works contract. I mean certainly in other states, that's what it's considered. By
definition within the contract that the Department of Administrative Services put together, it was a public works definition so we assumed that we would have the ability to go to court as a public works contract. The state court said well, you know, we don’t think it's a public works contract but you still have a claim pending with the Claims Commissioner so wait. We went to federal court and we had a number of constitutional challenges, but the most substantive of which was takings, a takings claim. We shipped you something, right, it's ours, the title's not delivered, we want to get paid. So it was a takings claim as well as procedural due process. Now, the Honorable Michael Shay decided that while the claims with respect to procedural due process and takings aren’t right. Why? Because the Claims Commissioner hasn’t issued a decision so although we're being accused of being timely, look we filed a claim in 2015, we finally got a decision three years later, three years later in 2018 so if you look at the statute very narrowly and say okay, nine, you know, it has to be one year but it could be from the date of discovery no more than three years. So if you really want to provide access to the courts, which we believe is consistent with the Connecticut Constitution, it would be to view a substantive claim, at least allow us the ability to bring suit and notwithstanding that, it's very unusual to say the state didn’t know about the claim, the substance of the claim, the facts of the claim because the Attorney General's Office was very involved in negotiating what we thought was a settlement of the claim. So with respect to the intent of the statute, it was typically satisfied by the fact that there was ample information flowing back and forth from the vendor and the state.
REP. BLUMENTHAL (147TH): When you were involved in settlement negotiations early on with the Attorney General's Office, did they make any manifestations that they might be interested in settling the case?

TODD BULLARD: Well we believe that, well, in our opinion we believed it was an acknowledgement of debt clearly, and we believed that we were going to get paid some amount of money and that's where the devil is in the details. If they had paid us 90 percent of the money or 75 percent of the money, we probably wouldn't be sitting here before you today. It was only when definitively after there was an accounting that they paid us approximately 25 percent of the money, that we realized that gee, there's probably a problem here.

REP. BLUMENTHAL (147TH): All right. Thank you, Mr. Bullard.

TODD BULLARD: Thank you.

REP. BLUMENTHAL (147TH): Is Mr. Stokes here? Ms. Farrell?

LINDSAY FARRELL: Good afternoon. I apologize for missing my spot before. You guys were being very thorough and thoughtful and I thought that I wouldn't be called up so quickly. My name is Lindsay Farrell. I'm the State Director of the Working Families Party here in Connecticut and thank you for holding this hearing today and thank you to the Committee for giving us the opportunity to submit testimony in support of H.B. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL.

Working Families is a growing progressive political organization that fights for an economy that works
for all of us, and a democracy in which every voice matters. We believe that our children’s life chances must not be determined at birth, and that America Trust be a nation that allows all its people to thrive. Our economy is not working for too many Connecticut workers, whether black, brown, or white. Pay is unjustifiably low and workers are insecure. Women and workers of color are hit especially hard by the unfair practices of many employers. We all want the same things for our families, and here in Connecticut, we need to stand up for fair standards for our families.

While we make progress on many issues, discrimination is still far too prevalent, hate crimes are increasing, and many of our most fundamental rights are under attack. We urge the Committee to support H.B. 7222 to give the Office of Connecticut’s Attorney General the standing it needs to enforce existing rights and pursue real consequences for discrimination and hate. The rise of white nationalism, backlash against the movements to protect women’s bodies and black lives, increased anti-Muslim sentiment as well as anti-Semitism, heightened rhetoric, scapegoating immigrants, and attacks on queer and especially trans individuals all demonstrate how badly the need for additional accountability and protection of our civil rights through the Attorney General’s Office.

Many other states already allow for this formally in statute and Connecticut needs to catch up. We are not immune to these crises despite the common local attitude that we aren’t as racist as other regions of the country, or that we do more to protect vulnerable communities. These offenses are as real in Connecticut as they are anywhere else and there
need to be real consequences. A couple of recent examples that come to mind are when somebody wrote the "N" word on the garage door of a family in Stamford. Even last campaign cycle, Senator Lesser who sits on this Committee was targeted with anti-Semitic campaign materials. The Office of the Attorney General has both the expertise and capacity to make sure things do not fall through the cracks. So please support H.B. 7222. Thanks.

REP. BLUMENTHAL (147TH): Thank you, Lindsay. Are there any questions from the Committee? Thank you for your testimony. Andy Friedland?

ANDY FRIEDLAND: I would like to thank Representative Blumenthal, Senator Kissel and members of the Joint Committee on Judiciary for the opportunity to testify in support of H.B. 7222, AN ACT CONCERNING THE DUTIES OF THE OFFICE OF THE ATTORNEY GENERAL. For over 100 years, the mission of the Anti-Defamation League or the ADL has been to stop the defamation of the Jewish people and to secure justice and fair treatment to all. Dedicated to combating anti-Semitism, prejudice, and bigotry of all kinds, ADL has long been at the forefront of efforts to deter and counter hate-motivated crimes. ADL’s model hate crimes statute provides for increased penalties for criminals who target their victims because of their personal characteristics, as well as civil remedies for victims of hate violence. Currently, 45 states and the District of Columbia have enacted hate crimes laws based on, or similar to, ADL’s model statute.

So it goes on to say that we have a unique expertise in preventing and combatting hatred, bigotry, and
extremism of all forms. Hate crimes are distinct from other forms of criminal conduct, and thus merit a distinct response. These crimes occur solely or largely because of the perpetrator’s bias against the victim based on actual or perceived status, including the victim’s race, religion, or other characteristics. In the vast majority of these crimes, the victim’s personal characteristics are the only reason the crime occurs. Consequently, such crimes have a special emotional and psychological impact, expanding beyond the individual victim. Indeed, when a bias-motivated crime is committed, the victim’s entire community is left feeling victimized, fearful, isolated, and unprotected by the law.

Unfortunately, hate crimes are on the rise. In 2017, the most recent year for which FBI hate crime data are available, 7,175 hate crimes were reported across the United States. This marks a roughly 17 percent increase relative to 2016. Here in Connecticut, there were 110 bias crime incidents reported by Connecticut police, representing an almost 5 percent increase over the previous year. ADL also tracked a substantial increase in anti-Semitic incidents which are both criminal and non-criminal acts of harassment and intimidation across the United States in 2017, representing a 57 percent increase relative to the prior year.

Connecticut law already permits hate crime victims to bring a civil action for damages, including equitable relief and attorney’s fees. House Bill 7222 would rightly expand upon this provision by also allowing the Connecticut State Attorney General to investigate hate crime and civil rights violations and where appropriate, intervene in or
biting a civil action or proceeding on the victim’s behalf. This type of remedy is particularly important in cases where victims do not have the resources or capacity to retain a private attorney and seek justice on their own, and/or where civil remedies are otherwise inadequate to deter the wrongful conduct.

ADL encourages Connecticut’s leaders to employ every mechanism available under the law to deter the rising tide of hate crimes and provide appropriate compensation to hate crime victims. We therefore strongly recommend that the legislature complement Connecticut’s hate crime laws with this additional tool to vindicate justice. This proposed legislation would send a critical message to victims and targeted communities that society recognizes the unique harm these crimes can cause and is committed to making those affected by such crimes whole. We urge the Judiciary Committee to report out on H.B. 7222 favorably. Thank you for your consideration.

REP. BLUMENTHAL (147TH): Thank you, Mr. Friedland. Are there questions from the committee? Seeing none, thank you for your testimony.

ANDY FRIENDLAND: Thank you.

REP. BLUMENTHAL (147TH): Is Shawn Stokes back? Next is Michael Bloom. Greg Kirschner?

GREG KIRSCHNER: Good afternoon, Representative Blumenthal, Senator Kissel, members of the Committee. My name is Greg Kirschner. I am the Legal Director at the Connecticut Fair Housing Center, and I'm here to testify on behalf of the center in support of House Bill 7222. You have our written testimony but I want to just comment on some
of the questions that have been raised in earlier testimony. There's a lot of discussion about the role of the Department of Justice Civil Rights Division. To be clear, while DOJ is an important component of civil rights enforcement in our state and the United States, it's not truly a watchdog of our state. It depends on complaints being submitted to it or to other agencies to trigger investigations.

Over the last 15 years, DOJ has never filed more than 46 cases nationally under the Fair Housing Act which means less than one per state in each year. HUD is the principal federal agency for enforcing the Fair Housing Act; however, the Fair Housing Act is designed to be enforced principally by individuals and the total funding provided by HUD to support this individualized enforcement of the act amounts to about $37 million dollars a year parcelled out in roughly $300,000-dollar grants which means that in the case of the State of Connecticut, about 10 cents per citizen.

Our agency typically receives one of those grants and last year received more than 1000 phone calls and opened over 800 intakes for housing discrimination. Additionally, while the federal government is an important partner in enforcing civil rights, the federal government can also be a violator of civil rights and in instances where the federal government has violated the fair housing rights of Connecticut citizens, the AG would be in the best position to bring actions to remedy it.

Further, there were questions about the cost effectiveness of the AG's role. We believe that the mere entrance of the AG into this arena would
encourage for active compliance making it extremely cost effective by avoiding the necessity of enforcement in some cases. So despite the fact that fair housing has been the official policy of the United States for more than 50 years and race discrimination illegal for 150 years, we remain far from achieving that policy. Discrimination is a cancer on society and our state. If you have cancer, you want to bring any treatment to bear on it to eradicate it. I can see no reason why, particularly in the present climate, we would not support the AG's desire to prioritize civil rights enforcement that's stated in this act and simply passing this bill would signal the state shares that priority. I'd be happy to answer any questions.

REP. BLUMENTHAL (147TH): Thank you, Mr. Kirschner. Are there any questions from the Committee? Seeing none, thank you for your testimony.

MICHAEL KIRSCHNER: Thank you.

REP. BLUMENTHAL (147TH): I hope I won't butcher this. Anushavan Torosyan. Was I close? Kind of close. Good afternoon. If you'd just make sure, I can't see whether your microphone is on.

ANUSHAVAN TOROSYAN: Thank you. My name is Anushavan Torosyan. I'm residing in New Milford, Connecticut, owner and operator of NeoSyn Corporation, a scientific company for medicinal chemist and manufacturer of environmental research standards. Members of family, they help me too and sometimes my wife complains of abusive behavior. Police invaded, locked down next to judge and then judge put restraining order erroneously. Thought it was our house, our home that the incident occurred. He shut down the company and still I do not have
five years' access to my own company. My former wife right now lives in the laboratory of the chemicals, full of chemicals, dangerous chemicals. Another incident when the divorce judge upheld the first judge's decision left my former wife in the toxic environment and I must take my own chemicals and leave my laboratory space. I lost my business consequently. Lawyers they didn't help us and judge, despite the fact of testimony on both sides, which we are unhappy from this decision, judge's protective order turns to punishing order for me and for me, turns to loss of my business and I'm complaining to file a suit. Because judges are immune, we cannot do anything with judges. They have immunity and the State must be responsible for judge's erroneous actions, two judges.

REP. BLUMENTHAL (147TH): Thank you, sir for your testimony. Are there questions from the Committee? Senator Kissel.

SENATOR KISSEL (7TH): Thank you very much, Mr. Chair. Sir, I'm just wondering what is the number of your claim.

ANUSHAVAN TOROSYAN: It's H.J. 151.

SENATOR KISSEL (7TH): 151? Thank you.

REP. BLUMENTHAL (147TH): Representative Cummings?

REP. CUMMINGS (74TH): Thank you, Mr. Chair. It's my understanding that you're bringing this claim against, or attempting to bring this claim against Assistant State's Attorney Jonathan Knight, but all I heard you speak about was that you felt that the judge was unfair to you. What do you believe that Mr. Knight did wrong to you?
ANUSHAVAN TOROSYAN: So much exaggeration --

REP. CUMMINGS (74TH): Can you speak into the microphone? I'm sorry.

ANUSHAVAN TOROSYAN: So much exaggeration to impress the judges that I'm a criminal person.

REP. CUMMINGS (74TH): Okay. So the prosecutor impressed the judge that you were a criminal?

ANUSHAVAN TOROSYAN: Yes.

REP. CUMMINGS (74TH): Okay. Thank you.

ANUSHAVAN TOROSYAN: But it exonerate, ultimately the case was dismissed, not exoneration, just dismissed the case. Impressed the judges of that.

REP. CUMMINGS (74TH): Thank you.

REP. STAFSTROM (129TH): Further questions? Seeing none, thank you very much for being with us, sir.

ANUSHAVAN TOROSYAN: Thank you.

REP. STAFSTROM (129TH): Next up will be Link Woodard, Attorney Woodard.

LINK WOODARD: Good afternoon, Chairman Stafstrom, Ranking Member Kissel, Ranking Member Rebimbas. My name's Lincoln Woodard. I am current President of the Connecticut Trial Lawyers Association. The CTLA full supports Raised Bill 7343, which is AN ACT TO IMPROVE THE EFFICIENCY OF THE CLAIMS COMMISSIONER.

This is a bill proposed by our current Commissioner Christy Scott, who under the current system cannot possibly process the volume of cases that her office receives each year. At present, the Claims Commissioner must hear and ultimately decide anywhere from 300 to 500 cases and asking the office
to accomplish this task with only two staff members and no legal help, no attorney or law clerk in her office has proven to be an impossible task for many years now. The result is that individuals with meritorious and sometimes catastrophic losses cannot even begin pursuing a case in court for years, delayed solely because of the inability of the Claims Commissioner to manage these cases due to the lack of resources.

We support all aspects of this bill and I just want to discuss section 4 because we actually met this morning with the Attorney General's Office just to go through this and I think we have, that they're not going to oppose it with some clarifying language. In 1998, there was a bill passed to streamline the process for medical malpractice cases pending before the Commissioner due to the complexities of those cases and essentially, if you filed the attorney’s certificate of good faith with your notice of claim that has to be filed within a year, it was more or less a rubber stamp process which allows you to file suit where all the jurisdictional issue can be raised. In 2005 with the certificate of merit and the letter that is required to be attached from a similar healthcare provider, it has made the process much more complicated and the Commissioner feels compelled to at least take a look at that aspect of things. This has been the subject of hundreds of Superior Court cases and she herself has submitted she is just not equipped to analyze and go through the time necessary to consider these jurisdictional issues.

The proposal that she has put forth is to allow claimants to put their case into suit within one year with all of the necessary requirements for any
medical malpractice case but if they do so within the one-year time frame, then they will not have to go through the Claims Commissioner’s office and permission will be deemed granted. The state can still contest any aspect of the jurisdictional issues and will not have any loss of rights to contest those issues in the Superior Court. It simply streamlines the process and prevents us having to litigate these issues twice before initially at the Claims Commissioner and then awaiting the backlog.

The other parts of her bill with the addition of sort of deputizing magistrates to make full decisions and raising her thresholds I think will also go a long way towards relieving the burdens of that office and moving the business through a little more efficiently.

REP. STAFSTROM (129TH): Thank you. With respect to the provision you mentioned, I assume that conversations are still ongoing between the Attorney General's Office and the CTLA?

LINK WOOARD: Yes and what their only concern was they did not, they want to make that if there's sort of a hybrid case where there was, you know if there's some sort of negligence or intentional act that's being alleged that's outside the medical provider component of a case, that they can't hitch that non-med-mal case to this provision and thereby avoid the Claims Commissioner and we told her we're certainly fine with that clarifying language, Attorney Lake that is.

REP. STAFSTROM (129TH): Okay. And somebody's going to get language to the Chairs and Ranking Members?
LINK WOODARD: Yes. I think they sent it around to us today and I think she just sent it to us today and we'll make sure you get that shortly.


LINK WOODARD: Thank you.


MIGUEL CASTRO: Good afternoon and thank you, Chairman Stafstrom. It's good to be back. Vice-Chairman Blumenthal, Ranking Member and members of the Judiciary Committee. My name is Miguel Castro and I am a member of the Meriden City Council. I am supporting House Bill 7222. Historically, advocates, activists, community organizers in partnership with elected officials have strengthened our Constitution to further protect members of our community. The Thirteenth Amendment, the Fifteenth Amendment, the Civil Rights Act that have gone through several significant transformations up to 1965, the Voting Act. Having a civil rights division at the Attorney General's Office will not only support the Constitutional Amendments and the major Civil Rights Acts passed by Congress, it's an additional safeguard protecting the most vulnerable and the many affected by either entities in our state or individuals.

A study from the nonpartisan Center for the Study of Hate and Extremism has indicated that in California a number of issues had really demonstrated discrepancies in hate crimes throughout their communities. The uptick was 24 percent, the highest
in over a decade. Chicago saw a 20 percent increase, it was 50 percent in Philadelphia and 62 percent in Washington D.C., the largest increase among the 25 large cities in the country. The FBI also documented a sharp increase in hate crimes in 2017 compared to 2016 including a 37 percent spike in anti-Jewish offenses and a 23 percent increase in overall religious-based crimes including against immigrants.

This bill will not only protect the less fortunate or the vulnerable or the voiceless. This will give protection to the immigrant community, the African American community, the Jewish and Muslim communities, the LGBTQ community, the physically challenged and women and defend them and protect them from hate crimes in civil rights violations. Connecticut can join New York, Massachusetts, Rhode Island and 20 other states who have this ability to keep our community safe and we can set a national model.


REP. REBIMBAS (70TH): Thank you, Mr. Chairman. Thank you for your testimony. You stated many different statistics from other states. Do you have any statistics for Connecticut?

MIGUEL CASTRO: The FBI statistics that I stated in my last paragraph; they are from Connecticut.

REP. REBIMBAS (70TH): And could you repeat those?

MIGUEL CASTRO: Yes, I can. The FBI documented a sharp increase in 2017 about a 37 percent spike and 23 percent increase in overall religious-based
crimes including immigrants, against immigrant community.

REP. REBIMBAS (70TH): Is that in Connecticut only?

MIGUEL CASTRO: In Connecticut.

REP. REBIMBAS (70TH): Okay. And that's what I didn't hear in your testimony, that it was in Connecticut.

MIGUEL CASTRO: I apologize. I could have been a little more clear.

REP. REBIMBAS (70TH): And is that in your written testimony?

MIGUEL CASTRO: I can submit that, yes.

REP. REBIMBAS (70TH): Okay or I don't want to burden on you, if you can tell me where I can find these statistics.

MIGUEL CASTRO: These were from the FBI Bureau in the State of Connecticut and the other statistics were from the University of California, San Bernardino especially.

REP. REBIMBAS (70TH): Okay. Do you know of any incidents or any claims that have been brought forward in Connecticut to the Attorney General's Office or any other department that haven't been pursued?

MIGUEL CASTRO: There's a number of conversations outside in the hands of a number of other community members and coalitions who I am a part of, Connecticut Shoreline Indivisible, Meriden Sons and [inaudible - 02:39:25] that have been an ongoing conversation regarding a number of concerns and issues regarding behavior and problems in our
community, especially in our immigrant community. We have had conversations with the Office of the Attorney General regarding some of these concerns and I was here also before this Committee testifying regarding other bills that will continue to strengthen the possibilities of legislation to protect further our members of our immigrant community.

REP. REBIMBAS (70TH): Okay. But we're talking about the proposal that's before us, not any other legislation that may or may not be coming that's not before us so I don't know what the topics of those may or may not be but the proposal before us, my question was, has there been anything that's been brought to the Attorney General's Office or any other department that has not been pursued?

MIGUEL CASTRO: I don't know the answer to that, Representative, but I will be more than glad to provide further information to the Committee if that's the case, but up to this point, it's just ongoing conversations in regard to issues that have taken place, not necessarily that have been brought to the attention of the Attorney General's Office.

REP. REBIMBAS (70TH): Okay, so you have no knowledge of anything?

MIGUEL CASTRO: That has been brought to the Attorney General's Office?

REP. REBIMBAS (70TH): Correct.

MIGUEL CASTRO: There is conversations that have happened between some of our community organizers and entities regarding some of the issues. Whether the Attorney General's Office is gonna pursue this further, we don’t know the outcome of that.
REP. REBIMBAS (70TH): Okay and do you understand that there's nothing that prevents, if this doesn't pass, there's nothing that prevents the Attorney General from deciding to investigate and pursue something, you understand that?

MIGUEL CASTRO: We do.

REP. REBIMBAS (70TH): Okay. I just don't want any of the misinformation out there and I just want to be abundantly clear that if people have problems or issues and complaints, they should be making those and not relying on a passage of something that may or may not pass. I just don't want the wrong message getting out there. I understand obviously your testimony is in favor of this and that's perfectly fine, but I just want to make it clear to anyone's who's watching this, if there are issues out there, they should be bringing it to attention and not waiting for the passage of something.

MIGUEL CASTRO: No, I do appreciate your thoughts, Representative. We have been part of many of the conversations to make sure that if there is possibility to perhaps strengthen the civil rights legislation in our State, that could perhaps also continue to support the existing at the national level, that's something that could become an amenity for the State of Connecticut.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions? Seeing none, thanks so much.

MIGUEL CASTRO: Thank you.

REP. STAFSTROM (129TH): Next up will be Mark Assini.
MARK ASSINI: Thank you very much, Mr. Chairman and honorable members of the Judiciary Committee. I'm so very grateful to be able to address you. I'm the Chief Operating Officer of American Rock Salt and you heard from our counsel who is a former legislator in our community as was I. We were very close friends and still remain that way today and we're very honored to have him represent us and one of the things that we always prioritized was respect and dignity with everybody that we dealt with and we appreciate your respect and your time, thank you, and we know what you go through.

Just a little bit about American Rock Salt. You've already heard some of the concerns that we have but just a little more about this little company. We're the backbone of a local community and its number one employer and our employees earn a living wage. Our miners are members of the Steel Workers Union and we have a generous profit-sharing program. One of the company's founders is a third-generation miner who lost his father in a mining accident and he passionately wanted to restart a mine in his hometown that once existed, but because of subsidence issues with another company, it closed. Well he did that and he put everything that he had on the line to make this company work and it did. The reason I tell you that is because we're the little guy. We're not a big international company. We truly are and we mean a lot to the little community that we support in Livingston County New York. We take our responsibility of delivering life-saving road salt very seriously. Our reputation is also very important to us and frankly, we want to get a little bit of our reputation back because despite delivering 70 percent of the
contract tonnage, the annual contract tonnage, in 2014 to the State of Connecticut, by mid-January with two months left in the winter season, I repeat two months left in the winter season, despite no one running out of salt and despite the fact that we had sent deliveries of 17,000 tons of road salt, that's about 700 trucks delivered, we were only paid a fraction of what we sent to the customer and being a small company, it's approximately $800,000 dollars. You can imagine that's a big deal and further, we were embarrassed and disappointed that we were put in default and we think unfairly and unjustly. We never had this happen in any other state and I want to be clear we work in New York, PA, Ohio, West Virginia, Vermont, New Hampshire, Maryland. We've worked in almost every state in the northeast and we have always been able to meet our obligations even in the toughest of winters and I just had a meeting with the folks at the PennDOT, the Pennsylvania Department of Transportation and in very trying circumstances, we were able to do what was necessary to help them.

So what we're asking is simple. We're asking you to give us an opportunity to clear our name, for our day in court because of some of the circumstances that were explained earlier, we have not had an opportunity to have and to try to work with our customer, our former customer, the State of Connecticut to resolve this in a reasonable fashion and unfortunately, to this point, we have not had that opportunity. Thank you so much.

REP. STAFSTROM (129TH): Great. Thank you. questions from the Committee? Seeing none, thanks so much for being with us.
MARK ASSINI: Thank you very much.

REP. STAFSTROM (129TH): I appreciate you coming all the way down from upstate New York.

MARK ASSINI: Back to the salt mine. [laughter]

REP. STAFSTROM (129TH): Literally and figuratively. Next up will be Lee Whitnum.

LEE WHITNUM: I’m Lee Whitnum, former candidate for congress, senate and governor — now retired. I’m asking you to vote no on Resolution No. 155 to deny me the right to sue the state. I am in year seven of living hell of the destruction of my life by two powerful people, Jane Emons and John Whalen and the system that allowed them to violate my rights. Every legislator has been sent the Amended Complaint and the exhibits in case 3:18-CV-01991 called Whitnum v. Kevin Kane et al and there's also Superior Court action. In Exhibit L, there are more than 35 emails to Kevin Kane, he knew exactly what was going on. I'm sorry.

Prosecutorial immunity is a fact except for two exceptions: the burying of evidence, it is called a Brady Violation. Also, in Canton, the courts ruled that failure by an agency, in this case Kane to train his employees is actionable. These are my legal legs in the Superior Court and Federal Court actions against the state. Give me my day in court.

The gravamen, former Judge Jane Emons, now disgraced, claimed I rang her bell and ran on June 22, 2013. It was an absolute lie. My phone records, obtained via federal subpoena proved it, but John Whalen, assistant chief states prosecutor, buried the evidence and never allowed it to be heard in court by Judges Hernandez or Wenzel. Kevin Kane
also ignored it. To make matters worse, my phone records on Whalen’s report #2013-0213 differ from my true phone records. I’ve always alleged in my complaint that Whalen altered my phone records on his report to place me near Emons' home and to get the arrest. Meanwhile I was two hours South in Manhattan and I could prove it, but Whalen buried the evidence. I found myself facing 14 years in jail for crimes I could prove I did not commit, but prosecutor John Whalen buried evidence by making sure more than six Motions to Dismiss with evidence would not be heard. And he also, I’ve alleged, altered my phone records on his report and I was criminally framed. Why was Whalen there to pile on charges, when the Woodbridge Police on September 17, 2013 administratively closed the case finding no connection to me and Jane Emons’ doorbell. I asked him, Whalen why are you here? He said, for Jane, my buddy of 35 years since we were both prosecutors. Oh my God.

What kind of lawless state do we have when prosecutors at the behest of powerful personal friends can abuse the system? Whalen piled on charge-after-charge. I was forced to appear 41 times and forced to take an AR plea deal. I lost four years of salary as a teacher because I could not work with pending charges. Whalen knew this and didn’t care. Whalen's refusal to adjudicate also kept me from my infirmed husband until his death. How did this happen? How did I go from a middle-aged teacher with no priors, a Harvard graduate to find myself smeared in the press and facing jail time: Jane Emons is what happened? Emons is the most disgusting human being I have ever encountered in my life for her abuse of the system and for her
unethically keeping children from parents. Disgraced former judge Jane Emons destroyed my life and apparently the lives of many others which is why one year ago, she was not reconfirmed as a judge. And no, Senators Looney and Kissel, Emons was not the victim of antisemitism; she was the victim of her own actions. The legislature listened and for the first time in 275 years a judge was not rubber-stamped in.

REP. STAFSTROM (129TH): Thank you.

LEE WHITNUM: I am asking the Claims Commission to move forward for this legislature to give me the same radical move last year by allowing me to move forward with my actions against the state. The people have a right to be heard. And what about my civil rights? Mr. Tom was here hypocritically with this new more appeasement organization --

REP. STAFSTROM (129TH): Ma'am?

LEE WHITNUM: Their 200 lawyers are representing the state.

REP. STAFSTROM (129TH): Ma'am?

LEE WHITNUM: The state and Jane Emons who's now a private citizen.

REP. STAFSTROM (129TH): Ma'am?

LEE WHITNUM: What about my violation of my civil rights?

REP. STAFSTROM (129TH): Ma'am, the bell --

LEE WHITNUM: When do the victims of Emons get justice for what she did to our family?
REP. STAFSTROM (129TH): Thank you. The bell rang. Thank you. Are there questions from the Committee? Seeing none, thank you so much for being with us. Michelle Duprey followed by Leona McCulley.

MICHELLE DUPREY: Good afternoon members of the Committee. My name's Michelle Duprey. I'm the Director of the Department of Services for Persons with Disabilities for the city of New Haven. I also have been a disability civil rights attorney for the past 25 years. I'm here to testify in support of the Attorney General's proposal, House Bill 7222 establishing a Civil Rights Division.

I'm here on behalf of New Haven's nearly 30,000 residents with disabilities as well as to communicate some of my own personal experiences in the area of enforcing civil rights of people with disabilities. People with disabilities often struggle to find somebody to advocate systemic change, not necessarily based on one individual, but a collection of individuals facing the same discriminatory barriers whether it's attitudinal or structural barriers, systemic barriers still are located throughout the state and need to be addressed. This Civil Rights Division can help with all the other entities that fight on a day-to-day basis to ensure people with disabilities receive access to our entire community.

The federal government and the Office of Civil Rights, the Disability Rights section, has been significantly scaled back and they are no longer under the current administration advocating for disability civil rights and so we need this at this time in Connecticut. I have myself, in my personal time, have advocated for some large-scale systemic
accessibility barrier removal that I could not find anybody in the state to take up. I couldn’t even find an attorney to represent me and I represented myself and of course, those of you that are lawyers know that when you, when an attorney represents themselves, they have a fool for a client so we shouldn’t rely on people like myself to advocate for the whole community's rights and this agency gives us a unique opportunity to improve our state because all of us have the potential to be a person with a disability and so, although you may not fit into that group today, you may down the road and this agency can really advocate for systemic change that will make life better for all of us. Thank you.

REP. STAFSTROM (129TH): Thank you. Thank you for your testimony. Questions from the Committee? Representative Remimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chairman and good afternoon. Thank you so much for your testimony and I think there's an exception to that saying, I think you're certainly the exception to that. I was just, out of curiosity because I've been asking a lot of people that come before us, you know what their challenges were in bringing those claims to the attention of the different departments and just out of curiosity, the case that you brought yourself, is that something that was brought to the attention of the Attorney General's Office previously or the Department of Justice? Was it looked into?

MICHELLE DUPREY: So I have several that I advocated. One was a large-scale conference venue that was not fully accessible. I advocated and was able to, because of what I do, I had enough
protected DOJ to get them involved and get that addressed pretty quickly. The larger scale one was my case related to the XL Center and yes, I did contact the Attorney General's Office and it was not pursued by that office at that time, and it ultimately was picked up by the Department of Justice after it took them from the time I filed the complaint with the Department of Justice, it took more than two years for them to decide if they were gonna take it or not and then it took another couple, a few years to work through that process to improve access at the XL Center.

REP. REBIMBAS (70TH): And just out of curiosity, when you approached the Attorney General's Office previously, and I'm assuming it's a prior Attorney General that is not --

MICHELLE DUPREY: Yes.

REP. REBIMBAS (70TH): The current one, did they give a reason why they decided not to pursue it?

MICHELLE DUPREY: No, I did not, I had written the Attorney General a lengthy letter of what I thought the claims were and I didn’t, I don’t recall receiving an answer as to why they weren’t pursuing it.

REP. REBIMBAS (70TH): Thank you for your testimony and thank you for your advocacy.

MICHELLE DUPREY: Thank you.

REP. STAFSTROM (129TH): Thank you. Further questions from the Committee? Seeing none, thanks so much for being with us.

MICHELLE DUPREY: Thank you.
LEONA MCCULLEY: Good afternoon.

REP. STAFSTROM (129TH): Welcome ma'am.

LEONA MCCULLEY: Thank you for your time. My name is Leona McCulley and I'm from Stamford. I'm bringing this case because the DSS took $24,700 dollars that was not owed to them and when I called for a hearing, they gave me a hearing in the Stamford Office at the Welfare Department and the hearing officer, Karen Brown, she represented herself as an Officer of the Appeals Court saying that my claim was dismissed and that the Appellate had the right to deny the appeal. Okay so what I did was I filed another hearing with the hearing office up here in Hartford. They sent the letter back, opened it up, sent it back and then mailed it back from New York. Okay, by the time, I couldn't get in touch with nobody who wanted to give me answers about where I would appeal it because I said I didn't go to court so why it would be an appellate right to file is denied. So they wouldn't give me an answer. As you see, they opened up the letter, sent it back. By the time I figured it out, I said wait a minute, if they, if it's an appellate case maybe I should file with the Superior Court in Stamford which I did. By the time the judge heard that they had brought to my court, a lady from Hartford, from the DSS, they came and said it was, the judge said I had no right in that court so I had to file with the Claims Commission in Hartford. Okay what they did, the attorneys tried to keep that money. They said that I had a lien which I have papers that I've worked ever since 1974. I'm 63. I've always worked. My daughters went to an all-
girl private school, a Catholic school. The graduated from Sacred Heart Academy and Trinity. I applied for welfare in 1996 to get child support because the money I had saved in my 401K, I was exhausting to pay my kids tuition so they could graduate from that school so they can go to a good college, which I did. What I'm talking about is Karen, she represented herself as an officer of the Appeals Court and what they did, they covered up to justify the money that they're keeping. I owe them $3380 dollars because I multiple slip accidents on my job and I filed for Social Security which came up to $3380. Now when the settlement, I was in a car accident, when the settlement, it was November 10, 2010, the settlement came in 2013, March 2013. They, the lawyer held onto the check for nine months and when I told him I was taking him to court, that's when he sent it to DSS. On the paper, she didn't even know what I owe. She asked the attorney to send them whatever I owed. Number one, I called GEICO, they said they do a lien check. I have all the information. Karen Harris did a lien check saying that my name, they put your Social Security number, my name came up. I didn’t owe. I work. I have a printout of my, I made $37,000 dollars in 1995. I would not go to the state. Number one, when you work, you get fired or you quit, you get unemployment. They covered up, they added up, they came up to $24,700. They said they're not taking [bell] --

REP. STAFSTROM (129TH): Go ahead, ma'am, you can summarize. You can wrap up.

LEONA MCCULLEY: Finish?

REP. STAFSTROM (129TH): You can summarize.
LEONA MCCULLEY: Okay, number one, they come up with the sum of $24,000. They didn’t, I worked two jobs from 1984 until 1996. That's how I made that money, two jobs. The advocate is a 7-day-a-week job, okay? The school bus is a five and I'm seniority, I do six. Okay, that's number one. This is how they justify. There's some outrageous figures here and then they said they're not gonna charge for medical expenses because the only medical I have, and I show you, is I have high blood pressure. The only thing on the pharmacy is either high blood pressure pills or either pain pills. They charged me for, I had a mini-stroke, I was in the hospital in 2008 for a mini-stroke.

REP. STAFSTROM (129TH): Okay, ma'am?

LEONA MCCULLEY: They charged me for that.

REP. STAFSTROM (129TH): Ma'am, I think Representative Blumenthal has a couple of questions for you.

LEONA MCCULLEY: I'm sorry, I'm just nervous.

REP. STAFSTROM (129TH): That's okay, take your time. There's some water there in front of you if you need it.

REP. BLUMENTHAL (147TH): So, ma'am, it looks like here the primary problem is that the statute of limitations passed, is that your understanding?

LEONA MCCULLEY: Yes, Claims Commissioner Christy Scott, yes had dismissed it for untimely but what I'm asking if you can please give me, number one, what it made it untimely, my mother had, she was living down south, she just retired from the post office so she was sick, so going back and forth, but
what made it untimely is when she says the appellate's appeal is denied, and then by the time you figure it out, wait a minute. I never was in court. I was in an office in Stamford so by the time you figure it out, they don't want to give me any information, I sent the letter, they don't want to give me any, they sent it, they opened it and sent it back but they mailed it from New York. Okay, you see the address, the court's address when they served the papers, the same address, okay. What made it untimely? When I go to court, when you file with the court, they don't just take your case right away. I had to wait until they brought me to court. I had to wait for a date to get into court. When I got into court, they said that's not in their jurisdiction. I had to file with, you know, file with Christy, you know the Claims Commissioner up here in Hartford. That's what made the time. My mother was sick, she passed away in March 2015 so you're talking about all this stress that they're doing, I don't owe them. I ask you to give me a fair hearing, look at the documents and then bring them into court. I said can you show me what, for that type of money but they said I owed $38 dollars which I did, I owed $7000 dollars and I paid that back in 1982 when I was pregnant with my oldest daughter cause my daughters are ten years apart so when I paid that back, then number one, they came up with this ridiculous figure, they charged me for having a mini-stroke in 2008. That's not accident related. The accident happened in 2010. If you can please afford me a hearing and bring the, bring the witnesses, the people from DAS, bring, uh, testimony, bring the witnesses from DSS. They're not gonna, I say show me the proof, with that type of money owed you, it's gotta be proof. Guess what
they, they bring me four check stubs and it had two different addresses so within five months I moved two times.

REP. BLUMENTHAL (147TH): Ma'am were you represented by counsel at any point during this period?

LEONA MCCULLEY: No, I couldn’t afford counsel at the time. Like I told you, my mother was down south and she was sick. She passed away in 2015 so I was a little bit with all this stuff going on, I had to go myself, I figure a hearing, they would see this and then they added up the $3000 dollars but it's bogus. Oh, another thing, I have two children, right? The oldest one, the father, by two different men. The father only owed back child support, $800 dollars. The second child, he owed nothing but $38.50, that was the filing course.

REP. STAFSTROM (129TH): Okay, ma'am. We're going to take a look at the file. Thank you for coming up here.

LEONA MCCULLEY: I'm sorry, I'm just nervous.

REP. STAFSTROM (129TH): No, no, I appreciate you making the trip all the way up from Stamford.

LEONA MCCULLEY: Thank you.

REP. STAFSTROM (129TH): Thank you.

LEONA MCCULLEY: Would you like these documents?

REP. STAFSTROM (129TH): If you want to leave stuff for the administrator, she can take stuff from you.

LEONA MCCULLEY: Okay. Thank you.

REP. STAFSTROM (129TH): All right. Next up will be, you know what, Mr. McDermott, I have several
folks from CONECT here, is there any particular order? You're the only one? Come on up.

MATT McDERMOTT: Thank you, Representative Stafstrom, Senator Kissel, Representative Rebimbas and Members of the Committee. My name is Matt McDermott. I'm the Lead Organizer of CONECT or Congregations Organized for a New Connecticut. We're a broad-based citizens' organization made up of churches, synagogues, mosques, and temples in New Haven County and Fairfield County, 28 congregations in all representing about 20,000 people and I was joined earlier by a Jewish leader, a Unitarian leader and a Catholic leader who all had to head back to work and other functions so I'm here to represent them and a number of others who gathered just about 45 minutes ago at the Bridgeport Islamic Community Center to gather across faith lines in remembrance of those lost in New Zealand overnight.

So I'm here today to testify in favor of House Bill 7222. We, as an interfaith organization and a multiracial organization in both urban cities and suburban towns that is non-profit and non-partisan are very concerned about the increase in hate crimes nationally and do our part by bringing people together across many diverse lines to try to teach against hate and really relate against hate you might say by getting people to actually know people, human beings of different backgrounds, but we have seen -- so we do our part and we've been invited at different points to play a role in that. For instance, this last year in the Norwalk School District, we were invited to do training for 900 to 1000 Norwalk teachers and staff where we brought Muslim leaders, Jewish leaders, Sikh leaders, immigrant leaders, African American leaders into
teach and train as well as the ADL, in to teach and train Norwalk teachers about different backgrounds of their students and the families in their district.

In an event, we believe House Bill 7222 would be an important step for the Attorney General’s office here in Connecticut and for the state as a whole to join our neighboring states in taking leadership and combatting civil rights violations and hate crime and we certainly want to make sure that our residents and our members in CONECT are not vulnerable and the Attorney General's Office has the authority it needs to do this work that is so fundamental and important and as has been stated many times, this is not an area that's new to the world of Attorney's General. Many of our neighboring states, many states across the country have this authority vested in the Attorney General's Office and we feel it would be important to be added here or as maybe has been stated, clarified here, that the Attorney General can take these actions. Thank you very much.

REP. STAFSTROM (129TH): Questions from the Committee? Representative Rebimbas.

REP. REBIMBAS (70TH): Thank you, Mr. Chair. Good afternoon. First, I want to take the opportunity obviously to thank you for the work that you do. I know I've had the pleasure of meeting you previously and certainly admire the work that you guys do. The only thing I just wanted to say is I just wanted to make a comment because I'm more into empowering people as opposed to making them feel like there's no recourse. Even without this proposal, because you had indicated that you don’t want these
individuals to be vulnerable, and I just want to make the statement that no individual in the State of Connecticut should feel vulnerable and even if this proposal were not to pass, every individual should still not feel vulnerable and should still pursue any claim that they legitimately may have regarding anything that has had happened to them that they would have a claim to file for so I just want to make the record clear again in that regard. I don’t want people to you know falsely assume that without this, that there's no recourse and again, I understand that this would strengthen or highlight powers that already exist, but I just want to make sure that no one in the State of Connecticut feels vulnerable.

MATT MCDERMOTT: Thank you. I appreciate that and we certainly organize to try to make sure that people feel not isolated, not vulnerable, able to come out of the shadows or come forward with whatever incidents or fears or concerns they may have and make that public to their own congregation, make that public within our organization so that something can be done about it, many times outside of the judicial system altogether. At the same time, I can testify to you that many, many people in our diverse organization and beyond do feel extremely vulnerable at this time whether they're immigrants of all kinds, religious minorities, what have you, and so that's just the reality frankly of the times we live in so we know that there are recourses to take as you pointed out and pointed out before and certainly the Attorney General's Office will not be able to solve all problems, nor should it. We certainly believe this additional authority
for the office to focus on civil rights would be important both in Connecticut and beyond.

REP. REBIMBAS (70TH): Thank you for your testimony. Thank you, Mr. Chairman.

REP. STAFSTROM (129TH): Thank you. Further questions? Seeing none, thanks for being with us Mr. McDermott.

MATT MCDERMOTT: I will submit the testimony of the folks who had to leave in writing and as well as my own.

REP. STAFSTROM (129TH): That would be great.

MATT MCDERMOTT: Thank you.

REP. STAFSTROM (129TH): I think we had previously called Shawn Stokes and received no response. Is Shawn Stokes here? Dave McGuire? I do not see Dave McGuire. Is there anyone else in the public who has not had an opportunity to speak who would like to? Come on up, sir. Just before you get seated, could you just give your name to the folks? They already got it?

TARK AOUADI: Thank you for --

REP. STAFSTROM (129TH): Hold on one second, sir.

TARK AOUADI: Oh, Tark Aouadi.

REP. STAFSTROM (129TH): What is it?


REP. STAFSTROM (129TH): Oh, I'm sorry, I apologize. I thought you were with the CONECT group and that's why I didn’t call it. I apologize about that.
TARK AOUADI: Thanks for taking the time to listen to me. I'm sorry to hold you up today. All praise is due to God whose proper name in the Arabic language is Allah, the one we seek to worship, the one we seek to praise, and the one we seek for forgiveness and to Him is our return. My name is Tark Aouadi. I am the Executive Director of the Council on American Islamic Relations Connecticut. I am a Florida licensed attorney and former civil rights litigator for the Council on American Islamic Relations Florida. Prior to that post, I worked in private practice for over 13 years and I began my legal career after law school working as a contractor for the United States Department of Justice Civil Rights Special Litigation section in Washington, D.C. As you may know, the Council on American Islamic Relations is a grassroots civil rights and advocacy group. CAIR is America's largest Muslim civil liberties organization with regional offices nationwide. CAIR's national headquarters are located on Capitol Hill in Washington, D.C. The statewide offices for CAIR Connecticut are located in the Pratt Street historical district in Hartford. CAIR's vision is to be the leading advocate for justice and mutual understanding and CAIR's mission is to enhance the understanding of Islam, protect civil rights and promote justice and empower American Muslims and all people. In keeping with CAIR's mission of protecting civil rights and promoting justice, we stand against hate and bigotry in all of its forms and welcome and are here today in support of House Bill 7222.

CAIR's national quarterly hate crimes report indicates that anti-Muslim bias incidents and hate
crimes are up 83 percent and 21 percent respectively compared to the first quarter in 2017. The six most frequently targeted groups are African Americans, lesbians, gays, bisexuals, whites, Jews, Latinos and Muslims. Race continued to be the most common category comprising 57 percent of all hate crimes. Hate crimes against Muslims have continued to rise over the past two years as well. Most infamously in Portland a few years ago, there was an attack on some good Samaritans where they died and just yesterday, around the world, there are some people also dying because of hate. But here nationally in 2017, mosques in Victoria, Texas and Fort Pierce, Florida were set on fire by alleged anti-Muslim bigots. This type of activity has not stopped and this year, the mosque in Kansas City was vandalized. As you recall, Kansas City was also the site of a horrible threat of violence to the adherence of Muslim faith in 2016. At that time, members of small extremist groups calling themselves the Crusaders plotted a bombing blood bath at a residential housing complex for Somali Muslim immigrants in Garden City.

These are just parts of the wide range of hate and bigotry that Muslims endure throughout the United States including in our own great State of Connecticut. As we can see from the 2018 Hate Crimes Reports, 2017 rather, Connecticut is not immune to this national phenomenon. In Connecticut, law enforcement agencies reported 111 documented hate crimes to the FBI. Given this upsetting recent spike in hateful incidents, we at CAIR Connecticut must stress the importance of state governed offices, in particular the State Attorney General in taking a strong role in responding to Islamophobia
and all incidents of hate and bias no matter who they're against. House Bill, [bell] give me two more seconds, House Bill 7222 would empower Connecticut's Attorney General to respond the incidents of discrimination and protect rights of all minorities including Muslims, people to live, work and worship freely and without harassment or fear. It would allow to speak clearly against hate and give enforcement authority to the Attorney General in many different ways including pursuing damage and injunctions against people who perpetrate hate crimes.

REP. STAFSTROM (129TH): Thank --

TARK AOUADI: CAIR supports this bill and asks for your support as well. Thank you for your time.

REP. STAFSTROM (129TH): Thank you, sir and thank you for being with us and obviously on what has been a tough day for a number of us for a number of different reasons and so my sincere best to you and to members of your organization today as well.

TARK AOUADI: Thank you, sir.

REP. STAFSTROM (129TH): Questions from the Committee? Seeing none, thanks so much for being with us.

TARK AOUADI: And we also dropped the Judiciary Committee our 2018 Hate Crimes Report on Monday if you want to take a look at it. Thank you so much.

REP. STAFSTROM (129TH): I appreciate that. Anyone else from the public who hasn’t had a chance to speak yet. Seeing none, I will declare this public hearing closed. Thank you all.