



P.O. Box 1785
AVON, CONNECTICUT 06001-1785

October 28, 2013

TASK FORCE ON VICTIM PRIVACY AND THE PUBLIC'S RIGHT TO KNOW
Room 2200
Legislative Office Building
Hartford, Connecticut 06106

Cochairpersons Representative Angel Arce and Don DeCesare and
Distinguished Members of the Task Force:

This letter is the Connecticut Broadcasters Association's response to the request of task force member Chief State's Attorney Kevin Kane for suggestions, as we understood the request, on how sensitive materials concerning crime victims and their families could be made available to the media while protecting the victims and their families from irresponsible persons who would use the materials to further harm the victims and families. After careful consideration, we believe this goal cannot be achieved by denying the general public's right to government-created documents or evidence gathered by government concerning public incidents.

Such information is created or gathered at the taxpayers' expense and consequently is ultimately owned by the public. For any government official to be given the power to decide who is worthy to receive this information would be paternalistic at best and arrogant at worst, effectively giving such official the power to censor and conceal. To do so therefore would be contrary to the established principles of American democracy generally and the Bill of Rights of the U.S. Constitution and the Declaration of Rights of the Connecticut Constitution in particular.

Article First, Declaration of Rights, Section 2 of the Connecticut Constitution states, "All political power is inherent in the people, and all free governments are founded on their authority" This fundamental right cannot be exercised fully and competently if the government can prevent the public from scrutinizing its performance.

It has been argued during the task force's inquiry, for example, that crime scene photographs are private documents, but government-created documents depicting or describing public incidents, particularly those that take place in public places, are government documents, not private and the facts about those incidents are in the public domain. It is incorrect to compare them to, for example, tax returns (which are prepared by the taxpayers who file them, not the government) or burial caskets or private funerals on private property, none of which belong to the public. The limited exceptions we can see to holding back from the public government documents or government-gathered evidence are when such information falls within strictly-interpreted, well-established bounds of attorney-client privilege or constitutes the thoughts, analysis, speculations and strategy—but not evidence—of law enforcement engaged in active investigations.

We recognize the pain of victims of violent crimes and their families, though those who have not suffered similarly cannot adequately grasp its enormity. Unfortunately, there is no way to erase the pain and undo the crimes, whether they are the notorious atrocity inflicted at Newtown or any other crime. All government and society can do is seek justice for them. Further, to assure that this is done, the public's right to monitor and criticize its government's performance of its duties cannot be hindered.

As in any area of human endeavor, we acknowledge that there will be some who would abuse this fundamental right of the public. The way to deal with such persons is to find appropriate means to deter them from inflicting further illegal injury on victims and their families and to penalize them when they are not deterred.

We would be pleased to discuss this issue further at any length and in any detail the task force might wish.

Respectfully submitted,

CONNECTICUT BROADCASTERS ASSOCIATION

BY


Michael P. Ryan
PRESIDENT