

Legislative History for Connecticut Act

HB 8247	PA 122	1973
House - 2288-2361 ?		74
Senate - 1636-1669		34
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LAW/LEGISLATIVE REFERENCE DO NOT REMOVE FROM LIBRARY		130

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HOUSE

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group of people and vote no on this bill.

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MR. SPEAKER:

Will you remark further.

CHARLES R. MATTIES:

Mr. Speaker, I opposed this bill on its first consideration. I oppose it just as vehemently on its second consideration. I won't repeat all of the arguments, excepting to echo Representative Canali's statements. I believe the inequities that exist in this condition were indicated today by the efforts to amend an apparently bad bill. I, therefore, urge its defeat.

WILLIAM P. AMBROGIO:

Mr. Speaker, I rise to oppose amended Substitute H.B. No. 8552. In defense and support of waiters, waitresses, bartenders and restaurant workers, and in my 35 years of building, removing, remodeling, supplying and designing restaurants, I have never seen any segment of labor so maligned and underpaid as these people for like services rendered. My experience also includes owning and operating some ten or twelve restaurants that were repossessed because of inefficient or sloppy operation that, in many cases, were blamed on innocent help such as waitresses. The conditions, hours, and personal abuse that many times has to be tolerated by these people is, by far, more than most people would accept at 5 or even \$10 an hour, or at any price. My experience in these matters could fill many volumes with actual concrete instances that I have seen and known personally of injustices done to reputations by unscrupulous operators in self-protection. This, of course, is by no means a blanket condemnation of all restaurant

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owners, for I am sure that by and large there are many fine restaurant owners, and I am the first to admit and to witness this fact. I personally know and am friendly with very many of them. Now, this bill, if passed, would not hurt the big tip restaurant worker. It would, in effect, hurt only the workers in small restaurants that receive little or no tips, and I remind you that the minimum wage here is \$1.35 per hour. I ask you, or any of you, would you work under those...under the conditions stated for \$10.40 for eight hours? Can you honestly say that a gentleman in some building trade worker, or some other trade, at \$10 for one hour's actual work, is worth as much as another human being's efforts for an eight-hours of the same \$10.40? A whole day's work for the same money that some earn for one hour. Now, I say "no". Few people would work under these conditions. This bill would only hurt the small guy...the little people...the less able person, and I unequivocally oppose it. This bill will hurt the very people that we are elected to represent and protect...the little people...the lowest paid labor in our society...the \$1.35 per hour worker. I urge all of you to support labor, vote this bill under the table and out of the room immediately. Thank you.

WILL MAHONEY:

Mr. Speaker, when this bill first came before the Assembly, I voted for it. But then when reconsideration came about, I was not the victim of the lobby action as indicated by the honorable Representative Ratchford in his statement. I have found some additional research that the union waiters had a built-in 50¢ deduction in their particular contracts. So, this was a piece of

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indicated or directed toward a small minority...a small few, who EFR
desparately need it, and today I stand opposed to this bill, and I
will vote so when it comes before the Assembly.

ROBERT J. VICINO:

Mr. Speaker, yesterday we spent a great deal of time on
an amendment that had to do with reducing the price paid for a
member of a commission from \$75 to \$50 a day, and here we are today
quibbling about literally nickels and dimes, and I ask this Assem-
bly to keep in mind the nature of the work performed by waitresses
and waiters. It's a very grueling...many times dirty...hard...and
in some cases, they are harrassed, and, in fact, I'd like to think
of the time that a waitress mentioned to me that she had many
customers who, for the time she waited on them, thought that she
was in bondage to them for the course of that meal. Please keep
in mind the nature of the work...the occupational hazards, if I
may use that term, and vote against this bill. Thank you, Mr.
Speaker.

JOSEPH M. PUGLIESE:

Mr. Speaker, the body may recall that it was my motion
that caused reconsideration of this measure. I asked the recon-
sideration because I felt that at the time we may have overlooked
something that we should have taken into account and that a second
look would be worthwhile. Upon taking that second look, I must say
that while I think that there may be some benefit to passage of
this bill to some people, I think there may also be some lack of
benefits to other people. I, therefore, will again vote "no" on
the bill.

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MR. SPEAKER:

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Will you remark further on passage amended by House Amendment Schedule "A". Gentleman from the 95th, for the second time.

WILLIAM P. AMBROGIO:

I would like to commend the previous speaker for his forthrightness and thank him. I think that we should get on with the vote.

JOHN G. MATTHEWS:

Mr. Speaker, I rise, Mr. Speaker, the second time to comment that Representative Ratchford indicated that in the last session we made an adjustment in the gratuity allowance, and I respectfully comment to him that while it was passed, I believe, by both Houses, in some manner, through a technicality, it didn't ...it was never given to the restaurant business. I mention that, sir, not to...for any reason except to correct the fact that the restaurant owners have not had a change in their amount for some time. Now, I would like, also, to mention that 32½% amendment, which we now have agreed to, will not change the \$1.35 minimum for at least until after the minimum wage, Federal or State, goes above \$2.00, and it seems to me that there is some real justification with the manner in which the costs for operating restaurants and things related to it are involved that a 32½% increase would be justified. And I'd like also to remind you that the minimum wage for the people who are not involved in this is not a \$1.35. It's a \$1.85. Those people who are not involved in a tipping situation and do not sign a contract, they get a \$1.85, plus the tips.

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I sincerely feel that we owe the restaurant peoples some minor consideration, and I think that this 32½% does provide that for them.

M. JAMES CANALI:

Mr. Speaker, for the second time.

MR. SPEAKER:

Will you remark further on House Amendment...on the bill as adopted by House Amendment Schedule "A".

M. JAMES CANALI:

For the second time, Mr. Speaker. Mr. Speaker, I would remind this Assembly that we are speaking about a minimum wage...a minimum wage that is an integral part of the overall income of the people that we are discussing. It is the aggregate of this minimum wage, and their tips, that gives them a living wage and enables them to remain independent persons. Now, the amount of income that these people receive, by and large, is not that great and is generally marginal by our present standards. So I would ask that you bear in mind that every nickel of that minimum wage is a significant amount of money to the people that we are discussing.

MR. SPEAKER:

Will you remark further.

EDWARD F. DONOVAN:

Mr. Speaker, I rise in opposition to this bill. I voted in opposition to this when it first was brought up. I still will vote against it. This bill only hurts the people who can least afford to be hurt. Thank you, Mr. Speaker.

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MR. SPEAKER:

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Will you remark further.

NATALIE RAPOPORT:

Mr. Speaker, I'd like the Members of the House to consider something further that I don't believe has been mentioned today or in further previous testimony about the bill. Many of our waitresses, waiter, bus boys, etc. depend on the season, the weather, and holidays. They depend upon the people who come into their restaurant at these occasions. Furthermore, during the rest of the year, when there is no holiday, when there are no beautiful days and the weather can be very bad, they are on a part-time employment basis. Many times their salary is dependent only on their appearing in the restaurant and keeping the restaurant open for the restauranteer. I think they deserve our consideration, and I heartily oppose this bill.

MR. SPEAKER:

Will you remark further. If not, if all Members would please take their seats, non-Members come to the well, the machine will be opened. Has everyone voted? The machine will be closed, and the Clerk please take a tally.

MARY B. GRISWOLD:

I meant to vote "no". Could you register my vote as "no".

MR. SPEAKER:

The lady from the 98th voting in the affirmative wishes to change her vote and be recorded in the negative. The gentleman from the 75th, I assume it's the same vote.

WILLIAM J. SCULLY, JR.:

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I thought I was voting on my amendment before.

MR. SPEAKER:

I think that was defeated a while ago.

WILLIAM J. SCULLY, JR.:

So I realize.

MR. SPEAKER:

The gentleman from the 75th, shown as having voted in the affirmative, wishes to be recorded in the negative.

THE CLERK:

Total number voting - 134. Necessary for passage - 68. Those voting yea - 34. Those voting nay-100. Those absent and not voting - 17.

MR. SPEAKER:

The bill is rejected.

AUDREY BECK:

Mr. Speaker, I borrowed Representative Leon Hermanowski's files, and since the moment I borrowed them, they have disappeared, and I just wonder if anybody finds them, I would be very grateful. He sits in Seat 148, and I believe his name is still on the files. It's in a dark cover. Thank you very much.

MR. SPEAKER:

The gentleman from the 70th have his files?

BERNARD L. AVCOLLIE:

No. I think it's a point of parliamentary inquiry. Yesterday, Representative Fuse, from the 132nd, I think, and myself, filed a pairing slip indicating that we would be absent from

the House on and after 5 P.M. It was our intention, Mr. Speaker, to have the Journal indicate that we wishes to be paired for every item that was taken up after that time. We find, in checking the Journal, that we are only paired for the bill which was under discussion on that occasion. Recognizing that we perhaps have missed the rule that the Chair has set down, we would respectfully request that the Journal indicate today that we were, in fact, paired for every bill voted on by roll call on and after 5 P.M. yesterday.

MR. SPEAKER:

The Journal will so reflect the gentleman from the 132nd and the gentleman from the 70th's pair was on each and every roll call for the balance of the session after 5 P.M. yesterday.

BERNARD L. AVCOLLIE:

Thank you, Mr. Speaker.

MR. SPEAKER:

The Clerk please return to the Calendar.

THE CLERK:

On Page 5, Calendar No. 200, File No. 197, Substitute for H.B. No. 8247, an Act concerning the establishment of a Division of Criminal Justice in the Judicial Department. Favorable report of the Committee on Appropriations.

JAMES F. BINGHAM:

Mr. Speaker, I move acceptance and passage of the Joint Committee's favorable report.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

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JAMES F. BINGHAM:

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Mr. Speaker, the Clerk is in possession of an Amendment.

MR. SPEAKER:

The Clerk please read House Amendment Schedule "A".

THE CLERK:

House Amendment Schedule "A", offered by Representative Ajello. In Lines 10 and 11, delete the words, "Judicial Department" and insert in lieu thereof the words, "the Office of the Attorney General". Strike out Lines 40 to 44, inclusive. In Line 45 strike out the words "submitted by the Governor" and insert in lieu thereof "the Attorney General shall appoint a Chief State's Attorney and".

MR. SPEAKER:

The gentleman from the 104th, on House Amendment Schedule "A".

CARL R. AJELLO:

Yes, sir. I move adoption of House Amendment Schedule "A", sir.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "A". Will you remark.

CARL R. AJELLO:

Yes. Mr. Speaker, the amendment is extremely simple. It's addressed to the file copy. I'm aware of the proposed amendments which will be offered later this afternoon to the same bill, which will also make substantial changes in the appointing authority, and if I may anticipate those, it's my expectation that those

amendments will seek to place the appointing authority with the Chief Justice of the Supreme Court among other items of that amendment. This particular amendment would do something that has been an item in the platform of the Democratic Party for some period of time and that is to create this Judicial Department...this new and special Department...within the office of the Attorney General. It is our opinion, and a considered opinion, that the more independent of the Judiciary that this proposed new office can be made, the more effectively it will function, the more useful it will be to the citizens of the State. I think, for a variety of reasons, that the use of the Judges, be they be Supreme Court Judges or Superior Court Judges, does not enhance the operation as a matter of administration of this kind of office. The purposes for which the creation of the office has been sought for a long period of time have been, as I understand them, to give meaning, coordination and an overall relationship among the various State's Attorneys, in particular, and all of the prosecutorial, if that's a word, offices of the Court systems of the State of Connecticut. The purpose of this is quite laudible. The means of accomplishing it, I think, is both complicated and not well agreed upon. By placing it with the Attorney General you have the appointing power and all of the other powers which are vast, indeed, centralized in the office of one who is elected by the people of the State and, therefore, responsive to the electorate. We should always bear in mind, it seems to me, that the Courts of the State of Connecticut are a tool for the use and service of the citizens of the State of Connecticut. We, and particularly, perhaps, those of us who are

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lawyers, sometimes tend to think of the Courts in a different light and in somewhat an unrealistic way. So that by having the functions more and more responsive directly to the people, certainly the Judges are not necessarily, since they are appointed posts, we can at least insure that whatever public opinion and pressure is brought to bear on the Court system and the administration, in particular, of the prosecuting functions, will be reflected through the office of the Attorney General to the Chief Prosecutor. Without going into the merits at this point, at least, of the position of Chief Prosecutor, all of the reasons for it, I think that the system proposed by this amendment is the best in a rather imperfect set of circumstances with all of the Constitutional and attendant questions. Certainly no question in my mind and the mind of many others, and perhaps even some of our colleagues on the other side of the aisle, that for a variety of reasons, all of which we may not agree on, the Governor should not have this appointing authority. My reasons might be more extensive than theirs, but I submit that the best place for it, under all circumstances, is with the Attorney General, and that's simply what this amendment purports to do.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A".

JAMES F. BINGHAM:

Mr. Speaker, I oppose the amendment. What the Minority Leader is proposing is that, first of all, we violate the Constitution of the State of Connecticut, and, secondly, that the office or the functions of the prosecutorial services in the State of

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Connecticut should follow the elections. Now, I would like to re-
 ply to the respective Minority Leader on the question of law.
 Since Colonial times, and Connecticut is unique in this respect,
 the Judges of the Superior Court have had the appointing authority
 of the various County Attorneys, as they were called before, and
 they are now called State's Attorneys. On the adoption of the
 Constitution of 1818, the Judicial Department acquired that power
 which it had prior to the adoption of the Constitution of 1818,
 and with this acquirement of power, they retained and kept as one
 of the grants of power to the Judicial Department the appointing
 of State's Attorneys for the various Counties. The Judiciary Com-
 mittee, for years, has labored over this problem as to the Consti-
 tutionality of it. This year we felt that we had arrived at a
 compromise, which is not unusual in Constitutional law, whereby
 two departments will cooperate for the exercise of a Constitution-
 al power. When the bill was originally brought from Committee, the
 bill read that the Governor shall submit five names and the Chief
 Justice shall appoint. Subsequently, thereto, and after confer-
 ences with the Judicial Department, it was clear that the Judicial
 Department felt that this method of appointing was un-Constitution-
 al. Now, Mr. Speaker, the Governor, and this side of the aisle,
 do not wish a confrontation with the Judicial Department, because
 we want a Chief State's Attorney. We have promised the people of
 the State of Connecticut that we will centralize the functions of
 the prosecutorial services and that we will make more efficient
 the functions of the prosecutorial services, and we will do it in
 a Constitutional manner. I cite, as authority for our proposition,

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the case of Mobil Oil Corporation against the Attorney General, Mr. Killian, wherein the case states that the Attorney General cannot be empowered to prosecute a criminal statute, because he is an Executive Office of the State and not a member of the judicial structure, as is a State's Attorney, who, alone, has that power. Citing Connecticut Constitution's Articles 24, Section 1: "The Attorney General's duties do not encompass the criminal section," and, in effect, expressly exclude criminal jurisdiction, citing the famous case of Adams against Rubinow. There can be little doubt in Connecticut that historically the prosecution of crime has always been within the province of the State's Attorney appointed by a judicial officer. Now, for practical reasons, other than Constitutional reasons, Mr. Speaker, Connecticut, in my opinion, enjoys one of the finest prosecutorial systems in the whole United States. We have never, since Colonial times, had a scandal, or a State's Attorney who had been accused of improper conduct. Let's look at our surrounding states. Most of the states in the Union elect their District Attorneys. One need just go to the State line in New York State to find out that the District Attorney's offices in New York State are rampant with undue influence. In the State of New Jersey, the District Attorney's offices are rampant with undue influence. And if one should go to the State of Louisiana, you would have a whole volume to indicate to the people of the State of Connecticut that is not the way we wish to have our District Attorneys operate in this State. If we have an appointing system, which the Minority Leader suggests the appointment of the various State's Attorneys would certainly follow the

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elections, and that, also, would not be a proper procedure. I, myself, Mr. Speaker, have amended my thinking somewhat on the subject, and I think that under this bill as proposed by the Judiciary Committee we will have the most unique system in the United States and the most perfect system in the United States. The system will be shielded from undue influence, from political influence, by the Judicial Department, which it should be. Mr. Speaker, heartily oppose the amendment proposed by Mr. Ajello.

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MR. SPEAKER:

Will you remark further on House Amendment Schedule "A".

CARL R. AJELLO:

Mr. Speaker, just a couple of points that I think should be made clear. In my reading of the Constitution, I don't find the words "State's Attorney" mentioned any place. The separation of powers argument applies to the Judicial Department. While it's true that there's not any unanimity of thinking as to whether or not State's Attorneys are part of the Judicial Department, I submit that it's a self-defeating argument to say here where you're trying to create a separate department that they are, indeed, part of the Judicial Department. I think what we seek is to have an independent and therefore more effective branch for the State's Attorneys, and the argument, Mr. Speaker, that the Supreme Court has said this or that about what the statutes say also doesn't hold very much weight when you consider that we are given the responsibility under that very Constitution to give to the Supreme Court what the laws of the State shall be. They will interpret them as they see fit in their wisdom, but it's our

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responsibility to make these systems and to set them up here. I would also point out that the argument that this system has functioned so well for these many years in Connecticut, it seems to me, and I agree wholeheartedly with that. I think that the State's Attorneys, by and large, have done a marvelous job. It seems to me that that's a good argument for doing nothing at all in this area, and letting them continue to do a marvelous and effective job. I'm not sure that we need to do this in the first place, but I was trying not to talk about the merits of the bill as such but only a very narrow point of where the appointing authority should come from, so that I see nothing, and I defy anybody in the room, at this point, to show me the words in the Constitution that say anything about State's Attorneys or their appointment, or, indeed, the word "prosecutor", or anything that can be fairly construed as that. They are not, necessarily, and do not need to be in the State of Connecticut a part of the judicial system...part and parcel as the eventual outcome of this bill would have it. I submit, again, that it makes more sense from every standpoint, if we are to have such an office at all, and I don't admit, at this point in the discussion that it is necessary, or even desirable, then it should be within a department headed by someone whose appointing authority is directly responsive to the people, because he is an elected official of the State government. He must appear himself before the electorate and be chosen as to whether or not they deem his activities to be worthy of return to office, and whether or not he's the kind of man that has the kind of stature and confidence to be appointing someone who will have the vast powers

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that will reside in the office of the Chief State's Attorney. If any of you have looked at the bill, and the responsibilities, duties, and authority of this office, it is a vast and sweeping grant of powers...one which brings the word "tsar" immediately to mind and that may become an overworked expression in this session of the General Assembly. So I think that there are very good reasons and that the arguments about the Constitution, while they may be intriguing and interesting intellectually, are not necessarily based in fact and that is not a good reason for opposing this particular amendment.

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MR. SPEAKER:

Will you remark further, the gentleman from the 147th, for the second time.

JAMES F. BINGHAM:

Mr. Speaker, briefly, I point to Article Second, which states that the power of government shall be divided into three departments and each of them confided into a separate magistracy... Executive, Judicial and Legislative. Now, there is no argument... there's no room for doubt...as to how the Judicial Department is going to decide this. I point, briefly, to the case of Adams against Rubinow, and one would not have to read that case but just in a cursory manner to know that the Judicial Department, if we put the prosecutorial services in the Department of the Attorney General, they will hold it un-Constitutional. Further, I point to the case of Mobil Oil against the Attorney General. Now, Mr. Speaker, I feel we should stand on the Constitution, and I feel we must stand on the Constitution, and in this way we will get a Chief State's Attorney to perform his duties and to fight organized

crime. We don't want a confrontation. We want a Chief State's Attorney's office. EFR

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A".

THOMAS H. DOOLEY:

Mr. Speaker, I'll agree with Representative Bingham that we had a prosecutorial system here in the State of Connecticut of which we can be very proud and which has been free of scandal these many, many decades, and I'll also concede that it has been kept pure with the Judiciary Department of our State in that the State's Attorneys are now appointed by the Judges. But a question, through you, Mr. Speaker, if I may, to the distinguished Chairman of Judiciary Committee.

MR. SPEAKER:

Please proceed.

THOMAS H. DOOLEY:

Representative Bingham, you've expressed some doubt about the Constitutionality of bringing in the Office of the Attorney General relative to the prosecutorial function here in the State, and yet in the bill before me as it stands in my file, which you propose today, I note that the appointment which would be made by the Chief Justice can only come, as I understand it, from a list submitted by the Governor, a member of the Executive branch, and I'd appreciate it if you'd explain how this particular section avoids the Constitutional objection which you raised here today.

JAMES F. BINGHAM:

Yes, Mr. Speaker. Amendment "B" will take care of that question. EFR

MR. SPEAKER:

Will you remark further on House Amendment Schedule "A".

THOMAS H. DOOLEY:

I may, Mr. Speaker, after I hear Amendment "B". Thank you.

SAMUEL S. FREEDMAN:

Mr. Speaker, perhaps more than anyone else in this Chamber I've been long concerned with the appointment process of State's Attorneys and Public Defenders. As one who worked in the system, I have been very much concerned about appearing before the very Judges who appointed me. Nevertheless, Mr. Speaker, taking all things into consideration, I came to the very definite conclusion that regarding the State's Attorneys of the State of Connecticut there really is no better choice, or no better way to go, than what this bill recommends. Our Connecticut system is unique, as has been pointed out. The judges in Connecticut appoint the State's Attorneys. Our neighboring states all have political heads of their Criminal Justice Department, and those of you who look around us now see the spectacle of a District Attorney in New York running for office. That District Attorney, and others like him in other states, a point. Mr. Speaker, our Prosecutors are not and should not be responsive to election results or to election winners, as has been suggested by the distinguished Minority Leader. Responsiveness to elections is the last thing we want in Prosecutors. The states around us have had it, and we have seen

scandal after scandal. We have seen them rock with problems. In Connecticut's over two hundred years of history our Judicial system has not even had the hint of scandal. Nowhere have we ever seen a problem. What sets Connecticut apart from the other states? One thing...the appointment process. Our Prosecutors are not subject to political pressure. They are not responsive to popular opinion, and, therefore, they don't do what they think will make them popular, either with the people or with their leaders. They do what they believe is right. That's the way it's always been in this State. That's the way it should be. Historically, Mr. Speaker, the Attorney General in Connecticut has never had any criminal jurisdiction. Our Criminal Justice Sub-Committee discussed this at length with judges, with State's Attorneys, and with Prosecutors. We got many informal opinions and came up with the absolute conclusion, and it was an unanimous conclusion, that to put this under the State's Attorney General would absolutely be an un-Constitutional act, and it is not our responsibility, in this Chamber, to make patently un-Constitutional laws. There is no doubt in my mind that the Adams vs. Rubinow case would control, and that we can go no other way.

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MR. SPEAKER:

Will you remark further on adoption of House Amendment Schedule "A". The gentleman from the 104th. Does the gentleman wish unanimous consent to speak for the third time?

CARL R. AJELLO:

I hadn't planned to speak, sir, but to make a motion.

MR. SPEAKER:

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Is there objection to the gentleman from the 104th speaking for the third time on House Amendment Schedule "A".

CARL R. AJELLO:

Respectfully, I don't intend to speak. I just would like to move that when the vote is taken, it be taken by roll call.

MR. SPEAKER:

Motion for a roll call vote. All those in favor indicate by saying "aye". Necessary 20% having indicated a desire for a roll call, a roll call will be ordered. The Clerk please announce it. All members please take their seats, non-Members come to the well. Question is on adoption of House Amendment Schedule "A", offered by the gentleman from the 104th. The Chamber please come to order. We'll proceed with the vote. If all Members would please take their seats, we'll be able to proceed with the vote. The machine will be opened. Has everyone voted? The machine will be closed, and the Clerk please take a tally.

THE CLERK:

Total number voting - 143. Necessary for adoption - 72. Those voting yea - 53. Those voting nay - 90. Those absent and not voting - 8.

MR. SPEAKER:

Amendment is rejected. Clerk please call House Amendment Schedule "B".

THE CLERK:

House Amendment Schedule "B", offered by Representative Bingham.

JAMES F. BINGHAM:

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Mr. Speaker, would the Clerk please read the amendment. EFR

THE CLERK:

In Section 4, Lines 40 and 41, strike out "from a list of five persons submitted to him by the Governor"; Lines 44 and 45, strike out ",from a list of five persons so submitted by the Governor,"; strike out Lines 62 to 64, inclusive, and insert in lieu thereof "shall be filled by appointment by the Chief Justice for the balance of the vacated term. The judges of the Superior".

JAMES F. BINGHAM:

Mr. Speaker, I move acceptance of Amendment "B".

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "B".
Will you remark.

JAMES F. BINGHAM:

Yes, Mr. Speaker. Mr. Speaker, to recapitulate the history of the origin of this amendment, after drafting the bill there was a conference with the Chief Justice and the Governor of the State whereupon the arguments which I recently enunciated were set forth. And the Governor then communicated to the Judiciary Committee and requested that Section 4 be amended to require the Chief Justice to select the Chief State's Attorney singly. The Governor stated that his main concern is that the legislation provide Connecticut with the strongest and most efficient crime-fighting force possible. I think making the Chief Justice the sole appointing authority will help to achieve that goal. The tradition in our State stemming from Colonial times is for the power to appoint State's Attorneys to be allowed solely in the Judicial branch of

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government. I think we should continue this tradition. It insu- EFR
lates the State's Attorneys from politics and assures us that our
law enforcement efforts are operating without hindrance. I hope
the necessary amendments can be drafted and passed quickly. Now,
Mr. Speaker, I will not try the minds of those here, as the argu-
ments have been set forth already. What this amendment does is to
direct that the Chief Justice of the State of Connecticut to ap-
point a Chief State's Attorney and a Deputy Chief State's Attorney,
which will create a Division of Criminal Justice within the Judi-
cial Department. I move acceptance of the amendment, Mr. Speaker.

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "B".
Will you remark.

JAMES J. KENNELLY:

Mr. Speaker, I rise in support of this amendment. With-
out this amendment Section 4, in my judgement, would have serious
Constitutional defects. I refer the article...Constitution Arti-
cle 2...separation of powers that the distinguished Chairman of
the Committee alluded to in debate on House "A". I'd further ob-
serve that this would eliminate any possible suggestion that poli-
tical considerations were being entered into in connection with
the list of names to be forwarded by any Governor of this State.
I think this improves the bill. I will reserve the right to dis-
cuss the merits or the need, indeed the necessity, or appropriate-
ness, of the fundamental purposes of the bill further in the de-
bate, but this amendment should be supported.

MR. SPEAKER:

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Will you remark further on adoption of House Amendment EFR Schedule "B". If not, all those in favor indicate by saying "aye". Those opposed. Amendment is adopted. The Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "C", offered by Representative Bingham.

JAMES F. BINGHAM:

Mr. Speaker, would the Clerk please read the amendment.

THE CLERK:

In Section 6, Line 318 ("30" and insert "31").

JAMES F. BINGHAM:

Yes, Mr. Speaker. This amendment increases the salary group for a Prosecuting Attorney from 30 to 31, which will permit a Prosecuting Attorney in the Circuit Court to receive the same salary as a full-time Assistant State's Attorney. Mr. Speaker, this is a laudible amendment. We, in the Committee, have felt that there are many full-time Prosecuting Attorneys in the system who have done an excellent job. However, they have always been kept below the rank of an Assistant State's Attorney or a State's Attorney, and we do not feel that is proper. We feel that in order to attract good qualified Prosecuting Attorneys in the Circuit Court and to have those Prosecuting Attorneys remain in the system, and they should remain in the system, and we want to attract them to the system, so they will stay in the system, it is necessary to pay them on a comparable basis with the State's Attorney's office. I move the acceptance of this amendment, Mr. Speaker.

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MR. SPEAKER:

Question is on adoption of House Amendment Schedule "C".

WILLIAM A. O'NEILL:

Mr. Speaker, through you, a question to the proponent of the amendment.

MR. SPEAKER:

Please proceed.

WILLIAM A. O'NEILL:

In changing this salary schedule from 30 to 31, how many dollars are we talking about?

JAMES F. BINGHAM:

Yes, Mr. Speaker. Group 30 runs from \$19,126 to \$23,578 in seven steps, and Group 31 from \$19,933 to \$24,517 in seven steps. We are talking in round terms, Mr. Speaker, of an increase of a thousand dollars per Prosecuting Attorney per year.

WILLIAM A. O'NEILL:

Through you, Mr. Speaker, if that be the case, how many Prosecuting Attorneys are we talking of?

JAMES F. BINGHAM:

Eighteen.

WILLIAM A. O'NEILL:

Yes, Mr. Speaker. Speaking against this particular amendment, it seems to me when this bill came out of the Appropriations Committee with a real no idea of budget figure attached to it, the closest estimate that I could get at the time from the Office of Legislative Research was approximately \$298,000, and that was strictly a guesstimation, and that was no including office

EFR

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space, or things of that equipment that will be needed by this Department, and we are now increasing, on the floor of the House, this bill by an additional \$18,000, if this amendment was adopted. And, sir, if the amendment is adopted, then I would have to refer this bill to go back to the Appropriations Committee to find out some final terminology as far as the cost figure is concerned.

JAMES F. BINGHAM:

Mr. Speaker, amendment "C" will reduce, and I'm anticipating an amendment, Mr. Speaker, part-time State's Attorneys by \$5,000 each State's Attorney. This is not an increase in money, and I do not necessarily think that all 18 Circuits will increase by one thousand dollars each. The second amendment, Amendment "C", is going to reduce the amount received by part-time State's Attorneys \$5,000 each...will be a reduction of \$15,000. Mr. Speaker, the argument against this amendment is not well-taken. This will ...is not an Appropriations matter.

WILLIAM A. O'NEILL:

Through you, Mr. Speaker, it seems to me that under the Constitution of the State of Connecticut and the charge that this General Assembly has, anything to do with finances in the State of Connecticut does and become an Appropriations matter and certainly this is a financial figure you're talking about here. So as far as the arguments for arguments' sake, I think that the distinguished Chairman is entirely wrong. Now, if he does have an amendment "C" that's going to be offered, so that in (inaudible) there is no dollar change from the dollars we really don't know, then his argument is valid. But we're talking approximately an

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\$18,000 increase, then I don't think his argument is valid whatsoever, because we are talking about eighteen additional thousand dollars. EFR

JAMES F. BINGHAM:

There is amendment "C", Mr. Speaker, which will be offered.

MR. SPEAKER:

Amendment "D".

JAMES F. BINGHAM:

"D". I'm sorry.

WILLIAM A. O'NEILL:

I will hold my further remarks until Amendment "D" is offered.

MR. SPEAKER:

Will you remark further on House Amendment Schedule "C".

GEORGE W. HANNON, JR.:

Mr. Speaker, a question through you, sir, to the distinguished Chairman of the Judiciary Committee. Were these same people who are now under Amendment "C" going to be given raises given raises last year?

JAMES F. BINGHAM:

I'm sorry, Mr. Speaker, I didn't hear the question.

MR. SPEAKER:

Will the gentleman from the 10th please repeat the question, please.

GEORGE W. HANNON, JR.:

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Were these same Prosecuting Attorneys, who are included EFR
in this amendment to be given raises, given raises last year by
this General Assembly?

JAMES F. BINGHAM:

They are permitted to be given. They are not going to
as a matter of course be given these raises. This salary schedule
is set by the Judicial Department.

GEORGE W. HANNON, JR.:

Let me rephrase the question, Mr. Speaker, through you.
With the inclusion of the general increase in Judicial salaries
voted on by the 1972 Session of the General Assembly, were these
same gentlemen included in a general Judicial increase in salaries?

JAMES F. BINGHAM:

Yes.

GEORGE W. HANNON, JR.:

Were those salary increases not the results of many
months of deliberation by a statutory committee committed to re-
view Executive, Judicial and Legislative salaries?

JAMES F. BINGHAM:

Yes.

GEORGE W. HANNON, JR.:

Is amendment "C" the fruits of that committee?

JAMES F. BINGHAM:

Amendment "C" is the fruit of the deliberations of the
Judiciary Committee.

GEORGE W. HANNON, JR.:

This body is then to understand, through you, Mr.

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Speaker, that the monies involved in Amendment "C" have not, in any EFR way, shape, or form, gone to the statutory authority on Executive, Judicial and Legislative pay increases which was adopted by the 1971 Session of the General Assembly. Is that correct?

JAMES F. BINGHAM:

Mr. Speaker.
No, and they need not be./ Yes, Mr. Speaker.

GEORGE W. HANNON, JR.:

I didn't...Mr. Speaker, point of order, sir. I didn't know that I asked another question that needed to be commented on, and I wondered if I still had the floor.

MR. SPEAKER:

The gentleman from the 10th still has the floor if he wishes to proceed.

GEORGE W. HANNON, JR.:

It seems odd to me, Mr. Speaker, that this General Assembly, in its wisdom, in following the advice of many other of its sister states in the United States, would form a commission of blue-ribbon, first-class taxpaying citizens of the State of Connecticut, the likes of which would be the Chairman of the Board of Directors of the Aetna Life, and such others, and say to that Commission, "Completely review, ladies and gentlemen of the Commission, the Governor's salary all the way on down the Executive branch of government, the Judicial salaries from the Chief Justice of the Supreme Court all the way on down to the lowest of the employees in the Circuit Court, and the General Assembly...the Legislative branch of government. Come back with your recommendations to this General Assembly on a biennial basis", and they did, and

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this General Assembly, in its wisdom, made some modifications to those recommendations and voted as late as twelve months ago salary increases for the Judicial branch of government, including the very gentlemen who are to come under Schedule "C", and that the gentleman from...the Chairman of the Judiciary Committee could say they need not...these new salaries increase need not. Now, I think that's kind of fish or fowl. They either go to the Commission on salaries, or they don't, and I wonder, sir, through you, why, in this instance, the gentleman from the Judiciary Committee thinks that the Commission on Executive, Judicial and Legislative Salaries should be by-passed?

JAMES F. BINGHAM:

Mr. Speaker, this is a meat-less week. I'll take fish and withdraw the amendment.

GEORGE W. HANNON, JR.:

I hope, sir, I haven't provoked that withdrawal.

MR. SPEAKER:

The gentleman from the 10th should hope he provoked it. House Amendment Schedule "C" is withdrawn. Would the Clerk please call the next amendment.

THE CLERK:

House Amendment Schedule "D", offered by Representative Bingham.

JAMES F. BINGHAM:

Yes, Mr. Speaker. Schedule "D". Would the Clerk please read the amendment.

THE CLERK:

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In Section 4, Line 5, bracket "five" and insert "ten".

EFR

JAMES F. BINGHAM:

In Section 4.

JAMES J. KENNELLY:

Mr. Speaker, would the Clerk please re-read.

THE CLERK:

In Section 4, Line 5, bracket "five" and insert "ten".

JAMES J. KENNELLY:

Mr. Speaker, there is no line 5. Thank you, Mr. Speaker. In Section 4, there is no Line 5.

JAMES F. BINGHAM:

It's in Section 6, Mr. Speaker.

MR. SPEAKER:

The gentleman offering the amendment please come to the well for a moment in order to ... The House stand at ease for a moment while the gentleman tries to correlate the Section numbers on the bill file with the amendment.

JAMES F. BINGHAM:

Mr. Speaker, the amendment refers to Section 4. It should refer to Section 4, Line 108. However, I'll withdraw that amendment, too, Mr. Speaker.

MR. SPEAKER:

House Amendment Schedule "D" has been withdrawn by the gentleman from the 147th.

THE CLERK:

House Amendment Schedule "E", offered by Representative Post.

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RUSSELL LEE POST, JR.:

EFR

Mr. Speaker, I'd like to move the adoption of Amendment "E".

MR. SPEAKER:

Question is on adoption of House Amendment Schedule "E". Will you remark.

RUSSELL LEE POST, JR.:

May I be permitted to summarize, Mr. Speaker?

MR. SPEAKER:

Is there objection to the gentleman summarizing House Amendment Schedule "E"? Without objection, please proceed.

RUSSELL LEE POST, JR.:

Thank you, Mr. Speaker. This amendment has to do with the criteria for certain persons included under this Act...the Chief State's Attorney, the Deputy Chief State's Attorney, the State's Attorney, and Assistant State's Attorney, and the Prosecutors in the Circuit Court. The amendment that I am offering would delete the prerequisites, or requirements, that are built into the Act. And I offer this as a matter of policy. It seems to me that what we want to accomplish is the selection...

THE DEPUTY SPEAKER IN THE CHAIR

MR. SPEAKER:

The Chair would ask that the gentlemen in the well here of the House to keep it down low and whisper, and give your courtesy to the gentleman speaking. The Chair repeats would you please be quiet down here in the lower part of the House and give your courtesy to the gentleman, Representative Post.

CARL R. AJELLO:

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Mr. Speaker, I'd like either to have the Clerk read the amendment or...or to have an opportunity...we haven't had an opportunity to look at this, and it's very difficult to listen to an explanation of the merits on it at the same time as trying to figure out what it is. I didn't mean to interrupt the gentleman, but his explanation, or his summary, was quite general, and it's only about four lines long, so I think it would do a service if he would read it.

MR. SPEAKER:

Would the Clerk please read amendment "E".

THE CLERK:

In Section 4, Lines 49 through 51, delete the sentence, "Said Deputy Chief State's Attorney shall have been a Prosecuting Attorney in the Circuit Court." In Line 190, insert a period after the word "attorney-at-law" and delete the remainder of the sentence. In Section 6, Line 295, delete the phrase, "for at least three years".

RUSSELL LEE POST, JR.:

Mr. Speaker, the intent of this I was just beginning to try and summarize would be to remove the prerequisites, or requirements, that the Deputy Chief necessarily have been a Prosecuting Attorney in the Circuit Court and to delete the requirement that each of the other persons mentioned, the Deputy, or the State's Attorney, of the Assistant State's Attorney, or the Prosecutors in the Circuit Court necessarily have practiced for three years. I offer this not because I'm encouraging the selection of people who have served less than three years, and not because I'm

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anxious to see the Deputy Chief be a person who has not been a Prosecutor. Rather I offer it as a matter of policy. I offer it because we have two choices...to try and prejudge the qualifications of various people for these positions and other positions in State service or to rely on the appointing authority and his selection of the best possible competent people. These provisions in this bill would exclude certain people from consideration. I think it excludes them unnecessarily. I think the time may come when there would be a person who would be, in all of our opinions, well-qualified and competent to hold any of these positions. I would like to have the appointing authority have the authority to select from among the broadest possible pool. Therefore, I would like to suggest that we delete the arbitrary prerequisites and put our faith and reliance on the appointing authority in each of these cases, and, therefore, I move this amendment. Thank you, Mr. Speaker.

JAMES J. KENNELLY:

Mr. Speaker, I rise in opposition to this amendment. The first of the three sections of the amendment, which relates to Section 4, Lines 49 through 51 would delete the requirement that the Deputy Chief State's Attorney be an individual who has been a Prosecuting Attorney in the Circuit Court. Now, if one would read the preceding three lines, one will read that the Deputy Chief State's Attorney shall supervise the investigation and prosecution of criminal matters in the Circuit Court. In other words, the very function and purpose of this Deputy Chief State's Attorney suggests that he must have experience...first-hand

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experience...of the entire criminal justice system in the Circuit Court system, and I am sure that this is the very reason why the requirement for the Deputy Chief State's Attorney was such. And, further, as to the second and third aspects of the amendment, which, in effect, would...excuse me...which, in effect, would delete the requirement of at least three years of practice here in the State for these positions of responsibility, I think is totally and singularly inappropriate. After all, Mr. Speaker, the bill purports to not only reorganize the prosecutorial system but presumably to provide the furtherance of the prosecutorial function...experienced and competent people, and I think it's a minimal requirement to expect that anybody who would serve in any of these functions have at least three years of practice in the courts of the State of Connecticut, and I object to the amendment.

ALAN H. NEVAS:

Mr. Speaker, I rise in opposition to the amendment, and I would echo the sentiments of...

MR. SPEAKER:

I think the wastepaper just echoed, too.

ALAN H. NEVAS:

...echo the sentiments expressed by the distinguished Deputy Minority Leader. I think it's clear that the whole intention of this bill is to professionalize and upgrade and to continue in many respects to maintain the high standards of the prosecutorial system in this State and to adopt this amendment would be a step backward. With respect to the three-year requirement, the three-year requirement applies to State's Attorneys and Assistant

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State's Attorneys and in that area we're talking about the prosecution of felonies and very serious crimes, and it would seem that the experience gained in three years of practice by an attorney would be invaluable and would be absolutely necessary to bring him to this high position. With respect to Prosecutors in the Circuit Court, if you will look at Line 295 you will see that the three-year requirement imposed by the Statute applies only to Prosecuting Attorneys in the Circuit Court, which has, it is my understanding, are now the...many of them are full-time, and many of them would be the head, or the Chief Prosecuting Attorney in a particular Circuit. It does not impose...the statute does not impose a three-year requirement with respect to Assistant Prosecuting Attorneys in the Circuit Court, many of whom now serve with a year or two of experience under the supervision of the Prosecuting Attorneys. But I think it's absolutely essential that the Prosecuting Attorneys in the Circuit Court have the three years experience. As a matter of fact, I think in early deliberations by the Judiciary Committee they even considered at one point in time imposing a five-year requirement. So that this amendment, Mr. Speaker, is one that would water down this very important piece of legislation, and it would, in fact, be a step backward. I oppose the amendment.

JAMES F. BINGHAM:

Mr. Speaker, I oppose the amendments...the amendment...for the reasons stated by Representatives Kennelly and Nevas.

JOSEPH S. COATSWORTH:

Mr. Speaker, I rise to oppose this amendment. I think

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the bill as written in regard to qualifications...minimum qualifications for this position...are essential to maintain the quality of this new division, and I think it's a little bit strange that the same people who yesterday thought that minimum qualifications for Executive Director of the Hospital Cost Commission were unnecessary find that they are so necessary today. But I support objective and sensible and at least basic qualifications for a position as sensitive as this one is in the State of Connecticut.

CARL R. AJELLO:

Mr. Speaker, I'm not for the amendment, but there is one point that comes to mind that the Committee might well give its attention to, which is encompassed within the framework of this amendment, at least, and that is that it seems to me that by saying that an individual must have three years' experience as a Prosecutor in the Circuit Court, we're overlooking the fact that there are other courts of other jurisdictions in which people are Prosecutors, being namely the Federal Courts, the old Municipal and City Courts within the State of Connecticut and Military Courts, as well as a variety of others that don't come to mind at the moment, and I know, having served in some of those capacities myself, I'm not a candidate for any of these jobs, but there are well-experienced and capable people in these fields, who might, some day, be available to the State, and it might be wise to be ...for the State to be able to take advantage of that. Otherwise, I certainly oppose the amendment, because experience in these particular fields is vital, let alone desirable.

MR. SPEAKER:

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Any further remarks? If not, the question is on the adoption of Amendment "E". All those in favor signify by saying "aye". Opposed. The amendment is defeated. The Clerk will please call the House Amendment. EFR

THE CLERK:

House Amendment Schedule "F", offered by Representative Post.

RUSSELL LEE POST, JR.:

Mr. Speaker, I would like to move the adoption of this particular amendment and request that I be permitted to summarize.

THE SPEAKER:

I would ask the Clerk to please read the amendment.

JAMES J. KENNELLY:

I object to summarization. I would ask that the Clerk read.

MR. SPEAKER:

I think you should thank the Speaker for reading your mind. The Clerk will please read the amendment, and then the gentleman from the 62nd will attempt to summarize the amendment.

THE CLERK:

In Line 4, delete Line 88...I'm sorry...in Section 4, delete Line 88, and in Line 89, delete "1967". In Line 104, delete the word "or", and insert after the word "appointment" the following, "but shall apply to any such person at the time of". In Line 105, delete the comma...

JAMES J. KENNELLY:

Excuse me, Mr. Speaker. The Members are trying to make

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notes. If the Clerk would proceed at a little slower, it would be appreciated by this individual. EFR

MR. SPEAKER:

The Speaker would ask the Clerk to proceed at a turtle pace.

THE CLERK:

In Line 105, delete the comma and insert a period. In Line 105, delete "at the election of each". In Line 106, delete "such State's Attorney". In Line 143, delete the third word of the line "the", and substitute the word "any". In Line 143, delete the phrase beginning "for the County or District in which such attorney or clerk is engaged", and substitute the phrase "or any Circuit Court".

MR. SPEAKER:

The gentleman from the 62nd may proceed at an antelope's pace.

RUSSELL LEE POST, JR.:

Mr. Speaker, there are two parts to this amendment. Both have to do with the same issue, mainly, the potential problem of a conflict of interest or code of ethics and what is currently provided by way of a grandfather clause. The first part has to do with the State's Attorneys. This bill would provide for a full-time State's Attorney at an annual salary of \$31,000. It also provides currently, in its current form, that any incumbent State's Attorney is not covered by this provision, but could continue to have a private practice in addition to his job as a State's Attorney for which he's being \$31,000 a year. The second

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part of the amendment is the same concept as it applies to part-time Assistant State's Attorneys. Currently, such people...such incumbents...can have a personal criminal law practice in other courts. Mr. Speaker, I suggest that in both cases this is inappropriate, and a full-time State's Attorney, for the compensation of \$31,000, we should expect the full and complete duties, and, in fact, we require that of any person selected after this Act. I suggest the grandfather clause can continue during the current term of any State's Attorney, but when he's up for reappointment at such time these provisions would apply, and he would be expected to devote his full time to the job of State's Attorney and would not carry on a private practice at the same time. As to the second time, it is my opinion that the part-time Assistant State's Attorney should not be permitted to have a private criminal practice in other courts in the State. For one thing, these are Circuit Courts, and the judges circulate. In one week, the part-time State's Attorney may be serving in one court and appear before the same judge a week later in a different part of the State. I think it's inappropriate. I think the people who are serving us as State's Attorneys or Assistant State's Attorneys should not be in a position within a potential conflict, where they're working with the judicial system in different capacities. I think there should be a full-time job for the full-time State's Attorneys and the part-timers should be excluded from a private criminal practice elsewhere in the State. For that reason I move the adoption of this amendment, Mr. Speaker.

JAMES J. KENNELLY:

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Mr. Speaker, I rise in support of this amendment. I think that the gentleman has articulated as explaining the amendment...has articulated the rationale underlying the various aspects of this amendment. I think the gentleman is quite correct. We are entitled to full-time State's Attorney. I think the grandfather clause is a reasonable and realistic approach to those men who are currently in this situation, but I think that they should be put to the posture of determining whether they would become full-time State's Attorneys at the time of their next reappointment or resign. I think the comments in connection with an individual carrying on a private practice in a part-time fashion as a part-time Assistant State's Attorney are extremely well-taken. There's a definite potential^{for}/conflict of interest. I'm not for a minute suggesting that there has been. There certainly is a potential. And, again, I think that if the aspirations underlying the bill are to provide the very soundest prosecutorial approach to criminal law...criminal justice in the State of Connecticut, this amendment should be adopted.

DAVID J. SULLIVAN:

Mr. Speaker, I rise to oppose the amendment. While, on the surface, there may be elements of it that are very attractive, we must remember, as we have been told earlier during the course of this debate, that we are making sweeping revisions in the prosecutorial system of this state. Under the system as it has operated during recent...during our past history...there are many people in it...extremely able and capable people...who have made a commitment to stay within this system for a good number of years. It

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would pose a considerable problem if we put through this sweeping change without providing for these people and only those people who are in the system now and have served it well to remain in the system until it's time for them to leave. Certainly, for the State to be deprived of their expertise after they have made a sacrifice to stay in the system would be an unnecessary and unwarranted change in the bill the way it's been drawn. Insofar as the question of any conflict of interest is concerned, I would point out that if any of these problems did arise, the appointing authority would have the immediate power to take care of it and would eliminate that problem. We oppose the amendment.

JAMES F. BINGHAM:

Mr. Speaker, I oppose the amendment. The amendment's unnecessarily restrictive. We have many fine part-time assistants, and we have remaining three full-time...three part-time State's Attorneys, and there are checks in this bill. The Judiciary, certainly, in the event of any impropriety, would take care of any impropriety that may arise, and I do not hazard a guess that it will, because it never has arisen in this State. We have provided for grandfather clauses to take care of those men...as many of those men have served this system since the creation of the Circuit Court prosecutorial system, and many much longer than that, and I would not wish to lose, through this very restrictive amendment...very restrictive and myopic amendment...to lose the State's attorneys in one fell swoop...of New London County, Middlesex County, and Hartford County.

CARL R. AJELLO:

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The question to the distinguished Colonel Chairman of the Judiciary Committee, if I may. And that question is whether or not the bill before us eliminates the offices of part-time Assistant State's Attorneys at any point along the line? EFR

MR. SPEAKER:

Would you care to respond?

JAMES F. BINGHAM:

No, it does not.

CARL R. AJELLO:

Thank you. One further question, Mr. Speaker, and that is whether or not, under the bill before us without the amendment, either part-time State's Attorneys or Assistant State's Attorneys, who are not full-time, or, I suppose, assistant to our part-time, would be allowed to practice criminal law in a county or circuit other than that in which they are appointed as Prosecutor State's Attorney, or Assistant, respectively?

JAMES F. BINGHAM:

They would be allowed to practice in adjoining counties, or their partner would be allowed. I know of no State's Attorney, or Assistant State's Attorney who practices criminal law. And they impose a self...restriction upon themselves.

CARL R. AJELLO:

I assume, then, from that answer, Mr. Speaker, and I ask now whether or not an associate, partner, or member, or anybody employed by such Attorney or Assistant State's Attorney, or Prosecutor, or Assistant Prosecutor's firm could practice criminal law in another county or circuit?

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JAMES F. BINGHAM:

Yes, he could.

CARL R. AJELLO:

Thank you, sir. I'd now like to direct a question, through you, sir, to Representative Post, the sponsor of this amendment, and ask him whether or not his amendment would, at any point in the future, prevent the use of Assistant State's Attorneys, who are part-time, in any county?

RUSSELL LEE POST, JR.:

Yes, it would, through you, Mr. Speaker.

CARL R. AJELLO:

Thank you, sir. Mr. Speaker, I rise in support of the amendment. I have some misgivings as to whether or not we should require that all Assistant State's Attorneys be full-time in every county. I think it may be very useful to have part-time Assistant State's Attorneys in the less busy counties, so that they can be taken advantage of as they're needed. However, it seems absolutely clear that it's a very serious potential for conflict of interest to allow a member of a firm, or an associate, or an employee, whatever you want to call him, of a Prosecutor to practice criminal law in any court in this State. Obviously, no one needs to have explained to them the relationship which we are furthering of cooperation and mutual assistance which exists. Picture, for instance, a part-time Assistant State's Attorney from any given county going into the neighboring county. Now, he may have handled cases from the Circuit Court in which he appears as a member of the staff of the Superior Court. He may have some jurisdiction over those

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cases. He may have the power to decide whether or not cases from that Circuit should be bound over for appearance in his or some other Superior Court. Clearly, there's a conflict of interest, and in this Chamber, which has adopted a rather stringent ethics program for our own Members and members of State government generally, it seems to me that we ought, without question, to favor this kind of an amendment to eliminate the very potential for abuse which exists. Certainly, if I can't appear before the Motor Vehicle Department because of some possible conflict of interest in my position, I don't think that a Prosecutor should be allowed to go into the next town, possibly, and appear representing defendants in criminal cases, when he is, in fact, a Prosecutor for the State and has these relationships to which I've referred.

BERNARD L. AVCOLLIE:

Mr. Speaker, through you, a question to Representative Bingham...if he cares to answer. Is it my understanding that you responded to the Minority Leader in the affirmative when he asked whether or not an Assistant State's Attorney would be permitted, under this bill, to practice criminal law in another county? (Inaudible) ...responded "yes".

JAMES F. BINGHAM

Yes. I think that was the answer.

BERNARD L. AVCOLLIE:

Mr. Speaker, I would then ask whether or not the Chairman would say that the Committee has made a very serious error in drafting this bill in Section 23...wherein it states that each State's Attorney and Assistant State's Attorney shall be qualified

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to act in any county in the state in connection with any matter re- EFR
gardless of the county where the offense took place and may be as-
signed to act in any county at any time on designation of the
State's Attorney...Chief State's Attorney. It would appear to me,
and I would question the Colonel, that you have erred. That pos-
sibly we should hold this bill until you correct this error. If
you are going to permit a part-time or Assistant State's Attorney
to practice in a county or than the one in which he's appointed
and with the possibility that the following month he may end up in
that same county as the State's Attorney.

JAMES F. BINGHAM:

Mr. Speaker, there is no error. However, I would ac-
cept an amendment to prohibit the Assistant State's Attorneys...
part-time Assistant State's Attorneys...to practice law in any
part...criminal law...in any part of the State of Connecticut. I
would accept that. But I do not accept Mr. Post's amendment.

BERNARD L. AVCOLLIE:

Mr. Speaker, I would indicate it's my feeling that this
is a bill reported out by the Judiciary, and the one that's re-
sponsible there for making this kind of correction is the good
Colonel himself. I would, therefore, request that this matter be
passed either temporarily or passed retaining until the Chairman
has an opportunity to correct what obviously invites a patent
conflict.

JAMES F. BINGHAM:

Mr. Speaker, I do not think there's any necessity to
pass it temporarily or pass it retaining. Such an amendment will

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be prepared.

BERNARD L. AVCOLLIE:

Thank you.

RUSSELL LEE POST, JR.:

Mr. Speaker, may I ask that when the vote be taken it be taken by roll call.

MR. SPEAKER:

Did the gentleman from the 70th make it a motion that this be passed temporarily?

BERNARD L. AVCOLLIE:

He did not.

MR. SPEAKER:

Question's on a roll call vote. All those in favor of a roll call vote signify by saying "aye". The necessary 20% have voted in the affirmative. There'll be a roll call vote, and the Clerk will please announce outside the Chamber. Will the aisles please be cleared. Gentlemen and ladies, take your seats.

BERNARD L. AVCOLLIE:

Mr. Speaker, may I point out just for a...

MR. SPEAKER:

Will you please give your attention to the gentleman from the 70th, while he points out something before him.

BERNARD L. AVCOLLIE:

May I point out, for the benefit of the leaders on the other side of the aisle, that perhaps while Mr. Bingham is preparing an amendment dealing with State's Attorneys he should look at Section 24 and also prepare an amendment indicating that

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Prosecutors and Deputy Prosecutors may not go into other Circuits and practice either, because Section 24 permits them to prosecute in other Circuits. EFR

JAMES F. BINGHAM:

Mr. Speaker, there is an amendment being prepared to prohibit part-time Assistants and part-time State's Attorneys from practicing criminal law in any section of the State of Connecticut. This amendment, submitted by Representative Post, should be defeated.

BERNARD L. AVCOLLIE:

Thank you very much.

MR. SPEAKER:

Is everyone in their seats? Will the aisles be cleared.

RUSSELL LEE POST, JR.:

Mr. Speaker, I'm delighted that that amendment is being prepared. I would urge others to vote in favor of this amendment which would prohibit the full-time State's Attorneys, who are currently in office and who are going to be paid \$31,000 under this bill, from carrying on a private practice at the same time. They could continue the private practice until their next term...the time of their reappointment, at which time they'd have to give up their private practice if they were to devote their full time duty...full time attention to the job of State's Attorney. I urge a favorable vote on this amendment. Thank you.

MR. SPEAKER:

The gentleman from the 147th, speaking for the second time.

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JAMES F. BINGHAM:

EFR

Mr. Speaker, I am unalterably opposed to that position. We have many fine part-time State's Attorneys, who have given their lives to these jobs, and they've relied upon the fact that they've been able to practice as a part-time State's Attorney, and I know from personal knowledge that these State's Attorneys, although they receive a reduced salary, give full-time to the job, and we're not doing a service to the system by automatically cutting them off after they've relied upon the retirement benefits and the benefits of the grandfather clause. We are telling the State's Attorneys in New London County, Middlesex County and Hartford County thanks...but no thanks. I'm unalterably opposed to this amendment.

ALAN H. NEVAS:

Mr. Speaker, I oppose the amendment, speaking for the second time. Mr. Post, in his last statement, would have the House believe that the thrust of his amendment was aimed only at the three State's Attorneys, and when he indicates what their salary is and so forth. Such is not the case as has just been indicated by the Chairman of the Judiciary Committee. His amendment would apply not only to the State's Attorneys in those three counties but would apply to all the hard-working, dedicated part-time Assistants, whose duties he has described. This amendment is a bad amendment and should be defeated.

MR. SPEAKER:

The Chair would like, at this time, to have the records indicate that Representative Vaill, from the 64th, and Representa-

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tive Tiffany, from the 36th, have been called to the Governor's office and cannot be here when the vote is taken. Will the aisles be cleared. Brother Hannon take his seat. The machines will be opened.

DAVID H. NEIDITZ:

Mr. Speaker, just so I can be clear on this amendment. I know another one is being prepared. May I ask, through you, sir, a question to the gentleman from the 62nd, Representative Post... what his amendment would do...now that we're all seated...just briefly, Mr. Speaker.

MR. SPEAKER:

Ask your question, and I will...have you asked your question? Does the gentleman from the 62nd care to respond?

RUSSELL LEE POST, JR.:

Yes, sir. The amendment would provide that those incumbents who are currently serving the State in the position of State's Attorney, would continue to carry on a private practice through to the time of their next reappointment, at which time, if they were to continue as full-time State's Attorneys they would be paid the salary of \$31,000 and could not engage in any other practice. Those Assistant State's Attorneys, who currently are carrying on a private practice, at the time of their reappointment could not carry on any criminal practice in any Superior or Circuit Court in the State. They would have to drop that part of their personal private practice. They could continue to practice law, but they could not act in a criminal law case in any court in the State. Thank you.

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DAVID H. NEIDITZ:

EFR

Mr. Speaker, I thank the gentleman. I think it's a good amendment. I think with the salary increases it's a good amendment, and I think it should pass.

EDGAR A. KING:

Mr. Speaker, I rise in support of the amendment on the basis of the two reasons just offered by Representative Post. I think that all the attorneys here realize that when you deal with the Prosecuting Attorney's office that there often is a conflict in trying to gain his attention to the case for which you call him, because he's involved in private practice. You call his office, he isn't there. His secretary tells you, "Well, call him at the Circuit Court in the morning between the hours of nine and eleven". Or, you go there to see him, and there's a two-hour line-up of people just waiting to see the Prosecuting Attorney. Now, this is because he doesn't devote full-time to the job, and I think that the office which he heads and the people that he's serving and the reasons therefore call for full-time, and I don't think he can serve with true dedication unless he is there full-time. And I would again remind you and emphasize the long lines that you all are familiar with that lead to the Prosecuting Attorney's office. I'd remind you again of the phone calls when you try to reach him, and the very conversations which are compelled to have because of this conflict with private practice, which divides his time. I urge you to support this amendment.

GERALD F. STEVENS:

Mr. Speaker, I think there's a great deal of confusion

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here today. You may talk about how the practice of criminal law is carried on in some of the urban areas of the State, but I would submit to you there are eight counties and there are numerous Circuits. What this amendment, if adopted, would, in effect, do is say you cannot have any Assistant State's Attorneys or Assistant Circuit Court Prosecutors who are not full-time and that...that is just not what you want to do. Now, perhaps if I am (inaudible) and it shows some of the confusion that's here today, but my understanding is the adoption of this amendment would preclude part-time Assistant State's Attorneys and part-time Circuit Court Prosecutors.

FRANK J. TEDESCO:

Mr. Speaker, I'm unalterably opposed to the amendment, also, with respect to the previous speaker's comments concerning the amount of time that is given to private practice, or whatever it may be. I would suggest that there are a number of us who are Legislators here, according to the same reasoning, who should not be part-time Legislators. Although we're full-time Legislators, we're still engaging in other endeavors. And I think it would prevent very, very qualified men from participating in the Office of the Prosecutor if they were precluded from engaging in private practice. And I think that the amendment that would prevent them from engaging in criminal practice is a valid one, and it has rationale behind it. But I know that there's a substantial number...substantial numbers of people who are qualified...who try cases who would devote their time to this office...who wouldn't do so if they couldn't practice. And I think it's a bad amendment.

EFR

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MR. SPEAKER:

The gentleman from the 70th, speaking for the second time.

BERNARD L. AVCOLLIE:

Through you, Mr. Speaker, an inquiry to Representative Post. I understood, in your initial explanation, Representative Post, that your amendment would make a State's Attorney fish or cut bait by the time of his next appointment and either be full-time or not at all, and by full-time, he would not have any other practice, and that an Assistant State's Attorney, by the time of his reappointment, would have to decide that he was going to be a full-time Assistant State's Attorney to the extent that he could not practice in a criminal court, but that he could maintain his civil practice. In addition to that, does your amendment address itself to the Prosecutors and the Assistant Prosecutors.

RUSSELL LEE POST, JR.:

No.

BERNARD L. AVCOLLIE:

It does not?

RUSSELL LEE POST, JR.:

You have correctly stated that as to the State's Attorneys it would require them to make their decision by the time of the next reappointment and to engage in no other duties. As to the Assistant State's Attorneys, it would require that they have no criminal practice. They may continue to practice law but not in any criminal proceeding in the State. It does not apply to Prosecutors or Assistant Prosecutors.

EFR

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BERNARD L. AVCOLLIE:

EFR

Mr. Speaker, with regard to that answer, and I think we all heard it, I guess that means that some of us are confused, and as Representative Stevens has just indicated that it applied to Prosecutors, it was, indeed, confused, also. As to the comments of the last speaker, I find it a little bit ironic to hear him say that we should be compared to the State's Attorneys. I would indicate that if he'd like to submit a bill paying us \$31,000, I'd give up whatever I had at home, and I don't see how you can compare it. This is a \$31,000 State's Attorney we're talking about. If this bill is passed, he's just going to benefit by a \$4500 a year raise, and I certainly don't think you can compare it to us. I think this is a good amendment. I believe that if we really mean to put teeth in this Criminal Justice Act we ought to make them full-time. This ought to be their primary concern. They shouldn't have a civil practice anywhere. And I use the term "fish or cut bait"...I think that this amendment allows them sufficient time to fish or cut bait...either be a Prosecutor...or rather be a State's Attorney, or not be a State's Attorney. I support the amendment.

MR. SPEAKER:

Gentleman from the 147th, speaking for the second time.

JAMES F. BINGHAM:

Mr. Speaker, a part-time State's Attorney receives a reduction in salary. Line 107 provides that each such State's Attorney, who so elects, shall have his salary reduced by \$5,000. And, Mr. Speaker, there will be an amendment to increase that

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reduction to \$10,000. Now, Mr. Speaker, we had, and I will reiterate again, many fine full-time...we may have many fine State's Attorneys, and we are going in the direction of full-time State's Attorneys. We should not adopt this radical procedure at this particular time. We should permit those State's Attorneys, who are part-time State's Attorneys, to remain and retire as they are doing, and no one has criticized the job they are doing. They are doing a fine job and rendering a great service to the State of Connecticut at great financial loss to themselves.

JOSEPH S. COATSWORTH:

Mr. Speaker, just briefly in support of this amendment, I think the distinguished Chairman of the Judiciary Committee is wrong when he states that it's all right for the State of Connecticut to offer part-time jobs for \$26,000 a year, or, if this amendment is passed...the subsequent amendment is passed...\$21,000 a year for a part-time State's Attorney. And I think that's ludicrous. Why should anyone who serves part-time receive compensation in the amount of \$21,000? And I think that's the issue that bothers us on this side of the aisle, and I'm sure it does in many of the minds of people on the other side of the aisle, too. How can I support a bill which is going to allow a man to work part-time and earn \$21,000 a year?

ELMER A. MORTENSEN:

Mr. Speaker, being just an ordinary layman, I'd like to make a suggestion to you, Mr. Speaker, and to the Members of the Hall of the House, that we send all of the lawyers back up to the Judiciary Room until they get all talked out and agree on something,

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and then come back, allow us to continue with the agenda, and I believe by the time they get through, we'll be all done with the agenda.

AUDREY BECK:

Mr. Speaker, speaking in support of the amendment, I would like to make two points. The first is that, indeed, Legislators are comparable to the part-time people we are speaking of in the sense that both are dealing with the State's business, and there were potential conflicts of interest. The lawyers in this General Assembly accepted the burden of that responsibility and made a choice...fish or cut bait...on a part-time basis. We are part-time Legislators, and we made that decision in this body. We are speaking now of part-time people who also must make that decision on exactly the same principle...potential conflict of interest and not dollars involved, even though their dollars are higher...higher than ours, and the stakes are, therefore, that much greater. So the principle is identical...potential conflict of interest or not...and that's what we are speaking to, and this amendment eminently is qualified for our support. The second point on the matter of the dollars concerned, which is of less importance, we are speaking of part-time people who might earn as little as \$21,000, when Circuit Court Judges are earning in the range of \$21,500, and I say to you that this is a ludicrous kind of comparison, and, therefore, the amendment makes even more sense because the dollar amount is so ridiculous. And I firmly support this amendment.

DAVID J. SULLIVAN, JR.:

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Mr. Speaker, I would like to clarify, and after the distinguished gentleman from Newington's comment I'm a little leery about standing up as an attorney, but I would like to point out that there may be some misunderstanding here as to the real meaning and use of the terms "part-time" as it is understood by the State's Attorneys and as it also applies to the Assistant State's Attorneys and the Prosecutors in the Circuit Court. And I say this out of experience from a partner of mine who is now deceased who was State's Attorney in Fairfield County for some 30 odd years and from close connection with the others. The idea of part-time means that the State's Attorney generally is in his office from about 8 till 5 and the rest of his legal practice is taken care of on Saturdays and in the evenings. Once he starts trying a case, he doesn't finish and say, "Well, I'm sorry, Your Honor. At three o'clock I'm going back for a closing." He goes on, and he handles the matter until it's concluded. As a practical matter now, we have, I believe, it's four Assistant State's Attorneys in the State's Attorney's office in Bridgeport, who are so-called part-timers. Their part-time is a full week three out of every four weeks. The fourth week they're very often working on the briefs on the Appellate work and on work in their office that's required for the various motions. So, I think when we talk about part-timers, we're talking about people who are really giving us at least forty hours a week, and they are still called part-timers, but, in effect, they give a tremendous amount of service to the State of Connecticut.

MR. SPEAKER:

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Are you ready to vote?

EFR

CARL R. AJELLO:

Mr. Speaker, I don't know any of these State's Attorneys who are part-time, and I do go to Court, and I'll probably get lambasted for it, but my shoulders are broad, and that's happened before. I just can't buy the argument that the full-time, or the head State's Attorney in any county in this State, is acting in his capacity as State's Attorney part-time at a great sacrifice. I submit to you that if it was such a great sacrifice, he go tend to his private practice, and if it weren't enhanced one by the other that he would soon leave office, at least in most cases. The part-time State's Attorney with whom I've had limited experience I found certainly found his own private practice somewhat enhanced, I think it's fair to say, and I could document that, I think, by the fact that he was the State's Attorney for the county, and if you've ever seen one of these people pick a civil jury, you'll know what I mean. Now, I just don't buy that, and I don't think we ought to sit here and out of fear of some reprisal or unhappiness on the part of some of the State's Attorneys, say that they are part-time at great sacrifice. They get paid, and I submit that this is an imminently fair requirement that the head State's Attorney in each of our counties decide, in line with the spirit of this bill, four years from the time of his last appointment whether or not he wants to be the State's Attorney or practice law.

MARILYN PEARSON:

Mr. Speaker, it was stated that there would be possibly

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another amendment concerning Line 107 in Section 4 and that the State's Attorney's salary would be reduced by 5,000 with a possible amendment reducing it by ten. But my reading of this says, "Each such State's Attorney, who so elects..." I can't imagine any of them so electing to reduce their salary by five or ten thousand dollars. I think that's a joke. I don't think there's any misunderstanding here in the bill. I think the bill, without this amendment, gives these attorneys a heyday here in Connecticut, with their new (inaudible) and with their appointments to this Judicial Department. The amendment helps bring the bill within reason. It would prevent a possible conflict, and I think it's an excellent amendment, and we should all support it.

MR. SPEAKER:

Are you ready to vote?

ALAN H. NEVAS:

Mr. Speaker, I think this is the third time I've risen, so I will ask for an unanimous...

MR. SPEAKER:

I was going to ask you...the body for permission to allow you to deliver your words of wisdom.

ALAN H. NEVAS:

I'll yield to Mr. Cretella

ALBERT W. CRETELLA, JR.:

Mr. Speaker, speaking for the first time, I would comment that if any State's Attorney voluntarily elected to have his salary reduced in the amount of \$10,000, as noted by Representative Pearson, I think he should have a psychiatric examination. The

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election is to serve part-time, and if he elects to serve part-time, EFF his salary is reduced \$10,000. That's what it says. It's not an option as to whether he's going to take ten grand more or not.

MR. SPEAKER:

The aisles will please be cleared. The machine will be opened. Please clear the aisles. Come down front to the well of the House...those of you in the rear. Everyone voted as they so please, the machine will be locked. The Clerk please take a count.

CARL R. AJELLO:

Mr. Speaker, I was engaged in conversation and voted against what I've spoken about two or three times. I'd like to be recorded in the affirmative, please, sir.

MR. SPEAKER:

Will the Clerk please note that the Minority Leader voted incorrectly.

ROBERT J. VICINO:

Mr. Speaker, so did the Assistant Minority Leader.

MR. SPEAKER:

The Assistant Minority Leader, from the 78th. The Clerk please announce the tally.

THE CLERK:

Total number voting - 147. Necessary for adoption - 74. Those voting yea - 68. Those voting nay - 79. Those absent and not voting - 4.

MR. SPEAKER:

The amendment has been defeated. The Clerk have any further amendments?

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THE CLERK:

House Amendment Schedule "G", offered by Representative Bingham.

JAMES F. BINGHAM:

Mr. Speaker, would the Clerk please read the amendment.

THE CLERK:

In Section 4, Line 108, bracket "five" and insert "ten".

JAMES F. BINGHAM:

Yes, Mr. Speaker. Mr. Speaker, this provides that if a State's Attorney elects to be a part-time State's Attorney he shall have his annual salary reduced by not five thousand dollars, as is recorded in the files, but by ten thousand dollars.

MR. SPEAKER:

Any further remarks? All those in favor of adoption of Amendment "G" signify by saying "aye". Opposed. The amendment is adopted.

THE CLERK:

House Amendment Schedule "H", offered by Representative Bingham.

JAMES F. BINGHAM:

Will the Clerk please read the amendment.

THE CLERK:

In Section 4, Line 143, bracket the second "the" and insert "any". In Line 144, after "district" insert in opening bracket, and in Line 145, after "engaged" insert a closing bracket. In Section 26, Line 747, strike out "51-257".

JAMES F. BINGHAM:

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Mr. Speaker, this amendment prohibits part-time Assistant State's Attorneys and State's Attorneys from practicing in any county, in any court, in the State of Connecticut. And, further, Mr. Speaker, the bill calls for a repealer of 51-257, which concerns the practice of criminal law by Prosecuting Attorneys, and it also prohibits the practice of criminal law by Prosecuting Attorneys in any district, in any court, in the State. It, also, includes partners and associates.

MR. SPEAKER:

Are there any further remarks? If not, the question's on the adoption of Amendment "H". All those in favor signify by saying "aye". Opposed. Amendment "H" is adopted. The Speaker would rule that the three amendments that we've passed are technical in nature and will so be recorded. The gentleman...the Clerk...any further amendments? The gentleman from the 147th moved...the question then is on passage of the bill as amended by Amendments "B", "G", and "H". Will you please take your seats. Will the aisles be cleared.

JAMES F. BINGHAM:

On the main bill, Mr. Speaker?

THE SPEAKER:

On passage.

JAMES F. BINGHAM:

I'd like to speak to the main bill, Mr. Speaker.

MR. SPEAKER:

The gentleman from the 147th may speak to the main bill.

JAMES F. BINGHAM:

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Yes. Thank you, Mr. Speaker. Mr. Speaker, the purpose of this bill is to establish a Division of Criminal Justice within the Judicial Department. The Division, when established, will be in charge of the investigation and prosecution of all criminal matters in the courts within the State. The Members of this House know how the Chief State's Attorney and the Deputy Chief State's Attorney will be appointed. The Chief State's Attorney and the Deputy Chief State's Attorney will be appointed by the Chief Justice of the State of Connecticut. The term of office of the Chief State's Attorney and Deputy Chief State's Attorney shall each be for four years from July 1st in the year of his appointment and until the appointment and qualification of his successor. The Judges of the Superior Court, as is done now, shall appoint a State's Attorney for each county and as many Assistant State's Attorneys on a full-time or part-time basis for said counties as the criminal business of the court may require. The Chief State's Attorney, the Deputy Chief State's Attorney, and each State's Attorney first appointed to such position, is required to devote full-time to the duties of his office. The Chief State's Attorney, and Deputy Chief State's Attorney, and each State's Attorney, or Assistant State's Attorney, shall, at the time of his appointment, be an attorney-at-law, having been admitted to practice for at least three years. The Chief State's Attorney is required to administer, direct, supervise, coordinate, and control the operations, activities and programs of the Division as it shall apply in Section 5, which, as we can see, is a far-reaching section and gives the Chief State's Attorney authority to attend to the criminal

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planning and criminal business of the State of Connecticut. The bill provides that the Judges of the Circuit Court shall appoint at least one Prosecuting Attorney for each Circuit and such additional Prosecuting Attorneys on a full-time or part-time basis as in the opinion of the Chief State's Attorney the criminal business may require to act as attorneys in behalf of the State and as many Prosecuting Attorneys on a full-time or part-time basis as in the opinion of the Chief State's Attorney the criminal business may require. The Act provides for the appointment, by the Chief State's Attorney, of three suitable persons to assist on a State-wide basis all the State's Attorneys and such additional persons as the criminal business may require to make investigations concerning criminal offenses, which the State's Attorneys have reason to believe have been committed. Each Chief State's Attorney, and Deputy Chief State's Attorney, and State's Attorney, may elect to retire at either the age of 60 or 65 years. Each State's Attorney and Assistant State's Attorney will be qualified in any county in the State of Connecticut in connection with any matter regardless of the county where the offense takes place and may be assigned to act in any county at any time under designation by the Chief State's Attorney. The Prosecutors and Assistant Prosecutors in the Circuit Court are qualified to act in any county within the State of Connecticut with any matter regardless to the Circuit where the offense takes place and may be assigned in any Circuit, at any time, on designation of the Chief State's Attorney. The bill provides for the establishment of a separate appropriation for the Division of Criminal Justice. In short, the Chief State's

EPR

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Attorney will coordinate the activities of the Division of Criminal Justice with those of such other State, municipal, regional, Federal, and private agencies as are concerned with the administration of criminal justice in order to provide an effective and coordinated system of criminal law in the State of Connecticut at all levels. The bill is designed to create a team of professionals dedicated to the excellence of the enforcement and prosecution of the criminal laws of the State of Connecticut. It provides the needed flexibility in the use of manpower to direct the forces of the State in those areas where the volume of criminal business demands needed help and attention. This bill represents a commitment by this Legislature and the people of the State of Connecticut to enforce its criminal laws in an efficient and effective manner. Mr. Speaker, I wholeheartedly support this bill and move the Joint Committee's favorable report.

MR. SPEAKER:

Question's on passage of the bill as amended by Amendments "B", "G", and "H". Will everyone...oh, the gentleman from the 34th.

WILLIAM A. O'NEILL:

Mr. Speaker, if I may beg the indulgence of the Hall, a few questions to anyone who would care to reply. Does this particular bill have a financial impact on our present '72-'73 budget?

MR. SPEAKER:

The gentleman from the 89th care to respond?

RICHARD A. DICE:

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It is my understanding it does not.

EFR

WILLIAM A. O'NEILL:

Through you, Mr. Speaker, if I read the file correctly, I see where the bill does not take effect till July 1 of '73 with the exception of Section 4, which takes effect upon passage. Section 4 provides that the Chief State's Attorney, and the Deputy State's Attorney, be appointed upon passage. Am I to believe that the Chief State's Attorney and his deputy will receive no monetary remuneration between now and July 1 of 1973?

MR. SPEAKER:

Gentleman from the 89th care to respond?

RICHARD A. DICE:

I don't read it that way.

MR. SPEAKER:

The gentleman from the 147th care to respond?

JAMES F. BINGHAM:

He will be appointed and not take office until July 1, 1973.

WILLIAM A. O'NEILL:

Thank you, sir.

MR. SPEAKER:

Are we ready to vote.

WILLIAM A. O'NEILL:

If I may proceed, Mr. Speaker.

MR. SPEAKER:

The gentleman from the 34th may proceed.

WILLIAM A. O'NEILL:

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Again, whoever would care to reply...after the bill has been amended, or the file copy has been amended as many times as it has been here this afternoon, could anyone on the other side that would care to reply, give me an idea of exactly how much impact this will have on the 1973-74 budget?

MR. SPEAKER:

Gentleman from the 89th care to respond?

RICHARD A. DICE:

If you'll give me just a minute to subtract a minute.

MR. SPEAKER:

In just a moment he'll subtract.

RICHARD A. DICE:

\$73,145.

WILLIAM A. O'NEILL:

73,145. Thank you very much. Has any money been provided for in the Judicial branch of government's requested appropriation for 1973-74 to cover this figure?

RICHARD A. DICE:

Not until the bill is passed...no.

WILLIAM A. O'NEILL:

In other words, we again are passing a bill, and that figure...I don't know where you got it from, Representative Dice, but the minimum figure I had here was \$103,000 from our own Legislative Research group...but at any rate whether it be 103 or 73 or 202, we're doing it again, and again, and again, and I would say, as we have operated in the past and should operate in the present and in the future, that this bill be put at the foot of the

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Calendar until these funds are required and are in our '73-'74 budget, and I so move, and I move that the vote be taken by roll call...no matter how laudatory the bill may be.

EFR

RICHARD A. DICE:

Mr. Speaker, I again want to reiterate the fact that if we are to include in this budget and not have a baby budget that continues out of sight so the people of the State of Connecticut do not see in the basic budget document what we're passing over or handling in a basic budget, then we should deal with this matter at this time and know whether or not we include it in our basic budget, or whether we're going to hide it at the end of the session in a baby budget that sometimes is astronomical. Consequently, I believe that we should deal with this matter now...not at the end of the session after we've passed the budget document.

MR. SPEAKER:

Question's on a roll call vote to place this matter at the foot of the Calendar. All those in favor of a roll call vote will signify by saying "aye". Necessary 20% have voted in the affirmative, and a roll call will be ordered. The Clerk please announce outside the Chamber. Will the Members please take their seats.

CARL R. AJELLO:

Mr. Speaker, speaking in support of the motion to place this at the foot of the Calendar, I think that the reasons have been set forth in discussions of several other bills of similar nature which contained unfunded appropriations reported out by the Appropriations Committee, and I would remind the Chamber, again,

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that in the last session voluntarily we placed all such matters at the vote of the Calendar until such time as the budget was adopted. I'd like to clarify one thing, however. I hope that the Chairman of the Committee on Appropriations doesn't really mean what he says about the deferring of action on these bills requiring a baby budget, because that isn't so. It's just not true. The purpose in placing these all at the foot of the Calendar would be on the very day that the budget is finally adopted, assuming that it provides funds which will fund these various bills requiring appropriations, they could all be adopted right down the line. There's no need for a separate, or baby budget, whatsoever. So that's just not a valid argument, and I trust that the gentleman will discontinue using that line of approach, because we intend to continue to attempt, at least, to defer on these until the appropriate time. And I suggest that they might want to check with the Governor, as they do on most things, because it was at his request that I, and other Democrats, voluntarily adopted that practice in the last session.

RICHARD A. DICE:

Unfortunately, I guess I cannot concur with the Minority Leader, because it does seem to me if we are to take up all the matters that we have now debated four and five hours on on the same day that we pass the budget, we couldn't stop the clock long enough to be able to be here to get the whole matter decided. Consequently, it does seem to me ~~that~~ in orderly process that we should take these matters up now, know what we're to include in the budget and not pass a budget and then come back and amend it.

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immediately to include additional items in. So, in all fairness to him, I do report to him that I will continue to respond this way and think that this is a fair and orderly way to do it. Thank you. EFR

MR. SPEAKER:

Are you ready to vote? Please take your seats. Question's on placing this matter at the foot of the Calendar. If you wish to place this matter at the foot of the Calendar you will vote the green.

GERALD F. STEVENS:

Mr. Speaker, just briefly, so we don't get involved in the same debate we had yesterday, I join with the Chairman of the Appropriations Committee in opposing this motion to place this at the foot of the Calendar. I think it's been debated here today, and now is the time to vote on this bill. The Chairman of the Appropriations Committee has clearly stated there's no impact in this particular fiscal year, and that the funds will be included in the budget to be adopted by this Legislature prior to adjournment. So I oppose the motion to place at the foot of the Calendar.

MR. SPEAKER:

The machine will be opened. The machine will be closed. And the Clerk will please take a tally. The Clerk please read the tally.

THE CLERK:

Total number voting - 142. Necessary for adoption - 72. Those voting yea - 53. Those voting nay - 89. Those absent and not voting - 9.

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MR. SPEAKER:

EFR

The motion to place this matter at the foot of the Calendar has been defeated.

WILLIAM R. RATCHFORD:

Mr. Speaker, I rise to support the bill in its amended form. Mr. Speaker, progress is seldom perfect or absolute and certainly this bill after the two-hour debate we witnessed and the number of amendments that we considered and some of the confusion that we've experienced would fall into that category as far as progress on criminal justice is concerned. But, absolutely, this State needs coordination in its fight against organized crime on a State-wide level. Organized crime does not stop at the county line, as does the jurisdiction of State's Attorneys, nor does it stop at the city line, as does the jurisdiction frequently of Circuit Court attorneys, and if we are to have a successful State-wide effort to combat organized crime in this State, it only can come about with a State-wide authority...an authority with State-wide jurisdiction...an authority to coordinate the efforts of State's Attorneys and Prosecutors...an authority which can reach from Putnam to Stamford and from the Rhode Island line to the New York line in its effort to seek out and to stomp out organized crime. This is a vital first step in Connecticut's effort to see to it that organized crime does not take the hold in this State as it has in such states as the State of New Jersey. It's a first effort. It may not be a perfect effort, but it is an effort to begin that vital first step toward combating organized crime, and it is an effort that we should, today, support.

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WILLIAM P. AMBROGIO: THE SPEAKER IN THE CHAIR

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Mr. Speaker, if I may interrupt these proceedings for a moment or two, and let us get back to something more humanistic, I would like to have the Clerk read the S.J.R. No. 71, if I may.

MR. SPEAKER:

The gentleman is out of order. Would we please proceed with the motion.

WILLIAM P. AMBROGIO:

I'm sorry.

MR. SPEAKER:

Will you remark further on H.B. 8247 as amended by House Amendments "B", "G", and "H".

GERALD F. STEVENS:

Mr. Speaker, much has been said here today about this bill with which I would certainly concur. I think it's a major bill to come before the 1973 Session, because we must realize, as Representative Ratchford has put so well, that Connecticut's present system of fighting crime, and most especially organized crime, is outmoded. It is a system that served us well in the past when we had County government and when County lines meant something. County lines no longer mean anything for any governmental policy in Connecticut and should not mean anything in the prosecution of crime. I think the Judiciary Committee is to be congratulated on a bipartisan basis for bringing this bill out, which will finally centralize the prosecution of crime, not only in the Superior Court, but in the Circuit Court throughout the State of Connecticut, and so that when an investigation is taking

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place in Fairfield County and it may have ties in Hartford, or Tolland, or New London County, there can be one central office that will coordinate these activities. It's a good bill. I think it's the most important step forward in terms of criminal prosecution in the State of Connecticut in many years, and I'm hopeful that it passes this House today by a wide margin with the support it deserves.

MR. SPEAKER:

Will you remark further on acceptance and passage.

CARL R. AJELLO:

Mr. Speaker, I'm going to vote in support of the bill for many of the reasons that have been set forth by the last two speakers. However, I do have some misgivings about this situation. I think that we're emphasizing in our minds too much the police function of the department which is being created this afternoon. There's a vast potential, of course, whenever you appoint someone whose powers amount to those of a tsar in any field. There's a vast potential for abuse. If this individual loses sight of his own role as a coordinator and as a director of prosecution of crime in the State and decides that he, indeed, is the director of a new and independent police department, I think there's a potential for great harm to the present system. I'd like to point out and underscore, particularly in view of what I, myself, said earlier, that, by and large, the State's Attorneys in the State of Connecticut have done an exemplary job. There's no need, in my opinion, to interfere or to change the present operation of their own respective jurisdictions within the various counties in the

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State in any significant way or form. One hopes that the coordination and overall supervision will promote uniformity and mutual assistance among them and, therefore, benefit them, but I don't think^{that}/the impression should be left in the minds of any citizen of this State that this General Assembly feels that the State's Attorneys of the State are in need of correction or new direction or guidance. I think that they each, in their own right, are outstanding individuals and have done an outstanding service in the fight against crime in Connecticut. We, here, should watch very carefully and should make note of our concern, it seems to me, with the vast and almost unrestricted powers which will lie in the Chief State's Attorney. He can appoint a small police force of his own, assuming that he can get budgetary approval. He can do a great many things that don't have any restriction in law or in fact. So that he needs to be a person of exemplary character himself...one who is truly interested in the role of the existing State's Attorneys and in our courts in Connecticut, as well as the administration of criminal justice.

JAMES F. BINGHAM:

Yes, Mr. Speaker. Mr. Speaker, we all know that the State's Attorneys in the State of Connecticut are doing a good job, an (inaudible) job under adverse conditions, and we also know that the criminal conspiracy...that known as organized crimes...cuts through county lines...cuts through state lines...and we must protect the people of the State of Connecticut with this type of grant of power to a Chief State's Attorney. No State or local enforcement agency is adequately staffed to deal successfully with

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the problem of breaking down criminal organizations. Just one major crime case may take two to three years to develop and then several more years to complete through the prosecution and appeal. Cases may require several years of investigative resources. The percentage of investigations that result in arrest unfortunately is still low. We must understand the type of criminal conspiracy that we're fighting. Meyer Lansky boasted that, "We're bigger than U.S. Steel." And United States Steel Corporation had assets of \$5,600,000,000 and sales of \$4,000,000,000, of which its profits, after taxes, were \$172,000,000. Lansky understated the actuality. The confederations gross in the United States from illegal activities alone is \$40,000,000,000. Gambling is the largest single income producer. The number of dollars bet illegally vastly exceeds nearly \$7,000,000,000 wagered in Las Vegas casinos, at pari-mutual trades, and in the several state lotteries. The annual take that is now running about \$10,000,000,000 on an investment of \$5,000,000,000 in working capital and loan-sharking business. A New York investigation disclosed that two loan-shark operators with \$5,000,000 on the street netted \$100,000 a week. Mr. Speaker, this is the type of criminal cartel that we intend to fight with the creation of this department. This department is needed. This department is needed for the State of Connecticut, and it will be one of the finest in the United States of America.

SAMUEL E. FREEDMAN:

Mr. Speaker, too long this State has suffered from uncoordinated efforts at enforcing justice and in what is certainly an age of organization, society, too, must organize to meet its

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foes. This bill does this, but there is, of course, another side to the coin that I would like to echo today. We've heard the use of the word "tsar", and I recognize the dangers, but I don't believe we should lead the people of this State to believe that we are setting up a man in the Chief State's Attorney's office who is going to do something that we haven't given him the tools to do. He's going to be a very busy man. He's going to have his hands full. But he's not going to make miracles. He won't be able to eradicate all crime in one or two years. He will be working in that direction. And so I say, this is a mighty first step which we have to take and we have to take now. You cannot work in the criminal courtroom for very long without inescapably concluding the need for this bill, and that need grows with every passing day. The final version, I'm glad to say, was the result of a great deal of time, effort, compromise, disagreement and considerable re-drafting. I spent many hours with this bill. I think that in closing one thing we know is true. Historians have, from time to time, told us that we can judge civilization by its system of criminal justice. Few institutions, I think, reveal so much about man and society and his view of the people who comprise it. If that is true, then our action today certainly is among the most important of this session, and I support it wholeheartedly.

DAVID H. NEIDITZ:

Mr. Speaker, I support this bill, and I complement the gentleman from the 135th for his comments just now. I hope that this House and the General Assembly will, however, keep in mind that our prosecutorial system, our office of Chief State's

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Attorney, is but one element in the criminal justice system, and while in the last session we raised the salaries of judges, while today we'll be passing a bill to create the Office of Chief State's Attorney, increase salaries of State's Attorneys, one area, Mr. Speaker, to which we have not given our attention, which is long overdue, is in the area of our Public Defenders. I think we're long overdue in providing adequate office space, adequate investigative staffs, adequate facilities to do the job on the part of our Public Defenders. Connecticut was the first state to have a Public Defender system, and yet, Mr. Speaker, today it is treated like a step-child. Mr. Speaker, in order to get a promotion, someone who is a very competent Public Defender must be promoted into the job of Prosecutor or Assistant State's Attorney or State's Attorney. I think this is a shame, and I hope that the Judiciary Committee in this Assembly will get at that matter just with as much expedition as we have in this. Thank you.

VICTOR TUDAN:

Mr. Speaker, I agree wholeheartedly with the remarks made by the gentleman from the 135th. I will support this bill gladly so. But, some of you folks might recall that we made strong recommendations in our committee last year as a result of our investigation of the Medical-Dental School, schools at Central, in regards to establishing a Crime Investigation Commission. Colonel Bingham, you have a bill in your Committee. You can bring that bill out here to and pass that. Then I think we'll really have something to fight crime in this State.

JOHN D. MCHUGH:

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Mr. Speaker, I would like to associate myself with the remarks and endorse the remarks of the gentleman from the 109th. I support the bill, and I believe the centralization of both procedure and responsibility will go a long way in improving criminal administration of justice in this State.

JAMES F. BINGHAM:

Mr. Speaker, may I request that the amendments be printed in the Journal.

MR. SPEAKER:

In accordance with the rules, the amendments "B", "G" and "H" will be printed in the Journal.

ALBERT R. WEBBER:

Very briefly, Mr. Speaker, I had the distinct pleasure last night of attending a dinner at which the eminent Mr. Salerno, I think his first name is Richard Salerno, who was a consultant to the last two or three Presidents on crime in our country, and has written several books on organized crime, and after listening to him, and I wish I could have remembered some of the statistics that he gave us, we are certainly obliged, very much obliged, to support this bill. It's a much needed bill, and he paints a very, very dismal picture as to the growing strength of organized crime in our country. And I would like, in closing, Mr. Speaker, as a Member of the Judiciary Committee, to pay tribute to one individual Member of our Committee, who I know put in many, many hours in the preparation of this bill and that's Representative Freedman, who did a great job, and I think he deserves a lot of credit. Thank you, Mr. Speaker.

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MR. SPEAKER:

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Will you remark further on acceptance and passage. If not, will the Clerk please announce on the outside speaker that an immediate roll call will be held.

GEORGE W. HANNON, JR.:

Mr. Speaker, speaking on the bill, and we have been for several hours, I have in my possession a rather lengthy amendment to the bill, which I will not submit at this time to the General Assembly. It's an amendment that I had discussed with both the Majority Leader, the Minority Leader, and the Chairman of the Judiciary Committee. I would hope that my failure to submit the amendment today would not dilute my concern for granting raises, substantial raises in the amount of \$4500, to employees of the State of Connecticut and by-passing a Commission that was established by this General Assembly in 1971. I have received some assurance from the Chairman of the Judiciary Committee that it would be his hope that the Senate would address itself to the contents of this amendment, would find some wisdom in the adoption of this amendment, and send it back as a Disagreeing Action for further adoption by this House, and it was with that hope that I shall not place the amendment before the body today to take up additional time. But I would, in closing, say that I will vote for this bill with great reluctance that we have done an end run on the Commission on Compensation established by this General Assembly and that we would cease from doing end runs on commissions that this General Assembly had established and that perhaps we would get the thrust of this amendment back from the Senate as a

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Disagreeing Action.

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BERNARD L. AVCOLLIE:

Mr. Speaker, I'd be remiss if I didn't ask the single question that I have for the Colonel prior to voting on this bill, and I will vote in the affirmative, although I have several reservations about the bill, and one of them Representative Hannon has just very ably described...that is that the salaries are way out of line when you are going to pay State's Attorneys more than you pay the judges of the Court of Common Pleas and considerably more than you pay the judges in the Circuit Court. I think it's ...to use the same word that's been used many times..."ludicrous". But I would like to ask the Colonel if he will please tell the body the reasoning of the Committee with regard to Section 22, which requires the Chief State's Attorney to review and rate... give a merit rating...to the Prosecutors and the State's Attorney, which the judges are, according to the act, supposed to consider before making appointments.

MR. SPEAKER:

Gentleman from the 147th care to respond?

JAMES F. BINGHAM:

Yes, Mr. Speaker, through you, to the gentleman who posed the question. Eventually, we expect to place the prosecutorial system on a Merit System basis. Prosecutors and State's Attorneys will be rated by the Chief State's Attorney. These ratings do not have to be accepted by the Judiciary. However, this is the function of the chief administrative head of the Division of Criminal Justice, and I feel, and we've considered it very

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thoroughly and seriously, that this is a needed advance for effective prosecution in the State of Connecticut. EFR

BERNARD L. AVCOLLIE:

Mr. Speaker, through you, would the Colonel ^{care to} say exactly why he feels, after all the years of the Circuit Court's existence primarily, that the Judges that appoint these Prosecutors are not better able to rate the Prosecutors?

JAMES F. BINGHAM:

Through you, Mr. Speaker, to the person posing the question, yes, the Judges are busy trying cases. They're not involved in the administrative affairs of the prosecutorial system. The Chief Administrative Officer of the Chief State's Attorney's Office...the Chief State's Attorney himself...will be more...will be better able to address himself to these problems and give to the people of the State of Connecticut the best prosecution system in the country.

BERNARD L. AVCOLLIE:

Mr. Speaker, I thank the Colonel for his answer, and I don't the sincerity of the answer. I seriously question why we have had a Circuit Court for these number of years and never heard anyone...any Chairman of Judiciary...comment that the system of appointing was wrong, or that the Judges, who have been appointing these Prosecutors right along have not been able to do so properly. I question whether or not someone's been closing their eyes over the years. I'll simply have to take a...my own period of time to wait to see whether you're right or wrong. But I think this is the wrong way of attacking the problem.

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of the Joint Committee's favorable report and passage of the Bill.

THE CHAIR:

Will you remark.

SENATOR PETRONI:

Mr. President, this Bill will require that school busses commencing on February 1, 1974 that are new busses, be equipped with a separate air brake system so that if the brakes fail it will have its own system to rely on rather than having it with any other apparatus on school busses. The Committee feels that in the interests of safety of school children being transported at this time, we are hoping to prevent any serious accidents that could take place for failure of brakes. And I ask that the matter be placed on the Consent Calendar.

THE CHAIR:

Thank you, Senator. Are there further remarks? If there is no objections, the Calendar No. 379 will be placed on the Consent Calendar. There being no objections, it is so ordered and the Clerk will proceed on the Calendar.

THE CLERK:

On Page 8 of the Calendar, Calendar No. 391, File No. 360 and 197. Substitute for House Bill No. 8247. An act concerning the establishment of a division of criminal justice in the Judicial Department amended by House Amendment Schedules B, G and H with a favorable report of the Committee on Appropriations.

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THE CHAIR:

Is Senator Lenge in the Chamber? The--Calendar 391 on Page 8, Senator. Senator Lenge.

SENATOR LENGE:

Mr. President, Mr. President, I move acceptance of the Committee's favorable report and passage of the Bill in concurrence with the House as amended by the House Amendments.

THE CHAIR:

Will you remark.

SENATOR LENGE:

Mr. President, this Bill would reorganize the Judicial Department by consolidating the investigative and the criminal prosecution functions now performed at several different levels into a single division of criminal justice. The Appropriations Committee received the Bill, analyzed the substance and purpose of the Bill and made an analysis of the costs that would be involved if the Bill were approved by this Session. The bulk of the costs associated with this Bill are already provided for in most parts of the Judicial Department budget. Additional costs in varying amounts were considered by the Committee for its effect in fiscal year 1973-1974, and analysis of the new positions that are established by this Bill. The total cost, the estimated cost for 1973-1974 amount to \$103,145.00. That is the additional amount that would be added to the budget as

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submitted by the Governor. The effect on the next fiscal year's budget are held in that same estimate at this point. There is additional analysis of the Bill. It was carefully considered by the Appropriations Committee, the specific positions involved, and it is favorably reported and I urge its passage and at this time, I would like to yield to Senator Scalo.

THE CHAIR:

Thank you, Senator. Senator Scalo.

SENATOR SCALO:

Mr. President, the Sub-Committee on Criminal Justice spent quite a bit of time developing this Bill. We had numerous conversations with the state's attorneys, with the judges of the Superior Court, the judges of the Circuit Court, with members of the Supreme Court of the State of Connecticut, with the Chief Justice, and as the result of all of these conversations, it was determined that there should be an overall coordinator for the administration of criminal justice within the State of Connecticut. It has been pointed out historically that the Connecticut system of criminal justice as it is presently applied within the State is one of the few, if not perhaps the only, within these 50 states of the United States, that has been free from the influence of corruption. We feel that the method of appointing being that by the judges of the Superior Court or members of the judiciary has removed the office of prosecutor and state's

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attorney from political influence. They have over the course of some 200 odd years performed well and served the State. That is one of the major reasons why the appointing power of the members, the new position of chief state's attorney and deputy chief state's attorney was placed with the Chief Justice of the Supreme Court. As we are all aware, the problems of criminal administration do not stop at the borders of arbitrary, political sub-divisions. As you are aware, Mr. President, our present system of division in the Superior Court is on a county-wide basis. We have state's attorneys for the various counties and judicial districts within the State and I do not question their ability nor what they have done in the past. Their work has been yeoman and legion. However, with modern technology, methods of transportation, communication, the problems of crime, organized crime, narcotics traffic, do not respect the bounds of county lines, nor do they respect the bounds of state lines nor national lines. The most effective way in the State of Connecticut to combat crime within its jurisdiction is to have one overall coordinator to oversee the investigation of criminal activities and to promote within the Judicial Department the most effective means of combating crime. As a result, the Judiciary Committee felt that this was the only way to go in order to solve the problem. Specifically asked of the Bill, it does establish a division of criminal justice within the Judicial Department. The division, when established, will be in charge

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of the investigation and prosecution of all criminal matters in the courts within the State. The Bill provides that commencing July 1, 1973 and every four years thereafter the Chief Justice shall appoint an administrative head of the Division of Criminal Justice and he will be entitled the Chief State's Attorney. He will also have a Deputy Chief State's Attorney. The division of administration within that superagency would be such that the Deputy Chief State's Attorney would be directly in charge of the administration of criminal justice within the Circuit Court. The Chief State's Attorney as well as being overall coordinator will have specific jurisdiction or specific input into the criminal jurisdiction activities within the Superior Court. The term of office for these State's Attorneys, and Deputy State's Attorneys and Chief State's Attorneys will be for a period of four years. The present system of appointing state's attorneys and prosecutors has not been altered. The members of the judiciary will still appoint state's attorneys and they will still appoint prosecuting attorneys. The positions as created are full-time administrative positions. I think that it's important to determine what the duties of this administrator will be. The Chief State's Attorney is required to administer, direct, supervise,, coordinate and control the operations, activities and programs of the division as it shall apply to both the Superior Court and Circuit Court. Section 5 of the Bill

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outlines and enumerates specifically what those duties are to be. Section 6 of the Bill provides that the judges of the Circuit Court shall appoint at least one prosecuting attorney for each Circuit Court and such additional people as required. I think that what we are doing is giving the administration of criminal justice some flexibility. What we do not have now which will be incorporated into this Bill will be the ability of the Chief State's Attorney to transfer, so to speak, or to assign state's attorneys and prosecutors from one jurisdiction to another, from one county to another with state's attorneys and from one Circuit to another Circuit in order to properly handle the flow of criminal business. If we find that there is a greater need for more people in one Circuit or Superior Court, then they will there be assigned to that area to handle the overload in that area where now the state's attorney would be assigned merely to the jurisdiction where he is presently employed, the particular county. In addition, the Chief State's Attorney, under Section 8, will have three chief detectives who will be assigned directly to him to help him in the administration of criminal justice. Section 22 of the Bill, I think, is one of the most important factors for maintaining and continuing the upgrading of the quality of the personnel within the Judicial Department wherein it states that the Chief State's Attorney shall prepare a merit and performance rating for each state's attorney and assistant state's

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attorney, prosecuting attorney and assistant prosecutor--prosecuting attorney and to submit the same to the respective appointing judges for their consideration at the time of re-appointing such attorneys to any new term of years. I think that this does provide a system so that in the event that the performance of some people are not quite as good as the performance requires that this fact can be made known to the appointing judges. They would then review these merit ratings and they would then be in a position to act appropriately. I think this formalizes it and provides an excellent opportunity to upgrade and maintain the high quality and caliber of people that we've had in the present system. I think that this is an opportunity for the State of Connecticut to move forward in the area of criminal justice and provide coordination in terms of combating crime. It will also provide coordination in terms of the equal administration of criminal justice within the State. And I strongly urge the support and passage of this Bill, Mr. President.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Fauliso.

SENATOR FAULISO:

Mr. President, may I ask Senator Lenge a question. I know that he's busy at the moment. Senator Lenge gave us some figures about costs and if I remember correctly, said that the costs for

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1973-1974 fiscal year would be \$103,145.00 and this would be constant for the subsequent fiscal year. Do we have any figures concerning costs of pensions, Senator Lenge, and do we have a total cost for this particular department?

THE CHAIR:

Senator Lenge.

SENATOR LENGE:

Mr. President, through you, Sir, to Senator Fauliso. The specifics of the estimated costs are in terms of the personnel involved and the estimates, as I understand the estimates, are inclusive of those fringe items to which the Senator has made reference. The breakdown is based on a higher figure than might normally be expected and for the reason that they are inclusive of those fringe items. In specifics, the Chief State's Attorney would be \$33,000.00, the Deputy State's Attorney, \$32,000.00, state's attorneys, from \$26,500.00 to a maximum of \$31,000.00. There there's an estimate of \$40,500.00 in gross because of the time for filling the positions, the time in the fiscal year when they will begin, --secretaries too, at various categories for a total estimate and other such things.

THE CHAIR:

Senator Fauliso.

SENATOR FAULISO:

Mr. President, I oppose this Bill. I oppose it because I

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feel it is unnecessary. The present system of county state's attorneys has flowered and flourished. It has been tested and tried in the crucible of the law. It has been tested and tried in the crucible of time and experience, centuries of experience. It has emerged victoriously against every challenge, and the system gave birth to a distinguished list of state's attorneys; men formed that galaxy of greatness who brought fame and renown and enduring glory to the office of state's attorney into this great State. This Bill militates against the concept of separation of powers, and I will give the specifics why I consider it so. It is an encroachment upon the judicial branch through the unholy alliance of the executive and legislative branches of government. Who are the people who speak with authority on this subject, Mr. President? I participated in the last several terms with judges who were interviewed, state's attorneys who were interviewed. I think I attended the same sub-committee meeting of Senator Scalo, and I believe, Mr. President, that we talked about this concept, about the unification and coordination of the Criminal Justice Department and there were divergent views. And why, Mr. President? Because at one time there was a bill which asked for criminal justice for the Criminal Justice Department to be under the jurisdiction of the Attorney General. And there was another one, another bill, which required the submission by the Governor of five names for the appointment of Chief State's

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Attorney. Mr. President, I opposed both of those concepts. I considered those bills wrong in the light of our glorious history. I considered them constitutionally impermissible because it would be an encroachment of the separation--it would be an encroachment upon the judicial branch of government, a violation of the principle of separation of powers. I vigorously opposed the one which asked for jurisdiction in the Attorney General's Office. This one would require in my opinion a constitutional amendment. I opposed it vigorously when it required the submission of names by the Governor. Mr. President, that would have created truly a political grab bag. Now Mr. President, I am very pleased that there was a change of heart. I was very pleased that the Chief Justice of this State asserted his powers. I was very pleased when he gave the message in the House, not too long ago, when he cautioned us about the encroachment. Mr. President, I think it is important that the Chief Justice and indeed the judiciary articulate the rights of the judiciary, when it is important, and I certainly compliment the Chief Justice for standing up and asserting this power of the judiciary, a power that has resided for a long time--for centuries, if you will, in the judiciary. Mr. President, not too long ago I read this editorial in the Publication Trial, the national legal magazine, and these important remarks I'd like to share with the Circle. By all means the chief justice should be heard on important matters,

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but the rest of the judiciary should recognize that the raps of silence is self-created and can be cast aside. We cannot afford to accept the silence of the remainder of our judiciary, particularly on matters affecting the administration of justice. Theirs is the greatest experience. They are most knowledgeable. Why should, why should not some articulate, knowledgeable judges say aloud what most say privately. But the judges are still an appalling waste of their reservoir of training, learning and sagacity. In this day of false leaders, opportunists, reformists, easy political platform seekers, the voice of the learned judiciary is needed more than ever. And then it concludes with this, "Come out, your Honor, wherever you are." And indeed we welcome Chief Justice House, when he did come out, and it is surprising, Mr. President, and indeed surprising, that there suddenly was a change of heart, that the Governor of this great State took heed and this Bill was suddenly changed. And now, Mr. President, we have the present bill. Now the present bill, Mr. President, after discussing this with the--several state's attorneys, I am convinced is unnecessary. One gentlemen, a gentlemen who was pursuing his office with vigor and has--is certainly a gentlemen who we recognize and who we all certainly admire, and all of them for that matter, Mr. President, are all dedicated men, capable men, who have brought glory and renown to this great

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"Do we need such a bill?" And he said No. To quote him almost literally, "Why should we fool around with a system that has worked, free of corruption and scandal. We don't need legislation at all, and why since we do meet often, we do have a council of state's attorneys, and it isn't costing the taxpayers a dime. They do have uniformity. They do have coordination." Now Mr. President, I don't think we should make a change for the sake of change. I don't consider this a bill of substance. I equate this with a bill that we had on road construction, a piece of paper with a promise behind it. Mr. President, all that this Bill does is to confirm what the state's attorneys are already doing--meeting diligently, acting diligently, working assiduously with dedication to their office. They have uniformity. They have coordination. Maybe what is lacking, Mr. President, and this could become voluntary, is that they could elect one among their body as a chief state's attorney. Give him that title and that conforms with this Bill. They could nominate and elect and choose among their body a deputy state's attorney and do exactly what this Bill provides, and without costing the taxpayers a nickel, Mr. President. Now, Mr. President, there may be those who later on say Senator Fauliso was against the Criminal Justice Department Bill. Now Mr. President, I embrace any concept that will bring about a better system of criminal justice. But where, Mr. President, has the proponent, where

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have they sustained the proponents, the burden of proof. If we're going to make a change, tell us where we have committed wrong. Present to this body where the state's attorneys have failed, where they have not prosecuted diligently. This is a small State, Mr. President. We have nine state's attorneys, dedicated people, each of them with unique problems in their several counties. There is no such thing, Mr. President, that every county has the same problem, the same people. Each county and each state's attorney-- all of them explained and told us and informed us that some of our problems are unique to our counties. But we're doing the job. We're doing the job. Mr. President, it seems to me that we are imposing another burden on the taxpayers--\$103,000.00 which I think is an unnecessary expense. Now, Senator Lenge told us about the fact that this does include also the fringe benefits and the pensions, and I'll take his word for it. But that is an expense, Mr. President, that we don't have to assume. That is a burden that the taxpayers could be relieved of. We don't have to impose this other burden when we can achieve the same situation and this is again a confirmation of the state's attorneys themselves. Why did some state's attorney then ask for this, Mr. President. I'll tell you why. As against a bill which would put this within the jurisdiction of the Attorney General? Sure, this Bill was acceptable. As against the bill which provided for the Governor to submit five names equally for the (inaudible), equally

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abominable. Mr. President, they would (inaudible) they said yes, we would take this. Mr. President, taking away all of these options, Mr. President, they would like the status quo because we would be confirming and we would by saying in this body thank you state's attorneys, you are doing the job, you are doing a good job, and we don't want to (inaudible) your integrity or your motives, and we're here to be grateful for what you have done. Mr. President, I examined this Bill, and in examining it, there is no question about it in my mind that it is unconstitutional, impermissive, although it states that the Chief Justice would have the right to appoint the Chief State's Attorney, then it proceeds to give him tenure for four years. We are arrogating unto ourselves a power that resided in the judicial branch of government. How do you distinguish that from the present system? Now the judges of the Superior Court annually, at their annual meeting, appoint the state's attorneys. He is there on an annual basis. The will of the judges of the Superior Court bench--this imposes a tenure. We are invading the judicial branch of government. Mr. President, we go further. We then put in an impediment. We then put in a provision, rather, that said deputy state's attorneys shall have been a prosecuting attorney. Again we are now putting in a provision which resided again in the Superior Court in the judges. They made appointments, Mr. President, and they made excellent appointments without these provisos, without tenure. Mr.

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President, I don't believe in change for sake of change. I don't think that we ought to go down the highways and by-ways of the State and tell them that this is a positive achievement, that we are indeed concerned with crime, and we're doing this by this palliatum, by this kind of a bill which costs the taxpayers money. This is deception. It's a hoax, Mr. President, not in keeping of the high traditions of this Chamber (inaudible) and of this General Assembly. If anyone has truly taken the time to investigate and to analyze this and to put this aside and to judge it alongside of what now takes place with our judiciary where they have made the appointments and have made excellent ones. Mr. President, there're just two little things, and these two things, Mr. President, the state's attorneys, are already doing. But they've had deep concern about nominating or choosing one of them-- choosing one of their body as the Chief State's Attorney because they knew breathing down their necks was a legislature, politically minded and politically oriented, believing that this could be done in their way. Take the power away from the judges, and I say, Mr. President, that's it's wrong. And it is wrong because it's not supported by any law, by our tradition, by our customs, by our Constitution. Mr. President, when we talk about positive achievement, let's talk about substantial legislation. This, Mr. President, represents to me, nothing. It's language, it is language and verbiage in which this is already being done by the

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state's attorneys. I think this is an insult to those men who, are serving this State so well, so capably, and with consummate skills. I think, Mr. President, when we deal with legislation, let us deal with those things and with those matters that are substantial and those things which will enhance our State. I think this only demeans us. This demeans not only the State's Attorneys' Office but in a sense, Mr. President, it is (inaudible) of the power of the judicial branch of government. Mr. President, I'm concerned--I'm concerned not only as a Senator, I'm concerned because I am a member of the Bar, and I am concerned about the separation of powers. Mr. President, the fact that the Governor has removed himself from the appointive power does not make this Bill any better. It's a useless, unnecessary measure and I oppose it.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Alfano.

SENATOR ALFANO:

Mr. President, I stand to concur on the remarks of my colleague, Senator Fauliso. I think he's covered the area very well and very thoroughly. I think the obvious intention of this Bill is clear to all of us. It's directed at carrying out a campaign commitment, a platform commitment of the Governor's political party wherein he committed himself to the people that

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he would work for a department of criminal justice under the Attorney General, if I recall, reading the Republican platform. And now, if you really look at this Bill, I think it's pretty obvious and pretty clear that this whole thing is nothing but a masquerade. It's window dressing. It's obvious that the 17 pages of legislation have very little that's new in them. If you read the Bill through, you'll notice in one section they create a division of criminal justice in the Judicial Department and then going on, they appoint a Chief State's Attorney and a Deputy. And if you read the Bill through, it does say they will supervise the other state's attorneys and prosecuting attorneys of the Circuit Court, and basically, the rest of the Bill deals with the \$32,000.00 for the Chief and the \$31,000.00 for the Deputy, the fact that they're entitled to retirement, and basically the Bill is a nothing. And I think it's pretty obvious that all this Bill is going to do is create eight or ten new jobs; two really high-paid jobs, which are completely unnecessary. I think one thing we can now say about the State of Connecticut is basically our government has been good. It's been clean. And I think in no area has it been cleaner than in our Judicial Department. I know as we read newspapers throughout the country we've read of other judicial departments and offices of criminal prosecution where corruption has existed. But I think in Connecticut it has been one that we can all be very proud of.

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It's been one of the best judicial systems in the nation. I think our state's attorneys have done an outstanding job. Just a few years ago, when we discussed going into concentration and modification of the system, they took it upon themselves to coordinate their activities. They're basically doing what this Bill is spending a hundred and some thousand dollars to attempt to do. And on the basis of that, I'm going to oppose this Bill and I'm going to vote against it.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Lenge.

SENATOR LENGE:

Mr. President, I'm astounded at the arguments against this Bill. I'm hesitant to characterize them because they've been such a conglomeration of non sequiturs if you want to get down to the brass tacks of it.--leafing through the pages in a casual manner, downing the purpose, downing the need. No statistics was one argument, where are the rebuttal statistics? I can assure you, Mr. President, the Appropriations Committee would not have given this Bill a green light if we thought for one minute that we were pouring \$104,000.00 of pretty hard money to come by down the drain. I can't characterize these counter arguments other than to say that they look like pretty weak tea and maybe a little bit of sour grapes. The fact is that this is an essential piece

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of legislation. It ties the whole system together in the place where it should be, and if we're going to talk about criminal investigation, prosecution, the battle against crime, then I think we'd better put this Bill together. And to say there's nothing new in it is to say, in effect, that you haven't read the Bill.

THE CHAIR:

Thank you, Senator. Senator Rome.

SENATOR ROME:

Mr. President, I rise in support of the Bill and wish to associate myself with Senator Lenge's remarks, not Senator Alfano; and I do so, not because this Bill comes to me as a new item. I do so because Senator Scalo has made it very clear the importance of this Bill and the importance of the coordination of these functions which have gone largely uncoordinated. Unfortunately, crime does not go so uncoordinated and does not have as little help as we have given the prosecutorial function in the State of Connecticut. I worked for many months last year in the drafting of this kind of legislation and it got bogged down in politics. The department of criminal justice was a platform concern of both political parties. And the concern got down to the very basic question as to whether or not the Attorney General ought to have the function of appointment or whether it ought to be retained, not put into, but retained, the function of appointment of prosecutors retained in a criminal area, a criminal

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department, a criminal justice department. The Attorney General has never in Connecticut's history had any criminal responsibility. It was unrealistic and unreasonable and not because of any administration concern--but concern within the members of that judiciary committee and concern within the Judicial Department of the State of Connecticut and within the State's Attorneys' Offices themselves. After listening to them for many hours on many different occasions, that committee last year decided that the direction ought really to be a chief state's attorney appointed outside of the jurisdiction of the Attorney General. This is a good bill. It ought to pass. Senator Lenge's remarks ought to be carefully considered.

THE CHAIR:

Thank you, Senator. Senator Guidera, then Senator Zisk.
Senator Guidera.

SENATOR GUIDERA:

Mr. President, just a few brief comments. The Judiciary Committee has studied this matter long and hard, and thanks to the efforts of Senator Scalo and others on his sub-committee, they've come up with what we consider to be a great bill. Basically, I have to think that when we talk about this Bill that again we're getting bogged down in politics. We've never had, as I've said on occasions before, any scandal involving any state's attorney of this State or any prosecutor. This Bill attempts to unify our efforts in the prosecution of criminals and criminal matters in this State, and for the first time, really begins to

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coordinate. One of the most beautiful things about the Bill I think is the fact that the Chief Justice who is removed from politics has the appointing right under this Bill. There is no politics involved in it. We've removed it completely from the Bill and the Governor himself has supported those efforts to remove any politics in the interests of a good bill for the State of Connecticut. We think this is the best piece of legislation that we can come out with. Historically, the Courts have had the appointing power over the state's attorneys and the prosecutors throughout the State of Connecticut, and if we took that away from them now and for example put it in the Attorney General's Office or put it in the hands of the Governor or put it in the hands of the Judiciary Committee or any other individual or body other than the judges or the Chief Justice of the Supreme Court, we'd be making a terrible mistake. There's no question that if you ever go out on a campaign and you say to your constituents I'm going to fight against crime, and then you turn around, you vote against this Bill, you're just not being honest. We're against crime. That's the clear signal of this Bill, and until we unify the efforts in this State, we're really not going to be able to effectively deal with an interstate crime situation that we have in the country today. Thank you, Mr. President.

THE CHAIR:

Thank you, Senator. Senator Zisk.

SENATOR ZISK:

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Mr. President, I'd like to say right off that I'm against crime, too, but I'm also against this Bill and probably for other reasons. I don't think this Bill is going to attack crime as its proponents say it will. I, through you Mr. President, would like to ask Senator Scalo a couple of questions about particular items in this Bill that are giving me some difficulty. I would like to know whether or not the requirement for the deputy chief state's attorney to have been a prosecuting attorney was considered as a requirement for the chief state's attorney and why it wasn't set out in this Bill that the chief ought to at least have the comparable experience?

THE CHAIR:

Your questions are directed through the Chair, I presume, Senator?

SENATOR ZISK:

Yes, Mr. President.

THE CHAIR:

Senator Scalo, if you wish.

SENATOR SCALO:

Mr. President, through you. It was felt after careful deliberation that the administrator of that portion of the division of criminal justice, specifically the Circuit Court, should have had some specific involvement to acquaint himself with the immediate, pressing manpower, physical problems, that exist within the Circuit

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Court system. The Chief State's Attorney, the requirement was not put into that particular office because it was felt that the probable, and I can only say probable, appointment because I have absolutely no input into that and I have no knowledge. I have no opinion as to who, what, why or when as far as that is concerned, but would probably be someone who has been within the Department of Criminal Justice and on the Superior Court level. We felt that we did not want to have the Circuit Court not represented upon the--in the chief administrative office so that that is the reason why that particular provision was put in.

SENATOR ZISK:

Thank you. Mr. President, through you.

THE CHAIR:

Senator Zisk.

SENATOR ZISK:

In--on Page Five of this Bill, Line 188, the qualifications for appointment for chief state's attorney, deputy chief state's attorney are set out as and I'm reading from Line 187 at the point "be an attorney at law who has been admitted to the practice of law for at least three years." I'd like to ask Senator Scalo if that means practice of law in the State of Connecticut to the Connecticut Bar or whether or not it means to some other Federal Bar or what does it mean?

THE CHAIR:

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Thank you, Senator. Senator Scalo.

SENATOR SCALO:

It means what it says.

THE CHAIR:

Thank you, Senator. Senator Zisk.

SENATOR ZISK:

I would like to ask Senator Scalo then in the light of that answer whether or not he believes there's an inconsistency with the language of Line 188 when read and compared with the language of Line 291 of this Bill which says that the prosecuting attorney for Circuit Court I presume shall at the time of his appointment be an attorney at law admitted to the practice of law in this State.

THE CHAIR:

Thank you, Senator. Senator Scalo.

SENATOR SCALO:

I think that the approach that is being taken does not point out to any inconsistency. I think it's somewhat specious. I think that it's obvious on its face that the attorney would be an attorney at law admitted to practice within the State of Connecticut.

THE CHAIR:

Thank you, Senator. Senator Zisk, you continue to have the floor.

SENATOR ZISK:

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Thank you, Mr. President. With all due respect to Senator Scalo, I think the statutory construction here is capable of more than one interpretation as with reference to the two lines that I just referred to. Mr. President, as I said at the outset, I'm against this Bill because I don't believe it's going to do what its proponents say that it will. It's going to increase the attack upon crime in Connecticut. I think rather it may inadvertently work in the opposite direction by creating some confusion between what our presently pretty well organized groups of state's attorneys and prosecuting attorneys and create confusion between that system which we have today and what is likely to happen under this Bill. I've heard the term political grab bag here and I associate myself with those remarks because I think may be this is what this is set out to accomplish. This Bill is going to create some new positions, rather high-paying jobs, but I don't think that the positions are clearly enough set forth in their function and in what we can reasonably hope they will achieve. I have a feeling that maybe as Senator Scalo says, he can't put his finger on precisely where the applicants will come for these jobs or where the appointments will come from, but I have a feeling that the language of this Bill is such as to set it up for particular people. And I wouldn't be surprised if this in fact turns out to be a kielbasa barrel as distinguished to a pork barrel, Mr. President. New Britain may be well represented in this act. Finally, Mr. President, I'm

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concerned about this Bill because the people who have risen in support of this said that it's going to help those who are presently engaged in crime fighting and prosecution. I think the Bill has one glaring fault in this area, and that is, it does nothing at all to beef up the Circuit Court prosecutor system that we have in this State. It continues the part time approach to the attack on crime. Mr. President, I speak from personal experience when I say that the prosecutors of the State of Connecticut in the Circuit Court system are dedicated people. I've always observed them to be that, but they are overworked and they are (inaudible). I think that working on a part time basis puts them at a distinct disadvantage, and I think the approach that is taken here to continue that when we speak of terms of let's attack crime and let's really put a full effort behind this and let's spend the money that needs to be spent to attack crime, we're really talking out of both sides of our mouth because we're continuing a system that is proved, I think, to be ineffective. I'm against the Bill because I think it's shortsighted and it's a facade and it's not really going to accomplish what the people say it will.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I rise to oppose the Bill. Mr. President, I want to associate myself with the remarks of all of those who

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opposed the Bill up until now. I want to add a word from personal experience. During the last session, I was privileged to work on a bi-partisan committee which investigated the construction of the Health Center at the University of Connecticut, and we were struck, and in my experience, it was the first time I had ever confronted the problem of organized crime acting, being in control at times, of that construction site. We went on from those hearings to consider alternative responses to the problem of organized crime, and I think that I should parenthetically make clear what I take it we all agree on--that this criminal justice division so-called is going to have very little effect on the street mugger, if you will, the petty crime that bothers so many people when they think of the problem of crime. I presume we're aiming here at organized criminal activity. Our conclusion in looking at what was being done in neighboring states, particularly New Jersey and New York and in considering testimony from law enforcement officials in the State of Connecticut was that what was really needed in the fight against organized crime in Connecticut was a full time, aggressive investigative unit that was directed primarily toward organized crime. In hearing that, we came forward with a bill creating a state commission on investigation similar to ones that now exist in New Jersey and New York. That bill is resubmitted and currently before the Government Administration and Policy Committee. But I do believe that a strong investigative agency

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bi-partisan is really what is needed in the effort to combat organized crime--an agency that would develop the cases and then turn them over to prosecutorial bodies such as the state's attorney for prosecution. It seems to me that the Bill before us now as has been indicated previously in this debate is a bill that probably would not withstand a truth in advertising law. I think it takes and coordinates the state's attorneys, gives them a raise and then attaches on the title of criminal justice division, but this is not a criminal justice division in the way in which it's commonly understood and in any meaningful way in terms of combating organized crime. It's not a terrible bill, but I think it's a very misleading bill and it is a bill, in my judgment, that will have only a minimal effect on what we all as soon recognize as a real problem of organized criminal activity in this State.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Strada.

SENATOR STRADA:

Mr. President, I also rise to oppose the Bill. In my judgment, this Bill will not bring about a better system of criminal justice than we have today. I think it is unnecessary. I believe it is unconstitutional as violating the prerogatives of the judicial branch of government. Mr. President, I favored for

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many years, well, since 1967 as I first became a member of the General Assembly, giving criminal jurisdiction to our Attorney General. And someone mentioned before that this was unrealistic, that this was unreasonable. I served during my two terms in the House and my former term in the Senate as a member of the Judiciary Committee. I also served as a member of the Northeastern Crime Commission. As a member of both those committees, I travelled along with others in this General Assembly to Washington, had various discussions and conferences with members of the Justice Department, travelled to the New England states, spoke to law enforcement officials there. Mr. President, we found out that the State of Connecticut is the only state in New England whose Attorney General does not have criminal jurisdiction as a matter of fact. And if we're really looking to have an organized and concerted effort against organized crime. This is what we should be doing today. Certainly we're all against organized crime, but this Bill will not solve it. I'm opposed to it.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Winthrop Smith.

SENATOR WINTHROP SMITH:

Mr. President, I would like to associate myself with the remarks of Senator Scalo and Senator Guidera. I think they've done an excellent job of presenting this. It is my hope that

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this Bill will help make a good system an even better one. Hopefully, it will give us a more cohesive system of combating crime, particularly concerning the mobility of our society today as well as the criminal. I think that it's time that we had a system such as this, would give us a much better overall control of the criminal element in our society and in our State. I give this Bill my wholehearted support.

THE CHAIR:

Thank you, Senator. Are there further remarks? Senator Zisk.

SENATOR ZISK:

Mr. President, I would like to ask, through you if I may, of Senator Scalo an additional question. In Section 12 of this Bill, Senator Scalo, there's a reference to--on Line 448 each widow of a chief state's attorney, deputy chief state's attorney, et cetera. I wonder if--and then continuing on Line 457, the salary of the office which her husband held--I wonder if there's any room in this for discrimination on the part of the fact that we may very well have a female chief state's attorney or a female occupant of one of these other offices.

THE CHAIR:

Senator Rome.

SENATOR ROME:

Yes, Mr. President. A point of personal privilege. Mr. President, the Clerk has a bill which has been certified as an

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emergency. We have no authority in Connecticut at this time to extend the date for filing of income tax returns, the capital gains and dividend tax return and the date for final filing is on Sunday. It is my understanding that the Federal Government has issued an executive order which would indicate that they will extend the filing till Tuesday and this Bill would provide the same. Mr. President, I wonder (inaudible) even though we interrupt a very important piece of legislation, we might read that Bill in now so that we may refer it to committee and we may take action on it this afternoon. I think it's an important piece of legislation. Senator Fauliso hasn't filed his return and nods his approval.

THE CHAIR:

With the leave of the Senate, we will interrupt the debate on the Department of Criminal Justice and read this Bill in. Mr. Clerk.

THE CLERK:

Raise Committee Bill. An act concerning the capital gains and dividend tax.

THE CHAIR:

Refer to Finance.

SENATOR ROME:

Thank you.

THE CHAIR:

Thank you.

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SENATOR ROME:

And thank you, Senator.

THE CHAIR:

Proceed with the debate.

SENATOR ZISK:

Mr. President, would you like me to...

THE CHAIR:

Senator Zisk.

SENATOR ZISK:

Would you like me to repeat the question for Senator Scalo?

SENATOR SCALO:

Senator Zisk.

THE CHAIR:

Senator Scalo.

SENATOR SCALO:

I believe that we have language in the General Statutes of the State of Connecticut which indicate that wherever the male is indicated it also means the female and wherever the female is indicated it also means the male. And I think that that would suffice to cover this situation.

SENATOR ZISK:

Thank you, Mr. President. I hope he's right.

THE CHAIR:

Thank you. If there are no further remarks, the Clerk please

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announce an immediate roll call. I gather there's been no motion for a roll call on this Bill. Senator Odegard.

SENATOR ODEGARD:

So moved.

THE CHAIR:

Senator Odegard's moved a roll call vote. All those in favor signify by saying Aye. Opposed, Nay? More than 20 percent having assented, the vote, when it's taken shall be by roll call. Please announce of roll call vote and proceed with the call of the roll.

THE CLERK:

There will be an immediate roll call vote in the Senate.

There will be an immediate roll call vote in the Senate.

Senator Fauliso	No	Senator Murphy	No
Wilbur Smith	No	Cashman	Yes
Burke	Absent	Gunther	Yes
Odegard	Yes	Scalo	Yes
Lenge	Yes	Caldwell	No
Zisk	No	Petroni	Yes
Alfano	No	Lyons	Yes
Rome	Yes	Guidera	Yes
Truex	Yes	Strada	No
Lieberman	No	Gormley	Yes
Ciarlone	No	Berry	Yes
Page	Yes	Power	Yes
Zajac	Yes	Dinielli	No
Winthrop Smith	Yes	Bozzuto	Yes
Cutillo	No	Costello	Absent
Sullivan	No	DeNardis	Yes
Powanda	Yes	Carruthers	Yes
Hellier	Yes	Finney	Yes

THE CHAIR:

Results of the roll call vote on substitute House Bill No.

8247:

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Whole Number Voting	34
Necessary for Passage	18
Those Voting Yeah	22
Those Voting Nay	12
Those Absent and Not Voting	2

The Bill is passed. Senator DeNardis.

SENATOR DE NARDIS:

Yes, Mr. President. I rise on a point of personal privilege.

THE CHAIR:

Please remark.

SENATOR DE NARDIS:

Yes, I would like to call a meeting of the Finance Committee for the--in the Senate Republican Caucus Room, and I wondered if you would instruct the Clerk to make that announcement throughout the whole Capital.

THE CHAIR:

The Clerk please make the appropriate announcement.

THE CLERK:

There will be an immediate meeting of the Finance Committee in the Republican Caucus Room. There will be an immediate meeting of the Finance Committee in--the Senate Finance Committee--in the Republican Caucus Room.

THE CHAIR:

Senator DeNardis.

SENATOR DE NARDIS:

Mr. President, just to clarify, the Joint Finance Committee in the Senate Republican Caucus Room immediately.

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TUESDAY

FEBRUARY 20, 1973

MR. GAUCHER con't: The other bill that I am going to address myself to is the House Bill #8247, AN ACT CONCERNING THE ESTABLISHMENT OF A DIVISION OF CRIMINAL JUSTICE IN THE JUDICIAL DEPARTMENT.

Again this would be legislation of considerable importance and the Board of Governors of the State Bar Association has considered the merits of such an act being taken and it does approve, the Board of Governors does approve having a separate department of Justice. I think its only fair to say that there is division within the bar as to the exactly how that should be brought about, whether it should be a separate division of Justice within the Judicial Department, whether it should be a division altogether, such as is contemplated for the public defender services and then of course, there is a proposal of having it under the Attorney General's Office.

I think that, insofar as the three various aspects that are being considered, the latter under the Attorney General, the minority view of the greater number of the bar. In any event it would be in favor of setting up a separate division of Justice query is whether it should be in the Judicial Department or on a separate independent altogether from the Judiciary and from the Attorney General's Office.

There are other bills that I'm just going to list them and indicate to you what the position of the organized bars is in regards to them.

First Bill 8151, AN ACT CONCERNING LIABILITY OF LAND OWNERS UPON WHOSE LAND OR TERRAIN VEHICLES, SNOWMOBILES AND MOTORCYCLES ARE OPERATED. The board is in favor of that legislation. I'm on the first page by the way.

House Bill 8160, AN ACT ADOPTING UNIFORM MINOR STUDENT CAPACITY TO BORROW ACT. The bar is in favor.

HOUSE BILL 8207, AN ACT CONCERNING THE NUMBER OF JURORS FOR EACH TOWN. The board approves of that legislation.

8142, AN ACT CONCERNING THE SELECTION AND SUMMONING OF JURORS. The board is in favor of that legislation.

House Bill 8239, AN ACT CONCERNING COMPENSATION OF FIREMEN COMING TO TESTIFY IN CIRCUIT OR JUVENILE COURT. The board approves of that legislation.

HOUSE BILL 8237, AN ACT CONCERNING THE ESTABLISHMENT OF A DEFENDANT SERVICES COMMISSION. The board definitely approves of that legislation.

On page 2, House Bill 8140, AN ACT EXEMPTING PROPERTY OWNERS OF LAND AVAILABLE FOR PUBLIC RECREATIONS FROM LIABILITY. The board approves.

House Bill 8204, AN ACT CONCERNING THE JUDICIAL DISTRICT OF WATERBURY, this act is designed to make certain technical

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1 MARCH, 1973

Department of Justice and lastly the Death Penalty bill.

With reference to the Department of Justice bill of the two that are before the Committee here tonight, I obviously favor that one Creating the Office of Chief States Attorney as opposed to a bill Creating a Department under the Attorney General. As you all are aware this a matter that has been before the Judiciary Committee in the last two sessions and I've spoken before on this general subject, I think most of you are probably aware of my feels on the matter. I've been involved in the office of the States Attorney of Fairfield County now for close to 11 years, I'm somewhat aware of the general history over the last 200 years in Connecticut and I fervently would hope that we would not do any thing with the existing system that would politicalize it any more than it may already be. I can only feel that if this Office is created under the Attorney General with the appointment power either in that office or truly in the office of the Chief Executive, Connecticut could very well be in for trouble in the future.

With reference to the other bill, I am generally in favor of a, here's the bill, I believe that it was submitted by the States Attorneys themselves, I'm not really in a position to take issue with it, although there are some parts of it that I think could still stand some improvement. This is Committee bill 8247. Again, there has been a Public Hearing on this matter already this year and I've informally talked with some of with reference to my feels on this bill. Generally speaking I think this is the solution to the problem and will do the least to affect the system that I think has worked rather well for Connecticut over the period of its history. And I think that one should not attempt to legislate large scale changes in something that has worked and as far as I know there is a general feeling among the citizenry and I think the legislature with the State's Attorneys and the Prosecutor System as it now exists has worked in Connecticut.

Probably the most appealing reason in the world for the creation of an office for Chief State's Attorney or whatever you want to call it is the fact that there is now no such person and any organization should have a head. And although I think the system works rather well in its present form I am somewhat convinced myself with that rather general and appealing argument that there should be a top man over all the prosecutors in both the Superior and Circuit Courts. There are many reasons most of which you people are already aware of for this particular fact.