

Call judges to account

From The New London Day

The state courts should not be able to pass, in effect, laws that govern their branch of government without approval by the legislature. Nearly everything in state government is subject to the laws approved by the General Assembly — except for the courts.

The state's judges gather annually in a meeting closed to the public and media. There, they debate and pass laws for their own profession. The FOI Council, an advocacy group for open government, believes this is wrong. The judges say the proposed constitutional amendment violates the principle of separation of powers among the three branches of government.

Chris Powell, managing editor of the *Journal Inquirer* of Manchester, says many judicial proceedings — such as juvenile criminal cases, arrest warrants, and findings of judicial misconduct — are conducted in secret by judges.

“The judiciary in Connecticut has

chosen to obey the laws it wants to obey, and to tell you folks you can't pass other laws,” Mr. Powell testified to the legislature. “The judiciary has got to get out of the legislation business.”

This is an important issue, but last year, the Judiciary Committee of the legislature, which is stacked with lawyers, refused even to discuss the matter. The measure faces tough sledding still. Even if a proposal were put on the ballot, judges would claim a violation of the separation-of-powers provision. And the case, at least in Connecticut courts, would be heard by the same judges whose secrecy the constitutional amendment sought to end.

“Separation of powers means that each branch of government can exercise only its own powers and not the powers of the other branches,” Mr. Powell says.

The editor's claim that the courts are saying, “We are the law and only we will decide when mere citizens get a look at us,” bears much weight.

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