

It Isn't Only Giordano's Liberty On The Line

By RICHARD D. TULISANO

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The government's suppression of information in the Philip Giordano sex scandal prompts me to signal a warning to the people of Connecticut, and our federal legislators, of the danger that lurks in government activities involving citizens that are pursued under a cloak of secrecy.

Giordano was arrested in secret and held in secret locations and the underlying charges were wrapped in that same secrecy. The names of witnesses were also shielded against disclosure. That both federal court rulings and statutory law allow individuals to be so detained should be of concern to all.

That the Giordano court procedures have been and will continue to be conducted in secret adds to the uneasiness.

Clearly, the rights of the accused to a fair and impartial trial should be protected, but such protection should not be used as a reason to allow government procedures that increase the police powers of the state to be exercised in the dark of night.

In the early days of our republic, restrictions on the police powers of the state were rooted in the civil liberties guaranteed by the Bill of Rights. For those of us who take these ideals seriously, and believe that individual liberty is paramount, it is important that we be ever vigilant against potential abuses of power by the state.

These ideals of civil liberty and their defense became matters of faith to many Americans, including me. If we do not question the government's right to conduct business in secrecy, do we not produce fertile ground for a new group of desaparecidos to be created here in the United States, as it was in Argentina?

During my many years in public life, I was occasionally viewed as an alarmist for pointing out the danger of supporting well-intentioned state actions that enhanced the power of the state against the individual. But these recent government actions once again remind me of how fragile our liberty is and how important it is that someone speak out.

We in Connecticut have less to fear from our state officials than we do from our federal officials. Since 1980, Connecticut legislation has provided for open courts. Any order to close the courts, as recently occurred in the Giordano case, is stayed for 72 hours, giving the interested party the right to review the order in the state Appellate Court. Such reviews are expedited to protect and balance the public's right to know and the accused's right to a fair trial.

Further, our freedom of information law requires that an arrest be a public record from the time of the arrest, and that certain disclosures be made.

Connecticut law protects us from excessive state power. Should we not be entitled to those same protections under federal law?

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