

GPS

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David Ridberg didn't say whether his department uses the tactic, but he also said he did not see any legal precedent that required investigators to obtain a warrant before attaching a GPS unit to a suspect's vehicle.

"There is no controlling case in Connecticut that I am aware of requiring a warrant," Ridberg said. "That being said, if we were going to use a GPS to obtain evidence that would be used in court, I would rather be safe than sorry."

Stamford police declined to comment on the issue.

Legal authorities said the New York state ruling shows how the law is progressing as technology expands, and they predicted that it is only a matter of time until Connecticut sets its own legal stance.

"If you have a New York Court of Appeals precedent, it's very likely Connecticut Supreme Court would follow," Greenwich defense attorney Eugene Riccio said. "If state police take the view they don't have to get a warrant, I would say that is pretty thin constitutional ice."

Stamford defense attorney Stephen Seeger said conducting such investigations without probable cause is a clear constitutional violation.

"If you want to play, you have to play fair," Seeger said. "I think, under any circumstance when you are dealing with the Constitution, it requires there to exist probable cause. That's why you need a warrant, especially to utilize technologically advanced equipment such as GPS."

On May 28, justices from New York state's highest court released their official split ruling.

"GPS is a vastly different and exponentially more sophisticated and powerful technology that is easily and cheaply deployed," the justices wrote. "Without judicial oversight, the use of these powerful devices presents a significant and, to our minds, unacceptable risk of abuse."

Although other states, including Wisconsin, have ruled that using the device does not require a warrant, legal experts said Connecticut often affords its citizens greater protection of privacy than is granted under federal law.

However, until a case goes to the state's high court, confusion in Connecticut's laws remain.

"It is a gray area, most definitely," said Senior State's Attorney James Bernardi, a supervising prosecutor at state Superior Court in Stamford. "Cases have gone both ways."

Bernardi said though he has never seen a case in which police used the tactic without obtaining a warrant, he could see a good argument being made that a warrant was not required because of outdated federal law. As it stands now, it is constitutional for police to track suspects using a beeper-type device without a warrant. The U.S. Supreme Court has never ruled specifically on the new technology of GPS trackers.

"If you drive around in your car, since people can see you, you don't have a reasonable expectation to privacy," Bernardi said. "Federal law seemed not to require it, and GPS tracking is just a technological advance over the old beepers." However, he said, prosecutors recommend that police do the safe thing and obtain a warrant.

"The rule is always, 'When in doubt, get a warrant,'" Bernardi said. Attorney Richard Emanuel, an appellate specialist who has worked on many cases involving Fourth Amendment rights, said there are clear invasion-of-privacy issues in this scenario.

Emanuel said that if he were placed on a similar case, he would argue that the state should offer greater protection than is afforded under the Constitution when it comes to protecting people against wrongful search and seizure.

"The argument would be the state Supreme Court

should interpret the state constitutional provision against unreasonable search and seizures in a way that's more protective of our citizens' rights than under the federal Constitution," Emanuel said. "I'm aware of 10 cases where the Connecticut Supreme Court has given citizens greater protection in the area of search and seizure than is available under the Fourth Amendment, but they don't always do it."

Although lawyers are quick to point to the invasion-of-privacy issue, state police Lt. Vance said police are not in the business of eroding civil rights.

"Any of these investigative tools are not utilized to infringe upon anyone's rights," he said. "They are used as investigative tools, whether it's airplanes or helicopter surveillance or binoculars."

But attorney Seeger said GPS is a different from "old-fashioned" surveillance.

"The argument I would make is it is illegal," Seeger said. "Can we as a society have a reasonable expectation of privacy (if) the police are simply walking by and putting high-power devices on our vehicles?"

New York justices said no to that question.

Emanuel, who has been an appellate lawyer for more than 10 years, said in similar cases where the Connecticut Supreme Court was asked to look at the state Constitution in regard to citizens' rights, it has acknowledged that the law is constantly evolving.

"They have said things like, 'The state Constitution is sort of a living document that should be interpreted to have contemporary effectiveness,'" he said. "There needs to be some flexibility in constitutional interpretation to meet the changing conditions of our society."

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Speech

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whether other states' legislatures have found acceptable means of limiting the length of debates.

"I am very concerned that the Democratic Party, which has been voted the majority party by a very large number — at least two to one — is allowing itself to be thwarted," Meyer said in an interview late last week. "The majority party, elected by the people in large numbers, is allowing this tyranny of the minority to continue."

Having served in the 1970s as a member of the New York legislature, Meyer can bring a different perspective to how things are run at the Connecticut capitol. But other legislators past and present from both parties do not appear eager to find ways to limit the amount of time a bill can be discussed in the General Assembly.

"Certainly, we could change the rules if we like," said House Speaker Christopher Donovan, D-Meriden. "But it's been the tradition in the House and Senate to have debate go on. People were concerned about the abuse of it this year, (but) you'd like to be as collegial as possible. We're not New York. We're Connecticut. People can talk."

Gary Rose, chairman of Sacred Heart University's Department of Government and Politics, said, "It's really endemic in our political culture at the legislature to allow for minority points of view to the extent possible."

Rose recalled when former House Speaker Irving Stolberg, D-New Haven, became more aggressive with the minority party in the late 1980s, he was ousted in a bipartisan coup.

"They really felt he was becoming tyrannical," Rose said. "The impression was

Stolberg was simply not being fair."

State Sen. Dan Debicella, R-Shelton, said the minority's job is "to keep the majority honest."

"By asking questions, we can shed a light on what's in these very often dense and detailed bills," Debicella said. "Talking about a bill for two hours — that's about the normal amount of time — is reasonable to flesh out the issue."

Debicella said Connecticut legislators cannot conduct true filibusters and must stick to the issue at hand.

"You can't just (talk) about any old thing or read from a phone book," he said.

Democrats said that the Republicans on several occasions this session had run out of things to say but kept pointlessly talking.

At one point on Wednesday night, Debicella and state Sen. Andrew Roraback, R-Goshen, were posing questions to each other about a Republican amendment, and a majority of the 36 senators, including Republicans, were either not listening or not in the room.

One senator's young son even played at his desk, while his father stood nearby in conversation. Other lawmakers typed on laptops or checked their BlackBerries.

Republicans this session admitted to using debate to either try to force the Democrats to table a bill or to delay votes on other legislation in the queue.

House Minority Leader Lawrence Cafero Jr., R-Norwalk, said that Democrats, in failing to craft a two-year budget, left "a big void in time" during the session to try to pass pet projects and anti-business legislation.

"We were not going to let

that happen," he said.

The quickest way for the Democrats to end a debate would be for one member to "call the question," a non-debatable procedure allowing the majority to take action on a bill.

But they are loath to do it. "Oh, Lord, no. That's disrespectful," said retired House Speaker James Amann, D-Milford. Amann said the debate is a tool not only to try to change, kill or stall bills, but to allow party leaders to work out compromises behind the scenes.

"It's a time to say, 'You want this bill, give us this bill,'" Amann said.

Senate Minority Leader John McKinney, R-Fairfield, said the only time he recalled a fellow legislator trying to call the question was during West Hartford Democrat Kevin Sullivan's years as Senate president in the late 1990s or early 2000s.

And Sullivan, McKinney recalled, immediately put a stop to the effort.

"I'm sure that is true," Sullivan said. "I cannot exactly capture the moment, but it represents what I would have done."

Sullivan said that if any legislative leader dared to try to end debate, it would set a bad precedent for future conduct and likely encourage longer filibusters.

"And today's calling of someone else's question is tomorrow's calling of your question," Sullivan said, noting that Democrats, when in the minority, were equally guilty of being long-winded.

"The place would deteriorate," Sullivan said. "You'd get less done. It's the nuclear bomb of debates."

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Shays

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has emerged to become a member of the Commission on Wartime Contracting in Afghanistan and Iraq, a role he said will take advantage of the knowledge he acquired in his years of monitoring events there and one that he expects will take him back to that part of the world.

He has joined the boards of CIT Group, an international financial company that will pay him \$60,000 plus stock options, and North Highland, an Atlanta-based consulting firm. Shays said he expects to undertake two additional such positions.

Meanwhile, on a volunteer basis, Shays has joined the board of Campaign Legal Center, which champions the campaign finance and ethics reform he made a hallmark of his congressional years. And he has continued as a member of the National Commission for the United Nations Educational, Scientific and Cultural Organization, which advises the State Department on humanitarian development and values.

Ultimately, Shays said, he expects to earn far more than his annual congressional salary of \$170,000.

"I'll be making about five times as much," he predicted. His wife, Betsi, a retired teacher who most recently held a post at the U.S. Department of Education, is exploring consulting and corporate roles where she can use her skills as what he called a "strategic thinker."

Still, he said his redirected sense of purpose — a desire to look forward and not back — came with certain pangs.

"I loved being a congressman," he said. "I loved the public policy. I miss not being in there making a contribution."

Friends such as Jack McGregor, a Bridgeport businessman, and Frank Carroll, a union leader who broke with his usual Democratic stripes to back the former legislator, said there was no overstating how much Shays cherished that work.

"Chris Shays absolutely, 24/7 enjoyed being a congressman because he thought he could make a difference in

people's lives," said Carroll, who has known Shays nearly 30 years.

"He has a finely tuned sense of duty and amazing level of curiosity," said McGregor, who met Shays during his 1987 campaign to succeed the late Stewart B. McKinney. Shays "just loved to learn things and apply his learning to the problems at hand."

Shays said he still wonders whether November's results — in which Himes got 158,475 votes to Shays' 146,854 — might have been different. Whatever the impact of the misused campaign funds, Shays said one difference this time was the absence of his longtime friend Robert Shulman, a pollster who had helped Shays evaluate data but who died after Shays' tight 2006 win.

Back then, he said, Shulman helped him hone his message on the Iraq timeline. This time, Shays said, Shulman might have helped him "reorient" the campaign to be more successful with the minority community, where Shays said there wasn't enough ticket-splitting to put him over the top.

"I was really surprised," he said of the Election Day outcome. "It's not a good thing for a politician to be surprised. So it means my antenna was just off."

After the 2008 election, Shays was endorsed by many, including Himes, to become director of the Peace Corps, a seemingly tailor-made spot for someone who was an agency volunteer in Fiji after college and enjoyed a 34-year career as lawmaker on the state and federal levels. Although Shays was reported to be on a short list, "I'm not certain I would have been the one," he said. He would have faced competition from interested Democrats and perhaps opposition because he was a supporter of the Iraq war.

Besides, Shays said, his congressional pension would have been subtracted from the director's salary, and he would not have been able to serve on other boards. So he asked to have his name removed from consideration.

Shays said taking his seat

on the contracting commission has given him a sense of revival.

At the first meeting, he had intended to listen, as he did for years at community forums and perhaps most famously at a nationally televised session where constituents offered their views on the vote for then-President Bill Clinton's impeachment.

"I broke my vow right away," Shays said. "I told the commission I got so giddy just being able to talk public policy. I just loved it."

Although he anticipates earning far more than he did as a member of Congress, Shays is not cashing in as a lobbyist. "What I've made is a very conscious decision that I'm not going to become a lobbyist," he said.

He said he doesn't want to ask his former colleagues for things and said he likes the other roles he has.

"Betsi and I will be able to pay our bills and pay our debts, and that's just very nice," he said.

Shays said the decision to sell the Black Rock home — which is on the market for just less than \$2 million — as well as a two-bedroom Washington, D.C., townhouse, was not because of campaign's debts but because he wants a less frenetic life.

"For 21 years, I commuted every week back and forth," he said. The 14-hour round-trip travel was so grueling that for the most part, the family couldn't enjoy a simple Sunday afternoon. With their daughter now a lawyer in Washington, D.C., he said he and his wife are settling in St. Michaels, Md., about an hour and a half from the capitol. He said they'll get smaller places there and either in Black Rock or Stamford, where he lived before moving to Bridgeport 10 years ago.

Shays was so focused on his congressional job that he said he never visited Washington's renowned museums.

"In 21 years, I didn't go to a museum in Washington," he said. "I think I went to the zoo once cause I took some family members."

— Susan Silvers writes for the Connecticut Post.

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