

APPENDIX

HONORABLE WILLIAM C. BIELUCH 1918–2012

On December 16, 2012, the seventy year career at the bar and bench of William C. Bieluch ended with his passing from this life at the age of ninety-four. Judge Bieluch served on the Appellate Court from 1985 to 1988 and was the husband of Pauline O'Connor Bieluch. In addition to his wife, Judge Bieluch is survived by his daughter, Dr. Virginia M. Bieluch; two sons, Attorney William C. Bieluch, Jr., and Philip J. Bieluch, F.S.A.; one granddaughter, Emi; and five grandsons Bill, Scott, Brian, Chris and Thomas. He was predeceased by his first wife, Nellie Sidor Bieluch; three sisters, Alice Moran, Bernice Gryk and Catherine Bieluch, and two brothers, Joseph Bieluch and Reverend Chester Bieluch.

Born November 12, 1918, in Hartford, he was the son of the late Joseph and Catherine Bieluch. His parents placed a value on education. He was a graduate of Hartford Public High School and Brown University, magna cum laude. At Brown, he was a James Manning Scholar and Francis Wayland Scholar, and was elected to Phi Beta Kappa. After receiving his J.D. from Yale Law School, he was admitted to the Connecticut Bar on February 19, 1942. From 1942–43, he was associated with the law firm of Covington, Burling, Rublee, Acheson & Shorb, Washington, D.C., now known as Covington Burling. During World War II, he served as a Lieutenant, Junior Grade in the United States Coast Guard in the Pacific Theatre, 1943–45, participating in the invasions of Iwo Jima and Okinawa, and in the original occupation of Aomori, Japan. After honorable discharge from service, he engaged in the private practice of law in Hartford from 1945 until he became a judge of the Circuit Court of Connecticut on August 8, 1968. At the time of his judicial appointment, he was in partnership with the late Judge David M. Barry. Associated with them was now Senior United States District Court Judge Alfred V. Covello. Judge Bieluch successively served on the Court of Common Pleas, 1973–76; Superior Court, 1976–85; Appellate Court of Connecticut, 1985–88, and then became a Judge Trial Referee. As a Judge Trial Referee, he assisted in the settlement of appeals and recommended whether appeals should be transferred to the Supreme Court of Connecticut. His efforts often resulted in letters from counsel to the Appellate Chief Judge extolling his settlement work.

He credited one of his early elementary teachers, Sister Rose Julie of the Felician Sisters, with encouraging and promoting his scholarship, college preparation and education. That scholarly bent manifested itself in his law practice and later judicial career. His long experience on the trial and appellate bench resulted in hundreds of thoughtful and careful opinions. Judge Bieluch had an acute sense of justice and was attuned to what Abraham Lincoln once described as “the eternal struggle between these two principles—right and wrong—throughout the world.” Lawyers do not choose their clients, nor judges their cases; what each makes of them, can make a difference. Like a pebble thrown into a quiet pond, the ripples from what they do can spread widely.

One such pebble, *Baker v. Potter*, 17 Conn. Supp. 444 (1952), a habeas corpus action brought by then Attorney Bieluch in 1952 on behalf of his client, Roosevelt Baker, against the high sheriff of Hartford County, not only freed his client, but cleared out the Seyms Street jail of many other incarcerated prisoners in similar circumstances, whom he did not represent. In *Baker*, Judge Vine Parmelee found that Baker had been sentenced to three separate jail sentences, all of which had been suspended without committing the defendant to the custody of a probation officer. This sentencing was done under a statute permitting such a suspension, similar to the conditional discharge now used in our criminal practice. Another statute provided for revocation of the suspended portion of a sentence and incarceration, but only where a committal *had* been made to a probation officer. Attorney Bieluch successfully argued that there was no implied power in the Superior Court to revoke an indefinite suspension when the offender had not been so committed to the custody of a probation officer. The decision had far-reaching consequences.

The United States Court of Appeals for the Second Circuit agreed with his sense of fairness and justice in the case of *Floyd v. Meachum*, 907 F.2d 347 (1990), an appeal from a habeas corpus case. The Second Circuit agreed with and quoted extensively from Judge Bieluch’s strong dissent in the defendant’s direct appeal, *State v. Floyd*, 10 Conn. App. 361, 523 A.2d 1323 (1987). In *Floyd v. Meachum*, the Second Circuit reversed a United States District Court decision and remanded the case with instructions that the writ of habeas corpus be granted unless the state granted a new trial within ninety days. Judge Bieluch’s lengthy and vigorous dissent in

State v. Floyd disagreed with the conclusions of the majority on all three claims of error, considering the record to demonstrate “abundantly” that Robert Floyd was denied a fair trial by the prosecutor’s “recklessly improper and irresponsibly prejudicial closing arguments.” The judge was unafraid to sail his boat against the wind where his sense of justice directed such a course. In *Floyd v. Meachum*, his words echoed from Hartford, Connecticut to Foley Square, New York.

Judge Bieluch had a respect for the fundamental place of our federal constitution in our jurisprudence. He believed that our constitution was not the refuge of the criminal few, but a protection for all of us, the many. During the judge’s tenure on the Court of Common Pleas, he was asked to rule on a motion to dismiss a case on grounds that it was an *ex post facto* law. Some young men had been arrested after sniffing glue under a railroad trestle and charged with violating a statute, which permitted the Consumer Protection Commissioner and the Health Commissioner to add to the definitions of controlled substances by adopting and publishing a regulation in the Connecticut Law Journal sixty days before its effective date. In the days before diversionary programs, the mother of one young man did not want her son to go through life with a criminal record. The commissioners adopted a regulation long after the enabling act, including two dangerous substances toluene and acetone. At the time of the young men’s arrest, the publication had occurred only two weeks prior. Thirty years later in a chance encounter with his former lawyer, the client still remembered Judge Bieluch’s epigram as he dismissed the case: “Even if you did what they say you did, it was not a crime when you did it.”

When our rules of practice required an exception to be taken from adverse rulings from the bench, Judge Bieluch would often remind a young lawyer to do so to protect the record for his client so that the right of appeal was preserved as to the issue. Those who tried cases in his court were better lawyers after the experience.

Some lines from Edwin Markham come to mind in reflecting on the judge’s long career:

“There is a destiny that makes us brothers
None goes his way alone
All that we bring to the lives of others
Comes back into our own.”

The judge was a man of faith, good character and fairness.
We mourn his passing. Requiescat in pace.
