

August 28, 2007

kmm BIPARTISAN COMMITTEE OF REVIEW 2:00 p.m.

PRESIDING CHAIRMAN: Senator Looney
Senator Roraback

COMMITTEE MEMBERS PRESENT:

SENATORS: DeFronzo, Guglielmo,
Nickerson, Stillman

REPRESENTATIVES:

SENATOR LOONEY: Good afternoon. We are about to convene the first meeting of the Bipartisan Senate Committee of Review.

Obviously, this is a difficult and unpleasant but, unfortunately, necessary task to undertake at this time, pursuant to the resolution which was adopted in the State Senate last Wednesday on a unanimous bipartisan 33-0 vote. And we will be proceeding in accordance with that resolution.

As you see, the Committee is a fully bipartisan committee of six Senators. Senator Andrew Roraback and I are the Co-Chairs, and we are, the Members, Senator Don DeFronzo, Senator Andrea Stillman, Senator William Nickerson, Senator Tony Guglielmo.

Today will be our first meeting in terms of undertaking some preliminary remarks by the Members and then a discussion, some discussion of procedures, and requests for information

that we may begin to gather in connection with the charge given to us.

First, we will have staff, in terms of setting this up procedurally. Our Clerk is Sandra Forte from the, from Legislative Management. From the Office of Legislative Research, Sandra Norman-Eady and Christopher Reinhart. Also with, Kristin Sullivan. And from the Office of LCO, Brad Towson, Bill O'Shea, who is not in attendance today, backed up by Jenna Padula.

Again, now I will just yield to my Co-Chair. Senator Roraback and I will alternate as Chairs for the meetings. I'll be chairing this first meeting, and then we will alternate meeting by meeting. Senator Roraback.

SEN. RORABACK: Thank you, Senator Looney, and good afternoon, ladies and gentleman. As Senator Looney indicated, this responsibility that the six of us have been given is not something that any of us would have wished for or that any of us have lobbied for.

But I think what unites us as a group is our faithfulness to the institution of the Senate. And we have been charged by 33 of our colleagues with discharging a responsibility which is unprecedented.

Given the unprecedented nature of the responsibilities that we have been entrusted with, I think that's going to call upon us to exercise an unprecedented degree of judgment.

And difficult decisions lie ahead, but I think as long as we proceed in a bipartisan fashion and with faithfulness to our charge, the citizens of the State of Connecticut, I hope, at the end of the day, we'll be well served. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. As often is said that difficult processes are sometimes likened to being the equivalent of pulling teeth, and I can attest to that literally today since I had a tooth extracted this morning. It seems to be somewhat appropriate in terms of undertaking this process today. But would ask now Senator DeFronzo for any opening remarks.

SEN. DEFRONZO: Thank you, Senator, Senator Roraback, Chairman Roraback. I am first humbled to be a Member of the Committee taking on such an important task. And I do want to just take a moment to recognize the work of Senator Williams and Senator McKinney in putting the Committee together.

When you consider the bipartisan divide in the State Senate, to approach such a sensitive issue as this with a purely bipartisan commission, I think is a tribute to the leadership of both Senator McKinney on the Republican side and Senator Williams on the Democratic side.

As we all know, our Constitution offers very little in the way of guidance in this charge that we're undertaking today, but I have always believed that we do our best work when we do it on a bipartisan basis and in good faith.

And I trust that when we conclude our work, we'll arrive at a fair judgment and one that we can all stand behind. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. Senator Guglielmo.

SEN. GUGLIELMO: I really don't have too much to add, except that it is a pretty heavy responsibility that we have because we're in totally uncharted waters.

There's really nothing to look back at, and it's probably one of the few events in the Senate that people will look back upon years from now to see what we did and what we didn't do.

Most of the other things we do in the session can be changed by a future Senate session, and this will be a little different than that. So I think that's why we're all facing this in a serious way.

And I know that I'm pleased to be a part of such a group. I think that, you know, we were assembled here because, I think we were chosen because we're fair and we're open minded, we're an experienced group, and I think we'll come to a thoughtful conclusion.

SEN. LOONEY: Thank you, Senator. Senator Stillman.

SEN. STILLMAN: Thank you, Mr. Chairman. I guess I could say ditto to the previous remarks, but I certainly do agree with them.

And I want to also thank not just the leadership of the Senate on both sides of the aisle, but certainly our Co-Chairs for taking on this task of trying to keep us all in order here. I'm sure they will do that well, and their leadership on this Committee is greatly appreciated.

We've all worked well together for many years on this Committee, and I'm really honored to have been selected as a Member of this Committee, sadly, that the Senate has to embark on these proceedings.

I know all of us will carry out our duties honestly and thoughtfully and fairly and with an open mind.

I truly hope that when we complete our deliberations, that as we make recommendation to the greater Members of the Senate, that they will also be aware as to how much deliberation will go into this process, and hopefully we will come to an agreement in the full Senate as to what the final outcome will be.

But certainly I would like to think that one of the outcomes of these proceedings will be that this experience that we all have can be brought to the Legislature in terms of setting a process in place that if we should ever have to use it again, and I certainly hope we don't have to, that we'll have something to guide us, the Legislature will have something to guide us, the Senate will, if this should ever come to pass again.

I look forward to sharing in the discussions and ferreting out all the information that's pertinent to these proceedings. Thank you.

SEN. LOONEY: Thank you, Senator Stillman. Senator Nickerson.

SEN. NICKERSON: Thank you, Mr. Chairman. Thank you, Chairman Roraback, has a certain ring to it. Ninety-nine percent of what we do in this building is, revolves around the central focus of resolving policy conflicts, and we all do that. I do that.

We all do that, colored necessarily by the parties we belong to, our personal ideology, what kind of district we represent. I'd be less than candid to say personalities didn't enter into it.

Today, we're asked to put all of that aside, all of that aside, and meet the challenge that our colleagues have given us and, in effect, through them the public has given us to act without regard to party affiliation, without regard to the district we represent, without regard to our personal ideology, and most particularly without regard to personal likes, dislikes, don't like, didn't like, or do like.

So it's difficult, and would be less than candid to say we're asked to sweep aside most of our legislative experience and do something very different, very new, very important.

And I know, because I know all of my colleagues here at this table very well, that we will all do our very best to have the courage and the personal character to sweep aside all that we normally do and reach a full, fair conclusion that commends itself to the full Senate and to the public. Thank you very much, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. Again, as has been said, this is an unprecedented undertaking on behalf of the Senate.

There have been four proceedings of one kind or another in the House of Representatives over the last 28 years, the impeachment proceeding regarding the Hartford probate judge, the Committee on Inquiry on Governor Rowland, and two proceedings regarding Members, then Representative Reynolds and then Representative Migliaro.

The Senate has not had a proceeding of any of those kinds, so we are, we will be gathering information, looking at precedents from the House, but also from other sources that will guide us and help us in our deliberations.

One of the, the next item on our agenda is a discussion of procedures. Senator Roraback and I had spoken briefly before the meeting, and it's, the staff are working on a draft of a proposed set of procedures and/or rules that we expect to have later this week for distribution to the Members, and then we will be prepared to deliberate on those at our next meeting, which we will schedule at the end of this meeting.

Senator Roraback.

SEN. RORABACK: Obviously, first I neglected to say, when I offered my opening remarks, how honored I am to be working with Senator Looney and all the Members of this Committee who I think together, without regard to our partisan affiliations and without regard to where we come from, have demonstrated over the years an ability to work with one another and to communicate with one another and to understand one another.

It's on that foundation that this Committee will build. It's a strong foundation, and I'm humbled and honored to be in your company, and know that the foundation will only get stronger with the passage of time.

That having been said, with respect to the rules and procedures, we obviously have the resolution itself, which is the constitution of this Committee, for lack of a better term, but there may be some desirability to having, putting a finer point on some of the terms and issues that are raised in the resolution.

So I think, if it's agreeable, as Senator Looney has suggested, we will circulate some draft rules or procedures for the benefit of the group, and then at our next meeting we'll have an opportunity to fine-tune, tweak, add, delete as we see fit. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. Obviously, we discussed that LCO and OLR will be helping us

in gathering information and providing some assistance.

One of the things you just might note is that we would request a memorandum on disciplinary cases and standards from both Houses of Congress and perhaps from other states.

Obviously, that guidance and information would be useful to us. We may not find any binding precedent, but obviously we will find advisory precedent in the way in which other bodies have undertaken proceedings of this kind.

One of the things also in terms of looking at that information, obviously we have a, the one document I believe that some Legislators and Members of this Committee have seen, if not all, is the arrest warrant application, which was dated May 30th of 2007, which led then, two days later, to Senator DeLuca appearing, being arraigned on that charge of conspiracy to threaten, and then the plea entered the following Monday, June 4th.

Just about everything else that we have seen to this point is just in the nature of news reports or information from interviews in the media. So I would ask that staff prepare, to begin with, a thorough listing of newspaper articles in which individuals are quoted that might have a bearing on this Committee's work.

Yes, Senator Nickerson.

SEN. NICKERSON: I don't know if this is the right moment, but can I make a comment on how that information might be gathered?

SEN. LOONEY: Yes.

SEN. NICKERSON: Thank you very much. Following up on Senator Looney's remarks, with which I totally agree, a suggestion, and I don't make it as a motion, but just for discussion, might be to organize the information in the form of a timeline, beginning, I guess, with the original contact between Senator Looney and Mr. Galante, and supporting each timeline item--

SEN. LOONEY: Senator DeLuca.

SEN. NICKERSON: What did I say?

SEN. LOONEY: You said Senator Looney.

SEN. NICKERSON: That was a blunder. I will make other blunders. I hope they won't be as egregious as that one. I'll start again. You don't want me to start again.

Well, okay. Supporting each timeline with some document. And if I may comment, I would suggest that when we interpret all publicly available information, as the resolution states, that we interpret that broadly, so that newspaper articles are relevant, not in the fact that we accept as fact all that is said in them, but certainly the statement made by an individual involved is itself a fact. Mr. X made statement Y.

So to conclude, I just suggest a timeline might be the way to organize this, a newspaper article, an affidavit, an arrest warrant, if there are court transcripts.

I gather there are some court transcripts of proceedings not directly related to Senator DeLuca, but maybe commenting on them. So perhaps a briefing book organized around timelines with supporting tabs might be the way to go. Just a suggestion. Thank you, Mr. Chairman.

SEN. LOONEY: Well, I think that's a very good suggestion, Senator. I think that would help us to organize our materials.

Again, the one other document that I have not seen, I don't know if anyone has or whether it's been prepared as of yet, but as I said, the sequence of events, public events, in this case began with the arrest warrant application that was dated May 30th.

But obviously a very significant document to receive would be a transcript of the sentencing, the sentencing proceeding for Senator DeLuca, which I believe was on Monday, June 4th.

So that, I think, would be a matter of first order of importance for us to secure because that would be a second official document to accompany the arrest warrant application that was widely circulated after the case first became public.

Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I don't know the answer to this question. I don't know to what extent there is a file, a criminal docket file that might have other information in it, whether it's a sentencing memorandum prepared either by the prosecution or the defense, but I think it would be useful for us to be in possession of any information about this case that's held in an official capacity by the courts, or the prosecutors for that matter, beyond the transcript of the sentencing is, obviously that was made in open court.

I don't know if there are underlying documents that are available to us, but if there are, it would be nice to have them.

SEN. LOONEY: Absolutely. I think that is imperative because, again, if we look at the arrest warrant application and the accompanying affidavit, it was presented in the Office of the Chief State's Attorney, and it makes reference to material that upon which the affidavit was based, but is not included here.

So I think it's important for us to request that as well, as Senator Roraback said. Because if you look at, in that application, paragraph two of the arrest warrant affidavit states that, "This affidavit sets forth facts and evidence that are relevant to the charge cited at the end of this affidavit, but does not set forth all the facts in evidence that I", meaning the affiant, who is the FBI agent

in the case, "that I have gathered during the course of the investigation of this matter."

And it goes on to say, "This affidavit does not purport to set forth all of the relevant information I've learned during the course of the investigation. Rather, I have set forth only those facts that I believe necessary to support the charge cited at the end of this affidavit."

So at this point, you know, we would need to, as Senator Roraback said, and expanding on that, that to request any additional information of the FBI that might be in its possession that provided background for the information contained in the affidavit and the warrant application.

In addition to that, the affidavit makes reference to activities of a, in paragraph nine of the affidavit, "a state police detective, who was known to Businessman A's associate" and so on at the time of the proposed encounter with the target of the threat.

So it would seem, obviously, then that we should request also of Commissioner Danaher anything that is in the Department of Public Safety in the State Police files regarding this matter as well, since they were aware of at least some of the nature of the investigation as it was going on.

And then, in addition, obviously, since the application for arrest warrant was filed in Superior Court in Waterbury by the Office of

the Chief State's Attorney, despite the fact that it seems that most of the investigation was done by federal agents, still state prosecutors were involved in obviously the final resolution of the case.

So I believe we need to request then of Chief State's Attorney Kane anything that is in the possession of the Office of the Chief State's Attorney or the State's Attorney's Office in Waterbury that might be relevant.

So that I think would be the first sense of suggesting things that we need to gather that are referenced and suggested in the affidavit itself.

Yes, Senator Stillman.

SEN. STILLMAN: Thank you. In relation to the information we've received, specifically the arrest warrant, and the fact that it was a special agent with the FBI, do we know for a fact, I mean, I don't know whether anyone has reached out yet to the FBI to find out how forthcoming they will be with information.

Because I know during the proceedings in reference to Governor Rowland's inquiry, there were, there was, I believe, if memory serves me correctly, that there were some documents or information from the FBI that they would not share with the Committee, possibly based on their own investigation, and they were afraid it would, in some way, hinder the FBI investigation if they shared some of the documents.

So I was just wondering if we know that could be an issue for this Committee.

SEN. LOONEY: Well, I think that's why at this point we need to begin with making a request for that additional information and then await the response, because obviously, as we said, the language of the affidavit suggests that additional information exists, and additional relevant information that, for our purposes, could be important.

So I think we need to make that request, because the, again, paragraph two of the affidavit says, "The information contained in this affidavit is based upon my own personal knowledge", that is the affiant, "as well as information provided to me by Special Agents of the FBI, Special Agents of the IRS-CI, state law enforcement agents, court authorized electronic surveillance, search warrants and cooperating sources."

So obviously, there is a compilation of information gathered that stands behind this affidavit that we have received, the affidavit in summarized form in many cases.

SEN. STILLMAN: Just as a follow-up, if I may, Mr. Chairman. Should we anticipate that we not only will ask for documentation but possibly personal appearances, voluntarily? Because I know we don't have subpoena power, but that there might be an opportunity personally to question the folks face to face.

SEN. LOONEY: Well, I think we need to proceed sort of in a piecemeal fashion to, first of all, find out what documentation we can amass, and then obviously assess that and determine whether there are any glaring gaps or omissions that we would need to proceed information on in other ways.

SEN. STILLMAN: [inaudible - microphone not on]

SEN. LOONEY: Thank you. Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. The Members on this side don't have a copy of the affidavit in front of them, which is to sort of the extent that we're going to making reference to it might be useful for us to make copies so that we're all looking at the same document.

The other point I was going to make, with respect to Senator Stillman's inquiry, I believe in the Rowland situation the inquiry was taking place before the criminal case had been disposed of, that there were ongoing criminal investigations.

Whether that makes a difference or not, I don't know. In this case, it appears that the case has been disposed of, so maybe that will have an impact on the willingness of the FBI and others to share information that they may have that doesn't compromise, there are other investigations, as I understand it, but with respect to Senator DeLuca, my understanding is that the case may be disposed of.

Thank you, Mr. Chairman.

SEN. LOONEY: If I might give a copy of this to staff to maybe make some additional copies for the Members who didn't have one with them at the meeting.

SEN. DEFRONZO: Mr. Chairman.

SEN. LOONEY: Yes, Senator DeFronzo.

SEN. DEFRONZO: Thank you, Mr. Chairman. I concur with all the previous requests for information. I did want to add one though.

Since a good deal of what we're going to be looking at here involves the relationship between Senator DeLuca and Mr. Galante, as outlined in the affidavit, and a willingness, at least as reported in the affidavit, a willingness on the part of Senator DeLuca to provide a certain amount of assistance to Mr. Galante, I'd be interested in having the staff prepare a list of all the legislative appointments that Senator DeLuca has made, dating back to the date of the initiation of this relationship, which I think is indicated as being 2001 in the affidavit.

Perhaps the staff could take a look at that, but I would be interested in seeing a list of all those appointments for obvious reasons in trying to determine any pattern in appointments that might relate to this relationship that's described in the report.

SEN. LOONEY: Yes, I think that's a point well taken. The affidavit does cite a relationship

dating from 2001. And then at one point the affidavit then also cites it was a close and confidential relationship. That obviously, I think, makes what you've requested relevant.

One of the other issues I think in terms of potential document requests is that, in the nature of press reports or newspaper articles, might also want to request any of the CT-N tapes of interviews with Senator DeLuca from June 1st forward from the, on the day in which the matter became public. That would be, I think, useful as a supplement to the newspaper articles.

Yes, Senator Nickerson.

SEN. NICKERSON: To make explicit, and I say this not as a criticism, but as an affirmation, what we're saying is, and I agree with it, that we're interpreting publicly available information as not limited to what may have been published or public as of this afternoon, but what information other sources, principally law enforcement sources, may be willing to make public during the course of our deliberations.

So publicly available is said, and I agree with that interpretation, is what may come out, what may emerge as publicly available, whether publicly available this afternoon or not.

Just to be explicit, that's what we're saying, and I agree with it. Is that about where we are?

SEN. LOONEY: Yes, I believe it is. I think that's, because the language in the resolution is just that, publicly available, without defining the scope of that. So obviously, that means we should interpret that somewhat broadly to mean not just documentary information, but other information that might be available under the rubric of publicly available.

SEN. NICKERSON: Right. I agree with that.

SEN. LOONEY: Yes. Senator Roraback.

SEN. RORABACK: And this may be putting too fine a point on some of these issues, but I don't know what distinction, if any, we should draw to the notion that this Committee has been styled a committee of review as opposed to a committee of inquiry.

In the Rowland investigation, I believe the committee was characterized as a committee of inquiry. This Committee is charged as a committee of review. And I don't, I haven't in my own mind discerned if there is a distinction and, if so, what that distinction may be, but they are different words which may have different meanings to different people in different contexts.

SEN. LOONEY: That's right. Senator DeFronzo.

SEN. DEFRONZO: I had one other question I'll just raise for point of discussion. In terms of acquiring information, is there an appropriate time when we should be formally communicating

with Senator DeLuca to ask him for any formal input?

I know he's entitled to appear before us, but should he want to submit to us any documentation of his own, any statements of his own, would that be an appropriate item for discussion today?

SEN. LOONEY: Well, that's a good point. Obviously, the issue of what Senator DeLuca might choose to communicate obviously would come under the heading of publicly available information, as well as the fact that Section 7 of the resolution specifies, "That the Committee shall offer Senator DeLuca the opportunity to offer a statement and answer questions posed by the Committee members."

So it would seem that once we've had a chance to gather information and have a better sense of what the universe of publicly available information might be, that then it would be appropriate at that point to invite Senator DeLuca to testify so that he'd have a broader range of material to respond to.

But I guess, on your point, anything that he would want to submit, I suppose, prior to that would also be under the heading of publicly available information, if he were to voluntarily submit additional documentation to the Committee, apart from the issue of his personal appearance.

Yes, Senator.

SEN. DEFRONZO: If I could, I guess in terms of trying to be maybe a little more formal about this, would that, would you just sort of leave it open at that or should we make a formal request of Senator DeLuca or inform him of the opportunity to submit that information formally for the record?

Obviously, he has a copy of the resolution. I'll leave it to your judgment. I just, I don't want to let that, perhaps this is a way of bending over backwards to be fair and open about this, but we've talked at some length about acquiring information from all other sources.

I just want to make sure we give the Senator the opportunity to submit whatever it is he feels would be appropriate for us to consider.

SEN. LOONEY: Anyone else on that? Yes, Senator.

SEN. RORABACK: Thank you, Mr. Chairman. It may be that the most appropriate time to offer that opportunity is after all of the prior information has been reviewed so as to have a complete record.

Although the Senator, just a thought that Senator DeLuca might wish the opportunity once we have gathered information and that we might be in a better position to ask questions of him having compiled that information.

So my point being it might better be towards the end of this process than towards the beginning. That's one opinion.

SEN. DEFRONZO: Yes, that's [inaudible - microphone not on] I have no problem, Senator. Thank you.

SEN. LOONEY: Thanks. Have the copies of the affidavit now been distributed? One of the, obviously the affidavit refers to several particular events.

Obviously, the April of 2005 contacting by Senator DeLuca of Businessman A, later identified as Mr. Galante, referenced in paragraph number six of the affidavit, arranging for the meeting at Philip's Diner in Woodbury.

Later a court authorized search warrant in July of 2005, I think this gets to the point that Senator Nickerson made earlier about the usefulness of a timeline to lay out information for us, referenced a court authorized wiretaps.

Also revealing in early April 2005, Businessman A's associates discussing driving to the target's place of employment and so on. And then the reference then to the later meetings, now over some 17 months later, September 5th, 2006, an undercover federal agent posing as an associate of Businessman A met with Senator DeLuca.

At that point, had a conversation regarding his relationship with Businessman A, and the statement that of contacting him in the future through a specific individual because nobody knows about that relationship.

And then two days later, another encounter, September 7th, Senator DeLuca met a second time with the undercover agent posing as the associate of Businessman A.

At this point, reference is made to Senator DeLuca refusing the \$5,000 in cash from the undercover agent.

And then that very same day, an interview with Senator DeLuca by FBI agents on September 7th, where initially he had mentioned that the conversation with Businessman A, presumably the one in April of 2005, was merely about securing employment for the target.

And then September 21st, the later meeting with FBI agents, where Senator DeLuca admitted that the true purpose of the meeting with Businessman A had nothing to do with securing employment for the target, but rather the paying a visit by Businessman A to the target identified by Senator DeLuca.

So we have the timeframe extending from April of 2005 to September 2006, and obviously that's all that's referenced in the affidavit of the warrant until it was drawn up on May 30th, 2007, another eight months after the last event referred to in the affidavit, which is the September 21st meeting of with Senator DeLuca and FBI agents at FBI headquarters in Meriden.

So would think that in our request to the FBI for information that would be useful to this Committee, we should request a copy of any audiotape or transcripts of anything relating

to any of those dates and those meetings that would then correspond to the assertions made in the affidavit.

Because again, the key issue, the gravamen in many ways of our investigation, I think, comes down to the assertion in paragraph ten of the affidavit that during the course of the investigation, the affiant said I've learned that Senator DeLuca "has a close and confidential relationship with Businessman A, one that would explain why DeLuca would seek out Businessman A's assistance and why Businessman A would be willing to help DeLuca."

So obviously, that's the nub of the issue about what there was that Senator DeLuca either knew or believed about Mr. Galante that led him to make that request in April of 2005.

So again, and as we said, the affidavit in effect makes oblique reference to other information developed without specifying it. So it seems we need to have as broad an inquiry as we can.

As Senator Stillman said, obviously, at this point, we cannot predict how much additional information we may get from the FBI, but we need to make that request, I think, to be thorough.

Yes, Senator Guglielmo.

SEN. NICKERSON: I toss out for your consideration a further thought, along those same lines, with regard to requesting information. There's been

a very public, at least in press, difference of opinion expressed by Senator DeLuca and the Waterbury Police Chief as to what was said and by whom and when.

And while I don't think, I could be wrong, that that's not directly relevant to the crime to which he plead, it is relevant to the motivation of the parties because Senator DeLuca has said, if I read the papers correctly, that a motivation for what he did was the failure of the Police Chief to act, whereas the Police Chief said he was never asked to act.

I don't know that we'll be able to resolve that. I'm not sure how relevant it is. It's to some degree relevant. But while we're discussing additional information from parties from whom we may need more information, I just raise the question of whether the Police Chief may be asked to comment.

He, of course, is entitled not to, and we can evaluate whether it's relevant. It may not be, but it may be relevant because it's been frequently expressed as the fulcrum point, if you will, off of which the subsequent meetings had their point of departure.

Does that, did I express myself correctly?

SEN. LOONEY: Oh, I think you're right. That is obviously, as said, the Committee, I believe, at this point, would certainly welcome any additional information that Chief O'Leary would care to provide.

As you said, we have no idea of predicting at this point whether he has anything more to say, but it is clear that there are some implicit of conflicts.

And again, to return to your earlier point, I think the idea of a timeline is important in all of this because I think some of the reports early on made reference to the man who was the target of the, Senator DeLuca's contact with Mr. Galante being at one point involved in a relationship with Senator DeLuca's granddaughter.

But other reports seemed to indicate that they were already married at the time of that contact. There was an article, I think, where there was an interview with the target, Mr. Colella, that refers to a brief courtship that resulted in marriage that may have happened even prior to the time of the initial contact.

So I think that that's, to your point in terms of motivation and context, whatever we can develop in terms of clarifying timeline is probably relevant, at least to some degree.

Anything else from any other? Yes, Senator DeFronzo.

SEN. DEFRONZO: Mr. Chairman, just a procedural question. In the event that additional information is determined to be necessary by any Member of the Committee, is it the operating perspective of the Chair that all such requests should be issued through the

Chairs and not issued by individual Members of the Committee to staff?

SEN. LOONEY: Yes. Senator Roraback and I have had a discussion on that to some extent. We will recommend that as one of the rules or procedures, just as a way to make sure that everyone is dealing with the same information at the same time. And I think it's a way of having a more orderly process without information gaps.

Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. Just another procedural question. I don't know whether our very able staff is compiling a list of the information requests that we are proffering and, if so, whether they would be good enough to share a copy of that with us.

Or maybe before we leave today, someone could read a copy of what it is the staff believes they've been asked to do so that we all have a common base of understanding.

Then it would be helpful to me if that were ever put in a format that could be distributed to all of us, just so that in our own heads we could say, oh, yes, we asked for that and we didn't ask for that, because it's hard, absent a written record, for me to hold it all in my head.

SEN. LOONEY: I think that would be very useful.

SEN. RORABACK: Thank you, Mr. Chairman. As we continue to ask more of our staff.

SEN. LOONEY: Yes, Senator Stillman.

SEN. STILLMAN: Thank you, Sir. Just to get back for a moment to the Waterbury Police Chief's comments. I don't, I only know what I've read in the paper, and I don't know whether there was an actual letter or whether any of his assertions are in a transcript somewhere.

But if they're not, as we request information, it was unclear to me in a previous discussion as to whether we were going to, this Committee was going to request a formal letter from him, and, as was stated, it's still voluntary if he chooses to share the information or not, but a formal letter as to what he thinks transpired. It was still unclear as to how we left that.

I would like to see something in writing from the Police Chief, and I think that's something that the Committee should request, along with a lot of other documents that we're talking about.

SEN. LOONEY: Yes, Senator Nickerson.

SEN. NICKERSON: Well, just to respond, if I may, as to my intention, obviously not the Committee's intention. What my point was that since we're requesting law enforcement to respond to letters, if they choose to do so, as you suggest, the request would be made of the Chief, should he choose to do so, to provide a letter, documents, whatever pieces of paper he

cares to submit in the same fashion as Senator Roraback and Senator Looney have suggested the State Police, the FBI, and others.

That was my intention. I don't know if that's, we all agree to that.

SEN. LOONEY: Is there a consensus of the Committee that would be useful to include that as a specific request? Yes, okay. Yes, Senator Roraback.

SEN. RORABACK: Senator Nickerson's point gets me to thinking whether the Waterbury Police, I don't know whether police departments routinely record when someone reports an incident to them and whether there's an official record kept by the Waterbury Police Department. If we could ask if there is, that that be furnished to us.

SEN. LOONEY: Yes, that--

SEN. RORABACK: --with respect to contacts from Senator DeLuca or members of his family or complaints even emanating from other sources which bear on the, what the relationship between Mr. Colella and his wife.

SEN. LOONEY: Yes, that might be appropriate since we are asking for what information is in the files of the State Police, since they're referenced in the affidavit, to also make that request of the Waterbury Police, since we have the assertion that there were conversations between Senator DeLuca and the Chief. So that might be appropriate to add that to our list of specific requests.

Yes, Senator Guglielmo.

SEN. GUGLIELMO: Also, I don't know obviously how police work is done, but I would think at some point the FBI would have called the Chief to corroborate Senator DeLuca's story as to whether he was approached or not or how he was approached about the domestic violence.

And it would be interesting to see how the Chief responded to the FBI agent at that time, and was it the same as he responded in public? Now whether we can get that or not, I'm not sure.

SEN. LOONEY: Yeah, I don't know either. Again, that might be within the framework of some of this, the additional documentation that obviously it was known to the FBI in preparing this affidavit, but not detailed in the affidavit and the warrant.

SEN. GUGLIELMO: Right.

SEN. LOONEY: Right?

SEN. GUGLIELMO: Yes. Yes, Mr. Chairman.

SEN. LOONEY: Maybe we should--

SEN. STILLMAN: Mr. Chairman, one other--

SEN. LOONEY: Yes, Senator Stillman.

SEN. STILLMAN: --when we reach out for this information, I think we also need to be very

clear as to how quickly we need it so that someone doesn't sort of say, well, I can take care of that next week.

So I think we have to be very clear as to what our timeline is as well [Gap in testimony. Changing from Tape 1A to Tape 1B.]

SEN. LOONEY: I think that's good. Obviously, we need to try to secure all of the information as quickly as possible since we do have a finite life of this Committee, so I think that we need to make that clear in all of the requests.

For instance, that we want to get the information as quickly as we can. So obviously, we would want staff to send out requests as soon as possible after this meeting.

Our next meeting, we'll talk about that in awhile, but presumably meeting again toward the end of next week, and we would hope to have at least received some information by that time based upon, based on our requests.

Yes, Senator Roraback.

SEN. RORABACK: And further to that point, Senator Looney and I, when we met with staff, asked whether staff is equipped to draft letters requesting this information for the signature of Senator Looney and myself.

And I just wish to ask our colleagues on this Committee whether you're comfortable giving the Chairs the latitude to sign those letters in

advance of all Members of the Committee having a chance to review and approve them.

Is that something that, given in the interest of time and trying to get this stuff out the door, is that--

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

SEN. RORABACK: And one other point I wish to make as we, there's so much information that we would like to know, but for me, one of things we ought not to lose sight of is that Senator DeLuca plead guilty to a misdemeanor charge of conspiracy to commit threatening in the second degree.

That act has been admitted to, plead guilty to, and without regard to the circumstances surrounding that, I don't think, I wouldn't want to leave anyone with the impression that that conduct could be excused or explained away by virtue of any external evidence that we might, that might come into our possession.

And then so as we have these discussions, there's a remote risk that someone might be left with that impression, and that's not an impression I would want to associate myself with. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. Yes, Senator DeFronzo.

SEN. DEFRONZO: Thank you. I just wanted to go back to one of the items you mentioned early in the

presentation about, you indicated the staff was going to be asked to prepare a list of precedents from the House, from Congress, from other states.

I just want to be clear that what we're asking the staff to do in that case is to provide for us cases of actionable behavior, standards that have been established in other states that warranted disciplinary action, what type of disciplinary action. Is that what we're actually going to be expecting from the staff?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on] I believe so.

SEN. DEFRONZO: Thank you. I just wanted clarify.

SEN. LOONEY: Thank you. Just returning to, following up again, just in terms of the request for information.

Since obviously the charge, the underlying charge that Senator DeLuca plead to was conspiracy to threaten, which was a state charge, a misdemeanor, despite the fact of most of the investigation being conducted, it seems, at the federal level, one of the pieces of information that's come to our attention is that there was a plea entered at one point by the gentleman who was allegedly solicited by Businessman A initially to carry out the visit.

So I would, I believe it was someone named Richard Caccavale. So I think that it might be useful to request the prosecution's sentencing memorandum from that case as well, if it is

available, to see if there is any further light it might shed on the events that led to the impetus of this charge.

Again, also, as one of the, since the, it is interesting that the affidavit does, in its narration of events, does lay out detail beyond that that resulted in the ultimate charge of conspiracy to threaten, because in that, in the affidavit, the assertion is made that at Senator DeLuca's first interview with the FBI about his meeting at the diner that he said the conversation was only about securing employment for the target.

Later on, admitted it was for, the purpose of the meeting was, had nothing to do with securing employment, but rather to see if Businessman A could pay a visit to the target identified by Senator DeLuca in order to scare him.

Again, obviously, that is conduct of not truthfully communicating the actual circumstances of the conduct on the first FBI interview, but obviously did not result in a federal charge of lying to the FBI under 18USC Section 1001, but yet it is included as information in the affidavit by the federal officer.

Now maybe, I think it might be a good time now to do what Senator Roraback had suggested, is we could have the staff read back to us the checklist of the various things we've talked about requesting just to make sure that we all have an agreement on what that is.

Who is our scribe who will undertake that for us?

SANDRA NORMAN-EADY: Senator, we'd ask if we could just have a moment to compare our notes and then read back what you've asked us to do. Is that okay?

SEN. LOONEY: Good, good. I think that's fine. Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. And while our staff is doing that, there's an issue that I have been thinking about. Senator Nickerson rightfully observed that 99% of what we do and what we're trained to do as Legislators is to advance policy positions and to defend and articulate those policy positions.

This Committee is a horse of a different color in that our charge is quite different. And given the unprecedented nature of this Committee, I think it might behoove us to have a conversation amongst ourselves as to whether and how the Committee communicates with the press, which rightfully has an interest in the work of the Committee.

But outside of our public meetings, and all of our deliberations will be public, to what degree do we wish to give one another latitude to offer editorial comments, predictions about the future, analysis of the past?

There's a whole range of issues which the press has a natural interest in, but in terms of the

sanctity of the pretty serious responsibility we've been given, do we wish to circumscribe how we might normally behave in light of that?

And I don't, I just want to throw that out there for the consideration of the Committee.

SEN. LOONEY: I think that's a point well taken because, obviously, I think now that we have accepted the charge to serve on the Committee, it really is imperative that we be, that we not engage in speculation about likely outcomes or editorialize.

But at the same time, obviously there needs to be an opportunity for discussion with the media. I don't know. I would suggest that we might, all of the Members of the Committee might make ourselves available after the meetings for a media availability time and to take any questions they might have at that point.

I think it probably would be better if we didn't have a lot of freelancing apart from that at other times.

Senator DeLuca or Senator Guglielmo.

SEN. GUGLIELMO: The thing I'd be concerned with about that is that since this is all public and there's no executive session, everything that we will know, the press will know.

So anything they ask us will be in the nature of an opinion, which I don't know if that would

be wise for us to be giving opinions when we have an ongoing inquiry.

I don't know how you handle it because, like you said, we are in uncharted waters, but I don't know what question that could be asked to us that the press wouldn't already know from sitting here with us today, or any other day.

SEN. LOONEY: That's true. Obviously, we are proceeding with meetings rather than any closed proceedings or caucuses. Senator Nickerson.

SEN. NICKERSON: Well, to that point, I don't think we can draw a very bright line in the sand. I would just suggest, with all due respect to my colleagues, that we exercise caution as individuals in commenting in editorial fashion, certainly in predictions and that the, as regards formal statements to, for example, the people for whom we're going to get information. That should all come from the Chairman.

Does that mean individuals of us can't respond to our local press when they call? Of course not. But I think, all I can say is the suggestion would be caution as to editorializing and outcome speculation.

SEN. LOONEY: Thank you, Senator. Anything else from any of the other Members at this point, while our staff compares notes to see if they have a comprehensive list? Senator Roraback.

SEN. RORABACK: At the risk of, rarely do Senator Nickerson's observations confuse me, but this may be the exception. It's not clear to me, my

concern is that each of us, that this is a unit.

The six of us are operating as a unit. And to the extent that we engage in conversations outside of this room on this topic, it's going to invite extracurricular activity, because no matter what any of us may say, whatever we say could invite a question, well, Senator Stillman says this about what you're doing. Do you agree with her or disagree with her?

And that would, I think that would put us, as a unit, in an awkward posture, where we're called upon to agree or disagree with one of our colleagues on statements that we may not have had the benefit of hearing with our own ears, the context of which may not be clear to us, and chasing down one another to confirm or deny the import of what's been represented.

I just don't want us to be distracted from the mission of the group. I for one have been invited to appear on various radio shows and the like, which necessarily the people conducting the interviews are going to want something new and something different.

Stonewalling them will be unsatisfactory both for them and for us, but offering new or different information runs the risk of compromising the integrity of what we're about.

And I don't know, I mean, I have complete confidence in everybody's discretion and judgment, but it's just those kind of facts of nature that I wrestle with.

SEN. STILLMAN: Mr. Chairman.

SEN. LOONEY: Prudence has to be our guide in so many ways. Yes, Senator Stillman.

SEN. STILLMAN: Thank you. Since Chairman Roraback has mentioned my name, no, I agree wholeheartedly. Obviously, we all know we have to be very careful and judicious in what we say.

Certainly answering a question about what we did at this meeting, which is a public meeting, I see no harm in that, in case someone missed it.

On the other hand, since I was appointed to this Committee, I've been very clear to people, other than my constituents, because I certainly want to hear from them, but certainly anyone who has, such as other Senators, has wanted to talk about it, I've been very clear that I don't want to talk about it, because I don't want, I'm very concerned about undue influence from my colleagues in the Senate.

You know, I mean, our constituents are still going to send us e-mail. They're still going to write to us. They're going to call us and meet us, you know, in the supermarket or wherever we are and want to tell you their opinion.

You know, I think we all have enough experience to know what is worth keeping in the databank and what isn't, but.

You know, and certainly anything really substantive I would defer to the Chairs of this Committee in terms of a response because, since you've taken on this role of being Chairs, I think that Senator DeLuca and Senator Roraback certainly can field any questions that might be more in depth than what we have discussed as a group.

And I agree, I think we are, I like that idea to think of us as a unit or a team or whatever you want to call us, but it is most important that we remain certainly as open minded as we can and that we give ourselves a chance to review all these, all this information we're going to have before we start making our opinions public, because it's certainly far too soon for that and certainly something we wouldn't do until after we totally come to a conclusion. Thank you.

SEN. LOONEY: Thank you, Senator. Do we have a list ready to go?

SANDRA NORMAN-EADY: Yes. We think we have a list.

SEN. LOONEY: Okay.

SANDRA NORMAN-EADY: If we've left off anything, please let us know.

SEN. LOONEY: Okay. We will.

SANDRA NORMAN-EADY: You've asked for a request for information from, including audio information from the FBI, Department of Public Safety,

Waterbury Police Department, the Chief State's Attorney, the U.S. Attorney, and CT-N, also from Judicial, docket information from Judicial, which would include charges, pleas, transcripts.

SEN. LOONEY: Right.

SANDRA NORMAN-EADY: You've asked for a report, a memoranda on newspaper articles, legislative appointments by Senator DeLuca, federal and state precedent on disciplinary actions.

Later on, you indicated that you wanted to give Senator DeLuca the opportunity to provide information to the Committee.

SEN. LOONEY: Right. That's right. And we also had mentioned the transcript of the sentencing memorandum on the case of the gentleman who was involved in that, Mr. Caccavale, right.

SANDRA NORMAN-EADY: That's correct.

SEN. LOONEY: Yes. And we said, again, letters to the FBI, Chief State's Attorney, the, if you could just go through that again more quickly, again, the official, the law enforcement agencies that we have asked for information from, just to make sure we have all of that.

SANDRA NORMAN-EADY: FBI, Department of Public Safety, Waterbury Police Department, Chief State's Attorney, U.S. Attorney, CT-N, and the Judicial Department for the docket information.

SEN. LOONEY: I think that covers what we had said. Anything, anyone notice any omissions or anything?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

SEN. LOONEY: Yes, we mentioned that also, yeah. The first question was, what I asked them again was just to list the governmental agencies that we were soliciting information from.

And then, of course, also, just in line with that, we mentioned that we would want the, and I guess that would be covered under the heading of judicial, the transcript of the sentencing hearing itself, when Senator DeLuca entered his plea in the Superior Court in Waterbury.

Okay. All right. Anything else?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

SEN. LOONEY: Yes, also the timeline chronology that was referenced earlier.

SANDRA NORMAN-EADY: That's how we will provide it--

SEN. LOONEY: Yes--

SANDRA NORMAN-EADY: --in that timeline.

SEN. LOONEY: --that themselves in terms of laying out the sequencing of the events that are cited in connection with the case. Senator Guglielmo.

SEN. GUGLIELMO: Thank you, Mr. Chairman. Just kind of a housekeeping question. Before we meet again, we probably would want to get a look at the documents prior to the meeting. Do we have a system for how that will be distributed? Probably haven't thought that through yet, but I'd just like to bring that up, when and how.

SEN. LOONEY: Good point, because we would hope to, whatever documentation we do have for a given meeting, we would like to have it in our possession at least by the day before to make the meeting productive so that we're not sitting leafing through documents at the time that we are supposed to be meeting.

So just in terms of process, Senator Roraback, any ideas on the distribution of information as we get it from staff?

SEN. RORABACK: I actually think that when we met with staff, they had asked whether all of us are facile with e-mail and whether that method of transmitting information is comfortable to everyone in terms of, because, rather than driving up from Greenwich or southeastern Connecticut to get physical paper, if you have, well, let me ask the question.

Is everyone comfortable, are we all facile?
Does e-mail work for everyone?

UNIDENTIFIED SPEAKER: [inaudible - microphone not on]

SEN. RORABACK: If you have to, everyone know how, I guess?

SEN. STILLMAN: You have to be. There could be some documents that you can't e-mail [inaudible - microphone not on]

SEN. RORABACK: Sure. Right.

SEN. STILLMAN: [inaudible - microphone not on] guess you could scan anything into a computer.

SEN. LOONEY: Right. I would think that it might be useful just to make sure that we all are always operating with the same documentation as that, that e-mail be used, but that also paper sets be provided so that everybody will then know that they have the same packet as a kind of a check on whether something might or might not have been e-mailed or might not have been received by everyone.

But we know that the paper packet contains the full universe of the documents that have been gathered for a particular meeting. I think that would be helpful, I think, as well.

SEN. RORABACK: And I think it would be nice for Members to have the option to ask Legislative Management to overnight them packages so that, because as good as e-mail is, it's nice to carry around something physical, if that's an expense that we can responsibly incur.

And if Legislative Management is up to the task, that might be another, that as information, as OLR and LCO develop

information, if they can get copies to our offices, but also to Legislative Management for that purpose.

SEN. LOONEY: Senator Nickerson.

SEN. NICKERSON: Well, just to follow up on that, I'm thinking of our next agenda item, which is to set the next meeting, can we set a target for the, that's a bad word, can we set a deadline for the, that's my second blunder, for the staff to prepare the timeline, which will of course be a moving document as information comes, but a timeline on the existing readily available information by our next meeting so we have something in front of us?

Obviously, the timeline won't be definitive until we've heard back, if we do hear back, from the other sources, but I think it would be good to have something substantive in terms of a first timeline, a first cut at a timeline so that we integrate our next meeting with that timetable.

SEN. LOONEY: Yes, I think that makes sense. Obviously, we should, again, Senator Roraback and I had discussed earlier that it would be good that we should have a follow-up meeting fairly soon. We were thinking toward the end of next week, next Thursday, the 6th, if that's convenient for people.

Obviously, some of the material that we've requested today may have been able to be collected by that time and some not, obviously, but we should have something in hand to proceed

with, as well as being able to consider our proposed rules or procedures at that meeting as well.

And then at that next meeting, then we can schedule a, set a schedule for subsequent meetings. If we can agree upon a standard day we want to meet or at what intervals, we could make that an agenda item for next week as well.

So is 2:00 next Thursday a reasonable time for, a week from this Thursday rather, the 6th, is that reasonable for everybody? Okay.

SEN. STILLMAN: Mr. Chairman.

SEN. LOONEY: Yes.

SEN. STILLMAN: As they send out the requests to the respective agencies, obviously not everyone will be able to respond in time for us to receive those documents. We've got a holiday coming up, etc.

SEN. LOONEY: Right.

SEN. STILLMAN: Is there, again, going to be a deadline to say that we must have it by a certain date? You know, certainly we would appreciate by having it in terms of let's say September 5th, which is the day before our meeting.

But in lieu of that, maybe by the following Tuesday or something so that people don't think that they can, and I know that some of the documents will be easy to send to us quickly

and others might be more difficult, but I think it's important that we not wait three or four weeks to receive something.

So I think we have to be clear as to how quickly we need these. Just to say ASAP I don't think is enough. So can we set some kind of deadline for receiving all the documents that you think might be reasonable--

SEN. LOONEY: Well, I think in our initial letters, we should request, we should maybe inform the entities to which we'll be communicating that our next meeting is the 6th, and that it would be useful and helpful if we could have material in hand by the 5th.

As we said, we could set that as an initial target date in those letters, and then see what we have received by then, and then take it from there and review what we don't have at next week's meeting, and then perhaps renew the request with greater urgency if we haven't gotten a satisfactory response by that date.

But I think that makes sense to include the 5th as the target date for information for the, to provide us with a useful packet for the next meeting.

Yes, Senator Roraback.

SEN. RORABACK: One more housekeeping matter. We live in an age where information travels quickly. And I don't know the extent to which we have the technical capability to post on our website, this Committee has a website which is

available at the General Assembly website. If you search committees, I think we're there. I haven't done it myself, but it's represented to me that we're there.

I don't know to what extent we would wish to make copies of all the letters that Senator Looney and I send available for public inspection on the website, and when the responses come in, to the extent they're in electronic format, I for one think that the transparency of this Committee's work is essential to its mission.

And I don't see any reason not to share with the world at large everything that we ask for and everything that we receive at the time we ask for it and at the time we receive it.

SEN. LOONEY: I agree. Yes.

SEN. RORABACK: If we have the technical capability to do that. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. So again, if we're agreed that we will have our next meeting nine days from today, that would be Thursday, September 6th at 2:00 p.m., and at that point then we'll be able to lay out a plan and schedule for subsequent meetings thereafter.

Is there anything else for this meeting? If not, I would ask for a motion to adjourn.

UNIDENTIFIED SPEAKER: So moved.

UNIDENTIFIED SPEAKER: Seconded.

49

knn BIPARTISAN COMMITTEE OF REVIEW August 28, 2007

SEN. LOONEY: All in favor.

ALL: Aye.

SEN. LOONEY: Thank you.

[Whereupon, the hearing was adjourned.]