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BIPARTISAN COMMITTEE
OF REVIEW

October 15, 2007
11:30 a.m.

PRESIDING CHAIRMAN: Senator Looney
 Senator Roraback

COMMITTEE MEMBERS PRESENT:

SENATORS: DeFronzo, Guglielmo,
 Nickerson, Stillman

REPRESENTATIVES:

SENATOR LOONEY: Good morning, everyone. The Bipartisan Committee of Review will now convene. It's our intention, obviously, this morning to take care of some housekeeping issues, and also to have the staff update before having the main business of the day, which is the appearance and testimony by Senator DeLuca.

Chairman Roraback, any opening remarks?

SENATOR RORABACK: Good morning, Senator Looney. Nothing to add.

SENATOR LOONEY: Thank you. The next item will be the approval of minutes from our last meeting, which was held on Thursday, October 4th. Would ask to have a motion for approval of those minutes.

SENATOR GUGLIELMO: So moved.

SEN. LOONEY: Thank you. Moved by Senator Guglielmo and seconded by Senator Stillman. Any discussion on that motion for approval of the minutes? If not, all in favor?

ALL: Aye.

SEN. LOONEY: Opposed? Okay, then the minutes of that meeting are adopted and approved. Next we have a notation, Roman numeral four on the agenda, Staff Updates.

We have some new material from staff based upon the research that we had asked for at the last meeting or summary of any correspondence received. Attorney Norman-Eady.

ATTORNEY SANDRA NORMAN-EADY: Good morning, Mr. Chairman and Members of the Committee. On our last meeting, or at our last meeting, the Committee requested a letter to be sent to the leaders for a 15-day extension. That letter was sent and that 15-day extension was granted, and this moves the Committee's deadline to October 27, 2007.

The Committee also sent a letter inviting Senator DeLuca to today's meeting, and we received a letter from Senator DeLuca's attorney accepting that invitation.

The Committee asked the Office of State Ethics for the status of a complaint against Senator DeLuca, and we received a response from the interim director, stating that the law

prohibits the Office from acknowledging the existence of such a complaint.

We requested information from the U.S. Attorney's Office under an exception to the federal Privacy Act, and we have yet to receive a response from the U.S. Attorney's Office.

The Committee also requested a number of reports. One of the questions asked of staff was whether conspiracy to commit threatening is a crime under federal law.

Our research proved that there is no such crime, and Attorney Towson can elaborate on that if you need additional information.

You asked for research on domestic violence policies, specifically you wanted to know whether the Police Chief's Association had a model policy on investigating domestic violence complaints in 2005.

You also asked whether the Waterbury Police Department had a policy on investigating such complaints in 2005.

We provided a brief summary of the law on investigating domestic violence complaints, and then we contacted the Police Officer's Standards and Training Council because it's, in fact, POST that provides a model policy on investigating such complaints and not the Police Chief's Association.

A copy of that model policy has been provided to each of you and should be in your notebooks.

We found that the Waterbury Police Department did, in fact, have a policy on investigating such complaints, and a copy of that, of their 2004 policy is in each of your notebooks.

Lastly, you asked for copies of resolutions from states that have investigated disciplinary actions. We've provided resolutions, committee reports, or journal transcripts on cases involving 32 Legislators in 18 states. That research is also available to you in your notebooks.

That was the extent of the letters and the research that you asked of staff.

SEN. LOONEY: Thank you, Attorney Norman-Eady. Any other staff members have anything to add to that? Attorney Towson or Reinhart? Any questions from Committee Members or comments on the staff report or material that we have received today?

All right, the next item, the main item of today is the Appearance of Senator DeLuca. We've had a request of, first of all, from his attorney, Attorney Craig Raabe, to make a brief statement in advance of Senator DeLuca's presentation to the Committee.

I think it's intended, our format will be to hear that brief statement by Attorney Raabe,

and then we would invite Senator DeLuca to make his statement to the Committee.

At that point, Senator Roraback and I and the other Members of the Committee will have questions. I think that it's our intent to take a break approximately around 1:00 to allow for a breather and lunch and then to reconvene after that, to allow for all of the Members to have questions asked and for Senator DeLuca to respond.

Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. Just a housekeeping matter before we move to hearing from Senator DeLuca and his lawyer.

The letter that we received from Attorney Raabe, which indicated that Senator DeLuca would agree to appear before us, encouraged the Committee to extend an invitation to Chief O'Leary to appear before the Committee.

I thought it might be appropriate, before we heard from Senator DeLuca, for the Committee to talk about how we wish to handle that suggestion. I have some thoughts, most of which are focused on Rule 9 of the Rules of Procedure that this Committee adopted at our first meeting or our second meeting.

As I read Rule 9, the only situation where we would have the opportunity to hear live testimony, other than from Senator DeLuca,

would be if this Committee were to vote a preliminary vote of expulsion.

Because of that, as I interpret the rule, I'm not sure that it would be appropriate to extend an invitation to Chief O'Leary to appear before us at this stage in our process, but I don't know what other Committee Members may feel.

I just think that because this request was put in writing to us, we ought to respond to it in some way on the record.

SEN. LOONEY: Thank you, Senator Roraback. Other comments on that point from Committee Members? Yes, Senator Nickerson.

SEN. NICKERSON: Well, only to observe perhaps the obvious. If the world were different, it would be a good idea to invite him. The world is as it is in the resolution that you've quoted, so we don't have the authority to respond affirmatively.

SEN. LOONEY: I think that's a point well taken that, obviously, procedurally, there would have to be a preliminary recommendation of expulsion first so that if the Committee then chose to broaden its inquiry and seek other resources, that might potentially be within the scope of that.

But procedurally, as where we are, pursuant to our rules and the empowering authority of the initial resolution, we are at that point

limited to hearing from Senator DeLuca exclusively in person at this point.

Anything else? If not, Attorney Raabe.

ATTY. CRAIG RAABE: Thank you, Chairman Looney, other Members of the Committee. Good morning. I want to address just a couple of preliminary legal and background issues for the investigation here.

You've known through the letters that have gone back and forth between the Committee and me and also the Department of Justice that there's been some issues with the Privacy Act.

The Senator has issued a limited waiver of his rights under the Privacy Act. You're going to hear a lot of detail today from Senator DeLuca, but as, he does not want that detail to be construed as a waiver of any privacy rights.

He's waived all the rights that he's going to waive. The federal government is in possession of a lot of material from their very thorough investigation of Senator DeLuca, and nothing today here should be construed as a waiver of any of his statutory or constitutional privacy rights.

You've also seen from the exchange of correspondence that Senator DeLuca has had a fair bit of concern about the release of investigatory materials in this case, and it began even before this Committee was put together. It began with his arrest and the

inclusion of extraneous material in the arrest warrant affidavit.

Senator DeLuca is going to address those issues, the extraneous material that was in the arrest warrant affidavit, but he was concerned with its inclusion.

And the reason he is concerned, I believe in one of the prior meetings, one of you raised the issue of boilerplate language in the affidavit. That is language in the beginning of the affidavit that talks about there being other information that's not included in the affidavit.

For any of you who have not practiced criminal law, I just want to clarify for you, that type of information is included in almost every affidavit supporting an arrest warrant or a search warrant, and it's done for a simple reason.

So when people like me get up and cross examine agents later, when the agent is recounting some fact that he or she thinks is very important, the agent can then say I told you in my affidavit that I didn't include everything.

The Committee should not construe from that boilerplate language in the affidavit that there's evidence of other crimes that have been omitted.

In fact, the best evidence that there were not any other crimes other than the conspiracy to

threaten is the fact that Senator DeLuca was not charged by the federal government or by the state authorities with any other crime.

As I said in my letter and earlier, Senator DeLuca was very concerned with the federal government's decision in this case to break its longstanding, unwavering policy of never releasing investigatory materials.

It's very troubling to him. It's very troubling to me as a defense lawyer. It put him in a position that no other citizen has ever been put in, that is to choose between standing by his constitutional and statutory rights to privacy and looking like he's hiding something or waiving his rights and subjecting himself to the embarrassment of materials that did not amount to a crime but then are released to the public.

He is not hiding information. You'll hear from him today at length. It's more of a policy concern of Senator DeLuca and of mine. The role of prosecutors is to charge crimes and to prove them if they can. It's not to release information when a crime has not occurred and subject citizens to humiliation or embarrassment.

As Senator DeLuca and I were addressing that issue and trying to find why the federal government was taking a different position in this case than it has taken in every other case, one of the things that came to mind was the issue of Chief O'Leary.

As I've said in my correspondence to this Committee, in its investigation of Senator DeLuca, Senator DeLuca told the FBI of why he went to see Mr. Galante, and he explained that he'd gone to Chief O'Leary first.

And you'll see in the 302 report that has been released, it recounts Senator DeLuca's statements to the FBI that he had gone to the Chief first, and that the Chief had said that he wouldn't take any action without a complaint.

You can rest assured that, in every instance, the FBI investigates the motive of the potential defendant, and they investigated the motive of Senator DeLuca here.

And you can rest assured that when they went to Chief O'Leary to corroborate the story that Senator DeLuca had given them, if he had not corroborated it, Senator DeLuca would have been charged with a federal case, and he was not.

So from that, I think you can draw inferences that Senator DeLuca's account of his interaction with Chief O'Leary is the accurate account.

So that brings us to Chief O'Leary. And again, for background, background that Senator DeLuca was not involved in, the day after Senator DeLuca's plea to the conspiracy to threaten charge in Waterbury Superior Court, I began receiving telephone calls from reporters who

are asking me, why did the Chief say that he couldn't help Lou?

I said, I don't know. You'll have to ask the Chief. And presumably, they did. The next day is when the Chief began making public statements, and repeated public statements, that Senator DeLuca had never complained of physical abuse of his granddaughter and that he hadn't asked for assistance.

You'll hear from Senator DeLuca. He is not shifting blame for his bad decision to meet with Mr. Galante. He is not shifting blame for that to Chief O'Leary. He's taking responsibility for it.

But I think it is fair for this Committee to assume that if the Chief had had a different response, if the Chief had taken action in response to Senator DeLuca's complaint, none of us would be here today.

I know that some of you have raised concerns about Senator DeLuca's cooperation. I hope that those concerns will go away after you hear what he has to say today.

The fact that he would not agree to waive his privacy rights to the confidential information that has never before been released I don't think should be seen as a lack of cooperation.

He is here today. He's concerned about what has happened with law enforcement since the

time of his guilty plea. He's concerned about the release of the private information.

He's concerned about the fact that on the eve of this Committee, Mr. Galante was arrested and apparently the story about his arrest was leaked to the press the day before. So there were two days of press coverage rather than one day of press coverage, but he's here to cooperate.

So with that backdrop, and with his concerns in mind, Senator DeLuca is going to do three things today. He's going to provide the Committee with a sworn, written statement.

That statement addresses both his motivation for going to see Mr. Galante and it addresses his interaction with Chief O'Leary, and it directly contradicts what Chief O'Leary has submitted to this Committee.

He's also going to give you a lengthy oral explanation of why he went to see Mr. Galante and what happened as a result of that, and he's also going to answer your questions.

On my advice, however, for his oral presentation, he will not submit to an oath. His sworn statement will be under oath. It addresses the salient issues for the Committee's review, including the issues that Senator Nickerson raised in one of the September hearings that really go to the motivation for what Senator DeLuca did.

But on my advice, he's not going to submit to the oath. And the reason for that is simple. It is not for fear that, it is not out of concern that he can't tell the truth. He's going to tell the truth.

I think when you hear him today, you'll see that it's going to be a frank and embarrassing conversation with you, and it will be the truth. Whether he's under oath or not, he's going to tell the truth today. He learned a hard lesson before from not telling the truth.

The concern is that in the discussion today, if he uses a word that the federal government later believes has a different meaning or is in a different context, he could subject himself to years more of litigation.

I've suggested to him that he need not take that risk, that he speak to you candidly, that he submit his written, sworn statement, and that that should be sufficient.

I've recounted with him a story of a case that I tried ten years ago in the federal court, a case that revolved simply around the definition of the word sale, s-a-l-e.

Before that case, I didn't think there could be any dispute over the definition of the word sale, but I had a client who was charged with making a false statement with respect to that word. The investigation lasted years, the trial lasted two and a half weeks, and his life

was ruined, but he was acquitted after 15 minutes.

And I've suggested to Senator DeLuca that it's not in his best interest to have an hour's long conversation under oath here. That he should do it in the absence of an oath and submit a sworn, written statement.

I would hope that that would also not be viewed as a lack of cooperation. I'd ask you to reserve judgment on his statement, listen to him first, many of you know him for many years, assess what he has to say with logic and reason, and when you do so, I believe you'll be convinced that he's telling the truth.

With that, I'll turn it over to Senator DeLuca, unless there's any questions for me.

SEN. LOONEY: [inaudible - microphone not on] pause for just a moment.

Yes, Attorney Raabe, we have a concern about any of the responses being given here not being under oath, because the purpose of the presentation was to secure Senator DeLuca's response under oath and to answer questions from the Committee under oath.

Obviously, if he is submitting a sworn statement, that, obviously, would be helpful. Then if he wants to make an oral statement prior to that time, not under oath, that I think would be acceptable to the Committee, but

I believe we need to have his responses to questions from the Committee be under oath.

ATTY. CRAIG RAABE: Perhaps the way to proceed, respectively, Chairman Looney, is to take the written statement and review it, hear from Senator DeLuca. He has a lengthy explanation of his conduct. It might even take us to the lunch break, and then I can sit with Senator DeLuca, consider the concerns.

Clearly, we've addressed those concerns privately. We've addressed the concern that the press is likely to report that Senator DeLuca is hiding the truth, and he's not. When you hear his statement, I believe you will conclude that he's not.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. It's not entirely clear to me whether the concern is that Senator DeLuca, in misspeaking before this body, would expose himself to federal prosecution. Is that the concern?

ATTY. CRAIG RAABE: There really are two concerns. That is a concern, or there's a concern that someone might confront, might try to charge him with perjury for making a false statement in this proceeding in the state, and he doesn't want to take either of those risks.

And it's, again, it's not because he's not going to tell the truth. It's because when you're speaking here for three hours, the

federal government has piles of information that they compiled when they were investigating him. There's an FBI agent sitting here in the room today.

He will speak the truth. He will say what he did. But at this stage in his career, and this stage in his life, he's not going to take the risk of years of litigation because later someone views a word differently than he does today speaking extemporaneously.

SEN. RORABACK: And this may be, thank you, Mr. Chairman, may be somewhat [inaudible] I haven't reviewed recently the speech and debate clause to determine whether it would cover statements covered in the context of this proceeding. I don't know whether you've had a chance to look at that and what conclusions you may have reached.

ATTY. CRAIG RAABE: I have not reviewed that. It's certainly something that we can do and see whether it ameliorates concerns.

SEN. LOONEY: Any other questions from or comments from Committee Members?

Well, let's open this up for discussion among the Committee Members, because, obviously, the invitation to Senator DeLuca was to testify under oath.

We had no response from Senator DeLuca or from you, Attorney Raabe, prior to this morning that

any restrictions or limitations would be put on that presentation under oath.

So if we might open it up for a colloquy among Committee Members, any comments that Members might have about the circumstance of our proceedings this morning. Yes, Senator Nickerson.

SEN. NICKERSON: Well, I understand the attorney to have made the suggestion that we do take his statement, which I gather will be under oath, and then perhaps after that we could debate, as you correctly said we should debate, whether any further proceedings are called for not under oath.

SEN. LOONEY: Thank you. Anything else from any other Committee Members? Yes, Senator Stillman.

SEN. STILLMAN: Thank you, Mr. Chairman. I'm, quite frankly, startled by this because I believe it was the Committee's intention, when we asked the Senator to come in and testify under oath, that it would include any questions we would pose to him. So I'm rather dismayed that initially that does not seem to be the case.

I do want to thank Attorney Raabe in the sense that, not only for being here, but certainly commenting that he would take our requests back to Senator DeLuca during our lunch break and see if that changes.

I certainly hope it does, because I think it makes, we all know that Q&A portions of testimony can be very important to the final outcome of a decision. I somewhat understand your concerns, but I certainly hope that, in your conversation with Senator DeLuca, that you will, that he will think again about your initial remark.

I certainly do want to hear his statement, and I certainly, his written statement and his oral, well, you said his oral statement is not under oath either. Is that correct? May I ask that, pose that question--

SEN. LOONEY: Yes, Senator.

SEN. STILLMAN: --for clarification. Thank you, Senator. Could you, is it just his written statement that was sworn, is sworn testimony, and his oral remarks, not the question and answer portion, but his oral remarks after that will not be under oath?

ATTY. CRAIG RAABE: He will give an oral presentation, a lengthy oral presentation that is not under oath. As part of that, he will give the Committee a binder that contains a number of materials, which include a sworn statement under oath.

SEN. STILLMAN: Okay. So he's not going to read his sworn statement. He's just going to deliver remarks.

ATTY. CRAIG RAABE: The substance of the sworn statement is included in his remarks, but we also wanted to provide, to address this concern, a sworn statement that addresses what we believe to be the key facts under investigation, that is what did he do with Mr. Galante, why did he do it, did he have a corrupt relationship with Mr. Galante or anyone else. He denies that he's had a corrupt relationship with anyone under oath.

SEN. STILLMAN: Thank you. Mr. Chairman, I mean, obviously we want to receive his remarks, but I do have, I have some concerns, as I said, in terms of, how can I put this gingerly, we certainly know that Senator DeLuca is here under circumstances, number one, he wishes he didn't have to be, but, number two, I'm sure he will be here to try and to give us his statement as truthfully as he can. I shouldn't put it that way, truthfully.

But what we have discussed up until now has raised some questions that responses to will not be given under oath. And as I said, that concerns me. I don't, I know other Members have other remarks [inaudible] but I certainly hope that after our break that we might see a change of heart on this. Thank you.

SEN. NICKERSON: Mr. Chairman.

SEN. LOONEY: Yes, Senator Nickerson.

SEN. NICKERSON: Yeah, if I may ask a question. I'm now further concerned with the response the Attorney gave to Senator Stillman.

I thought you had said that he would read a sworn statement and, based on that, we would be in a position to judge, in part, the quality of what was being read. That subsequent to that, he would give a non-oath oral statement. And subsequent to that, there would non-oath questions.

But I did understand you to say that we would read, in open oral testimony, a written statement. Then in response to your statement to Senator Stillman, I understand not that. That there would be no oral presentation that would be under oath, neither reading the sworn statement nor otherwise.

Did I misinterpret what you said?

ATTY. CRAIG RAABE: I'm not sure that you did. The statement that is under oath is an affidavit. It's a two-page affidavit, and he can certainly read that to you. It wouldn't take long, and it addresses, Senator Nickerson, the questions that you've asked previously, going to his motivation.

He then has a more lengthy explanation of his conduct that would not be under oath.

SEN. NICKERSON: Well, I share Senator Stillman's concerns. I do think it would be at least one step forward to have read the sworn statement,

but I do think then the Committee has to consider, as you have to consider, whether further proceedings are warranted not under oath. Thank you, Mr. Chairman.

SEN. LOONEY: Yes, thank you, Senator Nickerson. I agree. I think, Senator Nickerson, the only way we might be able to move the process forward, even incrementally, is if the sworn statement is read under oath.

And then, at that point, we might deliberate further, because obviously I think it is crucial to the Committee to have the responses to questions asked by the Committee Members be under oath if our proceeding is going to have any significance at all.

Just if I might ask, Attorney Raabe, has Senator DeLuca made any other statements under oath in these proceedings, other than the statements he made in court at the day of his sentencing?

ATTY. CRAIG RAABE: Not that I'm aware of, Chairman Looney. And the statement that we brought today is in affidavit form. It is a sworn statement. But if the Committee would like it read, we can certainly read it into the record.

SEN. LOONEY: Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. To the extent that Senator DeLuca has never previously been put under oath and responded to questions from anyone, I don't know whether he spoke at

his, I guess he did speak at his sentencing hearing, and that he was put under oath in that context, but we, this Committee has had a difficult time because we're relying on press accounts and unsworn statements.

I think the reason that we asked for Senator DeLuca to testify under oath was because we thought this would be an opportunity for the truth to be visited upon us in a way that would give us comfort.

Senator DeLuca has admitted and it's clear that he made some very unwise decisions, and they have met with an arrest and a conviction or a plea bargain.

But the hope, I think, that the Committee had was that today would be a day where we would finally have a chance to hear directly from Senator DeLuca and to have confidence that the answers he would give us were answers that would carry with them the consequences of false statements.

I wouldn't for a moment suggest that there's any intention to offer false statements, but the refusal to be sworn can't help but diminish the weight and quality of how this Committee does its job. That's the concern I would have.

SEN. LOONEY: Yes, thank you, Senator. Any other comments from Committee Members at this point? I think Senator Roraback has raised the concern that I believe we all share, is that our Committee of Review and the inquiry we're

undertaking contemplated that the statements being given today be under the assurance and carry the weight of being given under oath.

I think that that was going to be a crucial part of our process, to have the weight of that present in terms of the testimony that Senator DeLuca would give, both in terms of his statement and in terms of responses to questions.

It's troubling I think if any portion of the reply being given here today is not under oath because it then, to some extent, reduces the accountability of the whole process.

Yes, Senator Stillman.

SEN. STILLMAN: Thank you. I think this Committee has to decide if Senator DeLuca, after our break, still does not wish to take an oath in terms of his, the question and answer part, whether this Committee even wants to take advantage of that opportunity or not.

I mean, he's here. Do we want to not receive answers to some of the questions we have because they will not be given under oath? I think that this Committee has to make that decision.

Do we just want to receive his statement and call it a day, or do we want to sit here and ask the questions anyway? So I think this Committee has to make that decision as well.

ATTY. CRAIG RAABE: Chairman Looney?

SEN. LOONEY: Yes, Attorney Raabe.

ATTY. CRAIG RAABE: May I respond?

SEN. LOONEY: Yes.

ATTY. CRAIG RAABE: Going to your issue, Chairman Looney, I believe Section 7 of the resolution called for Senator DeLuca to offer a statement and answer questions.

And as Senator DeLuca and I were debating that issue, we didn't see any specific call in there for the statement or answers to be under oath. I do understand, from reading the prior proceedings, that there had been a discussion and an assumption by most or all of you that it would be under oath.

Obviously, Senator DeLuca takes this issue very seriously. And going to Senator Roraback's point, the truth will be visited here today. It's going to be detailed.

When you hear Senator Deluca's statement, it's detailed and it's embarrassing. And when you look back on it, I think that you can reasonably conclude that under oath or not, it's the truth.

But Senator DeLuca understands the desire of the Committee to have the question and answer session under oath. But having been in this business for a while, and understanding how

words can be taken in different contexts, given different definitions, and the horror that that can visit upon someone earlier, I've counseled him not to do that.

SEN. NICKERSON: Mr. Chairman.

SEN. LOONEY: Yes, Senator Nickerson.

SEN. NICKERSON: Yeah, I think I'm getting closer to where I think you are. I'm not sure I'm still there.

You presumably worked with Senator DeLuca in preparing the oral statement, which it is your thought would follow the submission of the sworn statement.

What would be the risk then, since the oral statement is a pre-prepared document, in having, before we have the debate that Senator Stillman discussed, at least have that under oath? What would be the objection to that?

ATTY. CRAIG RAABE: Because even with my counsel and drafting it, I do not have 100% confidence that a prosecutor later couldn't take a word and say it means something else. I've had that debate in many cases. I had it in the case that I recounted earlier about the sale.

I had a fundamental disagreement with the government, and my client had a fundamental disagreement about what sale meant, and we had to try the case.

SEN. NICKERSON: But it is your position, before we recess and before you reconsider it, that you don't even want the pre-prepared statement with your hand and advice under oath? Is that your statement?

ATTY. CRAIG RAABE: That's correct.

SEN. NICKERSON: I think that's a major issue. Thank you, Mr. Chairman.

SEN. LOONEY: Yes, thank you. The letter that the Committee did send to Senator DeLuca and to you inviting his testimony here today did specify that the testimony would be under oath. We had not received any comment or any indication that any exception to that was being taken until your appearance here this morning.

ATTY. CRAIG RAABE: I understand that, Chairman Looney. I can tell you that Senator DeLuca and I, since the invitation came last week, have been spending a lot of time together and working through these issues.

This was an issue that developed for us over the weekend, and a resolution of the issue that developed over the weekend. We believe that it offers a fair compromise. That when you see the written, sworn statement and hear his narrative statement, that that will be sufficient for this Committee's purposes as a Committee of Review.

SEN. LOONEY: Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I think what's maybe difficult is if we have a sworn statement before us that spawns questions on the part of the Committee, when our point of departure is sworn testimony and then when we wish to seek elaboration on the sworn testimony, and that comes in an unsworn form, it is a very uncomfortable, it's an uncomfortable arrangement to have half sworn and half not sworn.

I can appreciate the concern that prosecutors can charge perjury for misstatements, but I would like to think that the concern that this Committee be left with the impression that we're not going to be given the benefit of sworn testimony is a greater concern, because I think there are risks that attend that decision which are, should be weighed in the balance along with the risks that would attend giving us a sworn statement.

Thank you, Mr. Chairman.

SEN. LOONEY: Yes, thank you. Anything else from Members of the Committee? I would like to suggest that, at this point, that we invite the submission of the written statement under oath that Attorney Raabe is willing to submit and that Senator DeLuca is willing to submit, and that we accept that written statement, but that we then defer any other consideration of questioning until some other date, until we have a chance to review that statement.

In other words, not have it presented orally, but submit, accept whatever documents that Attorney Raabe and Senator DeLuca are willing to submit today and give a chance for the Committee to review that and then determine what our next move might be thereafter.

Yes, Senator Stillman.

SEN. STILLMAN: Thank you, Mr. Chairman. I don't have a problem with that. It's just, again, we will have to make a request to ask the Senator to come back and answer questions that could come from that, from our receiving that testimony and reading through it.

You know, as Senator Roraback said, the testimony itself could lead us to some questions that we may not have thought to ask until we received the testimony.

So, you know, will we be trying to again receive more comment from him under oath? I personally think that we need to, his remarks to be under oath, whether they're question and answer or read statement.

So whether this will give him, the Senator, time, Senator DeLuca time to rethink his position or not, only time will tell. But certainly, I do want to receive some information today and then, as I said, this Committee can make a decision as to whether to call it a day or not. Thank you.

SEN. LOONEY: Senator Guglielmo.

SEN. GUGLIELMO: Thank you, Chairman Looney. If I understood your statement, then we would just listen to the written statement under oath and then we would stop there. There would be no oral presentation from the Senator. Is that?

SEN. LOONEY: Yes. We would just accept the submission--

SEN. GUGLIELMO: And then come back another day.

SEN. LOONEY: Yes.

SEN. GUGLIELMO: Okay. I just wanted to make sure I understood. Thank you.

SEN. LOONEY: Senator DeFronzo.

SEN. DEFRONZO: Thank you, Mr. Chairman. I just want to concur with what your recommendation is and that we, the Committee, had a rather full discussion of this issue about requesting testimony under oath.

I think we tried to anticipate all the potential arguments and considerations, and we did make the decision that we wanted the testimony under oath. We communicated that to you in the letter from the Chairs.

It would have been certainly a little bit more thoughtful, in anticipation of this presentation, if your reservations were made known to us before today, but I do think it's

imperative that whatever responses we get we do get under oath.

I understand your concerns, and they're well taken, but the Committee did deliberate on this request quite seriously before it was offered, so I think we have to be careful in how we proceed, and I do concur with what the Chairman has recommended.

ATTY. CRAIG RAABE: Mr. Chairman?

SEN. LOONEY: Yes, Attorney Raabe.

ATTY. CRAIG RAABE: A suggestion for you, just to consider, is, as I said before, there is the written, sworn statement that can be put before the Committee. There are other printed materials.

And as I said, Senator DeLuca has a lengthy statement that can be provided that addresses the written materials. As I suggested at the outset, if the Committee were to consider that statement not under oath, and then we'd consider the Committee's position, that might be a potential way to resolve this issue.

SEN. LOONEY: I think, at this point, it seems to be the will, the growing consensus of the Committee is just to accept the written statements, the submission of documents today and not to have Senator DeLuca appear at the microphone at all while there is an unresolved question as to what portion, if the testimony might be under oath or not and leave it at that

for this stage until the Committee has had a chance then to review the written submission that would include, as you said, a sworn statement under oath and then any other supporting documents that you might want to submit to the Committee, but to at least defer the issue of personal oral testimony by the Senator.

Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. It seems that all of the Members of the Committee I think would welcome the chance to review a sworn statement. I don't know whether we have copies of that, whether it could be distributed.

It might be helpful for us to read that and then maybe break for lunch or something, and if there's no change of position, then we'll have to proceed in a manner that Committee Members agree to.

But I just, my hope would be, everybody is here today, my hope would be that Attorney Raabe and Senator DeLuca might reconsider their position so that we wouldn't have to schedule another meeting of the Committee.

But for starters, it would be, I think, helpful for us to read, because we don't know how detailed the sworn statement is. We don't know what issues it covers that we've been concerned about.

So I just thought, maybe as a preliminary matter, and I think we all agree we would receive that in the spirit of what's been asked for.

SEN. LOONEY: If there's no, do you have copies of that that could be distributed to the Committee, the matter that you referred to and Senator Roraback referred to, Attorney Raabe?

ATTY. CRAIG RAABE: Yes, Chairman.

SEN. LOONEY: Yes, if we could then, that might be worthwhile for that material to be distributed to the Committee and that we could then call a recess so that the Committee Members would have a chance to review that material and then determine what our next move might be.

So do you have copies for each of the Members or?

ATTY. CRAIG RAABE: Chairman Looney, we had prepared notebooks that contained other information. We can do one of two things. We can take the statement out of the notebook and give it to you or we can give it to you with the notebook.

The problem is the other information in the notebook will have no context, because that was going to be addressed in Senator DeLuca's lengthy discussion with the Committee here today.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: And it's very hard for us to kind of guess what might be in there and what value it might be to us. If it's in the nature of press clippings or something that's otherwise publicly available, then that wouldn't be useful.

If it was in the nature of photographs or documentary evidence that would help the Committee better understand the circumstances surrounding this situation, that obviously would be useful information.

But we can't, I don't know how we pick and choose or how we take information without knowing whether we'll have an opportunity to ask questions with respect to it that are offered under oath. So I don't know how we reconcile that.

SEN. LOONEY: Senator DeFronzo.

SEN. DEFRONZO: Thank you, Mr. Chairman. I just wanted to add one other dynamic to this. This is not a decision only for today, but, as you know, this is an unprecedented undertaking by the State Senate.

So whatever we decide on this issue today will be referred to perhaps in future times. So the necessity to have sworn testimony, I think, is, it can't be underestimated. It's really quite important, not only to today's proceeding, but to the precedent we set for the future. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator DeFronzo. Anything else from Members of the Committee? Well, I think then, since we are placing a premium on the significance of sworn testimony, I think it might be preferable to just get copies of the affidavit or the sworn statement that Senator DeLuca is willing to submit.

If that could be distributed to the Committee, and then we could recess, review that, and then reconvene a little bit later.

ATTY. CRAIG RAABE: Very well.

UNIDENTIFIED SPEAKER: Do you want to give us a time?

SEN. LOONEY: Yes. Maybe 1:30, will that be reasonable to come back then? Okay.

UNIDENTIFIED SPEAKER: So the Committee is in recess until 1:30.

SEN. LOONEY: Recessed until 1:30, yes.

[RECESS]

[Changing from Tape 1A to Tape 2A.]

SEN. NICKERSON: --may take a moment just to comment on where we are.

SEN. LOONEY: Maybe we should just pause for a minute. I think Senator DeFronzo and Senator Stillman are on their way. If we could just pause for a moment.

Senator Nickerson.

SEN. NICKERSON: Thank you. If I may, Mr. Chairman, I just want to make an observation as to where I think we are. If I may ask a question of Attorney Raabe.

SEN. LOONEY: Please proceed, Senator.

SEN. NICKERSON: Thank you. Mr. Raabe, in your letter of September 24th, the very concluding line was one in which you asked the Committee to invite Chief O'Leary to waive his privacy rights, and you adverted to that, I think, in your opening statement.

Yet you have advised your client to not, to waive his privacy rights only in a limited extent, namely the redacted so-called 302.

Earlier this morning, you indicated that you advised your client not to testify under oath. Yet in your letter of October 11th, you invited, you suggested that the Committee invite Chief O'Leary to testify under oath.

So twice you have put emphasis on the importance with regard to Chief O'Leary of the privacy waiver and the importance of testimony under oath, but have adopted a different standard and an inconsistent standard, have you not, with regard to your own client.

So I put it to you you've taken inconsistent positions as to what you would ask Chief, you

would ask the Committee to expect of Chief O'Leary vis-à-vis what you're asking the Committee to accept vis-à-vis your client.

In my view, that's an inconsistency and a serious one. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator Nickerson. Senator Roraback. No. Okay. We have had a chance to review the affidavit submitted by Senator DeLuca during our break, and thank him for that.

At this point, just wanted to inquire of Attorney Raabe, is your position regarding Senator DeLuca's testimony under oath the same as it was an hour ago?

ATTY. CRAIG RAABE: Mr. Chairman, I've spent the last hour with Senator DeLuca, and we think we have a compromise that will hopefully work for the Committee.

Just to quickly address Senator Nickerson's point, what Senator DeLuca has asked this Committee to do is to simply extend the same invitations to Chief O'Leary that have been extended to Senator DeLuca.

Chief O'Leary can then get counsel, if he chooses, and proceed in a manner that he sees fit.

But I have spoken with Senator DeLuca in the last hour and, first and foremost, he wants this process to end. It's been a terrible

personal family tragedy, and he wants it to end.

In order to try to accommodate the Committee's concerns, and he understands the Committee's concerns, and he understands the precedent, Senator DeFronzo, going forward of how this could impact future proceedings, and he wants to try to find some way to both accommodate the Committee, to protect his rights, and to move ahead.

What he has decided that he will do, if the Committee sees it appropriate, now that you have his sworn written statement, is he will take an oath and give his narrative statement that you can trust is detailed and lengthy.

I suspect it will answer many of the questions that the Committee Members have. But in order to proceed today and get the information that he has about his motivation, about what he did before the Committee, he will submit to the oath and read that statement.

SEN. LOONEY: Mr. Raabe, that doesn't address the issue of questions from the Committee.

ATTY. CRAIG RAABE: What I would suggest, Mr. Chairman, is if there are questions afterward, this is not a situation of Senator DeLuca having an interest in not answering questions. But if there are questions after, we can consider perhaps then how best to address it.

One of the things that I've considered, and obviously we haven't discussed it in this forum, is after his detailed presentation today, if there are questions that you'd like sworn answers to, to have those questions submitted in writing and he will respond in writing.

His concern is not in that he does not want to respond to this Committee. His concern is getting into an extemporaneous discussion that goes on and could later be taken out of context, from his perspective, and result in years of litigation. He's not going to do that.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. First of all, I think both Attorney Raabe and Senator DeLuca, I hope, understand that I think the Committee's intention was always to allow Senator DeLuca to have the advice of counsel during any questioning that was put to him.

And obviously, the Committee would respect Senator DeLuca's right to answer or not answer any question put to him on the advice of counsel.

I guess, if what you're suggesting is that Senator DeLuca would answer any and all questions that we put under oath, either in a sworn, written way or today at this Committee, our staff is well able, if we were to pose questions, they're well able to record them,

and if Senator DeLuca is uncomfortable answering them orally today, we could leave you with a list of written questions to which we would expect written answers sworn to under oath.

It's not the ideal situation, but from my perspective, the more information that we can gather, the better a process we'll have. That's, and again, obviously reacting just to what's been put on the table at this moment.

Thank you, Senator Looney.

SEN. LOONEY: Yes, thank you, Mr. Chair. Any other comments from Committee Members at this point? If we might pause for just a--

Yes, Attorney Raabe, just to inquire, in terms of proceeding, we have Senator DeLuca's brief affidavit. You're proposing that he would give his, an oral statement in addition to that, and that would be under oath.

Then in terms of Committee Members questions that would follow that, we would then begin that questioning process, and then you would either perhaps interject that you would prefer that response to be in writing rather than answered directly at present. Is that, we're trying to get the logistics of what you're proposing here for this afternoon.

ATTY. CRAIG RAABE: Yes, Mr. Chairman. Senator DeLuca will offer his narrative under oath.

After his narrative is concluded, I believe there are two options.

One option is for the Committee Members to then consider what he has said, and trust me, it will be detailed statement, and see whether you have questions. And if you have questions, to submit those in writing, and he will answer them under oath.

An alternative is to have a question and answer session today not under oath, which could also be followed up with written questions that we'll answer under oath.

He's trying to provide all of the information that the Committee wants.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: It may be, and I don't want to prolong this, but it may be that there are certain questions which you and Senator DeLuca would be comfortable answering under oath today. There may be other questions which would you prefer to answer under oath in writing.

So kind of splitting the difference, if you will, between what the ideal might be for this Committee and what the ideal might be for Senator DeLuca, after Senator DeLuca makes his narrative statement, maybe we could head down that road.

If that road, if it seems like there's no question that Senator DeLuca would want to answer orally, then we'll put them all in writing, but there may be, I'm just thinking in terms of workload for all of you and the time that you're going to have to spend, that we might be able to get rid of some housekeeping things or easy questions, and then maybe harder questions we could give to you in writing.

And again, that's just one thought. I'm not wed to it.

SEN. LOONEY: I think, just to follow up on Senator Roraback's point, I think the consensus of the Committee is that it is only useful to the Committee to have Senator DeLuca's statements under oath, in whatever form.

Since we have the affidavit that is sworn to, he'll be making an oral statement under oath, it would be best then to, if he's not answering questions under oath today, it would be best then to have the responses in writing under oath, rather than have an informal process that would not have that level of accountability.

Unless, as Senator Roraback said, unless he is willing to be under oath for the purposes of entertaining questions and then deciding whether or not those would be ones he would rather defer to answer in writing. But I think anything not under oath would not be useful to the Committee.

Okay, anything else from the Committee Members in terms of, Senator DeFronzo.

SEN. DEFRONZO: Thank you, Mr. Chairman. I don't want to be an impediment to progress, but something that bothers me about allowing a statement on the record, even though it would be under oath, yet our questions would be submitted for written response.

I mean, we have conducted a very open and transparent process throughout. We have certainly tried to accommodate Senator DeLuca and you with scheduling. Our intent here was not at all obfuscated in any way when we made the request for Senator DeLuca's appearance here.

I would, I just think there's some imbalance here if we allow a statement under oath, publicly delivered, you know, over the airwaves, and yet our questions cannot be delivered in quite the same way.

We might get the answers we want, but I just have a reservation about that, and I'm interested in what the other Committee Members have to say about that. Thank you, Mr. Chairman.

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

SEN. STILLMAN: Thank you, Mr. Chairman. I couldn't agree more with Senator DeFronzo. I appreciate the offer to make some statement under oath,

but I'm uncomfortable with the sort of this, number one, a standard we might be setting, but number two, the fact that we cannot, if we have further questions, and they are also to be answered under oath, but not today, and in a written format, it makes me uncomfortable because we sort of have this two-part system.

So I'm very concerned as to how it's truly going to work and if it's really going to answer our questions, because there's no doubt that once you pose a question and you get an answer, that it could then be necessary to ask a follow-up question, and we won't have that opportunity.

So I do appreciate Senator DeLuca trying to work with the Committee and in the same regard protect his interests, himself and his family. On the other hand, I think it's an extremely awkward process for this Committee, and I'm uncomfortable with it at this point, unless there is some other way that we can, there's a third idea.

Right now, I'm, as I said, I appreciate the offer, but I'm still not quite in agreement with it. Thank you.

SEN. LOONEY: Thank you, Senator Stillman. That's a concern that I share. Obviously, any questions that are submitted in writing are not subject to follow up for clarification at that moment, because often questions that are asked in an oral setting do inevitably give rise to follow-

up questions for purposes of clarification at that time.

The detailed answer might be then reached after a series of several questions, the original one and several follow-ups.

In addition to that, testimony that is given or statements that are given only in writing, in terms of answers to questions, also do not allow the Committee any, the opportunity to determine factors such as demeanor factors and all of the other kinds of issues that affect the quality in nature and reaction to a response.

So that's a concern of mine for the same reasons, as opposed to being a rather unwieldy process of submission of written questions that may then leave something unanswered by virtue of the response to those questions, then perhaps raising additional questions that might not have the possibility of answer, except under the regiment of submission of additional written questions. And that can become awkward and kind of spin off into infinity.

Anything else? Yes, Senator Guglielmo.

SEN. GUGLIELMO: Mr. Chairman, if I could, a question to Attorney Raabe. Basically, am I correct, where we are now is that, what our options are and what your options, what has been laid out is that we're going to get the answers in writing or a combination of, I don't know if you've agreed to that or not, where

we'd do the combination approach, where he would answer the questions that you and he are comfortable with and then the rest in writing. Is that agreeable?

ATTY. CRAIG RAABE: I haven't talked with Senator DeLuca about that yet. I personally am a bit uncomfortable with it because I don't think it would be fair to him to put him in a position where he's willing to give the information but has to have me say to him, don't answer that question, we'll do it later. He's willing to give the information.

SEN. GUGLIELMO: Okay. So then the options really are, for today, that we get the, we listen to the statement under oath and then the questions are submitted from the Committee, I guess which we'll compile here orally, right, that would be the format I guess. Then he would answer, in writing, or we go home. Those are our, that's the option.

ATTY. CRAIG RAABE: Well, I think the other option is, I suggested, is to have a question and answer session today that is not under oath, and to the extent--

SEN. GUGLIELMO: That's right. You did say that.

ATTY. CRAIG RAABE: --that there's any request for follow-up, he will do that under oath.

SEN. GUGLIELMO: Okay.

ATTY. CRAIG RAABE: And by that method, he can then give the Committee the information that it needs.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I'm just, going back to the resolution that created this Committee and what it gives us the power to do, in Section 7 of that resolution says that the Committee shall offer Senator DeLuca the opportunity to offer a statement and answer questions posed by Committee Members.

It seems to me that what the Committee would prefer is for Senator DeLuca to offer a statement under oath and to answer questions under oath.

Certainly, if Senator DeLuca chooses to offer a statement under oath, I guess he probably has the right to answer questions by saying I choose not to answer those questions under oath or I would answer those questions only if you give them to me in writing.

That's not how I would prefer for this process to go forward, but it's not clear to me that we could deny him the opportunity to offer the sworn statement because of his potential refusal to answer questions under oath.

I mean, we can pose a question to him, and if he says, I don't want to answer it, that's his prerogative. We will obviously take that response, I can imagine that that response

would frustrate the Committee, but that's Senator DeLuca's right to offer that response.

SEN. LOONEY: Thank you, Mr. Chairman. Any other comments or insights from Members of the Committee at this point?

It does seem we have a quandary in terms of the statement being offered under oath and then the, any questions that would be asked and responded to today, your assertion is that Senator DeLuca would not answer questions today under oath? Is that, in other words, would not make oral questions, would not make oral responses beyond the text of his statement?

ATTY. CRAIG RAABE: He will respond to questions without the oath. I haven't talked to him yet about whether he would respond to questions on a question by question basis under oath. I just haven't talked to him about that yet.

SEN. LOONEY: Yes, Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I really don't, and I'm speaking only for myself, but if Senator DeLuca is not willing to be sworn to answer questions, then I think there is only one question that would be asked, which is are you willing to be sworn to answer questions?

If the answer to that question is no, I would think that would be the end of the questioning. I don't see us taking something sworn and something unsworn. So that's just an option, that's just the way I look at it.

And I do think that Senator DeLuca is right to say I choose not to answer questions. Again, what flows from that, I don't know, but I don't think we can compel someone to answer questions under oath if they don't wish to.

SEN. LOONEY: Senator DeFronzo.

SEN. DEFRONZO: I just wanted to pick up where Senator Roraback left off a minute ago, talking about the resolution.

The rules and procedures that we adopted say the following, in Section 7, it's almost parallel language, very similar language to that just mentioned by Senator Roraback.

After reviewing the publicly available information it has gathered, the Committee shall offer Senator DeLuca the opportunity to appear before the Committee to offer a statement and to answer questions posed by Committee Members. Senator DeLuca may be represented by counsel at such meeting.

Then we move into Section 8, it says once Senator DeLuca has either complied with, declined, or failed to respond to the Committee's offer, the Committee shall vote on a recommendation to the Senate.

So I think the question that Senator Roraback framed a moment ago is exactly where we are at. If we are not going to accept testimony, then I think we should be moving on to the next step.

If we are going to accept sworn testimony, then we should hear it today. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator DeFronzo.

Yes, Attorney Raabe, if I might, has the statement that Senator DeLuca would present orally, has that been reduced to writing? Is that written, is that available in written form?

ATTY. CRAIG RAABE: Parts of it are. It's not completely in writing.

SEN. LOONEY: I see. Because what the Committee would like to do is to put Senator DeLuca under oath to testify to the accuracy of that statement, and then have it be submitted to the Committee, rather than have anything presented orally today if the Senator is not going to answer questions under oath today, and we could review that statement.

ATTY. CRAIG RAABE: Mr. Chairman, in light of the enabling act, the resolution, and the Committee procedures, Senator DeLuca is entitled to make a statement before this Committee. He would like to make a sworn oral statement before this Committee now.

SEN. LOONEY: The rules provide for a statement and answering of questions, and there is a procedural problem in separating those two.

ATTY. CRAIG RAABE: As I said, Chairman Looney, Senator DeLuca is willing to answer the questions and willing to answer them under oath.

We do have a procedural issue here, I grant you that, but he is willing to give the information that the Committee is seeking. He is willing to give a sworn, lengthy, detailed statement right now that explains his conduct and explains his motivation.

If you hear that statement, I would ask you to reserve judgment and even see whether you have questions. There is a lot of information in his statement.

And when you're done with that, I suspect a lot of your questions will already have been answered. To the extent there are questions, perhaps we can address them, procedurally, how best to deal with that.

SEN. NICKERSON: Mr. Chairman.

SEN. LOONEY: Yes, Senator Nickerson.

SEN. NICKERSON: A sense of where to go would be this. I just suggest this, not as a motion, but a suggestion, that we accept whatever statement, under oath, the Senator cares to make and accept only questions and answers under oath.

Should the Senator, as has been clearly indicated, declined to do that, we weigh at a

later time to what extent that is a, to what if and to what extent that constitutes an uncooperation with the Committee. Thank you, Mr. Chairman.

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

SEN. GUGLIELMO: Just a question to Senator Nickerson. Would that mean that at some point in the future we could get the questions answered in writing or would that preclude that, if we went down the road that you suggested?

SEN. NICKERSON: I think it would preclude that. The reason is, as has been expressed, I think the question and answer is only, is greatly limited if it's under oath but in writing because it precludes follow-up questions, judgment of demeanor, and all the attributes that go with live testimony.

So I certainly don't think we should not take his oral statement. He's offered, keeping in mind, of course, he's here voluntarily at all. And if he wishes, he's here voluntarily, we respect that, if he wishes to make an oral statement under oath, I think we should accept that.

We should ask him then if he's willing to make, engage in an oral question and answer statement under oath, clearly the answer is, not to play games, clearly the answer is going to be no.

And so the Committee would then, having had that answer, evaluate to what extent that is engaging in a degree of non-cooperation with the Committee for our final deliberations which, as Senator DeFronzo said, is our next step.

So that would be my answer, speaking only for myself. Thank you, Mr. Chairman.

SEN. GUGLIELMO: Mr. Chairman, I guess, and here again, I'm speaking for myself, I would think it's our duty to get as much information as possible. So if under the terms here, and the way the law is structured, and I can understand, you know, someone's concern about putting themselves in tremendous financial jeopardy by future litigation.

I would think that, you know, if we've got the, it's awkward, no doubt, but I don't think we should let a procedural thing stand in the way of us getting as much information as we can. Thank you, Mr. Chairman.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. As I read the resolution, it does appear that it was, Section 7 was included as an effort to afford a modicum of due process to Senator DeLuca. That the opportunity was his to offer a statement. The opportunity is his to answer questions.

I don't think it's, I wouldn't want Senator DeLuca or his attorney to think that questions

that this Committee asks would be of a particular nature other than a desire to inform ourselves, illuminate ourselves.

The questions could both, could conceivably implicate Senator DeLuca, they could conceivably exonerate Senator DeLuca. All we want is to understand the facts.

We have been presented with irreconcilable stories from Senator DeLuca and from the Police Chief. This is our opportunity to get a sworn statement from Senator DeLuca and to have him answer our questions under oath.

Again, I think the opportunity belongs to him. If he chooses not to answer our questions, the consequences of that will be up to this Committee.

But again, I don't think, I think this was offered for the benefit of fairness to Senator DeLuca and, because of that, I think we should hear his statement, if he's willing to provide it under oath. And we'll then ask questions, and he can answer them or not answer them. Thank you, Mr. Chairman.

SEN. LOONEY: Just to clarify then, if we do proceed today to a question stage, it would be clear that those questions would have to be under oath, and then he could decline or choose to respond at that point.

Yes, Senator Guglielmo.

SEN. GUGLIELMO: Just a further point, and that would then mean that at some further date we would not ask for written questions under oath.

SEN. LOONEY: No, I wouldn't say, I think, again, in terms of trying to get as much information as we can, we would still want to hold out--

SEN. GUGLIELMO: That option. Okay, thank you. That's what I was hoping too. Thank you.

SEN. LOONEY: Yes, Senator Roraback, Senator DeFronzo. Go down the line.

SEN. DEFRONZO: I'm still not comfortable with this, and maybe it's because of a lack of understanding because we've gone through several reiterations of this, but.

What we're now suggesting is that, what is being suggested is that Senator DeLuca would make his statement under oath. We would then pose a question to him as to whether he would be willing to accept our questions under oath today, receive an answer on that question.

If he declines to do so, we then have the option of requesting responses to questions--

SEN. LOONEY: In writing.

SEN. DEFRONZO: --in writing.

UNIDENTIFIED SPEAKER: Under oath.

SEN. DEFRONZO: Under oath, or choose to move forward without the benefit of those questions.

SEN. LOONEY: Right.

SEN. DEFRONZO: Well, I, again, I just would prefer that the whole process be open, that the statement, as well as the questions, be here in full view of the citizens of the State of Connecticut and the Committee.

I mean, I certainly would like to have the information. You know, none of us have any interest in subjecting Senator DeLuca to any more legal problems than have already occurred, but I do think there's something to be said about the way this information is presented, the equity of the way it's presented to us, and our ability to ask questions that are penetrating questions and illuminate the issues that are before us.

So I have some reluctance in proceeding on this basis, Mr. Chairman.

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

SEN. STILLMAN: Thank you, Sir. I also am somewhat uncomfortable. I almost feel as though we give him some questions to take home, it's like an open-book test.

I don't mean that to sound amusing, but it concerns me, even though it will be done under sworn or whatever, an oath, etc. I think it's

beneficial to the Senator to have that open dialogue with this Committee, to keep this process as open as possible, rather than to reduce it to paper and ink again.

We have gotten a lot of information from Senator DeLuca himself. Granted, it was not under oath, but we have received a lot of information. I personally would prefer if the Q&A could be under oath.

On the other hand, I am certainly not opposed to hearing his statement today under oath. We certainly afford him, should afford him that opportunity. It's just, in my mind, it won't be as full a picture as I would like to see or that the public deserves. Thank you.

SEN. LOONEY: I think that Senator Stillman expresses the sense that many of us have that oral response to questions under oath, with the opportunity of give and take, clarification, and follow-up is the very best way to elicit a full response that would help this Committee discharge its duties.

If Senator DeLuca is not willing to do that in that format, I think it is unfortunate. But at the same time, we are charged with gathering as much information as we possibly can.

So that the fact that he is now willing to make a statement under oath that he was not willing to make earlier this morning is at least some progress in that regard.

Just ask the sense of the Committee, I think if we could move forward on that basis, again, clearly relying on the fact that we do intend to ask for response to questions under oath after the end of the Senator's statement.

If that needs to be in writing, that we would regard that as not a fully satisfactory process, but one that we would potentially consider at that point.

UNIDENTIFIED SPEAKER: I agree.

SEN. LOONEY: Good. Okay. Senator Stillman, anything further? Okay. Again, in the interest of gathering as much information as we can, as we said, we have heard a lot of statements made by Senator DeLuca previously.

We've all reviewed the CT-N tapes of his press conferences and seen the press comments, all of which are under oath.

So at this point, it is important for the Committee, obviously, given the serious charge that we are given under the resolution, to make sure that the information that we get from him from this point on is vouched for under oath in order to hold everyone fully accountable and proceed with the degree of seriousness necessary.

So I would call Senator DeLuca forward at this point so I might administer the oath for him, for his statement.

Good afternoon, Senator. If you would raise your right hand, please. Do you swear or solemnly or sincerely affirm, as the case may be, that the evidence, the testimony you shall give concerning this matter shall be the truth, the whole truth, and nothing but the truth, so help you God or upon penalty of perjury?

SEN. DELUCA: I do, so help me God.

SEN. LOONEY: Thank you, Senator. Senator, as you know, we know that this is a painful and stressful process for you, and certainly it is by no means a pleasant and welcome for the Committee. We would welcome your statement under oath.

SEN. DELUCA: I fully understand that all of us would rather be somewhere else today. And I would also like to say, just before I start my formal comments, that politics, one definition of politics is the art of compromise, and hopefully we will reach that.

Chairman Looney, Chairman Roraback, and other Members of the Committee, I'd like to begin today by thanking my constituents, friends, and family that have supported me through this very difficult period.

I recognize that I created a difficulty that has affected others, and I'm very grateful for the support that I have received that has sustained myself and my family through this entire process.

I also want to apologize to my constituents and to the people of Connecticut. My conduct which led me to plead guilty to a state court misdemeanor was unacceptable, and I am sorry for that behavior.

As I have acknowledged many times before, what brings us here today is my terrible decision to seek the assistance of James Galante in trying to deal with the physical domestic abuse of my granddaughter.

I now recognize that it was a bad decision, and I have learned many lessons from that decision and from what has followed.

I had hoped, when I took responsibility for my conduct and pled guilty to a conspiracy to threaten, that I could put this difficult matter behind me for my sake and the sake of my family.

This was a personal family matter, and it did not involve my political office. I have not corrupted my office or the Senate in connection with Mr. Galante or anyone else.

Perhaps the best objective proof that I did not engage in corruption is the fact that the federal government conducted a thorough investigation into this matter and did not charge me with any crime related to my official office.

As a result of its thorough investigation, the federal government referred my matter to the

State's Attorney, and I then pled guilty to a conspiracy to threaten.

I now recognize that my hope to resolve this matter last June was naïve. At the same time, however, I also recognize that one of the reasons that this matter has persisted is a distortion of what happened.

Much of that distortion is the result of public statements, including a statement to this Committee by Waterbury Police Chief Neil O'Leary.

Today, I want to clear that distortion. I want to address the following issues. Number one, the fact that my granddaughter was in fact abused, and the abuse caused great distress for me and my family.

Number two, the motivation for my poor decision to seek Mr. Galante's assistance to end the abuse of my granddaughter, and three, the fact that I did not compromise the integrity of the Senate.

I know that my conduct has brought negative attention to me and to the Senate, but I did not compromise this body's integrity because I did not and do not have a corrupt relationship with Mr. Galante or anyone else.

Let me first address the question of the abuse of my granddaughter. The fact that some have now questioned whether my granddaughter was abused is shocking to me and my family.

The fact of the abuse was never questioned when the federal government conducted its investigation.

This question and the unwarranted speculative doubt about the abuse only became an issue after my guilty plea, when Chief O'Leary issuing his statements claiming that I never raised the issue of physical domestic abuse with him.

That simply is not true. It was the very reason that I approached him on multiple occasions.

The speculation and innuendo about whether my granddaughter was abused continued when the Waterbury Cooperation Counsel sent a letter to this Committee claiming that the domestic abuse was unsubstantiated. That claim also is shocking to me.

I know that my granddaughter was being physically abused because I saw the physical wounds, and because she told me and others that the wounds were from domestic abuse.

There is no doubt that my granddaughter at times also has denied being abused, as many abuse victims do as part of the battered spouse syndrome.

I believe that my granddaughter denied the abuse in part because she didn't want law

enforcement involved, which I explained to Chief O'Leary when I told him about the abuse.

Despite my granddaughter's periodic denials, however, the evidence of abuse is compelling. And for the Waterbury Police Department, under the grip of Chief O'Leary, to reach the conclusion that the abuse was unsubstantiated is deeply disturbing.

In the binder that we are now going to provide to you, there are a series of letters between Mr. Raabe and the Waterbury Police Department. The Police Department contacted me on the basis of, quote, an anonymous, unquote, complaint that it claims to have received shortly after my guilty plea.

I can tell you that neither I nor anyone in my family, to my knowledge, filed an anonymous complaint, and, in fact, that the anonymous complaint was then quickly dismissed as unsubstantiated calls the entire process into question.

In any event, in response to the police department's inquiry on June 28, 2007, Mr. Raabe sent a letter to the Waterbury Police Department reiterating that I had previously advised Chief O'Leary of the physical abuse of my granddaughter.

Mr. Raabe also provided the Waterbury Police Department with pictures of wounds from the abuse. I had taken the pictures in my kitchen

when my granddaughter acknowledged to my wife and to me that she had been abused.

The same pictures had been provided to the federal investigators. Those pictures are in the binder that you just received.

Perhaps indicative of a predetermined intent to unsubstantiated the anonymous complaint, the police department's reaction was to question the authenticity of the pictures rather than accept them as evidence of abuse. Mr. Raabe then sent another letter authenticating those photos.

In addition, the Waterbury Police Department contacted my daughter, who also confirmed that her daughter, my granddaughter, had acknowledged that the bruising and wounds on her body were the result of domestic violence. All of this correspondence is in the binder.

And if I may, I would just like to read the one letter, I won't read all, but there's just one letter in these responses back and forth to this anonymous complaint. This was from my daughter on June 30th in response to the letter asking if she had any knowledge of this anonymous complaint.

It was address to Lieutenant Chris Corbett, Department of Police Service, 255 E. Main Street, Waterbury, Connecticut, 06707, regarding Casey Collella.

Dear Sir, I understand my father, Louis C. DeLuca, whose attorney provided photos of Casey's bruises, on numerous occasions, I have personally observed bruises on Casey which she confirmed to be caused by domestic abuse.

It is also my understanding that Casey's father, Garrett Reilly, has indicated to you that he also observed similar bruises when she has visited him.

And there is also a statement, sworn statement, by him in that booklet to that effect.

I had assumed, apparently mistakenly, that when the police department was investigating the anonymous complaint, they would accept photographic evidence of the abuse and contact friends and family of my granddaughter.

They couldn't have done so because if they had, they could have not reached the conclusion that the domestic abuse complaint was, and I quote, unsubstantiated.

Once I received the letter that the Waterbury Corporation Counsel sent to this Committee, and after working through my disgust that they would be so cavalier with a tragic issue, I hired a private investigator to take statements from friends and family of which my granddaughter, and family of my granddaughter, all of which substantiate domestic abuse.

Those statements, in addition to the one I already read, are also contained in the binder that you now have and are all sworn statements.

As you can see, the sworn statements contain accounts of bruises on my granddaughter's arms, face, neck, as well as black eyes. One of my granddaughter's friends recounts of how my granddaughter told her she was being abused even when she was pregnant.

There is also a statement from the ex-wife of my granddaughter's husband. His ex-wife obtained a permanent restraining order as a result of physical abuse to her.

This situation continued to tear my family apart, and we continue to be concerned for my granddaughter's safety.

As unwarranted speculation and innuendo about the very fact of abuse continues to feed the media interest in this story, the danger for my granddaughter increases.

In fact, after the Chief first claimed that I had not reported physical abuse to him, reporters even went to my granddaughter's house, unannounced, to interview her about the abuse.

The innuendo and speculation has made a tragic situation even worse. The innuendo and speculation is largely a result of the actions of Chief O'Leary and his department's reprehensible, if I can say the word correctly,

reprehensible assertion that my granddaughter's abuse is unsubstantiated.

If anyone has questions about the seriousness of the domestic abuse, look at the pictures that I took of my granddaughter in my kitchen. If anyone questions the concern and despair that my family and I had for our granddaughter, look at the pictures and the statements that document the extent and duration of the abuse, and then put yourself in the position of my family.

It's a terrible situation to deal with, especially when your abused relative remains in the abusive relationship and denies the abuse to others. It has devastated our family.

It was that devastation and despair that motivated me to make the bad decision to seek Mr. Galante's assistance. But let me be explicit and clear, I did not seek Mr. Galante's assistance until after I tried to get Chief O'Leary to intervene.

I specifically informed Chief O'Leary of the physical abuse of my granddaughter, and I specifically asked for his assistance.

The Chief told me that without the cooperation of my granddaughter, his department couldn't help. As a result of my unsuccessful attempts to get Chief O'Leary to help, I made a bad decision to turn to Mr. Galante.

Let me also be clear that with hindsight and without the emotion, despair, and helplessness that my family and I felt at the time, I recognize that I should not have accepted Chief O'Leary's response to my request for help.

I should have found some other agency or official to help. All I can say is that in the desperation of the moment, I did not. It is one of the many decisions that I profoundly regret.

I also regret, however, that Chief O'Leary did not help when I asked him, because if he had, none of us would be here today.

Let me also be clear why I sought Mr. Galante's assistance. As I told the FBI, which is in the report that hasn't been disclosed, I went to Mr. Galante because I believed that he was on the fringe of organized crime and that he would know people who would convince the person abusing my granddaughter to leave her alone.

At the time, Mr. Galante was not under indictment or under the cloud of suspicion that he is under now, but I knew he had a reputation as a tough individual, and I thought he could help me with this crisis in my family.

In short, I contacted Mr. Galante because of my great concern for my granddaughter, my frustration that the police would not help without cooperation from my granddaughter, and my knowledge of Mr. Galante's reputation.

My interaction with Mr. Galante was not the result of a corrupt relationship with him. But regardless of my motivation and my family's desperation, I know it was a wrong decision, and I regret it.

Thankfully, no one was hurt as a result of my misguided actions. At the time, I did not give proper consideration to what could have happened. I just wanted my granddaughter left alone.

Consciously or subconsciously, at the time, I ignored the possibility of violence, but there is no question that violence could have resulted.

I should never have contacted Mr. Galante to help me. I recognize that fact. And that is why I pled guilty to conspiracy to threaten. I pled guilty because I was guilty, because I was.

Going to Mr. Galante to end my granddaughter's domestic abuse was the most significant bad decision that I made in this matter, but it wasn't the only bad decision.

I was also not candid with the FBI when they first approached me and asked why I met with Mr. Galante. When the agents first interviewed me, I relayed to them a false story that their undercover agent had suggested to me.

While I knew that I had met with Mr. Galante to have him intervene in my granddaughter's

situation, at the suggestion of the undercover agent, I told the FBI that I met Mr. Galante to get someone a job.

While the false story was not my idea, I willingly adopted it because I was embarrassed by the real reason that I had met with Mr. Galante. I also did not want to get myself or Mr. Galante in trouble as a result of my bad decision.

In any event, it was wrong for me to adopt and repeat the false story, and I knew it. I was an emotional wreck. I first had been distraught over the abuse of my granddaughter, and then I compounded the emotional trauma by dealing with the situation inappropriately.

Two weeks after my first FBI [Changing from Tape 2A to Tape 2B.]

--interview, the FBI asked to meet with me again. I did meet with them, without a lawyer, and I took responsibility for my actions and gave them a truthful statement.

I understand from Attorney Raabe that the federal government considered charging me with making a false statement. I appreciate that prosecutors exercised discretion and did not charge me in federal court, instead referred the matter to the State's Attorney.

I obviously do not speak for them, but I am assuming that when the prosecutors looked at the circumstances, including my motivation of

concern for my granddaughter, the fact that I tried to stop the abuse through Chief O'Leary, the fact that I corrected my false statement, and the fact that there was no basis to charge me with corruption, they thought it was a fair resolution to take from, have me take responsibility and plead guilty in state court to a conspiracy to threaten.

I also believe that my guilty plea in state court was a fair disposition of this matter. It was a terrible personal and family tragedy, and I reacted poorly to the stress.

The state court plea fairly reflects the circumstances of the situation as a personal failing and not as an act of public corruption.

I know from the prior Committee meetings that there are other issues that need to be addressed. Let me discuss some of them now.

In the FBI report that has been released, there is reference to a ledger with 25,000 and my name. That, the ledger apparently was taken from Mr. Galante's office. As I told the FBI, the I don't know what the ledger is.

Over the years, Mr. Galante contributed to certain political action committees and fundraisers that I helped organized, and he contributed to my campaign. I don't know if the 25,000 is referenced to \$25,000. I don't recall him contributing that much, but he could have.

I also don't know if that amount relates the campaign contribution bundling case that he now faces. I have no knowledge of receiving bundled campaign funds from Mr. Galante or anyone else.

The FBI report also references a lobbyist and the fact that I did not initially disclose to the FBI who that lobbyist was because it looked, quote, bad, unquote, and would subject that lobbyist to FBI scrutiny.

When the FBI approached me, I knew I had done something wrong, and I didn't want to drag others into it, especially because they had nothing to do with what I had done wrong.

I still don't want others to get involved, which is why my Privacy Act waiver does not extend to the identify of anyone else mentioned in the FBI report. Just like to repeat that.

I did not want others to get involved. That is why my Privacy Act waiver did not extend to the identity of anyone else mentioned in the report.

When the FBI was interviewing me, I was concerned that if I mentioned the lobbyist's name, he would be tainted by my bad decision, and that would look bad for him, even though he had nothing to do with my bad decision to seek Mr. Galante's assistance.

My decision not to reveal his identity in my first FBI interview was part of my continued

bad judgment in this matter. I corrected my omission in my September 21st interview with the FBI.

The FBI also asked why I didn't report the fact that the undercover agent had offered me a bag of cash. Once again, out of embarrassment for the position that I had put myself in for meeting with Mr. Galante in the first place, I think I ignored the possibility of reporting the incident.

But I don't think there is a law that would have required me to report the offer of cash. I should have reported it, and I regret that I didn't.

The FBI report also references the fact that I was looking out for legislation that could have affected Mr. Galante. At the time, I viewed Mr. Galante as a political friend, and I was looking out for legislation that would have affected his business, just as I do for every other political friend or constituent. That is what elected officials do, as you know.

But again, let me be clear, I understand that I should not have become politically friendly with someone who I believed to be on the fringes of organized crime. It was a mistake to do so, and it is what has put us here today.

As I look back, I don't know whether I was impressed by Mr. Galante's business success and wealth or by his significant economic contributions to the community or a combination

of both, but I do know that it was a mistake to become friendly with him.

It is important to know, however, that even though I acknowledged that I was looking out for legislation that could have affected Mr. Galante's business, I did not, in fact, introduce or impact any legislation for the benefit of Mr. Galante or his business.

Additionally, I did not make any appointments for the benefit of Mr. Galante or his business.

The one piece of legislation that I discussed in my FBI interview that I thought could have related to Mr. Galante's business was a general law relating to contracts.

I thought the legislation could have impacted Mr. Galante's business and any other business that operates by contracts. As I told the FBI, the bill never made it out of Committee which, as you know, the majority controls, and I had no impact whatsoever on it.

In addition to the FBI report, you also had the affidavit from my arrest warrant. It also raises issues that I expect you would have addressed.

One of the claims that is set forth in the affidavit is a claim that I had a close and confidential relationship with Mr. Galante. That characterization is the FBI's, not mine.

To be sure, I had enough of a relationship to call him and ask him to intervene in the domestic abuse matter, but I think the FBI's characterization is an overstatement.

I did not socialize with Mr. Galante or even speak with him on a regular basis. I believe we have been together in person less than ten times, probably not even more than six.

I considered Mr. Galante a friend through politics, but not a close acquaintance. He contributed to causes that I supported, and he contributed to my campaign. I was also impressed with his charity throughout the community.

Our relationship was also not confidential. As the affidavit makes clear, I supported Mr. Galante as the Italian-American of the Year Award from the Italian-American Legislative Caucus due to Mr. Galante's significant community involvement and charity.

It was widely known that I knew Mr. Galante. While there is no doubt that in my FBI interview I tried to keep secret the purpose of my meeting about my granddaughter, my relationship with Mr. Galante, generally, was not confidential.

There also is a discussion in the affidavit about my willingness to blunt legislation that could have adversely affected Mr. Galante's business and to help Mr. Galante with anything

within my power. Those concepts are related and I touched on them earlier.

While I regret, and I am disappointed, that I let myself become politically friendly with someone I thought was on the fringes of organized crime, at the time, I was willing to monitor legislation that could have adversely affected Mr. Galante, and I was willing to try to blunt any negative impact through the legitimate legislative process.

As I said, it was known that I was politically friendly with Mr. Galante, and if legislation had been proposed relating to the refuse hauling industry, I think people would have expected me to consider Mr. Galante's perspective.

Again, as I also said earlier, there was no such legislation. I did not make any appointments to benefit Mr. Galante. I also made clear to the undercover agent that I would do what I could within my power, meaning my legitimate power as a State Senator.

At no time did I abuse my elected office for Mr. Galante or for anyone else. I think the best objective proof of that is the fact that the federal prosecutors investigated me for months and did not charge me with any crimes.

To be sure, based on their prior investigation and conviction of other politicians, if I had a corrupt relationship with anyone, the feds would have found it.

I have not had a corrupt relationship with anyone, and I have not compromised the integrity of the Senate. I'll repeat that. I have not compromised the integrity of the Senate.

I hope that my comments have clarified my relationship with Mr. Galante, my motivation for seeking his assistance, and my deep regret for the entire affair.

I have worked in the Senate as hard and as honorably as I could for the last 17 years. It saddens me to think that this terrible personal mistake on my part might define my career in the eyes of many.

I also know, however, that my bad decision to seek Mr. Galante's assistance was not the result of corruption, but it was an act of despair in a personal family tragedy.

Once again, I apologize for what I have done and the fact that we have to sit here today to deal with it. I am hopeful that, after today, we can move on and let the voters of my district consider the circumstances of this incident and make their own assessments.

Thank you for allowing me this opportunity to make this statement.

SEN. LOONEY: Thank you, Senator. Senator, you heard the earlier discussion between your attorney and the Committee Members, so there is

just one additional question that we want to ask you at this point.

Are you willing to answer questions orally today from the Committee under oath?

SEN. DELUCA: May I confer with my attorney first, please?

SEN. LOONEY: Yes.

SEN. DELUCA: As you can see, I consulted with my attorney. I am willing here today to answer any questions that come before me that you have posed to me, and I will give the utmost truth to each and every answer, but I don't feel as though I should do it under oath because of the reasons my attorney explained earlier.

I wasn't even aware of the jeopardy that I could be placed in, and he has advised me of that, and I take his advice willingly.

I am willing to answer any of those questions today without oath. At a later date, answer any questions in writing as my attorney had suggested earlier as a possible compromise. As I said earlier, this is a building built on compromise. I think we all work in that respect. I will answer them all.

I have nothing to hide, nothing. I will answer every question honestly and truthfully. I just am taking my attorney's advice.

I cannot subject myself, my family to more years of litigation. I have already done harm to my family, both emotionally and financially, and I can't put them in that jeopardy again.

At my age, after all these years, as my wife said, she doesn't care if she has to live in senior housing, she'll fight this to the end, but I'm not going to do that to her.

SEN. LOONEY: Thank you, Senator. As your attorney earlier represented that you would be willing to answer the Committee's questions in writing under oath. That's your, just to clarify that.

SEN. DELUCA: Correct. That's what I understand that they would be sworn to, which would be under oath.

SEN. LOONEY: Yes, that's right. I believe Senator Roraback had a question.

SEN. RORABACK: Thank you, Mr. Chairman, and thank you, Senator DeLuca. Just as a procedural matter, are there any limitations imposed on Senator DeLuca by either state or federal law enforcement authorities which would inhibit his ability to answer truthfully any and all questions that were posed by Members of this Committee?

ATTY. CRAIG RAABE: Senator Roraback, I don't know whether Senator DeLuca is going to be called in any future trials or investigations. It's my understanding, from the federal government, that they probably are not going to call him as

a witness at this point. I don't know whether Mr. Galante's lawyers would like to call him.

He's willing to answer any question that is put to him.

SEN. RORABACK: And my question was, as of today, is there any limitation on his ability to answer any and all questions that might be put to him?

ATTY. CRAIG RAABE: No. As I said, he's willing to answer any question that is put to him.

SEN. RORABACK: And he may lawfully do so in the eyes of the federal government and the state government, as far as you know, today.

ATTY. CRAIG RAABE: Yes, sorry, Senator. I know of no restriction on his ability to truthfully answer any question that is put to him.

SEN. RORABACK: Thank you. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator. Anything from the Committee Members? Just, thank you, Senator DeLuca.

Just now, for purposes of convening the Committee meeting, we discussed the next step, which obviously is to determine the interest of the Committee in submitting written questions to Senator DeLuca.

I know that I have some, and other Members, if you would let us know, and then we will have the, presumably have the staff collect the

questions for submittal. We just need to develop that process.

Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I think it would be appropriate for this Committee to make a decision as to whether or not we wish for our questions to be attributed to any of us individually or whether we want them to go in a generic way.

It doesn't make much difference to me, but I just think it's worth talking about on the record, if anyone has any thoughts.

SEN. LOONEY: Yes, just in terms of our options today, obviously in terms of the discussion, is there anyone who would like to ask Senator DeLuca questions today, knowing they would not be under oath, or wait to ask the questions in the format that the answers would be sworn?

Understanding that the same question could be asked in either forum, that questions could be asked today as well as the same question could be put in the form that would require a statement under oath.

Senator DeFronzo.

SEN. DEFRONZO: I continue to have problems with this procedure, but I will be guided by the wisdom of the Chairs on this and will, you know, in an effort to get the information we need, go along.

But it does just strike me very odd that we're in a position of submitting questions, waiting for responses, maybe in the position of having to offer follow-up questions. I don't know how long this procedure goes on for, where it ends, but I certainly hope we can get there quickly and expedite this process.

Again, it would be much more economical and I think much more open process if we're able to have these answered, these questions answered under oath before the full Committee. Thank you, Mr. Chairman.

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

SEN. STILLMAN: I'm beginning to sound like a broken record. I agree with Senator DeFronzo today, as I do many times. We're repeating the same discussion that we've had really all day, and that's that a give and take in a Q&A, face to face, is far more beneficial, I believe, to not only the Committee, but to Senator DeLuca himself, as well as the public.

I would prefer that. I, as well, will defer to the Chairs, but I, we can ask questions today, and then we can pose them again in writing and see if they match. But I think we lose a lot by asking the Senator or his attorney to respond, obviously it will have to be the Senator if it's under oath, or as a sworn statement.

But certainly, we can, as Senator DeFronzo said, we can go back and forth and back and forth, and then at what time do we say, oh, we have enough information.

Whereas, if we really had an opportunity to question Senator DeLuca today under oath, and even if we didn't have every single question answered, we could still reduce some to writing and ask for a response.

I'm really somewhat troubled by this process of posing questions by writing, by sending them to him. And certainly, right now, I'm not ready to sit down and make sure that there, and to pose, and to put those questions on paper, because that's not what I expected to do today.

But I do want to also make a comment that I do appreciate Senator DeLuca coming before us. I know it was very difficult for him and his family to sit here and retell the story.

I think that was helpful and, again, I do appreciate his coming before us. Again, he was invited and he did agree to come. I just wish that there could, the second part of the process could be as open as the first part was. Thank you.

SEN. NICKERSON: Mr. Chairman.

SEN. LOONEY: Yes, Senator Nickerson.

SEN. NICKERSON: I'd like to suggest something that emerged from Senator DeLuca's statement that

some may consider a diversion from our activity, but I do think it has to be discussed.

Senator DeLuca said over and over and over again today, under oath, that the, let's be totally blank and use the L word, the Chief is lying. Okay, that's what he said under oath.

If he is telling the truth, then there is a big problem in the City of Waterbury. If he is not telling the truth, then he is subjected him to perjury, and he well knows that.

Now should we refer that to the State's Attorney? Should we refer that to the Mayor of Waterbury? I don't think we can walk away from today's meeting, recognizing that's not a part of our charge, but we are all Legislators and we're all concerned about the rule of law. Something has to happen to reconcile these views that are now under oath in irreconcilable conflict. I'm open as to what that should be.

SEN. LOONEY: Yes, thank you, Senator. Senator Roraback.

SEN. RORABACK: Thank you, Mr. Chairman. I wish that Senator DeLuca would answer our questions under oath. I understand he's taking the advice of his attorney.

There's a part of me that thinks that it's going to be, if we ask some questions today that he answered not under oath, if he were to change his story when they were submitted under

oath, there would be some explaining that would need to be done.

SEN. LOONEY: Yes.

SEN. RORABACK: There are questions that are on the forefront of my mind that I wouldn't mind asking Senator DeLuca to answer today, just to advance the agenda. I don't know whether other Committee Members, I don't certainly want to be here all night, but just some basic questions.

Because as Senator Nickerson has said, there is this huge gap between what Senator DeLuca has reported to us with respect to his relationship with the Waterbury Police Chief and the written statement that the Waterbury Police Chief has provided us.

And I'd like to ask Senator DeLuca some questions at least about that, because there's so many unanswered questions. I don't want to wait to put it, and I'll put them all in writing to get sworn answers, but if he's prepared to answer them today, that might be better than nothing, I guess.

SEN. LOONEY: Yes, Senator, I think that may apply in a few categories. Obviously, the purpose, as said earlier, is to incrementally move the Committee forward in terms of gathering as much information as we can in as timely way as we can.

So if the Senator doesn't mind coming forward to answer a few questions today that we may

pose, knowing that those questions may be re-asked and supplemented with written questions later on.

Yes, if we might have just a couple of minute recess.

[RECESS]

SEN. LOONEY: If the Committee might reconvene. Again, Senator DeLuca, we do have some questions for you from the Committee at this point, obviously in the context that they could be supplemented or asked again in terms of the written submissions for sworn testimony later on, understanding that this would be the non-sworn aspect of your appearance before the Committee.

Yes, Senator, obviously in some of your sworn testimony you've discussed your relationship and circumstances involving your appeal for assistance to Mr. Galante. Do you recall, when did you first meet Mr. Galante?

SEN. DELUCA: I'm not sure of the date. I believe it's sometime in 2005, probably spring. I'm not sure, but in that general area.

SEN. LOONEY: But I believe in the arrest warrant affidavit, it refers to your being instrumental in having Mr. Galante named the Italian-American Man of the Year back in 2001 by the Italian-American Caucus. So did you, you knew who he was prior to that, or at that time, at the time he was given that award?

SEN. DELUCA: I had met him prior to that.

SEN. LOONEY: Right. Okay. And were you aware at the time that he was given that award that he had recently served some time in prison on a tax charge?

SEN. DELUCA: Yes.

SEN. LOONEY: And you said in your sworn testimony that when you went to Mr. Galante that you knew he had a, or in April of 2005 that you were aware that he had a reputation as a tough individual, I think you said, and at that point you were aware that he was, as you put it, on the fringes of organized crime. Is that correct?

SEN. DELUCA: Yes.

SEN. LOONEY: Did you have a clear idea of what you expected him to do for you at that time, in terms of your appeal to him?

SEN. DELUCA: Well, the offer was for a visit, and that's what I expected, someone to ask this individual to stop the abuse, period.

SEN. LOONEY: Had you ever asked Mr. Galante for any kind of favor prior to that time?

SEN. DELUCA: I may have. I'm not 100% sure, but I may have.

SEN. LOONEY: What kind of favor, not in the context of anything, was it in the context of anything like this or?

SEN. DELUCA: Oh, nothing, nothing, nothing like this, no.

SEN. LOONEY: Okay. Just returning to your testimony about your assertions regarding the physical abuse of your granddaughter and the events leading up to your meeting with Galante, are you familiar with the August 5th, I believe it was, *Hartford Courant* interview with Mr. Collella in which he gave his version of these events?

SEN. DELUCA: I heard it, but I didn't read it. Heard of it, did not read it.

SEN. LOONEY: In that, I believe he said that he had, that he had met your granddaughter in January of '05 and that they dated for about three weeks and were married on Valentine's Day of '05.

So that the relationship was not one of long duration at that time or at the time you contacted Mr. Galante. Is that timetable correct to your knowledge?

SEN. DELUCA: Yes.

SEN. LOONEY: And do you recall at what point you learned that Mr. Collella was physically abusing your granddaughter? Do you know precisely in what timeframe that was?

SEN. DELUCA: In that same timeframe, early 2005, spring 2005, all in that general area.

SEN. LOONEY: Were you aware that they were already married at that point or from Valentine's Day on?

SEN. DELUCA: I was aware that they were married on Valentine's Day.

SEN. LOONEY: Again, in discussing your appeals to Chief O'Leary, do you recall precisely how many times you spoke to Chief O'Leary and specifically asked him for help or informed him that there was abuse that you were aware of?

SEN. DELUCA: I believe three, to the best of my knowledge.

SEN. LOONEY: And if you were, as you said, in effect, informed by the Chief that he couldn't do anything without a complaint, or without assistance from your granddaughter, did you do anything else or take any other measures to try to protect your granddaughter before going to Mr. Galante?

SEN. DELUCA: The only thing I think I believe is talked once or twice to my granddaughter to try to convince her to get out of that abusive relationship.

SEN. LOONEY: Okay. Did you, obviously, given your position as a State Senator and Minority Leader at the time, you were acquainted with or

familiar with a number of other law enforcement officials.

Did you ever contemplate talking to State's Attorney Connelly, who has a very strong reputation for aggressively pursuing crimes or to State's Attorney Morano or anyone else in law enforcement, if you thought you weren't getting a satisfactory response from Chief O'Leary?

SEN. DELUCA: As I indicated in my prior statement, I did not. I should have. But in my emotional state and, not confused, but in my emotional state and the situation of my family, I went to Mr. Galante.

As I indicated, again, I should have thought and there are other avenues to go to, but in the state I was in I did not do that.

SEN. LOONEY: Okay. The photographs that you discussed and provided copies of today, were these photographs taken, if you recall, either before or after you went to speak with Chief O'Leary?

SEN. DELUCA: I think after, to the best of my knowledge.

SEN. LOONEY: And when you went to see or arranged the meeting with Mr. Galante in April 5th of 2005, did it occur to you at that time that Mr. Galante might be, or that Mr. Collella might be injured as a result of what you were asking Mr. Galante to do?

SEN. DELUCA: No. As I said in my statement, either consciously or subconsciously I had blanked that from my mind. My concern was to hopefully bring this to a conclusion very quickly.

SEN. LOONEY: Why did you think that, at least according to the affidavit, that Mr. Galante wrote his question to you on a napkin? Why do you think that was?

SEN. DELUCA: I didn't even think anything of it, to be truthful. I was just so grateful that somebody was willing to help me in view that I couldn't get any from the proper channel, from the Chief of Police.

SEN. LOONEY: Okay. Do you recall how you contacted Mr. Galante about that meeting? In other words, did you call him up or did you send a message to him through a third part or how was that meeting arranged?

SEN. DELUCA: I made a phone call.

SEN. LOONEY: Directly to him?

SEN. DELUCA: Yes.

SEN. LOONEY: And when you asked him of that, to undertake that favor to have Mr. Collella paid a visit, did you expect to have to pay Mr. Galante back in some way for that favor?

SEN. DELUCA: No. And a correction, Senator, with all due respect, I didn't ask him to do that.

He offered it and I accepted, but I did not expect anything in repayment. I don't do business that way, never have.

SEN. LOONEY: You said in your discussion or in your sworn statement that the idea of suggesting that the interview with Mr. Galante was, in connection with a job offer, was suggested by the undercover agent. If you might explain a little bit about in what context that was suggested to you.

SEN. DELUCA: It was a meeting with the undercover agent where he suggested that if and when the FBI visited me, I should tell them this story, and I accepted that, which I should not have.

SEN. LOONEY: So that was advice that he gave to you about how to handle an FBI question?

SEN. DELUCA: Actually, he just said, can you, I believe I said something to the effect of what do you want me to say, and he said say this.

SEN. LOONEY: In the affidavit, at one point, there is a quote from you when you said that, you said regarding Mr. Galante that I'll keep my eyes open, understand that anything that could hurt him, I'll try to blunt as best I can.

In response to the undercover agent's request that Senator DeLuca help influence any proposed legislation that could have a negative impact on Mr. Galante, you then stated, I can't influence it that way. You know, if somebody, if it's a commission that needs to be, that's

going to be a watchdog on CRRA and make recommendations, then I generally get an appointment.

Did you make any specific reference or commitment to helping Mr. Galante's interest through the appointment process?

SEN. DELUCA: No.

SEN. LOONEY: When the FBI, in terms of your interviews with the FBI in September of '06, apparently the FBI paid you a visit on September 7th, I believe it was, before your scheduled meeting with the undercover agent, the arrest warrant affidavit said on September 7th of '06, FBI agents interviewed Senator DeLuca about his meeting in a diner with Businessman A, Mr. Galante.

DeLuca stated the conversation he had with Businessman A about the target was merely about securing employment for the target.

Then in the paragraph in the form 302, the redacted form that was disclosed under your partial waiver, it indicates that Senator DeLuca was asked why he lied to agents by saying that he asked blank to give blank a job, considering it's not illegal to ask someone to talk to someone. DeLuca said he lied because he was embarrassed by that matter.

At the time, what was in your, what were you contemplating in terms of giving that response

to the FBI at that time that you corrected two weeks later?

SEN. DELUCA: I'm not sure in what context you mean that. First, let me answer the first part. On September 7th, when the FBI visited me, I gave them the story that was suggested by the undercover. There was no other scheduled meeting by the undercover. That call came later.

And then, two weeks later, when I corrected the statement in the FBI offices, that's what you're referring to?

SEN. LOONEY: Yes.

SEN. DELUCA: Why did I do that, is that the question?

SEN. LOONEY: Yes, in terms of the, were there any other contacts that you had regarding this matter in that intervening two weeks?

SEN. DELUCA: No.

SEN. LOONEY: No. Okay. Then you mentioned the issue of contacts through a third party or a lobbyist. Would you tell the Committee who that was?

SEN. DELUCA: As I had indicated, while I waived some of my constitutional privacy rights, these people were not involved, and I did not want to put them up for speculation and criticism, so

that's why the names of all people in that have redacted.

They were not involved, and I did not want to create a problem for them when they had nothing to do with my bad decision.

SEN. LOONEY: I believe in your, in some of the statements that, in terms of your press conferences with CT-N in discussing the issue of the abuse of your granddaughter, that you referred to photographs that I believe you said at that time were destroyed.

But there are photographs purporting to be of that abuse that are given to us today in this, in the notebook. Could you clarify that?

SEN. DELUCA: Yes, I will. I was asked, and I believe I said my granddaughter asked me to destroy the photos. That's all I said. I never indicated anything else after that. And it's obvious that I didn't accede to her request.

SEN. LOONEY: Right. Okay. And in terms of the discussion, your characterization of Mr. Galante as a political friend, how far back does that go? Do you recall at what date that political friendship began or when he began making contributions in support of your candidacy or your PAC?

SEN. DELUCA: When I was introduced to him sometime, I believe it might have been '99, 2000, I'm not sure. My guess is it's probably '99, but I'm

not sure of the exact year. But I was introduced to him by someone.

SEN. LOONEY: I will yield to Senator Roraback at this time.

SEN. RORABACK: Thank you, Mr. Chairman. Just a housekeeping matter, which is I think all the Members of the Committee were provided with a binder by Senator DeLuca and his attorney.

I think it will be appropriate for us to ask Legislative Management to post this online as quickly as possible just so the press and the public has access to the same information the Members of the Committee have.

I don't know that there are other copies that you've made for the press, maybe or maybe not. But anyways, just as a housekeeping matter, I think that would be appropriate for us to do.

ATTY. CRAIG RAABE: If I may, Mr. Chairman.

SEN. LOONEY: Yes, Attorney Raabe.

ATTY. CRAIG RAABE: We made a number of copies for the press, and I believe that they've been distributed. I would just like to be careful. There is one original with the original signatures, and I don't know who got access to that one, but we should make sure that that's secured.

SEN. LOONEY: We'll try to track that one down?

SEN. RORABACK: Blue ink or black ink?

ATTY. CRAIG RAABE: I believe it's blue on the statements. The cover of the book should say original on it.

SEN. RORABACK: We'll ask Senator Stillman to--

SEN. LOONEY: To exchange her original for a copy then with the Clerk.

SEN. STILLMAN: I'll get right on it.

SEN. LOONEY: Good.

SEN. RORABACK: Thank you. The hour is late. It's been a long day. I just have a couple of questions that have been eating away at me.

When, Senator DeLuca, when was the first time you met Chief O'Leary? Or how long have you known Chief O'Leary?

SEN. DELUCA: Thirty years or more.

SEN. RORABACK: And when was the last time you either saw or spoke with Chief O'Leary?

SEN. DELUCA: Probably prior to, shortly prior, a month or two before June 4th.

SEN. RORABACK: And have you had a chance to see the statement that Chief O'Leary provided to this Committee, dated September 4th?

SEN. DELUCA: Yes, I do.

SEN. RORABACK: And in that, he says that he's seen you at least 20 times since the spring of 2005. Is that accurate? Do you recall having seen him at least 20 times since the spring of 2005?

SEN. DELUCA: It's possible that I saw him across the room in a restaurant. I saw him on the street. I remember one time coming out of a restaurant from lunch and he was sitting in the parking lot on a cell phone, and I waved [Changing from Tape 2B to Tape 3A.]

--things like that, but no, I don't believe any discussions.

SEN. RORABACK: Do you know approximately when the photographs which you submitted to the Committee were taken?

SEN. DELUCA: The spring of 2005.

SEN. RORABACK: In the spring of 2005. You are alleged to have met with Mr. Galante on April 5th, 2005. Were those photographs taken before or after you met with him, if you can recall?

SEN. DELUCA: I'm not clear on that, Senator. My guess, it's before, but it's possible it was shortly after. I wasn't, shall we say, under the circumstances, keeping track of the dates.

SEN. RORABACK: And since April 5th, 2005, did you ever have concern since then that your granddaughter was being abused?

SEN. DELUCA: Yes.

SEN. RORABACK: And did you ever show those photographs to law enforcement officials, either in the City of Waterbury or the State Police or anywhere else?

SEN. DELUCA: They were given to the FBI or our federal prosecutors. I can't remember which.

SEN. RORABACK: But were they given to the federal prosecutors in attempt to stop the abuse?

SEN. DELUCA: No.

SEN. RORABACK: Did you ever give the photographs to a law enforcement agency in an attempt to stop the abuse or to have the person you believed to be the perpetrator arrested?

SEN. DELUCA: No. As I indicated in my statement, I should have, but I did not.

SEN. RORABACK: And who took those photographs?

SEN. DELUCA: I did. Let me clarify that. My wife and I, I'm not sure if I took two and she took one or vice versa, but I believe there's three photos. Between the two of us, we took them.

SEN. RORABACK: And you were both present when they were all--

SEN. DELUCA: Yes.

SEN. RORABACK: And was it just you and your wife and your granddaughter that were in the room when the photographs were taken?

SEN. DELUCA: Yes.

SEN. RORABACK: And did she agree to have those photographs taken?

SEN. DELUCA: Yes.

SEN. RORABACK: Now when did you first become aware that your granddaughter was dating Mr. Collella?

SEN. DELUCA: I'm not sure. I would guess end of 2004, no, I guess it just happened in January of 2005, so I guess in that, I guess I heard about it maybe January, and then late February was told that she had married him.

SEN. RORABACK: When was the first time you met Mr. Collella?

SEN. DELUCA: Quite awhile after that. I don't remember the time.

SEN. RORABACK: Had you met Mr. Collella prior to meeting with Mr. Galante?

SEN. DELUCA: Had I?

SEN. RORABACK: Yes.

SEN. DELUCA: I don't believe I did.

- SEN. RORABACK: Now in the statement that Chief O'Leary gave to us, he said that he told Ms. Mecca and Ms. Reilly, whom I believe are your daughters, is that correct?
- SEN. DELUCA: No. My granddaughter's aunts on her father's side.
- SEN. RORABACK: Thank you. He told Ms. Mecca and Ms. Reilly that he had known, this is Chief O'Leary, tells the Committee that he told the aunts that he had known Mr. Collella for a number of years. Do you know how Mr. Collella would have known the Chief of Police or how the Chief of Police would have known Mr. Collella?
- SEN. DELUCA: That's a mystery to me, but the Chief did tell me at one time he was a bad person.
- SEN. RORABACK: Now the Chief has told us in writing that he offered to you to go and speak to Mr. Collella about your concerns. Do you remember him?
- And that he gave you a business card with his cell phone number on it and invited you to be in contact with him if you had any concerns. Do you remember that happening?
- SEN. DELUCA: I do not recall that. If he had suggested that he would speak with Mr. Collella, that's what I wanted. So therefore, if he had done that, that would have been somebody responding to my plea to do something.

SEN. RORABACK: And Chief O'Leary also says, at no time did you indicate that you felt that your granddaughter was in an abusive relationship or that you were concerned about her physical well-being.

SEN. DELUCA: I went to him three times. I didn't go to ask him the time of day. My entire family was in chaos. It was an emotional, stressful period.

Everyone was concerned about her welfare. It had overtaken everything, almost every conversation in my family. I didn't forget when I spoke to him.

SEN. RORABACK: The thing that I struggle with is, if Chief O'Leary was a longstanding acquaintance of your family or friend of your family, it would strike me that he would, rather than turn the other way, would go the extra mile for you and your family.

And do you have any ideas why that didn't occur, that there wasn't an intervention, a swift?

My understanding of the law is that there would also have been an obligation on him as a law enforcement authority, upon receiving an allegation of abuse, to at the very least investigate it.

And do you have any understanding of why that didn't occur? It's your position that that did not occur, correct?

SEN. DELUCA: Yes.

SEN. RORABACK: And do you have any understanding of why that did not occur?

SEN. DELUCA: Well, first, I think you had three questions. The first question, did I, because of his longstanding relationship did I expect that he would go the extra mile? To that answer, yes.

Secondly, why didn't he? I don't know. I don't know. I was kind of surprised that he didn't go the extra mile, and I forget the third part of the question.

SEN. RORABACK: And I do too actually.

SEN. DELUCA: Well, if you remember it, I'd be happy to try to answer.

SEN. RORABACK: And did you, you didn't, after you met with Mr. Galante on April 5th, did you believe that the abuse had stopped?

SEN. DELUCA: No.

SEN. RORABACK: But neither you nor anyone in your family pursued the intervention of law enforcement further after that meeting with Mr. Galante, until after you pled guilty.

SEN. DELUCA: I had gone to the Chief of Police of the City of Waterbury, who I had known for a

number of years. I expected something to be done.

After I had spoken to him three times and nothing was done, I didn't think I could get back to him again later since he had already told me he couldn't do anything.

After I had spoken to Mr. Galante, which I should not have, and I, as I said a few times today, I probably should have gone somewhere else. I didn't. That, under the stress and emotion of the situation, I should have. That's not an excuse, but I didn't do it.

SEN. RORABACK: And to your knowledge, did you or anyone in your family ever put into writing your concerns? Did anyone ever send a letter to the Police Chief or to anybody else asking for help?

SEN. DELUCA: Not until this last investigation into the, quote, anonymous, unquote, complaint.

SEN. RORABACK: Thank you. I have a number of additional questions, but I'm going to save them to put in writing out of respect for my colleagues and everybody's time. Thank you, Mr. Chairman.

SEN. LOONEY: Yes, thank you, Mr. Chair. Senator DeFronzo, do you have any questions at this time?

SEN. DEFRONZO: I yield to Senator Nickerson.

SEN. LOONEY: Okay, Senator Nickerson.

SEN. NICKERSON: Good afternoon, Senator.

SEN. DELUCA: Good afternoon, Senator.

SEN. NICKERSON: Referring to the comment that you referred to in your earlier statement, mentioning that the relationship would look bad, I realize you don't want to reveal, and I won't ask you to reveal, the name of the lobbyist.

But could you explain what would look bad to whom? I'm trying to frame what that phrase was meant to indicate? Would your revealing the name of the individual make the individual look bad, make you look bad?

Who is to, this is not a very clear way to answer the question. I guess I should just say very simply, who did you mean would look bad in that sentence?

SEN. DELUCA: I understand the gist of your question, Senator.

SEN. NICKERSON: Okay. Thank you.

SEN. DELUCA: I think my, what I meant is I was in a bad situation. This person had nothing to do with it. By revealing their name would make them look, or open to speculation or be part of my situation, and I did not want to impose that on somebody who had no connection to that.

SEN. NICKERSON: Do you mean, and not to put words, do you mean that by revealing their name, they would look bad because they were associated with you? Is that, they would look bad because of their association with you, is that what looked bad meant?

SEN. DELUCA: And were dragged into the situation of which they had nothing to do with and be open to speculation.

SEN. NICKERSON: Well, then if they had nothing to do with it, how was their name mentioned at all in the interview with the FBI?

SEN. DELUCA: I believe it was in discussion on certain aspects going on at the time, and ask me a name of a person or something. There are a number of names in there, how do you know that person, were they involved, or something to that effect.

And I believe, as Attorney Raabe said earlier, the reason for the Privacy Act is during investigations many of these things come up, and then they don't bring anything. And that's all I'm doing, is respecting the privacy of the individuals.

SEN. NICKERSON: So that they, so that, again, not to put words but to ask a question, the FBI mentioned the name of someone who you felt and you say today was not involved in the abuse, was not involved in the Galante relationship, was outside the scope of what we're discussing

today, and that's why you don't want to reveal their name.

But you also didn't want to, because you were concerned that they would look bad simply because of their association with you, not because they had anything to do with the things we're discussing today.

SEN. DELUCA: Correct. And I'm not sure whether I brought the name of the FBI, whatever one.

SEN. NICKERSON: Okay. Thank you. Continuing with the affidavit, a phrase that's been used by you and others throughout the process is that he, meaning you, he knew that blank, presumably Mr. Galante, was on the fringe of organized crime. How did you know that? Under what circumstances did you come to know that?

SEN. DELUCA: I guess after two or three years, the things that you see or read or hear comments from people, I believe that's one of those. You know, nothing that I can put my finger on, that I could say yes, but those type of, you know, innuendo or whatever, the innuendo that we're talking about trying not to use.

SEN. NICKERSON: You didn't have a transaction with him or no one related to you a transaction with him directly providing evidence to you that he was on the fringes of organized crime. Rather, it was a more amorphous feeling you got from general things you heard.

SEN. DELUCA: Yes.

SEN. NICKERSON: Okay. You've partially answered this next question, but I'd like to go into it a little more. With regard to the question of the bribe being offered to you, a cash box or bag or something was, I understand it, offered to you. You rejected it.

The question was asked, why did you not report that, given that that was, of course, a crime, a very serious crime. The offer of a bribe is itself a crime, whether the bribe takes place.

You previously were quoted in the interview as saying you didn't report it because you didn't know how to report it. Today you've said that that itself was a mistake, you should have reported it.

Could you tell us how that happened? How did you first react by not reporting it and today indicating it was a mistake, you should have reported it?

SEN. DELUCA: First action was, when that happened, I was naturally shocked because I had never been offered a bribe before, and I became shocked, scared, wanted out of this situation because I felt as though I was in a situation that was beyond my control and I didn't know who this person was or what they represented.

And I went home and told my wife about it and was shaking, and again, in panic, in an emotional thing, didn't do anything. Subsequently, talking to the FBI and in

discussion with them, they said you should have reported it.

And since then, my attorney has explained that I should have reported it, and others have talked about it. And that's why I say today I should have. In the moment there or moments immediately after, days after, I did not, and that is something that I should have done.

SEN. NICKERSON: So you would put that in a category of a bad decision, not of the same level of the decision of the conversation with Mr. Galante, but nevertheless, a bad decision that shouldn't have happened that way.

SEN. DELUCA: I'd say a neglected decision.

SEN. NICKERSON: Okay. And again, you've covered this somewhat. The statement again in the interview, blank, presuming Mr. Galante, had a ledger with his, meaning your name, with the numerals 25,000 written next to it.

You have no, you said, I think, earlier today you have no idea what that meant and the number doesn't ring true to you in any relationship you had with Mr. Galante.

SEN. DELUCA: That's correct. I was told by the FBI that they had a ledger that had my name with that number with other names of people in politics, that also had numbers by them, and mine was one of them.

SEN. NICKERSON: Let me ask a question which is going to take a bit of a second for me to set the stage and it's going to go to the relationship of Mr. Galante, of your suggesting to Mr. Galante that you would be of help with him with legislation.

As you correctly point out, of course, Legislators are asked all the time by their constituents to be of help. Phone calls come in every day in this building, help me with this, help me with that. The general answer is, yes, I'll try to help you.

This was a little different because subsequent to your, prior to your statement that you would be of help to him, he was involved in some significant campaign contributions, and you had entered into the conspiracy which you previously pled guilty to.

So some have said this set up an environment in which, when you offered to do something for him, it was more than a routine constituent, by the way, I guess he actually wasn't a constituent. He didn't live in your town but he worked there.

SEN. DELUCA: Correct.

SEN. NICKERSON: But what my point is here, that some have suggested that by these prior relationships, the campaign contributions, the visit in the diner, that he had a relationship with you beyond the normal constituent one, and that when you offered the help, that was, in

effect, a quid pro quo, or could be inferred as a quid pro quo. Was that a quid pro quo?

SEN. DELUCA: No, it was not. And I affected no legislation whatsoever. And at the time that these political donations that you're referring to were done, I have a list here of hundreds, not hundreds, but numerous donations to others in both parties, political action PACs in huge amount to one party that is not mine.

And so, and I didn't not control committees, so there was no quid pro quo, never has been in my 17 years here. I have never had any.

SEN. NICKERSON: Just to be, I think I hear your answer, but I want to be absolutely sure. I'm not suggesting that you, there was a quid pro quo in that you took action in terms of legislation or appointments.

But even the suggestion being made that you would be willing to help him, that itself was not a quid pro quo either, in your view.

SEN. DELUCA: That's correct, because I have never, I believe our job is to help anyone and everyone that asks our help. In this situation, there are extenuating circumstances, I would agree.

But even in the past month, I have done, which I considered in my present situation, I would not have even been able to accomplish, I've been able to help a couple of people with some serious situations. So that is our job.

SEN. NICKERSON: Okay. I want to just cover, again, briefly because Senator Roraback has covered it, but I want to be crystal clear as to where we are with the Chief. There were a series of statements which can only be described as the L word, a lie, in his letter to you if your statements are correct.

Specifically, at no time did Senator DeLuca indicate that his granddaughter, Casey DeLuca, Casey Reilly-Collella, was in an abusive relationship or was concerned about her well-being. Your statement is that's not true.

SEN. DELUCA: Well, as I indicated, Senator, not only do we have the pictures, the letters back and forth, but we have, I believe, five sworn statements from other people that said the abuse was going on.

I spoke to him three times. Would I have gone to him to talk about something other than that that had overtaken my family? I don't believe so.

SEN. NICKERSON: Well, rather than reading the quotes, you have his letter, I know you've read it, of September 4th to this Committee. You're saying many statements in there are flatly untrue and are false.

SEN. DELUCA: Those are your words, Senator. All I can say is--

SEN. NICKERSON: No, no. I don't want to--

SEN. DELUCA: --they don't correspond with my recollection, my statements or the sworn statements of others.

SEN. NICKERSON: Okay. Which means they're not true. If we accept your statements today and the statements you've given, the photographs, if we accept them as true, then his letter is full of untruths.

If we accept his letter as true, then your statements and those in the letters are untrue. To me, they are irreconcilable. Would you agree with that?

SEN. DELUCA: Yes.

SEN. NICKERSON: Thank you. Well, oh, one other point on the Chief. Subsequent to those letters, he provided us, or someone in his office, the legal advisor, Gary Roosa, the legal advisor to the Waterbury Police Department provided a set of protocols which require any police officer who becomes aware of family violence to treat it as a serious crime, to investigate it, to dispatch, had a long series of protocols as to what needs to be done when any information regarding family abuse comes into the possession of the Waterbury Police Department. You're saying they did not follow that.

SEN. DELUCA: Since he said that I can't help unless I get a complaint from her, I wasn't aware of

the protocol. Maybe I should have gone further, but I wasn't aware of it.

SEN. NICKERSON: No, I'm just trying to clarify that his statement that he was, your statement is that, irrespective of whether you knew of the protocol, from what you know, he did not follow it. He did not follow the requirements of his own department.

SEN. DELUCA: I believe you're correct, Sir.

SEN. NICKERSON: Okay. I have no further questions, Mr. Chairman. Thank you.

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

SEN. DEFRONZO: Thank you, Mr. Chairman. Senator, the role of this Committee is really not to determine whether you committed a crime or whether a crime was committed. That's really in the jurisdiction of the prosecutors and the court.

Our job, in my opinion anyway, is substantially different, our job is to try to protect the integrity of the State Senate.

And I would also say, while the disparities in the testimony between your testimony and that from Chief O'Leary is troubling to all of us, and certainly related, it's not our job to actually pass judgment on Chief O'Leary's actions either.

Our job is really to determine the criteria for disciplinary action and then to determine whether your actions violated that, and then if necessary, to recommend a course of action to the full Senate.

And since this is an unprecedented area, you've been a Senator for 17 years. I wanted to go in a little different direction.

I wanted to ask you if you have ever had the occasion in your career to think about the type of actions or ever been confronted with an example that you thought might warrant disciplinary action of one of your colleagues.

SEN. DELUCA: None come quickly to mind in the Senate. There were a couple, I think, in the House that came to mind.

SEN. DEFRONZO: Okay. For example, there's one I'll call your attention. It was a former case of State Senator Ernest Newton. In that case, did you think that, of course, he ended up pleading to a felony and resigned. In that case, did you think that he should have been subjected to disciplinary action prior to his resignation?

SEN. DELUCA: I think I said at the time that the process should carry through and whatever the results of that should result in that. I don't think disciplinary action in the Senate was discussed at the time. However, I guess, in retrospect as you speak here today, probably.

SEN. DEFRONZO: Did you think that in that experience that Senator Newton's actions diminished the stature of the State Senate, undermined the public trust in the confidence of the State Senate?

SEN. DELUCA: Taking a bribe to do things, soliciting a bribe and things of that nature I believe do, yes.

SEN. DEFRONZO: Of course, in his case, as I indicated, he didn't, there were charges. There were leaks from the grand jury. There was a lot in the press, a lot in the public domain, but he had never been charged with anything.

So your, and I'm actually going to turn the clock back and put yourself back in that timeframe, what, you know, what would have motivated you then to determine that some type of disciplinary action was needed?

I don't know if it would have been the press accounts or the public's reaction or just your own standards at the time.

SEN. DELUCA: Oh, I would not look for disciplinary action before anything was adjudicated. That's what I think I referred to, let the process carry through and see what happens.

You know, I still believe in the presumption of innocent until proven otherwise. And in fact, I was approached by the press at that time, and I made that statement, that he is entitled to

be considered innocent until proven otherwise, and the process will carry through and whatever happens will happen.

SEN. DEFRONZO: So you're not suggesting that a charge in and of itself, unsubstantiated or unpled, is grounds for disciplinary action of any type.

SEN. DELUCA: No, because, you know, a charge is a charge, not a conviction and not proof.

SEN. DEFRONZO: Okay. And I'll turn to your case for a little bit. It's been alluded to before, and you've made reference to it in your sworn statement, that when you initially talked to the agents, you provided them with some false testimony, saying basically you had talked to Galante initially for employment purposes and not for the real, that's correct, isn't it?

SEN. DELUCA: Yes, at the suggestion of someone else.

SEN. DEFRONZO: And you now view that false statement as a serious matter, the fact that you provided a false statement to the FBI?

SEN. DELUCA: Well, I corrected it, and they accepted, they, the federal prosecutors accepted that correction.

SEN. DEFRONZO: Right, but the plea agreement that you reached with the state authorities was largely based on the attempt to avoid a federal

indictment on the false statement charges. Is that correct?

SEN. DELUCA: No, I don't believe so.

SEN. DEFRONZO: I think the sentencing documents that we have would indicate that that was essentially the quid pro quo in that agreement. I can dig that out momentarily. Maybe you'd like to consult with your attorney on it just for a moment.

SEN. DELUCA: I wasn't part of the negotiations on what would happen. As I indicated in my statement, I pleaded guilty to a charge of conspiracy to threaten, because I thought that this would put this all behind us.

On the day of June 4th, in the courthouse in Waterbury, I believe the federal prosecutors were asked if they had any further dealings with me or whatsoever, and I believe the answer was no.

And at the conclusion of the sentencing and the other proceedings, the judge indicated that this was as a result of a case of domestic abuse.

SEN. DEFRONZO: All right. Well, let me just, for the sake of clarification, referencing the court transcript, sentencing transcript. Mr. Gaylor, who I guess was a prosecutor at the time, in response to the judge, says the federal authorities were involved in the investigation of this matter.

And part of the agreement is that the federal authorities will not indict the defendant for his comments to the FBI in September of 2006 for any actions taken to injure or threaten the target of this matter.

And I have an assistant United States Attorney, Ray Miller, here acting as Assistant State's Attorney by special designation, the court asked Attorney Miller, is that representation by Mr. Gaylor accurate. And Mr. Miller responded it is. Is that--

SEN. DELUCA: Right. I believe that's basically what I said, maybe not the exact words, but that's what I believe I said.

SEN. DEFRONZO: Maybe I misunderstood you, but okay, let's go forward. But basically, the plea agreement was an attempt to avoid the federal charge, the federal indictment of false statement.

SEN. DELUCA: I don't believe a plea agreement is an attempt to avoid anything. A plea agreement is a result of an agreement between the authority and the person to put, to resolve the case.

There was not an attempt at anything. It was the final result of all the investigation, and as I indicated, Attorney Raabe was part of those negotiations with them, and that's what they came up with.

SEN. DEFRONZO: The result of the plea agreement, though, was that the federal authorities did not proceed with their indictment on the false statement charges. That's correct, is it not?

SEN. DELUCA: Well, I don't know, Senator, if the word proceed is correct. They did not do anything based on that. But you're saying that they had an indictment ready and it disappeared. I don't believe that's, I think that's what you're inferring. I don't believe that's correct.

SEN. DEFRONZO: No, I'm not suggesting that. What I am suggesting is that the plea agreement that you reached, or your attorney reached, avoided prosecution on the federal charge. I'm not suggesting it was imminent.

It clearly was, from that section I read to you in the transcript, it was clear that there was some reference to the indictment by the prosecutor and the federal attorney who had been sworn to be a special assistant that day was there and confirmed it.

So I'm not suggesting it was imminent. I'm just suggesting that that, you know, was a decision that you and your attorney made to presumably end the dilemma and move forward. Is that fair to say?

SEN. DELUCA: Correct, yes.

SEN. DEFRONZO: Okay. And you said, I think, in your statement that when you reached that

agreement, you hoped that would, and you thought that it would bring the investigation to an end and essentially contain the problem to the information that was on the record at that time. Is that a fair statement?

SEN. DELUCA: I believe the investigation did come to an end.

SEN. DEFRONZO: But the fallout did not, right?

SEN. DELUCA: I think you're correct, Senator. This is, I believe this is the only time that anyone can recollect that a case was adjudicated and then we had a four-month trial.

SEN. DEFRONZO: Did you think that by ending the, or by the plea agreement, the naming of other persons in other embarrassing circumstances would be limited, would end at that point?

Let me rephrase that. I think I saw one of your, in one of the videos in one of the press conferences, you said that you may have been naïve to think that the, reaching the plea agreement would bring an end to all of this and that you were interested in protecting the names of certain individuals, as you alluded to in answering the questions to Senator Nickerson.

You don't want to reveal the name of a lobbyist and other individuals who are involved in this. So was that part of the motivation in--

SEN. DELUCA: No. That, no, I think I referred to that in my statement today. The naïve part was I was, I thought that on June 4th this issue was resolved and ended.

It was naïve of me to think that that was the end, because subsequently, I was proven wrong. It had nothing to do with protecting other people. The protecting the names now, as in the redacted thing that you received, has nothing to do with, they're two separate incidents.

SEN. DEFRONZO: Let me go on. Since the arrest affidavit was released, it's been alluded to by prior questioners, our curiosity about the nature of the relationship with Mr. Galante has grown.

The arrest affidavit calls it a close and confidential relationship, as you indicated. Can you characterize for us what that relationship was from your perspective?

SEN. DELUCA: I think I did in my opening statement, but I'll try to repeat it to you, Senator. I said that I believe that I had been in his company less than ten times, probably closer to six or less.

That the only, I think I was only in his company maybe three times, four times, never was in a social situation with him, maybe once, and that was with a group of people, not he and I or whatever.

And I would consider it an acquaintance and a political friend rather than any close relationship.

SEN. DEFRONZO: I see. And I think you answered this earlier, but let me ask again for my benefit. When did you realize that Mr. Galante had ties to, or perceived ties to organized crime?

SEN. DELUCA: I would guess probably in '02, '03, '04. I don't know, maybe through those years, little things here and there, maybe innuendos, etc., built up to that point.

SEN. DEFRONZO: Did it bother you much at the time to know that or, know that he was contributing to campaigns at that time, did that bother you much at that point?

SEN. DELUCA: No, but it probably should have. But also, I would, again, remind you that he gave to a lot of campaigns.

SEN. DEFRONZO: Yes. Now did you, you indicated you did not discuss pending legislation with him during that period.

SEN. DELUCA: Never.

SEN. DEFRONZO: Did you discuss the impact of proposed legislation on his business interests?

SEN. DELUCA: With him?

SEN. DEFRONZO: Yeah.

SEN. DELUCA: No.

SEN. DEFRONZO: You did solicit campaign contributions, obviously, from the record, correct?

SEN. DELUCA: He was on the list. As we all know, we all have the list that when there are events, the invitations go out, and I believe he was on the list, just like many others.

SEN. DEFRONZO: And some of the press reports indicate that he may have contributed as much as, I think the range was \$16,000 to \$18,000, to either your campaigns or to political action committees that you had some influence over. Does that sound about right, the number?

SEN. DELUCA: I would guess that that's probably, but over a series of campaign cycles, not in any one given cycle at all. I would guess that it could approach that.

SEN. DEFRONZO: And that money was used as typically would be used to support the candidacies of your colleagues or local candidates running for office?

SEN. DELUCA: Yeah. In any of the PAC, political action committees, the money was used to help people running for office, generally people running, yeah, and sometimes in local and state elections, but none of the political action money was used in any campaign of my own.

SEN. DEFRONZO: Mr. Galante employed a lot of people through his various interests, correct?

SEN. DELUCA: He--

SEN. DEFRONZO: He ran a big operation.

SEN. DELUCA: He had a number of companies. I would imagine he had a lot of employees. I don't know how many.

SEN. DEFRONZO: Did you ever have occasion to suggest or refer an individual to any of his companies for employment purposes?

SEN. DELUCA: No.

SEN. DEFRONZO: No. Okay, thank you. All right, I'm going to go back to this, the issue of the, I think Senator Nickerson was trying to characterize the, or did characterize the bribe offer and the, either the request or it was a suggestion of legislative influence as a quid pro quo.

And you responded to Senator Nickerson that you did not perceive it that way. Earlier when Senator Looney asked you if you offered to make legislative appointments to a regulatory committee to help protect Mr. Galante, you said no.

But, and I understand what your answer is, but the, you know, the statement in the arrest affidavit, from the meeting on September 5th, indicates that your conversation, that's the

conversation when Senator DeLuca told the undercover agent that anything, needs anything, if Businessman A needs anything, anything with my power that I can do, I will do it.

And then the subsequent meeting was the discussion about trying to blunt legislative action and potentially having the authority to appoint someone to a commission or a committee that might oversee the trash-hauling industry.

Now taken at face value, and I understand you're saying that that did not constitute a quid pro quo in your mind, but the average person reading that, I think you've got to understand that there's, as you read that language and you take it at face value, it certainly suggests that there was a relationship there that goes beyond the normal political relationship that many of us have.

I just want to get your comment on that. I mean, the actual face value of those comments, as reported by the press and as read by members of the public, seem to suggest something more intimate than a general political relationship.

SEN. DELUCA: I can't control how people will interpret it, but I don't believe that relationship is much different than many things that go on in this building with others.

We are continually meeting with lobbyists. I have heard, I have never witnessed, but I have heard indications of lobbyists sitting in

offices with individuals writing, helping to write legislation or amendments.

I mean, those things happen. I don't think there's anything wrong with it. I'm not suggesting that anybody did anything wrong, but to say that you're going to help somebody and do with somebody what you can, it is normal within this building.

Everybody says within my power, I'll do as much as I can, I'll do, work as hard as I can. Those statements are used all the time, and that is in the context in which I did.

One other thing you said I just want to correct. You said I answered Senator Looney and said I did not offer. I said I did not make any appointments. His question was did I make any appointments that would have helped, and I said I did not.

SEN. DEFRONZO: Okay, thank you. So then it's clearly your testimony that you had no implicit understanding with Mr. Galante on an ongoing basis to keep him informed of legislation or to attempt to influence legislation of any type.

SEN. DELUCA: No.

SEN. DEFRONZO: Okay. And finally, I'm not going to rehash this too much, but again, the bribe offer that was made and your decision not to report that to any authority, and the, I think you say in your statement that you didn't

report it because you didn't know who to report it to.

That's another statement that, when the public sees that statement from someone of your stature, who certainly is well-versed in government and well-versed in law enforcement, finds that hard to believe that you wouldn't know where to go with that offer.

And I fully understand and can appreciate the personal situation you were in at the time, and you've, you know, responded. It seems you, you said you were scared, and I understand that.

But do you understand that the public reading those words, seeing that situation unfold can question the integrity of your office or the integrity of the State Senate?

I mean, that's not the way we normally do business here. I mean, we wouldn't want people to think we're offered bags of money every so often and we don't report it.

I mean, I'm just saying, and you don't have to get too much into this, other than that I just want you to get your response to the question, can you appreciate how the public might respond to this with respect to its trust in its public officials?

SEN. DELUCA: Yes. And I also think the public would understand my explanation also, because I think they have up to this point.

As I said in my opening statement, I have been gratified, my family and I have been gratified for the hundreds that continue up until and including today to show support and understanding for the situation.

So I would believe that they would understand. Even though what you say is correct, they also understand my reason.

SEN. DEFRONZO: All right, Senator DeLuca, thank you very much for your responses.

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

SEN. GUGLIELMO: Thank you, Mr. Chairman. Just want to add a few questions here, Senator DeLuca. There was a lot made in the press and other places about the Italian-American Caucus, Mr. Galante being selected as Man of the Year.

Could you explain a little bit about what the Italian-American Caucus is and where the money goes that is raised by that organization?

SEN. DELUCA: Sure. I'd be happy to. The Italian-American Legislative Caucus is comprised of most of the Italian-American people who are Legislators in this building.

It was started by Senator Ciotto, Representative Serra, and myself eight, ten years ago, maybe even longer. I can't remember.

We decided that we wanted two things, to recognize that Italian-Americans were involved in the legislative process and then that we were going to raise money to help students, the first time was in Trinity College, in the Italian Cultural Program.

Many of them, part of their program is to spend some time in Italy. Some of them couldn't afford it. We felt as though if we contributed to that, that would help to enrich their educational experience and learn about the history and culture and that.

It's since expanded, as we raised more money, to include Central Connecticut College, which we do the same thing. We started out giving, I don't know, a couple of thousand a year. It escalated to \$5,000, \$10,000, and I believe last year we gave over \$15,000 to each school.

Part of that also that after a couple of years after starting that, we decided to start to recognize Italian-Americans throughout the state who did things good for the community and recognize their efforts, and that's basically what we have done over the years.

SEN. GUGLIELMO: Senator, could you name for the Committee and some people who might be watching some of the other recipients of the Italian-American Man of the Year Award?

SEN. DELUCA: There's usually two every year. I can remember Carmen Vacalabre from Waterbury. I

can remember, oh, I can't remember his name,
but he's an oral surgeon from--

SEN. GUGLIELMO: Right, I remember him. Some judges
and--

SEN. DELUCA: Well, there's also a judge or somebody
in the law profession every year. I can see
the faces, believe me.

SEN. GUGLIELMO: I can too.

SEN. DELUCA: I'm not going to attribute this to
stress. I'll attribute this part to my age.

SEN. GUGLIELMO: Yeah, we're the same age, Senator.
I understand. I can't remember either.

SEN. DELUCA: Semina De Laurentiis for one who is a,
who started the Seven Angels Theater,
Professional Theater Equity Group, to bring
more culture to people in the greater Waterbury
area. Representative Balducci was one of them.
I remember him. I'm trying to--

SEN. GUGLIELMO: That's good, Senator. I just was
trying to let people understand that this was
not a political organization, that no political
candidates benefited from this, that this was
not any benefit to you or anyone else who are
members of the caucus. It went to students
[Changing from Tape 3A to Tape 3B.]

--and that both Republicans and Democrats were
active in the caucus. Am I correct?

SEN. DELUCA: Correct. And to the fact that we alternate each year who the president is going to be to make sure that it alternates between parties.

SEN. GUGLIELMO: And also, you know, referring to Mr. Galante, he was a generous contributor to many causes in and around Connecticut. I don't mean a small contributor. I mean a generous contributor to hospitals, to school systems.

SEN. DELUCA: When I first met him, he, well, even today, there is a football stadium in New Fairfield where he lives that he contributed and is named after him.

I believe there's a suite or a wing at Danbury Hospital that he provided. There are numerous other charities.

After 9/11, in January of '02, Senator Capiello had suggested that I join him in sponsoring a fundraiser for the Red Cross to help victims, and Mr. Galante contributed \$100,000, I know, at the time directly to the Red Cross, not to us.

Since then, when the Iraq War started, he started a fund for the families of those that were serving in Iraq that might get injured and so forth so that they would make sure he started a fund for that. And those are the ones, the big ones that I know of, and I know there are numerous others.

SEN. GUGLIELMO: My point in all this is that a lot of people solicited checks, a lot of charitable organizations solicited checks from Mr. Galante throughout the Danbury area and throughout Connecticut.

SEN. DELUCA: I would say in the Danbury area, he was probably the number one on most charities' lists.

SEN. GUGLIELMO: Okay. Switching gears a little bit, the photos that we were shown today, Senator DeLuca, were they given to the FBI or at any point did they have them in their possession as well?

SEN. DELUCA: I'm not sure if it was the FBI or the federal prosecutors. I believe it might have been the federal prosecutors.

SEN. GUGLIELMO: And then, I'm not going to go on too much longer, but I just wanted to know, I know you said you had a, you've known Chief O'Leary for many, many years.

Can you tell us how well you knew him and what the context? I believe you went to school with, I read in the paper somewhere, with a family member or--

SEN. DELUCA: I think he mentioned that he had gone to school with some of my kids. I don't recall that part. I knew his family over the years. They bought a house in Woodbury, his mother and father. They had a number of kids.

I know his brothers, sisters. And when he was coming up in the police department in Waterbury, I'm good friends with former Democrat mayor, so I can tell you it's bipartisan, Ed Bergen, and he was friends with him, so I would see him on occasions like that.

And, you know, we would meet each other and share a joke or something once in a great while or share a brief conversation.

SEN. GUGLIELMO: So you had every reason to trust his judgment as a police officer.

SEN. DELUCA: Yes. Yes, I did.

SEN. GUGLIELMO: Okay. Just I guess one final question, a little bit different gear again. Did your granddaughter's aunts ever witness the injuries or see photographs of the injuries?

SEN. DELUCA: Not to my knowledge. I don't believe so.

SEN. GUGLIELMO: Okay. Thank you, Senator. Thank you, Mr. Chairman.

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

SEN. STILLMAN: Thank you, Mr. Chairman. Many of the questions I would have posed have already been asked, so I will not repeat them, but there are a couple that I would like to clarify.

Senator, did you call, I believe you stated earlier that you called Mr. Galante to set up the meeting at the diner.

SEN. DELUCA: Yes.

SEN. STILLMAN: That is correct. Did you at that time tell him what the subject matter was?

SEN. DELUCA: Over the phone, no.

SEN. STILLMAN: Over the phone, no. Okay.

SEN. DELUCA: I think I mentioned I wanted to meet him on a personal issue.

SEN. STILLMAN: Was it a surprise to you when he offered services to pay him a visit, to pay Mr. Collella a visit?

SEN. DELUCA: I think it was, I was more thankful and gratified that somebody was willing to help, even though, in retrospect, it was the wrong thing, but I still was gratified and thankful that somebody would help me in this situation.

SEN. STILLMAN: So you went there with the assumption that he would ask to help you out in that regard, in that way.

SEN. DELUCA: I went there with the hope that he would help.

SEN. STILLMAN: Thank you. I appreciate your clarification on that. Previously Senator

DeFronzo asked you if you discussed any legislation with Mr. Galante, and I believe your answer was no with him. Is that correct?

SEN. DELUCA: Yes.

SEN. STILLMAN: Thank you. And can you share with us, did you, who you may have spoken with? Mr. Galante apparently has several businesses. You stated that, and I believe that's general knowledge. Did you speak with anyone else about legislation?

SEN. DELUCA: I believe the one in question that talked about that warranty contract, one that was in committee or something, that died in committee, I might have spoken to one or two Senators who mentioned it to me and/or a lobbyist. I'm not sure.

But, you know, like all legislation, as you well know, in passing somebody will say, do you know about this bill in such-and-such a committee, that type of a conversation.

SEN. STILLMAN: I was curious of whether you had discussed legislation with anyone within that industry.

SEN. DELUCA: No.

SEN. STILLMAN: So it was strictly amongst colleagues or people who are working in the building, such as lobbyists, as you stated.

SEN. DELUCA: Yes. In the normal legislative process.

SEN. STILLMAN: How were you aware that that particular proposed bill, which apparently died in committee, how was that brought to your attention? Are you a Member of that Committee, the General Law Committee?

SEN. DELUCA: No, I'm not. I'm not a Member of that Committee.

SEN. STILLMAN: How did you find out about that particular issue?

SEN. DELUCA: Probably in caucus. I can't specifically put my finger on when, but it's probably in caucus. As you know, committees, ranking members or chairs discuss goings on in their committees, and that's probably where I heard it.

SEN. STILLMAN: Okay. Thank you, Sir. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator Stillman. Just a couple of follow-ups, Senator DeLuca. The FBI affidavit refers to the two meetings with the undercover agent, one on September 5th, the other one two days later, September 7th of 2006.

This was, again, about almost a year and a half after the, your appeal to Mr. Galante for assistance.

In that, in paragraph ten of the affidavit, the agent said, for example, September 5th, '06, undercover federal agent posing as an associate of Businessman A, Mr. Galante, met with Senator DeLuca.

During that discussion, Senator DeLuca told the undercover agent that anytime Businessman A, Senator DeLuca, needs anything, anything within my power that I can do, I will do.

Senator DeLuca also told the undercover agent that he was shocked when Businessman A was indicted because he is not a careless guy.

And when the undercover agent speculated that someone had spilled something, DeLuca said it had to be some bastard, because, you know, he's not a careless man, and then advised the undercover agent that if you guys need me anymore, the best way to make contact was through a specific individual because nobody knows about that relationship.

So at that time then, September 5th, you were aware that Mr. Galante had been indicted. Were you aware of the circumstances that it was in connection with the trash-hauling industry or price fixing or contract fixing in the industry, what that indictment was?

SEN. DELUCA: Yes.

SEN. LOONEY: And so we're, in other words, you were aware then in making that offer of assistance that in the, in the context of that discussion

with the supposed representative of Mr. Galante that he was under indictment for criminal activity in connection with the trash-hauling business.

SEN. DELUCA: Yes.

SEN. LOONEY: Okay. Thank you. Thank you very much. Any other Members of the Committee? Yes, Senator Stillman.

SEN. STILLMAN: Thank you, Mr. Chairman. Following on the page that you were referring to also in the arrest warrant affidavit, there's in, I guess you can call it paragraph nine, that there were some conversations going on.

And there was an intercepted telephone conversation, revealed that Businessman A's associate cancelled the planned visit to the target, identified by Mr. DeLuca based on his sighting of the state police detective outside his home, his residence.

Thus DeLuca's desire to have the target visited was successfully thwarted by the intervention of state and federal authorities.

And in a subsequent conversation, however, Businessman A told DeLuca that the target had been visited and there was a lot of screaming. Now it turns out that that was not true, if it had been thwarted.

SEN. DELUCA: True. Correct.

- SEN. STILLMAN: Correct. Did that not cause you to question the fact that Businessman A had apparently lied to you?
- SEN. DELUCA: This wasn't made available, knowledgeable to me until September 14th or whenever that second meeting with the FBI agents. That's when I learned of that.
- SEN. STILLMAN: So you were not aware that the visit never happened.
- SEN. DELUCA: No.
- SEN. STILLMAN: Don't you think you would have heard if it had happened? I mean, if someone had paid Mr. Collella a visit, I'm sure you assumed by then that that would have included violence, wouldn't you have heard about it?
- SEN. DELUCA: No, because as I said in the beginning, violence, subconsciously or consciously, I had been out of my mind, and the fact that he told me somebody visited him was basically all I wanted. So that was sufficient for me.
- I didn't expect violence. And so that was, it's telling me there was yelling and screaming. To me, that meant that somebody forcibly told him to mend his ways.
- SEN. STILLMAN: Considering your close relationship with your granddaughter, she would have shared that visit with you, I would think, would she not?

- SEN. DELUCA: Under the circumstances going on at that particular time, I'm not so sure.
- SEN. STILLMAN: Are you implying that there were, the closeness of your relationship was less than it had been due to her marriage?
- SEN. DELUCA: Not due to her marriage. Due to the continued abuse.
- SEN. STILLMAN: Thank you, Mr. Chairman.
- SEN. LOONEY: Thank you, Senator. Yes, Senator Nickerson.
- SEN. NICKERSON: I have just one question, Senator, from a completely different angle than anything else that's been asked. Would you feel it's appropriate or inappropriate for this Committee to consider a recommendation of some action to the full Senate?
- SEN. DELUCA: Well, speaking from a very personal position, of course I would not recommend that. But I would hope that the information that I have provided and my statement, my sworn statement, all the information that you have in your booklet would show you that there was no close relationship, there was no, nothing of special interest or special favor given to anyone, Mr. Galante or anyone else associated with him or anyone else over the years, that the integrity of the Senate was not infringed, and I hope I have proven that.

I continue to say that I, to the best of my ability, that all the answers I've given you is to the best of my knowledge and truthful. So the answer to that is, from a selfish point of view, no, of course.

And I believe that precedents that you have looked at from various states do not approach this, anything like this, and the precedents show that things of this nature, and in fact, a couple of the things, the precedents that happened in this Legislature that I think were, I think more serious in a couple of instances, two or three instances, where nothing was done.

You know, and I'm not going to mention them because I'm not here to defend my end saying I'm not as bad as the next guy. That's not my point.

My point is that there have been more serious incidents and I don't believe that. And one last thing, if I may, and I know I'm talking too much and my lawyer is going to yell at me because I shouldn't talk too much.

But I've got to say that the only thing that, about this entire process, I think it's been fair. I think you're doing what you can.

But I would caution you not to rely on newspaper reports who have changed things over the period of time. Everybody's got to write a story a different day and words change, and words have meanings.

And then lastly, I would hope that the standards would have been established before the evidence. I would hope that the standards are not fit to the evidence, that it would be reversed. Thank you.

SEN. NICKERSON: Thank you for your answer. I know it's been a very long day, and we thank you for being here.

SEN. LOONEY: Thank you, Senator Nickerson. Anything else from any other Members of the Committee at this point? Again, I think that concludes the questions we have in this format, Senator DeLuca. Thank you.

As we said, we will also, I believe, be submitting questions in writing that may, to some extent, duplicate these or may supplement these once we've had a chance to review the material you submitted today. And again, we appreciate your commitment to respond to those under oath. Senator Roraback.

SEN. RORABACK: Just because we're operating in a tight timeframe and because there will be a transcript of this proceeding available in pretty short order, usually they're done in a week or, in a few days, and then that probably CT-N is also broadcasting this.

So if you chose to review the proceedings, I was going to ask whether you might be in a position just to sign a statement saying the information that Senator DeLuca provided in response to the questions today is sworn to as

being true and accurate to the best of his knowledge and belief, or if it's not, if he wants to modify or alter, that you can say accept insofar as the following, and then, I think that might be less work and, respectfully, more efficient than having us rehash each and every one of these questions and ask you to answer them in writing.

Just a thought. I'm just trying to help tie this thing up in a way that satisfies everybody's needs.

SEN. LOONEY: I think that's helpful. We want to have as quick a turnaround in all of this as we can, which leads to the question.

I think that in might be prudent for us at this point to actually go on record as requesting the second extension that is allowed to us, because the extension that we initially requested only carries through the 27th.

We don't know precisely how long it will take for us to get the transcript prepared and for the questions to be submitted in writing for Senator DeLuca to respond to under oath and to get all of that back to enable us to have everything we need for our deliberations all within the next week and a half.

So I think that we need to open up a discussion as to whether we should request an extension and then assume that we will need to meet in the week of the 29th. Senator DeFronzo.

SEN. DEFRONZO: Mr. Chairman, yeah, I think given the reality of now having to draft questions, submit questions, await the response, I think you're absolutely correct.

And I would make a motion that we authorize the Chairs to seek the second of our two extensions, 15-day extensions.

SEN. GUGLIELMO: Second, Mr. Chairman.

SEN. LOONEY: Is there discussion on that motion? Senator Nickerson, no? Senator Roraback, anything?

All in favor of the motion to request of President Pro Tem Williams and Minority Leader McKinney the second extension provided for under the rules by which the Resolution was adopted. All in favor.

ALL: Aye.

SEN. LOONEY: Opposed? No. Thank you very much. Other matters? Senator Nickerson.

SEN. NICKERSON: Well, not really a new matter, but looping back to what Senator Roraback said, he had, I thought, a very productive suggestion and I'd like to ask it in the form of a question, through you, Mr. Chairman, to Attorney Raabe.

SEN. LOONEY: Yes, Senator.

SEN. NICKERSON: The question was, would you be willing to, now that the questions have been asked, as you and Senator DeLuca offered and he has answered them, to review that transcript and transform that, if it, given that it was originally, well, I say originally, earlier this afternoon given on the basis that it was not under oath, it would greatly enhance the quality of our proceeding, and frankly, if I may say, Senator DeLuca's, you know, advocacy of his own position.

If you could now review that, since it's concluded, he will not be invited back, I guess that's the case, and provide us with an affidavit that that is now under oath, I think that would be very helpful in procedural terms for the work of our Committee, and in substantive terms for putting knowledge into the domain of this Committee and into a public domain.

So I would earnestly ask you to consider that. There may be elements, as Senator Roraback suggested, that somehow don't fit that, but I would hope you would earnestly consider that. Through you, Mr. Chairman.

SEN. LOONEY: Thank you, Senator Nickerson.

ATTY. CRAIG RAABE: Mr. Chairman, I don't know whether the question was actually being posed to me or being rhetorical.

SEN. LOONEY: Yes, Attorney Raabe.

ATTY. CRAIG RAABE: I think it is an interesting proposal. I will certainly discuss it with Senator DeLuca, and if we can find an efficient way to wrap this up, Senator DeLuca is all in favor of that.

SEN. NICKERSON: Good. I think that would be much in your interest and ours.

SEN. LOONEY: Senator Roraback.

SEN. RORABACK: And just as part of your deliberations, and not to be a smart aleck, but if you weren't in a position to do that, you might anticipate us asking our staff to write down each and every question that was asked by Members of the Committee today and to ask you to respond in writing under oath.

You know, I mean, that's just, those are the options that we kind of have available to us. Thank you, Mr. Chairman.

SEN. LOONEY: Thank you. Is there anything else under old business to be raised at this point, or new business? Yes, Senator Stillman.

SEN. STILLMAN: Yes, thank you. Do we have any idea when we might receive a response from the U.S. Attorney's Office on the letter that we sent questioning the Privacy Act matter?

SEN. LOONEY: Yes, Attorney Norman-Eady.

ATTY. SANDRA NORMAN-EADY: I don't know an answer to that. I can certainly call the U.S. Attorney's

Office and ask when we can anticipate a response. I can certainly do that.

SEN. STILLMAN: Thank you. It just seems that since we have now asked for another extension, we certainly have time to receive that information. So if you'd share that with them, maybe that would help move the answer along. Thank you.

SEN. LOONEY: Thank you, Senator Stillman. Senator Roraback, in terms of scheduling our subsequent meetings?

SEN. RORABACK: Thank you, Mr. Chairman. I understand that Senator DeFronzo may be away much of the week of the 22nd.

SEN. DEFRONZO: I'm committed--

SEN. RORABACK: Is otherwise committed on personal business, and Senator Looney has some personal business also that will, the 25th and 26th.

So what my thought was, that in an effort to move this along, if there are additional questions that Committee Members have, we could handle that in one of two ways, one of which we could just ask you to get them to Senator Looney and myself without having a meeting, and we can tender them to Senator DeLuca and his lawyer.

But to do that so that the next time we meet, we will have given them a reasonable timeframe to answer those questions. And do Committee

Members have a preference as to whether we need a meeting to do that or whether we can just be—

SEN. NICKERSON: I would think probably not, given my guess, pure guess would be most of the questions have already been asked, and that's why I pressed, not pressed, suggested to Attorney Raabe that he could clear up a tremendous amount of time on our part and the staff by validating under the oath the questions that were already asked, although there may be more questions.

SEN. RORABACK: Well, assuming for the purposes of this discussion that we will get that validation, is giving people until noontime Thursday to submit any other questions they might want answered a reasonable timeframe?

And then Senator DeLuca and I, I mean Senator Looney and I will put them in writing to Senator, Senator Looney and I will put them in writing to Senator DeLuca and Attorney Raabe, and then we can schedule a meeting for the week of the 29th, at which point we might begin to consider what actions we might take.

SEN. LOONEY: I think that's a reasonable way to proceed, that if we can have all the questions gathered by this Thursday, which would be the 18th, and presumably be able to get them out to Senator DeLuca and Attorney Raabe by Friday. That would be the 19th.

And then would hope to have the responses to those questions in the course of the following

week, so that then we would then be able to schedule our meeting for the week of the 29th.

SEN. RORABACK: And maybe if we could have those responses by the 29th or the 30th and then we would meet on the 1st, Thursday the 1st, would that be a reasonable--

SEN. LOONEY: That might be good. Is that--

SEN. NICKERSON: Yeah. I was just going to suggest, can we set a date for the week of the 29th.

SEN. LOONEY: Do you have conflict that day, Senator Stillman?

SEN. STILLMAN: Actually, I have another meeting at the same time, in the building, but certainly this would take precedence over that, so--

SEN. RORABACK: Would Wednesday be better?

SEN. STILLMAN: But I don't know whether, are we sticking with the Thursday timeframe, because today is not Thursday, so--

SEN. RORABACK: No, it doesn't matter to me if Wednesday or Friday would be better for people.

SEN. NICKERSON: Friday is not good for me. Wednesday is fine.

SEN. RORABACK: Should we shoot for Wednesday, for Halloween? Okay. Well, shall we, and do you want to meet at, could we meet at 1:00 on Halloween, just--

SEN. DEFRONZO: I'm good with that.

SEN. LOONEY: So Wednesday then is not good for me in terms of getting out early because I have a class on Wednesday afternoons.

SEN. STILLMAN: I can do the 1st. That's okay. This meeting, its importance supersedes the other.

SEN. RORABACK: So if we set it 1:00 on the 1st, would that be--

SEN. LOONEY: One o'clock, Thursday the 1st.

SEN. STILLMAN: No, Senator DeFronzo, you're teaching then?

SEN. DEFRONZO: No, I'll be done.

SEN. STILLMAN: Oh, you'll be done. Okay.

SEN. DEFRONZO: Thank you. Thank you for looking out for me.

SEN. NICKERSON: So we're setting our next meeting for Thursday the 1st at 1:00. Okay.

SEN. RORABACK: And we'll ask Attorney Raabe and Senator DeLuca to have responses to our questions by Tuesday the 30th, or maybe 5:00, Monday the 29th.

SEN. LOONEY: Yes, that would be good if we can get a chance to--

- SEN. NICKERSON: And that should be our final meeting, you think, November 1st?
- SEN. RORABACK: Well, we'll set an agenda, but certainly I think that the time has come for us to begin to look at the precedents and determine what action is appropriate.
- SEN. NICKERSON: I'm probably talking too much, but just procedurally, this is the most important transcript of our meetings. I think it would be great if this could be circulated among the Committee--
- SEN. LOONEY: Yes, clearly that's a valid point, is that our discussion of additional questions to ask will be, obviously significantly be impacted by our review of the questions that were asked here and a discussion [inaudible] what's been asked and how many of those need to be asked again in that format and then what needs to be supplemented by additional questions.
- So the quicker we can have that transcript to review, the better off we'll be in making our timetable that we've just laid out. Senator DeFronzo.
- SEN. DEFRONZO: Mr. Chairman, just a question. So on our next meeting, would, hopefully we'll have the questions back, but do you anticipate that that meeting or any portion of that meeting would be dedicated to a discussion of the actual standards based on the precedents that we have?

Because I would anticipate that that discussion may take a bit of time. We really haven't touched that at all, and we really should establish the standards before we go back and look at the final evidence that we have and then--

SEN. LOONEY: Yes, I agree that should be a primary agenda item for that meeting, so that we will have, after all of the staff work that has been done in terms of gathering precedents for us from all over the country in terms of at the state level and also federal precedents to have a chance to have an in-depth discussion of applicable standards for our deliberations at that time.

Anything else? If not, I'm going to ask for a motion to adjourn, with our next meeting for November 1st.

SEN. GUGLIELMO: So moved.

SEN. LOONEY: All in favor.

ALL: Aye.

[Whereupon, the hearing was adjourned.]