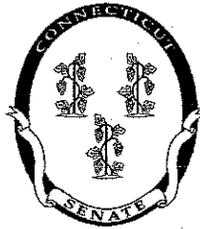


SENATE



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Senator Martin M. Looney
Senator Andrew W. Roraback

Members

Senator Donald J. DeFronzo
Senator Anthony Guglielmo
Senator William H. Nickerson
Senator Andrea L. Stillman

BIPARTISAN COMMITTEE OF REVIEW

October 9, 2007

Kevin O'Connor
U.S. Attorney's Office
157 Church Street, 23rd Floor
New Haven, CT 06510

Dear Attorney O'Connor:

In our September 6, 2007 letter to you, we requested the audiotape, other recording, or transcript of the conversation referenced in paragraphs 10 and 11 of the May 30, 2007 arrest warrant affidavit between an "undercover federal agent" and Senator DeLuca; and copies of any documents pertaining to or documenting an on-going relationship and any interactions between Senator DeLuca and James Galante. We also requested from your office and the FBI any documents, notes, or other information relating or referring to contacts between the FBI and the Waterbury Police Department or Police Chief Neil O'Leary that were generated during the course of the investigation of Senator DeLuca.

In a September 17, 2007 letter responding to our requests you stated that Senator DeLuca and Chief O'Leary are entitled to the protections of the Privacy Act and that your office could not consider disclosing this information without their consent under the act.

Although we obtained one document from you based on a limited consent we obtained from Senator DeLuca, our review of the federal Privacy Act leads us to believe that there is one exception to the consent requirement under which your office could provide all of the information we requested, other than that protected by law enforcement privilege.

5 U.S.C. § 552a (b) (7) allows, in pertinent part, the disclosure of records to another governmental agency without consent for a legally authorized civil activity if the head of the agency makes a written request for the records. The intergovernmental agency exception to consent sets forth three requirements before records can be disclosed without consent: (1) the records must be requested for a civil or criminal law enforcement activity, (2) the activity must be authorized by law, and (3) the head of the agency seeking disclosure must make a written request specifying the particular portion of the information desired and the law enforcement activity for which it is sought. We believe we satisfy each of these requirements.

Article 3, § 13 of the Connecticut Constitution requires each house of the legislature to punish members for disorderly conduct and, with the consent of two-thirds, expel a member. The Senate, in Resolution 200, authorized the Senate president pro tempore to appoint a Bipartisan Committee of Review to investigate the conduct of Senator DeLuca and make a recommendation on the final action the Senate should take. It was by this authority and in our capacity as cochairmen of the Bipartisan Committee of Review that we requested the information in our September 6, 2007 letter. Our request was made in writing and clearly identified the information of interest to the Bipartisan Committee of Review.

In support of our conclusion, we direct your attention to *Securities and Exchange Commission v. Dimensional Entertainment Corporation*, 518 F. Supp. 773 (S.D.N.Y. (1981)). In that case, the court found that the Parole Commission's disclosure of parole hearing transcripts to the Securities and Exchange Commission for use in a *civil proceeding* to enjoin the defendant from further violations of securities laws did not violate the Privacy Act (emphasis added).

Based on our interpretation of the law, we renew our request for the information referenced in our September 6, 2007 letter. At the very least, we request the audiotape, an unredacted copy of the FBI report you provided in or information that would enlighten the committee on the redacted portions of the report. Of particular interest is information on the relationship that would make Senator DeLuca "look bad" referenced on page one of the report and the "25,000" referenced on page four of the same report.

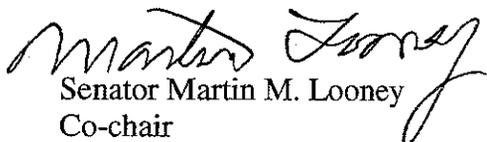
We would appreciate a response to our request and any records or recordings by Friday, October 12, 2007. Please send the information to:

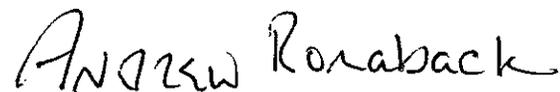
Sandra Norman-Eady
Office of Legislative Research
Room 5300
Legislative Office Building
Hartford, CT 06106
Fax Number: 860-240-8881

If information is available in electronic form, please email it to Sandra.Norman-Eady@cga.ct.gov. If you have any questions or concerns, please contact Attorney Norman-Eady at 860-240-8400.

We look forward to hearing from you and deeply appreciate the assistance of you, your office, and the FBI in this matter.

Sincerely,


Senator Martin M. Looney
Co-chair


Senator Andrew W. Roraback
Co-chair

cc: Senator Williams
Senator McKinney
Senator DeFronzo
Senator Guglielmo
Senator Nickerson
Senator Stillman
Senator DeLuca