

ROBINSON & COLE_{LLP}

CRAIG A. RAABE

280 Trumbull Street
Hartford, CT 06103-3597
Main (860) 275-8200
Fax (860) 275-8299
craabe@rc.com
Direct (860) 275-8304

November 2, 2007

VIA HAND DELIVERY

Senator Martin M. Looney
Senator Andrew W. Roraback
Bipartisan Committee of Review
C/O Sandra Norman-Eady
Room 5100
Legislative Office Building
Hartford, CT 06106

2007 NOV -2 P 1:22

Dear Chairmen Looney and Roraback:

In watching last night the CT-N broadcast of yesterday's Committee meeting, I noted that the United States Attorney's Office apparently has taken the position that it cannot respond to the Committee's last request for information until it hears back from me on Senator DeLuca's behalf. I apologize if my lack of a response to the federal government's bizarre request that Senator DeLuca conduct research for the government has been used as an excuse for the federal government to delay its response to the Committee. I have been occupied with other issues for Senator DeLuca and for the Committee's review and with matters for other clients. It was also interesting to observe the Committee's discussion of whether I have the ability to control the federal government's action. I wish that I did, but I do not.

Today, I sent the United States Attorney's Office a letter responding to its letter of October 19. I am attaching a copy of that response for your review. The federal government already has the answer to the Privacy Act exception question that the Committee posed and the federal government has many skilled lawyers and administrators who specialize in privacy right issues. Rather than attempting to shift its responsibility to Senator DeLuca, the federal government should have responded to the Committee by stating what it already knows and what it has previously asserted in its September 17 letter to the Committee: the confidential, investigatory materials that the Committee requested are protected by the Privacy Act.

On this issue, I also want to address a concern of Senator DeLuca's that was discussed in the Committee yesterday. Apparently, there is some sentiment that because Senator DeLuca has declined to waive all of his Privacy Act rights, he is not



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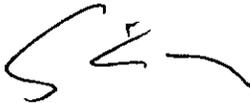
cooperating with the Committee. As Senator DeLuca has pointed out many times, the Resolution creating the Committee specifically limits the Committee's review to "publicly available information." Senate Resolution 200, Sec. 4. Respectfully, it would be incongruous and improper for the Committee to draw an adverse inference against Senator DeLuca on the basis that he will not agree to provide access to non-public information to which the Committee has no entitlement under the Resolution.

As Senator DeLuca has advised the Committee, the undercover recordings that the Committee has requested are not reflective of his real relationship with Mr. Galante. Neither Mr. Galante nor anyone associated with him ever offered Senator DeLuca a bribe, nor did Mr. Galante or anyone other than the undercover agent provide Senator DeLuca with a false story to tell the FBI. The undercover recordings reflect a fictional relationship involving an undercover agent trying vigorously to get Senator DeLuca to commit a crime and, as such, the recordings are embarrassing. The objective fact is that after conducting the undercover recordings and its thorough investigation, the federal government concluded that it should not charge Senator DeLuca with any federal offense. Respectfully, it is that objective fact that should be central to the Committee's analysis of whether Senator DeLuca had a corrupt relationship with Mr. Galante or abused his office. To draw an adverse inference from Senator DeLuca's decision to stand by his privacy rights with respect to the undercover recordings, which recordings did not result in a corruption charge, would be improper, especially when the Committee has no right under its Resolution to such information.

Finally, now that the Committee has had a more formal discussion of the standards for its review, Senator DeLuca will prepare and provide a position statement to the Committee. I expect that he will submit that statement on Monday, November 5.

Thank you for your consideration.

Respectfully,



Craig A. Raabe

Copy to: Senator Louis DeLuca

