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November 2, 2007

VIA TELECOPIER

John H. Durham, Esq.
Deputy United States Attorney
U.S. Department of Justice
Office of the U.S. Attorney
157 Church Street - 17th Floor
New Haven, CT 06510

Dear John:

At yesterday's Bipartisan Committee of Review meeting, the Committee members addressed their request that your office release private and confidential investigatory materials pursuant to an exception in the Privacy Act codified at 5 U.S.C. § 552a(b)(7). The Committee discussed the fact that the federal government had requested that I, on behalf of Senator DeLuca, provide the federal government with research on the exception before the federal government could decide whether to meet the Committee's request.

Please understand that my October 17 letter to your office was not an offer to conduct research for the federal government in connection with the Committee's request of the federal government. My letter was to put the United States government, and its agents, on notice that if it violates the Privacy Act with respect to Senator DeLuca, the government and its agents will be liable for violating Senator DeLuca's civil rights.

Moreover, it is evident that the federal government does not need a citizen such as Senator DeLuca to pay a private attorney to conduct research on the Privacy Act. Indeed, your comprehensive September 17 letter, coupled with United States Attorney Kevin O'Connor's letter of August 31, reveal that the federal government is well-versed in the provisions of the Privacy Act—a law that applies to your office. When the Committee initially asked your office to release the confidential materials that the Privacy Act protects, nowhere in either responsive letter did your office reference any exception because your office knows that no exception applies.

This Committee process has been emotionally and financially draining for Senator DeLuca. I am not about to increase his legal fees by conducting research for the



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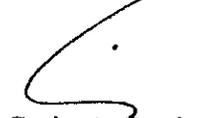
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federal government in relation to a question to which the government already knows the answer. In addition to the fact that your September 17 letter made clear that the Privacy Act prevents disclosure of the confidential, investigatory materials, one need not go beyond the plain language of 5 U.S.C. § 552a (b)(7) to know that the exception applies only to information sharing for “law enforcement activity.” The Connecticut State Senate is not a “law enforcement” agency and the Committee is tasked not with law enforcement but with drafting legislation, i.e., a resolution. Moreover, the one case that the Committee cited in its letter to your office reveals the agency to which disclosure was made, the Securities and Exchange Commission, is an executive branch, law enforcement agency—not a legislative body.

In sum, and as your office is well-aware, the confidential materials that the Committee has request are not subject to disclosure under the Privacy Act. Any such disclosure would be in violation of Senator DeLuca’s constitutional and statutory rights.

Most sincerely,



Craig A. Raabe

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Enclosures

cc: Senator Louis DeLuca
Attorney Sandra Norman-Eady

