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September 24, 2007

Attorney Sandra Norman-Eady
Office of Legislative Research
Room 5300
Legislative Office Building
Hartford, CT 06106-1591

Dear Attorney Norman-Eady:

This letter is in response to the Bipartisan Committee of Review's request that Senator DeLuca waive his right to privacy as provided in the Privacy Act of 1974. Senator DeLuca has carefully considered the Committee's enabling resolution, the procedures that the Committee adopted on September 6 and his privacy rights and he has decided that he will waive his rights under the Privacy Act with respect to a Federal Bureau of Investigation Form 302 Report that memorializes his interview with two FBI agents on September 21, 2006. The 302 Report covers a nearly three-hour long, comprehensive interview with Senator DeLuca in which the Senator was asked about his interaction with James Galante, his motivations for seeking Mr. Galante's intervention to help prevent domestic violence against Senator DeLuca's granddaughter and Senator DeLuca's earlier statements to FBI agents.

Senator DeLuca's waiver strikes a balance between his right to privacy and the Committee's role, particularly considering the fact that the Committee's review is limited to "publicly available information." This 302 Report and all of the federal government's investigatory materials are not "publicly available information" under the provisions of the Privacy Act, but in the interest of putting this matter behind him, Senator DeLuca has decided to waive his rights under the Act with respect to the 302 Report. Senator DeLuca will not waive his privacy rights with respect to other private, investigatory information in the federal government's possession. Additionally, Senator DeLuca's waiver is expressly conditioned upon the federal government's redaction of any mention or identification of other individuals in the 302 Report. Senator DeLuca will not permit his waiver to cause other individuals to be brought into this process. Further, consistent with the federal government's June 7 press statement citing concern about the effect of disclosure on "pending" cases, Senator DeLuca respectfully suggests that the federal government should consult with counsel for Mr. Galante and his co-defendants to determine whether their trial rights could be prejudiced by the release of this information.

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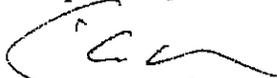
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As set forth in my September 20 letter, the federal government has been steadfast in its refusal to disclose undercover and investigatory materials, under any circumstances, in every other case in which it concluded that federal criminal charges were not appropriate. The reason for non-disclosure is self-evident: when the government decides that it should not charge a person with a crime, it should not then turn around and release confidential information that will subject that person to the innuendo and aspersions that necessarily follow from a criminal investigation. Importantly, the undercover recordings involving Senator DeLuca did not involve a real relationship between Senator DeLuca and Mr. Galante. Rather, the undercover recordings reflect a fictional relationship and an effort by an undercover agent to entice Senator DeLuca into criminal conduct, including a bribe that Senator DeLuca immediately rejected. Because the federal government rightfully did not charge Senator DeLuca with any crime and because disclosure of the undercover recordings would lead to innuendo and speculation based on a fictional rather than a real relationship, Senator DeLuca does not waive his privacy rights with regard to those undercover materials.

Senator DeLuca wants to be sure that his position is clear. He is waiving his privacy right to the FBI Form 302 Report dated September 28, 2006, which recounts his lengthy debriefing by the FBI on September 21, 2006, with the express conditions set forth above. He is not waiving his privacy rights with respect to any other information in the federal government's files. If the federal government concludes that a waiver of this nature cannot be made, it should not release any of Senator DeLuca's private information, as is the government's policy in every other case. The Senator also respectfully suggests that Chief O'Leary should waive his privacy right so that his interview with the FBI also is placed before the Committee.

If you have any questions with regard to Senator DeLuca's position, please feel free to contact me.

Respectfully,



Craig A. Raabe

cc: Senator Louis DeLuca
United States Attorney Kevin O'Connor
Deputy United States Attorney John Durham
AUSA Raymond Miller
AUSA Michael Gustafson
SAC Kimberly Mertz

