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September 17, 2007

Senator Martin M. Looney
Senator Andrew W. Roraback
Senate Bipartisan Committee of Review
Legislative Office Building
Hartford, CT 06106-1591

Attention: Sandra Norman-Eady
Office of Legislative Research, Room 5300

Re: Requests for Information from FBI and U.S. Attorney: Senator Louis C. DeLuca

Dear Ms. Norman-Eady:

This is in response to the letter dated September 6, 2007 from the Senate Bipartisan Committee of Review following Kevin J. O'Connor's letter to the Committee on August 31, 2007. This correspondence relates to the Committee's request for information concerning an investigation relating to Senator Louis C. DeLuca. Your letter has provided responses to some of the questions raised and has addressed some of the requirements of the federal regulations outlined in the August 31st letter.

One of the factors to be considered in authorizing the release of requested information is whether such disclosure is appropriate under the rules of procedure governing the case or matter in which the demand arose. *See* 28 C.F.R. § 16.26(a)(1). You have indicated that the Senate Resolution which authorized your Committee to act directs that the Committee review "all publicly available information about the events leading up to Senator DeLuca's guilty plea on the misdemeanor charge of conspiracy to commit threatening in the second degree." We understand that you have made a similar request to the Chief State's Attorney and he has advised you that the information requested was provided to that office by federal authorities for the purpose of deciding whether there was a basis for a state criminal prosecution, and if so, for use in such prosecution which would include appropriate disclosure to the court and the defendant. That has been accomplished and the Chief State's Attorney has correctly determined that further disclosure to you without prior approval of this office would not be appropriate. Accordingly, this response is directed at your requests to this office, the FBI and the Chief State's Attorney's Office.

To the extent you have requested publicly available documents, we have enclosed copies of the documents on the following list. In addition to the referenced memoranda there may also be transcripts of the sentencing proceedings which you may obtain from the Clerk's Office. The relevant public documents are:

US v. Joe Milo, 3:06cr38 (EBB) (Sentencing Memorandum)(Doc 29)
US v. Ianniello, 3:06cr161(EBB) (Plea Agreement and Sentencing Memorandum) (Docs 647 and 898)
US v. Caccavale, 3:06cr161 (EBB) (Sentencing Memorandum)(Doc 1064)
US v. Galante: 3:06cr161(EBB) (Superseding Indictment)(Doc 1010)

As we previously advised, pursuant to 28 C.F.R. § 16.22(d), a request for such information must be accompanied by a summary of the information sought and its relevance to the proceeding at issue. As requested, you have provided a further articulation of the nature of the proceeding where such information will be used, and the relevance of the requested information to that proceeding. As outlined below, the United States Attorney's Office can consider providing certain of the requested information if the committee first obtains appropriate Privacy Act consents. Further, as to certain other information, we must withhold providing it, even if consent was obtained under the Privacy Act, based on the law enforcement privilege.

In this regard, your September 6, 2007 letter articulated specific requests for information including the audiotape, other recording or transcript of the conversations referenced in paragraphs 10 and 11 of the May 30, 2007 arrest warrant affidavit between an "undercover federal agent" and Senator DeLuca. Under the applicable federal regulations one of the factors governing the release of information is whether disclosure would violate a statute. *See* 28 C.F.R. § 16.26(b)(1). One of the federal laws we must consider prior to making a disclosure is the Privacy Act, 5 U.S.C. § 552a. Senator DeLuca is an individual who is entitled to the protections afforded by the Privacy Act. If the Committee obtains the consent of Senator DeLuca under the Act, we can consider disclosing information, including documents, transcripts and audio recordings relating to him.

You also requested any documents, notes or other information relating 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. While there are several documents responsive to this request their disclosure is also subject to the Privacy Act concerns noted above. If you obtain the consent of Police Chief O'Leary for Privacy Act purposes, we can consider providing to the Committee certain documents relevant to your request.

Finally, you have also requested copies of any documents or other information pertaining to or documenting an ongoing relationship and any interactions between Senator DeLuca and Businessman A as described in paragraphs 5 and 6 of the Arrest Warrant Affidavit. We are unable to provide you with such documents or other information since they have been compiled for law enforcement purposes and disclosure would interfere with an ongoing investigation and law enforcement proceedings.

Sandra Norman-Eady, Esq.
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As we advised in our previous letter any production or disclosure of information from the files of this office and the FBI will be subject to the restrictions set forth in 28 C.F.R. § 16.26(a)-(b), in order to safeguard any confidential, protected or sensitive information such as classified information, source information, sensitive investigative techniques, grand jury material, or information about or affecting any ongoing investigations or pending prosecutions.

Very truly yours,

KEVIN J. O'CONNOR
UNITED STATES ATTORNEY

/s/ John H. Durham

JOHN H. DURHAM
DEPUTY UNITED STATES ATTORNEY

cc: David M. Rhieu (w/o Enclosures)
Chief Division Counsel
Federal Bureau of Investigation

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Chief State's Attorney

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Chief of Police
Waterbury Police Department