



U.S. Department of Justice

Civil Division

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AUG 7 2009

Washington, D.C. 20530
Telephone:
(202) 514-4783

BY FAX

Philip C. Richter
Executive Director
Ohio Elections Commission
21 West Broad Street, Suite 600
Columbus, Ohio 43215

Re: Schmidt v. Krikorian – testimony of Sibel Edmonds

Dear Mr. Richter:

Thank you for taking the time to speak with my colleagues and me this afternoon about the above-captioned matter.

As stated in our letters of August 6, 2009, to the parties in this matter, Ms. Edmonds has not complied with the procedures for obtaining authorization from the FBI, her former employer, prior to making any disclosure relating to information that she acquired in the course of her work for the FBI. Therefore, she is not authorized to testify at the deposition now scheduled for Saturday, August 8, 2009, here in Washington, D.C. Nor has Mr. Krikorian, whom we understand requested you to issue the subpoena from the Ohio Elections Commission, complied with the Department of Justice regulations, 28 C.F.R. §§ 16.21 - 16.29, governing the provision of information by current and former employees of the Department.

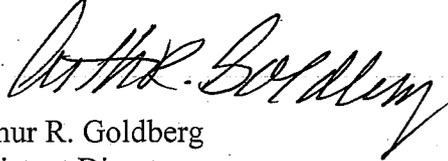
In our telephone conversation, you acknowledged that the subpoena you issued to Ms. Edmonds' attorneys was not enforceable because the Commission's jurisdiction does not extend beyond the boundaries of the State of Ohio, and that it was only entitled to whatever weight the parties to this dispute decided to give it.

In light of these circumstances, the Department of Justice requests that on behalf of the Ohio Election Commission you withdraw the subpoena in question and promptly notify the parties of this action.

Alternatively, we request that a copy of this letter be placed in the appropriate file or record related to this proceeding to note that the Department of Justice has a standing objection to any testimony provided at any deposition by Ms. Edmonds that relates to information she obtained in the course of her employment with the FBI.

Thank you for your kind consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur R. Goldberg".

Arthur R. Goldberg
Assistant Director
Federal Programs Branch
Civil Division

cc: Mark Geragos (via email)
Josh Bolinger (via email)
Donald C. Brey (via email)
Stephen Kohn (via email)