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Vesper Mei
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August 6, 2009

BY E-MAIL

Stephen Kohn
National Whistleblowers Legal Defense & Education Fund
3238 P Street, N.W.
Washington, DC 20007
smk@kkc.com

Re: Schmidt v. Krikorian

Dear Mr. Kohn:

I am writing in response to your emails from yesterday, informing me that your client, Sibel Edmonds, is planning to testify on Saturday, August 8, 2009, in the Ohio Elections Commission proceeding of Schmidt v. Krikorian, and attaching a copy of the subpoena that was issued for her testimony by the Ohio Elections Commission.

As the FBI has stated in its letter to you, a copy of which I have attached here, your client has not complied with the procedures for obtaining authorization from the FBI prior to making any disclosure relating to information that she acquired in the course of her work with the FBI. Accordingly, the FBI has not authorized her to testify at the deposition. Further, while you have informed us that your client received a subpoena for her testimony, the Ohio Elections Commission has authority to issue subpoenas only to persons within the state of Ohio. See Ohio Rev. Code § 3517.153(B) (available at <http://elc.ohio.gov/RevisedCode/3517153.pdf>) (“The commission or a member of the commission may administer oaths, and the commission may issue subpoenas to *any person in the state* compelling the attendance of witnesses . . .”) (emphasis added). As a result, we believe that the subpoena is not valid or enforceable, and that your client is under no compulsion to testify in this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Vesper Mei".

Vesper Mei
Senior Counsel

Enclosure

cc: Mark Geragos, attorney for David Krikorian: mark@geragos.com
Josh Bolinger, attorney for David Krikorian: jbb@fssp-law.com
Donald C. Brey, attorney for Jean Schmidt: dbrey@cwslaw.com, fax: (614) 221-4012
Charles E. Calvert, Chairman, Ohio Elections Commission, via fax: (614) 728-9408
Philip C. Richter, Executive Director - Staff Attorney, Ohio Elections Commission,
via fax: (614) 728-9408



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

August 6, 2009

VIA FACSIMILE TRANSMISSION
(202) 342-1904

Stephen M. Kohn, Esq.
National Whistleblowers
Legal Defense & Education Fund
3238 P Street N.W.
Washington, DC 20007

Re: Sibel Edmonds

Dear Mr. Kohn:

This letter is being sent in response to your undated letter addressed to Attorney General Holder with regard to the anticipated testimony of your client, Sibel Edmonds, before the Ohio Elections Commission (Commission) on Saturday August 8, 2009. The letter included a copy of Ms. Edmonds' proposed affidavit, which she seeks to submit to the Commission. You had the letter and affidavit delivered to the Department of Justice on August 3, 2009. The FBI received them on August 4. As you know, your client executed a Basic Ordering Agreement (BOA) with the Federal Bureau of Investigation (FBI) which applies to disclosure of any information relating to the services she provided to the FBI. That agreement expressly prohibits disclosure (without prior approval from the Director of the FBI or his delegate) of information acquired as part of the performance of her contract or her contractor status. She also signed a Security Acknowledgment Form and Classified Information Non-disclosure Agreement.

When signing the BOA your client agreed to request the approval of the Director of the FBI before making any disclosure of information (oral or written) to an unauthorized party by presenting the full text of the proposed disclosure to the Director of the FBI at least thirty days prior to the disclosure. The purpose of the agreement your client signed is not to prevent her from speaking about the FBI, but to prevent the disclosure of information where disclosure is contrary to law, regulation or national security.

Compliance with the BOA, the Security Acknowledgment form and the Classified Information Non-disclosure agreement are the obligation of Ms. Edmonds and the FBI has not and will not waive that compliance. Your client did not comply with the terms of those

Stephen M. Kohn, Esq.

documents. Therefore she does not have approval for any disclosure of any information covered by the BOA, the Security Acknowledgment form and the Classified Information Non-disclosure agreement.

Sincerely,



Valerie Caproni
General Counsel
Federal Bureau of Investigation