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VIA FACSIMILE 202 -324-5366

Valerie Caproni
General Counsel
Federal Bureau of Investigation
Washington D.C. 20535

Re: Sibel Edmonds

Dear Ms. Caproni:

This letter responds to your letter of August 6, 2009, and specifically to your assertion that Sibel Edmonds “does not have approval for any disclosure of any information covered by the BOA [Basic Ordering Agreement], the Security Acknowledgment form and the Classified Information Non-disclosure agreement.”

In order for Ms. Edmonds’ counsel to consider your request it is essential that you provide me with full copies the document(s) you claim to prohibit Ms. Edmonds from testifying under compulsion of a subpoena. We also require that you produce a copy of Ms. Edmond’s employment agreement as this document may impact on Ms. Edmonds’ ability to testify. I trust that this information will be promptly provided. However, if the documents are not received by close of business today we will interpret this failure as a release of the government’s right to suppress Ms. Edmonds’ ability to truthfully answer questions while under oath pursuant to a lawful subpoena.

In any event, consistent with my understanding of the Agency’s pre-publication clearance rules, oral disclosure, including oral testimony, is permitted without prior review. Consistent with the Agency’s pre-publication rules, Ms. Edmonds will attempt, to the best of her ability, not disclose classified information. However, Ms. Edmonds’ recollection and judgement as to what information may be subject to lawful non-disclosure would, at best, be imperfect. As such, the FBI has at least three avenues available to guard against such inadvertent disclosure: 1) file a request for a protective order with the body that issued the subpoena; 2) file a motion to quash the deposition; and 3) dispatch legal counsel to the deposition capable of raise appropriate objections.

In the past the Agency denied Ms. Edmonds her right to a day in court by raising the States Secrets Privilege. If the government is still of the opinion that the state secrets privilege still applies then it is up to you to raise this privilege with the necessary accompanying affidavit to the body that issued the subpoena, the Ohio Election Commission. It is our understanding that the States Secrets Privilege is not portable and, as such, the failure to renew the privilege concerning information Ms. Edmonds learned while employed would have to be raised in this forum as well.

We hereby place you on notice that the failure to take appropriate action (i.e., seeking to quash the deposition, dispatching legal counsel to the deposition, or raising the States Secrets Privilege before the Commission) may be construed as a waiver of any legitimate basis the FBI may have to keep Ms. Edmonds from testifying about certain matters central to an important legal dispute. Moreover, the failure to send an attorney to the deposition risks the inadvertent disclosure of information as Ms. Edmonds may not be aware whether certain information would qualify as confidential.

Very truly yours

A handwritten signature in black ink, appearing to read 'M. Kohn', with a long horizontal flourish extending to the right.

Michael D. Kohn
Counsel to Sibel Edmonds